

**RULES
OF
THE TENNESSEE BOARD OF REGENTS
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

INSTITUTIONAL STUDENT DISCIPLINARY RULES

**CHAPTER 0240-03-03
THE UNIVERSITY OF MEMPHIS
STUDENT DISCIPLINARY RULES**

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0240-03-03-.01 INSTITUTION OF POLICY STATEMENT.

- (1) The University of Memphis students are citizens of the State, local, national governments, and of the academic community. They 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.”
- (2) The following regulations (known as the Code of Student Conduct) have been developed by a committee made up of faculty, students, and staff utilizing input from all facets of the University Community in order to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish. Students are, however, subject to all national, state and local laws and ordinances. 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. By the same token, 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 state, local or national laws.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 23, 1993; effective July 28, 1993.

0240-03-03-.02 DEFINITIONS.

- (1) The term “University” means The University of Memphis.
- (2) 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.

(Rule 0240-03-03-.02, continued)

- (3) For the purposes of these rules only, the term “faculty member” means any person hired by the University to conduct classroom activities.
- (4) The term “University official” includes any person employed by the University, performing assigned administrative or professional responsibilities.
- (5) 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.
- (6) 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).
- (7) The term “organization” means any number of persons who have complied with the formal requirements for University registration.
- (8) The term “disciplinary body” means any person or persons authorized by the President of the University to determine whether a student has violated the Code of Student Rights and Responsibilities and to recommend imposition of sanctions. The term “disciplinary body” does not include the University Appeals Committee or the President of the University.
- (9) The term “Office of Student Judicial and Ethical Programs” means a University official authorized by the Vice President of Student Affairs to file charges and to impose sanctions on students who choose to admit to violation of the Code of Student Rights and Responsibilities. The duties of the Office of Student Judicial and Ethical Programs will usually be performed by the Assistant Dean of Students for the Office of Judicial Affairs; however, the Vice President of Student Affairs may appoint another individual to perform the duties of the Office of Student Judicial and Ethical Programs.
- (10) The term “University Appeals Committee” means any person or persons authorized by the President to consider an appeal from a disciplinary body’s determination that a student has violated the Code of Student Rights and Responsibilities, or from sanctions imposed by the Office of Student Judicial and Ethical Programs.
- (11) The term “shall” is used in the imperative sense.
- (12) The term “my” is used in the permissive sense.
- (13) 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 Rights and Responsibilities.
- (14) The term “policy” is defined as the written regulations of the University as found in, but not limited to, the Student Handbook, Residence Life Handbook, and Graduate/Undergraduate Catalogues and Schedule of Classes.
- (15) The term “cheating” includes, but is not limited to:
 - (a) Use of any unauthorized assistance in taking quizzes, tests, or examinations;
 - (b) Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - (c) The acquisition, without permission, of tests or other academic material before such material is revealed or distributed by the instructor;

(Rule 0240-03-03-.02, continued)

- (d) 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-
 - (e) 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, other disruptive activity or failing to adhere to starting and stopping times;
 - (f) 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;
 - (g) 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."
- (16) 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 and 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.
- (17) The term "academic misconduct" includes, but is not limited to, all acts of cheating and plagiarism as defined herein.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendments filed June 28, 2005; effective October 28, 2005.

0240-03-03-.03 DISCIPLINARY AUTHORITY.

- (1) The University has established alternative judicial bodies for hearing disciplinary charges under the Student Code of Conduct:
 - (a) Academic Integrity Committee - 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) members of the student body, 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 Court -charges not involving academic misconduct may be heard by the Student Court. The Student Court is a group 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 quorum. A majority of the

(Rule 0240-03-03-.03, continued)

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 (1) 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 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.
- (d) Hearing before an Administrator - If a student chooses to admit violation of a provision of the Code, the student may either accept the sanction proposed by the Office of Student Judicial and Ethical Programs, or choose to have a hearing before another administrator appointed by the Vice President of Student Affairs regarding his or her sanction. 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 Procedures 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 Judicial Affairs.
- (f) The University Appeals Committee hears appeals of all decisions made by the 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.

Authority: T.C.A. §49-3-203, and 49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005.

0240-03-03-.04 PROSCRIBED CONDUCT BY STUDENTS AND UNIVERSITY JURISDICTION.

- (1) 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:
- (2) Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Rule 0240-03-03-.06 (2) 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.

(Rule 0240-03-03-.04, continued)

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 conduct which threatens or endangers the health, safety, or welfare 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 to or use of University premises.
 - (h) Gambling in any form or manner.
 - (i) Violation of federal, state or local law.
 - (j) Use, possession or distribution of narcotics or other controlled substances except as expressly permitted by 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) Possession of any firearms, explosives, or other weapons, including, but not limited to, pistols, rifles, shotguns, handguns, BB guns, paint guns, knives, or dangerous chemicals on University premises.
 - (m) 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 area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
 - (n) Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.

(Rule 0240-03-03-.04, continued)

- (o) Conduct which is disorderly, lewd, or indecent; breach of 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.
 - (p) Sexual battery or rape as defined by state law.
 - (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) 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 obscene messages.
 - 6. Use of computing facilities to interfere with normal operation of the University computing system.
 - (t) 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 Student Code of Conduct.
 - 8. Influencing or attempting to influence another person to commit an abuse of the judicial system.
- (3) Violation of Law and University Discipline
- (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 imposed for grave misconduct which demonstrates flagrant disregard for the

(Rule 0240-03-03-.04, continued)

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 the Code of Student Rights and Responsibilities, for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Code of Student Rights and Responsibilities may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
 - (c) When a student is charged by federal, state, or local 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. If the alleged offense is also the subject of a proceeding before a disciplinary body under the Code of Student Rights and Responsibilities, however, the University may advise off-campus authorities of the existence of the Code of Student Rights and Responsibilities and of how such matters will be handled internally within the University community consistent with student record confidentiality requirements under state and federal law. The University will cooperate fully with law 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.
- (4) The procedures described under the Tennessee Uniform Administrative Procedures Act represent an alternative route when the alleged misconduct is such that the University seeks to impose a penalty of (1) suspension or expulsion from the University for disciplinary reasons or (2) revocation of registration of a student organization during the term of the registration. In such cases, the student elects the procedures of his or her choices.

Authority: T.C.A. §§49-7-123(a)(1) and 49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed September 20, 2007; effective January 28, 2008.

0240-03-03-.05 ACADEMIC MISCONDUCT.

- (1) Proceedings Before the Academic Integrity Committee may be initiated by a faculty member or student as provided below:
 - (a) 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 Office of Student Judicial and Ethical Programs.
 - 1. 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.

(Rule 0240-03-03-.05, continued)

2. The Academic Integrity Committee shall determine and impose sanctions independently of the Judicial Officer.
- (b) 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.
1. When a faculty member exercises Summary Discipline, the faculty member shall notify the appropriate department chairperson 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.
 2. 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."
 3. 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.
 4. A student who is found responsible for academic misconduct will not be permitted to withdraw from the course to avoid Summary Discipline.
 5. A student who is found responsible for academic misconduct may be subject to additional educational sanctions imposed by the office of Judicial and Ethical Programs.
 6. 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.
- (2) Multiple Acts of Academic Misconduct. A student who, while attending The University of Memphis, receives more than one "F" as a result of summary discipline by a faculty member as outlined in this rule, may be summoned to appear before the Academic Discipline Committee, and maybe subject to additional disciplinary sanctions described in Rule 0240-03-03-.06 below.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 23, 1993; effective July 28, 1993. Amendments filed June 28, 2005; effective October 28, 2005. Amendments filed November 12, 2008; effective March 30, 2009.

0240-03-03-.06 DISCIPLINARY PROCEDURES.

- (1) Charges:
 - (a) 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

(Rule 0240-03-03-.06, continued)

possible after the event takes place, preferably within ten (10) days of the alleged misconduct.

- (b) 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 Office of Student Judicial and Ethical Programs or by mutual consent of the parties involved on a basis acceptable to the Office of Student Judicial and Ethical Programs. Such disposition shall be final and there shall be no subsequent proceedings.
- (c) 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.
- (d) 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 Office of the Registrar informed of a current address.
- (e) 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 disciplinary 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 or her own case and advisors are not permitted to speak or to participate directly in any hearing before a disciplinary body.
 - 4. The University, the accused and the disciplinary body shall have the privilege of presenting witnesses, subject to the right of questioning by the disciplinary body.
 - 5. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a disciplinary body at the discretion of the chairperson.
 - 6. There shall be a record, such as a tape recording, of all hearings before a disciplinary body. The record shall be the property of the University.
 - 7. Hearings shall proceed in the following order:
 - (i) Reading of the alleged violation(s).
 - (ii) The student's denial or admission of the alleged violation(s).
 - (iii) Presentation of evidence by the University and questions by the student charged and/or the hearing body;
 - (iv) Presentation of evidence by the student charged and questions by the University and/or the hearing body; and
 - (v) Closing statements by both parties.
 - 8. After the hearing, the disciplinary body shall determine by majority vote (if the disciplinary body consists of more than one person) whether the student has

(Rule 0240-03-03-.06, continued)

violated each section of the Code of Student Rights and Responsibilities which the student is charged with violating.

9. The disciplinary 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 Rights and Responsibilities.
 10. 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 disciplinary body's decision.
- (f) No student may be found to have violated the Code of Student Rights and Responsibilities 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.

(2) Disciplinary Sanctions

(a) The following sanctions may be imposed upon any student found responsible for violating the Code of Student Rights and Responsibilities.

1. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.

2. 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.

3. 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.

4. Fines.

In cases involving violation of the University alcohol and drug regulations, fines in the following amounts may be imposed:

- (i) First offense: \$50.00
- (ii) Second offense: \$100.00
- (iii) Third offense: \$125.00

5. Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

6. Discretionary Sanctions - Work assignments, service to the University or other related discretionary assignments (such assignments must have the prior approval of the Office of Student Judicial and Ethical Programs).

7. Residence Hall Suspension - Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(Rule 0240-03-03-.06, continued)

8. Residence Hall Expulsion - Permanent separation of the student from the residence halls.
 9. University Suspension - Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specific
 10. University Expulsion - Permanent separation of the student from the University.
- (b) If, after a finding of a violation of the Code of Student Rights and Responsibilities, the disciplinary 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 race, gender, religion, sexual orientation, national origin or ancestry of that person or persons in the organization or the owner of occupier of that property, the disciplinary body may impose a more serious sanction.
- (c) 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.
- (d) The following sanctions may be imposed upon groups or organizations:
1. Those sanctions listed above in Rule 0240-03-03-.06 (2) (a) 1-6.
 2. Deactivation - Loss of all privileges, including University registration for a specified period of time.
- (e) In each case in which a disciplinary body, other than the Academic Integrity Committee, determines that a student has violated the Code of Student Rights and Responsibilities, the sanction(s) shall be determined and imposed by the Office of Student Judicial and Ethical Programs, unless the disciplinary body that heard the charges overrules the proposed sanction(s) by a majority vote. Following the hearing, the disciplinary body and/or the Office of Student Judicial and Ethical Programs shall advise the accused student in writing of its determination and of the sanction(s) imposed, if any.
- (3) Interim Suspension
- In certain circumstances, the Vice President of Student Affairs or the Office of Student Judicial and Ethical Programs may impose a University or residence hall suspension prior to the hearing before a disciplinary body.
- (a) Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the University community or 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 supervisor, the hearing will be scheduled within ten (10) days of the first day of the suspension.
- (b) 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

(Rule 0240-03-03-.06, continued)

privileges for which the student might otherwise be eligible, as the Vice President of Student Affairs or the Office of Student Judicial and Ethical Programs determine to be appropriate.

(4) Appeals

- (a) A decision reached by a disciplinary 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 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 proceedings 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 Office of Student Judicial and Ethical Programs 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 Rights and Responsibilities that 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. Sustain the decision of the hearing body, including any sanction(s);
 2. Sustain 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

(Rule 0240-03-03-.06, continued)

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 decisions with modification by the University Appeals Committee within five (5) working days of notice of the decision of the University Appeals Committee.
- (5) Victim's Rights
 - (a) 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.
 - (b) If a complaint is filed with the Office of Judicial Affairs 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.
 - (c) During the course of a disciplinary proceeding, victims have the following rights:
 1. To meet with the Office of Judicial and Ethical Programs to discuss the disciplinary process.
 2. To submit a written account of the alleged incident.
 3. To be advised of the date, time and location of the disciplinary hearing, and to request rescheduling of the hearing for good cause.
 4. 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.
 5. To testify as a witness during the hearing.
 6. To decline to testify, with knowledge that such action could result in dismissal of the University's charges for Lack of evidence.
 7. To submit a written impact statement to the hearing panel for consideration during the sanctioning phase of the disciplinary process.
- (6) Mediation
 - (a) 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.

(Rule 0240-03-03-.06, continued)

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.

(b) 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 Assistant Dean of Students in the Office of Judicial Affairs.

Because both parties must voluntarily enter into mediation, the Assistant Dean 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.

(c) Assignment of a Mediator

Once both parties have agreed to mediation, the Assistant Dean will assign an experienced mediator to the case. Either party may challenge the choice of mediator for cause, and the Assistant dean 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 Assistant Dean 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.

(d) 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.

(e) Mediation Outcome

1. 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 Judicial Affairs.

(Rule 0240-03-03-.06, continued)

The signed agreement will be forwarded to the Assistant Dean of Students 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 Assistant Dean, and the Assistant Dean shall investigate the alleged violation. The student accused of the violation may request a hearing on the alleged violation before the Assistant Dean. If the alleged violation is proved, the Assistant Dean shall impose disciplinary sanction(s) against the violator.

2. 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, however, to the University Appeals Committee pursuant to the procedure outlined in 0240-03-03-.04, subparagraph (b) of these rules.

3. 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 Rights and Responsibilities in the Student Handbook.

(f) 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 agreed-upon activities or behavior. Other records generated during the mediation process will be destroyed.

(7) Student Organization Disciplinary Procedures.

(a) Scope of Regulations

1. Student organizations are subject to the 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.
 - (i) One or more members of the organization commit the alleged offense which is related to the organization.
 - (ii) One or more members of the organization commit the alleged offense and organizational funds are used to finance the venture.

(Rule 0240-03-03-.06, continued)

- (iii) The organization fails to cooperate in the investigation of one or more individual offenders who are members or guests of the organization.
 - (iv) The alleged offense occurs in connection with an organization-sponsored function.
 - 2. 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 student organizational governing body rules shall be reported to the Offices of Student Involvement and Leadership or the appropriate council and/or advisor.
 - 2. A preliminary conference with organizational officers will be held within ten (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 their designee. Allegations of violations should be reported in writing as soon as possible, preferably within ten (10) class days of the alleged infractions(s).
 - (i) 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.
 - (ii) 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
 - 1. 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:
 - (i) When the continued activity of the organization poses a threat of further violations of University rules or regulations and/or state or federal law.
 - (ii) When the continued activity of the organization 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.
 - (iii) When the continued activity of the organization poses a threat to disruption of or interference with the normal operations of the University.
 - 2. Organizations shall be notified in writing of their interim suspension and entitled to a hearing within ten (10) class days of notification. The interim suspension of a student organization shall continue until the disciplinary process has concluded or the Associate Dean of Student Judicial and Ethical Programs determines that the interim suspension is no longer necessary.

(Rule 0240-03-03-.06, continued)

(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 ten (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 ten (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 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:
 - (i) Uphold the decision of the hearing body, including any sanction(s).
 - (ii) Uphold the decision of the hearing body, but impose a lesser sanction.
 - (iii) Remand the case to the hearing body for further consideration on the specific issues.
 - (iv) 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 apology, education workshop, essays or research papers.
2. Written Reprimand: A written statement of disapproval delivered to the organization.

(Rule 0240-03-03-.06, continued)

3. Restrictions: Restriction 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 Rights and Responsibilities may result in a 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 requirements imposed must be satisfied prior to re-registration. All conditions of reinstatement must be specified in the organization's decision letter.
7. Expulsion 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.

(8) Interpretation and Revision

- (a) Any question of interpretation regarding the Code of Student Rights and Responsibilities shall be referred to the Vice President of Student Affairs, or his or her designee, for final determination.
- (b) The Code of Student Rights and Responsibilities shall be reviewed annually under the direction of the Office of Student Judicial and Ethical Programs.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed April 23, 1993; effective July 28, 1993. Amendment filed August 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005.

0240-03-03-.07 CLASSROOM MISCONDUCT.

- (1) The instructor has the ultimate control over classroom behavior and may eject from the classroom any student engaged in disruptive conduct. Disruptive conduct shall include but is not limited to: any intentional interference with the normal classroom procedure, the presentation of the instructor and/or other students, and/or the interference with other student's rights to pursue coursework.
- (2) The instructor shall report the incident to the Assistant Dean of Students and the Department Chairman. The Assistant Dean shall meet with the instructor and chairman 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 section (4).
- (3) Where it is determined that the student should not be readmitted, or where there is disagreement, the Assistant Dean must arrange a hearing. The hearing shall be before The Dean of the Academic College where the incident occurred or his designee, the Dean of

(Rule 0240-03-03-.07, continued)

Students or his designee, and a student appointed by the President. The purpose of the hearing shall 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 rule 0240-03-03-.04.

- (4) Where the student is readmitted, the Assistant Dean may, if the circumstances warrant, initiate normal disciplinary procedures as set forth in rule 0240-03-03-.04.

Authority: T.C.A. §49-9-203. **Administrative History:** Repeal of an rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 23, 1993; effective July 28, 1993.

0240-03-03-.08 REPEALED.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Repeal filed February 28, 2000; effective June 28, 2000.

0240-03-03-.09 TRAFFIC AND PARKING REGULATIONS.

- (1) Purpose. The purpose of this code is to establish uniform procedures for facilitating the safe and expeditious flow of traffic, preventing accidents, and informing vehicle operators and pedestrians of traffic laws and safety regulations in effect on the Campus of The University of Memphis.
- (2) General.
 - (a) The entry, operation and control of motor vehicles on The University of Memphis property are as authorized and directed by the President of The University of Memphis, who may exercise such controls as deemed necessary. The Director of Public Safety, as the President's representative, is responsible for the enforcement of this code. The Director of Public Safety and the Manager of Parking Services may exclude or remove from the campus any vehicle that is used as an instrument in a crime, suspected of being stolen or abandoned, mechanically unfit, being operated by a person under the influence of intoxicants or drugs, not registered in accordance with this code, or parked in violation of these regulations.
 - (b) Violators of this code are subject to appropriate disciplinary and/or administrative action.
 - (c) The issuance of a parking permit does not guarantee a parking space on university property. The inability to locate a legal parking space does not diminish the responsibility to park in accordance with these parking regulations.
 - (d) Motorists may obtain assistance or information from any campus Parking Assistant or Public Safety Officer on patrol or by calling Parking Services (678-2212) or Police Services (678-4357 [HELP]).

POLICE OFFICERS, PARKING ASSISTANTS, FACULTY OR STAFF EMPLOYEES ARE NOT EMPOWERED TO ALLOW ANYONE TO VIOLATE UNIVERSITY TRAFFIC AND PARKING REGULATIONS.

- (3) Definitions
 - (a) Student. Any person registered in a credit or non-credit course offered on campus by The University of Memphis, including Graduate Assistants.

(Rule 0240-03-03-.09, continued)

- (b) Faculty. Any regular employee who holds academic rank and who is engaged in instruction, departmental research or public service.
 - (c) Administrative/Professional. All regular employees other than faculty who primarily have executive, administrative, or professional responsibilities.
 - (d) Classified Staff. Any regular employee not exempt from the federal Fair Labor Standards Act.
 - (e) Temporary and Adjunct Faculty. Any person employed temporarily by The University of Memphis who holds academic rank and who is engaged in instruction, departmental research, or public service, other than graduate assistants.
 - (f) Invited Visitor. Any person invited by a University department for official business with The University of Memphis.
 - (g) Visitor. Any person not invited by a University department for official business with The University of Memphis.
- (4) Parking Regulations. These regulations will be enforced at all times. If any of these regulations are violated, the operator or the offending vehicle will be issued a citation and the vehicle may be towed. All unattended vehicles will be considered to be parked.
- (a) Improper Parking. Vehicles parked as described below will be issued a citation for Improper Parking. Citation amounts (fines) are set forth in Section 1. listed below.
 - 1. In marked fire lanes designated by a red painted curb or by signs.
 - 2. Within fifteen (15) feet of a fire hydrant.
 - 3. In driveways, blocking a driveway, at the end of a parking row, in a traffic lane, or in a street so as to impede traffic (double parked).
 - 4. In areas designated "No Parking" by signs, yellow painted curb, or by yellow striped areas in parking lots.
 - 5. In areas designated "Loading Zones" by signs or markings for a period of fifteen (15) minutes or more. Extended loading periods must be arranged through Parking Services.
 - 6. On sidewalks or on grounds (grass or unpaved areas).
 - 7. Outside of a parking space as delineated by white lines.
 - 8. In a manner so as to block a ramp constructed to facilitate the movement of disabled individuals.
 - 9. Opposing traffic on a University street so that leaving the parking space is hazardous.
 - 10. Occupying more than one parking space.
 - (b) Parking Permits. Only vehicles properly displaying The University of Memphis parking permit (designated by a hangtag or bumper sticker), visitor pass or those legally parked at parking meters or in the parking garage may be parked on property owned or leased

(Rule 0240-03-03-.09, continued)

by The University of Memphis. All other vehicles parked on The University of Memphis controlled property will receive a citation.

1. Priority. Only vehicles displaying current The University of Memphis parking permits designated by a hangtag or bumper sticker for the current semester may be parked in spaces designated for the use of that permit's assignment. Vehicles parking in a reserved space or in Priority parking lots without proper permits will receive a citation and may be towed.
 2. Reserved. Spaces marked with a name, number, or title are reserved for the exclusive use of the person designated. Only vehicles registered to these individuals are authorized to park in these spaces. All other vehicles parked in a reserved space will receive a citation and may be towed.
 3. Disabled. Only vehicles displaying The University of Memphis parking disabled designator and/or State Placard may park in spaces marked as Disabled Spaces. All other vehicles parked in spaces marked as Disabled Spaces will receive a citation and may be towed.
 4. On-Campus Resident. Only vehicles displaying The University of Memphis resident parking permits for the current semester may be parked in spaces marked as Resident Only. All other vehicles parked in resident spaces will receive a citation. Residency status will be confirmed.
 5. Patients' Parking. Only vehicles displaying The University of Memphis parking permits for the current semester and a parking pass from the Health Center may park in spaces designated for patients' parking. The parking pass is available from the Health Center reception desk. All other vehicles parked in patient spaces will receive a citation.
 6. Parking Meters. All vehicles parked in spaces regulated by a parking meter will receive a citation for overtime if the "time expired" flag is up unless the vehicle has displayed a Visitor or Emeriti parking permit. Citations for overtime violations may be issued every hour in which the violation exists. Students and employees are not allowed to park in metered spaces.
 7. Visitor. Only visitors may park at parking meters marked "Visitors Only." Registered vehicles parked at meters marked for "Visitors Only" will receive a citation for parking in a restricted parking area.
 8. Garage Parking. Students, faculty, staff and visitors may park in the Innovation or the Zach Curlin Parking Garage without permit access and will be charged an hourly rate or all-day rate. Students, faculty and staff will be charged a fee for permit access.
 9. Motorcycle Parking. Only motor vehicles displaying The University of Memphis motorcycle/bumper stick including motorcycles, motor bikes and motor scooters regardless of size may park in spaces designated "Motorcycle Parking" or regularly marked parking spaces. Operating these vehicles on any surface other than designated streets or parking areas is expressly prohibited. These vehicles may park only in designated and/or marked parking spaces. Parking on sidewalks or chaining these vehicles to lampposts and other similar structures is specifically prohibited.
- (5) Moving Violation. These regulations will be enforced at all times. Citations will be issued for violation of the following moving violations. Citation amounts (fines) are set forth at 0240-03-

(Rule 0240-03-03-.09, continued)

03-.08 (8) (b). Drivers who drive so as to jeopardize the safety of others may also have their driving privileges revoked while on The University of Memphis property.

- (a) Stop Sign. A vehicle shall come to a complete halt at stop signs or pavement markings indicating "STOP" and remain stationary until it is safe to proceed.
- (b) Reckless Driving. Vehicles shall not be operated in a manner so as to endanger life or property.
- (c) Speeding. The maximum speed limit on The University of Memphis property, or on property leased by The University of Memphis, is 15 miles per hour. The maximum speed limit on Walker, Patterson and Zach Curlin streets is 25 miles per hour.
- (d) Failure to Obey Directions. Vehicle operators must obey the lawful directions of a Police Officer or Parking Assistant.
- (e) One-Way Street. Vehicles shall not be driven in violation of posted traffic direction signs.
- (f) Driving on Sidewalk or in Pedestrian Walk-Ways. Vehicles shall not be driven on sidewalks or in areas marked for pedestrian use only.
- (g) Illegal Entry. Vehicles shall not enter an area marked "Do Not Enter" or a gated parking lot by driving on sidewalks, grounds, by using a permit illegally or by tail-gating another vehicle to gain access.

(6) Citation Appeals and Administration

- (a) Administration. Regardless of the University status or classification of the violator, citations are to be paid or appealed within fifteen (15) working days of the issuance date of the citation. Citations may be paid by appearing at the Bursar's Office with the violator's copy of the citation or by mailing a check to the Bursar's Office, The University of Memphis, P.O. Box 1000, Department 313, Memphis, Tennessee, 38152, accompanied by the violator's copy of the citation. If the violator's copy has been lost or destroyed, a copy can be obtained from Parking Services located at 120 Zach Curlin Parking Garage. Please include your Social Security Number on the check or money order.
- (b) Student Appeals. If a student believes he or she has justification, an appeal may be filed with the Student Government Association office located on the 9th floor of Wilder Tower within fifteen (15) working days of the issuance date of the citation. Appeal forms are available online at <http://bf.memphis.edu/parking>, in the SGA office or in Parking Services. Decisions made by the SGA for student appeals can be found online at <http://saweb.memphis.edu/judicialaffairs/citationdockets.htm>. All decisions are final.

Grades and records will be withheld, and students will not be allowed to register for subsequent terms, for outstanding parking fines.

- (c) Faculty/Staff/Employee Appeals. If a faculty/staff employee believes he or she has justification, an appeal may be filed with the Faculty Staff Appeals Committee. Appeal forms may be obtained and filed in Parking Services. Outstanding fines for faculty/staff employees will be recouped pursuant to Tennessee Board of Regents Guideline B-010.
- (d) Visitor Appeals. If a visitor believes he or she has justification, an appeal may be filed with the Parking Assistant Manager in Parking Services. A letter of justification along

(Rule 0240-03-03-.09, continued)

with the citation may be sent to Parking Services, or an appeal form may be obtained online at <http://bf.memphis.edu/parking> or in Parking Services.

- (e) Visitor Appeals. If a visitor believes he or she has justification, an appeal may be filed with the Parking manager in Parking Services. A letter of justification along with the citation may be sent to Parking Services, or an appeal form may be obtained in the Parking Office at 120 Zach Curlin Parking Garage.

(7) Towing/Storage

- (a) Agents designated by the University shall have authority to remove to a place of storage at the owner's expense, any vehicle(s):

1. Blocking disabled or handicapped curb cut or ramp.
2. Blocking a fire lane or fire hydrant (within fifteen (15) feet) or hindering the movement of emergency vehicles.
3. Blocking or parking in a driveway or traffic lane, or impeding traffic flow (double parked).
4. Abandoned.
5. Without license, parking permit or Vehicle Identification Number information visible.
6. Upon which an Intent to Tow notice has been placed.
7. Parked in lots not designated for parking permit purchased or reserved space without authorization.
8. Parked in a restricted-disabled or handicapped space without authorization.
9. Parked in violation of Traffic and Parking Regulations.
10. Parked in no parking zones.
11. Parked on sidewalks or on grounds (grass or unpaved areas).
12. Parked opposing traffic on the University streets.
13. Occupying more than one parking space.
14. Parked in designated loading zones for longer than 15 minutes.
15. Unregistered.
16. Parked overtime in a metered space.
17. Registered and parked in visitor spaces.
18. Upon which a University Official determines it is necessary for facilitating the expeditious flow of traffic.

- (b) In addition to any appropriate fine, the owner or operator of the offending vehicle shall be liable for payment of towing and storage fees. The University is not responsible for

(Rule 0240-03-03-.09, continued)

damage to any vehicle resulting from towing or storage. Appeal procedures for towing are the same as described at rule 0240-3 3-.08(6).

(8) Fines

(a) Parking Violations

1.	Registration violation (No Parking Permit)	\$15.00
2.	Expired permit/hangtag/ bumper sticker	\$15.00
3.	Improperly Parked	\$15.00
4.	Restricted (WITH PARKING PERMIT)	\$25.00
5.	Improperly displayed parking permit	\$10.00
6.	Restricted-Disabled	\$100.00
7.	Resident Parking Violation	\$25.00
8.	Patient's Parking Violation	\$25.00
9.	Overtime at Meter	\$10.00
10.	Blocking Driveway	\$15.00
11.	Double Parked	\$15.00
12.	Fire Lane	\$25.00
13.	Blocking Fire Hydrant	\$25.00
14.	No Parking Zone	\$15.00
15.	Loading Zone	\$15.00
16.	Outside of Lines	\$15.00
17.	Opposing traffic	\$15.00
18.	Impeding traffic	\$15.00
19.	Parked in two spaces	\$15.00
20.	Blocking Disabled curb (sidewalk curb cuts)	\$100.00
21.	Restricted - Visitor Parking Violation	\$25.00
22.	Parked on Sidewalk or Grounds	\$15.00
23.	Illegal Entry	\$100.00
24.	Breaking gate - Gate replacement	\$125.00
25.	Gate Mechanism Labor (repair or replacement)	\$12.00 per hour

(Rule 0240-03-03-.09, continued)

(b) Moving Violations

1.	Stop Sign	\$25.00
2.	Reckless Driving	\$25.00
3.	Speeding	\$10.00
4.	Failure to Obey Public Safety/Parking Officer	\$25.00
5.	One-Way Street Violation	\$10.00
6.	Driving on Sidewalk or Pedestrian Way	\$25.00
7.	Parked on Sidewalk or grounds	\$15.00
8.	Illegal entry	\$100.00

- (c) ANY STUDENT WHO RECEIVES \$100.00 OR MORE IN TRAFFIC AND/OR PARKING VIOLATIONS ON UNIVERSITY CONTROLLED PROPERTY DURING ANY SEMESTER WILL BE SUBJECT TO DISCIPLINARY ACTION IN ACCORDANCE WITH SECTION V OF THE CODE OF STUDENT CONDUCT.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendments filed September 20, 2007; effective January 28, 2008.

0240-03-03-.10 MOTOR VEHICLE REGISTRATION AND PARKING.

(1) Registration

- (a) Persons eligible to operate vehicles on the campus of The University of Memphis, including employees and students enrolled in credit courses to whom a state issued distinctive license plate or placard for disabled drivers and passengers has been issued, must register with the Parking Office. Any student or employee who obtains vehicle registration through misrepresentation may be subject to disciplinary and/or administrative action.
- (b) No vehicle is considered to be properly registered until The University of Memphis parking permit (hangtag) is visibly displayed from the inside rear view mirror post or affixed to the exterior upper center of the front windshield. (Taping permit inside of the window is not acceptable.) Parking permits must be affixed to motorbikes or motorcycles in a position where numbers may be easily read. Parking permits are issued in the form of a hangtag or bumper sticker to be displayed on all vehicles authorized to park on property owned and/or leased by The University of Memphis. Permits are issued on a three-year cycle with validation stickers designated for student enrollment each semester. General parking permits allow parking only in general parking lots. Resident parking permits allow parking in one resident gated parking lot

(Rule 0240-03-03-.10, continued)

and ungated resident areas. Disabled/handicap permits allow parking access to all parking lots and handicapped parking spaces.

- (c) A temporary parking permit must be obtained for any vehicle being driven by a student, faculty, staff or employee when his or her parking registration permit is not available. Temporary parking permits may be obtained from Parking Services for a period of time not to exceed two (2) weeks. A fee is charged for temporary parking permits.
- (2) Visitor Parking
- (a) Invited visitor parking permits are available for University guests invited by a department and may be arranged through Parking Services for the inviting department's distribution. Parking Services is open from 7:00 a.m. – 6:00 p.m. Monday through Thursday, and 7:00 a.m. – 4:30 p.m. Friday.
 - (b) Visitor parking permits are available at Parking Services. A fee is charged for visitor parking permits.
 - (c) Visitors may also park in the Innovation Garage and Zach Curlin Garage without a permit. An hourly fee is charged for parking in the garages.
- (3) Sale of Permits. Authorized Faculty, staff, students and employees may purchase only one parking permit per semester, and they will be sold according to the priority as follows:
- (a) Priority Parking.
 - 1. Faculty, administrative/professional staff and classified staff.
 - 2. Students.

Parking lots designated in the Priority group are reserved for the exclusive use of those persons assigned to that lot, and are sold to students on a first come/first serve basis.
 - (b) On-Campus Resident Parking.

Parking areas designated in the Resident Parking group are restricted for the exclusive use of persons assigned to the Resident Parking area. Assignments will approximate one and one-half parking permits per parking space and are sold on a first come/first serve basis. Residency status will be confirmed.
 - (c) General Permit Parking.

Parking areas designated in the General Permit group are available to any person eligible to operate a vehicle on campus: students, faculty, staff, vendors and visitors with the proper permit.
 - (d) Physically Disabled Parking.

Designated disabled parking areas are available to persons with physical disabilities who have a registered University of Memphis parking permit and a valid disabled parking permit issued to the student or employee by a State Department of Safety. No additional fee will be assessed to Students for physically disabled parking permits. The priority permit parking fee will be assessed to Faculty/Staff for physically disabled parking permits. This permit authorizes the permit holder to park in disabled parking spaces in priority parking lots and in other non-reserved, general permit parking spaces on campus.

(Rule 0240-03-03-.10, continued)

- (e) Reserved Parking.
- (4) Replacement of Parking Permits or Devices
 - (a) Lost or stolen parking permits must be reported to Parking Services and will be replaced only after receipt of an additional fee.
 - (b) Parking privileges revoked through administrative or disciplinary action will be replaced only after receipt of an additional fee.
 - (c) Anyone losing a remote gate control device by accident or theft will be assessed a fee.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed September 20, 2007; effective January 28, 2008.