



# Tennessee Board of Regents

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## MEMORANDUM

**TO:** Presidents/Directors  
Academic Officers  
Student Affairs Officers  
Faculty Subcouncil

**FROM:** Dr. Paula Myrick Short *Paula Short / rjs*  
Vice Chancellor for Academic and Student Affairs  
Christine Modisher *Christine Modisher / rjs*  
General Counsel

**DATE:** September 22, 2011

**RE:** Academic Misconduct Provisions in Institutional Student Disciplinary Policies

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On September 20, 2011, we held telephonic conference with faculty and other institutional representatives to hear issues of concern about the new systemwide student disciplinary rule as applied to academic misconduct. This is a brief memo to confirm some of the points made in that conversation.

Although the language of the revised rule with regard to academic misconduct is somewhat different from the old rule, the policies are still the same. Faculty may still be authorized by TBR institutions in their institutional disciplinary policy to lower a grade to any extent including a grade of F on a paper, an assignment, or for the course as a sanction for academic misconduct. No one can force a faculty member to change a grade that she or he has assigned.

However, students who receive a lower grade or other discipline as a sanction for academic misconduct have a right to choose due process among other options. The due process choice can look different at different institutions, but must at a minimum provide the following:

- notice to the student in writing of the conduct violation(s)
- notice to the student of the time, date, and place of the hearing allowing reasonable time for preparation

- the right of a student to present her or his case
- the right of a student to be accompanied by an advisor
- the right of a student to call witnesses and to confront witnesses against the student
- the right to be advised of the method and time limitations for appeal

It is advisable to require the faculty member to report the sanction to the appropriate administrative authority in order to document that notice of the right to choose due process has been provided and as a mechanism to track the student's behavior in other classes.

Attached for your information is a document containing the University of Memphis academic misconduct student disciplinary procedure. Institutions may choose to utilize the University of Memphis procedure as a basis for creating their own academic misconduct process, may choose to utilize existing student discipline hearing procedures, or may create some other processes as long as they meet the minimum due process requirements described above.

Please feel free to work with your assigned TBR counsel or University counsel to ensure legal compliance.

Attachment