

Policies of the UNT Dallas College of Law	Chapter 7.3 Student Affairs, Education & Funding
7.302 Code of Conduct	

I. PURPOSE OF THE CODE OF STUDENT CONDUCT

In its preamble to the Model Rules of Professional Responsibility, the American Bar Association states: “A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice.” A legal education is the gateway to serving these roles as a lawyer, and a student’s legal education is itself a critical period in his or her professional formation. Thus, all students at the UNT Dallas College of Law are expected to abide by the high ethical and conduct standards needed to serve as representatives of clients, officers of the legal system, and public citizens with special responsibility for the quality of justice. These expectations are expressed in and put into operation through two avenues: the Honor Code, and the Code of Conduct. The Honor Code, contained in Policy 7.302, expresses and puts into operation the expectation of academic integrity. The Code of Conduct contains standards of conduct designed to foster a safe learning environment reflecting the core values of civility, reasoning, respect for the rights and property of others, and respect for and understanding of diverse viewpoints.

II. DEFINITIONS

- A. **Code of Conduct (the “Code”)** – Expected standards of conduct and procedures established to provide a full and fair opportunity for review of alleged student misconduct.
- B. **College of Law (“COL”)** – The UNT Dallas College of Law.
- C. **College of Law Community (“COL Community”)**- The collective group of students, faculty, staff, COL officials and any other person employed by the COL or contributing to the COL.
- D. **College of Law Premises (“COL Premises”)** – All buildings, facilities, land and other property that is owned, used or controlled by the COL.

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- E. **College of Law Privileges (“COL Privileges”)** - A special benefit granted or enjoyed by COL students, including but not limited to, participating in social events or COL-sponsored activities, election to student leadership positions, and registration as a COL-sponsored organization.
 - F. **College of Law Sponsored Activity (“COL-Sponsored Activity”)** - An activity conducted under the authority of, or with the support of, the COL.
 - G. **Complainant** – Any individual who files a complaint with the Dean of Students alleging a violation of the Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under the Code as are provided to a Complainant, even if another member of the COL community submitted the complaint. In cases of alleged sexual misconduct, domestic violence, dating violence and/or stalking, a student Complainant will have the same opportunity to participate in the disciplinary process and to receive notices as the Responsible Student.
 - H. **Conduct Conference** – An educational forum in which the Dean of Students meets with a student to review alleged misconduct and provide an opportunity for student response.
 - I. **Conduct Sanction** – A disciplinary penalty for violation of the Code.
 - J. **Consent** – Words or actions that show an active knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting without regard to the objectives of another, or by taking advantage of the incapacitation of another, where the student knows or reasonably should have known of such incapacity. Use of alcohol or drugs may impair an individual’s capacity to freely consent and may render an individual incapable of giving consent. Consent is absent when the activity in question exceeds the scope of previously given consent.
 - K. **Dating Violence**- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship will be determined based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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- L. **Dean of Students (“DOS”)** – COL official responsible for administering the student disciplinary process in accordance with the Code, for maintaining student disciplinary conduct records, and for assisting students with resolution of conflict.
 - M. **Day** – The period between 9:00 am and 6:00 pm, when the COL is open to conduct official business.
 - N. **Disciplinary Process** – The procedures provided in the Code, from the initial complaint through final resolution, to consider whether a student has engaged in misconduct, and whether conduct sanctions should be imposed.
 - O. **Domestic Violence**- Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, or by a person with whom the victim shares a child in common, or by a person who is cohabitating with, or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of a victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
 - P. **Good Conduct Standing** - Status in which a student is fully eligible to participate in COL activities and privileges.
 - Q. **Greater Weight of the Evidence** - Standard of review considering whether alleged Code violations are more likely than not to have happened.
 - R. **No-Contact Order** – Order issued by the DOS prohibiting contact between individuals. Order may be imposed as a sanction or as a directive by the DOS during an investigation.
 - S. **Notice of Complaint** –Initial document in the disciplinary process that identifies alleged violations of the Code.
 - T. **Notice of Disciplinary Sanctions** – Document in the disciplinary process that identifies conduct sanctions based on a violation of the Code.
 - U. **Permanent Student Conduct Record** - Documentation of a student’s conduct violation(s) and sanction(s) that are permanently maintained by DOS subject to the COL records retention schedule. This record is separate from an academic record.

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- V. **Reconsideration** - A request to modify findings of misconduct and/or conduct sanctions based upon newly discovered information.
- W. **Responsible Student** – A student who is alleged to have or who has violated the Code.
- X. **Request for Review** – A request for review of a DOS finding or conduct sanction by the Committee on Student Conduct.
- Y. **Sexual Exploitation** – Taking non-consensual or abusive sexual advantage of another for another’s own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, including but not limited to, non-consensual video or audio-taping of sexual activity or undetected viewing of another’s sexual activity.
- Z. **Sexual Harassment** – Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, sexual violence and other verbal, nonverbal or physical conduct of a sexual nature.
- AA. **Sexual Misconduct** – Conduct including sexual harassment, sexual exploitation, and/or sexual violence.
- BB. **Sexual Violence** – Physical sexual acts perpetrated against a person’s will or when a person is incapable of giving consent due to the victim’s use of drugs or alcohol or other disability, including age. Sexual violence includes but is not limited to rape, sexual assault, sexual battery or sexual coercion.
- CC. **Sexual Coercion** – The use of manipulation or threat to force someone to have sex.
- DD. **Stalking**- Engaging in a course or conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.
- EE. **Student** - An individual taking courses at the COL, either credit or non-credit, full- or part-time. The term includes individuals who withdraw from the COL during the conduct process; those who are not currently enrolled in courses but who have a continuing academic relationship with the COL and those who have applied for admission or readmission to the COL.

FF. Student Conduct Committee - A group convened to review findings of misconduct and/or conduct sanctions assigned by the DOS.

GG. Student Organization - A group of students who share a common interest and who are registered as a student group with the DOS.

III. APPLICATION

The COL Code of Student Conduct (“the Code”) was adopted by the Dean of the College of Law in accordance with authority delegated by the Board of Regents of the University of North Texas System. The Code is implemented and enforced under the direction of the Dean of the College of Law through the Dean of Students (“DOS”). The COL reserves the right to amend the Code at any time in accordance with established COL procedures.

The Code applies to all COL students and student organizations.

The Code applies to conduct that occurs on COL premises, and at COL activities; it also applies to conduct that may occur off campus that could adversely affect the interests of the COL community, the standing of the COL in the larger community, the pursuit of the COL’s educational mission or that could create a hostile environment for a student on campus. The DOS will decide whether the Code will apply to student off-campus conduct on a case-by-case basis.

Students are responsible for their conduct from the time of application for admission to the award of a degree, or such other time as there is a formal termination of the student relationship with the COL. Students are responsible for conduct occurring before classes begin and after classes end, as well as during the academic year and during periods between terms of enrollment. The Code continues to apply to student conduct even if a student withdraws from the COL during the disciplinary process. Applicants are also responsible for their conduct prior to admission or re-enrollment.

Students and student organizations may be subject to sanctions for violating COL policies and regulations governing:

- A. Use of COL communication and computing resources.
- B. Smoking.

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- C. Freedom of expression
 - D. Canvassing and solicitation
 - E. Harassment, including sexual harassment.
 - F. Use of student identification.
 - G. Use of COL access devices.
 - H. Copyright or trademark.
 - I. COL Honor Code.

IV. HONOR CODE APPLICATION

Alleged violations of the COL Honor Code are reviewed and enforced under the exclusive direction of the Associate Dean for Academic Affairs. Students engaged in acts which may constitute a violation of the Code and the Honor Code may be subject to sanction under both authorities.

V. CONCURRENT VIOLATIONS OF LAW AND THE CODE

Students may be accountable to criminal or civil authorities for conduct which may also violate the Code. The COL disciplinary process will normally proceed during the pendency of any related criminal or civil proceedings. Students who are concurrently engaged in a related criminal matter will not be compelled to speak at a disciplinary conference or during a Student Conduct Committee Review. A student's silence will not be interpreted as an admission or used as evidence. In situations where a student exercises their option not to make a personal statement or to otherwise present evidence, the DOS and/or the Student Conduct Committee will proceed based on all other available information in the absence of extraordinary circumstances. Dismissal or other resolution of related criminal charges will not be grounds for reconsideration of a decision by the DOS and/or the Student Conduct Committee.

VI. ADMISSIONS AND ENROLLMENT

A. Conduct review of applicants

1. Applicants to the COL and former students seeking re-enrollment, may be referred to the DOS to consider alleged misconduct that could violate the Code and therefore

impact admission or re-enrollment, including falsification of admissions documents. In such cases, DOS will review the student's alleged misconduct to consider the individual's potential to benefit from COL attendance as well as the welfare and safety of the COL community.

2. DOS may determine not to clear an applicant for admission or a former student for re-enrollment, or to place the appropriate sanction(s) as conditions for enrollment upon an applicant or former student when evidence indicates that the applicant or former student has:
 - a. Engaged in acts that were disruptive to the normal operations of an educational institution.
 - b. Falsified the enrollment application or other admissions forms.
 - c. Engaged in conduct that is prohibited by the Code.
 - d. Been formally charged with commission a crime.
 - e. Been convicted of a crime and still subject to criminal penalty, including but not limited to parole and/or probation.
3. A student may request a meeting with DOS to discuss a DOS decision.
4. The decision of the DOS is final.

VII. RECORDS

Documents that are created and maintained as part of the disciplinary process are maintained by the DOS in accordance with COL Policy 7.303 - Student Records and subject to the COL Records Retention Policy. Nonconsensual disclosure of the final results of any disciplinary action involving an alleged crime of violence or non-forcible sex offense is permitted to the victim of the alleged misconduct regardless of whether the DOS concluded a violation was committed.

A student may submit a written request to the DOS to destroy their permanent conduct record based on specified circumstances. Request will be evaluated on a case-by-case basis. The decision of the DOS is final.

VIII. RESPONSIBILITIES OF STUDENT ORGANIZATIONS

Student organizations are expected to conduct themselves in a manner consistent with the COL's function as an educational institution, observing all federal, state and local laws and COL policies, including the Code, both on and off campus. A student organization is responsible for the conduct of its members, when one or more of its members, acting in the capacity of their membership, commits a violation of the Code. Student organizations are subject to disciplinary procedures and sanctions in the same manner as individual students, except that student organizations cannot be expelled permanently from the COL.

Any Notice of Complaint involving a student organization will be delivered to the student organization's local address on file with the COL in care of the president or other group leader of the student organization with a copy to the on campus advisor and/or other advisors as appropriate. Student organizations must respond to all Notices of Complaint and failure to respond may result in a decision in the absence of any representative of the student organization.

Student organizations, as well as their members, may be held collectively and/or individually responsible for violations of the Code.

For purposes of the Code, references to "student" are inclusive of "student organizations."

IX. CATEGORIES OF MISCONDUCT

The Code is not written with the specificity of a criminal statute, nor is it intended to cover every instance of potentially prohibited conduct. Students and student organizations may be disciplined for the following types of misconduct.

A. Acts of Dishonesty, including but not limited to –

1. Intentionally furnishing false or misleading information to the COL or a COL official.
2. Forging, altering or misusing any COL document or instrument of identification.
3. Intentionally interfering with any COL election process.
4. Failing to fulfill financial obligation(s) to the COL.

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5. Misrepresenting oneself as a COL official.
 6. Acting as an official representative of the COL, a COL student organization or any recognized COL body without explicit prior consent.
 7. Violating the COL Honor Code, including but not limited to serious, flagrant or repeated violations of the Honor Code.

B. Acts Affecting the COL Community; including but not limited to –

1. Interfering with, or disrupting any COL activity or COL-sponsored activity including, teaching, learning and/or research.
2. Interfering with any emergency or public safety service, such as fire, police or emergency services.
3. Engaging in disorderly or obscene conduct including recording another's image in violation of their reasonable expectation of privacy and without effective consent.
4. Breaching the peace, or aiding, abetting or inciting another to breach the peace.
5. Failing to comply with a reasonable directive of a COL official, including the DOS, and any other COL instructor or administrator, or any COL or UNT System employee or agent acting in the performance of his or her official duties.
6. Engaging in disruptive activity, including but not limited to such acts as defined in the Texas Education Code.

C. Acts Affecting Property or Services; including but not limited to –

1. Theft or attempted theft of property or services and knowingly possessing stolen property.
2. Intentional or reckless destruction, damage or vandalism to COL property, or the property of others.
3. Unauthorized possession, duplication, or use of access devices to COL premises, such as keys or entry cards.

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4. Unauthorized entry onto, or use of COL premises.

D. Acts Affecting Intellectual Property; including but not limited to –

1. The use or distribution of the original work of another (whether copyrighted or not copyrighted) without the express consent of the owner, including but not limited to the unauthorized downloading of copyrighted music and the distribution for commercial or personal purposes or creation of derivative works from written materials created by faculty or staff, without express permission of the originator.
2. The use or distribution of a trademark, including the COL or UNT System trademark, without the expressed written consent of the owner.

E. Acts Affecting Computing Resources or Technology, including but not limited to –

1. Unauthorized access, use or misuse of COL computing resources, systems or data.
2. Disrupting COL computer operations, or the availability of computing resources.
3. Using another individual's identification, password, or other credentials to access COL computing resources.
4. Unauthorized sharing of copyrighted materials through electronic means.
5. Initiating or contributing to attacks against external networks or COL systems.

F. Acts Affecting Health, Safety or Welfare, including but not limited to –

1. Engaging in physical, and/or verbal abuse, fighting, domestic violence, dating violence, threats, intimidation, harassment, coercion, physical or electronic stalking or any other conduct which threatens or endangers the health, safety or welfare of any person. Speech protected by the First Amendment of the U.S. Constitution is not a violation of this provision, though fighting words and statements which reasonably threaten or endanger the health and safety of any person are not protected speech.
2. Hazing, (as defined in the Texas Education Code), including engaging in, soliciting, encouraging, direction, aiding or intentionally, knowingly or recklessly permitting behavior such as physical brutality, risk of harm to mental or physical health or safety,

intimidation, threat or ostracism, mental stress, humiliation, or other behaviors adverse to health or human dignity in association with pledging, initiation, affiliation with, holding office in, or maintain membership in a student group; or having firsthand knowledge of the planning of hazing or of its occurrence and failing to report it to COL authorities

3. Arson or unauthorized use or possession of ammunition, firearms, explosives, hazardous substances or other materials that are flammable or hazardous or that could cause damage by fire or explosion to persons or property.
 4. Illegal use, possession, sale, manufacture, distribution or effective control of chemical precursors, controlled substances, controlled substance analogues, or dangerous or illegal drugs; misuse or possession of a legal drug or other substance that could cause harm to the user; possession of drug paraphernalia; or encouraging or facilitating any of the above.
 5. Public intoxication, driving while intoxicated and use, possession or distribution of alcoholic beverages, except as expressly permitted by law and COL policy or regulation.
 6. Tampering with, or misuse of security or safety equipment.
 7. Reporting a false emergency or threat.
 8. Engaging in acts of sexual misconduct, sexual assault, sexual abuse, sexual harassment, sexual exploitation, sexual violence or sexual coercion as defined by state, and federal law and COL policy.
 9. Illegal gambling or gaming as defined in State and Federal law.
- G. Violations of International, Federal, State or Local laws (whether convicted or not) or other University Policies.**
- H. Interfering with the student discipline process; including but not limited to -**
1. Failing to comply with a request to attend a disciplinary conference with the DOS.

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2. Failing to comply with sanction(s) imposed under the Code or sanction(s) otherwise imposed by the COL, including failing to comply with any “no contact” order.
 3. Falsifying or misrepresenting information at any stage of the disciplinary process; or knowingly initiating a false complaint to DOS.
 4. Attempting to discourage an individual’s participation in, or use of the disciplinary process.
 5. Harassing or intimidating a participant in the disciplinary process, including retaliating against or threatening a Complainant.
 6. Disrupting or interfering with the orderly conduct of the disciplinary process.
 7. Attempting to influence the impartiality of a participant in the disciplinary process.
 8. Influencing or attempting to influence another person to commit an abuse of the disciplinary process.

I. Facilitating Acts of Misconduct, including but not limited to –

1. Planning or facilitating an act of misconduct.
2. Being present during the commission of an act of misconduct and supporting or encouraging the act.

X. SANCTIONS FOR MISCONDUCT

Any student violating the Code may be subject to one or more of the following sanctions. Repeat violations may result in more serious disciplinary sanctions up to expulsion.

A. Warning –

1. A verbal or written notice that a student has violated the Code and must not engage in future violations.
2. No impact on good conduct standing.
3. Not subject to review by the Student Conduct Committee.

B. Educational Sanction –

1. An educational assignment that may include referral for substance abuse counseling, education workshops, assignment of reflection papers, restitution or replacement of lost, damaged or stolen property, assignment to community service, or regular meetings with the DOS or a designee.
2. No impact on good conduct standing.
3. Not subject to review by the Student Conduct Committee.
4. Failure to comply with the assignment may result in further discipline.

C. Loss of Privileges –

1. A temporary or permanent loss of COL privileges, including but not limited to loss of the privilege to attend COL-sponsored events, to use certain COL facilities, to serve as an official COL representative, or to hold a leadership position in a student organization; may also result in withholding of an official transcript or blocked enrollment for a specified period of time.
2. No impact on good conduct standing.
3. Not subject to review by the Student Conduct Committee unless loss of privileges is related to another reviewable sanction.
4. Student organizations may request reconsideration of a loss of privilege no sooner than one (1) year after the date that the sanction was imposed. Reconsideration will be at the discretion of the DOS. The decision of the DOS is final and the student organization may not request reconsideration again until date specified by the DOS.

D. Probation –

1. A written reprimand that remains in effect for a specified period of time and conditions a student's continuing status on the absence of any further violations of the Code.
2. Good conduct standing is removed during the specified period.

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3. Not subject to review by the Student Conduct Committee.

E. Suspension –

1. Separation of the student from the COL for a specified period. Student cannot enter the COL premises and may not participate in any COL-sponsored activities, with advance approval by the DOS. A suspended student will be removed from enrollment and blocked from future registration until the enrollment is reviewed and approved by the DOS.
2. Good conduct standing is removed.
3. May be reviewed by the Student Conduct Committee.
4. Must meet with DOS after suspension term is over to be re-instated to the COL.

F. Suspension of Student Organizations –

1. Removal of student organization privileges and recognitions for a specified period of time.
2. Student organizations will not be permitted to participate as a recognized student organizations at COL functions or activities, or to sponsor any activities representing the COL.
3. Student organizations may request reinstatement by the Dean of Students after the expiration of the specified period of suspension.
4. May be reviewed by the Student Conduct Committee.

G. Expulsion –

1. Permanent separation of the student from the COL. Student will be removed from enrollment, will be prohibited from entering the COL premises, and will not be allowed to participate in any COL-sponsored activities.
2. Good conduct standing is removed.
3. Becomes a permanent conduct record.

4. May be reviewed by the Student Conduct Committee.

5. Sanction cannot be applied to student groups.

H. **College of Law Withdrawal** - A student may be administratively withdrawn from a class, a course, or all courses or prohibited from entering COL premises and barred from re-enrollment until specific conditions are met. Reasons for COL withdrawal include, but are not limited to:

1. To prevent the disruption of the education process.

2. Failure to respond to an official summons from a COL official.

3. Suspension or expulsion from the COL.

I. **Immediate Suspension** – Immediate removal from all or part of the COL premises while the disciplinary process is pending when an alleged violation reasonably indicates that the student’s continued presence poses a substantial or immediate danger to the health, safety or welfare of any member of the COL community or to the COL premises.

J. **Immediate Suspension of Student Organizations** – The student organization will cease all activities, meetings, programs and representation as an organization while an investigation is in progress by DOS. A student organization can be immediately suspended for posing a substantial or immediate danger to the health, safety or welfare of any member of the COL community or to the COL premises.

K. **No-Contact Order** – The DOS may impose a No Contact Order between parties involved in a disciplinary matter when there is a concern about retaliation and/or harassment. The No-Contact Order will outline expected behavior including face-to-face contact, correspondence, email, social media or telephone. Friends, relatives and other acquaintances are also prohibited from contact on behalf of either party.

XI. DISCIPLINARY PROCEDURES

A. Investigation by the Dean of Students

1. The DOS will assess all suspected and reported violations of the Code whether referred by student, faculty, staff, law enforcement, or any other credible source of

information, without regard to any related criminal arrest, prosecution or pending criminal or civil litigation. Complaints regarding alleged misconduct should be submitted to the DOS as soon as possible after the alleged misconduct occurs. The Dean will assess the credibility of all reports as part of the investigation.

2. In matters of sexual misconduct, domestic violence, dating violence, and stalking
 - a.) The DOS will discuss confidentiality in the disciplinary process with the Complainant prior to initiating an investigation and will inform the Complainant that confidentiality in the conduct process cannot be assured.
 - i.) If the Complainant requests confidentiality or requests that the complaint not be pursued, the DOS will take all reasonable steps to investigate the complaint and respond consistent with the Complainant's request as long as doing so does not prevent the COL from responding effectively to sexual misconduct, domestic violence, dating violence or stalking.
 - ii.) If a Complainant insists on anonymity, the DOS will inform the Complainant that such a request will limit the COL's ability to respond to the complaint. The DOS will evaluate the Complainant's request for confidentiality in the context of the COL's responsibility to provide a safe and nondiscriminatory environment for all students.
 - b.) The DOS will inform Complainants and Responsible Students that retaliation is prohibited and strong action will be taken if retaliation occurs including issuing a No Contact Order.
 - c.) The DOS will complete an investigation within sixty (60) calendar days of receiving notice except in exceptional circumstances as determined based on the availability of witnesses, the number of witnesses or the volume of documents to be collected and/or reviewed. The DOS will regularly update the Complainant and if appropriate the Responsible Student on the status of the investigation.
 - d.) The DOS will notify the Complainant about the right to file a criminal complaint with appropriate law enforcement officials; however a criminal complaint will not preclude The DOS from proceeding with the COL investigation.

B. Notice of Complaint – If the DOS finds it likely that a student has violated the Code, a Notice of Complaint will be delivered to the student stating:

1. A summary of the alleged misconduct.
2. The specific section of the Code that may have been violated and notice of potential sanctions.
3. An explanation of the opportunity to request a disciplinary conference.

C. Disciplinary Conference– Upon request of a student, the DOS will hold a disciplinary conference to provide the student the opportunity to:

1. Review alleged misconduct.
2. Respond directly and offer a response to the alleged violation by addressing it personally and by presenting any other relevant information including witness statements or other documents.
3. A student may be accompanied by an advisor, but the student must represent her/himself at the conference. If a student will be accompanied by an attorney, the student must notify the DOS no later than two (2) days prior to the disciplinary conference so that a representative from the Office of General Counsel can also be present.
4. If a student fails to attend a scheduled conduct conference, the DOS will review any available information and issue sanctions in the student's absence, if appropriate.
5. In matters of alleged sexual misconduct, domestic violence, dating violence, or stalking, the disciplinary conference must be scheduled can be no fewer than ten (10) and no more than twenty (20) days from the date of the Notice of Complaint. Dates may be extended at the discretion of the DOS in the interest of fairness. The DOS will also meet with the Complainant within the same timeframe to allow the Complainant to review the allegations and present evidence. The Complainant may be accompanied by an advisor to the same extent as the Responsible Student.

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6. At no time will the past sexual history of the Complainant or the Responsible Student be considered except if the history directly relates to the incident in the complaint. Additionally, the use of alcohol or drugs by either party at the time of the incident will not be considered a mitigating circumstance.

D. Notice of Disciplinary Sanction -

1. If the DOS determines by the greater weight of the evidence that a student has violated the Code, the DOS will deliver a Notice of Disciplinary Sanctions to the student no later than ten (10) days after the disciplinary conference. The Notice will inform the student of the finding, the assigned sanction(s) and the process for appeal, if available. If the DOS finds no violation, the DOS will notify the student and no further action will be taken.
2. In matters of alleged sexual misconduct, domestic violence, dating violence, and stalking, the Notice of Disciplinary Sanction will be delivered concurrently to the Complainant and Responsible Student. All notices will be compliant with the requirements of the COL Student Records Policy.

E. Request for Reconsideration – A student possessing evidence discovered after the disciplinary conference and not considered by the DOS may request reconsideration of the DOS Notice of Disciplinary Sanctions by filing a written request with the DOS within three (3) days of the Notice of Disciplinary Sanction. The request to reconsider must summarize the newly discovered information. A Complainant in a case of sexual misconduct, domestic violence, dating violence or stalking, may request reconsideration the same manner. The DOS may extend the time-frame in the interest of fairness. If a sanction may be appealed, the timeframe for requesting an appeal will not begin until after the DOS has issued a decision on reconsideration.

F. Effective Date of Disciplinary Sanction – Unless a student has been immediately suspended, the sanction imposed by a DOS will not take effect until the conduct process is complete.

G. Student Conduct Committee (the “Committee”)

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1. **Request for Review** – A student who has been suspended or expelled from the COL, or the Complainant in the case of sexual misconduct, domestic violence, dating violence or stalking resulting in suspension or expulsion, may request review of the DOS’s findings or sanctions by the Student Conduct Committee. The request for review must be submitted to the DOS within three (3) days of the Notice of Disciplinary Sanction. The DOS will deliver the request to the Associate Dean of the Academic Affairs within two (2) days.
 2. **Appointment of a Student Conduct Committee** – Upon receiving a request for review, the Associate Dean of Academic Affairs will appoint a Student Conduct Committee and designate a chairperson to consider the requested appeal. The Committee will include one (1) faculty member, one (1) student, and one (1) staff member. The Chairperson will direct the procedures of the Committee and will participate fully in all reviews. The student, or the Complainant in the case of sexual misconduct, domestic violence, dating violence or stalking, may object to the presence of any Committee member prior to the start of the review based on the committee member’s capacity to make a fair and objective decision. Requests to remove a committee member will be decided by the chairperson. Objection to the chairperson will be decided by the Associate Dean of Academic Affairs.
 3. **Scheduling Notice** –The Committee Chairperson will schedule a date for the requested review and notify the student. In matters of sexual misconduct, domestic violence, dating violence or stalking notice will be provided to both the Responsible Student and the Complainant. The date for the review will typically not be more than (10) days after the request was submitted. Time frames may be adjusted at the discretion of the Committee chairperson in the interest of fairness.
 4. **Committee Procedures**
 - a. **Summary of positions** – No fewer than five (5) days prior to the scheduled Committee Review, the Responsible Student, and the DOS, must submit the following to the Committee Chairperson.
 - i. A written summary of their position.

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- ii. A list of individuals who will speak on their behalf as witnesses.
 - iii. A list of all documents that will be presented to the Committee.
- b. A Complainant in a matter of sexual misconduct, domestic violence, dating violence or stalking may also submit a summary of their position, a list of individuals who will speak as witnesses and a list of documents to be presented.
 - c. The Committee Chairperson will exchange the information between the parties no fewer than three (3) days prior to the review. No Information will be provided to Committee members before the review.
 - d. Authority of the Chairperson – The Chairperson will preside over the Committee review and make all decisions regarding review procedures. The Chairperson may adjust review procedures and time frames in the interest of fairness.

5. Committee Review Process –

- a. Reviews are informal and traditional rules of courtroom evidence do not apply.
- b. Each party will have a total of forty-five (45) minutes to present to the Committee, including personal and witness statements and a summation. Documents and written witness statements may be submitted to supplement an oral presentation. The parties may ask questions of any individual; however in the case of sexual misconduct, domestic violence, dating violence or stalking, all questions must be directed through the Chairperson.
- c. In matters of sexual misconduct, domestic violence, dating violence or stalking, the Complainant may present by alternate means including by telephone, teleconference or from behind a screen at the discretion of the Chair.
- d. Reviews are not open to the public unless a party makes a specific request at the time of the initial Request for Review. Individual witnesses may specifically request to present in a closed setting. The Chairperson will make all decisions regarding closed hearings.

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- e. Students, the DOS, and in matters of sexual misconduct, domestic violence, dating violence or stalking a Responsible Student or Complainant, must attend a review in person. Except in emergency circumstances, a review may be dismissed if a requesting party fails to attend and the DOS decision will be final.
 - e. A party requesting a review may be assisted by one advisor, including an attorney, of their choosing, but only the parties may speak to the Committee or ask questions. Attorneys will not be permitted to present evidence or argument before the Committee. Should a party be accompanied by an attorney, the COL will also have a representative of the Office of General Counsel present.
 - f. The DOS must show, by the greater weight of the evidence, that the student engaged in conduct in violation of the Code, and/or that the disciplinary sanction imposed by the DOS was reasonable based on the circumstance. The DOS will present to the committee first and last.
 - g. Reviews will be recorded and recordings will be the property of the COL. Copies of recordings may be provided at the requestor's expense. Recordings will be maintained according to the COL records retention policy.
6. **Committee's Recommended Findings and Conclusions to the Associate Dean of Academic Affairs** – At the conclusion of the review, the Chairperson will provide the student, and in matters of sexual misconduct the Responsible Student and the Complainant, with a recommendation to the Associate Dean of Academic Affairs. The Committee may recommend upholding, modifying or rejecting the decision of the DOS. The Recommendation must include a summary of the Committee's findings and conclusions and proposed sanctions. Notice related to matters of sexual misconduct, domestic violence, dating violence or stalking will comply with the COL Student Records Policy.
7. **Final Decision by the Associate Dean of Academic Affairs** – Within two (2) days of receiving the Committee's recommendation, the Associate Dean may uphold, reject or modify the recommendation of the Committee and must notify the student, Complainant, Responsible Student and DOS as appropriate. The Associate Dean may

also request additional information as may be needed to make a decision. The decision of the Associate Dean of Academic Affairs is final.

8. The DOS will take all appropriate action based on the decision by the Associate Dean of Academic Affairs.

H. **Immediate Suspension** – A student may be immediately suspended from all or part of the COL premises, when alleged misconduct reasonably indicates that the presence of the student on the COL premises poses substantial or immediate danger to the health, safety or welfare of any member of the COL community or COL property.

1. **Conference regarding immediate suspension** - A student who is immediately suspended must contact with DOS within two (2) days of receiving a Notice of Immediate Suspension to schedule a disciplinary conference to discuss: (1) the reliability of evidence supporting the alleged misconduct; and (2) whether the continued presence of the student on COL premises reasonably indicates a substantial or immediate danger to the health, safety or welfare of any member of the COL community or COL property. Failure to make a timely request for a conference or to appear at a requested conference will cause the immediate suspension to remain in effect until the disciplinary process is complete.
2. **Findings and Conclusions regarding immediate suspension** – If the DOS determines that immediate suspension is appropriate under the circumstances, the DOS will issues findings and conclusions and the student will be immediately suspended from the COL premises, including all events and activities. Immediately suspended student organizations will be immediately precluding from engaging in any recruitment, philanthropy or community service. The immediate suspension remains in effect until the disciplinary process is complete or until otherwise altered by the DOS. If the DOS determines that immediate suspension is no longer appropriate, the DOS may permit the student to return to COL premises while the disciplinary process continues. An immediate suspension cannot be reviewed by the Committee.
3. In matters of sexual misconduct, domestic violence, dating violence or stalking a Complainant may be provided notice regarding the findings and conclusions regarding immediate suspension in accordance with COL Student Records Policy.

I. Timeframes

1. The timeframes set forth in this policy are goals and the university's inability to meet a timeframe will not render the procedures invalid so long as no student rights are violated.
2. Timeframes may be extended by mutual written agreement of decision makers and the student, Responsible Student and/or the Complainant or by approval of the Dean of the College of Law.
3. The timeframe for investigation of a matter of sexual misconduct, domestic violence, dating violence or stalking may be extended by the Dean of the College of Law based on the anticipated complexity of the investigation and the severity and extent of the alleged conduct. An extension of the stated timeframe for investigation will be communicated upon approval to the Complainant and to the Responsible Student.
4. In the matters of sexual misconduct, domestic violence, dating violence or stalking DOS will deliver investigation status updates to a Complainant and a Responsible Students no less than weekly during an investigation.

XII. INTERPRETATION AND REVISION

- A. **Interpretation** – Questions of interpretation or application of the Code will be referred to the Dean of the College of law, or a designee, for final determination following consultation with the Office of General Counsel.
- B. **Revision** – The code will be reviewed every three (3) years under the direction of the Dean of Students.

Responsible Party: Vice President for Student Affairs

References and Cross-References.

Forms and Tools.

Approved: 08/01/2014
Effective: 08/01/2014
Revised: