

# Article 4. Initiation of Disciplinary Proceedings

## 4.01

Any person may file a written complaint against any student at the School of Law for conduct prohibited by the Code. The charges shall only be filed with the Associate Dean for Academic Affairs or with the Chair. If the Associate Dean for Academic Affairs or the Chair has personally witnessed the conduct in question, the Associate Dean for Academic Affairs or the Chair may personally file the written charge with the other. In the event the Associate Dean for Academic Affairs and the Chair have both witnessed the same alleged violation of the Code, the complaint shall be made directly to the Dean, who shall then proceed as outlined herein.

## 4.02

A complaint shall consist of a formal, signed, written statement identifying: (a) the name of the accused student; (b) the nature of the violation, including the specific sections of the Code that allegedly have been violated; (c) specific facts supporting the allegation, including, but not limited to, (i) the date(s) of the alleged violation, (ii) the circumstances under which the violation is suspected to have occurred, and (iii) the names of any witnesses with knowledge of the alleged event(s); and (d) copies of documents supporting every allegation, attached as exhibits to the complaint. If the complaint is filed by the Dean, an Associate or Assistant Dean, a faculty member, or a staff member, the complainant may recommend a sanction to be imposed on the accused student. If the complaint is filed by a student or other person, the complainant may include a statement describing the impact that the alleged violation has had on the complainant. The Committee may, but is not required to, consider any sanction recommendation or impact statement in determining the appropriate course of action to be taken against the accused student. By signing the complaint, the complainant swears that the facts contained therein are true and accurate to the best of his/her belief.

## 4.03

All investigations and disciplinary proceedings conducted pursuant to the provisions of this Code shall be conducted as confidentially as possible, except as otherwise specified in this Code. If reasonably practicable, the identity of the person filing the written charge shall be kept confidential from the accused student, until such time as the accused student formally denies the charges, requests, and is granted a date for a hearing. Upon the setting of the formal hearing, the accused shall be permitted to access all information obtained in the preliminary investigation of the Subcommittee pursuant to § 6.05 below.

## 4.04

Within seven (7) business days of the filing of the complaint, the Chair shall review the complaint to determine whether the conduct alleged therein (1) is academically-related such that it falls under the jurisdiction of the Academic Integrity Committee and (2) assuming the events as reported occurred, constitutes a violation of the law student's obligation as set forth in Article 2 of the Code.

## 4.05

If the Chair determines that the conduct described in the complaint does not fall under the jurisdiction of the Academic Integrity Committee, the chair shall refer the complaint to the Dean of Students.

## 4.06

If the Chair determines that the conduct described in the complaint does fall under the jurisdiction of the Academic Integrity Committee but does not constitute a violation of the Code, the Chair shall dismiss the complaint. The Committee shall not be used to resolve purely personal conflicts between students, or perceived conflicts between faculty, administration and students. The Chair shall make a written record of his/her administrative dismissal of a complaint. Any complaint that is administratively dismissed by the Chair shall not be placed in the accused student's file at the School of Law, nor shall the Chair notify the accused student of such complaint. A complaint that is administratively dismissed by the Chair shall be considered a nullity, as if having never been filed.

#### **4.07**

If the Chair determines that the conduct described in the complaint falls under the jurisdiction of the Academic Integrity Committee and alleges a viable cause of action against the accused student pursuant to Article 2 of the Code, the Chair shall notify the other members of the Committee that he/she will convene the Committee to address the allegations in the complaint. Such notice to the Committee shall be made by e-mail or any other means deemed reasonably secure by the Chair and shall be accompanied by a copy of the written complaint, including any exhibits. All information sent by the Chair to the Committee for its review shall be deemed strictly confidential. The Chair shall deliver a copy of the written complaint, including any exhibits, to the Dean and to the Associate Dean for Academic Affairs, if they do not already possess a copy of the complaint, as soon as practicable after making the decision to convene the committee. If the Dean, after receiving notice that a written complaint has been filed against a student, determines that extraordinary circumstances exist, the Dean, or his/her authorized agent, may suspend the accused student pending consideration of the case. Such extraordinary circumstances may include, but not be limited to, situations where the continued presence of the accused student would constitute a physical danger to the University or School of Law community or would create a disruption in the educational process of the University or the School of Law. Nothing in this paragraph prevents the Dean or appropriate University officials from suspending an accused student through the exercise of their inherent authority. The Dean may, at his/her discretion, suspend or restrict the accused student's access to: (a) University or School of Law facilities; (b) University or School of Law resources, including, but not limited to, any computers, web sites, library resources, printers, research web portals, Pathway, Web Advisor, or MediaSite; (c) University or School of Law functions, including off- campus functions sponsored by the University or the School of Law; or (d) any other facility, resource, or function that the Dean may deem necessary and appropriate under the circumstances.

#### **4.08**

The Associate Dean for Academic Affairs, or his/her authorized agent, shall, within seven (7) business days after notification of the Chair to convene the Committee, notify the accused student by means set out in Article 10 herein that: (a) a written complaint has been received; (b) the Chair has determined that the conduct described in the complaint alleges a viable cause of action against the accused student pursuant to Article 2 of the Code; (c) the Committee is being convened to investigate the complaint made against the accused student; and (d) a copy of the written complaint has been forwarded to the Dean of the School of Law. Such notice shall be accompanied by: (a) a copy of the written complaint, including any exhibits; (b) a copy of this Code; and (c) notice that the accused student may obtain counsel to represent him/her in this matter, pursuant to the caveats set out in Article 6.12 below. If the accused student wishes to respond to the complaint, then he/she shall respond in writing to the Chair within seven (7) business days after notification of the complaint was provided by the Associate Dean of Academic Affairs.

#### **4.09**

The withdrawal of an accused student from the School of Law subsequent to the date that notification to the student is provided by the Associate Dean for Academic Affairs shall not terminate the jurisdiction of the Committee to conduct any further disciplinary proceedings specified in this Code.

#### **4.10**

Within seven (7) business days after receiving the accused student's response, or, in the event the student files no response, within seven (7) business days from the date the response was due, the Chair shall set a time and date for convening the Committee unless an extension of time for setting the date to convene the Committee is required by the Chair due to difficulty in regard to travel, holiday or other circumstance.

#### **4.11**

In the event that the accused student fails to timely respond to the complaint, all allegations therein shall be deemed admitted. Although the accused student or his/her representative will have the right to appear at any full hearing later convened by the Chair pursuant to Article 6 of this Code, neither the student nor his/her representative will be permitted to present evidence denying the factual allegations of the complaint. In the event that the accused student or his/her

representative neither timely responds to the complaint nor appears at any Article 6 hearing, the Committee shall thereupon proceed to enter its judgment of the accused student and assess punishment, if appropriate, as if the accused student were present.

#### **4.12**

In the event that the accused student informs the Chair in writing that he/she wishes to admit the allegations set forth in the complaint and waive any further proceedings under the Code, the Chair may, after consultation with the accused student and the Associate Dean for Academic Affairs, convene the Committee for the purpose of accepting the accused student's admission and determining appropriate discipline pursuant to Article 7 of this Code.

#### **4.13**

When the Committee is convened in the event that the student has not admitted the allegations at issue, its members shall elect a subcommittee consisting of one faculty member and one student member to conduct a preliminary investigation of the complaint (the "Subcommittee"). The Associate Dean for Academic Affairs shall not serve as a member of the Subcommittee.

#### **4.14**

When the Committee is convened, its members shall, by a simple majority of the voting members, choose a Secretary, who shall be responsible for: (a) making and keeping records of every meeting of the Committee; (b) recording the attendance of each Committee member; and (c) tracking the complaint until its final disposition. Upon the final disposition of the complaint, all records kept by the Secretary shall be delivered to the Chair, who shall be charged with maintaining and protecting the records and delivering them to the faculty member who is appointed Chair in the subsequent academic year.