

**PROCEDURES AND STANDARDS FOR
ACADEMIC CODE VIOLATIONS
ADOPTED BY THE FACULTY
MAY 20, 1992, REVISED OCTOBER 1, 1999**

I. Complaints Made to Associate Dean for Academic Affairs

Standard: Faculty members, proctors and other students should report to the Associate Dean for Academic Affairs any incident which creates a reasonable suspicion (a low threshold) that a violation of the Academic Code of Conduct has occurred.

Procedure: Faculty members may, if they feel it is appropriate to determine whether there is “reasonable suspicion”, undertake a limited investigation before reporting to the Associate Dean for Academic Affairs. This might include speaking to the student, comparing law review articles, or conferring with other faculty members. It is not the role of the individual faculty member, however, to do a thorough investigation or to form an ultimate opinion regarding a suspected violation before reporting to the Associate Dean for Academic Affairs.

II. Initial Inquiry By Associate Dean for Academic Affairs

Standard: The Associate Dean for Academic Affairs’ inquiry is limited to the question whether the facts as reported, and reasonable inferences from those facts, if true, would constitute a violation of the Academic Code. S/he does not make any determination of facts or credibility.

Procedure: The Associate Dean for Academic Affairs does not conduct a hearing. Depending on the circumstances, s/he may need to speak with the reporting faculty member, proctor or student, and the student accused. In cases where the complaint does not constitute a violation, the Associate Dean for Academic Affairs makes no referral to the Academic Standards Committee, informs the reporter and the accused of the action and seals any record of the report. (In this instance, “sealing” means that no records of the report or action taken would appear in the student’s file and no mention would be made in certifications to outside authorities, such as bar examiners. A record may still be kept, for internal purposes only, by the Associate Dean for Academic Affairs).

If the Associate Dean for Academic Affairs concludes that the complaint may constitute a violation of the Academic Code, it shall be referred to the Academic Standards Committee and the reporter and accused shall be informed. The written notice to the accused shall include a summary of the allegations, reference to the portions of the Academic Code

involved and information regarding the disciplinary procedures and his or her rights in the process.

The Associate Dean for Academic Affairs and Dean for Students shall be available to answer questions the accused may have regarding the process.

III. Academic Standards Committee

Standard: The Academic Standards Committee, or a sub-committee thereof, determines whether there is clear and convincing evidence that the accused has violated the Academic Code. This includes making determinations of fact and credibility and making necessary interpretations of the Academic Code. The Committee, or sub-committee shall determine what sanctions are appropriate, and then report the matter to the full faculty.

Procedure: The Academic Standards Committee, or a sub-committee of at least three members, would conduct a “due process” hearing. The Associate Dean for Academic Affairs would report to introduce the complaint and to summarize his/her initial inquiry, if any. The person making the complaint and any other witnesses should be present to testify. The accused student may present evidence, including documents and witnesses. The accused may be represented and may testify and present argument, orally or in writing. All witnesses should testify under oath and be available for questioning by the Committee members and the accused or his representative.

A majority vote of the Committee or sub-committee is required for a determination that the accused has violated the Academic Code. The standard of proof is “clear and convincing evidence”, which is between the civil (“preponderance of the evidence”) and the criminal (“beyond a reasonable doubt”) standards.

If a majority of the Committee or sub-committee finds that there is clear and convincing evidence that the accused violated the Academic Code, it shall report the matter to the full faculty. In addition, the Committee or a dean designated by the Committee shall investigate the student’s complete law school record. The Committee shall submit a written report to the faculty which includes: 1) specific factual findings, and interpretations of the Academic Code, which form the basis for the conclusion that the Code was violated; 2) its decisions regarding appropriate sanctions; and 3) a summary of the student’s record at the law school.

If the accused chooses not to contest the allegations made in the complaint, the Academic Standards Committee shall make a report to the faculty based on an agreed statement of facts.

IV. Full-Faculty Action

Standard: The full-faculty, having been fully informed, has a limited role. It does not review the findings of fact and credibility, but accepts the findings of the Committee. The

faculty can review the Committee's interpretation of the Code and may reverse on that basis, if appropriate. The primary role of the faculty is to approve or disapprove the appropriate sanction for the violation.

Procedures: The Committee report is distributed prior to the faculty meeting, along with any submission by the student. At the full faculty meeting, the Chair of the Academic Standards Committee would present the committee report and answer any questions from faculty members. The student, or his representative, would have the opportunity to: 1) argue that the facts as found do not constitute a violation of the Code (i.e., issues of interpreting the Code) and 2) present mitigating circumstances which the faculty may weigh in considering the appropriate sanction. The student may be questioned by the faculty regarding the violation and any other matters bearing on sanctions. The student and his representative may be excluded from deliberations after all questions and presentations are completed.

If the faculty reverses the decision of the Academic Standards Committee on the basis of an interpretation of the Code, the record of the complaint and all proceedings shall be sealed. If the decision is not reversed, the vote of the full-faculty regarding sanctions shall become a permanent part of the student's law school record and shall be disclosed to appropriate outside authorities, such as bar examiners.