



The University of Toledo - Main Campus Policy

IV-5 3360-30-05 The student conduct and discipline system.

Pursuant to section 3345.21 of the Revised Code, The University of Toledo has established standards of student conduct and procedures for their enforcement. The standards of conduct are published as “The Student Code of Conduct” and the commission of any acts enumerated in “The Student Code of Conduct” will be considered violations of accepted conduct. In the enforcement of the code, all students will have the right to receive notice of charges and the opportunity to be heard.

Delegation of authority. The president of the University or designee shall administer and implement this policy, including the promulgation of the standards of conduct, to be published and distributed as “The Student Code of Conduct,” with procedures and standards governing student conduct at The University of Toledo.

Application. This policy applies to all students, groups of students, and student organizations of the University.

Replaces:	3360-5-03
Effective:	January 24, 2006
Certification:	Sandra A. Drabik, Secretary, Board of Trustees
Date:	December 28, 1005
Promulgated under:	RC section 111.15
Statutory authority:	RC section 3360
Rule amplified	RC section 3360
Prior effective dates:	March 2, 1978

Related procedures:

The Conduct and Discipline System

Appendix A of “The Conduct and Discipline System: Code of Professional Student Conduct, College of Law

1. The Conduct and Discipline System

Preface

It is the responsibility of a University to be concerned with the overall development of its students. Intellectual development is assisted in the classroom by furnishing academic knowledge. It is the further responsibility of the University to be concerned with personal and social development so that it may assist students in becoming mature, responsible adults. Establishing standards of student conduct is one of the means through which this latter responsibility is fulfilled. The emphasis in the administration of student conduct is placed upon treating behavioral problems in a manner which relates to the educational purposes of the University.

In prescribing the student conduct system, the rights and responsibilities of the individual student(s), student groups or student organizations are considered concurrently with institutional and community rights and responsibilities. The University thus bases its conduct system on the Joint Statement on Rights and Freedoms of students, which is printed in the Student Handbook. Actions by individual students, groups of students or student organizations, which interfere with the orderly functions of the University, or actions, which endanger the health or safety of members of the University community, will not be tolerated.

Student Conduct Standards

Section 3345.21 of the Ohio Revised Code pertains to the authority of the University to maintain order on campus. In part it states:

The board of trustees of any college or university...shall regulate...the conduct of the students, staff, faculty, and visitors to the campus so that law and order are maintained and the college or university may pursue its educational objectives and programs in an orderly manner.

The board of trustees of each such college or university shall adopt regulations for the conduct of the students, faculty, visitors, and staff, and may provide for the ejection from college or university property, suspension or expulsion of a person who violates such regulations. All such rules shall be published in a manner reasonably designed to come to the attention of, and be available to, all faculty, staff, visitors, and students.

The board of trustees shall provide for the administration and enforcement of its rules...

Pursuant to this Ohio statute, The University of Toledo has established standards of student conduct and procedures for their enforcement. The standards of conduct are published, as The Student Code of Conduct and the commission of any of the acts enumerated in The Student Code of Conduct will be considered violations of accepted conduct. In the enforcement of the code, all students will have the right to receive notice of charges and the opportunity to be heard.

The University of Toledo Student Conduct System is the responsibility of the Division of Student Life through the Dean of Students Office. The Director of Student Judicial Affairs and Greek Life has specific responsibility for the operation and administration of the conduct system.

The Director of Student Judicial Affairs and Greek Life, in consultation with appropriate University officials and students will revise and update the policies and procedures for the Code of Conduct; conduct training sessions for hearing officers and bodies; and manage and maintain all records. Under the oversight of the Director of Student Judicial Affairs and Greek Life, members of the University residence hall staff have responsibilities in the conduct system.

Student Code Of Conduct

Article I: Definitions

- A. The term **“The University”** means The University of Toledo.
- B. The term **“student”** includes all persons taking courses at The University of Toledo, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but, who have previously enrolled and have a continuing relationship with The University of Toledo are considered “students”.
- C. The term **“The University of Toledo” Premises** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by The University of Toledo (including adjacent streets and sidewalks).
- D. The term **“student organization”** means any number of students who have complied with the formal requirements for University of Toledo recognition as a student organization.
- E. The term **“judicial body”** means any person or persons authorized by the University to determine whether a student has violated the Student Code and to recommend imposition of sanctions.
- F. **The Director of Student Judicial Affairs and Greek Life** is that person designated by The University of Toledo to be responsible for the administration of the Student Code of Conduct.
- G. The term **“Judicial Officer”** generally refers to the staff members in the Office of Student Judicial Affairs and Greek Life and members of the University community that the Director of Student Judicial Affairs and Greek Life has designated as a Judicial Officer, Assistant Judicial Officer, and members of the Residence Life staff when residence hall students are involved.
- H. The term **“policy”** is defined as the written regulations of The University of Toledo as found in, but not limited to, the conduct code, residence hall living guides and, appropriate sections of the University Policy Manual and University catalogues.

Article II: Judicial Authority

- A. The Director of Student Judicial Affairs and Greek Life **in consultation with appropriate University officials and students** shall develop policies and procedures for the administration of the judicial program and procedural rules, consistent with the Joint Statement on Rights and Freedoms. All policies and procedures shall be published in a manner reasonably designed to come to the attention of and be available to all students, faculty, staff and visitors.
- B. A judicial body may serve to mediate disputes within the student community in cases which do not involve a violation of the Student Code. All parties must agree to mediation and to be bound by the resolution with no right of appeal (see Article VI).
- C. The University of Toledo Student Code of Conduct and the Judicial System applies to individual students, student groups, and student organizations.
- D. The Student Code of Conduct identifies those behaviors considered unacceptable and not permitted for all students of The University of Toledo whether on or off campus. This includes, but is not limited to, behaviors which may occur on professional practice assignments, while attending activities as a representative of The University of Toledo, while representing the University in the community or at University sanctioned or sponsored events. It also includes off-campus violations that are determined to be injurious, threatening or disruptive to members of the University community or to the educational process of the University.

Article III: Judicial Bodies

Each person involved in the administration of conduct cases at The University of Toledo will set as a goal the fair, objective, educational, and humane approach to all discipline cases. Consistent treatment in disciplinary action is another goal. Each case, however, must be recognized as an individual matter. Those involved in administering the judicial system should further be aware that their efforts are primarily directed toward:

- Addressing student behavior which may violate the Code of Conduct
- Protecting the integrity and order of the institution.
- Preserving the health and safety of the University community.
- Educating students involved with the conduct process so they may learn self-discipline and accept the responsibilities of membership in the University community.
- Helping students gain insight into the reasons and consequences of behavior so they may cope with difficult situations more successfully.
- Identifying and acting upon factors, environmentally and/or personally which may significantly contribute to unacceptable behavior.

The following officers and boards shall review and process issues of student conduct and if appropriate, adjudicate violations of the Student Code of Conduct.

A. Judicial Officer

The University Judicial Officer is the Director of Student Judicial Affairs and Greek Life or his/her designee and must be a member of the Division of Student Life administrative staff. Reference to this official in this document includes the designation of Assistant Judicial Officers, and members of the Residence Life staff to carry out these responsibilities in cases involving Residence Hall students as defined by the Director of Student Judicial Affairs and Greek Life.

A Judicial Officer may hold an administrative hearing with a student(s) involved in an alleged violation of the Code of Conduct and render a decision on the case if the charged student(s) waive the right to a University Student Judicial Board hearing. Judicial officers may assign sanctions up to and including probation. Cases which may result in sanctions which separate a student from the University will be adjudicated by the Director of Student Judicial Affairs and Greek Life or his/her designee.

B. University Student Judicial Board

The University Student Judicial Board is the Board of original jurisdiction over alleged violations of the Student Code of Conduct if a) The accused student requests that his/her case be heard by the University Student Judicial Board or b) the Director of Student Judicial Affairs and Greek Life or his/her designee refers a case to the University Student Judicial Board for adjudication.

The University Student Judicial Board is composed of students selected and trained by the Office of Student Judicial Affairs and Greek Life, in consultation with the Student Senate and the Vice President for Student Life. Students on the University Student Judicial Board must have completed their first year in school and be in good standing with The University of Toledo. A minimum of five students must be present to conduct a hearing; however, the Board may include up to seven members. Students on the University Student Judicial Board are appointed to one-year terms.

The University Student Judicial Board may assign any sanction(s) provided in this policy.

C. University Discipline Appeals Board

The University Discipline Appeals Board (UDAB) considers appeals by students from findings of administrative hearings and the findings of the University Student Judicial Board. The UDAB serves as the judicial body of original jurisdiction for cases involving Summary Suspension and those initiated by The University of Toledo community. Appeals for cases of which UDAB is the Board of original jurisdiction are directed to The Vice President for Student Life.

The University Discipline Appeals Board is composed of six individuals, three students, selected by the Office of Student Judicial Affairs and Greek Life through consultation with the Student Senate and the Vice President for Student Life, and two faculty or staff members, none of whom has served on a judicial board related to the pending case. The non-voting chair of the University Discipline Appeals Board will be the Dean of Students or his/her designee. The faculty members of the University Discipline Appeals Board are appointed by the Vice President for Students Life. Members of the University Discipline Appeals Board will serve two-year

terms. Members may be appointed to consecutive terms at the discretion of the Vice President for Student Life. Vacancies on the Board may be filled at any time.

The University Discipline Appeals Board may assign any sanction(s) provided in this policy when serving as the board of original jurisdiction.

The parameters of the decision making authority of the University Discipline Appeals Board while serving as the appeals body is set forth in Article V, Section D, Number 7 of the Student Code of Conduct.

Article IV: Proscribed Conduct

A. Jurisdiction of The University of Toledo

The University has jurisdiction over any individual student, group of students or student organization alleged to have violated the Student Code of Conduct on the University of Toledo premises. Off-campus violations can also subject a student to the jurisdiction of the University Judicial System when the University determines the violation is threatening or disruptive to the members of the University community or to the educational process of the University or as described in Article II, Section D. listed above.

B. Conduct Rules and Regulations

Students charged with offenses will have their cases processed through an administrative hearing either in the residence halls (if the conduct occurred there) or through the Office of Student Judicial Affairs and Greek Life, if they waive their right to a University Student Judicial Board Hearing. If the sanction for the charged offense may result in the student being separated from the University of Toledo, their case will be handled by the Director of Student Judicial Affairs and Greek Life or his/her designee.

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article V.

1. Violation of written University policy or regulations contained in any official publication or administrative announcement of The University of Toledo (Student Handbook, Residence Living Guide, McComas Village Living Guide, University Policy Manual, etc.).
2. Student(s) charged with violations of local, state or federal law on University property, or off-campus when such violation of the law is a threat to the safety or security of other University community members.
3. Disruption of operations of the University Community. Disruption is an action or combination of actions by an individual or a group, which unreasonably interferes with, hinders, obstructs, or prevents the right of others to freely participate in its programs, services, or academic settings. This may include, but is not limited to a disruption by the use of pagers, cell phones and/or any other communication devices.

4. Furnishing false information to a University official.
5. Forgery, alteration, destruction, or misuse of University documents, records, identification cards, or papers.
6. Failure to comply with directives of, or to present identification to, University officials acting in the performance of their duties.
7. Unauthorized entry into or use of University facilities.
8. Use, possession, distribution, or being under the influence of alcoholic beverages, except as permitted by law and University policy.
9. Use, possession of drug paraphernalia; and or use possession, distribution, or being under the influence of narcotics or dangerous drugs, except as permitted by law and University policy.
10. Theft of, or damage to property of the University or to property of any of its members or visitors; or possession of property stolen from the University or any of its members or visitors.
11. Unintentional infliction or threat of physical harm.
12. Gambling for money or other things of value.
13. Unauthorized use, possession or storage of firearms, ammunition, weapons or realistic replicas of weapons while a University of Toledo student. Firearms are defined as any weapon that fires projectiles. Weapons include any object or substance designed or used to inflict a wound, cause injury, or incapacitate.
14. Intentional inflictions or threat of physical harm to any person.
15. Discriminatory harassment, verbal, physical or otherwise, based on sex, race, color, national origin, religion, disability or handicap, age, veteran status or sexual orientation, that has the purpose or effect of interfering with a persons work or educational performance; creates an intimidating, hostile or offensive working, learning or living environment; or interferes with a persons ability to participate in or benefit from a class, an educational program or activity; or will cause physical or mental injury.
16. Hazing or the commission of any act that causes or creates a substantial risk of causing physical or mental harm to another.
17. Disorderly conduct or lewd, indecent, or obscene conduct.
18. All forms of sexual assault including stranger rape, acquaintance rape, and sexual imposition. (Note: See Article V A9-Victim Rights.)

19. Disorderly or disruptive classroom conduct.

20. Aid to others in committing or inciting others to commit any act mentioned above. Any other acts which adversely affect University functions or University-sponsored activities, disrupt community living on campus or in University-arranged housing, interfere with the rights of others to the pursuit of their education, or otherwise affect adversely the processes of the University.

21. Unauthorized use or misuse of any computer, computer system, service, program, data, network, cable television network, or communication network.

C. Violation of Law and University of Toledo Code of Conduct

The Student Code of Conduct and other aspects of the conduct system do not replace or reduce the requirements of civil or criminal laws. The campus is not a sanctuary from the general law and members of the University community also have responsibilities as citizens. University students who violate civil or criminal law off campus may be subject to University disciplinary procedures if the behavior is a threat to the security of persons or operations of the University. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following, civil or criminal proceedings off campus at the discretion of the University.

Substitute House Bill 95 of the 125th General Assembly, which is codified in Section 3333.38 of the Ohio Revised Code, focuses on the riotous behavior of students on and around university campuses. The new law has two separate penalty provisions—denial of financial aid and expulsion. Regarding financial aid, R.C. 3333.38 (B) generally provides that an individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for violating R.C. 2917.02 (aggravated riot), R.C. 2917.03 (riot), R.C. 2917.04 (failure to disperse), or R.C. 2917.13 (misconduct at an emergency), shall be ineligible to receive any student financial assistance supported by state funds for two calendar years from the time the individual applies for financial assistance.

With respect to expulsion, a student shall immediately be dismissed from the University if he or she is convicted of, pleads guilty to, or is adjudicated a delinquent child for violating R.C. 2907.02 (aggravated riot) or R.C. 2917.03 (riot). Moreover, no Ohio public university or college shall admit an individual who has been convicted for either R.C. 2907.02 or .03 for one academic year after the individual applies for admission.

Action taken as a result of R.C. 3333.38 does not limit or affect The University of Toledo's ability to otherwise discipline students under the Student Code of Conduct.

D. Student Organizations

The Student Code of Conduct and all policies and processes related to the Code apply equally to students and student organizations. In the administration of a case involving a student organization, the Director of Student Judicial Affairs and Greek Life may consult with the organization's officers, advisor, the Dean of Students and other University and organization

officials. Student organizations are subject to the full range of University sanctions for violations of the Student Code of Conduct.

Article V: Judicial Policies

A. Charges and Hearings

1. Any member of The University of Toledo community may file a complaint against any student for misconduct that violates the University's Student Code of Conduct. Complaints must be prepared in writing and directed to the Director of Student Judicial Affairs and Greek Life or to a Residence Hall Director. A complaint should be submitted as soon as possible after the event takes place, preferably within thirty (30) days.
2. *Upon receipt of a complaint, the Judicial Officer will review the report to determine if a violation has occurred. If, based on the review, there is not sufficient evidence to substantiate the complaint, the complaint will be dismissed. The Judicial Officer can also decide that the best manner to handle the complaint is mediation. All cases handled through mediation will be directed to the Director of Student Judicial Affairs and Greek Life for assignment to the appropriate Judicial Officer.*
3. *In cases where the complaint suggests that a violation of the Code of Conduct may have occurred, the Judicial Officer will schedule a meeting with the student or student organization's president to investigate the complaint and/or incident. Upon discussing the situation with those involved and reviewing all information, the Judicial Officer will either provide the student with a notice of the alleged violation or dismiss the case. In cases where it is determined that a violation may have occurred, the student or student organization will be informed of such and presented with a written notice of charges. At this time, the student or student organization will then be given the option to have the judicial hearing at that time with the Judicial Officer, schedule a judicial hearing at a later time with the Judicial Officer, or have their hearing held before the Student Judicial Board, which will be scheduled at a later time.*
4. *If the student, during the investigation or judicial meeting, admits responsibility for the alleged violation(s), the Judicial Officer will then determine the appropriate sanction. If the student believes the sanction issued by the Judicial Officer or Board is not justified by the nature of the offense, the student may then file an appeal as described in Article V, Section D of the Student Code of Conduct.*
5. *In the event that the student denies that a violation took place, the Judicial Officer, based on the preponderance of the evidence, will charge the student and the student will be presented with the option of having their judicial hearing with either the Judicial Officer or a Student Judicial Board.*
6. The accused has a right to be presented with the charges in written form. The student may choose not to contest the charges, waive rights to a hearing, and request that the Director of Student Judicial Affairs and Greek Life or his/her designee issue a determination with

appropriate sanction(s). Whether to resolve a case in this fashion or require a hearing is the decision of the Director of Student Judicial Affairs and Greek Life or his/her designee. If an accused student waives their rights to a hearing in front of the University Student Judicial Board, then they may also waive their right to appeal the decision made by the Judicial Officer.

7. If a hearing is requested, a time will be set for a hearing not less than five nor more than fifteen calendar days after the student has been notified of charges. Maximum time limits for scheduling of hearings may be extended at the discretion of the Director of Student Judicial Affairs and Greek Life.
8. Hearings will be conducted by the University Student Judicial Board in a manner that will not be restricted unduly by rules of evidence and procedure. The following guidelines will apply:
 - a. Hearings normally will be conducted in private. At the request of the accused student, and subject to the discretion of the chairperson of the judicial body, the hearing may be open.
 - b. Admission of any person to the hearing will be at the discretion of the chairperson.
 - c. In hearings involving more than one accused student, the Director of Student Judicial Affairs and Greek Life or his/her designee, at his/her discretion, will determine if hearings concerning each student will be conducted jointly or separately.
 - d. The accused student has the right to be assisted by an advisor of his/her choice who must be a member of the University community (faculty, staff, or student). The advisor may assist the accused student in presenting a case; however, in the hearing, the accused student must speak for him/herself and the advisor may only address the Board in the limited manner that the process allows. Attorneys may not serve as advisors, but may be present to consult with the accused student(s). In this capacity, they may not question witnesses, introduce evidence or argue on behalf of the accused.
 - e. On behalf of the University, the Director of Student Judicial Affairs and Greek Life or his/her designee may present the facts and circumstances of a case before the University Student Judicial Board.
 - f. The complainant, the accused student(s) and the judicial body have the privilege of presenting witnesses, subject to the right of questioning by all parties.
 - g. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the University Student Judicial Board at the discretion of the chairperson.

- h. All procedural questions are subject to the final decision of the chairperson of the empanelled University Student Judicial Board.
 - i. After the hearing, the University Student Judicial Board will determine (by majority vote) whether the student has violated each section of the Student Code of Conduct, which the student is charged. The University Student Judicial Board's determination shall be made on the basis of whether it is more likely than not that the accused student(s) violated the Student Code of Conduct.
 - j. If the University Student Judicial Board determines by majority vote that a student has violated the Student Code of Conduct, the University Student Judicial Board must determine the appropriate sanction. In doing so, the University Student Judicial Board may consider the past record of the student(s) and may seek a recommendation from the Director of Student Judicial Affairs and Greek Life or his/her designee.
7. There will be a single verbatim record, such as a tape recording, of the entire hearing except for the deliberations before the University Student Judicial Board. The record shall be the property of The University of Toledo, the release of which will be subject to Family Educational Rights and Privacy Act.
8. A student may not be found to have violated the Student Code of Conduct solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the charges shall be presented and considered.
9. Victim Rights — A student who files a disciplinary complaint which results in the Director of Student Judicial Affairs and Greek Life or his/her designee bringing University charges of a Code violation 18 — All forms of sexual assault...has the following rights within the University conduct system:
 - a. The right to be kept informed of the status of proceedings throughout the process.
 - b. The right, in all disciplinary hearings and proceedings, to have the presence of an advocate, support person, counselor, or advisor as long as this person is a member of the University community (faculty, staff, or student). This person may consult with the student but not participate directly in the hearing.
 - c. The right to remain present throughout the disciplinary hearing, excluding Board deliberations.
 - d. The right to submit, orally or in writing, a victim impact statement to any disciplinary Board and/or official.
 - e. The right to have past unrelated behavior excluded from any hearing except during the sanctioning phase of the hearing.
 - f. The right to be informed in writing of the outcome of the disciplinary hearing.

B. Sanctions

The following sanctions may be imposed upon any student or student group/organization found in violation of the Student Code of Conduct. More than one of the sanctions listed below may be imposed for any single violation. Disciplinary sanctions are not to be made part of the student's permanent academic record, but do become part of the student's conduct record. A student's discipline record will be maintained by the Office of Student Judicial Affairs and Greek Life in compliance with The University of Toledo's Records and Retention Policy.

In each case in which it is determined that a violation of the Student Code of Conduct has occurred, the following sanction(s) shall be determined by the Director of Student Judicial Affairs and Greek Life, his/her designee and/or the Judicial Bodies and imposed in writing.

1. Disciplinary Warning

Disciplinary warning is a notice to a student that his/her conduct has been questionable and that further breaches of conduct will be treated more severely. The warning *may be verbal or written and* is recorded in the discipline records of the Office of Student Judicial Affairs and Greek Life. Conditional Warning is a disciplinary warning with the condition, specified by the judicial body, of participation in or attendance at some program or activity (e.g. drug or alcohol education).

2. Conditional Warning

Conditional warning is a disciplinary warning with the condition, specified by the judicial body, of participation in or attendance at an education program or activity, including, but not limited to, an educational seminar, a treatment program for alcohol or drug abuse, psychological counseling, or other program/task designed to assist the student in learning more about how their behavior impacted themselves and/or the community.

3. Parental Notification

The University shall notify the parents or guardians of students under the age of 21 (*at the time the letter will be sent*) when the student has committed a violation of law or University policy pertaining to drugs or alcohol.

4. Alcohol Violations Sanctioning Guidelines

Presence of Alcohol	Written warning, Judicial Educator	
	Harm to Self, Others or Property	No Harm to Self, Others, or Property
First Offense	Written warning, Substance Abuse Assessment (SASSI), AlcoholEdu, fees, probationary period, and parental notification	Written warning, Substance Abuse Assessment (SASSI), AlcoholEdu, fees, and parental notification.
Second Offense	Written warning, Advanced	Written warning, Advanced

Third Offense

Alcohol, disciplinary probation for no less than two semesters, fees, parental notification, and possible removal from housing.

Written warning, suspension from school for no less than two academic semesters, fees, parental notification, and permanent loss of privilege to reside in or visit University-arranged housing. Further violations may result in disciplinary dismissal or disciplinary expulsion.

Alcohol, disciplinary probation for no less than two semesters, fees, and parental notification.

Completion of outpatient substance abuse program, possible removal from University-arranged housing, disciplinary probation for no less than two semesters, fees, and parental notification. Further violations may result in disciplinary suspension or disciplinary dismissal.

5. Drug Violations Sanctioning Guidelines

Smell or suspicion of marijuana Written warning, \$50 fine, Judicial Educator, residential probation

First Offense Written warning, Substance Abuse Assessment (SASSI), fees, parental notification, loss of privilege to reside in or visit University-arranged housing, Marijuana 101, disciplinary probation for two semesters.

Second Offense One-year disciplinary suspension.

6. Restitution

Restitution requires a student to pay for damages to property of members or of visitors to the University, or for misappropriation of University funds, or for other expenses incurred as a result of violations of conduct standards. Such reimbursement shall be charged to any student who alone, or through group activities, organizes or knowingly participates in the events causing the damages or costs. Restitution may be imposed separately or in addition to any other sanction(s).

7. Fine/Administrative Fee

A fine requires a student to pay a sum of money (not to exceed \$100). *An administrative fee is assessed to assist with costs associated with an education workshop or program.* The amount shall be determined by the Director of Student Judicial Affairs and Greek Life or his/her designee. Fines may be imposed separately or in addition to any other sanction(s). *Students who request hearings in front of the Student Judicial Board may receive a fee to cover the administrative costs for the hearing, i.e. copies, supplies, materials for the hearing.* The fines or fees listed below will automatically be assessed. Certain Residence Life policies include specific fines if a student(s) is found to have violated the policy. These fines are clearly stated in the Residence Living Guide.

<i>Amount</i>	<i>Reason</i>
\$25	<i>Fine due to failure to attend a meeting/conduct conference or complete a sanction by the required date.</i>
\$25	<i>Fee to cover costs associated with an educational workshop (Anger Management, Ethics Workshop, etc.)</i>
\$25	<i>Administration Fee</i>
\$25	<i>AlcoholEdu</i>
\$25	<i>Substance Abuse Subtle Screening Inventory (SASSI evaluation)</i>
\$50	<i>Fee for Alcohol Edu and SASSI evaluation</i>
\$50	<i>Marijuana 101</i>
\$80	<i>Advanced Alcohol Education class</i>

8. Disciplinary Probation

Disciplinary probation is a trial period during which a student must behave in a manner acceptable to the University. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate University offices. Conditions of probation may be set forth which restrict the student's participation in extracurricular activities and campus employment, which require a student to perform University or community service, or which require other specified activities. Disciplinary probation

status may affect qualifications of some awards, prizes, or financial aid, particularly those stipulating conduct acceptable to the University.

Violation of the terms of probation or of a further incident of misconduct while on probation may result in separation from the University for not less than one full academic semester.

The Director of Student Judicial Affairs and Greek Life or his/her designee serves as the liaison with students who have been placed on probation.

9. Loss of Privilege

Loss of privilege is the withdrawal of a privilege or use of a service for a specific period of time consistent with the offense committed and the education of the student. Loss of privilege may be imposed separately or in addition to any other sanction(s).

10. Termination of Recognition

An order terminating University recognition of a registered student organization for a specific or indefinite period of time

11. Disciplinary Suspension

Disciplinary suspension is an action which excludes the student from registration, class attendance, residence in University-arranged housing, and use of University facilities for no more than two consecutive semesters. The privilege of the use of University facilities is withdrawn by this action unless specific permission is obtained from the Director of Student Judicial Affairs and Greek Life. In unusual circumstances (when the presence of the student on campus is deemed to be acceptable) a University suspension action decided after the eighth week of the semester may be deferred until the end of the semester by the Director of Student Judicial Affairs and Greek Life. Upon termination of the period of suspension the student will be considered for registration in compliance with admission standards then in effect. Violation of misconduct after the student is readmitted will result in an additional suspension period or dismissal or expulsion. Failure to observe the terms and conditions of suspension may cause the extension of the suspension period or further disciplinary action upon readmission.

Deferred Suspension may be assigned in certain circumstances. This sanction is a suspension which is held in abeyance pending specified behavioral performance.

12. Disciplinary Dismissal

Disciplinary dismissal is the withdrawal of the privilege of registration, class attendance, and residence in University-arranged housing with no promise, implied or otherwise, that the student may return at any future time. The privilege of the use of University facilities is withdrawn by this action.

A student on disciplinary dismissal may be readmitted only by action of the President of the University. A student who has been dismissed is not eligible for readmission sooner than one calendar year from the academic semester that the dismissal is applied. If the student is readmitted, a further violation of misconduct shall result in expulsion.

13. Disciplinary Expulsion

Disciplinary expulsion is the permanent loss of the privilege of registration, class attendance, or in University-arranged housing. The privilege of the use of University facilities is also withdrawn by this action.

14. Liaison/Registration Holds

The Director of Student Judicial Affairs and Greek Life or his/her designee is the liaison with students who have been separated from the University and is responsible for informing the student of the procedure for reinstatement. The Director of Student Judicial Affairs and Greek Life has the authority to place holds from further registration by students with appropriate legal and procedural safeguards.

15. Residential Summary Suspension/Move to Temporary Housing

In certain circumstances, the Director of Residence Life or their designee in consultation with the Director of Student Judicial Affairs and Greek Life or their designee, has the authority to summarily suspend a student from all residential communities or move the student to temporary housing pending a hearing. A student may be summarily suspended

from all residential communities or moved to temporary housing to ensure the safety and well-being of members and/or property of The University of Toledo, ensure the student's own physical or emotional safety and well-being, or protect the community if the student poses a definite threat to the normal operations of the University or the residential facilities on campus.

Any student found in violation of Section 13 of the Student Code of Conduct, having a weapon on campus or in our residence halls, will automatically lose their privilege to reside in on-campus housing permanently and may be either suspended, dismissed or expelled from The University of Toledo.

C. Summary Suspension

In the case of special circumstances described in this section, a student or group of students may be summarily suspended pending a hearing before the University Discipline Appeals Board.

This authority will be exercised only in those situations in which there is reasonable cause to believe that a student's behavior is of such a nature as to pose an immediate and clear threat of harm to persons and/or damage to property or reasonable cause to believe that a significant obstruction to the operation of the University exists if the student remains on campus. Such acts of misconduct include, but are not limited to, any act of violence that causes physical harm to another, assault with any type of weapon or instrument whether or not physical harm results, gross sexual misconduct, rape, armed robbery, arson, or any other acts which endanger persons or property or any acts which cause a significant obstruction or disruption of normal University operations.

To invoke summary suspension the Director of Student Judicial Affairs and Greek Life receives the incident/police report. The Director of Student Judicial Affairs and Greek Life will consult with the Chief of Campus Police and other parties relevant to the investigation. Upon completion of the investigation, the Director of Student Judicial Affairs and Greek Life will make a recommendation to the Vice President for Student Life or his/her designee under whose authority a decision to invoke summary suspension will be made.

If the decision is to invoke summary suspension, it is effective immediately and the student involved will be notified as expeditiously as possible.

Summary suspension requires that the student(s) remove himself/herself (themselves) from the University premises until such time as a hearing before the University Discipline Appeals Board is conducted. Failure to comply with the terms of the summary suspension may result in additional University action. The hearing will be held within a reasonable amount of time and conducted in compliance with the hearing procedures outlined in Section V A6-9. Should the hearing result in a finding that the student(s) did not commit the act(s) for which he/she was suspended, the suspension will be revoked and the student(s) reinstated without additional penalty. A finding of "responsibility" will result in such disciplinary action as may be appropriate.

D. Appeals

1. A student may file an appeal to a university discipline appeals board from the findings of the University Student Judicial Board or from a decision of the Director of Student Judicial Affairs and Greek Life or his/her designee.
2. A student may request an appeal on one or more of the following grounds:
 - a. The student has been deprived of rights as defined herein.
 - b. The facts appear to be insufficient to establish guilt using the more likely than not standard.
 - c. The sanction(s) imposed by the judicial body of original jurisdiction was not justified by the nature of the offense.
 - d. There is new evidence that was not known or unavailable at the time of the hearing.
3. In all cases unless waived, a detailed, written appeal must be submitted within 72 hours after notification of the sanction. The appeal must be in writing and submitted to the Director of Student Judicial Affairs and Greek Life. The Director of Student Judicial Affairs and Greek Life is responsible for forwarding the written appeal to the appropriate board or University official.
4. The appropriate board or University official will review the written appeal and other written submissions as requested. The purpose of this review is to assess whether or not a hearing is necessary.
5. When the appropriate Board hears an appeal, both the student and the Director of Student Judicial Affairs and Greek Life or his/her designee will be given the opportunity to present their respective positions. The Board will, within 24 hours of the close of the hearing, render a decision and inform the Director of Student Judicial Affairs and Greek Life or his/her designee, who will notify the student of the Board's decision.
6. An appeal is limited to review of the initial hearing and supporting documents for one or more of the following purposes:
 - a. 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 complaining party a reasonable opportunity to prepare and present.
 - b. To determine whether the complaining party had a reasonable opportunity to prepare and present evidence of a violation of the Student Code of Conduct and/or whether the accused student had a reasonable opportunity to respond to the allegations.

- c. To determine whether the decision reached regarding the accused student was based on the weight of the evidence, that is, whether the facts in the case demonstrated that it was more likely than not that a violation of the Student Code of Conduct occurred.
 - d. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct which the student was found to have committed.
 - e. 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. In this circumstance, the Board may set the original decision aside and reassign the case to the judicial body of original jurisdiction or conduct a new hearing.
7. The University Discipline Appeals Board may affirm, reduce, or reverse a decision of the judicial body of original jurisdiction. For any other action, the Board must remand the case to the judicial body of original jurisdiction.
 8. The decision of the University Discipline Appeals Board is final.
 9. In cases of Summary Suspension or when faculty initiate the disciplinary action, the University Discipline Appeals Board serves as the judicial body of original jurisdiction, appeals will be made to the Vice President for Student Life. An appeal to the Vice President for Student Life shall be governed in accordance with Article V, Section D.
 10. **The decision of the Vice President for Student Life is final.**

E. Cancellation of University Housing Contracts

The University of Toledo Office of Residence Life may at anytime cancel a student(s) housing contract for violations of the terms defined within the contract. This action is separate from the Student Judicial Process. However, during a judicial hearing, the student may receive the sanction of "Loss of Privilege" which could require the loss of the privilege to reside in University-arranged housing.

Article VI: Mediation Service

The Director of Student Judicial Affairs and Greek Life or his/her designee may serve to mediate disputes in the student community — student organizations, individual students, etc. All parties involved in a dispute must agree to mediation by the Director of Student Judicial Affairs and Greek Life or his/her designee. This agreement obligates the parties to meet together with the Director of Student Judicial Affairs and Greek Life or his/her designee on at least one occasion to attempt resolution. The Director of Student Judicial Affairs and Greek Life or his/her designee will enforce any resolution reached by the parties.

Article VII: Interpretation and Revision

- A. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Director of Student Judicial Affairs and Greek Life.
- B. The Student Code shall be reviewed yearly under the direction of the Office of Student Judicial Affairs and Greek Life.
- C. Recommendations for change will be submitted in writing to the Vice President for Student Life for final review.

Article VIII: Academic Dishonesty

A. Undergraduate Students

Academic dishonesty, including, but not limited to, cheating and plagiarism is a violation of acceptable standards of behavior and a violation of the Student Code of Conduct. Cases of alleged academic dishonesty shall be resolved at the departmental, college, or graduate level in accordance with procedures printed in the University catalogue or printed in departmental, college, or graduate school publications. The accused student has the right to request that the case be reviewed by the Student Grievance Council (See Student Handbook Academic Grievances Section). College of Law cases are dealt with under the College of Law Honor Code.

B. Graduate Students – Academic Dishonesty Appeal Procedures

In cases that involve academic dishonesty, including, but not limited to, cheating and plagiarism, the student may appeal the violation and/or sanction imposed by the professor by filing a written statement of the specific grounds for appeal with the Associate Dean of the Graduate School, with copies to the Dean of the College, the Chair of the Department in which the alleged violation occurred and the professor who found the violation. The Associate Dean of the Graduate School shall call the Committee on Academic Standing into session to hear the appeal no later than thirty (30) days after receipt of the written appeal. A quorum of one-half of the members of the Committee must be present to hear the appeal. Any member of the Committee must be present to hear the appeal. Any member of the Committee who has first-hand knowledge of the alleged violation will be excused from the hearing panel.

The student shall be given a minimum of seven (7) days written notice of the date, time and place of hearing. He or she is entitled to have counsel present for advisory purposes only; the appeal will be presented by the student, who shall have the burden of establishing that the charge of dishonesty is without factual basis. He or she may call witnesses on their behalf and may question witnesses of the University. Likewise, the faculty member who is presenting the Charge may question witnesses testifying on the student's behalf. The Committee may question any witness and request relevant documentation which is not otherwise provided.

At the conclusion of the hearing or within fourteen (14) days thereafter, the Committee shall issue its decision and state the grounds therefore. Both the student and faculty member shall receive a copy of the decision, and a copy should be lodged with the Associate Dean of the Graduate School.

If either the student or faculty member believes the decision was a result of procedural error, he or she may appeal, in writing to the Vice President for Graduate Studies, Research and Economic Development within ten (10) days of receiving the Committee's decision. If no appeal is taken, the Committee's decision is final and will be implemented by the Dean of the Graduate School.

If an appeal is timely presented to the Dean of the Graduate School, he or she shall review all documentation and proceedings from the prior hearing solely for procedural error and either affirm or reverse the Committee's decision or remand the decision to the Committee for the purpose of obtaining further relevant evidence. The Vice President's decision, which shall be issued within fourteen (14) days of receipt of the decision from the Committee on Academic Standing and his/her decision, shall be final.

In cases where the charge is misconduct in research the University policy and procedure for scientific misconduct shall apply.

C. Law School – Code of Student Professional Conduct

The College of Law Code of Student Professional Conduct applies to all disciplinary proceedings involving students enrolled in the College of Law (see Appendix A).

APPENDIX A (The Conduct and Discipline System)
Code of Professional Student Conduct
College of Law
The University of Toledo

Purpose. The principal purpose of this Code is to establish certain rules of professional conduct applicable variously to students, former students, and graduates of The University of Toledo College of Law, and to establish procedures for the enforcement of such rules. A secondary purpose is to provide guidance to law students as to the high standards of conduct which they are expected to observe.

Part I. Code of Student Professional Conduct

A. Applicability - Part I, the Code of Student Professional Conduct, applies to the conduct of students while enrolled in the College of Law and to College-related activities of students who have previously been enrolled in the College of Law and who are eligible to re-enroll without the special permission of the college.

B. Rules of Student Professional Conduct - The following are the Rules of Student Professional Conduct. The College may impose sanctions for the violation of any Rule.

1. Academic Rules

a) Examinations

(1) A student shall follow all instructions and procedures concerning the administration of examinations, whether established by the College of Law generally or by professors or other authorized persons for individual examinations. In addition:

(a) A student shall not begin an examination before the stipulated time or continue working on an examination after the announced conclusion of an examination period.

(b) At the conclusion of an examination, a student shall submit a set of questions, answers, or such other materials as may be required.

(2) Except insofar as may be specifically authorized by the College, professor, or person administering the examination, a student shall not at any time receive or obtain any information concerning the content of the examination, and shall not, during the course of an examination, receive or obtain any form of aid or refer to any materials other than the examination materials.

- (3) If a student learns of information other than that released or authorized by the professor which concerns an examination which he or she is scheduled to take, the student shall notify the professor, or, if the professor is unavailable, the Associate Dean for Academic Affairs. The student shall not take the scheduled examination unless specifically authorized by the professor or the Associate Dean for Academic Affairs.
- (4) Except insofar as may be specifically authorized by the College, professor, or person administering the examination, a student shall not at any time give or communicate any aid to a person taking an examination, and shall not, during the examination, display any materials inside or outside of the examination.
- (5) A student who is taking or has taken an examination shall not discuss any part of that examination with a person whom the student has reason to believe is taking or will take an examination in that course, or with any other person under circumstances in which the student shall reasonably know that the discussion is likely to endanger the security of the examination question.
- (6) Once an examination begins, a student shall not communicate in any manner with any unauthorized person, except insofar as may be reasonably required by a personal emergency.
- (7) A student shall not take an examination for another, or permit another to take an examination in his or her place.
- (8) A student shall not invade the security maintained for the preparation and storage of an examination.
 - a) **Papers and other Work for Academic Credit** - A student shall follow the instructions given by the professor or other authorized persons concerning papers or other work for academic credit and shall not consult with persons or receive aid in any form contrary to specific instructions.
 - b) **Plagiarism** - A student shall not represent the work of another as his or her own, or use a passage or idea from the written work of another without proper quotation marks, citation, or other explanatory insert.
 - c) **Interference with Academic Materials** - A student shall not take, convert, conceal, misfile, deface, damage, or destroy any property related to academic assignments, research, or examinations.

2. Non-Academic Rules

- a) A student shall obey all written University policies or regulations contained in any official publication or administrative announcement of The University of Toledo applicable to students generally or to students in the College of Law in particular.
- b) A student in the College of Law shall not intentionally make a material misrepresentation concerning any aspect of the student of the student's academic or non-academic University-related performance or activities while a student in the College of Law.
- c) A student shall provide whatever information is requested by the Dean, Disciplinary Committee Hearing Panel Chairman, or Disciplinary Committee Hearing Panel relevant to a charge that this Code has been violated, and shall appear when summoned to Disciplinary Committee Hearing Panel proceedings, except that an accused student is not required to provide information relevant to the accusation against him or her, or to appear at any formal hearing on the charge.
- d) Except as otherwise specifically authorized by this Code, the Dean, or the Disciplinary Committee Hearing Panel, no student shall disclose information concerning any alleged violation of this Code, or concerning any inquiry into any alleged violation, to any person not authorized to receive such information. Unauthorized disclosure of such information is a violation of this Code.
- e) A student shall comply with any sanction imposed by the Dean under this Code.

3. General Provisions

- a) **Attempt or Conspiracy** - An attempt or a conspiracy to commit an act which would violate this Code is a violation of this Code.
- b) **Inadvertence** - That an act otherwise a violation of this Code was committed by the student inadvertently is an affirmative defense. The student shall have the burden of proving the affirmative defense of inadvertence by a preponderance of the evidence.
- c) **Extenuating Circumstances** - Extenuating circumstances, such as pressure from school, employment, or family, shall not be a defense to a violation of this Code, but may be relevant to sanction.

C. Sanctions

1. **General** - A student who has been found guilty of violating this Code will be subject to such sanctions as may be imposed by the Dean of the College of Law.
2. **Types of Sanctions** - The Dean of the College of Law may impose whatever sanctions he or she deems appropriate under the circumstances. Sanctions may include:
 - a) Permanent expulsion from the College of Law;
 - b) Suspension from the College of Law for a specified time, or until the Dean revokes the suspension;
 - c) Loss of credit (i.e., the grade of "F") for any course to which the violation was directly related;
 - d) Restitution to the University, organization, or person of the property, or the monetary value of the property, taken, misappropriated, damaged, destroyed, or otherwise interfered with;
 - e) Official public reprimand naming the student, or official anonymous public reprimand, to be prepared by the Dean and posted conspicuously in the College of Law for a period to be determined by the Dean;
 - f) Probation for a specified time, which shall include removal from, and denial of eligibility for all offices or positions in the Student Bar Association, University student government, student law fraternities or sororities, Law Review, Moot Court, or similar College of Law and student organizations or activities, and which may include any other conditions imposed by the Dean;
 - g) Loss of College of Law or University services or privileges, such as the use of the Placement Office or College or University computer facilities, for a specified period of time, so far as consistent with the nature of the violation;
 - h) Recommendation to the President and, with his or her approval, to the Board of Trustees, that a granted degree be withdrawn, in the event that a final determination that this Code was violated is not made by the Dean until after the degree has been awarded;
 - I) Any other sanction deemed appropriate by the Dean;
 - j) Any combination of the sanctions listed above.

D. Procedures

1. **Reporting Possible Violations** - Any person who has reason to believe that this Code may have been violated shall so inform the Dean as soon as practicable.

2. **Informal Disposition**
 - A. After receipt of information tending to show that a violation of the Code has been committed, and before the initiation of formal disciplinary proceedings under this Code, the Dean may:
 - (1) Consult informally with the accused student or any other persons who may have relevant information or who may make recommendations concerning further proceedings;
 - (2) As to possible violations of Academic Rules of this Code:
 - (a) Decline to proceed further, dismissing the matter, which dismissal shall terminate all proceedings in the matter except as otherwise required by the Dean;
 - (b) Accept a voluntary admission of responsibility and impose appropriate sanctions, which action shall terminate all proceedings in the matter except as otherwise required by the Dean;
 - (c) Initiate formal disciplinary proceedings in accordance with the procedures established by this Code.
 - (3) As to possible violations of the Non-Academic Rules of this Code:
 - (a) Consult with appropriate University authorities concerning any aspect of the matter;
 - (b) Refer the matter to or defer to the jurisdiction of the appropriate University authorities for the purpose of further proceedings at the University level under the University's Code of Conduct and Discipline System or other rules and regulations, which referral or deferral shall terminate proceedings under this Code except as otherwise required by the Dean;
 - (c) Decline to proceed further, dismissing the matter as to the College of Law, which dismissal shall terminate all proceedings in the matter under this Code except as otherwise required by the Dean;

- (d) Accept a voluntary admission of responsibility from the accused student, and impose appropriate sanctions, which action shall terminate all proceedings in the matter under this Code, except as otherwise required by the Dean;
 - (e) Initiate formal disciplinary proceedings in accordance with the procedures established by this Code.
 - B. Action by the Dean under this subsection which terminates all proceedings shall be a Final Decision.
 - C. The Dean shall give public notice of proceedings terminated by a Final Decision before the initiation of formal disciplinary action, but the names of any students involved need not be disclosed. Public notice of referral or deferral of a matter to the University is not required.
- 3. **Initiation of Formal Disciplinary Proceedings** - If the Dean, with or without informal consultation with the accused student, determines that formal disciplinary proceedings should be initiated under this Code, the Dean shall, as soon as practicable:
 - a) Request or require that the person reporting information tending to show a violation submit a written, signed statement describing the acts and circumstances believed to constitute a violation.
 - b) Notify the accused student in writing of the substance of the allegations made and the provisions of the Code and any University rule which may have been violated shall be included with the notification;
 - c) In consultation with the Chairman of the Governing Board Disciplinary Committee, appoint two faculty and one student member of the Disciplinary Committee to be a Disciplinary Committee Hearing Panel for the purposes of hearing the case. One of the appointed faculty shall be designated Chairman of the Hearing Panel.
 - d) Refer the case to the Disciplinary Committee Hearing Panel for determination in accordance with the procedures under this Code.
- 4. **Procedural Rights of Students** - Upon the initiation of formal disciplinary proceedings, the accused student has the following rights:

- a) To receive a written statement of the substance of the allegations made and provisions of this Code which may have been violated, and to receive a copy of this Code and any University rule which may have violated;
- b) To the assistance of counsel or other advisor, other than a member of the College of Law faculty or administrative staff, at any formal hearing or appeal;
- c) To be notified in advance of and to be present at any formal hearing;
- d) To present any relevant evidence and to question any witness;
- e) To decline to be present or to testify at any formal hearing, which declination shall not prejudice the accused; provided, however, that the Hearing Panel, having given the accused student adequate notice, may proceed in the absence of the accused;
- f) To request, in writing and in advance of the first formal hearing, that any formal hearing be open to the public;
- g) To request or to oppose a particular sanction;
- h) To waive any right or process otherwise provided by this Code;
- i) To copy the evidence or the record of any formal hearing;
- j) To place a written statement to the Dean, and to have a reasonable opportunity to be heard by the Dean concerning a finding of fact, conclusion of law, or recommended sanction contained in the Hearing Panel Report, or the Final Decision of the Dean.
- k) To submit a written statement to the Dean, and to have a reasonable opportunity to be heard by the Dean concerning a finding of fact, conclusion of law, or recommended sanction contained in the Hearing Panel Report, in accordance with established procedures.

5. **Disciplinary Committee Hearing Panel: Procedures**

- a) **Duties of the Hearing Panel Chairman** - The Disciplinary Committee Hearing Panel Chairman, subject to the approval of a majority of the Panel, shall schedule formal hearings; summon witnesses to testify; and provide adequate notice of Panel hearings to the members of the Panel and the accused student. The Chairman shall summon those persons designated as witnesses by the Chairman, the Panel, or by the accused student. The Chairman may informally interview any prospective witness before formally summoning or scheduling the

witness to appear at a formal hearing. The accused student does not have a right to be present at such informal interviews.

- b) **Obligations of Witnesses** - A student summoned shall appear before the Disciplinary Committee Hearing Panel at the designated time and shall provide any information he or she has relevant to the charge. Members of the faculty and administrative and clerical staff have a duty to appear and to provide relevant information. The Chairman of the Panel may request the Dean in his or her supervisory capacity to direct a faculty or staff member to provide relevant information. A witness shall disclose nothing about his or her testimony or about the hearing to any person except as specifically authorized by the Dean or Disciplinary Committee Hearing Panel or as required by law.

- c) **Conduct of Formal Hearings: Evidence**
 - (1) All formal hearings of the Disciplinary Committee Hearing Panel shall be closed, unless opened by a majority of the Panel upon written request submitted by the accused student in advance of the first formal hearing.
 - (2) The Chairman of the Panel shall preside at all formal hearings, determining the order of witnesses and questioning, and ruling on questions of procedure and evidence, subject always to the approval of a majority of the Panel.
 - (3) Testimony received by the Hearing Panel during formal hearings shall be recorded by stenographic or tape recording.
 - (4) The rules of evidence shall not apply, except that irrelevant evidence may be excluded.
 - (5) All witnesses may be questioned by any member of the Hearing Panel and by the accused student.
 - (6) No witness or potential witness, other than the accused, shall be present during the taking of other testimony or evidence, except as specifically permitted by the Panel.

- d) **Voluntary Admissions of Responsibility** - At any time after the initiation of formal disciplinary proceedings and before the issuance of the Disciplinary Committee Hearing Panel Report, the student may voluntarily admit responsibility only to the Hearing Panel. The Panel may accept the admission, and make it a part of, and a basis for, its findings. So far as accepted, the voluntary admission of responsibility shall be considered by the Panel in recommending sanction.

e) **Decision on the Merits; Presumption of Innocence; Finding of Violation; Recommendation of Sanction**

- (1) As soon as practicable after the conclusion of formal hearings, the Disciplinary Committee Hearing Panel shall decide by majority vote whether the evidence establishes that a violation of this Code has been committed, and what, if any, sanction should be recommended.
- (2) The accused student shall be presumed innocent.
- (3) The Hearing Panel shall find that a violation of this Code has been committed only on the basis that clear and convincing evidence, including any accepted voluntary admission of responsibility, establishes that a violation has been committed.
- (4) In making any finding or recommendation, the Hearing Panel may consider any evidence in the record and any facts, laws, records, or regulations of which judicial notice may be taken, but shall not otherwise consider any evidence or information not in the record.

f) **Disciplinary Committee Hearing Panel Report**

- (1) As soon as practicable after making its decision on the merits, the Disciplinary Committee Hearing Panel shall submit a written Report to the Dean, summarizing the procedures followed by the Panel and the evidence received, and stating its findings of fact, conclusions of law, and recommendations as to sanctions together with the basis and reasons therefore.
- (2) Any member of the Hearing Panel may submit a concurring or dissenting opinion, which shall be a part of the Panel's Report.
- (3) Copies of the Hearing Panel's Report shall be sent by the Panel's Chairman to the student.
- (4) The Hearing Panel's Report shall be confidential, except as release is specifically authorized by the Dean or required by law.

g) **Rehearing on the Basis of Newly Discovered Evidence**

- (1) After the conclusion of the original formal hearings, an accused student may petition the Dean for a rehearing by the Disciplinary Committee Hearing Panel on the basis that the student has learned of evidence which (a) could not have been available before the conclusion of the original formal hearings; (b) is relevant to the case; and (c) could reasonably affect the Hearing Panel's findings, conclusions, or recommendations.

- (2) The petition for rehearing shall be in writing, and shall state the nature of the new evidence, why it was not available before the conclusion of the original formal hearings, and how it could affect the Panel's findings, conclusions, or recommendations.
- (3) If the petition is granted by the Dean, all the provisions of this Part shall apply to the rehearing.

6. Deans Review of Disciplinary Committee Hearing Panel Report Procedures

- a) Within five (5) days of the transmission of the Disciplinary Committee Hearing Panel Report, the student may submit to the Dean a written statement accepting the Report or specifying any objections thereto.
- b) The Dean shall review the Hearing Panel's Report. In conjunction with his or her review, the Dean shall give the student a reasonable opportunity to be heard concerning the Report, and shall consider as well any written statement submitted by the student to the Dean concerning the Panel's Report. The Dean may presume the Report's findings of fact to be complete and correct, may refuse to consider any legal argument not timely made to the Panel in conjunction with formal hearings, may accept or reject any voluntary admission of responsibility made by the student in a written statement of otherwise and not previously made to the Panel.
- c) At any time after the submission of the Disciplinary Committee Hearing Panel Report and before Final Decision of the Dean may remand the case to the Panel for further proceedings in accordance with the terms of the remand.
- d) At the conclusion of his or her review, the Dean shall make and issue a Final Decision. The Dean may accept, modify, or reject any finding of fact, conclusion of law, or sanction made or recommended by the Disciplinary Committee Hearing Panel Report. The Dean may modify or reject only for compelling reasons a finding of fact, conclusion of law, or sanction.

7. Amendment of Written Statement of Substance of Allegations - At any time before the issuance of a Final Decision by the Dean, the Disciplinary Committee Hearing Panel or the Dean may amend the written statement of the substance of the allegations made and of the provisions of this Code which may have violated to conform with the evidence.

8. **Content and Publication of Final Decision** - The Dean shall post conspicuously in the College of Law written notice of Final Decision in the case. If the Dean has modified or rejected any finding of fact, conclusion of law, or sanction made or recommended by the Disciplinary Committee Hearing Report, the Dean shall state the compelling reasons for such modification or rejection in the posted notice. Otherwise, the posted notice shall contain such information as the Dean deems appropriate.

9. **Effect of Formal Disciplinary Action Upon Grade Assignments**
 - a) If formal disciplinary action is instituted relating to a student's performance in any course, seminar, clinic, or graded activity before a grade has been submitted by the faculty member, the Chair of the Disciplinary Committee Hearing Panel shall so notify the faculty member. The faculty member shall enter a grade of "Incomplete."
 - b) Upon a Final Decision finding that a student has violated this Code, the Dean may direct the entry of a final grade of "F" for any course, seminar, clinic, or other graded activity to which the violation was directly related. In such a case, the student's College of Law file shall indicate that the Dean directed the entry of the grade.
 - c) Upon a Final Decision finding that a student was guilty of violating this Code, a faculty member may change any grade previously entered for any course, seminar, clinic, or graded activity to which such violation was directly related, unless the Dean has directed the entry of an "F" for such course.
 - d) Any grade entered by a faculty member may be appealed only through the College of Law grade appeal process.

10. **Failure to Comply with Sanctions** - The Dean may summarily impose additional sanctions upon any student who fails to comply with sanctions imposed by the Dean under this Code.

11. **Records of Proceedings** - The Dean and the Chair of the Disciplinary Committee Hearing Panel shall maintain files of all written notices, orders, reports, and decisions made in connection with a disciplinary proceeding. The stenographic record or tape recording of formal hearings of the Disciplinary Committee Hearing Panel shall be retained as part of the files. After issuance of a Final Decision, the files shall be consolidated, and retained by the College of Law for at least three (3) years. The files disciplinary proceeding shall be confidential except insofar as disclosure is required by law; made by the Dean pursuant to any Final Decision; made by the Dean to bar examiners, licensing or certification authorities, prospective employers, or educational institutions

relative to an application of the student; or made after a written waiver of confidentiality signed by the student.

12. **Delegation** - The Dean may delegate any duty under Part I except the appointment of the Disciplinary Committee Hearing Panels, and the making of a Final Decision to the Associate Dean for Academic Affairs, the Associate Dean for Student Affairs, or other administrative officer of the College of Law.

Part II. Conduct of Applicants

A. Applicability - Part II, the Conduct of Applicants, applies to persons who are not enrolled in the College of Law, who are not eligible to re-enroll in the College without special permission, and who are applying for admission, readmission, reinstatement, or for other permission to enroll in the College of Law.

B. Prohibited Conduct - An applicant for admission, re-admission, reinstatement, or for other permission to enroll in the College of Law shall make no material misrepresentation to the College and shall not fail to disclose completely all information required to be disclosed in any application for admission, financial aid, in-state residency status, or other benefits or privileges.

C. Procedures and Sanctions

1. **Before Enrollment** - If, before the student has enrolled or re-enrolled in the College of Law, the Dean or his or her delegate has cause to believe that an applicant has engaged in prohibited conduct, the College may deny the applicant any and all benefits or privileges applied for, may revoke any acceptance for admission, re-admission, or reinstatement, and may take any other appropriate action. The College will cooperate with the Law School Admission Council or any other national association of law schools in the administration of the national law school admission process. The College may report evidence of applicant misconduct to national law school admission authorities in accordance with established procedures, to the extent not prohibited by law.

2. **After Enrollment** - If evidence of an applicant's misconduct becomes known to the Dean only after the student has enrolled or re-enrolled in the College of Law, the Dean may take any appropriate action with respect to such misconduct, and impose any appropriate sanction.

February 1999