

## Chapter 6 Student Conduct and Academic Integrity

Appalachian School of Law has adopted the policies, procedures, and rules set forth in this Chapter to govern student conduct and academic integrity. Although this Chapter is detailed, it should not be construed as all-inclusive, as a binding contract, or as a limitation on the authority or power of the President and Dean of ASL.

### I. Code of Student Conduct and ASL Community Standards

ASL students are bound by the rules of Student Conduct set forth in this Article I, “Code of Student Conduct and ASL Community Standards.”

#### A. Community Standards Statement

(1) The following ASL Community Standards Statement is the governing principle for its students.

“I will not lie, cheat, or steal in my endeavors, nor will I tolerate those who do;  
I will behave honorably in all my endeavors; and I will behave in accordance  
with my standing as an aspiring member of the legal profession.”

(2) The Appalachian School of Law is a community at heart. It is a community dedicated to scholarship, leadership, ethics, and the education of those seeking to enter the legal profession. ASL is committed to the principles of community, honesty, fairness, respect, integrity, and accountability. Members of the ASL community, including its students, commit to reflect upon and uphold these principles in their academic and personal endeavors, whether off campus or on campus, in person or on virtual platforms such as social media. To that end, ASL has adopted this Code of Student Conduct, including the Community Standards Statement as the overarching principle governing student behavior, and the Code of Academic Integrity, as the overarching principle governing academic activities.

(3) The Behavioral and Social Attributes section of the Technical Standards and Essential Abilities for Law Students found in Chapter 2 of the Student Catalog and Handbook are hereby incorporated by reference into the Code of Student Conduct.

#### B. Professionalism Oath

(1) Upon matriculation, students are required to commit themselves to the “Professionalism Oath” to govern their behavior while enrolled at ASL. Failure to uphold the commitments of the Professionalism Oath may be grounds for disciplinary action. The Professionalism Oath is as follows:

Professionalism Oath

I, \_\_\_\_\_, acknowledge and understand that I am both joining an academic community and preparing to enter an honored profession.

I acknowledge the privileges granted by society to the legal profession and the responsibilities concurrent therewith.

I promise to uphold the highest standards of academic honesty and ethical practice.

I promise that I will faithfully, honestly, professionally, and courteously demean myself in the study of law and all activities associated therewith.

I promise to embrace the principles of civility and professionalism throughout my legal education and for the remainder of my professional life.

I understand the unique role and responsibility of lawyers in contributing to the community. I will conduct myself with dignity, and will respect the dignity of others in my professional and personal life.

To strengthen the ASL community, I will conduct myself with integrity. I will treat all of my colleagues—students, staff, and faculty—with courtesy, civility, and respect.

As a lawyer-in-training, I pledge my best efforts to pursue these values, so as to bring credit to the Appalachian School of Law, to the legal profession, and to myself.

Students acknowledge their commitment to the Professionalism Oath by signing it in front a notary public during their orientation period upon matriculation at ASL. Students may be asked to re-commit themselves to the Professionalism Oath while enrolled at ASL.

**C. Incorporation of ASL Policies**

ASL students are governed by many other policies and procedures. By this reference, these policies and procedures are incorporated into this Chapter on Student Conduct and Academic Integrity. These policies include, but are not limited to, the remaining Chapters of the Student Catalog, ASL’s Statement on Nondiscrimination, and ASL’s Computer Use Policy. Violations of any ASL policy or procedure by a student may be considered a violation of Article I, Code of Student Conduct & ASL Community Standards of this Chapter 6.

**D. Character and Fitness**

Students are advised that upon registration for any bar exam in the United States, they will be required to waive confidentiality of any law school records that may be requested by the state board of bar examiners. All records properly requested will be disclosed. Students are advised that some state boards of bar examiners will ask for records of any process involving the Code of Student Conduct, Code of Academic Integrity, or the Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations, regardless of the outcome of the complaint/allegation. Further information can be found in this Chapter in Section X, Notes & Miscellaneous Items, Section A, Student Records.

**II. Code of Academic Integrity**

In addition to the provisions outlined in Section I above, “Code of Student Conduct and Community Standards,” ASL students are bound by the Code of Academic Integrity set forth in this Article II.

**A. Statement of Academic Integrity**

“I will act with honesty and integrity in all my academic endeavors.”

**B. Implementing Rules**

Although it is impossible to set forth an exhaustive listing of rules to implement this Statement, the following are illustrative:

## 1. Submission of the Student's Own Work

### (1) Use of Unauthorized Resources or Assistance

Unless specifically permitted by the instructor for that academic assignment, all work must be that of the student himself/herself, without reference to any outside resources—written, digital, verbal, or otherwise.

### (2) Identification of Sources

All work submitted to meet course requirements must be the student's own work. In the preparation of academic assignments that permit the use of outside resources, students should always take great care to distinguish their own ideas and knowledge from information derived from other sources. The term "sources" includes not only published primary and secondary material, but also information and opinions gained directly from other people. In written work, use quotation marks and a citation to identify language taken verbatim from a source, and use citations alone to identify any paraphrased language or borrowed ideas. Identify all sources relied upon in preparing your work. Failure to properly quote and/or cite sources is plagiarism. The responsibility for learning the proper forms of citation lies with the individual student.

### (3) Collaboration

Collaboration in the completion of assignments is prohibited unless explicitly permitted in writing by the instructor. Students must acknowledge any collaboration and its extent in all work submitted.

Keep in mind that "collaboration" means more than working together side-by-side with someone else or dividing and individually performing particular elements of an assignment or project. It also means using another person's research notes, reading another's draft of a paper (or having another read your draft), engaging in conversations about the substantive specifics of an assignment, and informing another of a judicial opinion relevant to an assignment. Again, if in doubt about what would constitute unauthorized collaboration in a specific case, ask the assigning faculty member for guidance and clarification. Collaboration when it is not expressly permitted is cheating.

### (4) Resolution of Doubts

Students who are in any doubt about the preparation of academic work, including the use of outside resources, citations, and/or collaboration should consult their instructor before it is prepared or submitted. Students who, for whatever reason, submit work that is either not their own or that does not include clear attribution of all sources will be subject to disciplinary action.

### (5) Use of Old Exams/Questions

From time to time, instructors may provide students enrolled in a course with sample exams, exam questions, sample assignments and/or sample answers, or may publish an exam/assignment actually used in a previous course. When the instructor provides this information and makes it available to all students, these old/sample exams/questions/assignments are important study materials and students are encouraged to utilize them for study and practice in exam-taking.

However, if the instructor has not released an exam/question/assignment for study purposes, it is a violation of the Code of Academic Integrity to duplicate, capture, record or re-create questions from an actual exam or assignment given in a course. Sharing or soliciting a copy thereof likewise violates the Code of Academic Integrity.

## 2. Examinations

Students are required to refrain from taking any actions that would give themselves or another student any unfair advantage in taking an examination, test, or quiz (together, "exams"). This includes use of unauthorized resources during an exam, sharing or acquiring information about the substance of any exam, and access or use of unauthorized computer resources such as the internet or grammar/spelling tools.

Violation of any ASL or instructor-created rules regarding exams will be considered a violation of the Code of Academic Integrity, even where the rule is considered “procedural” rather than “substantive.”

### 3. Truthfulness and Candor toward Instructors

Students are required to be honest in their communications with instructors.

### 4. Truthfulness and Candor toward Other Students

Students are required to be honest in their communications with other students.

It shall be a violation of this provision for a student to steal, destroy, or deface any library materials, or in contravention of library rules, remove from circulation and accessibility any library materials with the purpose of depriving others of the use of those materials.

It shall be a violation of this provision for any student to undertake an activity or course of conduct with the purpose of creating an unfair competitive advantage over other students.

### 5. Double Dipping/Multiple Use of Same Work

Students may not submit one paper for two or more courses or seminars. If a student wishes to create a second paper which draws in any way on work previously used for academic credit, the student must consult with both the instructor to whom the initial work was submitted and with the instructor to whom the new work will be submitted. Before the student may use the prior work, both instructors must certify in writing that the new work is of sufficiently greater scope or depth to warrant the use of the prior work for new academic credit. The instructors involved in each instance should discuss appropriate ways to make sure that the submitted work meets this greater burden prior to giving their written approval of the proposed use. This rule applies to all course offerings whether at the School or elsewhere. A student who submits the same, or substantially the same, work in more than one course (whether it is the whole of the second work or only a portion thereof) without obtaining such prior written approval will be subject to disciplinary action.

### 6. Preservation of Anonymity and Confidentiality

Instructors must inform students about course evaluation procedures at the beginning of each course. For classes in which the primary means of evaluation is one or more exams, students will receive “blind” exam grades. In those courses, the instructors assign grades to exams without knowing the name or identity of the test taker. The Office of the Registrar administers the use of Student Grading Numbers (“SGNs”) to facilitate this process. After instructors turn in the “blind” exam grades for their courses, they have the opportunity to match SGNs with student names. Instructors will then calculate final grades based on the evaluation procedures announced by the instructor, including reflecting credit for additional course work or assignments, class participation, and other factors relevant to evaluating student work.

SGNs are confidential. Students must preserve anonymity in grading by proper use of SGNs.

It is a violation of this provision for any student to obtain in contravention of ASL rules, official school information including, but not limited to, grades or SGNs, that a reasonable student knows or should know is properly kept confidential. Further, it is a violation for any student who has properly obtained such information, such as during the performance of duties as a Teaching Assistant, to disclose such information that a reasonable student knows or should know is properly kept confidential.

### 7. Confidentiality in the Digital Classroom

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With the increase in usage of digital platforms for legal education comes the concern for preservation of student and instructor privacy. Access to all online or other digital content used in a course is limited to registered students, instructors, and teaching assistants for that course.

Unauthorized sharing of online or other digital content or access information such as web addresses or passwords for accessing online or digital content is a violation of the Code of Academic Integrity.

## 8. Upholding the Code of Academic Integrity

Students have a duty to report any good-faith belief that another student has violated the Code of Student Conduct or the Code of Academic Integrity.

Students must willingly and honestly participate in the processes associated with resolving a complaint involving the Code of Student Conduct or allegation of violation of the Code of Academic Integrity. Any student who refuses to participate (other than a refusal to provide evidence against himself/herself) or who testifies or otherwise participates untruthfully shall be considered to have violated the Code of Academic Integrity.

Retaliation in any form against a student who participates in upholding the Code of Student Conduct or the Code of Academic Integrity is prohibited. Any student who engages in such retaliation shall be considered to have violated the Code of Academic Integrity.

### III. Overview of Processes & Procedures

#### A. Jurisdiction

The President and Dean of ASL has jurisdiction over all student conduct, including allegations of violations of Article I, Student Conduct and ASL Community Standards, and Article II, Code of Academic Integrity. The President and Dean has delegated his authority over the Code of Student Conduct and ASL Community Standards to the Dean of Students as set forth in this Article III, Processes & Procedures. The President and Dean has delegated his authority over the Code of Academic Integrity to the Chief Academic Officer as set forth in this Article III, Processes & Procedures.

Nothing in this Chapter shall be deemed to limit the power or authority of the President and Dean to rescind this delegation of authority or to otherwise limit the inherent power and authority of the President and Dean to act in the best interests of Appalachian School of Law.

#### 1. Hierarchy of Authority

The Dean of Students (“DOS”) shall be responsible for implementation of all processes and procedures regarding the provisions of Article I, Code of Student Conduct and ASL Community Standards. The Dean of Students shall be assisted and supported by an Associate Dean of Students (“Assoc. DOS”).

All rules, processes and procedures related to Article I, Code of Student Conduct, shall be administered by the Associate Dean of Students and the Dean of Students, in accordance with the process set forth herein.

The Chief Academic Officer (“CAO”) shall be responsible for implementation of all processes and procedures regarding the provisions of Article II, Code of Academic Integrity. All rules, processes and procedures related to Article II, Code of Academic Integrity shall be administered by the Chief Academic Officer in accordance with the processes set forth herein.

## 2. Standard of proof.

The standard of proof when evaluating any matter that arises under Article I, Code of Student Conduct or Article II, Code of Academic Integrity, shall be “preponderance of the evidence.” In accordance with generally applicable legal principles, this shall be interpreted as “more likely than not” or “greater than 50%.”

### IV. Procedures for Matters Arising under Article I, Code of Student Conduct.

#### A. Overview

All procedures for complaints involving student behavior arising under Article I of this Chapter shall originate with the Associate Dean of Students (“Assoc. DOS”). This includes all complaints regarding student behavior OTHER THAN behavior covered by Article II, Code of Academic Integrity or behavior covered by ASL’s Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations. Complaints involving sexual discrimination/harassment should be directed to the Title IX Coordinator. If the Title IX Coordinator determines that the alleged behavior is not covered under ASL’s Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations, she shall direct the complaint to the Assoc. DOS for handling in accordance with this section. Complaints regarding behavior that would be addressed by ASL’s Grievance Policy if the behavior were committed by a person other than a student are specifically included in Article I, Code of Student Conduct.

#### B. Complaint Intake

Complaints involving student behavior arising under Article I shall be made to the Assoc. DOS, who may request the complaint be reduced to writing.

#### C. Specificity and Unfounded Complaints

Complaints must be made with specific reference to the Code of Student Conduct or any other policy alleged to have been violated and with specific reference to the behavior that is alleged to be in violation thereof. Failure to provide such specificity may result in dismissal of the Complaint as “unfounded” by the Assoc. DOS.

At any point during the Complaint Process, the Assoc. DOS has the ability to determine that the behavior being complained of, even if proven by a preponderance of the evidence to be true, does not constitute a violation of Article I, Code of Student Conduct. The Assoc. DOS will then dismiss the complaint as “unfounded” and keep a record thereof for purposes of tracking the reporting of unfounded complaints.

Dismissals by the Assoc. DOS as “unfounded” may be appealed as any other Decision by the Assoc. DOS, unless the right to appeal is waived by failure to engage, in good faith, in the Informal Discussion/Mediation process.

#### D. Complaint Resolution Process

1. Assoc. DOS meets with complainant to discuss the complaint.
2. Assoc. DOS notifies the affected student(s) (“respondents”) of the complaint and meets with the respondent(s) to discuss the complaint.
3. Informal Resolution Process (Discussion/Mediation).
  - a. In cases in which the complainant is a student (other than those involving physical violence, or when, in the discretion of the Assoc. DOS the Informal Complaint Resolution process is

- inappropriate), the Assoc. DOS will meet with complainant(s) and respondent(s) in a neutral setting to attempt resolution of the complaint in an informal manner.
- b. The Assoc. DOS may elect to utilize a neutral third party to assist in mediating the complaint in an informal manner or to handle the Discussion/Mediation herself.
  - c. All parties must participate in the process and make a good faith effort to resolve the dispute using the Informal Resolution Process. Any party who fails to participate in the process and make a good faith effort to resolve the dispute using the Informal Resolution Process waives the right to appeal from the Decision of the Assoc. DOS.
  - d. In any case in which a complainant refuses to engage in Informal Discussion/Mediation in good faith, his/her complaint shall be dismissed as “unfounded.” In any case in which a respondent refuses to engage in Informal Discussion/Mediation in good faith, the refusing respondent shall be deemed “responsible” for the violation complained of and the Assoc. DOS shall proceed to issue a Decision with any appropriate sanctions. In either case, the party not engaging in Informal Discussion/Mediation in good faith shall have no right of appeal.
  - e. The Assoc. DOS has a wide range of discretionary authority to resolve complaints using the Informal Discussion/Mediation process. However, resolution of the complaint at this stage is dependent upon the cooperation of all complainants and respondents. If agreement cannot be reached among all parties, the complaint shall proceed to the Formal Complaint Resolution process.
  - f. Timing. Although the details of the allegations will necessarily dictate the timing of the Informal Discussion/Mediation process, it is intended that the Informal Discussion/Mediation process shall be completed within 15 business days of the initial notification to the Assoc. DOS of a complaint.
4. Agreed Decisions. In all cases in which the complainant is not a student (other than those involving physical violence), there will be an opportunity for the student to admit the allegation.
- a. The Assoc. DOS shall review the allegation, notify the respondent of the allegation, and provide an opportunity to the respondent to meet in-person or remotely to discuss the allegation before written statements are taken.
  - b. If the respondent admits the allegations, the Assoc. DOS shall reduce the allegation to writing, including any evidence or supporting information and provide a draft to the respondent and to the complainant involved in the allegation. The complainant shall have an opportunity to discuss the proposed resolution with the Assoc. DOS prior to finalization, but the Assoc. DOS has final authority regarding the resolution of the matter. If the respondent concurs with the information set forth in the draft, the respondent shall sign the document, admitting responsibility therefor. This shall be known as an “Agreed Decision.” The Assoc. DOS shall issue a supplement to the Agreed Decision, imposing sanctions. This “Sanctions” document shall set forth the appropriate sanctions or other resolution of the allegation. While the Assoc. DOS retains broad discretion in determining the appropriate sanctions, she shall take into consideration the fact of respondent's acceptance of responsibility for the behavior in making the determination. The Agreed Decision with the Sanctions supplement shall be placed in the student's record in the Office of the Registrar.
  - c. If the respondent disputes the appropriateness of the sanctions imposed by the Sanctions supplement, he or she may request reconsideration of sanctions by the Assoc. DOS. If the respondent does not accept the sanctions imposed after reconsideration by the Assoc. DOS, the respondent may withdraw his/her agreement to the Agreed Decision and proceed with the Formal Complaint Resolution process set forth below.
  - d. If no Agreed Decision is reached, the complaint will proceed to the Formal Complaint Resolution process set forth below.
5. Formal Complaint Resolution.

- a. Written Statements of Complainant(s) and Respondent(s)
  1. If the Informal discussion/mediation process fails to resolve the situation, whether by lack of agreement between the parties or by a party's later violation of an agreed informal resolution, the Assoc. DOS will utilize the Formal Complaint Resolution process.
  2. The Formal Complaint Resolution process may be initiated by the Assoc. DOS or a student. The first step is for written statements from the complainant(s) and respondent(s) to be submitted to the Assoc. DOS.
  3. The complainant shall submit to the Assoc. DOS a brief written statement (ordinarily no more than two pages in length) outlining the specific behavior being complained of. Reference shall be made to all relevant provisions of Article I, Code of Student Conduct, or other relevant policy or rule of ASL, as well as identification of all other persons having information that may be relevant to the complaint. The complainant shall outline all efforts undertaken to attempt to resolve the complaint and the outcome thereof. Finally, the complainant's statement shall set forth a proposed resolution.
- b. Respondent's Opportunity to Respond.

The respondent shall be given the opportunity to review the complainant's statement and to respond in writing within three business days. The respondent's statement shall include his/her defense or justification of the alleged behavior, the identity of all other persons having information that may be relevant, and the respondent's own statement on prior efforts to resolve the complaint. The respondent's statement will include a proposed resolution.

- c. Review by Assoc. DOS
  1. Upon receipt of the complainant(s)' and respondent(s)' statements, the Assoc. DOS may elect to meet individually with either party to discuss the statement. Such individual meetings are within the discretion of the Assoc. DOS, and meeting with one complainant or respondent does not automatically entitle others to a similar meeting.
  2. The Assoc. DOS may elect to discuss the specifics of the complaint with any person identified by the complainant(s)' or respondent(s)' statements as potentially having relevant information, and/or with any other person who the Assoc. DOS believes may have relevant information.
- d. Decision by Assoc. DOS
  1. Upon the Assoc. DOS' conclusion of the Review of the complaint, the Assoc. DOS will issue a written decision. The decision will outline the specific allegations of the complaint, the findings of the Assoc. DOS during her Review, and a resolution of the complaint.
  2. The Assoc. DOS has a wide range of discretion in resolving complaints, including a wide range of sanctions that may be imposed upon a respondent who is found to be responsible for violation of any provision of Article I, Code of Student Conduct or of other policies or rules of ASL, other than alleged violations of Article II, Code of Academic Integrity or the Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations.
- e. Opportunity for Appeal.
  1. Unless the party has waived the right to appeal, a complainant or respondent may appeal the Decision of the Assoc. DOS to the DOS by notifying both the Assoc. DOS and DOS in writing of his/her intent to appeal within five business days of receiving the Decision of the Assoc. DOS. In the event that the DOS position is vacant, notice to the



Assoc. DOS will suffice. At that time, the Dean will appoint someone to fill the appellate role of the DOS.

2. The Appeal shall be handled in accordance with the provisions of Article V, "Procedures for Appeals of Decisions by Assoc. DOS on matters arising under Article I, Code of Student Conduct," below.

## V. Procedures for Appeals of Decisions by the Associate Dean of Students on Matters Arising under Article I, Code of Student Conduct

### A. Appeals from Decisions of Associate Dean of Students

1. All appeals of Decisions by the Assoc. DOS for complaints regarding matters arising under Article I, Code of Student Conduct, shall be handled in accordance with this Article V.
2. An appeal from a Decision from the Informal Resolution Process will be dismissed by the DOS, without further proceedings, if he determines that the Appellant failed to engage in the Informal Resolution Process in good faith.

### B. Reasons for Appeal

Appeals of Decisions issued by the Associate DOS are limited to three circumstances: (1) the Decision didn't take into account all available evidence, documents, witnesses, or mitigating factors, or the Sanctions imposed are not commensurate with the violation, (2) the Decision was the result of an investigation/process that was not thorough, fair, or impartial, or deviated in a substantially material way from the processes and procedures outlined in the Chapter 6, or (3) any evidence is available that exonerates the Appellant of the complaint/allegation, which evidence was not available at the time of the review and investigation and issuance of the Decision now being appealed. Further, appeals will be granted only when the violation of reasons (1), (2), or (3) would have affected the outcome of the Decision.

### C. Requests for Appeal

Any party aggrieved by a Decision of the Assoc. DOS (the "Appellant") may make a written request for an Appeal within five (5) business days of the issuance of the Decision.

1. The Appellant's written request must be made to the DOS, with a copy to the Assoc. DOS.
2. The Appellant's written request should identify the reason for the appeal and contain all available information or supporting evidence relevant to the reason for appeal. If the Appellant expects to introduce new evidence/witness testimony that was not considered by the Assoc. DOS in her Decision, the written request should include a proffer of the expected evidence/testimony and the reason why the evidence/testimony was not presented during the investigation and review process.

### D. Review by Dean of Students

1. The DOS shall review all materials and statements provided by the Appellant, along with the Decision and all materials considered by the Assoc. DOS in investigating and deciding the complaint.
2. The DOS shall decide whether to grant Appellant's Request for Appeal within ten (10) business days after receipt of the written request and supporting information from Appellant.
3. The DOS will grant the Request for Appeal if the DOS agrees that there is a substantial likelihood that the Appellant will be able to prove by a preponderance of the evidence that one of the Reasons for Appeal (above) exists.

- In other words, if the DOS agrees that the Decision did not take into account all available evidence, documents, witnesses, or mitigating factors, or that there is reason to question the thoroughness, fairness, or impartiality of the Decision, the DOS will grant the Request for Appeal. If the DOS finds that the Decision was adequately supported and all available information, evidence, witnesses, and mitigating factors were taken into account in the Decision, or that there is insufficient evidence to question the thoroughness, fairness, or impartiality of the Decision, the DOS will deny the Request for Appeal and the Decision shall stand.

## E. Appeal Hearing

If the DOS grants the Request for Appeal, he shall have broad discretion in deciding the format of the Appeal Hearing. The DOS shall preside over the Appeal Hearing and may set applicable rules governing the timing and method of presentation of evidence and the admissibility of evidence that is relevant to the Appeal.

At a minimum, the Appeal Hearing shall consist of a live hearing (in-person or remotely) during which the Appellant may make personal statements or provide testimony, may present evidence, and may call witnesses to provide testimony. The Appellant may represent himself/herself or may choose a representative (including but not limited to a licensed attorney) to represent his/her interests. Such representative may not be a witness in the case.

## F. Decision by Dean of Students

Within ten (10) business days after the conclusion of the Appeal Hearing by the DOS, the DOS shall issue a written Decision on Appeal. The Decision on Appeal shall be final and no appeal therefrom is available, EXCEPT THAT the imposition of the sanction of expulsion from ASL requires the concurrence of the President and Dean of ASL in accordance with Article X, Section B, “Sanctions,” below.

# VI. Procedures for Allegations of Violations of Article II, Code of Academic Integrity

## A. Complaints/Allegations

All complaints involving student behavior arising under Article II, Code of Academic Integrity, shall be made to the CAO Chief Academic Officer (“CAO”), who may request the allegation be reduced to writing.

## B. Unfounded Allegations

At any point during the Allegation Resolution Process, the CAO has the ability to determine that the behavior being complained of, even if proven by a preponderance of the evidence to be true, does not constitute a violation of Article II, Code of Academic Integrity. The CAO will then dismiss the allegation as “unfounded” and keep a record thereof for purposes of tracking the reporting of unfounded complaints. Dismissals by the CAO as “unfounded” may be appealed as any other Decision by the CAO.

## C. Allegation Resolution Process

1. The CAO shall meet with the person alleging that a student has violated Article II, Code of Academic Integrity. This meeting may occur in-person, telephonically, remotely, or via email. The person making the allegation of a violation of the Code of Academic Integrity should provide all relevant information to the CAO.

- i. In the case of graded work, the instructor/faculty member shall report the suspected violation to the CAO and shall grade the assignment or exam as if no violation occurred. If resolution of the alleged violation is necessary to calculate final grades, final grades shall be held until the resolution of the allegation.
2. Opportunity for Admission
  - i. The CAO shall review the allegation, notify the respondent of the allegation, and provide an opportunity to the respondent to meet in-person or remotely to discuss the allegation before written statements are taken.
  - ii. If the respondent admits the allegations before written statements are submitted, the CAO shall reduce the allegation to writing, including any evidence or supporting information and provide a draft to the respondent and to the instructor/faculty member supervising the academic endeavor involved in the allegation. The instructor/faculty member shall have an opportunity to discuss the proposed resolution with the CAO prior to finalization, but the CAO has final authority regarding the resolution of the matter. If the respondent concurs with the information set forth in the draft, the respondent shall sign the document, admitting responsibility therefor. This shall be known as an “Agreed Decision.” The CAO shall issue a supplement to the Agreed Decision, imposing sanctions. This “Sanctions” document shall set forth the appropriate sanctions or other resolution of the allegation. While the CAO retains broad discretion in determining the appropriate sanctions, she shall take into consideration the fact of respondent's acceptance of responsibility for the behavior in making the determination. The Agreed Decision with the Sanctions supplement shall be placed in the student's record in the Office of the Registrar.
  - iii. If the respondent disputes the appropriateness of the sanctions imposed by the Sanctions supplement, he or she may request reconsideration of sanctions by the CAO. If the respondent does not accept the sanctions imposed after reconsideration by the CAO, the respondent may withdraw his/her agreement to the Agreed Decision and proceed with the process set forth below.
3. If no Agreed Decision is reached, the CAO shall request from the party initiating the allegation a written statement of the allegation, including all evidence or supporting information relevant to the allegation.
  - i. If the initiating party declines to provide a written statement to the CAO, the CAO has discretion to dismiss the allegation or to continue investigation of the allegation.
4. The CAO shall decide which method of resolving the allegation is appropriate to the allegation (“Method 1” or “Method 2”). The CAO may, but is not required to, consult with the Dean to decide on the proper method.

#### D. Method 1—Review and Investigation by Chief Academic Officer; Decision by Chief Academic Officer

1. The CAO shall provide a copy of the initiating party's written statement of allegation to the respondent. The respondent has three (3) business days from the receipt of the allegation to provide a written response to the CAO.

2. The CAO shall investigate the matter by whatever means are appropriate to the situation, including but not limited to, review of the questioned academic work, discussion with instructors or students who may have information that is relevant to the allegation, and/or outside source research. No “hearing” or opportunity for cross-examination by the respondent is required.
3. The CAO shall consult with the instructor or faculty member supervising the academic endeavor in which the respondent is alleged to have violated the Code of Academic Integrity. The CAO is not required to accept the instructor/faculty member’s recommendations on findings, determinations, or sanctions, but shall give due respect to his or her opinions.
4. Upon the CAO’s conclusion of the investigation under Method 1, she shall issue a written Decision to the respondent. The Decision shall outline the allegation(s), the evidence reviewed, the investigation conducted, and the CAO’s findings, determinations, and appropriate resolutions or sanctions.
5. The written Decision shall be provided to the respondent and to the CAO, a copy shall be provided to the Instructor/Faculty Member, and a copy shall be placed in the student’s file in the Office of the Registrar.
  - i. The time frame from initial allegation being made to the CAO to a written Decision shall necessarily depend on the circumstances of the allegation, but it is ordinarily anticipated to be no more than 30 calendar days. If more than 30 calendar days elapse before a Decision is issued, the CAO will provide notice of the delay to the respondent and will set forth the time frame in which the Decision can be expected.
6. Within five (5) business days of receiving the written Decision, the respondent may request a reconsideration or an appeal of the Decision or any aspect thereof.
  - i. If the respondent accepts the determinations and findings of the Decision but requests an alternative resolution or sanction, he or she may make a written Request for Reconsideration to the CAO within three business days of receiving the Decision. The CAO may elect to consult with the Dean, but is not required to do so. The CAO will issue a Reconsidered Decision, which may uphold the previous Decision or change any part thereof. This Reconsidered Decision is final, except for the Appeal Process outlined in Article VII, “Appeal of Decision by CAO,” below.
  - ii. If the respondent rejects the Decision’s findings and/or determinations, the respondent may request an appeal of the Decision to the CAO as set forth in Article VII, “Appeal of Decision by CAO,” below.

**E. Method 2—Review and Investigation by Faculty Committee with Decision by Chief Academic Officer**

1. The CAO shall provide a copy of the written statement of allegation to the President and Dean of the Law School and ask the President and Dean to convene a Faculty Committee comprised of three members of the full-time or adjunct faculty of ASL to conduct the investigation. The President and Dean shall appoint the Faculty Committee within five (5) business days of the CAO’s request.
2. The Faculty committee will elect a Chair if the President and Dean has not appointed a Chair. The Chair will be responsible for notifying the respondent that the CAO has elected to use Method 2 (Faculty Committee) to investigate the allegations. The Chair will arrange interviews of the involved parties and witnesses, collect evidence, and provide the Committee members with all materials. The Committee has broad discretion in investigating the allegations, but in all investigations, the respondent shall

be provided an opportunity to present an oral and/or written statement to the Committee responding to the allegations and the evidence supporting those allegations.

3. Upon completion of the Committee's investigation, the Committee shall draft a report summarizing the allegations, the investigative process used and the witness statements and evidence considered by the Committee. Unanimity in recommendations by the Committee is preferred, but a majority of the Committee may reach a recommendation if unanimity is not achieved. The Committee's report shall include the determinations and findings recommended by a majority of the Committee as well as any suggested resolutions or sanctions. If the Committee's recommendation is not unanimous, the member in the minority may write separately to provide his or her own recommendations. Both the Committee's report and any minority report shall be submitted to the CAO.
4. The CAO shall review the Committee's report and any minority report, as well as all materials considered by the Committee in reaching its recommendation.
5. The CAO shall consult with the instructor or faculty member supervising the academic endeavor in which the respondent is alleged to have violated the Code of Academic Integrity. The instructor/faculty member shall have the opportunity to review the Committee's report and any minority report, to provide any relevant information to the CAO, and to discuss the CAO's thoughts regarding the allegations and any proposed sanctions. The CAO is not required to accept the instructor/faculty member's recommendations on findings, determinations, or sanctions, but shall give due respect to his or her opinions.
6. The CAO shall then issue a written Decision regarding the allegations. The Decision shall include findings of fact and determinations regarding the responsibility of the respondent for the alleged violations. The Decision may reflect the Committee's recommendation, the minority recommendation, or neither. If the respondent is found by the CAO to be responsible for violating any provision of the Code of Academic Integrity, the CAO shall include any appropriate resolutions or sanctions in the Decision.
7. The CAO has broad discretion in making findings, determinations, and imposing sanctions.
8. The CAO's Decision shall be provided to the respondent, the Dean, the Committee members, and the instructor/faculty member supervising the academic endeavor that was questioned. A copy of the Decision shall be placed in the student's file in the Office of the Registrar.
9. Within five business days of receiving the written Decision, the respondent may elect to appeal the Decision or any aspect thereof.
  - i. If the respondent accepts the determinations and findings of the Decision but requests an alternative resolution or sanction, he or she may make a written Request for Reconsideration to the CAO within three business days of receiving the Decision. The CAO may elect to consult with the Dean, but is not required to do so. The CAO will issue a Reconsidered Decision, which may uphold the previous Decision or change any part thereof. This Reconsidered Decision is final, except for the Appeal Process outlined in Article VII, "Appeal of Decision by CAO," below.
  - ii. If the respondent rejects the Decision's findings and/or determinations, the respondent may request an appeal of the Decision to the Chief Academic Officer as set forth in Article VII, "Appeal of Decision by the CAO," below.

VII. Procedures for Appeals of Decisions by the Chief Academic Officer regarding Alleged Violations of Article II, Code of Academic Integrity.

## A. Appeals from Decision of Chief Academic Officer.

All appeals of Decisions by the CAO for complaints regarding matters arising under Article II, Code of Academic Integrity, shall be handled in accordance with this Article VII.

## B. Reasons for Appeal.

Appeals of Decisions issued by the CAO are limited to three circumstances: (1) The Decision didn't take into account all available evidence, documents, witnesses, or mitigating factors, or the sanctions imposed are not commensurate with the violation, (2) The Decision was the result of an investigation/process that was not thorough, fair, or impartial, or deviated in a substantially material way from the processes and procedures outlined in this Chapter 6, or (3) any evidence is available that exonerates the Appellant of the complaint/allegation, which evidence was not available at the time of the review and investigation and issuance of the Decision now being appealed. Further, appeals will be granted only when the violation of reasons (1), (2), or (3) would have affected the outcome of the Decision.

## C. Requests for Appeal.

Any party (complainant, respondent, party initiating allegation of violation of the Code of Academic Integrity, instructor or supervising faculty member) (the "Appellant") aggrieved by a Decision of the CAO may make a written request for an Appeal within five (5) business days of the issuance of the Decision.

- i. The Appellant's written request must be made to the Dean, with a copy to the CAO.
- ii. The Appellant's written request for appeal should identify the reason for the appeal and contain all available information or supporting evidence relevant to the reason for appeal. If the Appellant expects to introduce new evidence/witness testimony that was not considered by the CAO in her Decision, the written request should include a proffer of the expected evidence/testimony and the reason why the evidence/witness testimony was not presented during the investigation and review process.
- iii. The instructor/faculty member supervising the academic endeavor that was originally questioned shall be notified of the requested Appeal by the Dean.
- iv. Review by Dean.
  1. The Dean shall review all materials and statements provided by the Appellant, along with the Decision and all materials considered by the CAO, and/or Faculty Committee in investigating and deciding the complaint.
  2. The Dean shall decide whether to grant Appellant's Request for Appeal within ten (10) business days after receipt of the written request and supporting information from Appellant.
  3. The Dean will grant the Request for Appeal if the Dean agrees that there is a substantial likelihood that the Appellant will be able to prove by a preponderance of the evidence that one of the Reasons for Appeal (above) exists.
    - In other words, if the Dean agrees that the Decision did not take into account all available evidence, documents, witnesses, or mitigating factors, or that there is reason to question the thoroughness, fairness, or impartiality of the Decision, the Dean will grant the Request for Appeal. If the Dean finds that the Decision was adequately supported and all available information, evidence, witnesses, and mitigating factors were taken into account in the Decision, or that there is insufficient evidence to

question the thoroughness, fairness, or impartiality of the Decision, the Dean will deny the Request for Appeal and the Decision shall stand.

v. Appeal Hearing

If the Dean grants the Request for Appeal, he shall have broad discretion in deciding the format of the Appeal Hearing. The Dean shall preside over the Appeal Hearing and may set applicable rules governing the timing and method of presentation of evidence and the admissibility of evidence that is relevant to the Appeal.

At a minimum, the Appeal Hearing shall consist of a live hearing (in-person or remote) during which the Appellant may make personal statements or provide testimony, may present evidence, and may call witnesses to provide testimony. The Appellant may represent himself/herself or may choose a representative (including but not limited to a licensed attorney) to represent his/her interests. Such representative may not be a witness in the case.

vi. Decision by Dean

Within ten business days after the conclusion of the Appeal Hearing by the Dean, the Dean shall issue a written Decision on Appeal. The Decision on Appeal shall be final and no appeal therefrom is available.

## VIII. Conflicts/Vacancies

In the event of a vacancy in the position or of a conflict involving one (or more) of the individuals responsible for the processes and procedures under Article I, Code of Student Conduct or Article II, Code of Academic Integrity, the President and Dean of ASL shall appoint an alternate for that position. The decision as to whether a conflict exists shall lie in the discretion of the President and Dean of ASL.

## IX. Reporting of Outcomes

ASL may report to the ASL community, or any section thereof, the outcome of any complaint of student behavior alleging violation of the Code of Student Conduct or allegation of violation of the Code of Academic Integrity, including any sanctions imposed, if the reporting is permitted under applicable law.

As an example, FERPA regulations currently permit the disclosure of allegations/complaints and outcomes if the disclosure can reasonably protect the identity of the student(s) involved.

## X. Student Records, Sanctions, Exams, Papers & Projects

### A. Student Records.

1. Student records are maintained by the Office of the Registrar. Students are on notice that the resolutions of any and all complaints against them while enrolled at ASL are placed in the student's records. It is common for the character and fitness assessment for state bars to submit requests to an applicant's law school requesting such information. ASL will respond providing the requested information. Students are on notice that what will be provided is dependent upon the information requested.
  - a. Specifically, some state bars request information regarding any complaint regarding the student, regardless of the outcome of any investigation or decision; others may ask more

open-ended questions about whether ASL has any information that might bear on a student's character and fitness to practice law.

- b. For example, one state's Office of Bar Admissions recently asked whether the applicant "has ever been charged with a violation of the Honor Code" (regardless of outcome) as well as whether the Dean believes "there is anything that would reflect adversely on their character and fitness to become a member of the bar." Another state's Board of Bar Examiners recently asked "Does the applicant's record indicate any conduct or behavior that could call into question the applicant's ability to practice law in a competent, ethical, and professional manner?" Another state requires an officer of the law school to answer, after review of the applicant's student records, whether the applicant is "honest" and whether he or she is "thorough in fulfilling obligations." In addition to a laundry list of specific questions, another state requires the Dean of the law school to state whether he "recommend[s] this applicant for a position of trust and confidence." Students are on notice that they should be aware of the specific questions that may be asked by the jurisdiction[s] in which they plan to apply to practice law.

## 2. Retention of Work upon Which Grades are Based.

ASL will retain exams and other written work on which a student's grade for a given course is based until the student has graduated, permanently transferred, withdrawn, been expelled, or been academically dismissed from ASL. Students will be permitted to review written work upon which a grade is based up to two weeks prior to the commencement of exams for the semester following the one in which the course was taken. If a student received a failing grade in a course and wishes to review written work upon which that grade was based, such review may take place within 30 calendar days after release of the grade; no student may review written work in any semester in which he or she is re-taking the course.

Exams and other written work upon which student's grades are based may be stored in the Office of the Registrar or a secure area designated by the Office of the Registrar, which may include the professor's office.

## B. Sanctions

1. Sanctions that may be imposed as part of the processes for resolving complaints of student behavior under Article I or Article II of this Chapter may include any of the following, up to and including expulsion from ASL:
  - a. Suspension from ASL for a period of up to one academic year;
  - b. A letter of censure;
  - c. Loss of "good standing" for purposes of academic standing, scholarships, or other awards;
  - d. Requirements for additional academic work, courses, or credits;
  - e. Sanctions recommended by the instructor/faculty member;
  - f. A period of probation on such conditions as set by the deciding officer for the Complaint (Assoc. DOS or DOS; CAO); and
  - g. Such other sanctions as may be commensurate with the violation.

**Students should be aware that the standard sanction for a violation of the Code of Academic Integrity is expulsion from ASL.**



2. Before a sanction of expulsion from ASL may be imposed, the President and Dean of ASL must agree. The President and Dean will review the complete record regarding the allegation/complaint, including any Reports, witness statements, and Decisions, and will consult with the DOS. The President and Dean must approve a sanction of expulsion in writing, before it may be imposed.
3. ASL is committed to community service. All ASL students are required to meet certain expectations for community service. Community service should be viewed as an opportunity for the student to contribute to the community and not as a punishment. Accordingly, no sanction for violation of the Code of Student Conduct or the Code of Academic Integrity will include the imposition of additional community service requirements.

### C. Examinations

1. Examination Schedules. Examinations, tests, and quizzes (“exams”) shall be scheduled by the course instructor, except that final exams shall be scheduled by the Chief Academic Officer in conjunction with the Office of the Registrar. All students shall take exams as scheduled. No student has the right to defer an exam. A student who fails to sit for an exam when scheduled, or who does not defer an exam according to these procedures, shall receive a failing grade for that examination. Once a student receives notification of a grade, no petition for grade change shall be considered if the circumstances set forth in the petition demonstrate that the student should have, but did not, ask for an exam deferral.
2. Exam Deferral. Deferral of an exam may be permitted for good cause, in the discretion of the course instructor. Good cause includes, but is not limited to, serious personal injury or illness; serious illness, injury, or death of a member of student’s immediately family; and similar emergencies beyond the student’s control which prevents the student from sitting for the exam when scheduled.
3. Procedure for Deferral. No student may have a course quiz or mid-term deferred without first applying to the course professor for permission to defer the quiz or mid-term. No student may have a final examination deferred without first applying to the Chief Academic Officer for permission to defer an examination. Permission to defer an examination must be obtained prior to the scheduled examination day, unless the cause for deferral occurs on the examination day, and is due to circumstances beyond the student's control. Students who must defer a scheduled examination shall submit to the Chief Academic Officer a written statement setting forth the nature of the emergency as soon after the emergency arises as is practicable, and should submit supporting documentation of the illness or emergency. If the Chief Academic Officer grants permission to defer an examination, the Registrar shall notify the instructor whose examination is to be deferred. At the instructor's discretion, a new examination may be given to the student whose examination has been deferred. The revised examination date shall be set by the Registrar. The examination should be taken before the beginning of the next semester, except in extraordinary circumstances. Any appeal of the Chief Academic Officer’s decision shall be made, in writing to the President and Dean. The decision of the President and Dean on appeal is final and is not subject to further appeal or review.
4. Accommodations for Schedules. The Deferral process is not applicable to requests for accommodations for schedules based on religious reasons. Students requiring an accommodation for an exam for a religious reason shall apply directly to the Office of the Registrar.

5. Other Accommodations. Students with disabilities may request a reasonable accommodation for exam-taking. The Accommodations Policy is set forth in Appendix E of the Catalog and Student Handbook. The procedures and forms used in requesting an accommodation are also set forth in Appendix E, available from the Registrar's Office or from the office of the Chief Academic Officer.
6. Take-Home Pass/Fail Remedy. In the event of a student's excused omission of a scheduled examination, the Chief Academic Officer may approve having the student take an appropriate take-home exam for the course on a pass/fail basis. The student taking an examination in this manner waives all right to anonymity.
7. Use of Computers on Exams. Except as provided for in this Chapter, students may not use computers, word processors, or other machines with permanent or retained memory functions on closed-book examinations, and may not use computers, word processors, or other machines with permanent or retained memory functions on open- book examinations unless the instructor informs the entire class in the syllabus that these are permissible. Students with disabilities may be permitted to use additional devices or equipment as part of a reasonable accommodation. The Accommodations Policy, the procedures, and the forms used for requesting an accommodation are set forth in Appendix E of the Catalog and Student Handbook.
8. Exam Software. Unless instructed otherwise by the professor, all exams will be completed using Exam4 and/or Scantron. Students must use school-approved exam software on examinations, as approved by the Registrar. In order to use exam software, students must comply with all requirements set forth by the Registrar.
9. Technical Requirements & Troubleshooting. Students are responsible for having functional and reliable equipment in order to take examinations. The hardware/software used must be compatible with ASL's exam software. Students will not be given additional time for technical issues not related to ASL's services. The Information Services staff is not responsible for repairing student computers and other equipment. However, the Information Services staff will assist as they are available. Information Services does not maintain hardware/software for student use during exams. If you have questions about equipment compatibility, please contact Information Services at [is@asl.edu](mailto:is@asl.edu).
10. Exam Administration Procedures. Rules for the administration of all examinations shall be prepared by the Registrar, or an individual designated by the Chief Academic Officer each semester. These Rules shall be reduced to writing and distributed to all students at the beginning of each semester. A student who fails to comply with any examination rule may be subject to administrative sanction including a grade reduction, examination time reduction, or any other sanction deemed appropriate under the circumstances in accordance with this Chapter.

#### D. Papers and Projects.

In any course which requires papers or projects other than in-class or take-home examinations, the instructor for the course may, but need not, make such arrangements for anonymous grading of such papers or projects as he or she deems appropriate.