RULES OF PROFESSIONAL CONDUCT FOR LAW STUDENTS

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I. PURPOSES AND SCOPE OF AUTHORITY; ADDITIONAL RULES

A. Purposes

The Council on Professional Conduct (hereinafter “the Council”) and the Rules of Professional Conduct for Law Students (hereinafter “the Rules” or “the Rules of Professional Conduct”) have several purposes. The Council’s education efforts and the Rules provide the CUA Law academic community a framework for conducting its programs on a basis of trust in the integrity of all participants. The Council’s efforts and the Rules give notice of specific conduct to be followed by members of the law school community. The Council’s efforts and the Rules prepare law students to participate in a self-regulated profession in which lawyers must comply with an analogous set of standards. The Rules also provide a process for resolution of the possible violations of the conduct standards with provision for education, remediation, and imposition of sanctions when appropriate.

B. Function and Scope

The CUA honor process was adopted by the faculty upon a student initiative in 1982. The Rules, as amended in 2012, recognize that the law school’s functioning should be built on a foundation of trust and integrity. Creation of this foundation requires the combined effort of the law school’s students, faculty, and staff in cooperation with the parent University. These Rules require law students, faculty, and staff to report possible violations by law students. The effectiveness of the Rules depends on their implementation by every member of the CUA Law community.

Allegations of misconduct committed by faculty or staff are not processed through the Council on Professional Conduct. They are dealt with by the Dean’s Office or through other University procedures. Any member of the law school community who has reason to believe that a member of the faculty or staff has engaged in dishonest or unprofessional conduct should bring that conduct to the attention of the Dean’s Office.

These Rules apply to student conduct that occurs between a student’s enrollment and graduation from CUA Law. If a violation is discovered after a J.D. degree has been conferred, the Dean shall determine what, if any, further action will be taken and the appropriate body to hear any evidence with regard to the matter. Action may include revocation of the J.D. degree. If an issue arises with regard to conduct occurring prior to enrollment at the law school, e.g., a failure to disclose a matter on the application, the Dean will determine whether the matter should be referred to a Council Hearing Panel or to another body. Action may include rescission of admission or expulsion if appropriate.

These Rules, and the duty to report violations of them, relate only to conduct that raises questions about the honesty, trustworthiness, or fitness of a student to become a lawyer. In interpreting “honesty, trustworthiness, or fitness,” the law school may refer to the interpretation of this standard by state and federal courts and bars, although no precedent from any particular court or bar will be considered binding. Nothing in these Rules shall be construed to prevent a professor from adjusting a grade downward or entering a failing grade for a student who has committed an act of academic dishonesty in a course taught by that professor. (Throughout this document, “professor” refers to all members of the CUA Law teaching staff including both full-time and adjunct instructors.)

C. Additional Rules and Procedures

The violations set forth in these Rules in Section IV are not the only rules and standards governing law students. Administrators and faculty members make rules and enforce standards of conduct for law students appropriate to their responsibilities. Serious violation of such rules and standards may raise questions regarding a student’s trustworthiness and fitness to be a lawyer and result in consequences that could include a failing grade, exclusion from a course or clinic, a report of the conduct to bars to which the student applies, or suspension/expulsion from CUA. Violations, which could result in such consequences, include actions that disrupt the law school-learning environment, interfere with administration of the academic program, or involve significant neglect of matters entrusted to the student. Law students also are subject to the University Code of Student Conduct. The Code of Student Conduct is set forth on the University policy website.

D. Duty to Notify CUA Law about Criminal Charges

1. Law students must notify the Dean’s office in writing of any criminal charge against them that occurs prior to law school graduation and has not been previously disclosed, e.g., as a part of the application process. This reporting requirement also applies to charges required to be reported in the following paragraph even if such charges are not designated as criminal, e.g., presented in the form of a traffic citation.

2. Any situation that involved alcohol use, drug use or property damage is reportable as are charges of “reckless driving” that result in revocation or suspension of a driving license. Parking tickets and minor moving violations are not reportable.

3. Notification of charges reportable under this section must be made within a reasonable time after the charge, and such time normally will not exceed ten (10) business days.

4. The law school also may require that the student provide additional information about the charge and its disposition.

5. Failure to report under this section within a reasonable time or to comply with the law school’s request for additional information is a violation of the Rules of Professional Conduct for Law Students as set forth in Section IV.A.8.

6. If the Dean’s Office has reason to believe that the charge may be a violation of the Rules of Professional Conduct if proven, the Dean’s Office will inform the Dean’s Designee about the matter, and the Dean’s Designee will proceed as provided by the Rules.

7. The Dean’s Office shall assess whether the matter suggests a serious threat to the health, safety or security of the university community or whether it otherwise raises a substantial question about the student’s honesty, trustworthiness or fitness to
become a lawyer. If so, the Dean’s Office will determine what action should be taken, and such action may include suspension or expulsion. If the Dean’s Office determines the matter does not fall within one of the previous categories, the Dean’s Office may warn the student of bar application reporting requirements.

II. RESPONSIBILITIES OF LAW SCHOOL COMMUNITY MEMBERS

A. Student Awareness and Compliance

Each law student must read and comply with the Rules and commit to maintaining the integrity of the legal profession. See Section III.E setting out the requirement that all entering students affirm in writing that they have read Sections I-IV of the Rules by the end of the orientation period.

B. Community Members’ Responsibility to Report Violations

Each member of the CUA Law community must report any conduct he or she has reason to believe violates these Rules, unless the person receives the information in the context of a confidential communication. See Section V.B for the specifics of this obligation and V.B.7 for definition of confidential communication.

C. Understanding Pertinent Rules for Academic and Co-Curricular Activities

1. Each person making an assignment or giving an examination in a law school course or co-curricular activity (hereinafter an “assigning person”) has the responsibility to provide an unambiguous definition of “unauthorized assistance” to all participants in a timely fashion. Unless a student’s resulting work constitutes Cheating as defined in Section IV.B, and in the absence of express instructions to the contrary, students are permitted to meet in groups to discuss reading assignments, to study for examinations, and to prepare for simulations, oral presentations, or clinical work. Unless prohibited by the professor’s definition of unauthorized assistance, students are permitted to use the words or ideas of another without attribution in writing for in-class examinations.

2. Each student has a responsibility to seek clarification of any perceived ambiguity in any professor or other assigning person’s definition of unauthorized assistance with regard to examinations, course assignments or co-curricular activities (see Section IV.B.1) and with regard to authorized recording of classes or other law school presentations or use of recordings (see Section IV.C.8).

3. Each student has a responsibility to apply generally accepted rules on proper attribution of source material, use proper punctuation or indentation to signify use of the words of another, and check all written submissions for any improper use of the words or ideas of another.

III. COUNCIL ON PROFESSIONAL CONDUCT; DEAN’S DESIGNEE; PROFESSIONAL CONDUCT EDUCATION

A. Composition

The Council on Professional Conduct shall consist of three faculty members and six students. The Dean shall appoint the faculty Council members, and the Dean shall designate one of the three faculty members as the Faculty Co-Chair of the Council. See Section III.C on selection of student members including the designation of a Student Co-Chair of the Council. The Dean’s Designee and any other staff or faculty member with responsibility for professional conduct education or review of possible violations of the Rules of Professional Conduct will serve as ex officio members. The ex officio members will assist the Council by providing information on the types of problems that arise in administration of the Rules or otherwise in the law school that might suggest a need for education of community members or administrative changes to promote greater adherence to the Rules.

B. Functions

1. Professional Conduct Education

The Council on Professional Conduct is charged with planning and implementing a curriculum of education on standards of professional conduct for law students relevant to the operation of the law school and to standards that apply to members of the legal profession. Planning this professional education program should include identification of the most important issues to communicate to students. This educational effort may include communication with faculty on such matters as clarity of directions on “unauthorized assistance” and defining plagiarism, as well as other ways that faculty can help promote personal integrity and education in professional conduct. The Council should also solicit suggestions from faculty and administrators on ways honor questions arise, e.g., in exam administration, and how to avoid such situations. After considering what types of education in honor and professional conduct should be available to students during their time at the law school, the Council shall create an agenda for the academic year. The Council shall participate in presentations made at the orientation for new students and cooperate with administrators and faculty in planning and offering at least two programs on issues of particular concern to first-year students. Such topics include issues that arise in the context of research assignments, writing assignments and exams, law review and journal writing competitions, and summer legal employment. The Council also should plan and implement at least two additional honor education programs on topics important to professional conduct as law students or as practicing lawyers. The Council shall establish criteria to determine what professional conduct programs, in addition to those presented by the Council, can be used to satisfy the continuing professional conduct education requirements specified in Section III.E. Without disclosing the identity of the people involved, the Council should
inquire the law school community about alleged violations that have been reported and the sanctions that have been imposed regarding Rules' violations. The Council should determine for what period such information should be provided, e.g., the past year or a longer period.

In addition to their roles in planning the content of professional conduct and honor education, student members of the Council are expected to assist in administration of the honor education requirement.

2. Hearing Panels
If an evidentiary hearing on an alleged violation of the Rules is necessary, a panel of three students and two faculty members (hereinafter a "Hearing Panel") will be drawn from the Council. A Hearing Panel will be chaired by a Council faculty member (hereinafter the "Hearing Panel Chair"). The Council shall establish internal procedures to determine which members should sit on a particular hearing panel, choice of the Hearing Panel Chair, and when recusal of a Council member would be appropriate. If the need for a hearing arises when student members are not available to serve, a Hearing Panel comprised of at least three faculty members may adjudicate the complaint. If there are an insufficient number of faculty members from the Council available to comprise a Hearing Panel, the Dean may appoint substitute faculty members for the panel. The need for such alternative composition of a Hearing Panel is most likely to arise if it is necessary to conduct a hearing during the exam period or the allegation concerns the behavior of a student about to graduate, but other circumstances also may arise requiring an alternative composition. See Section V.C.2 regarding time limits for resolving allegations and the option for Respondent or Respondent's Representative or Dean's Designee to petition for an alternative hearing panel if there is a concern regarding timely resolution of a matter or complaint.

A student member of the Council may be asked to assist the Dean's Designee in his or her investigation of a matter prior to the filing of a complaint, or of a complaint that has been filed with the Council or is pending before a Hearing Panel. See Section V.D.4.b.

C. Election and Term of Student Members
The six student members of the Council will be elected or appointed in accordance with the SBA Constitution or By-laws. The Constitution or By-laws shall provide for designation of one of the six students as the Student Co-Chair of the Council. Any vacancies should be filled promptly in accordance with the SBA Constitution or By-laws. Newly-chosen members should attend Council meetings from the time of their election although the official terms will begin on the final day of classes of the spring semester. Newly-chosen members also may be asked to serve on a Hearing Panel if an insufficient number of student members are available. As soon as feasible in the second semester, two additional first-year members will be elected or appointed in accordance with the SBA Constitution or By-laws. The first-year members should attend all Council meetings and participate fully in discussion about the education functions of the Council, but they are not eligible to be appointed to a Hearing Panel.

D. The Dean's Designee
The Dean of the law school will designate one or more bar-admitted professional staff members, deans, or faculty members to serve as the Dean's Designee. The Dean's Designee will perform the duties and responsibilities set out in Section V of these Rules. If the appointed Dean's Designee is unable to serve, the Dean shall choose one or more alternate bar-admitted professional staff members, deans, or faculty members to fulfill the duties of the Dean's Designee.

E. Professional Conduct Orientation
A copy of this document constituting the Council on Professional Conduct and the Rules of Professional Conduct will be given to each entering student and shall be enforceable as part of the Catholic University of America Columbus School of Law Announcements. By the end of orientation period, all entering students must sign a statement saying that they have read Sections I-IV of the Rules. Failure to sign this statement is not a defense to an alleged violation of these Rules. An "entering student" is a 1D, 1E, or transfer student, as well as visiting or LLM students during the period they are enrolled in courses at the CUA campus.

F. Continuing Professional Conduct Education
All students must attend six professional education programs during their time in law school. These may be programs planned and implemented by the Council as set out in Section III.B.1, or programs designated as honor education programs under criteria set by the Council as set out in Section III.B.1. The Council shall work with the law school administration to develop a system for recording compliance with these requirements, with student Council members assisting in gathering of attendance records at programs as needed. The Council shall set criteria for compliance with the attendance requirement by alternative means, e.g., certification of listening to recordings of sessions. An online system for students to check their compliance with this requirement will be maintained by the administration in accordance with the Council's criteria. If a student fails to complete the required six honor education programs, this failure will be noted in the student's academic record and will be reported to the bars to which the student applies.

IV. VIOLATIONS
The following conduct violates these Rules of Professional Conduct if it is dishonest, reflects a lack of trustworthiness, or otherwise raises a question about a student's fitness to become a lawyer. For the purposes of this section, a reckless state of mind refers to a conscious disregard of a substantial risk that the circumstance described exists or a related or resulting consequence will result.
A. Lying or Failing to Disclose

Lying is any act (or omission) in which a student intentionally, or with reckless disregard for the truth, deceives another by stating an untruth, by misrepresenting material facts, or by failing to disclose material facts. Conduct constituting this offense includes, but is not limited to, the following:

1. Representing the words or substance of another's work as one's own in any writing submitted for academic credit or written for a co-curricular activity with intent to deceive.
2. Representing the words or substance of another's work as one's own in any writing submitted for academic credit or written for a co-curricular activity with reckless disregard of commonly accepted definitions of plagiarism.
3. Failing to disclose past disciplinary complaints under these Rules resulting in the finding of a violation to a professor whom the student asks to act as a reference for that student.
4. Omitting material information about one's own academic record, work experience, or law school activities.
5. Furnishing any person with false or misleading material information about the academic record, work experience, or law school activities of another member of the law school community.
6. Furnishing false or misleading material information to any professor, any other administrative office of the University, or to a student or nonstudent administrator of a co-curricular or extracurricular activity. “Any other administrative office” of the University includes, but is not limited to, the Admissions Office, the Financial Aid Office, the Career and Professional Development Office, and the Department of Public Safety.
7. Omitting material information with the intent to deceive or mislead any professor, any other administrative office of the University (as defined in the previous paragraph), or a student or nonstudent administrator of a co-curricular or extracurricular activity.
8. Failing to report a criminal charge to the Dean’s Office, as set out in Section I.D, within a reasonable time after the charge has been made, which normally would not exceed ten (10) business days. The law school also may require that the student provide follow-up information on disposition of the charge and failure to do so as requested is also a violation.

B. Cheating

Cheating is an act (or omission) of fraud or deception by which the student intentionally attempts to gain or give an unfair advantage, or acts in reckless disregard of these possibilities. Conduct constituting this offense includes, but is not limited to, the following:

1. Receiving, using, or providing unauthorized assistance in connection with an examination, a course assignment, or a co-curricular activity.
2. Failing to follow instructions, particularly regarding start and stop time, or material allowed during the examination.
3. Accessing an electronic device during an examination. For the purposes of this section, an electronic device is one that can be used to communicate, store data, or access information, except computers properly equipped with exam software used by CUA. This includes phones, iPods, and MP3 players. All electronic devices should be turned off and put away during examinations. No such device may be accessed for any purpose during an exam.
4. Failing to turn in the examination questions, scratch paper, and any other material distributed for use during the examination, at the end of the examination.
5. Attempting to satisfy the requirements of a course by submission of work that was done, in whole or in part, for another course in the law school or at some other educational institution, or for an employer or an externship, unless the professor has been notified and authorized the overlap.

C. Stealing, Damaging, or Unauthorized Use of the Property of Another

Stealing, damaging, or unauthorized use of the property of another is any act by which a student takes, hides, tampers with, or damages any property of the University, the law school, or any member of the University community, or otherwise uses the property in a manner that has been forbidden. Such violation occurs when the student acts intentionally to deprive the owner of use of the property, intentionally fails to abide by rules for the property's use, or acts with reckless disregard of the possibility that such consequences may occur. Conduct constituting this offense includes, but is not limited to, the following:

1. Removing, without authorization, any property belonging to the law school, the University, or to any member of the University community.
2. Using the facilities of the law school or the University, including computing and telecommunication systems, in a prohibited manner or without paying any appropriate fees.
3. Misusing or abusing computer resources of the University or law school, including hacking, as outlined in the CUA Statement of Ethics in the Use of Computers or any related or successor policy.
4. Using the property of another student, a staff member, or a faculty member without receiving permission or paying any appropriate fees.
5. Vandalizing or hiding library books or other property.
6. Tampering with the settings on the computers in the computer labs.
7. Taking notes, books, computer printouts of study and research materials of other students without authorization.
8. Making, using, or distributing class or other law school presentation recordings in an unauthorized manner. The proscriptions in this subsection and provision for notification are intended to protect against violations of intellectual property or other rights concerning the unauthorized production, use, or distribution of class or other presentation recordings. They also reflect concerns that everyone whose comments might be recorded should be notified of that possibility. Note:
Anyone conducting a class or presentation should seek to assure that those present realize that the class or presentation is being recorded.

a. Students may record a class or other law school presentation only with the express permission of the faculty, staff member, or other person conducting the class or presentation. Recording without this express permission is unauthorized. A faculty member may provide a general written permission, e.g., in the course syllabus.

b. A professor or administrator may make audio or visual recordings of a class or other law school presentation available but restrict its use. If such a restriction is imposed, any use beyond that expressly permitted is unauthorized use.

c. Unless otherwise expressly permitted by the faculty member or other person conducting the class or presentation, recordings are solely for the academic use of students at CUA Law.

d. Students permitted to record a class per a disability accommodation must abide by the law school and Catholic University’s regulations and policies concerning such recordings. The Catholic University Disability Services Guideline can be accessed at http://policies.cua.edu/studentlife/disabilitysvcs/disability.cfm. It is unauthorized use for students to make or distribute such recordings or excerpts from such recordings available to anyone other than CUA community members authorized to access the recordings for academic use.

e. Permission to allow lecture recording is not a transfer of any copyrights in the recording or related course materials. Such recordings may be used only for individual study and may not be reproduced, transferred, distributed or displayed in any public or commercial manner. Students must destroy recordings at the end of the semester in which they are enrolled in the class.

D. Failing to Report a Violation of the Rules of Professional Conduct

Knowingly failing to report within a reasonable time, to the Dean’s Designee or to either Council Co-Chair, any conduct by a student that the potential Reporting Student has reason to believe violates these Rules. See the reporting standards set out in Section VB.

E. Harassing

Harassing is any act in which a student intentionally and falsely uses these Rules against another, or intentionally retaliates against another who is acting under these Rules. Conduct constituting this offense includes, but is not limited to, the following:

1. Falsely charging another student with violation of these Rules.
2. Retaliating against a person who reports an alleged violation of these Rules.
3. Retaliating against a person who provides information to the Council.

F. Contempt

Contempt is any act (or omission) in which a student intentionally interferes with the proper administration of these Rules, or acts in reckless disregard with respect to the possibility of such interference. Conduct constituting this offense includes, but is not limited to, the following:

1. Lying in any action or proceeding under these Rules.
2. Violating an obligation of confidentiality imposed by these Rules.
3. Failure, without just cause, of any student other than the Respondent to provide evidence or testimony relating to an alleged violation, when requested to do so by the Dean’s Designee, the investigator, the Respondent, the Respondent’s Representative, the Council, or a Hearing Panel. "Just cause" may include the existence of a privileged relationship or a confidential communication as set out in Section V.B.7 of these Rules.
4. Obstructing compliance with or enforcement of these Rules by any means.

G. Additional Violations

If conduct is alleged that would fall within this section, the Dean may refer the matter to the Dean’s Designee for consideration for referral to the Council for Hearing Panel consideration of the matter or initiate alternate procedures to resolve the matter in some other manner.

1. Discretionary referrals can be made in cases of any conduct that occurs in connection with the academic program, administration, or extracurricular or co-curricular programs of the law school if such conduct raises questions about the honesty, trustworthiness, or fitness of a student become a lawyer. See Section I.B regarding interpretation of this standard.
2. Any conduct, when it occurs on the University campus or when it occurs during an officially sponsored University event, that would constitute an intentional tort as defined by the law of the United States or the District of Columbia and that threatens or harms the property, health, safety, or security of another member of the University community. An "intentional tort" includes assault, battery, intentional infliction of emotional distress, and false imprisonment. "An officially sponsored University event" includes any event that is officially sponsored by the University, the law school, or one of their subordinate agencies or organizations, e.g., moot court.

3. Any conduct, regardless of where it occurs, that would constitute a crime as defined by the laws of the United States or jurisdiction within the United States in which it occurs, and that threatens or harms the property, health, safety, or security of another member of the University community. See Sections I.D and IV.A setting out students’ obligation to notify the law school regarding pending criminal charges or convictions.
V. ROLES, RESPONSIBILITIES, AND PROCESS REGARDING POTENTIAL RULES VIOLATIONS

A. Terminology

1. “Reporting Student” refers to a student reporting a potential violation of these rules.

2. “Potential Respondent” refers to a student about whom a matter is reported, before a formal complaint has been filed.

3. “Respondent” refers to a student accused of committing a violation of these rules.

4. “Faculty Advisor” refers to a faculty member who has agreed to advise a Respondent or Potential Respondent during the pre-hearing stages of a matter. A faculty member may choose to limit his or her role to advising the student about the procedures under these rules or may also agree to negotiate with the Dean’s Designee. A faculty member who agrees to advise a Potential Respondent or Respondent should specify which of these duties he or she is willing to undertake. A faculty member also may agree to serve as the Respondent’s Representative throughout the proceeding, as set forth in the next paragraph. Students are free to seek advice from any faculty member, but no faculty member is required to agree to become a Faculty Advisor or Respondent’s Representative (as defined in the following paragraph). These Rules provide a general waiver of conflict of interest based on a faculty member's status as a University employee, but faculty members must consider whether anything about their individual circumstances would constitute a personal conflict. Faculty with questions regarding potential conflict of interest may consult the University General Counsel or Compliance Officer for guidance.

5. “Respondent’s Representative” refers to the person who represents a Potential Respondent or Respondent and acts as his or her legal counsel, consistent with the Rules of Professional Conduct that govern attorneys. A Respondent may be represented by a faculty member who has agreed to accept that responsibility, private counsel retained at the Respondent’s own expense, or by a CUA law student. The possible roles of a Respondent’s Representative include, but are not limited to, investigating the allegations against the Respondent, advocating and negotiating on the Respondent’s behalf with the Dean’s Designee, preparing for an adjudicatory hearing, calling and questioning witnesses at an adjudicatory hearing, and, where necessary, being the Respondent’s advocate when a Hearing Panel considers sanctions or upon appeal of a Panel’s findings and recommendation.

6. “Administration Liaison” means an individual designated by the Dean to receive and maintain reports from the Dean’s Designee or Hearing Panel Chair regarding alleged violations of these Rules and the disposition of those alleged violations and to consult with the Dean’s Designee as provided by these Rules.

7. “Matter” means an alleged or potential violation of these Rules by a Potential Respondent prior to the filing of a formal complaint by the Dean’s Designee to the Council.

8. “Complaint” means a formal accusation filed by the Dean’s Designee with the Council, charging a Respondent with violating one or more provisions of these Rules.


B. Duty to Report a Suspected Violation

1. Each member of the CUA Law community must report, to the Dean’s Designee or to either Council Co-Chair, any conduct by a student that he or she has reason to believe violates these Rules. See Section IV for an enumeration of those violations. This report must be made within a reasonable amount of time after the community member becomes aware of the possible violation. For this purpose, a “reasonable amount of time” is usually considered not to exceed five (5) business days (not including the day of the suspected violation); however, a failure to report an alleged violation within this five-day period is not a basis for dismissal of a matter or complaint unless the delay has significantly jeopardized the Potential Respondent’s ability to defend against the allegation.

2. A member of the CUA Law community who suspects a student has committed a violation of these rules should avoid identifying the suspected student to other members of the law school community, except for consultation with regard to guidance on what is necessary to fulfill the obligation to report provided in the previous paragraph. See Section X for further instruction regarding confidentiality.

3. If the reporting person is an assigning person, as set out in Section II.C.1., that person ordinarily should discuss the alleged violation with the Potential Respondent before reporting it to the Dean’s Designee. This gives notice to the Potential Respondent and an opportunity to explain the alleged misconduct. Similarly a student may, but is not required to, discuss a suspected violation with the Potential Respondent before reporting a suspected violation. If that discussion convinces the community member that the Potential Respondent has not violated these Rules, the community member need not report the matter.

4. Failure by a student to report a violation is itself a violation of these Rules. See Section IV.D.

5. If a student reports the potential violation to either Council Co-Chair, the Co-Chair shall refer the reporting person to the Dean’s Designee. At the Reporting Student’s request, the Council Co-Chair may accompany the Reporting Student to meetings with the Dean’s Designee.

6. When a person reporting a violation informs the Dean’s Designee of a potential violation of these Rules, the Dean’s Designee may withhold the Reporting Student’s identity from the Respondent or Potential Respondent unless and until fairness to the Respondent or Potential Respondent requires that information be disclosed.

7. Except as provided in this paragraph, any member of the CUA Law community may consult with another member of the university community for the purpose of giving or receiving advice on whether to report a violation of the Rules or
how to respond to a notice concerning a matter or complaint involving the Rules. Except as provided in this paragraph, such consultation will be considered a confidential communication. A confidential communication should be held in confidence, and no duty to report will arise from that communication. In some instances, a community member may have a legal duty to report conduct described, e.g., sexual harassment, or may have discretion to do so if it involves a threat of significant harm to a person's health, safety, security or property. Council members, including ex officio members as set out in Section III.A, play important roles in consideration of violations of the Rules and, because of those responsibilities, are prohibited from entering into a confidential communication concerning matters or complaints involving these Rules. Keeping information about possible violations of the Rules confidential conflicts with the responsibilities of Council members and those who serve as ex officio members.

C. Time Limits for Resolving Allegations against a Student

1. The Dean's Designee, the Council, and the Hearing Panel shall fulfill their responsibilities as set out in Section V of these rules as expeditiously as is reasonable and fair under the circumstances of each case. In doing so, they will take into consideration such exigencies as any pending legal proceedings relating to the complaint, the availability of witnesses or other participants in the process, the academic calendar, and any other circumstances that may arise in the course of resolving the complaint.

2. If either the Respondent (or Respondent's Advisor or Representative) or the Dean's Designee believes that circumstances will preclude a timely resolution of a matter or complaint by a Hearing Panel, that individual may petition the Dean to refer the matter or complaint to a Hearing Panel of three or more faculty members for resolution. The Dean will grant or deny the petition in a timely manner. See Section III.B.2 for further instruction on expeditious hearings.

D. Preliminary Action; Alternatives Prior to a Hearing

When a possible violation of the Rules is reported to the Dean's Designee, the Dean's Designee's options and responsibilities are enumerated below. In deciding among these options and fulfilling these responsibilities, the Dean's Designee may consult with the Administration Liaison or with other faculty members or administrators.

1. No violation: The Dean's Designee will determine whether the alleged conduct would constitute a violation of the Rules. If the alleged conduct would not constitute a violation of the Rules even if proven, the Dean's Designee will terminate the matter, but may refer the matter to the Dean for whatever other action the Dean may consider appropriate.

2. Criminal conduct: If the alleged conduct if proven would constitute a crime under the laws of the jurisdiction in which it was allegedly committed, the Dean's Designee may urge the Reporting Student to report the matter to law enforcement officials. The Dean's Designee, with the approval of the Dean, also may report the matter to law enforcement officials.

3. Pending criminal investigation or proceeding: If the alleged conduct is the subject of a criminal investigation or proceeding, the Dean's Designee, with the approval of the Dean, may postpone taking any further steps under these Rules until the criminal investigation or proceeding has been resolved. This does not limit the authority of the law school to suspend the Potential Respondent or to take other action necessary to protect the health, safety, welfare or property of any member of the university community including the Potential Respondent. This provision also is subject to any legal requirements for the University to investigate allegations, e.g., of sexual assault, or take other actions required by law regardless of the status of any law enforcement agency's action.

4. Preliminary inquiry regarding allegations: If the Dean's Designee determines that the alleged conduct, if proven, would constitute a violation of these Rules, the Dean's Designee will ascertain whether credible evidence exists to support the allegation. To do so, the Dean's Designee shall conduct a preliminary inquiry, which may include the following:

a. The Dean's Designee may speak to any member of the CUA Law community or anyone outside the law school community, who may have relevant information about the complaint.

b. The Dean's Designee may request that a student member of the Council be appointed to assist the Dean's Designee in the investigation of the matter as referenced in Section III.B.2.

5. Informing the Potential Respondent: The Dean's Designee need not inform the Potential Respondent of the allegation during the preliminary inquiry, unless and until fairness to the Potential Respondent requires it. If it becomes necessary for the Dean's Designee to contact the Potential Respondent, the Dean's Designee shall inform the Potential Respondent that an allegation has been made about his or her conduct and direct the Potential Respondent to meet with the Dean's Designee as soon as possible. This initial meeting shall be conducted as set out in Section V.E. Subsequent meetings with the Potential Respondent shall be conducted as set out in Section V.G.

6. Termination of matter: If the Dean's Designee concludes after preliminary inquiries that the alleged violation of the Rules is not supported by credible evidence, the Dean's Designee will terminate the matter.

7. Lapse of judgment: If the Dean's Designee concludes that credible evidence exists that the Potential Respondent engaged in the alleged conduct, but that it is reasonably likely that this conduct reflected poor judgment rather than intentional or reckless disregard of the conduct proscribed by these Rules, the Dean's Designee may attempt to reach an agreement with the Potential Respondent on a remedial program for the Potential Respondent that will reduce the likelihood of similar lapses in judgment in the future.
a. Such remedial measures may include, but are not limited to, one or more of the sanctions found in Sections VIII.A.6-12 of these Rules. See VIII.C regarding bar reporting.

b. If the Dean’s Designee and the Respondent are unable to agree upon a settlement, the Dean’s Designee shall file a formal complaint with the Council setting forth the charges against the respondent. Upon receipt of the complaint, the Council shall appoint a Hearing Panel as set out in Section V.J.

c. A Respondent may not introduce evidence that the Dean’s Designee was willing to explore a settlement under this paragraph.

8. Credible evidence of a violation: If the Dean’s Designee concludes that credible evidence exists that the Potential Respondent has violated these Rules, the Dean’s Designee shall inform the Potential Respondent and the Potential Respondent’s Faculty Advisor or Representative. At this time the Dean’s Designee will inform the Respondent of the name of all witnesses to the alleged violation, unless the Dean’s Designee has substantial concern that a witness will face significant harm to the witness’s health, safety, or security.

9. Settlement: The Dean’s Designee will inform the Respondent and the Respondent’s Faculty Advisor or Representative of the possibility of settling the complaint without a hearing, as set out in Section V.I.

10. Complaint: If the matter is not settled, the Dean’s Designee shall file a complaint with the Council as set out in Section V.J.

11. Postponement: In compelling circumstances, the Dean’s Designee, in the best interests of the Potential Respondent, the potential or alleged victim, the law school, or both, may refer the matter or complaint to the Administration Liaison recommending that action on the matter or complaint be postponed until the Dean’s Designee believes it is appropriate to proceed. Compelling circumstances may include, but are not limited to the following: concerns for the physical or mental health of the Potential Respondent, the reporting person, or a key witness; exigencies caused by the academic calendar; the temporary unavailability of a person whose presence and participation is important to a fair resolution of the complaint; weather or other conditions that disrupt transportation. If the Administration Liaison concurs, the complaint will be postponed accordingly.

12. Report of actions taken under Section V.D: If a matter or complaint is disposed of by any of the methods as set out in Section V.D, the Dean’s Designee shall submit a written report to the Administration Liaison detailing the identity of the Potential Respondent, the nature of the allegation, method of disposition, and the reasons for that disposition. The Dean’s Designee also may suggest that the Dean consider whether the matter requires further action by the law school administration.

E. Dean’s Designee’s First Meeting with Respondent or Potential Respondent; Rights of Respondent or Potential Respondent

1. If it becomes necessary for the Dean’s Designee to contact the Potential Respondent, the Dean’s Designee shall inform the Potential Respondent that an allegation has been made and direct the Potential Respondent to meet with the Dean’s Designee as soon as possible.

2. At the Dean’s Designee’s first meeting with a Potential Respondent, the Dean’s Designee shall not attempt to question the Potential Respondent about the allegation and also shall inform the Potential Respondent, verbally and in writing, of the following:

a. The Potential Respondent is under no obligation to make any statements at this time. The sole purpose of this meeting is to inform the Potential Respondent of the following:

i. A matter has been reported to the Dean’s Designee concerning the Potential Respondent’s conduct.

ii. Anything the Potential Respondent says may be considered as evidence in any subsequent proceeding.

iii. The Dean’s Designee is investigating the matter.

iv. The nature of the allegation against the Potential Respondent.

v. His or her rights, as a Potential Respondent, as set forth immediately below

b. The Potential Respondent has the right to be advised by a Faculty Advisor, as that term is set out in Section V.A.4, or to be represented by a Respondent’s Representative, as set out in Section V.A.5. The Dean’s Designee may provide the Potential Respondent with the names of faculty members who have expressed a general willingness to serve as Faculty Advisor, but the Potential Respondent is free to approach other faculty members as well.

c. At all subsequent meetings that the Potential Respondent has with the Dean’s Designee, or anyone else who participates in the investigation, negotiation, or adjudication of the matter or complaint, the Potential Respondent has the right to be accompanied by his or her Faculty Advisor or Representative. The Faculty Advisor or Representative may speak and negotiate on behalf of the Potential Respondent.

d. After the filing of a complaint, all communications between the Dean’s Designee or the Council and the Respondent shall be through the Respondent’s Representative unless the Respondent has elected in writing to proceed pro se.

e. If a complaint is filed against the Potential Respondent to the Hearing Panel, the Potential Respondent will have the rights set out in Section V.G.

F. Right to Refuse to Answer Questions or Participate; Inferences

At the first meeting between the Dean’s Designee and the Potential Respondent, the Dean’s Designee also shall inform the Potential Respondent:
1. Until the Potential Respondent has had the opportunity to secure advice or representation, no inferences will be drawn from his or her decision not to make a statement concerning the matter or complaint.

2. The Potential Respondent has the right to refuse to meet with the Dean’s Designee or a student investigator, to refuse to answer questions asked by the Dean’s Designee, a member of the law school faculty or administration, or a student investigator, and to refuse to attend, participate in, testify at, or answer specific questions at any Hearing Panel proceeding. After the Potential Respondent has had the opportunity to secure advice or representation, the Dean’s Designee and Hearing Panel may draw inferences from any such refusal.

G. Subsequent Meetings between the Dean’s Designee and Respondent or Potential Respondent

1. After the Potential Respondent has had an opportunity to obtain a Faculty Advisor or a Representative, as set out in Section V.A., the Dean’s Designee shall request that the Potential Respondent to discuss the matter with the Dean’s Designee. This request shall be in writing or by email, with a copy sent to the Potential Respondent’s Faculty Advisor or Representative if the Dean’s Designee knows the identity of the Potential Respondent’s Faculty Advisor or Representative. This request will inform the Potential Respondent:
   a. The Potential Respondent has the right to refuse to respond to questions or participate in the procedures established by these rules, but that inferences may be drawn from such refusal, as set out in Section V.F.
   b. The Potential Respondent’s Faculty Advisor or Representative may accompany the Potential Respondent to all meetings with the Dean’s Designee or the Dean’s Designee’s student investigator and may speak on behalf of the Potential Respondent.

2. At such subsequent meetings, the Dean’s Designee may question the Potential Respondent concerning his or her alleged violation of these Rules and, if appropriate, discuss the possibility of settling the matter as set out in Section V.H.

H. Settlement

1. A Potential Respondent or Respondent may propose a settlement to the Dean’s Designee, which may include an admission of facts constituting a violation of the Rules and proposed remedial measures or sanctions. No statement by the Potential Respondent or Respondent, or by the Dean’s Designee, made in the context of settlement negotiations will be admissible in any hearing on a matter or complaint before the Hearing Panel.

2. If, at any time before or during an adjudicatory hearing before a Hearing Panel, the Respondent and the Dean’s Designee arrive at a settlement acceptable to both parties, the settlement disposes of the complaint, and no further action is required by the Hearing Panel.

I. Referral for Hearing

1. If the Dean’s Designee finds credible evidence of a violation that raises a substantial question about a student’s honesty, trustworthiness, or fitness to become a lawyer, and the Potential Respondent and Dean’s Designee have not arrived at a settlement, the Dean’s Designee shall file a written complaint with the Council.

2. The complaint will include:
   a. All provisions of Section IV that the Respondent is suspected of violating;
   b. The date, time, and place of the alleged violation, to the extent known;
   c. A summary of the suspected conduct and circumstances; and
   d. The names of known witnesses, unless the Dean’s Designee has substantial reason to believe that disclosure of a witness’s identity at that time will expose the witness to significant harm to the witness’s health, safety, or security.

3. Upon receipt of a complaint, the Council Co-Chairs shall appoint a Hearing Panel to conduct an adjudicatory hearing. See Section III.B.2 requiring the Council to establish internal procedures regarding the composition of hearing panels.

4. Within five (5) business days of filing a complaint with the Council, the Dean’s Designee shall send to the Respondent, by certified mail and by email, (1) a copy of the complaint, and (2) a statement of the Respondent’s rights, as set out in Section V.E. If the Dean’s Designee is unable to determine an address at which the Respondent receives mail, the Dean’s Designee shall make reasonable efforts to notify the Respondent by other means.

5. As set out in Section III.B.2, the Dean’s Designee also may request that a student member of the Council be appointed to assist in the investigation, negotiation, or adjudication of the complaint, if one has not already been appointed.

6. Discussions at the first meeting between the Dean’s Designee and the Respondent are governed by Section V.E. Subsequent meetings are governed by Section V.G.

7. Supplemental or amended charges:
   a. The Dean’s Designee may amend or add additional charges to the complaint at any time prior to the final hearing before the Hearing Panel, subject to the approval of the Hearing Panel Chair.
   b. The Dean’s Designee shall notify the Respondent and the Respondent’s Faculty Advisor or Representative promptly in writing of any proposed amendment of the complaint. The Respondent and the Respondent’s Faculty Advisor or Representative are entitled to appear before the Hearing Panel to argue against permitting the amendment or additional charges and to request a delay if such is necessary to prepare a defense to the amended or additional charges.
   c. The Hearing Panel Chair shall approve such amended or additional charges, unless approving them would jeopar-
dize the Respondent’s right to a fair hearing or would cause such a delay in the hearing that the ability of the Council to resolve the complaint would be compromised.

8. Where circumstances require it, and with the approval of the Dean, an allegation of a violation of the Rules may proceed before a Hearing Panel made up solely of faculty members as set out in Section V.C.2.

J. Disclosure to Respondent Prior to an Adjudicatory Hearing

1. Prior to an adjudicatory hearing, if the Dean’s Designee has not already done so, the Dean’s Designee shall provide the Respondent with the following information:

a. Identity and contact information for any witness who may appear at the hearing, unless a witness has convinced the Dean’s Designee that he or she has a credible fear of retaliation or other threats to the witness’s health, safety or security should the Respondent learn the witness’ identity before the hearing.

b. Copies of any documents that may be presented at the hearing.

c. Any information known to the law school administration, Dean’s Designee, or Council that may tend to exculpate the Respondent or mitigate the degree of wrongdoing.

2. This information shall be provided to the Respondent within a reasonable amount of time before the hearing.

K. Summary Dismissal

After the matter has been referred to a Hearing Panel under Section V.I., the Dean’s Designee, with the approval of the dean, may dismiss the complaint. If the Dean’s Designee does so, he or she shall prepare a written report of his or her factual findings and the reasons for dismissal. A copy of the report shall be sent to the Respondent and the Administration Liaison. The Dean’s Designee will determine whether a report is sent to the person who reported the incident.

VI. HEARING PROCESS

A. Hearing Panel

The Hearing Panel shall be comprised and chaired as set out in Section III.B.2. The Hearing Panel Chair may request that another member of the faculty advise him or her at the hearing with regard to matters of procedure.

B. Timing of Hearing; Bifurcation of Proceedings; Recording

1. The Hearing Panel shall conduct an evidentiary hearing on the complaint in a timely manner, while affording the Dean’s Designee and the Respondent time to prepare for the hearing and to have all necessary participants present at the hearing.

2. The Hearing Panel may bifurcate the proceeding to address the factual allegations against the Respondent before addressing the issue of an appropriate sanction.

3. The Hearing Panel shall make an audio or video recording of the hearing. If a video recording is made, the parties should agree with the Hearing Panel Chair on where the camera will be focused, and if an agreement cannot be reached, the Hearing Panel Chair will decide on the camera’s placement. Ordinarily, the recording will be erased if the Hearing Panel concludes that there has been no violation of these Rules, and if the dismissal is not appealed. If a violation is found, the recording will be retained in the Dean’s Office for five (5) years after the date of the Respondent’s departure from the law school unless the Dean determines that it should be kept for a longer period.

C. Quorum; Participation in Deliberations

A quorum of the Hearing Panel, consisting of the Hearing Panel Chair and at least two student members, must be present at any proceeding before the Hearing Panel unless the Dean’s Designee and the Respondent both consent to the taking of evidence with fewer members being present.

D. Respondent’s Refusal to Participate

See Section V.F on Respondent’s right to refuse to participate and the inferences that can be drawn from the refusal.

E. Witness Presence during the Hearing

Witnesses should be present only for their testimony, unless the party requesting it presents compelling reasons why this should be permitted. This provision does not apply to the Respondent, who may and should hear all of the testimony given at the hearing.

F. Presentation and Exclusion of Evidence

1. The Dean’s Designee shall present the evidence against the Respondent.

2. The Dean’s Designee may offer evidence of prior misconduct by the respondent, subject to the Hearing Panel Chair’s discretion to exclude it if it is of marginal relevance or is unfairly prejudicial.

3. The Respondent’s Representative may participate fully in the proceeding.

4. The Dean’s Designee and Respondent or Respondent’s Representative may each call witnesses and may cross-examine witnesses called by the other party. The Hearing Panel may question those witnesses. Hearing Panel members may also call and question their own witnesses, whom the Dean’s Designee and Respondent or Respondent’s Representative may cross-examine.

5. The Hearing Panel may consider and rely on any evidence it considers credible and probative, including hearsay. Formal rules of evidence will not apply at the hearing, but the parties and Hearing Panel members may look to the Federal Rules of Evidence for guidance where appropriate.

6. The Hearing Panel Chair may exclude evidence that he or she considers cumulative or unnecessarily time-consuming, irrelevant, patently unreliable, or which creates a risk of unfair
prejudice that substantially outweighs its legitimate probative value.

7. At the close of the presentation of the evidence against the Respondent, the Respondent or Respondent’s Representative may move to dismiss the complaint on the ground there is no credible evidence supporting the charges. The Respondent or Respondent’s Representative may argue in favor of the motion. The Dean’s Designee may argue against it. The Hearing Panel shall decide the motion by a majority vote. If there is no majority vote, the motion is denied.

8. If the Respondent’s motion is denied, the Respondent or the Respondent’s Representative may then call witnesses, introduce documents, and present other evidence.

9. The Respondent may elect to testify or not testify at the hearing. If the Respondent does testify, he or she may refuse to answer specific questions. The Hearing Panel may draw inferences from the Respondent’s decision not to testify or refusal to answer specific questions.

10. Subject to the Hearing Panel Chair’s discretion, each side may present rebuttal witnesses or evidence.

11. After each side has rested, the Dean’s Designee and the Respondent or Respondent’s Representative may each make a closing argument.

VII. HEARING PANEL DETERMINATION

A. Burden of Proof

1. The Hearing Panel may find that the Respondent has committed a violation of these Rules only if a majority of the Hearing Panel is satisfied that the evidence has established the violation by clear and convincing evidence.

2. Clear and convincing evidence is that which persuades a majority of the Hearing Panel members eligible to vote that it is “highly probable” that a violation of the Rules has occurred, or leads the majority to have a “firm belief or conviction” that a violation of the Rules has occurred.

B. Inference from a Refusal to Answer Questions or Participate in a Hearing Panel Proceeding

The Hearing Panel may consider the Respondent’s refusal to answer questions or to participate, as set out in Part V.F, but such refusal is not, in itself, sufficient to satisfy the clear and convincing evidence standard.

C. Effect of a Tie Vote

If the vote of the Hearing Panel members is evenly divided, this constitutes a finding that no violation of the Rules has occurred.

D. Determination of Violation and Sanction

1. If the Hearing Panel concludes that the Respondent has violated one or more provisions of these Rules, the Panel should then proceed to determining an appropriate sanction.

2. If the proceeding was bifurcated as set out in Section VI.B.2, the Hearing Panel shall schedule a hearing at which the parties may be heard on the issue of appropriate sanction.

3. The Hearing Panel’s determination of a sanction for violation of these Rules may take into consideration any sanction already imposed on the Respondent for the conduct at issue, e.g., a failing grade.

4. If the Hearing Panel members cannot agree on an appropriate sanction or sanctions, the vote of the majority shall decide the sanction decision. If no majority decision can be reached, the Dean shall decide the sanction to be imposed.

E. Records of Hearing Panel Proceedings; Written Report to the Dean

1. A record of each Hearing Panel proceeding should be retained until the complaint is resolved.

2. Once a Hearing Panel has reached a decision, the Hearing Panel Chair shall submit a written report to the Dean setting forth the Hearing Panel’s factual findings and conclusions as to whether or not the Respondent violated any of these Rules, and if so, the sanction to be imposed. Where appropriate, the report may recommend how the sanction will be administered or supervised. This report shall be completed within a reasonable time following the Hearing Panel’s final determination of findings and sanction.

F. Action by the Dean

1. The Dean will transmit to the Respondent and Respondent’s Representative, by certified mail and by email, the Hearing Panel’s decision, and, subject to the appeal process, impose the recommended sanction.

2. If a Hearing Panel concludes that the Respondent has committed a violation of these Rules, the decision of the Hearing Panel and the Dean’s letter of transmittal shall be placed in the Respondent’s academic file for future reference, subject to the appeal process set out in Section IX.

3. The Dean will determine whether a report is sent to the person who reported the incident.

VIII. SANCTIONS

A. Possible Sanctions

Upon finding that a student has violated these Rules, the Hearing Panel may recommend that the law school impose one or more of the following sanctions:

1. Expulsion.

2. Suspension from course registration and attendance.

3. Disciplinary probation for one or more semesters.

4. Public or private letter of reprimand, which would be placed in the student’s academic file.

5. Denying credit in a course in which the violation occurred.

6. Suspension from participation in extracurricular or co-
curricular law school activities.

7. Informal letter of admonition, which would not be reported to the bar to which a student applies for admission unless required by that bar.

8. Requirement that the Respondent take a course or write a paper that would assist the Respondent in avoiding subsequent misconduct.

9. Service to the law school or the community to compensate for the harm caused by the violation, or to impress upon the Respondent the significance of the violation.

10. Requirement of restitution or reimbursement for damage to or theft of property.

11. Public or private apology to any person harmed by the violation.

12. The Hearing Panel and the Dean's Designee may propose other reasonable sanctions designed for remedial or rehabilitative purposes that are not included in this list. Before such a remedial or rehabilitative sanction is imposed, it must be approved by the Dean's Designee for consideration of such issues like feasibility of administration.

B. Sanction Imposition

If there is no appeal, the Dean shall impose the sanctions determined by the Hearing Panel consistent with any relevant policies and procedures of The Catholic University of America.

C. Bar Report

If one or more of the sanctions set out in Section VIII.A.1-5 are imposed, the law school will report the imposition of the sanction to any bar to which the Respondent applies for admission. If one or more of the sanctions set out in Section VIII.A.6-12 are imposed, the law school will report the imposition of the sanction to the relevant bar, if reporting is:

1. Required by the particular bar.
2. Recommended by the Hearing Panel.
3. Deemed appropriate by the Dean's Office.

IX. APPEALS

A. Right to Appeal

Either the Respondent (or Respondent's Representative) or the Dean's Designee may appeal the decision of the Hearing Panel, the sanction imposed, or both, by submitting a written notice of appeal to the Dean's Office. The notice shall specify in detail the grounds for appeal. Unless the Respondent (or Respondent's Representative) and the Dean's Designee give written notice to the Dean's Office that there will be no appeal, the Dean will not impose the recommended sanction until completion of the period for appeal.

B. Submitting a Notice of Appeal

The notice of appeal provided in the previous paragraph shall be submitted in writing to the opposing party within thirty (30) calendar days after issuance of the Hearing Panel’s decision. If an appeal is not filed within thirty (30) calendar days, the sanction imposed in the Hearing Panel's decision becomes final.

C. Appeal Panel

The Dean shall designate three faculty members to comprise an Appeal Panel.

D. Review of Hearing Panel Decision

1. The Appeal Panel shall decide the appeal after reviewing the record before the Hearing Panel, the Hearing Panel's final written decision, and the written submissions of parties to the appeal.

2. The Appeal Panel shall give due deference to the Hearing Panel's factual findings on evidence credibility and overturn such determinations only if the Appeal Panel finds them to be against the substantial weight of the evidence.

3. In exceptional circumstances, the Appeal Panel may allow the Respondent or the Respondent's Representative and the Dean's Designee to make a presentation to the Appeal Panel before the appeal is decided. If the Appeal Panel grants a request for an oral presentation, the Appeal Panel shall notify the Respondent or Respondent's Representative and the Dean's Designee of the date, time, and place of oral hearing.

E. Appeal Panel Decision

In the event of an appeal, the Appeal Panel may:

1. Affirm the findings of fact and sanction recommended by the Hearing Panel.

2. Affirm the findings of fact of the Hearing Panel but impose a different sanction, which may be more or less severe than that recommended by the Hearing Panel.

3. Remand the case to the Hearing Panel for a new full or partial hearing.

4. Overturn the findings of fact and the sanction recommended by the Hearing Panel and enter its final decision.

The Appeal Panel’s decision shall be final and the Respondent and Respondent’s Representative and the Council shall be notified by certified mail within a reasonable time, normally not exceeding thirty (30) calendar days.

F. Sanction Imposition

After a determination upon the appeal, the Dean shall implement the sanctions consistent with any relevant policies and procedures of The Catholic University of America.
X. CONFIDENTIALITY

A. Generally
Participants in the investigation, attempted settlement, or adjudication of an alleged violation of these Rules, and those who report or have witnessed an alleged violation, should regard information concerned as confidential. Such information should be revealed only to the extent that the disclosure seems reasonably necessary to the investigation, attempted settlement, adjudication of the matter or complaint, or the safety, security, and welfare of the law school or University community.

B. Closed Hearings; Exception
1. Hearing Panel hearings will be closed to non-participants unless the Respondent or Respondent’s Representative requests an open hearing. The Respondent’s or Respondent’s Representative’s request for an open hearing shall be granted unless the Hearing Panel Chair concludes that the hearing, or portions thereof, should be closed for compelling reasons, such as the protection of the privacy of a witness.

2. Except as provided in Section X.A, if a hearing is closed, the hearing itself, and all information revealed at the hearing, shall be treated as confidential until after the complaint has been resolved.

C. Confidentiality after Final Disposition
1. Following the dismissal, settlement, or adjudication of a matter or complaint, a member of the CUA Law community may discuss the substance of the matter or complaint so long as details that would reveal the identities of the individuals involved are excluded.

2. Notwithstanding the requirement of confidentiality, if the alleged conduct involves conduct of a kind that falls within The Catholic University of America Code of Student Conduct, or that set out in Section V.D.2 and Section V.D.3 of these Rules, those with information concerning the conduct shall provide that information when called upon to do so by officials of the law school, the University, or a government agency.

IX. AMENDMENT OF THE RULES OF PROFESSIONAL CONDUCT

1. Proposals to amend this Council on Professional Conduct and Rules of Professional Conduct for Law Students may be submitted to the Dean by any member of the university community. The Dean will decide the appropriate body to review the proposals and determine what recommendation, if any, should be made to the faculty regarding the proposals. Recommendations may include, but are not limited to, rejection, approval, approval in amended form, or substitute recommendations. The Dean also may constitute a body to make a general review or a review specific to particular concerns. Before proposed changes are submitted to the faculty, the Council, including ex officio members, and the student body generally, shall be given notice of the proposed changes and an opportunity to comment.

2. The faculty must approve amendments to the Council on Professional Conduct and Rules of Professional Conduct for Law Students.

NOTIFICATION OF LAW SCHOOL ABOUT CRIMINAL CHARGES AND CONVICTIONS

The law school application requires applicants to list any pending criminal charges or convictions on matters other than minor traffic violations. This requirement to notify the law school of all pending criminal charges and convictions other than minor traffic violations continues from the time of application through graduation. Most state bars ask each law school to provide information about whether graduates of the school who have applied for bar membership have been involved in any criminal matters or law school disciplinary matters. (The same inquiry is made of the applicant.)

When a student notifies the dean’s office of a criminal charge or conviction, the dean’s office will assess whether the conduct violates the Rules of Professional Conduct for Law Students, whether the matter suggests a serious threat of possible harm to another member of the law school community, or whether it raises a question about the student’s honesty, trustworthiness, or fitness to become a lawyer.

If these questions are answered negatively, the dean’s office will remind the student that the student may be required to report the matter on the bar application and alert the student of the possible consequences of nondisclosure during that process. If one of the questions above is answered affirmatively, the law school may initiate action that could affect the student’s enrollment status.