

University of Detroit Mercy School of Law Community Standards Code

1. Preamble

The University of Detroit Mercy School of Law Community Standards Code articulates the Law School's expectation that all students will respect the rights of all members of the Detroit Mercy Law community to enhance the educational environment. The Community Standards Code establishes a commitment to fostering an environment that recognizes the personal, ethical, psychological, social, and spiritual potential of all students. All members of the Detroit Mercy Law community are expected to read this Code and adhere their conduct to it.

This Community Standards Code sets forth the Law School's standards of conduct with respect to student conduct that falls outside the purview of the Law School's Honor Code. This Code also sets forth the procedures to be followed when there is an allegation that the Community Standards Code has been violated. This Code is designed to address any alleged violation in a fair and expeditious manner.

2. Community Standards

The Community Standards Code is based on the expectation that all students, and other members of the Law School Community, treat all members of the Community with dignity, respect, fairness, and civility and to behave in a responsible manner at all times both in and outside of the classroom. Conduct that violates this expectation includes:

- a. Disorderly conduct including:
 - 1) Obstruction or interfering with the reprimand, discipline, or apprehension of another person involved in the commission of an offense under the conduct code or any other School policy or regulation.
 - 2) Intentional disruption or obstruction of teaching, research, administration, student conduct procedure, public service functions, or other law school functions by any means.
- b. Behavior, language, physical abuse, or threat of physical abuse to any member of the Detroit Mercy Law Community on law school premises or at law school-sponsored or -supervised functions that endangers the health, safety, or well-being of any person or group.
- c. Refusal to comply with reasonable directions of law school officers (instructional and administrative) acting in performance of their duties.
- d. Theft of or intentional damage to property of the law school, of a member of the law school community, or to the campus.
- e. Actions constituting violations of law on the law school premises or at a law school function.

- f. A criminal conviction.
- g. Knowingly making false accusations against a member of the Detroit Mercy Law community.
- h. Unsanctioned possession or use of School equipment, materials, or keys or the unauthorized entry, exit, occupancy of, or use of any School room, building, or facility.
- i. Illegal possession, consumption, distribution, or furnishing of alcohol or other drugs on School property, of the holding of an event in which any of these occur.
- j. Harassment, lewd or offensive behavior toward any member of the Detroit Mercy Law community.
- k. Possessing, using, or storing firearms, explosive, or weapons on School-controlled property or at School events or programs.
- l. Violations of published administrative policies.
- m. Sexual misconduct as defined by the University's Sexual Misconduct Policy.
- n. Sexually harassing another person in violation of the University's Sexual Harassment Policy.
- o. Acts of retaliation – words, actions, or written communication that imply or state another individual of the Detroit Mercy Law community will be harmed or harassed for participating in the Community Standards or Honor Code procedure.

3. **Procedure**

a. **Reporting**

All members of the Detroit Mercy Law community have an affirmative duty to report known or suspected violations of the Detroit Mercy Law's Community Standards. Other than reports of sexual harassment or misconduct, reports must be made in person or in writing to the Assistant Dean for Student and Administrative Services (ADSAS). The ADSAS will determine whether, if the allegations occurred as reported, they would constitute a violation of the Detroit Mercy Law's Community Standards. If the allegations would not constitute a violation, then the ADSAS will inform the reporting party that no further action will be taken. If the allegations would constitute a violation, then the ADSAS will determine whether the alleged misconduct would constitute a minor violation, which could be resolved through an education conference with an administrator, or if it would constitute a major violation that would require a more formal review process.

Reports of sexual harassment or misconduct need not be received by the ADSAS in order to trigger further process; rather, a report to a responsible employee will suffice to trigger further process for sexual harassment or misconduct complaints.

i. Minor Violations

Minor violations are those that can typically be resolved through an educational conference with an administrator. When the ADSAS determines that alleged misconduct would constitute a minor violation, he will notify the Associate Dean for Student Affairs (ADSA) of the allegation. The ADSA may affirm the violation as a minor violation or may determine that it is a major violation. If the ADSA affirms the violation as minor, the ADSAS and the ADSA will determine whether an informal investigation is required, will conduct such investigation, and will meet with the student to address

the allegation. Typically, when a student commits a minor violation of Detroit Mercy Law's Community Standards, no formal charges will be filed, nor will a record of a violation be placed into a student's file. Following the meeting with the ADSA or ADSAS, a student is expected to modify his or her behavior so that it upholds Detroit Mercy Law's Community Standards. Repeated minor violations could be the basis for the adjudication process, described below. The ADSAS will keep an internal record of minor violations and their resolutions.

ii. Major Violations

When the ADSA determines that the alleged conduct would constitute a major violation of Detroit Mercy Law's Community Standards, he will notify the ADSA of his determination. The investigation and adjudication process outlined below will follow.

b. Investigation

Upon notification from the ADSAS alleging a violation of the Community Standards Code, the ADSA, or his or her designee, shall appoint an administrator or faculty member to serve as an Investigator. The Investigator will conduct an investigation to determine whether credible evidence supports the charge of a violation of Detroit Mercy Law's Community Standards. At the conclusion of the investigation, the investigator will issue a report which will contain:

- a. Statement of the allegations and the relevant Community Standards at issue;
- b. Review of the steps taken in the investigation; and
- c. A determination of whether credible evidence supports the charge, and if so, a description of the evidence.

Absent good cause, the investigator's report should be completed no more than 10 school days after the ADSA receives notification of an alleged violation. The investigator will submit his or her report to the ADSA.

If the investigator does not find credible evidence to support the charge, no further action will be taken, but the ADSA will keep the report with names redacted for the duration of the academic year.

c. Community Standards Resolution Hearing Process

Upon receipt of the investigator's report in which a finding of credible evidence is made, the ADSA shall set a hearing date, which shall be within 10 to 15 school days after the student facing charges response is due, as described below.

The ADSA will present the student facing charges with a description of the charge(s), a copy of the Investigator's Report, as well as a Community Standards Resolution Hearing date. Within 5 school days, the student facing charges must either admit responsibility for the Community Standards violation, or contest the report. The student facing charges must submit his or her response in writing to the ADSA. Failure to submit a written response will be deemed an admission of responsibility.

In cases of alleged sexual harassment and/or sexual misconduct, the ADSA will also present the Complainant with a copy of the Investigator's Report, and when applicable, a copy of the description of the charges and the Community Standards Resolution Hearing Date. The

Complainant may make a written response to the documents, which should be submitted within 5 school days of receipt.

If the matter moves to the Community Standards Resolution Hearing, the ADSA, or his or her designee, shall hold a Community Standards Resolution Hearing within the time frame prescribed above. The ADSA, or his or her designee, shall serve as the Hearing Officer. The Resolution Hearing is a non-adversarial proceeding in which formal rules of evidence are inapplicable. The Hearing Officer decides what documentary evidence to request, what witnesses to call, and what questions to present in order to conduct a thorough examination of the facts of the charged violation. The Hearing Officer has final authority to ensure an orderly and complete hearing. The Hearing Officer shall consider the Investigation Report, the student's written response, and the oral testimony of the student facing charges, should he or she choose to testify. The Hearing Officer may call additional witnesses, review documentary evidence, and ask relevant questions in order to conduct a complete hearing.

A student facing charges may request witnesses to testify on his or her behalf. Victims and complainants may also request witnesses to attend and testify. The Hearing Officer must be notified of a request for witness(es) not less than two school days in advance of the Resolution Hearing. The Hearing Officer may impose reasonable limits on the number of witnesses called, as well as the scope and duration of the witness statements. Witnesses are typically asked to comment only on the event(s) pertinent to the charges, not the character of the charged student.

A student facing charges may have one advisor present for the Resolution Hearing. A complainant in a sexual harassment or misconduct case may also have one advisor present for the Resolution Hearing. Finally, any other student who is required to attend a Resolution Hearing may request to have an advisor present. The Hearing Officer shall consider these requests on a case-by-case basis. The Hearing Officer must be notified in writing at least two school days in advance of the Resolution Hearing if a student intends to bring an advisor to a Resolution Hearing. The advisor serves as a support person and is intended to be of direct assistance to the student before and during the Resolution Hearing. The student has the right to reasonably consult with the advisor during the Resolution Hearing, but the advisor shall not participate as an advocate or speak on behalf of the student.

The student facing charges also has the right:

- a. To request the Hearing Officer ask further questions of a witness;
- b. To request the Hearing Officer call additional witnesses in the matter;
- c. To testify and submit relevant materials;
- d. To refuse to answer any incriminating question;
- e. To make an opening and closing statement; and
- f. To present mitigating testimony and/or evidence that would affect the sanctions imposed, should the student be found responsible for a violation.

d. Sanctions

When a student is found responsible for the alleged Community Standards Violation, either by accepting responsibility following the investigation report or as a Resolution Hearing, the Hearing Officer shall determine the appropriate sanctions for the violation.

The Hearing Officer may impose any sanctions that they deem appropriate to the Honor Code Violation. The following is a non-exhaustive list of potential sanctions which may be imposed:

Written reprimand

Probation, which includes a loss of any scholarship award, loss of present leadership positions, and a bar from seeking future leadership positions for the duration of the probation

Ethical counseling / reflective exercise

Loss of privileges

Restitution

No contact order

Required leave of absence, with or without specific conditions that must be met in order for the student to return to the program

Suspension for a defined period of time

Suspension for an indeterminate period of time, with reinstatement contingent on the completion of specific requirements

Expulsion with the opportunity to withdraw

Expulsion

The minimum sanction that will be imposed for any major violation of Community Standards is a written reprimand, which will be placed in the student's educational file.

e. Decision

The Hearing Officer shall issue his or her decision in writing to the student facing charges within 10 school days of the Resolution Hearing. The decision shall contain findings of fact, findings of responsibility, and sanctions. The Resolution Hearing Process concludes with the delivery of the decision.

f. Appeal

A student found responsible for a violation of the Detroit Mercy Law Community Standards is able to appeal a decision only after the conclusion of the Resolution Hearing Process. In addition, the Complainant in a case involving a violation of the sexual harassment and/or sexual misconduct policy may appeal a decision at the conclusion of the Resolution Hearing Process.

The decision may be appealed on the following bases:

- i. The finding of responsibility is based on finding of fact that are clearly erroneous;
- ii. The finding of responsibility is based on an erroneous interpretation of the Detroit Mercy Law Community Standard(s), which resulted in prejudicial error;
- iii. The recommended sanction is disproportionate in light of the violation of Detroit Mercy Law Community Standard(s);
- iv. Departures from procedure in this process, which caused a prejudicial error.

A student may submit a written appeal to the Dean of the School of Law within 10 school days of the receipt of the Resolution Hearing Decision. In no appeal is submitted, the matter is closed.

Upon a review of the full written record, the Dean will issue his/her decision to uphold the Resolution Hearing Decision in full, uphold in part, or reverse. The Dean's decision will be issued within 10 school days of receipt of the student's appeal. The Dean's decision is final.

g. Record Keeping

When a student is found responsible for a violation of Detroit Mercy Law Community Standard(s), a copy of the Investigation Report and the Resolution Hearing Decision will be forwarded to the Dean of the School of Law and included in the student's educational file. When a student is found not responsible, a copy of the Investigation Report and Resolution Hearing Decision with names redacted will be kept in the ADSA's files for the duration of the academic year.