



## **Elon Law Student Personal & Professional Responsibility Policy**

### **School of Law Statement on Personal and Professional Responsibility**

Members of the Law School community are expected to conduct themselves in ways that will reflect credit upon themselves, the School of Law, the University, and the legal profession. Students aspiring to the Bar are required to behave appropriately, to respect the rights and privileges of others, and to abide by the law and by the regulations of the University and the School of Law. State Bar associations place the burden on their applicants to prove the applicant has the necessary qualifications, fitness, trustworthiness, and good moral character required of an attorney, and the obligations associated with meeting this burden apply for the duration of the student's time at the Law School.

Students whose conduct does not violate the Honor Code but nevertheless interferes with the academic environment, casts serious doubt on the judgment or maturity of a student, or subjects the School to potential embarrassment will be counseled by the Office of Career & Student Development. Where student conduct may threaten members of the Law School community, visitors or school property, or seriously interfere with the educational mission of the Law School, the Office of Career & Student Development will investigate and, if necessary, impose sanctions on the offending student according to the Law School's Student Personal and Professional Responsibility Policy.

# **STUDENT PERSONAL AND PROFESSIONAL RESPONSIBILITY POLICY**

## **Section 1: DEFINITIONS, EXPECTATIONS, AND STANDARDS**

### **A. Definitions**

The policies and procedures set forth in this Policy apply to all students enrolled at the Elon University School of Law. For purposes of clarity and efficiency, all references in this document to “Elon Law” refer specifically to the Elon University School of Law, and where applicable and relevant, more broadly to Elon University. References to “Elon University” or “the University” are inclusive of the Elon University School of Law.

### **B. General Expectations and Community Standards**

The Elon Law Personal and Professional Responsibility Policy and Honor Code present the expectations of Elon University and Elon Law that individuals will act in a manner that is respectful of the rights and privileges of others. Every member of the Elon University community has the right to live and learn in a safe environment and an atmosphere of respect and support.

Responsibility for maintaining the honor of the community rests with each individual member. Only if every member assumes responsibility for personal and group integrity and civility will the community best meet the developmental needs of its members. Each person must examine, evaluate and regulate their own behavior to be consistent with the expectations of the Elon community.

### **C. Relation to the Honor Code**

Elon Law has two codes that govern student conduct: the Personal and Professional Responsibility Policy, set out in the Student Handbook and implemented by these provisions (collectively, the “Personal Responsibility Policy” or “Policy”) and the academic Honor Code (“Honor Code”). Although both codes include rules and expectations for appropriate conduct, the Honor Code primarily concerns academic issues, and the Personal Responsibility Policy is concerned mainly with non-academic issues. Honor Code issues will be handled according to the process established for that code, while Policy issues will typically be handled by the Office of Career and Student Development, and/or the Dean(s) of the law school.

## **Section 2: SCOPE OF THE PERSONAL RESPONSIBILITY POLICY**

Students at Elon Law are provided a copy of the *Academic Catalog and Student Handbook* (which includes the Honor Code and Personal Responsibility Policy) annually in the form of a link on the Elon Law website. Students are responsible for reading and abiding by all provisions of both the Honor Code and the Policy.

Elon Law’s Honor Code and Personal Responsibility Policy apply to both individual student and organizational behavior:

- Occurring from the time of admission until the actual awarding of a degree (applying to behavior that occurs before classes begin or after classes end, as well as during periods between terms of enrollment unless a student has completed the process of withdrawal from the university);
- In the classroom and at all locations and events on Elon University and Elon Law owned or leased property;

- In locations and at events not occurring on campus, including those involving non-campus individuals and organizations;
- In locations abroad, including involvement with all individuals and organizations; and
- Via email, via text, online or through any other electronic medium.

Be aware that online postings such as blogs, web postings, chats, social networking sites, and social media/applications are in the public sphere and are not private. These postings can result in allegations of conduct violations if evidence of inappropriate behavior is posted electronically. Elon Law does not regularly search for this information but may take action if and when such information is brought to our attention.

The Personal Responsibility Policy applies to guests of community members and hosts may be held accountable for the misconduct of their guests.

Elon Law retains conduct jurisdiction for any misconduct that occurs while someone is a student. If charged with a violation, a student may not be permitted to register for classes, withdraw from Elon Law, re-enroll (if withdrawn for medical or other reasons), graduate or participate in commencement exercises until there is a final resolution on the case. All applicable sanctions must be satisfied prior to any continued involvement with Elon Law and/or Elon University including the conferring of a degree.

There is no time limit on reporting violations of the Personal Responsibility Policy; however, the longer someone waits to report an offense, the more difficult it becomes for Elon Law officials to obtain information and witness statements and to make determinations regarding alleged violations. Because proceedings for possible violations are to be conducted expeditiously, prompt reporting (within two weeks of the incident) is encouraged. Reports received 6 months or more after an incident will not likely be considered for adjudication except in the case of relationship violence or sexual misconduct. (See the RELATIONSHIP VIOLENCE AND SEXUAL MISCONDUCT section of this Policy for clarification on what is included in these categories.) Students will not be penalized or discriminated against in any way for reporting incidents, but any student who knowingly files a false or malicious complaint may be charged with a violation of the Policy.

Though anonymous complaints are permitted, doing so may limit Elon Law's ability to investigate and respond to a complaint if the report cannot be validated. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Career and Student Development and/or the police, where appropriate.

A student's Elon email account is Elon Law's primary means of communication with students. Students are responsible for all communication delivered to their Elon email address, delivered to their campus box, or mailed to their permanent residence.

Students facing an alleged violation of the Personal Responsibility Policy can submit a request to withdraw from courses at Elon Law, but will not generally be allowed to withdraw from Elon Law until all allegations are resolved.

**Students are responsible for knowing the information, policies and procedures outlined in this document.** Elon Law reserves the right to make changes to this Policy as necessary and once those changes are posted online, they are in effect. Students will be notified via Elon email of any changes

during the academic year but are encouraged to check the Academic Catalog and Student Handbook online for the updated versions of all policies and procedures.

### **Section 3: AUTHORITY**

#### **A. Authority**

The Office of Career and Student Development is responsible for coordination of Elon Law's Personal Responsibility Policy. This includes, but is not limited to:

- A. Promoting awareness of the Personal Responsibility Policy and related policies;
- B. Maintaining official records for all violations of the Personal Responsibility Policy;
- C. Providing a prompt, fair and impartial process (from preliminary inquiry through final resolution);
- D. Training and supervision of administrative hearing officers;
- E. Conducting periodic meetings with main campus and local law enforcement agencies; and
- F. Periodic review and update of the Personal Responsibility Policy and violations of community standards.

#### **B. Gatekeeping**

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. The Director of Student Life will assume responsibility for the preliminary investigation of an allegation of misconduct to determine whether charges related to Personal Responsibility Policy violations shall be applied on a case by case basis.

Conduct action by Elon Law does not preclude the possibility of civil or criminal charges being placed against an individual nor does the filing of civil or criminal charges preclude action by Elon Law.

#### **C. Educational Conversation or Informal Resolutions**

While an incident may involve behaviors that do not reflect the values of the Personal Responsibility Policy, they may not necessarily violate the Personal Responsibility Policy. In those cases, the Director of Student Life has the discretion to refer a complaint/report for an educational conversation or another informal resolution method.

#### **D. Administrative Hearing Officers**

Administrative hearing officers include the Assistant Dean of Career and Student Development, the Director of Student Life, and additional university staff members recommended by the Dean. They are typically drawn from administrative staff. In cases involving sexual misconduct or relationship violence, an investigation team serves in the capacity of a hearing officer.

#### **E. Contacts**

**For questions or concerns related to academic integrity and Honor Code policies and procedures:**  
Tom Molony, Associate Professor of Law, [tmolony@elon.edu](mailto:tmolony@elon.edu)

**For questions or concerns related to social policies and Personal Responsibility Policy policies and procedures:**

**Title IX inquiries:** Melissa Duncan, Assistant Dean of Career & Student Development, Deputy Title IX Officer for Elon Law, [mduncan6@elon.edu](mailto:mduncan6@elon.edu)

**Personal Responsibility Policy and Character & Fitness:** Stacie Dooley, Director of Student Life, [sdooley3@elon.edu](mailto:sdooley3@elon.edu)

**Bias response:** Jennifer Mencarini, Elon Law Bias Responder and Director of Career Development, [jmencarini2@elon.edu](mailto:jmencarini2@elon.edu)

## **Section 4: COMMITMENT TO COMMUNITY**

### **A. Community Responsibility**

As a learning community, the Personal Responsibility Policy and Honor Code combine to guide standards for behavior on the basis of shared values and principles. Maintaining a vibrant learning environment that supports all members of our community requires students to make ethical decisions while taking personal and social responsibility for their actions. Each member of the Elon Law community bears responsibility for their conduct, reasonably holding others responsible for their actions, and refraining from actions that impair Elon Law's purpose or its reputation. When a student's behavior is not consistent with community standards, Elon Law will respond and hold a student accountable for violations of the Policy and Honor Code.

The honor council and student conduct process exist to protect the interests of the community, challenge those whose behavior is not aligned with community standards as reflected in school policies, and hold them accountable for those actions. Sanctions are intended to challenge students' moral and ethical decision-making and help them bring their behavior into accord with community expectations. When unable to live according to community expectations, the student conduct process may determine that students should no longer share in the privilege of participating in this community.

### **B. Alcohol and Drug Use**

Elon Law is committed to the intellectual and personal development of students. Elon Law recognizes that the legal profession has been marked by higher rates of alcohol and substance abuse among law students and practicing lawyers. Substance misuse inhibits students' development and is negatively correlated with academic success and personal safety. The vitality and health of the Elon Law community relies on each member taking personal responsibility for his or her actions regarding alcohol and other drug use and safeguarding the well-being of others.

- Elon Law welcomes and supports the decision of students not to drink.
- Students are expected to make conscious choices that do not diminish the academic or social success, or personal safety, of themselves or others.
- Elon Law observes laws regarding alcohol use and holds students accountable for their choices.
- Students whose drinking creates a risk of danger to the health and safety of themselves or others are subject to suspension and/or loss of other student privileges.

Elon Law observes and strictly enforces all local, state and federal laws related to possession, use, sale or distribution of controlled or illegal substances. Sale or distribution of illegal or controlled substances or for uses other than as intended creates a significant danger for the law school community. Individuals who are involved in any drug-related violation are subject to criminal action, as Elon Law may report these individuals to the legal authorities. Students convicted of any offense involving the possession or sale of a controlled substance may also be deemed ineligible to receive Financial Aid.

Students are accountable for upholding Elon Law's drug policies even when in states or countries in which certain drugs have been decriminalized or consumption is legal.

Though some impairing substances may be legal to purchase in North Carolina or other states, Elon University and Elon Law prohibits possession and/or use of these substances by Elon students. Students are responsible for knowing, understanding, and following the University's drug policies.

### **C. Safety Policies**

**Good Samaritan Policy:** Elon Law embraces students helping each other and enacts the **Good Samaritan policy** when a student is actively seeking appropriate medical care for a student. If a student is with another student "in danger" or "of concern" and calls for medical aid they will not be held accountable for violating Elon Law alcohol or drug use policies. Elon Law's main concern is getting the proper care for the student in need. Students should call for help and NOT drive anyone in need of medical attention. Most students are not trained to care for the student should they become ill or disruptive which could impact one's ability to drive safely. Students with or observing a student "in danger" are expected to seek medical attention.

**Medical Safety Policy:** When an individual receives emergency medical attention related to the consumption of alcohol or drugs, they will be required to complete a substance abuse assessment within a reasonable amount of time as determined by the Office of Career and Student Development or the Office of Student Health and Wellness (typically 24-72 hours) and participate in any recommended treatment.

Failure to complete the elements of the medical safety policy will limit the student's continued eligibility. If there is a subsequent hospitalization, Elon Law will review the incident on a case-by-case basis and reserves the right to handle each situation as deemed necessary.

### **D. Relationship Violence and Sexual Misconduct**

Elon Law has an obligation to ensure learning and working environments that are free from discrimination or harassment. The University has procedures in place to receive, investigate, respond to and resolve complaints of discrimination, including harassment based on sex. Title IX violations include discrimination on the basis of sex or gender and include domestic or dating abuse, sexual harassment, sexual exploitation, and nonconsensual sexual acts. (When acts are based on sex or gender, stalking or invasion of privacy and threatening behaviors may also be considered Title IX related violations.) Elon University and Elon Law will not tolerate acts of interpersonal violence (including sexual violence), will investigate all reports, and if warranted will adjudicate these cases.

For more information on reporting incidents of sexual Misconduct and interpersonal violence, please visit: <https://www.elon.edu/u/title-ix/>

## Section 5: POLICIES

The Student Personal Responsibility Policy supports the shared values and communal expectations that promote the development of the individual and the community. Policies listed below identify behaviors that are unwelcome in our community. This list is not exhaustive with respect to student conduct that might offend the Policy; this list is intended to give students notice of the kinds of acts and behaviors that the Law School will take action to remedy and prevent.

Procedures and rights in the student conduct process are conducted with fairness to all. Sanctions will be proportionate to the severity of the violation(s) and to the cumulative conduct history of the student. Multiple or egregious violations of policies may result in disciplinary suspension or permanent separation from Elon University and Elon Law.

### A. Reporting violations

Elon Law encourages community members to report to Elon Law officials all incidents that involve concerning behaviors. Any member of the Elon Law community can submit an incident report with the Office of Career and Student Development. The incident will be reviewed, and if disciplinary charges are warranted, it will be referred to the appropriate administrative hearing officer.

- a. **Policy violations:** The form and instructions for reporting a Policy violation can be found on the Elon University Student Conduct website (<https://www.elon.edu/e/students/incident-report.html>). Community members may also send an email with as many details as possible to the Director of Student Life, Stacie Dooley, at [sdooley3@elon.edu](mailto:sdooley3@elon.edu).
- b. **Bias-related incidents:** Elon Law values and celebrates the diverse backgrounds, cultures, experiences and perspectives of our community members. By encouraging and celebrating these differences, we create an environment that promotes freedom of thought and academic excellence. Elon University and Elon Law denounces bias-related conduct as a violation of the honor system. Bias-related incidents, including slurs based on racial or ethnic identity, faith tradition, gender expression/identity, sexual orientation, ability and other identities, create a hostile educational, living, and working environment and such acts are not tolerated in our academic community. Members of the Elon Law community may report bias-related incidents in one of two ways.
  1. Incidents of bias, harassment, and/or discrimination may be reported in person or via email to the designated Elon Law Bias Responder, Jennifer Mencarini, [jmencarini2@elon.edu](mailto:jmencarini2@elon.edu), in the Office of Career & Student Development.
  2. Incidents may also be reported on the University's [Report Bias](#) website. Although the site will ask for the community member's Elon username and password to access the reporting form, community members may opt to remain anonymous, and may request not to be contacted. This reporting system is maintained by Leigh-Anne Royster, Director of Inclusive Community Development, [lroyster@elon.edu](mailto:lroyster@elon.edu).

### B. Character and Fitness

Every Elon Law student is expected to demonstrate that they possess the "qualifications of character and general fitness requisite for an attorney and counselor-at-law, and is possessed of good moral character and is entitled to the high regard and confidence of the public." (North Carolina Board of Law Examiners website).

The North Carolina Board of Law Examiners (NCBLE) sets forth clear guidelines pertaining to Character and Fitness, defining each as follows:

- “The term ‘good moral character’ includes but is not limited to the qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary and personal responsibility and of the laws of North Carolina and of the United States and a respect for the rights and property of other persons.”
- “The term ‘fitness’ includes but is not limited to, the mental or emotional stability of the applicant to practice law in North Carolina.”

Elon Law students are expected to “be persons whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them and whose record demonstrates the qualities of honesty, trustworthiness, diligence, responsibility and reliability.” Elon Law students are expected to amend their law school application anytime they fail to meet these expectations by completing the Character & Fitness form corresponding to their class year. Forms are available outside of the Registrar’s Office and through the Office of Career & Student Development.

For a comprehensive explanation of the character and fitness expectations of the NCBLE, and by extension the expectations of Elon Law, see the NCBLE website: <https://ncble.org/character-fitness/>.

### **C. Policies**

Elon Law students should exemplify honesty, be trustworthy, fair, ethical, and respect the truth in all of their dealings. They should be authentic, accept the consequences of their actions, and learn from their experiences. Conduct that violates these values includes, but is not limited to, the policies listed here and in the Honor Code.

Sanctions for violations of these policies can be found in the “Section 7: SANCTIONS”.

#### ***2018.01 Complicity***

Any act that knowingly aids, facilitates, promotes or encourages the commission of a Policy violation by another person.

#### ***2018.02 Fraud/Lying***

A statement, action or representation that is knowingly false, misrepresents the truth, and/or is intended to deceive another that is not otherwise covered by the Law School Honor Code. Examples include but are not limited to: falsifying statements, records, forms, computer applications, cable television or telecommunications equipment; manufacturing, altering or falsifying an official identification card or possession and/or use of another person’s ID or a fake identification card; or presenting another person’s Phoenix Card, name or ID number for identification, meals or purchases, or allowing another person to use one’s Phoenix Card for fraudulent purposes.

#### ***2018.03 Possession of Lost or Stolen Property***

This includes, but is not limited to, the possession of property reported or known to be lost or stolen, regardless of the item’s place of origin.

#### ***2018.04 Stealing***

The knowingly unauthorized taking of property from the possession of another person or Elon Law. This includes, but is not limited to, taking another’s personal property, the unauthorized possession of parking decals, or consumption of food.



**2018.05 Unauthorized Entry or Occupancy of a University/Elon Law Facility**

Unauthorized access or misuse of access privileges to University or law school facilities; propping of doors for entry into or exit from a University or law school building.

**2018.06 Arrest**

Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime to the Office of Career and Student Development within seventy-two (72) hours of release.

**2018.07 Behavior that Endangers the Health & Safety of Self and/or Others**

Any behavior that creates a risk of danger to self, others or the University or Elon Law community. Behaviors include but are not limited to intentionally injuring oneself; creating a disturbance that may lead to a dangerous situation; failure to evacuate a building during a fire alarm; and being on the roof or unapproved exterior area of any buildings.

**2018.08 Drug and Alcohol Policies**

**2018.08.1 Drugs: Use or Possession of Controlled, Illegal or Prohibited Substances**

Any possession or use of controlled, prohibited, or illegal substances or use of (or intent to use) substances for purposes or in manners not as directed. Examples include but are not limited to: possession or use of illegal substances; possession or use of prescription drugs without a valid/current medical prescription; use of prescribed medication not as directed (over-use, snorting prescribed medication, and the like); huffing, snorting, smoking or otherwise possessing or using legal substances not as intended. Substances such as JWH-018 (K2, "Spice"), salvia and pyrovalerone derivatives (found in substances marketed as "bath salts") are not intended for human consumption and are prohibited for possession or use by any Elon Law student.

**2018.08.2 Drugs: Distribution or Sale of Prohibited, Controlled or Illegal Substances**

Any sale or distribution (including distribution without financial gain) of controlled or illegal substances or any substances prohibited by the Elon University and Elon Law Drug Policy. This includes sharing of prescription medication.

**2018.08.3 Drugs: Possession of Drug Paraphernalia**

Possession and/or use of drug paraphernalia, including, but not limited to, roach clips, bongs, hookahs, blow tubes, papers, scales or any material or apparatus containing drug residue.

**2018.08.4 Drugs: Accessory to Drug Use, Possession or Sale**

Being in the presence of or aiding and abetting the possession, sale or use of prohibited, controlled or illegal substances.

**2018.08.5 Alcohol: Unauthorized Possession or Use of Alcohol**

Any possession or use of alcoholic beverages outside of University or Law School-sanctioned events is strictly prohibited (even if the student is of legal drinking age) while on University and Elon Law owned property or at University and Elon Law-related events. At sanctioned events at which the University or Law School provides alcoholic beverages, only those beverages are permitted to be possessed or used.

**2018.09 Failure to Comply with the Directive of a University/Law School Official**

Direct disobedience of an order of a University or Elon Law employee (including, but not limited to, administrative staff, support staff, faculty and police/security staff). This includes, but is not limited to, failure to evacuate a building, campus, or area of campus when so ordered by a school official (including

evacuating a building during a fire alarm); refusing to present an ID upon request; failure to comply with a reasonable request of a faculty or staff person; or failure to complete prescribed sanctions as given by an administrative hearing officer or hearing board.

#### **2018.10 Bias-related Conduct**

Conduct directed toward a person, or persons, that is intimidating or hostile in nature based on actual or perceived age, race, color, creed, religion, sex, national or ethnic origin, disability, sexual orientation, gender identity, gender expression, or veteran's status. Bias-related conduct may be in verbal, written, electronic, online, graphic, or physical form.

The determination as to whether this policy has been violated takes into account the totality of the circumstances. This policy is not intended to undercut the free exchange of ideas even on sensitive topics, but rather to prohibit personal threats and hostile conduct motivated by bias.

#### **2018.11 Bullying**

Any on-going behavior directed at or about a student that is degrading, humiliating, malicious or defamatory. Behaviors may occur in person, in print, via electronic means or through social networking (cyber-bullying). Examples include, but are not limited to: ongoing pranks or ridicule directed against an individual, graffiti, posting insults against a student in a public setting or on any website.

#### **2018.12 Discrimination**

Conduct which is discriminatory and an individual suffers an adverse academic, employment, or educational opportunity on the basis of a person's actual or perceived race, color, gender, national or ethnic origin, age, religion, creed, disability, veteran's status, sexual orientation, gender identity or gender expression.

#### **2018.13 Fighting or Acts of Physical Aggression**

An encounter with blows or other personal violations between two or more persons. This includes but is not limited to actual or attempted pushing, hitting, kicking, spitting, wrestling, pulling hair, etc.

#### **2018.14 Harassment**

Conduct (including verbal, written, visual, or physical conduct) that disparages, belittles, or shows hostility against an individual/group/entity when such conduct has the purpose or effect of:

- unreasonably interfering with an individual's work or academic performance, or
- creating an intimidating, hostile, humiliating, or offensive working, living or learning environment.

#### **2018.15 Retaliation**

Any threatening or harassing behavior directed against another individual or entity who has, in good faith, reported a potential violation of University or Elon Law policy or the law; or against an individual or entity involved in the student conduct or legal process (witnesses, student conduct advisors, etc.).

#### **2018.16. Sexual Misconduct and Interpersonal Violence Policy**

Acts of gender-based harassment, discrimination, or violence are strictly prohibited and will be addressed through Elon's Sexual Misconduct and Interpersonal Violence Policy.

The prohibitions, processes, and policy can be viewed in its entirety here:

<http://elon.smartcatalogiq.com/en/2017-2018/Student-Handbook/Sexual-Misconduct-and-Interpersonal-Violence-Policy>

**2018.18 Threatening Behaviors**

Any (direct, indirect, conditional or veiled) expression of intent to cause physical or mental harm. Any communication of a threat is presumed to constitute a statement of intent without regard to whether the student communicating the threat has the present or future ability to carry it out.

**2018.19 Destruction or Defacing of Property**

Destruction, damage or defacement of personal, public, University or Elon Law property; including, but not limited to: defacing structures, bulletin boards, equipment and facilities; tampering with or damaging thermostats; parking/driving on grass and sidewalks; grinding or rail sliding with skates or skateboards; littering; and removing window screens.

**2018.20 Disorderly Conduct**

Conduct that is disruptive to the rights of others. Examples include but are not limited to: intentionally preventing others from listening or presenting their ideas in class; use of cell phones in classrooms or during campus events; excessive noise; public urination, defecation, or exposure (without sexual misconduct); horseplay, practical jokes; hiding from University or Elon Law officials or resisting police/security officers; and general annoyances. Offenses that occur in the classroom may result in temporary or permanent suspension from the class, pending the outcome of a hearing.

**2018.21 Fire Safety**

Violation of local, state, federal or campus fire policies including, but not limited to:

- a) fire setting – intentionally or recklessly starting a fire without authorization;
- b) arson – setting fires with the intention of destroying property;
- c) improper use of University and/or Elon Law fire safety equipment; or
- d) tampering with, covering or removing smoke detectors, fire alarms, fire extinguishers, exit signs or other life safety equipment, as well as the breaking of pull station or fire extinguisher covers unless the situation warrants such action and/or causing a false fire alarm to be pulled.

**2018.22 Firearms and/or Weapons**

The possession or use, whether openly or concealed, of any weapon or ammunition is strictly prohibited (even if the student has a concealed handgun license) while on University and Elon Law owned property or at University and Elon Law-related events. Examples of “weapons” include, but are not limited to: the possession or use of any object as a weapon or in a threatening manner; guns, rifles, pistols, bullets, explosives, stun guns, BB guns, air soft guns, paint pellet guns, bow and arrows, sling shots, bowie knives, daggers, switch-blade knives, metallic knuckles, throwing stars, knives of more than six inches when opened and any other weapon of any kind.

**2018.23 Guest Behavior**

A guest is defined as anyone who is present at the invitation of a student or anyone who is received or accompanied by a student on University or Elon Law owned or leased property. Students are responsible for educating their guest(s) regarding University and Elon Law policies and are accountable for the behavior and actions of their guest(s). Students will be charged with violating this policy and all other policies their guest(s) violate, as if the student(s) violated the policies themselves. Non-student guests are also subject to criminal prosecution for violation of campus policies and state and federal laws. Students are responsible for all guest activities and incidents occurring on University or Elon Law owned or leased property. Guests with repeat or serious violations of campus policies may be permanently trespassed from campus and may be subject to criminal prosecution.

In order to ensure the safety and comfort of all residents, students may not leave guests unattended at any time.

#### **2018.24 Laws of the Wider Society and Student Behavior at Off-Campus Sites**

All students are required to abide by the laws of local, state and national governments and are subject to University and Elon Law action for violation of any law. This includes local government ordinances. University and Elon Law sanctions may be assigned to students through the Policy for behavior that adversely affects self or others at off-campus sites or disrupts the community. University and Elon Law action does not preclude the possibility of civil or criminal charges being placed against an individual nor does the filing of civil or criminal charges preclude action by the University and Elon Law.

### **D. Student Rights**

#### **Students Charged with a Policy Violation**

Related to the student conduct process, student respondents (those charged with potential violations of the Policy) have specific rights. (When the incident involves potential sexual misconduct violations, the complainant is afforded these same rights.) They are entitled to:

- Have a written statement of the charges.
- Have written notice of the date, time and place of the hearing.
- Have the hearing/investigation decision (in sexual misconduct cases) postponed for good cause. (Request for postponement must be made no less than two days prior to the scheduled time of the hearing and must be made in writing to the Director of Student Life.)
- Have an advisor from within Elon Law's faculty/staff/student community. (Note: When charged with violations related to sexual misconduct, students may have an advisor of their choosing and are not restricted to an advisor from within Elon Law.)
- Hear and respond to the information related to the charge(s).
- Provide information on their own behalf.
- Obtain witnesses on their own behalf.
- Submit questions for complainant/witnesses present at hearings or interviewed in connection with sexual misconduct investigations.
- Know the final outcome of the hearing/investigation decision and provisions for any appeal process.

#### **Students Reporting Violations of Sexual Misconduct**

When reporting allegations of relationship violence or sexual misconduct, complainants have specific rights. (These are the same rights afforded a responding student.) They are entitled to:

- Have written notice of the date, time and place of the hearing.
- Participate in the interview process.
- Have the interview/investigation decision postponed for good cause. (Request for postponement must be made no less than two days prior to the scheduled time of the meeting and must be made in writing to the Assistant Dean of Career & Student Development.)
- Have an advisor of their choice.
- Hear and respond to the information related to the charges and investigation.
- Provide information on their own behalf.
- Obtain witnesses on their own behalf.
- Submit questions for respondent/witnesses.
- Know the final outcome of the investigation decision and provisions for any appeal process.

## **Section 6: FORMAL PROCEDURES**

### **A. Overview of the Process**

**(For the process related to incidents involving sexual misconduct, please see Section 6. E.)**

Elon University and Elon Law is the convener of every action under this Personal Responsibility Policy. The Office of Career & Student Development views its role in the administration of the Personal Responsibility Policy as one of both ensuring fairness and providing an educational opportunity for the student. This approach protects the campus community by providing a process and system of sanctions that are educational and holds students accountable for violating the Personal Responsibility Policy. Sanctions are assigned to encourage the growth and development of students and support the practice of responsible behavior in a community.

The basic philosophy and principles that guide the Personal Responsibility Policy at Elon Law are:

- Elon Law is an institution fully committed to the creation of knowledge, and as part of that commitment, the members of its community have a responsibility both to challenge and to listen—conditions that are necessary to prepare students for the practice of law.
- The Personal Responsibility Policy and its accompanying processes are necessary and effective to foster and ensure an open learning environment at the Law School where all students can pursue knowledge and self-betterment; to prevent and sanction conduct that is directly incompatible with the functioning of the Law School; and to protect the due process rights of those students who have been accused but not yet found to have violated the Policy.
- Elon Law's obligation is to prepare students to be members of a profession whose members are subject to rules of ethics and professional responsibility, many of which are self-regulating and self-enforcing.
- When action responding to potential Personal Responsibility Policy violations becomes necessary, that action should be handled expeditiously and thoroughly.
- The hearing or sexual misconduct investigation process typically includes a preliminary investigation, a conference with students responding to potential violations of the Personal Responsibility Policy, and a hearing or investigation team decision regarding responsibility.
- Consideration will be given to all available and credible information relevant to the case. This is to ensure that a fair process and appropriate consideration are extended to all students.

It should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority.

### **B. Amnesty for Victims of Sexual Misconduct, Interpersonal Violence, or Hazing**

The University and Elon Law provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result. Records regarding the provision of amnesty may be maintained.

### **C. Preponderance of the Evidence**

Elon University and Elon Law adjudication processes, unlike proceedings of a court of law, do not require conclusive proof. Due to the nature of the student conduct system and the need to balance the rights and privileges of all members of the university community, decisions regarding responsibility for violating the Personal Responsibility Policy must be based on a preponderance of evidence. A preponderance of evidence exists when a reasonable person, after evaluating all credible information

available at the time of the investigation, would conclude that it is more likely than not a violation has occurred.

**D. Process for Investigations of Alleged Violations of the Personal Responsibility Policy (For the process related to incidents involving sexual misconduct, please see Section 6.E.)**

The investigatory process and all applicable timelines commence with notice to an administrator of a potential violation of the Personal Responsibility Policy. Violations that involve the following are normally referred to staff in the Office of Career & Student Development:

- All violations for which suspension is a possible outcome, including incidents where multiple violations have occurred and the composite recommended sanction would be suspension;
- Incidents involving the use, possession or sale of drugs and/or drug paraphernalia;
- Setting fires or tampering with fire and/or life safety equipment;
- Cases dealing with firearms or weapons on campus;
- Incidents that do not occur on university or law school property, including study abroad or study away courses/experiences;
- Incidents involving student organizations;
- Sexual offenses;
- Cases which involve civil or criminal action against a student;
- Incidents involving students charged with violations that would be considered by the civil/criminal system to be a felony; or
- Cases referred by any other University or Elon Law staff, faculty, or administrative hearing officer.

Reported Personal Responsibility Policy violations occurring within ten or less days before Reading Day each trimester may be postponed until after final exams.

**STEP 1: Preliminary Inquiry**

The process begins with a preliminary inquiry into the nature of the incident or report, the evidence available, and the parties involved. The investigator(s) take the following steps which typically take one to seven (1-7) business days to complete:

- Initiate any necessary interim remedial actions on behalf of any victim;
- Conduct a preliminary investigation to identify the nature and severity of the complaint, identify an initial list of all policies that may have been violated, understand the context of the incident(s), and identify potential patterns.

The preliminary inquiry may lead to:

- A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Personal Responsibility Policy;
- Referral for an alternative resolution (i.e. educational conversation or mediation); or
- Moving forward with the formal process by identifying possible Personal Responsibility Policy violations and sending notification to the student(s) to meet for a student conduct conference.

**STEP 2: Student Conduct Conference**

After the incident report is reviewed and potential Personal Responsibility Policy violations are identified, the student is sent a notice indicating the potential charges. The notice lists the deadline by which a student must schedule their conference with the hearing officer or lists the date, time and location of the scheduled conference. If the student does not respond by the assigned date to schedule a conference or attend the scheduled meeting, then a hearing/investigation team's decision is scheduled and the student notified of the date, time and location.

In some situations the notice gives the student an opportunity to accept responsibility for the potential charges and the recommended sanctions without a formal meeting. In these situations, an educational requirement can be one of the sanctions assigned, which still gives students the opportunity to reflect on and learn from their experience.

At the student conduct conference, the investigator or administrative hearing officer reviews the potential charges and sanctions, then answers student questions regarding the student conduct process. The student is given an opportunity to respond to the potential charges and provide information necessary to determine if and what policy violations may have occurred.

At the conclusion of the conference the appropriate course of action will be determined. The outcome of this conference may include:

- A decision that there is insufficient evidence to pursue the matter (for example, charges may be dropped if the student was misidentified in the report);
- Postponing setting charges and conducting a hearing until additional information has been gathered;
- Setting charges and engaging in a more comprehensive investigation before scheduling a hearing;
- Setting charges and conducting a hearing at that time (if the student waives the 3-day option to prepare for a hearing);
- Setting charges and scheduling an administrative hearing (usually within two weeks of the conference); or
- Referring the case to another hearing officer or board.

NOTE: When more information must be gathered, the hearing officer or investigator will work to identify a witness list, talk with those witnesses, gather additional evidence from police or others, and speak further with the respondent and, when applicable, the complainant. When warranted, the information gathered in an investigation will be shared with the respondent (and complainant as allowed by federal regulations) and presented to or used by the hearing officer/panel when making decisions related to responsibility and sanctioning. This type of investigation usually takes one to three weeks to complete, but may take longer with complex cases or when criminal investigations are running concurrently.

### **STEP 3: Formal Hearing**

Most hearings are conducted administratively with a hearing officer and the responding student(s), complainant(s) (if applicable), advisor(s), and any witnesses. (See Section 4.E. for information on this process when the incident involves potential sexual misconduct violations.) During the process, the hearing officer asks questions regarding the incident and the responding student's behavior related to the charges and considers all credible information. If necessary, the hearing officer may postpone the conclusion of the hearing for a reasonable amount of time in order to conduct additional investigation or gather more information/evidence. The hearing will conclude with the rendering of a "Responsible" or "Not Responsible" decision for each potential violation based on the preponderance of the evidence and appropriate sanctions will be assigned if warranted. Most administrative hearings are completed within 30-45 days of the incident.

All hearings are restricted to those directly involved with the incident and those requested to be present by the institution. Respondents and complainants may bring an advisor from the Elon Law community (currently enrolled student, faculty or staff member) to the hearing. Family members, attorneys or other

legal counsel may not attend or serve as advisors in campus student conduct proceedings. (See Section 4.E. for information related to incidents involving potential sexual misconduct; in these investigations, students may have an advisor of their choice.) Advisors may only counsel the student and may not actively participate in the hearings. The advisor may not make a presentation or represent the student during the hearing. They may confer quietly with their advisee, exchange notes, and suggest questions to their advisee.

Students may submit up to three written character references for consideration by the officer(s) or board. The character references are considered during sanctioning deliberations if the student is found responsible for the violation(s).

Notice of the time, date, location of the hearing, and name(s) of the hearing officer(s) will be in writing (unless waived by the student) and may be delivered by email, mailed to the student's campus box or permanent address, or hand delivered. If a student cannot attend the hearing, it is that student's responsibility to notify the hearing officer or Director of Student Life no less than two (2) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum two (2) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled.

If the responding student (or complainant when applicable) does not attend the scheduled hearing, the case is heard without the student present, and a decision is reached based on the information available.

The student is notified of the outcome, any sanctions, and, when appropriate, the information related to the appeal process.

#### **E. Process for Policies Related to Sexual Misconduct and Relationship Violence**

(This process applies when a student is alleged to have engaged in domestic/dating abusive behavior, indecent exposure, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual harassment, and possibly stalking when acts are based on sex and/or gender.) Please see Elon's Sexual Misconduct and Interpersonal Violence Policy for the process to report, investigate, and resolve such instances.

#### **F. Group Violations**

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this Personal Responsibility Policy by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. These cases are managed by the Office of Career & Student Development. After an initial investigation, a notice identifying the basic incident in question and charges of potential Personal Responsibility Policy violations and/or institutional policies will be sent to the President or appropriate leader of the student organization. The Office of Career & Student Development will assemble the organizational hearing panel. The Director of Student Life will convene the hearing and the panel's recommendations for



determination of responsibility/non-responsibility and sanctions will be considered. The Director of Student Life will make the final decision.

An organization may request to appeal the decision of the Director of Student Life on the grounds of: the discovery of new and substantial information relevant to the outcome of the decision, excessiveness of sanction (beyond the standard as presented in the Student Handbook), and/or substantial violation of procedures. (See the Appeals section for more details on the grounds and process for requesting an appeal.) The written request for an appeal must be received by the Office of Career & Student Development by 5 p.m. on the second working day after the initial decision is rendered. If the request meets the requirements, it will then be referred to the Assistant Dean of Career & Student Development for review.

When found responsible, violations and sanctions for student groups may be made known to the campus and public. If sanctions are not completed by assigned due dates, additional charges and/or sanctions may be assigned.

### **G. Notification of Outcomes**

The decision related to potential Personal Responsibility Policy violations is part of the education record of the responding student and is protected from release under the *Family Educational Rights and Privacy Act* (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or a non-forcible sex offense, the University and Elon Law may inform the alleged victim of the final results of a hearing/investigation decision regardless of whether the University and Elon Law concludes that a violation was committed. Such release of information will include only the responding student’s name, the violation committed, and the sanctions assigned (if applicable). “Crimes of violence” include: arson, assault offenses (including stalking), burglary, criminal homicide (manslaughter by negligence; murder and non-negligent manslaughter), destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible sex offenses as defined by FERPA, 34 C.F.R. § Pt. 99, App. A.

In cases of dating violence, domestic violence, sexual assault, or stalking (as defined in the University’s Title IX Policy), the University will inform the Reporting Party and the Responding Party in writing of: (1) The outcome of any University investigation that arises from such an allegation; (2) The University’s procedures for either party to appeal the results of the disciplinary proceeding; (3) Any change to the results that occurs prior to the time that the results become final; and (4) When such results become final.

### **H. Appeals and Appeal Boards**

#### **Grounds for Appeal and Procedures**

Any student wishing to appeal the decision of any hearing officer/board must submit a letter to the Assistant Dean of Career & Student Development (Melissa Duncan, [mduncan6@elon.edu](mailto:mduncan6@elon.edu), or hand delivered to the Office of Career & Student Development) by 5 p.m. on the second working day after the initial decision is rendered. Any exceptions are made at the discretion of the Assistant Dean of Career & Student Development (or designee).

Appeal requests are subject to the procedures outlined below. The written appeal must be clear, specific, and contain a detailed statement regarding the grounds for appeal along with the student’s signature. This information will be used to determine whether or not the case meets the required

criteria for an appeal; appeals not meeting the required criteria will not be granted an appeal hearing. For appeals that do meet the criteria and are heard by an appeal officer or appeal board, the decision may be based solely on the written appeal. An appeal request does not guarantee the opportunity to meet with the appeal officer or board. The written request must contain a detailed statement of the grounds for appeal, the date, and the signature of the student. Only those requests for appeal on the following grounds will be considered. The review by the appeal officer or board will be based on these grounds and will not be a rehearing of the original case.

#### **New Facts**

Discovery of **substantial new facts** that were unavailable at the time of the hearing and which could affect the original finding or sanction. If the appeal is based on substantial new facts the request must outline the following:

- Source of new information and complete explanation of that information;
- Name(s) of who can present this information;
- Reason(s) why this information was not presented at the original hearing; and
- Reason(s) why this information may contribute to a decision other than that which was originally made.

#### **Inappropriate Sanctioning**

If the assigned sanctions are substantially outside the parameters or guidelines set by Elon Law for specific offense(s) or the cumulative conduct record of the responding student, the request for an appeal must include specific information indicating how the sanction is not consistent with the sanctions presented in the student handbook.

#### **Procedural Violation**

If it is believed there was a **substantial** violation of the hearing procedure that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures that could affect the outcome of the hearing, etc.), the appeal **request must outline the following:**

- Citation of specific procedural errors with appropriate reference;
- Reason(s) why procedural error was not mentioned in the original hearing; and
- Reason(s) why correction of error can contribute to a decision other than that which was originally made.

After the submission of a request for an appeal, **all sanctions imposed by the original hearing body remain in effect until a final decision is made and communicated to the student(s)**. (Exceptions to this policy are at the discretion of the Assistant Dean of Career & Student Development, or designee).

The Assistant Dean of Career & Student Development (or designee) will review the request.

The reviewer will conduct an initial screening to determine if the appeal request meets the limited grounds and is timely. They may consult with the original hearing officer or investigator(s) and/or Title IX Coordinator on any procedural or substantive questions that arise. A response will be sent to the student(s) and share whether the reviewer has determined that the request(s) for an appeal will be granted or denied, and why. When the incident involves a complainant, the reviewer will also share the appeal by one party with the other party (parties) (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response or request an appeal).

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the reviewer determines the appropriate appeal officer/board and forwards the request with clear instructions for reconsideration only in light of the granted appeal grounds.

The appeal officer or appeal board has the authority to:

- Uphold the original decision;
- Uphold the original decision but change the sanction (more or less severe);
- Change the not/responsible decision; or
- Remand the case to the original hearing officer or hearing board.

**Administrative Appeal Hearing** (for cases that do not involve sexual misconduct violations)

When original sanctions for violations are less than disciplinary suspension or permanent separation from the University, the Assistant Dean of Career & Student Development or her designee will review eligible requests for appeals. The decision of the assistant dean is final. In cases where the Assistant Dean of Career & Student Development was the original hearing officer, the request will be forwarded to the Dean of Elon Law (or his designee) who will review the appeal. In those cases the decision of the dean is final.

**Law School Appeal Board** (for cases that do not involve sexual misconduct violations)

When the student has been found responsible for Personal Responsibility Policy violations when the original sanction included disciplinary suspension or permanent separation from the University and Elon Law, the Assistant Dean of Career & Student Development (or designee) will review the request and convene the Law School Appeal Board if appropriate. The decision of the appeal board is final.

A panel for the Law School Appeal Board is comprised of the Assistant Dean of Career & Student Development or designee; the Associate Dean for Academic Affairs or designee; and the President of the Student Bar Association (SBA), another executive officer of the SBA, or the SBA President's designee.

The panel is drawn from the appeal board pool, with the following requirements to serve:

- 1) they did not serve on the panel for the initial hearing;
- 2) they were not involved in the investigation in any way; and
- 3) they have been properly trained on the Personal Responsibility Policy and appeals procedures.

The decision of this appeal board is final.

**Sexual Misconduct and Interpersonal Violence Appeals Board**

Appeals for cases involving Elon's Sexual Misconduct and Interpersonal Violence Policy will be addressed through the appeals process outlined in said policy. A full outline of the appeals process for this policy can be found here: <http://elon.smartcatalogiq.com/2017-2018/Student-Handbook/Sexual-Misconduct-and-Interpersonal-Violence-Policy/Appeals>

**I. Disciplinary Records, Retention and Reporting**

The Office of Career & Student Development maintains all student conduct files (paper and electronic formats) for matters involving Personal Responsibility Policy violations. Files are maintained separate from academic transcripts, but are considered educational records subject to the federal Family Educational Rights and Privacy Act (FERPA) and University and Elon Law policy. As such, Career & Student Development may disclose information related to student conduct records to Elon University and Elon Law officials with legitimate educational interests. Except as set out below, all student conduct files are maintained as required by law and/or university and law school policy (generally seven years).

A student wishing to view their conduct file should contact the Office of Career & Student Development to schedule an appointment. Federal law requires that the requested file be reviewed and information regarding any other student be redacted. The requesting student will be permitted to view his or her prepared file, but will not be allowed to copy, take pictures, or otherwise record the documents.

With appropriate permission from the student, Personal Responsibility Policy violations resulting in sanctions of **Disciplinary Suspension** or **Permanent Separation** will be reported externally or outside Elon Law (such as transfer applications, graduate schools, employers, or licensing agencies) for five years from the date of the incident.

With appropriate permission by the student, Personal Responsibility Policy violations resulting in sanctions of **Suspension in Abeyance** or **Disciplinary Probation** will be reported externally during the probationary period. Following the probationary period, Personal Responsibility Policy violations will not be reported externally unless required by law.

Personal Responsibility Policy violations resulting in sanctions of **Official Warning** or **Reprimand** will not be reported to external third parties unless required by law.

Documents associated with any investigation of alleged violations of the Policy not resulting in any sanction or findings of fault shall not be reported externally unless required by law.

Charges of Personal Responsibility Policy violations or assigned sanctions that remain unresolved at the time a student leaves or withdraws from the University may be kept indefinitely and reported externally. Once resolved, these records are kept and maintained according to the policies stated above.

As part of the application to the bar, individual state boards of law examiners may require a "Certificate of Dean of Law School" (or "Dean's Certificate") for each graduate who applies to the bar. Every applicant to stand a state's bar examination executes a waiver authorizing release to that state's board of law examiners the information requested on the certificate, which includes student conduct records.

## **Section 7: SANCTIONS**

Any one or more of following sanctions may be imposed upon any student for any single violation of the Personal Responsibility Policy.

### **A. Good Standing**

Within the University and Elon Law, students and student organizations are not considered to be in "good standing" while they are on disciplinary probation or a higher status level and/or have outstanding sanctions.

### **B. Denial of Certification to the Bar**

As part of the application to the bar, individual state boards of law examiners may require a "Certificate of Dean of Law School" (or "Dean's Certificate") for each graduate who applies to the bar. Every applicant to stand a state's bar examination executes a waiver authorizing release to that state's board of law examiners the information requested on the certificate, which includes student conduct records. The references above to time limits on reporting and exemptions from reporting violations generally do not

apply to the law school's reporting requirements related to a student or graduate's bar admission. As noted above, there may be other situations where the law school is required by law to report certain violations, and to that extent, these time limits and exemptions on reporting do not apply.

### **C. Institutional Consequences for Suspension in Abeyance or Disciplinary Suspension**

Students sanctioned with suspension in abeyance or disciplinary suspension lose the privilege of participating in Study Abroad and Study Away programs for one year (from date of incident). All deposits or payments will be forfeited without reimbursement. Students also **lose the right to hold a leadership position for one year** (from date of incident) for any student club/organization or university/law school program.

### **D. Disciplinary Status Levels**

When a student is found responsible for violating the Personal Responsibility Policy, a disciplinary status is assigned. The options include the following:

**Reprimand:** Reprimand is the lowest level of warning assigned for minor violations of the Personal Responsibility Policy. The reprimand is notification to the student that they have been found responsible for a violation and that any other violations of university and law school regulations for which the student is found responsible will result in more serious sanctions. A reprimand remains in effect for the duration of the student's time at the Law School.

**Official Warning:** The official warning is notification to the student(s) that they have been found responsible for a Personal Responsibility Policy violation and that any other violations will result in more serious sanctions. An official warning is assigned for behaviors considered to be mild in nature and outcome but could have negatively influenced/affected the community. An Official Warning remains in effect for the duration of the student's time at the Law School.

**Disciplinary Probation:** A probationary status, imposed for a specific time period, during which a student is expected to show a positive change in behavior. Any violations occurring during the probation period will likely result in suspension in abeyance or disciplinary suspension.

**Suspension in Abeyance:** The sanction of disciplinary suspension was issued but deferred. This unique status allows the student to continue with their daily university activities, but they are expected to immediately exhibit a marked improvement in behavior or face suspension from the law school. If the student does not meet all special stipulations associated with the suspension in abeyance or if they are found responsible of violating any other rule, regulation, policy or law, they will be sanctioned with disciplinary suspension from the law school.

See section 5.C. for institutional policies related to suspension in abeyance and a student's ability to participate in Study Abroad/Away programs and student leadership positions.

**Disciplinary Suspension:** The removal of a student from the University and Elon Law for a specific period of time. The student may apply for readmission at the end of that time, but will not be approved unless all other sanction deadlines have been met. It is expected that they will make every effort to rectify any previous misconduct by displaying irreproachable behavior in the future.

While a student is suspended, they may not return to the campus or participate in any programs or activities of the University and Elon Law without written permission from the Assistant Dean of Career &

Student Development in consultation with the Dean of Elon Law. If the student returns to the campus without written permission during the suspension period, their eligibility to return to the University or Elon Law in the future may be jeopardized.

Suspended students will only be refunded tuition using the refund schedule outlined in the academic catalog. All other fees and charges are forfeited.

When the student returns to Elon Law, they will be on suspension in abeyance for one year from the return date. If they are found responsible of violating any other Personal Responsibility Policy, they may be sanctioned with an additional suspension or permanent separation from the University and Elon Law.

See section 5.C. for institutional policies related to disciplinary suspension and a student's ability to participate in Study Abroad/Away programs and student leadership positions.

**Permanent Separation:** Permanent removal from the University and Elon Law. Students separated from the University will be refunded tuition only, using the refund schedule outlined in the Academic Catalog. All other fees and charges are forfeited.

If a student is permanently separated from the University and Elon Law, a notation will be made on the official transcript.

Students who are permanently separated from the University and Elon Law may not return to the campus or participate in any programs or activities of the University and Elon Law without written permission from the Assistant Dean of Career & Student Development in consultation with the Dean of Elon Law. If the student returns to the campus without written permission, they may face criminal charges for trespassing.

#### **E. Additional Sanctions/Requirements**

**Alcohol Education Class/Program:** Students found in violation of an alcohol-related policy may be assigned to complete an alcohol education class or a program such as e-chug, Under the Influence, or BASICS. The fee, if any, for these programs is the student's responsibility and must be paid before the program begins.

**Cease Contact Directive:** As a result of one or more significantly negative interactions, the cease contact directive is put in place for all involved parties. Each person is instructed to have no further contact with the other(s) including but not limited to speaking to them in person, through friends/acquaintances, via telephone or text message, via e-mail or any other form of social media, or in writing. If any party violates this request to refrain from contact, it will result in a referral to the Office of Career & Student Development for a violation of the Personal Responsibility Policy in addition to any other applicable University and Elon Law policies. Any violation of this directive may result in immediate suspension (loss of all academic credits for the current trimester) with possible permanent separation from the University and Elon Law. (This order can be administratively assigned as an interim measure without assumption of responsibility for any violation.)

**Confiscation of Prohibited Property:** Items whose presence is in violation of University and Elon Law policy will be confiscated and will become the property of Elon Law. Prohibited items may be returned to the owner at the discretion of the Director of Student Life.

**Counseling, Psychological or Psychiatric Assessment:** Students may be required to complete a psychological or psychiatric assessment by a licensed provider. Students must follow any treatment or referral recommendation resulting from the assessment and provide documentation of compliance. Students are responsible for any cost associated with the assessment and treatment.

**Drug Education Class:** Students found in violation of a drug-related policy may be assigned to complete a drug education class or program. The fee, if any, for these programs is the student's responsibility and must be paid before the program begins.

**Drug Testing:** Students are required to complete random drug tests during the period indicated in the hearing decision. Students will be notified via University email and given directions for completing the drug test within one business day. They are responsible for checking their email daily during this time period. (Notifications will not be sent on holidays, weekends or during times when classes are not in session.) Testing is available at Ellington Health and Counseling Center, Urgent Care, or a site pre-approved by your hearing officer. Off-campus tests must include a formal chain of custody, five-panel screening (or higher), and validity testing. All costs associated with drug testing are the responsibility of the student. Results must be mailed, faxed or emailed from the testing site to the Assistant Dean of Career & Student Development.

**Educational Sanctions:** The hearing decision may include an educational project, task, or participation in a program/activity individually tailored to the specific violation and intended learning outcomes. Some examples of these sanctions include papers, book reports, online seminars, interviews, or program development and implementation. Assignments must be presented to and approved by the hearing officer or designee in order for the sanction to be considered complete. Students may be required to complete a follow-up meeting for this sanction to be considered complete.

**Loss of Organization Recognition:** The student organization loses its official recognition for a given or indefinite period of time. If re-registration is allowed, the organization must comply with all other sanctions prior to being recognized again. While an organization is suspended, it may not use University or Elon Law resources unless otherwise stated in the hearing decision. (When a student organization fails to complete sanctions assigned with a responsible conduct violation, this sanction may be assigned as a consequence of that compliance failure.)

**Restitution:** Reimbursement for damage caused to the University's, Elon Law's, or any person's property. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

**Restorative Actions:** Student(s) are required to engage in actions that attempt to make amends for the negative impact of a violation and repair the harm that resulted from the misconduct. These actions may include activities such as letters of apology, drafting and implementing a plan of resolution, engaging in restorative justice conferences, or developing plans for reintegration.

**Substance Abuse Assessment:** Students found responsible for alcohol- or drug-related violations may be required to complete an assessment by a certified substance abuse counselor/provider. Students may

meet with a member of the Ellington Center staff for assistance in a referral to a certified provider. Students must follow any treatment or referral recommendations that result from the assessment and forward appropriate additional documentation to the Office of Career & Student Development. Students are responsible for any cost associated with the assessment and treatment.

***Suspension of Privileges:*** An individual student or student organization may lose specified privileges for a designated period of time. The student or organization is barred from or limited in engaging in, participating in, hosting, or sponsoring social events (formal or informal) or other non-academic activities. The purpose of this sanction is to allow students/organizations the opportunity to create socially responsible habits/environments that are sustainable and demonstrate the ability to abide by community standards and expectations. The exact parameters may vary based on the specifics of the incident and will be specified in writing.

***Other Sanctions:*** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Assistant Dean of Career & Student Development or designee.

#### **F. Sanctions for Registered Student Organizations**

The following sanctions may be imposed upon groups or organizations found to have violated the Personal Responsibility Policy:

- 1) A sanction related to level of warning or probation;
- 2) One or more of the additional sanctions listed previously; and/or
- 3) Loss of recognition or loss of all privileges (including status as a registered student organization) for a specified period of time, until sanctions are complete, or indefinitely.

#### **G. Failure to Complete Conduct Sanctions**

All students, as members of the University and Elon Law community, are expected to comply with conduct sanctions within the timeframe specified in the hearing decision. Students or organizations who do not complete sanctions by the assigned due date, whether by refusal, neglect or any other reason, may be charged with an additional Personal Responsibility Policy violation, receive additional or more serious sanctions, and/or be withdrawn from Elon Law. (In the case of an organization, being “withdrawn” is equated with loss of Elon Law recognition as a registered student organization.)

To re-enroll or regain recognition as an organization, a student/group must have satisfactorily completed all (including any additionally assigned) conduct sanctions. This determination will be made by the Assistant Dean of Career & Student Development (or designee).

Students who graduate with outstanding sanctions may be considered “not in good standing” with the University and Elon Law and restricted from returning to campus until the required conditions are met.

### **Section 8: WITHDRAWAL FROM THE UNIVERSITY**

Alleged violations of federal, state and local laws may be investigated and addressed under the Personal Responsibility Policy. When an offense occurs over which the University and Elon Law has authority, the Elon Law conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

#### **A. Interim Suspension**



In extreme cases, prompt and decisive action may be required before there is an opportunity to conduct a hearing, as in cases in which a student's continued presence on campus impedes the orderly functioning of Elon Law or constitutes an immediate threat to the well-being or property of members of the Elon Law community. The President, Provost/Vice President for Academic Affairs, Vice President for Business, Finance and Technology, Dean of Elon Law, or persons functioning under their direct authority, may carry out that immediate directive. In some cases the student may be given restricted access to the campus without being involuntarily withdrawn pending the outcome of the hearing.

Students shall have a prompt meeting with the Assistant Dean of Career & Student Development or her designee to review the behavior that forms the basis for the student's suspension. This meeting may resolve the allegation, or may be held to determine if the interim suspension should be continued.

#### **B. Withdrawal in Lieu of a Hearing**

Under certain conditions, the Assistant Dean of Career & Student Development (or designee) may allow a student charged with violating the Personal Responsibility Policy to withdraw from Elon Law rather than face a student conduct hearing. A student must request such an option in writing, stipulate that the petition is voluntary, and acknowledge awareness that they will not be eligible to re-apply or return to Elon University or Elon Law in the future. If the request is approved, the individual may not be present on any Elon campus, or participate in any Elon Law, or student sponsored events or activities on or off the campus. Should the student request that their conduct history be shared with another college or university (as is often required when a student attempts to enroll in another college or university), the Office of Career & Student Development will indicate that they withdrew in lieu of a hearing and may include the outstanding charges.

#### **C. Withdrawal Pending a Hearing**

Students accused of some crimes or serious Personal Responsibility Policy violations may request to take a leave from Elon University and Elon Law. In such situations, the student must request such an option in writing, stipulate that the petition is voluntary, and acknowledge awareness that they must meet the following conditions:

- Comply with all campus investigative efforts (including a hearing if required by the Office of Career & Student Development);
- Comply with all interim actions and/or restrictions imposed during the leave of absence; and
- Complete the hearing/decision process before they may be considered for readmission to the University or Elon Law. Individuals found responsible for Personal Responsibility Policy violations must complete sanction requirements before being readmitted and may be required to meet other conditions to continue enrollment.

Until the hearing/decision process is complete, the student may not be present on any Elon campus, stay in campus owned or operated housing, or participate in any University, Elon Law, or student sponsored events or activities on or off the campus. Should the student request that their conduct history be shared with another college or university (as is often required when a student attempts to enroll in another college or university), the Office of Career & Student Development would indicate that they withdrew pending a hearing and, may list the outstanding charges.