

2/22/19

**LOYOLA UNIVERSITY CHICAGO  
SCHOOL OF LAW  
CODE OF CONDUCT**

**Preamble**

As the School of Law within a Jesuit Catholic university, we are stewards of a unique Ignatian heritage that emphasizes ethical awareness and principled behavior in all walks of life. Personal and professional ethics are values critical to this tradition and to the profession of law. Your education at Loyola School of Law is designed to be a transformational experience that will prepare you to use your knowledge and skills to improve society. Loyola expects each of its students, regardless of the degree to which they aspire, to maintain a high level of integrity in all their undertakings at the School of Law.

The Code of Conduct shall apply to all students who attend Loyola University of Chicago School of Law. It is the duty of all students to acquaint themselves and act in accordance with the Code, as well as with the policies governing specific areas of the University, including but not limited to the Law Library and Computing Center. Students should also be aware that this Code supplements the Loyola University Chicago Community Standards Handbook, which can be found on the Loyola University Chicago website [here](#).

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**Section I:**

**PROHIBITED CONDUCT**

An applicant or a student, matriculated or non-matriculated, shall violate this obligation if he or she commits any of the acts or omissions described below:

**A. Non-disclosure or Misrepresentation**

- 1) Misrepresentation of a material fact to representatives of the University on any official matter connected with academic standing or the receipt of benefits or privileges, including but not limited to admissions, registration, computer services, career services, continued enrollment, reimbursement or financial aid.
- 2) Falsification, misrepresentation or failure to disclose a material fact in any submissions related to:
  - the Office of Admission or in connection to the admission process;
  - the Career Services Office or to a potential employer, including materials related to registration for or receipt of interviews, awards or benefits for which the student is not eligible;
  - participation in co-curricular or extracurricular activities, in the securing or continuation of employment, externships, or other benefits.
- 3) Failure to disclose promptly any of the following matters that occur after your admission to Loyola and prior to your graduation from the School of Law:
  - conviction, plea of guilty or nolo contendere to a criminal charge; any current criminal charge other than a minor traffic offense;
  - the suspension or revocation of a professional license;

- the suspension of your driver's license; or
- a dishonorable discharge from the military.

After you submit your application for admission and throughout your attendance at Loyola School of Law, you have a continuing duty to disclose these matters promptly should they happen to you. If admitted to Loyola University Chicago School of Law, this responsibility continues throughout the time of attendance.

## **B. Academic Misconduct**

Acts of misconduct in any academic pursuit are violations of the academic integrity of the School of Law. Without regard to motive, intentional student conduct that is dishonest, evidences lack of integrity or trustworthiness, or may unfairly impinge upon the rights or privileges of members of the School of Law Community is prohibited. Violations of this policy prohibiting academic misconduct do not require a showing of intent. This policy applies to all courses, programs, learning contexts, and other activities at the university, including but not limited to experiential and service-learning courses, study abroad programs, internships, providing false information on an application, and not disclosing requested information.

Acts of academic misconduct include, but are not limited to the following categories:

- 1) plagiarism - Loyola School of Law's *Plagiarism Policy* is posted on the School of Law website at <https://www.luc.edu/law/currentstudents/schooloflawpolicies/>;
- 2) dishonesty or misrepresentation in any academic pursuit or the submission of work for credit or publication;
- 3) cheating;
- 4) fabrication;
- 5) falsification or sabotage of research data;
- 6) destruction or misuse of the University's academic resources;
- 7) alteration or falsification of academic records;
- 8) and complicity.

## **C. Other Forms of Misconduct**

- 1) Improper use of a device to make a recording (audio or video) in violation of an expectation of privacy, or in violation of a class or academic policy;
- 2) Conduct in violation of public law, whether or not such conduct results in criminal or other sanctions;
- 3) Conduct intended to harass or intimidate;
- 4) Disruptive conduct that affects teaching, class, research, examinations, administration, disciplinary proceedings, or other university activities and other authorized activities;
- 5) Misuse, abuse, theft, mutilation or sequestration of University, School of Law, student organization, Career Services, computing, student, faculty, staff or library materials, research

resources or services, printing resources or services, telephone, telefax and copying resources for the student's own benefit or to the detriment of others;

- 6) Conduct that exhibits a lack of diligence in the performance of professional obligations in curricular or co-curricular activities such as the legal clinics, externships, appellate practicums, publications, faculty research assistance, etc.;
- 7) Misrepresentation, lack of candor, or dishonesty related to any communication that results in an advantage to a student in the context of examination or test scheduling, deadlines for submission of assignments, lack of required attendance, or the ability to perform required activities;
- 8) Conduct in violation of any examination procedures as expressed by the *Loyola School of Law Examination Procedures*, the instructor or the proctor, or written in the body of an exam;
- 9) Extreme and repeated incivility directed toward a member or members of the School of Law or the Loyola University community, including students, staff, alumni, faculty and administrators;
- 10) Aiding or abetting another student in the commission of any of the above offenses;
- 11) Attempts to commit any of the above offenses.

#### **D. SUPERSEDING PROVISIONS FOR GENDER-BASED MISCONDUCT**

The procedures set forth in Section II of (ADM) this Code of Conduct will not apply to allegations of gender-based misconduct. Instead, allegations regarding gender-based misconduct including any unethical or discriminatory conduct by any University employee must be reported to the University through the procedures set forth in this section. Available resources for victims/survivors are also set forth in this section.

**Note:** Gender-based misconduct includes all forms of dating and domestic violence and sexual misconduct as defined in the Loyola University Chicago Community Standards (<https://www.luc.edu/osccr/communitystandards/>), as well as stalking and any other misconduct where the victim/survivor was targeted because of their sex, gender, or gender-expression. Examples include reports of sexual assault, harassment, stalking, or dating/domestic violence.

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**TO FILE A REPORT**

**Submit a claim online to EthicsLine at <https://www.luc.edu/hr/ethics/> or call the 24/7 EthicsLine Hotline at 855-603-6988.**

The EthicsLine Reporting Hotline is the University’s automated and anonymous reporting system for several different types of misconduct. It is used for reporting alleged or suspected equity-based discrimination or misconduct, including gender-based misconduct by any student, staff, or faculty member.

Reports to the EthicsLine Reporting Hotline are assigned to one or more University investigators for follow up. If you or someone you know has recently been the target of gender-based discrimination or misconduct, you can submit a claim online to EthicsLine at <https://www.luc.edu/hr/ethics/> or call the 24/7 EthicsLine Hotline at 855-603-6988. Incident reports must contain the name, phone number, and email address of the party making the complaint in order for the university to best respond to the incident. Due to the nature of certain claims, the University may be limited with respect to the actions it may be able to take in response to a report if the individual submitting the report does not wish to make his or her identity known.

**University staff and faculty members are considered "responsible employees" under Federal law, and they must inform the University within 24 hours any time they become aware of an incident of gender-based misconduct (including but not limited to dating/domestic violence, sexual assault, harassment, and stalking).**

Note that the EthicsLine Reporting Hotline is not a 911 or emergency service. Do not use the site to report events presenting an immediate threat to life or property or other emergency. Reports submitted through this service may not receive an immediate response. If you require emergency assistance or need to report a crime, please call 911 for Chicago Police or 44-911 for campus police or call your local authorities.

More information regarding the forms of misconduct and discrimination covered through the EthicsLine Hotline can be found at <https://www.luc.edu/osccr/resources/equity-baseddiscriminationandmisconductservicesincludingtitleix/>

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**UNIVERSITY RESOURCES FOR VICTIMS/SURVIVORS OF GENDER-BASED MISCONDUCT**

Loyola University Chicago offers resources for members of the School of Law community who witness or are victims of gender-based misconduct. Critical information regarding rights and resources available for survivors of sexual assault or other forms of gender-based misconduct can be found at the following link: <https://www.luc.edu/dos/services/gender-basedmisconducttitleixservices/criticaltitleixinformation/> In addition, victims and witnesses may call the University’s office of Gender-Based Misconduct (Title IX) Services at 773-508-8840. Outreach will then be conducted according to the procedures outlined in the Community Standards that will include an explanation of options available to the harmed party/parties, a preliminary investigation into the report to assess risk to the University community, and personalized referrals to various support resources as needed.

For survivors of gender-based misconduct who wish to speak to a confidential source on campus, they may contact one or more of the following individuals or departments on campus to schedule an appointment:

- The Wellness Center
- Loyola's Sexual Assault Advocacy Line
- Pastoral Counselor

The University's Office of the Dean of Students provides assistance in navigating the University's response to reports of gender-based discrimination. Courtney Bilbrey, Assistant Dean of Students and Title IX Deputy Coordinator for Student Concerns, can assist students in accessing resources and/or navigating the student conduct process. Please call 773.508.8840 to speak with Courtney. You may also file a complaint via the EthicsLine Reporting Hotline.

If you have questions or concerns related to Title IX, contact Tim Love, Executive Director of Equity and Compliance and Loyola University Chicago's Title IX Coordinator, at [tlove@luc.edu](mailto:tlove@luc.edu) or (773) 508-3733.

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## **Section II:**

### **RULES OF PROCEDURE**

#### **A. Report of Prohibited Conduct**

1. Please note the superseding procedures for reporting gender-based misconduct described above in Section I (D).
2. Procedures under the Code of Conduct commence when a student, faculty member or staff member of the School of Law or of the University who observes, or otherwise has knowledge of prohibited conduct on the part of a student reports the matter to the Associate Dean for Administration James Faught (at [jfaught@luc.edu](mailto:jfaught@luc.edu), Room 1230). The Associate Dean for Administration also may commence these procedures on his own initiative.
3. The Associate Dean for Administration will then notify the accused in writing that a charge has been made. If the accused admits the charge, the matter will be referred to the Associate Dean for Academic Affairs Zelda Harris (or her delegate) who will convene a hearing board to determine a sanction, if any. If the accused denies the charge, the Associate Dean for Administration will initiate an investigation of the charge.

#### **B. Investigation**

1. The Associate Dean for Administration, and/or the Assistant Dean for Student Affairs, and/or the Student Services Coordinator shall promptly investigate all charges, except that in appropriate circumstances as determined by the Associate Dean for Administration, a special investigator may be selected by the Associate Dean for Academic Affairs (or her delegate) to carry out the investigation or to replace the Assistant Dean for Student Affairs or the Student Services

Coordinator during the investigation.

At the discretion of the Associate Dean for Administration during the investigation, the Assistant Dean for Student Affairs or the Student Services Coordinator or both may be present for interviews, meetings and telephone conversations with the accused or with witnesses. The obligation of confidentiality that is imposed upon the investigator or investigators under the terms of this Code shall also apply to witnesses. At the discretion of the Associate Dean for Administration any part of the investigation including interviews, meetings and telephone conversations may be recorded electronically, if proper notice is given and consent is received from those to be recorded. Those responsible for conducting the investigation shall have access to the accused student's file.

2. It shall be the obligation of those who make a charge to cooperate fully and promptly in the investigation and any subsequent hearing.
3. It shall be the obligation of all who have knowledge relative to the charge to cooperate fully and promptly in the investigation and any subsequent hearing.
4. When the investigation is complete, the Associate Dean for Administration or the person or persons responsible for the investigation shall:
  - (a) in the case of matters in which there is insufficient evidence to support a charge, confirm his finding in writing and submit it to the student, to the accuser and to a confidential disciplinary file maintained by the Associate Dean for Administration.
  - (b) in the case of sufficient evidence to support a charge, submit that finding in writing as well as the evidence discovered during the investigation to the Associate Dean for Academic Affairs (her delegate) to be forwarded to a hearing board. The Associate Dean for Administration shall notify the accused student in writing of the charge.

### **C. Hearing**

1. If an accused student admits to improper conduct, or upon a determination by the Associate Dean for Administration or the person or persons responsible for the investigation that there is sufficient evidence to proceed, the Associate Dean for Administration shall notify the Associate Dean for Academic Affairs (or his or her delegate) as set forth in paragraph II (B) 4(b) above.
2. The Associate Dean for Academic Affairs (or her delegate) shall then refer the matter to a committee composed of three faculty members and two School of Law students. The student members of the committee shall be chosen by the Associate Dean for Academic Affairs after consultation with the Student Bar Association president if possible. If possible, each member of the committee shall be a disinterested party. This committee shall be known as the Hearing Board (hereinafter known as "the Board"). The Associate Dean for Academic Affairs (or his or her delegate) shall appoint one of the faculty members as chair of the Board. He or she shall notify the accused in writing of the composition of the Board. Any challenge to the composition of the Board by the accused must be made to the Associate Dean for Academic Affairs within 48 hours of such notification. The Associate Dean for Academic Affairs shall consider the

challenge. If, in his or her discretion, the Associate Dean for Academic Affairs believes that the challenge is appropriate, he or she shall replace the challenged member of the Hearing Board.

3. In the interest of promoting professional responsibility, it shall be the obligation of the faculty members and the students to serve as members of the Board when requested to do so by the Associate Dean for Academic Affairs (or his or her delegate) unless good cause is shown for a faculty member's or a student's inability to serve.
4. In the event that a faculty member or a student who has agreed to serve as a member of a Board is subsequently unable to do so, the Associate Dean for Academic Affairs (or his or her delegate) shall choose a replacement member of the Board from the faculty or from the student body, as the case may be.
5. After the Board has been selected, any communication from the accused, the accused's representative, or a third party regarding the substance of the charge shall be made only to the Chair.
6. The Chair of the Board shall convene a hearing within a reasonable time.
7. Neither parties nor their representatives shall engage in formal discovery prior to or during hearings involving any reported matter. Upon timely pre-hearing request, either party may obtain access to relevant evidence from the other party.
8. It shall be the responsibility of the Board to conduct a hearing with the accused and with witnesses as it deems appropriate. The members of the Board shall have access to the accused's file as determined by the Chair.
9. At the discretion of the Chair of the Board, the hearing may be recorded electronically.
10. The Associate Dean for Administration, and/or the Assistant Dean for Student Affairs and/or the Student Services Coordinator may present evidence, question witnesses and present statements and arguments regarding the allegations. Any one, two or all of them may be present at the hearing for this purpose.
11. It shall be the right of the accused to examine witnesses and present documents or other evidence. Presentation of evidence will be made only during the hearing. The conduct of the hearing shall be informal and orderly and the Board shall not be bound by rules of evidence or court procedures. Matters of procedure shall be determined by the Chair of the Board.
12. Prohibited conduct shall be found only if the charge is supported by clear and convincing evidence. In the event that there is a finding of prohibited conduct, the Board shall have the duty to impose sanctions as identified in Section II (D) 1, except that the sanction of expulsion may be imposed only by the Provost of Loyola University Chicago upon a recommendation of the Dean of the School of Law. In matters in which the Board recommends the sanction of expulsion, that recommendation shall be made to the Dean of the School of Law.

13. All decisions and impositions of sanctions of the Board shall be determined by a majority vote of the entire Board. The Chair shall write to the accused and the Dean reporting the Board's decision and sanction (if any) within two weeks of the hearing.
14. All decisions of the Board are final, subject to appeal under the provisions set forth in II (E).

#### **D. Sanctions**

1. If the accused is found to have engaged in prohibited conduct, permissible sanctions include but are not limited to:
  - a) permanent expulsion from the School of Law;
  - b) expulsion with the right to apply for readmission at a time set by the Board;
  - c) the revocation of an offer of admission to the School of Law or any of its programs, courses or activities;
  - d) the revocation of a degree granted by Loyola University Chicago in the case of conduct that occurred prior to the award of a degree;
  - e) suspension from the School of Law for a fixed period, or for an indefinite period subject to stated conditions;
  - f) a period of probation, subject to stated conditions;
  - g) an official reprimand, which shall consist of a letter given to the student and a report of the offense in the student's permanent file;
  - h) a failing grade in the exam and/or in the course, lowering of a course grade, or an administrative withdrawal with or without a failing grade ("W" or "WF") from a course that was closely connected with the prohibited conduct;
  - i) restitution, additional course assignments, other appropriate work, or any other condition appropriate to the offense;
  - j) community service in an amount and under conditions appropriate to the offense;
  - k) forfeiture of awards or scholarships relating to the School of Law;
  - l) prohibition from the receipt of awards including, but not limited to honors or special recognition upon graduation;
  - m) prohibition from participation in or immediate removal from elected, honorary, co-curricular or law school employment positions within the School of Law or other part of the University, and prohibition from reference to elected, honorary, or co-curricular positions on the accused's resume from the time of the Board's



determination;

- n) prohibition from attendance at commencement;
- o) a requirement that the accused inform in detail, members of the faculty, staff or administration from whom the accused may seek a recommendation, the circumstances of the charge and subsequent determination of the Board;
- p) Any combination of the foregoing sanctions.

#### **E. Appeal of the Board's Decision**

1. The accused may appeal the decision and/or sanction of the Board to the Dean of the School of Law in writing within seven days of receipt of the notice of the Board's determination.
2. Matters of procedure on appeal shall be determined by the Dean. The Dean shall have access to the accused's file.
3. On appeal, after consultation with the Chair of the Board, the Dean may approve, modify, or reverse the decision and sanction of the Board and will notify the accused of his or her decision within two weeks of receiving the appeal if possible. The decision and sanction of the Dean is final in all cases except expulsion. The sanction of expulsion may be imposed only by the Provost of Loyola University Chicago upon recommendation of the Dean of the School of Law.
4. The decision of the Dean shall be communicated to the accused, the Chair and members of the Board.

#### **F. Confidentiality**

1. Under normal circumstances, and to the extent permitted by law, the Board will impose an obligation of confidentiality upon itself, the accused, members of the administration and staff, and/or the witnesses during the hearing if, in its discretion, the Board determines that such an action is necessary to assure a fair hearing.
2. The Board will make a determination regarding the confidentiality of its final decision. In its discretion, the Board may release a summary of its final report to the School of Law community. To the extent possible, it will redact identifying information from the summary.
3. The Dean, in his or her discretion, may release a summary of its final report to faculty members or employers without redaction of the accused's name.

#### **G. Assistance at the Hearing**

At the hearing, an accused is solely responsible for presenting statements, examining witnesses and making arguments. The accused may be accompanied, but not represented, by a person of

his or her choice, including a member of the full-time faculty. If the accused is unable to secure the presence of a full-time faculty member to accompany him or her, upon request of the accused, the Associate Dean for Academic Affairs will make reasonable efforts to find a full-time faculty member who is willing and able to serve in that capacity. The accused shall be responsible for any costs incurred as a consequence of retaining a person to accompany him or her as well as any other costs related to that person's attendance at the hearing or hearings. The person accompanying the accused will not participate in the hearing but may advise the accused.

## **H. Inappropriate Communications**

Those accused of prohibited conduct shall not attempt to communicate, directly or indirectly, with others who may be called as witnesses or who may serve on the Board.

## **I. Record**

- 1) A written memorandum of the Board's decision in the following form shall be included in the confidential disciplinary file:

### **REPORT OF CONDUCT BOARD HEARING BOARD**

Accused's Name:  
Charge:  
Decision of Board:  
Sanction:  
Confidentiality Provision:  
Board Chair:  
Board Members:  
Date:

- 2) In the event that the accused exercises the right to appeal, a written memorandum of the Dean's decision in the following form shall be included in the confidential disciplinary file:

### **REPORT OF APPEAL OF CONDUCT BOARD DECISION**

Accused's Name:  
Charge:  
Decision of Board:  
Sanction:  
Confidentiality Provision:  
Basis of Appeal:  
Decision on Appeal:  
Dean's Signature:  
Date:

- 3) If the accused receives a sanction permitted under Sections II (E)1(a), (c) or (d) of this Code of this Code, the Dean of the School of Law must so inform the Chair of the Loyola University Conduct Board, who will determine the applicability of such a sanction to other academic departments or activities of the university.
- 4) If a student in attendance at the School of Law is charged before the University Conduct Board under the provisions of the Loyola University Code of Student Conduct, the Chair of the University Conduct Board shall submit a memorandum of the Conduct Board's decision to the Dean of the School of Law and the student. That memorandum shall be included in the confidential disciplinary file.

#### REPORT OF THE LOYOLA UNIVERSITY CONDUCT BOARD

Student's Name:

Charge:

Decision of Board:

Sanction:

Confidentiality Provision:

Board Chair:

Board Members:

Date:

- 5) Records concerning any action taken under this Code of Conduct shall be maintained in the confidential disciplinary file for five years from the date of the incident.

#### **J. Required Report to the Committee on Character & Fitness**

Upon application by a graduate of the School of Law to state bar examination authorities, the School is requested to supply information pertinent to the character and fitness of the applicant. In Illinois, the Dean is asked to respond to the following questions:

1. Do your records show anything adverse to his/her  
Honesty?  
Integrity?  
General Conduct?
2. Was he/she ever disciplined in any manner while in attendance? If so, explain
3. Did you ever hear of anything reflecting adversely upon his/her reputation and character?
4. Remarks: Here please state any facts, not covered by the foregoing questions, unfavorable to the applicant which you think the committee should know in connection with its duty to determine whether he/she is worthy of the highest trust and confidence.

Pursuant to this requirement, any adverse action taken against the accused under the provisions of this Code or through a University procedure may need to be reported to the appropriate bar examination authorities.

**K. Amendments**

Any provision of this Code of Conduct may be amended by the approval of a majority vote of the full-time School of Law faculty. Any proposal for amendment may originate by resolution of the Student Bar Association or by resolution of the faculty. The Student Bar Association president or his/her delegate may speak to any resolution at a faculty meeting held prior to the vote on a resolution.

**L. Effective Date**

This amended Code of Conduct takes effect on August 14, 2019 and shall apply to all cases and proceedings commenced on or after that date.