



## **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 reputational harm 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 outcomes 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 standards 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,” “Policy,” or “PRP”) 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 PRP 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*, the Honor Code, and the Personal Responsibility Policy annually in the form of a link on the Elon Law website. Students are responsible for reading and abiding by the provisions in all three documents.

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 outcomes 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 TITLE IX 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 PRP or Honor Code.

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 law enforcement, 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 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 Assistant Dean of Career & Student Development 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 Assistant Dean of Career & Student Development 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 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:** Latisha Perry, Interim Title IX Coordinator and Compliance Manager, [lperry9@elon.edu](mailto:lperry9@elon.edu)

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

**Bias response:** Dr. Carla Fullwood, Director of Inclusive Excellence Education and Development, [cfullwood@elon.edu](mailto:cfullwood@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 PRP 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. Outcomes 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 their 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**

Elon embraces students helping each other and holds student safety as a primary value. The **Medical Safety Policy** may be enacted for the following situations:

- For a student receiving medical attention related to consumption of alcohol and other drugs, when either 1) the student has called for medical attention for self or 2) another person actively

assisting the student calls for medical attention. This policy is intended to encourage early identification and intervention for potential medical emergencies.

- A student receiving emergency medical attention/treatment related to alcohol or other drug use will not be charged with violating the University alcohol or drug policies. Students are not exempt from charges for Fighting or Acts of Physical Aggression, Sexual Misconduct and Gender-Based Violence, and certain other egregious violations as determined in the University's discretion.
- Subsequent incidents involving medical treatment/hospitalization related to substance use will likely result in additional university actions, including charges under the PRP.
- When an individual receives emergency medical attention related to their consumption of alcohol or drugs, the student will be required to meet with the Assistant Dean of Career & Student Development (or designee). The student will be required to immediately complete a substance abuse assessment within a reasonable amount of time, typically 24-72 hours, and participate in any recommended treatment and may be referred to the North Carolina Lawyer Assistance Program for follow up assessment and treatment.
- For students who seek medical assistance for another person whose health or safety appears to be in jeopardy due to the consumption of alcohol or other drugs. The assisting student(s) will not be charged with violating the University alcohol or drug use policies. Students seeking medical assistance for others are not exempt from charges for Fighting or Acts of Physical Aggression, Sexual Misconduct and Gender-Based Violence, Hazing, and certain other egregious violations as determined in the University's discretion.
- Students should call 911 for help and NOT drive anyone in need of medical attention. Students with or observing a student "in danger" are expected to seek medical attention. If a student is with another student who may be in danger due to use of alcohol or other drugs and does not call for assistance, they may be charged with "Behavior that Endangers the Health or Safety of Self and/or Others."
- If the consumption of alcohol or other drugs occurs at an event hosted by, sponsored by, or otherwise involving a student organization and a representative or member of the organization seeks medical attention for a student whose health or safety appears to be in jeopardy, neither the reporting student nor the student organization will be charged with violating the University alcohol or drug policies. The student organization may be charged with other applicable PRP violations. The organization members may be required to engage in educational activities to reduce future health/safety risks.
- For students who voluntarily disclose prohibited personal use of alcohol or other drugs as they seek appropriate assistance or guidance related to assessment and treatment for substance misuse will not face PRP charges. The law school will respond to such disclosures as a health condition and not a disciplinary matter. In some cases, students may be required to complete a substance abuse assessment and treatment or education recommendation in order to address health and safety risks. However, such disclosure will also not exonerate a student from responsibility associated with a reported incident.

This policy does not apply for situations where medical attention is sought following the arrival of a police officer, university security authority (including student staff serving in an authority role), or any university faculty or staff.

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

#### **D. Title IX and Sexual Misconduct**

Elon University strives to provide a safe environment for the campus community and support the institution's educational mission at all times. Elon University does not tolerate acts of sexual harassment, gender-based violence, sexual misconduct, and sex and/or gender-based discrimination. All members of our community are expected to conduct themselves in a manner that reflects personal integrity and a respect for others. Elon University recognizes the serious and negative impacts sexual and gender-based violence and harassment have on individuals and the university community. To that end, the university endeavors to eliminate and prevent them and address their effects. This policy outlines how the university receives, investigates, responds to, and resolves complaints of sexual harassment, interpersonal violence, sexual misconduct, and sex and/or gender-based discrimination as defined herein whether occurring on or off campus regardless of whether the respondent, as defined in this policy, is a student, faculty member, staff, or third party.

Students, staff, and faculty are strongly encouraged to report all instances of sexual harassment, interpersonal violence, sexual misconduct, and sex and/or gender-based discrimination to Elon University Campus Safety and Police or the Title IX Coordinator. Additional reporting choices, including a list of confidential options, can be found in [Reporting and Resources](#). When an allegation of sexual misconduct and gender-based violence is brought to the attention of an appropriate university official, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the complainant and community are remedied, including outcomes when a respondent is found to have violated this policy.

Consistent with Elon's Notice of Non-Discrimination, the university prohibits all forms of sexual harassment, interpersonal violence, sexual misconduct, and sex and/or gender-based discrimination committed against employees, students, or third parties, as well as retaliation.

For complete information regarding Title IX and sexual misconduct policies and procedures, please visit: <https://elon.smartcatalogiq.com/en/2022-2023/student-handbook/title-ix-and-sexual-misconduct-policy/>

## 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. Outcomes 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:** Those who are aware of misconduct are encouraged to report it as quickly as possible via the online reporting form found at <http://www.elon.edu/incident-report>
- b. **Bias-related incidents:** Elon University 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 denounces bias-related conduct as a violation of University Honor Code. Bias-related incidents are intentional or unintentional events (language/expression, behaviors and acts) motivated, in whole or in part, by bias or prejudice against a person or group based on (including but not limited to) Elon's protected categories.

Identity-based Bias is language, behaviors and acts that demonstrate discrimination or hate against a person or groups because of any of the following identity categories (perceived or otherwise): race, ethnicity, national origin, faith tradition, gender, gender expression, sexual orientation, age/generation, disability, socio-economic status and veteran's status. These categories are examples and are not an exhaustive list of attributes or characteristics protected under this policy.

Bias-related incidents may be reported on the University's [Bias Response 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 Dr. Carla Fullwood, Director of Inclusive Excellence, Education and Development, [cfullwood@elon.edu](mailto:cfullwood@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 online via the [Registrar’s Office webpage](#) via the [Elon Law Character & Fitness Form link](#).

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://www.ncble.org/character-and-fitness-guidelines>.

### 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. Outcomes for violations of these policies can be found in “Section 7: OUTCOMES”.

#### ***2023.01 Complicity***

Knowingly aiding, facilitating, promoting, or encouraging a Code of Conduct violation or crime by another person, or persons. Failing to report a crime as may be required by law.

#### ***2023.02 Fraud/Lying***

A statement, action, or representation that is false, misrepresents the truth, and/or is intended to deceive another. 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.

#### ***2023.03 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.

#### ***2023.04 Stealing***

Unauthorized taking of property from the possession of another person or the University. Examples include but are not limited to taking another’s personal property; unauthorized possession of parking decals; and taking/consumption of food.

**2023.05 Unauthorized Entry or Access of University or Personal Property**

Unauthorized entry or access to university or personal property, or misuse of access privileges to University facilities. Examples include but are not limited to occupancy of university spaces when the university is closed, use of electronic devices or software to obtain or attempt to obtain private data; entering or opening a student's private property without express consent; use of another person's password or ID to attempt to gain access to personal information.

**2023.06 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.

**2023.07 Behavior that Endangers the Health & Safety of Self and/or Others**

Engaging in behavior that creates a risk of danger to oneself, others or the university community. Examples include but are not limited to creating a disturbance that may lead to a dangerous situation; not calling for medical assistance when a fellow student is at risk due to alcohol or drugs; intentionally obstructing egress or exit of a room or building, failure to evacuate a building during a fire alarm; and being on the roof or unapproved balcony of any buildings.

**2023.08 Drug and Alcohol Policies**

**2023.08.1 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.

**2023.08.2 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.

**2023.08.3 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.

**2023.08.4 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.

**2023.08.5 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.

**2023.09 Failure to Comply with the Directive of a University/Law School Official**

Disobeying an instruction of a university official. Examples include, but are not limited to: failure to evacuate a building, campus, or area of campus when so ordered by a university 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 outcomes as given by an administrative hearing officer or hearing board. University officials include, but are not limited to student staff, faculty, administrators, security staff and building staff.

**2023.10 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, 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. Behavior based on an individual's or group's gender, sex, sexual orientation, gender identity will be addressed under the University's Title IX and Sexual Misconduct Policy.

Note: Please visit <https://www.elon.edu/u/inclusive-excellence/> for more information on Diversity, Inclusion, and Global Engagement at Elon, the Inclusive Community Team, and bias reporting and response processes.

**2023.11 Bullying**

Ongoing behavior directed at or about a person, or persons, 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 chat or website.

**2023.12 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 age, race, color, creed, sex, national or ethnic origin, disability, sexual orientation, gender identity, or veteran's status.

**2023.13 Fighting or Acts of Physical Aggression**

An encounter with physical contact or aggression towards physical contact between two or more persons. Examples include but are not limited to actual or attempted pushing, hitting, kicking, spitting, wrestling, and pulling hair.

**2023.14 Harassment**

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

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

Behavior that occurs during a class setting (including virtual/remote or requirements outside of the classroom) may result in temporary or permanent suspension from a class, pending the outcome of a hearing.

**2023.15 Retaliation**

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

**2023.16. Title IX and Sexual Misconduct Policy**

Acts of gender-based harassment, discrimination, or violence are strictly prohibited and will be addressed through Elon's Title IX and Sexual Misconduct Policy. The prohibitions, processes, and policy can be viewed in its entirety here: <https://elon.smartcatalogiq.com/en/2022-2023/student-handbook/title-ix-and-sexual-misconduct-policy/>.

**2023.17 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 out the threat.

**2023.18 Destruction or Defacing of Property**

Destroying, damaging or defacing personal, public, or university property. Examples include, but are 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.

**2023.19 Disorderly Conduct**

Disrupting 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 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.

**2023.20 Fire Safety**

Violating local, state, federal or campus fire safety policies. Examples include, but are not limited to: improper use of University fire safety equipment; 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; lighting or igniting any item inside of a university building (including candles, incense, tobacco products, etc.); fire setting – intentionally or recklessly starting a fire without authorization; and arson – setting fires with the intention of destroying property.

**2023.21 Smoking Policies and Tobacco Use**

Elon University and Elon Law is a smoke free campus with respect to all facilities, except outdoor areas. Smoking is not permitted within 30 feet of University Buildings. For purposes of this policy, smoking is defined as the act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind, including vapor and electronic cigarettes.

This policy applies to:

- Students;
- Faculty and Staff;
- Persons using vehicles owned or leased by the University;
- Campus visitors including contractors, consultants, and temporary employees. Contractors are expected to designate smoking areas on their work sites, to be approved by the university; and
- Employees of companies contracted to work at University such as dining services, the bookstore, etc.

It is expected that individuals who smoke will show concern for the neatness of the area and put smoking-related waste in proper receptacles provided for that purpose. Personal safety measures should be followed at all times.

The success of this policy depends upon the consideration, and cooperation of both smokers and non-smokers. All members of the Elon University community share in the responsibility of adhering to and enforcing this policy.

All forms of tobacco and nicotine use carry health risks. More information about those risks are available at the [Centers for Disease Control Website](#). Those who choose to use smokeless tobacco or other products are required to do so in a manner that may not infringe on the rights of others. Information about smoking and tobacco use cessation efforts and resources are available at [Tobacco Cessation](#).

### ***2023.22 Firearms and/or Weapons***

Possessing or using, whether openly or concealed, any weapon or ammunition. Firearms are strictly prohibited (even if the student has a concealed handgun license) while on university-owned property or at university-related events. Examples 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.

### ***2023.23 Guest Behavior***

Inviting or hosting a guest who engages in prohibited conduct. 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. Guests with repeat or serious violations of campus policies may be permanently trespassed from campus and may be subject to criminal prosecution.

### ***2023.24 Laws of the Wider Society and Student Behavior at Off-Campus Sites***

Off-campus behavior that violates any local, state, or federal law. All students are required to abide by the laws of local, state and federal governments and may be subject to university action for failing to act in accordance with any local, state, or federal law, including Town of Elon ordinances.

Note: University 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.

## **D. Student Rights**

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

- Related to the student conduct process, student respondents (those receiving notice of potential policy violations of the Code of Conduct) have specific rights. They are entitled to:
- Have a written statement of the potential policy violations and charges.
- Have written notice of the date, time, and place of the hearing. (See notification procedures outlined in [Formal Conduct Procedures](#)).
- Have the hearing/investigation decision 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 conduct or designee.)
- Have an advisor from the Elon University community (currently enrolled student, faculty or staff member).
- Hear and respond to the information related to the potential policy violation(s) and charge(s).
- Provide information on their own behalf.
- Obtain witnesses on their own behalf.
- Submit questions for the reporting party/witnesses present at honor board hearings.
- Know the final decision of the hearing/investigation and provisions for any appeal process.

For more information about rights of Reporting and Responding parties in cases involving alleged sexual harassment, interpersonal violence, sexual misconduct, and sex and/or gender-based discrimination, see the [Title IX and Sexual Misconduct Policy](#).

### **Rights of Parties Involved in Cases of Alleged Violations of Sexual Misconduct**

Both the complainant and respondent are afforded rights within this policy, including:

- Written statement of the allegations and charges.
- Written notice of the date, time, and place of investigative interviews no less than two (2) business days prior to the interview.
- Equal opportunity to access, and present evidence to the Investigators.
- Reasonable accommodation(s) as determined by Disabilities Resources.
- Information regarding the status of a report and anticipated resolution timeline.
- The ability to request that the investigation/interviews be postponed for good cause.
  - For Title IX matters, a request for postponement must be made no less than two (2) business days prior to the scheduled time of the hearing and must be made in writing to the Title IX Coordinator.
  - For Sexual Misconduct matters, a request for postponement can be made at any time prior to the final decision.
- An advisor of their choosing.
- The opportunity to receive and respond to the information related to the charge(s).
- The opportunity to provide information on their own behalf.
- The opportunity to provide witnesses on their own behalf.
- Written, final outcome of the investigation, including level of responsibility for each policy violation, outcomes (if applicable), and information on the appeals 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 PRP as one that ensures fairness and provides an educational opportunity for student participants. This approach protects the campus community by providing a process and system of outcomes that are educational and hold students accountable for engaging in behavior prohibited by the PRP and Honor Code. Outcomes are disciplinary and educational actions assigned to encourage the growth and development of students and support the practice of responsible behavior in a community. This educational approach requires a need for students to reflect on their choices, understand the impact of their actions, commit to self-accountability, and respect the rights and privileges of others.

The basic philosophy and principles that guide the PRP are:

- The student conduct process supports a learning experience that is most effective when it holds students accountable for behaviors prohibited by the PRP, contributes to the personal growth and holistic success of a student, and/or provides protections for the community of which they are a member.
- The student conduct process responds expeditiously and thoroughly to behaviors potentially prohibited by the PRP. The student conduct process is transformative when students are given an opportunity to engage fully about the motivations, impacts, and potential remedies relating to their behavior.
- The student conduct process is a fair, equitable, and consistent process that considers all available and credible information relevant to the case, and provides an opportunity for all parties to share their experiences.
- A spectrum of resolution models may be used to encourage actions and behaviors that support the values of the PRP.

University action through the PRP 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. Additionally, action through the PRP does not preclude other actions or outcomes assigned by student organizations or other units of the institution (e.g., student employment, leadership positions, organization participation).

### **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**

Due to the educational 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 Code of Conduct are based on “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. Elon University’s

adjudication processes, unlike proceedings of a court of law, do not require the legal standard of “proof beyond a reasonable doubt.”

**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.F.)**

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 or the Office of Student Conduct on main campus:

- All violations for which suspension is a possible outcome, including incidents where multiple violations have occurred and the composite recommended outcome 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;
- Hazing;
- 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.

**E. Student conduct process advisors**

Respondents and reporting parties may bring a currently enrolled student, faculty, or staff member from the Elon University community to serve as their advisor to any meeting that occurs as part of the conduct process. This includes initial meetings, student conduct conferences, and formal hearings. Family members, attorneys or other legal counsel may not attend any meeting that occurs as part of the conduct process or serve as advisors. The role of the advisor is limited in scope. An advisor may not answer for, speak for, or represent their advisee. Advisors may consult with the student quietly, in writing, or outside the meeting. The university will make a reasonable effort to accommodate an advisor’s availability. The university reserves the right to proceed with any meeting, regardless of the availability of the advisor.

For information about the role of an advisor in cases involving alleged sexual harassment, interpersonal violence, sexual misconduct, and sex and/or gender-based discrimination, consult the [Title IX and Sexual Misconduct Policy](#).

**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 ten (1-10) 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 outcomes without a formal meeting. In these situations, an educational requirement can be one of the outcomes 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 outcomes, 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 information to proceed with formal charges and a hearing
- Finalizing the alleged policy violations and sharing the decision during the meeting (if the student accepts responsibility for the alleged policy violations and waives the option for a formal hearing)
- A determination that additional information needs to be gathered and engaging in a more comprehensive investigation before scheduling the hearing or determining next steps.
- Sending a notice for a hearing with identified charges (students have up to three business days between the conference and hearing); or
- Referring the case to another hearing officer or board.

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 outcomes. 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.D. 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 outcomes 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.D. 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 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 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 outcomes, and, when appropriate, the information related to the appeal process.

### **F. 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 [Title IX and Sexual Misconduct Policy](#) for the process to report, investigate, and resolve such instances.

### **G. 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 an organizational hearing panel. The Director of Student Life will convene the hearing and the panel's recommendations for determination of responsibility/non-responsibility and outcomes will be considered. The hearing officer will make the final decision.

An organization may request to appeal the decision of the hearing officer on the grounds of: the discovery of new and substantial information relevant to the outcome of the decision, excessiveness of outcome (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 5:00 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 or other appropriate appeal agent for review.

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

### **H. Notification of Outcomes**

The decision related to potential PRP 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 may inform the reporting party of the final results of a hearing/investigation decision regardless of whether the university concludes that a violation was committed. Such release of information will include only the responding student's name, the violation committed, and the outcomes 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.

## **I. 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 via e-mail or hand-delivery to the Assistant Dean of Career & Student Development by 5:00 p.m. on the seventh 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 outcome. 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.

#### **Arbitrary and Capricious Outcomes**

The outcomes may be changed only if they are substantially disproportionate to the conduct violation, considering any mitigating and aggravating factors, including but not limited to disciplinary history of the student found responsible. Grade-related outcomes for academic policy violations may not be appealed. If the appeal is based on arbitrary or capricious outcome, the request must outline why the assigned outcomes do not fit the PRP violation.

#### **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 outcomes 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 outcome 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 outcome (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 outcomes 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/her 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 outcome 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 the appeal board is final.

### **Title IX and Sexual Misconduct Appeals**

Appeals for cases involving Elon's Title IX and Sexual Misconduct 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: <https://elon.smartcatalogiq.com/en/2022-2023/student-handbook/title-ix-and-sexual-misconduct-policy/appeals/>

### **J. Disciplinary Records, Retention and Reporting**

The Office of Career & Student Development maintains all student conduct files 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, the Office of 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 their 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 outcomes 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 outcomes of **Suspension in Abeyance** or **Disciplinary Probation** will be reported externally during the probationary period and for five years from the date of the incident.

Personal Responsibility Policy violations resulting in outcomes 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 outcome or findings of fault shall not be reported externally unless required by law.

Charges of Personal Responsibility Policy violations or assigned outcomes 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: OUTCOMES**

Any one or more of the following outcomes 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 disciplinary status level and/or have outstanding outcomes.

### **B. 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 outcomes. 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 outcomes. 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 outcome 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 may be subject to disciplinary suspension from the law school.

See section 7.D. 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. The student may apply for readmission at the end of that time but will not be approved unless all other outcome 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 receive an additional suspension or permanent separation from the University and Elon Law.

See section 7.D. 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.

### **C. 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.

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

Students receive the outcome of 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.

## **E. Additional Outcomes/Requirements**

**Alcohol and Other Drugs Outcome Framework:** Students found in violation of an alcohol-related policy may be assigned outcomes according to a framework that provides guidelines for a consistent and practical approach to assigning outcomes. Guidelines are designed to be flexible and should not be interpreted as prescriptive policy. Hearing officers/boards may modify outcomes as deemed appropriate. If a single incident involves multiple distinct violations, outcomes will typically be cumulative. <https://elon.smartcatalogiq.com/en/2022-2023/student-handbook/honor-system/conduct-outcomes/alcohol-and-other-drug-outcomes-framework/>

**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. A cease contact directive 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 Assistant Dean of Career & Student Development.

**Mental Health Assessment:** Students may be required to complete a psychological or psychiatric assessment by a licensed mental health provider. Students must follow any treatment, additional assessment or referral recommendation resulting from the assessment and provide documentation of compliance. Students are responsible for any cost or fees 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 Project:** 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 outcomes 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 for the outcome to be considered complete. Students may be required to complete a follow-up meeting for this outcome 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 outcomes 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 outcomes assigned with a responsible conduct violation, this outcome 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 or Restriction 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 outcome 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 outcomes:** Additional or alternate outcomes 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. Outcomes for Registered Student Organizations**

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

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

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

All students, as members of the University and Elon Law community, are expected to comply with conduct outcomes within the timeframe specified in the hearing decision. Students or organizations

who do not complete outcomes 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 outcomes, 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 outcomes. This determination will be made by the Assistant Dean of Career & Student Development (or designee).

Students who graduate with outstanding outcomes 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 Student Life, 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 outcome 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.