

# Chapter 6 - Student Affairs

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2024-2025 – Effective August 19, 2024

## 6.1 Rules of Discipline

The rules contained in the current edition of Capital University's Student Code of Conduct (<https://www.capital.edu/media/xd4pabhs/student-handbook.pdf>) shall govern in cases to which they are applicable and which they are not inconsistent with the Manual of Policies and Procedures or with any rules that may be adopted.

Students take an Oath of Professionalism when they enter law school and are expected to abide by throughout their time in school.

"I, as a student entering Capital University Law School, understand that I am joining an academic community and embarking on a professional career. I gratefully acknowledge the privileges inherent in becoming a lawyer and willingly accept the responsibilities that accompany those privileges and are entrusted to me by the bench, the bar, and the public.

I promise to do my utmost to live up to the high ideals of my chosen profession and to uphold the highest standards of academic honesty and ethical practice throughout my training and the remainder of my professional life. I will remember that my actions reflect not only upon myself, but upon Capital University Law School and the legal profession.

To strengthen the law school community, I will conduct myself with dignity and civility and will treat all of my colleagues -- students, staff, and faculty -- with kindness and respect.

I vow to be a person of principle, compassion, strength, and courage. I will recognize my weaknesses and strengths and strive to develop the character that is expected of a lawyer and that will earn the respect of my clients, my colleagues, my family, and myself.

I commit to conduct my academic, professional, and personal life to honor the values and standards that are expressed in the Capital University Law School Academic Honor Code and Rules of Professional Conduct and are shared by the legal profession.

This pledge I take freely and upon my honor."

### 6.1.01 General Expectations

Capital University and the Law School expect its students' loyal cooperation in the development and maintenance of the high standards of ethics and conduct, as well as those of scholarship.

### 6.1.02 Ethical Obligations

Ethical obligations of law students begin when the application for admission is submitted. Students are

asked a number of questions in the Character and Fitness portion of the application including:

- A. Have you ever been investigated, suspended, expelled, or disciplined, formally or informally, by any school, college, or university above the high school level? This includes academic probation.
- B. Have you ever been separated from any branch of the U.S. armed forces under less than honorable conditions?
- C. Have you ever been arrested, served a summons, cited, indicted, taken into custody, charged, tried, or investigated for a felony, misdemeanor, infraction (including traffic tickets), or probation violation? (Include all incidents as a juvenile or adult, no matter how minor the charge, guilty or not, exonerated or not, whether or not sentencing was withheld, excluding only non-moving traffic violations that resulted in a penalty less than \$25.00. You must include criminal and/or juvenile matters that have been expunged.)
- D. Have you ever, in any capacity, been a party to, named, or described in any civil proceeding, action, or suit, including divorce, any court case, bankruptcy, or administrative proceeding?
- E. Have you ever been the subject of any complaint, grievance, or proceedings that either sought or resulted in your admonition, reprimand, censure, suspension, discipline, citation, contempt, or fine as a member of any profession or occupation, or as the holder of any license?
- F. Have you ever, for any reason, been terminated from employment or requested to resign by an employer?
- G. Have you ever been charged, formally or informally, with misrepresentation, fraud, misapplication, perjury/false swearing, or misappropriation of property, either individually or in a representative capacity (i.e., as an officer of a business entity, partner or other fiduciary relationship)?
- H. Have you ever been denied any license or certificate requiring proof of good moral character?
- I. Are you, either individually or in association with others, in default in any way in the performance or discharge of any duty or obligation imposed on you by decree of any court, including, but not limited to alimony, maintenance or child support?
- J. Have you at any time in the past ten (10) years, either individually or in association with others, been in default on or past due for more than sixty (60) days on any indebtedness, including those barred by a Statute of Limitations?
- K. Have you ever been dismissed from or denied readmission to any law school or professional organization?
- L. Have you ever supported or advocated the overthrow of the U.S. government by force?
- M. Have you ever had a record sealed which contained facts relating to you?
- N. Are there any facts not disclosed by your answers concerning your background, history, experience or activities which may cause one to question your character, fitness or ability to practice law?

These questions are current as of the 2025 Application for JD Admission but may be edited from year to

year as Capital Law School sees fit and in response to best practices. Regardless, applicants for admission are required to answer these questions truthfully and fully. Applicants and law students have a continuing duty to inform the Law School of any and all changes to the answers to these questions beginning at the time that the application was submitted. The failure of an applicant or student to make such a disclosure may result in revocation of admission or disciplinary action by the Law School, or denial of permission to practice law by the state in which the student may seek admission.

### **6.1.03 Administrative Withdrawal**

Because of the ethical obligations imposed on students, the Law School reserves the power to compel the withdrawal of any student whose conduct at any time is not deemed to be satisfactory. Acceptance of admission to the Law School by the student is deemed to be acknowledgment of this power.

### **6.1.04 Expectations to Know and Follow the Honor Code**

These expectations are implemented in part by the Honor Code of Capital University Law School. All students are expected to know the Honor Code and are bound by it.

### **6.1.05 The Ohio Rules of Professional Conduct**

However, the Honor Code does not exhaust the Law School's expectations and requirements as to ethical conduct of its students. Students are expected to know the Ohio Rules of Professional Conduct and infringement of either the Rules of Professional Conduct or this Honor Code may subject students to administrative discipline apart from as well as in addition to Honor Code proceedings. The Ohio Rules of Professional Conduct are expressly incorporated by reference into this Manual.

## 6.2 Capital University Law School Academic Honor Code

This Honor Code should be read in its entirety and its provisions taken seriously. Penalties for violation of the Honor Code can be severe, up to and including expulsion. Students are advised to pay particular attention to Section 6.2.06, Students' Rights and Responsibilities, including the right to retain counsel.

### 6.2.01 Preamble

We, the faculty and students of Capital University Law School, in recognition of our obligations as members of a profession that is responsible for the administration of justice in our society, affirm our belief in the following precepts:

- It is essential to the welfare of the legal profession and the people whom it serves that the integrity of all of its members be beyond reproach at all times;
- There is, beyond purely professional considerations, an overriding moral obligation to conduct the learning process in an ethical fashion;
- The success or failure of an Honor Code is dependent on the willingness of those governed by it to enforce it. If the Honor Code is to be effective, each student must make a personal commitment to comply individually with its provisions and must accept the responsibility of assuring compliance by other students. A student's sense of justice and integrity should obligate him or her to report violations of the Honor Code in order to preserve the academic integrity of the Law School.

Relying upon the above precepts, we hereby adopt the following rules and procedures as the Academic Honor Code of Capital University Law School.

### 6.2.02 Jurisdiction

The Honor Code shall serve as the basis for determining whether an Honor Code violation has occurred and shall govern alleged violations of the Honor Code. The Honor Code applies to any act engaged in while a student at Capital University Law School including but not limited to the Law School's graduate programs, the Law School's internships and externships, and any other Law School program used by students for Capital University credit or satisfaction of matriculation requirements. The Honor Code has a five-year limitation period that begins to run from the date of a student's graduation.

### 6.2.03 Effect of Withdrawal/Dismissal

The withdrawal of a student from the Law School, or the dismissal of the student for reasons of academic deficiency or for other reasons, does not prevent Honor Code proceedings from continuing.

### 6.2.04 Scope

This Honor Code does not limit the power of the University, the Law School, the Faculty, or the Dean or Dean's delegate to take action that any of them has the power or the duty to take. Specifically, this includes but is not limited to:

- A. Decisions regarding the certification of good moral character of a candidate for the Bar; and

- B. Sanctions imposed on students who are determined to have violated the University or Law School rules, regulations, and policies, including the Ohio Rules of Professional Conduct when applicable.

### 6.2.05 The Honor Committee

The Honor Committee is composed of four full-time faculty members chosen by the Law School Faculty or by the Dean or Dean's delegate; the Full-Time Day Program Vice-President of the Student Bar Association (hereinafter SBA); the Part-Time Night Program Vice-President of the SBA; and two other students selected by the SBA.

If a member of the Honor Committee is unable to serve, the faculty replacements may be selected by the Dean or Dean's delegate, and student replacements may be selected by the SBA.

One of the four faculty members, chosen by the Dean or Dean's delegate, shall serve as the faculty co-chairperson of the Honor Committee. The SBA Full-Time Day Program Vice-President shall serve as the student co-chairperson of the Honor Committee. The faculty co-chairperson shall preside over the hearings. The SBA Full-Time Day Program Vice-President shall preside at all other times.

The Honor Committee shall designate two members (one faculty member and one student member) as investigators as needed. Neither of the co-chairpersons shall be designated as investigators.

### 6.2.06 Students' Rights and Responsibilities

#### A. Student Right to a Statement of the Charges

An accused student has the right to a clear, concise statement in writing of the charges.

#### B. Student Right to Counsel

An accused student has the right to be represented by counsel or a representative of the student's choice retained by the student at the student's expense. The accused student may be accompanied by an attorney or other representative at the hearing. (The attorney or other representative must not be employed by Capital University.) The attorney or other representative may participate in the hearing subject to the rulings of the panel chair.

#### C. Student Rights and Responsibilities in the Event of a Hearing

In the event of a hearing before the Honor Committee, an accused student has the right to:

1. Adequate notice to prepare any defense for the Honor Committee hearing the student wishes to offer;
2. A personal appearance before the Honor Committee;
3. Present oral, documentary, or other evidence on the student's behalf;
4. Make an opening and closing statement to the Honor Committee;
5. Examine and cross-examine witnesses;
6. Seek the assistance of the committee in requesting the presence of witnesses and the production of documents or other evidence;

7. Make sworn or affirmed statements before the Honor Committee;
  8. A presumption of the student's innocence until a majority of the committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of this Honor Code; and
  9. A copy of the committee's decision in writing, timely upon rendition.
- D. The student may waive any right conferred by giving notice of such waiver in writing to the committee. The student will waive the rights in 6.2.06 if the student fails to appear at the hearing without good cause after being duly served.

## 6.2.07 Violations

### A. Cheating on Exams

No student shall give or receive aid during any examination.

No student shall attempt to give or receive aid during any examination.

Definitions:

"Aid" means information from any source or help of any nature not specifically permitted by the professor.

"Give or receive" means voluntary transmission or receipt of aid in any manner and includes (but is not limited to) receipt or aid from persons, notes, books, or objects.

### B. Improper Cooperation on Outside Work

No student shall cooperate with another student or solicit cooperation from or offer cooperation to another student in the preparation of outside work assigned to both unless cooperation on that specific assignment has been expressly permitted by the professor.

No student may use generative artificial intelligence (AI), including, but not limited to Chat GPT, Lexis+ AI, or other similar technology, unless, and to the extent that, the usage has been expressly permitted by the professor.

No student assigned outside work shall solicit or receive cooperation or assistance in the preparation from persons, sources, or objects (including but not limited to computers), where such cooperation or assistance on the specific assignment has been expressly forbidden by the professor.

Permission to use a computer does not include permission to use generative AI, unless the usage of generative AI has been expressly permitted by the professor.

Definitions and Explanations:

"Preparation of outside work," as used in this section means work involved in or leading to either

The production of any written material required to be produced by the student outside of

class, as part of a course, and which is to be submitted to and graded by the professor; or

Preparation for any moot court, mock trial, or oral presentation, which is to be conducted as an assigned and graded portion of a course.

Preparation includes, but is not limited to the discussion, analysis, or identification of legal issues, format, concepts, sources, and theories pertaining to outside work assigned.

"Assigned to both" means that both are required to simultaneously work on the same or opposite sides of the same case or question, or on the same or opposite sides of different but highly similar cases or questions.

This section does not apply to:

Preparation of ordinary assignments, no matter what research they may require. An assignment is "ordinary" within the meaning of this subsection if it involves neither preparation of a special written project nor preparation for a moot court or mock trial.

Such exchange or information as may occur through the observation of the titles of books being read by a student.

Such cooperation or attempted cooperation as may occur by the giving, receiving, or soliciting of information as to the location of particular books, sets of books, or types of books.

#### C. Plagiarism

No student shall submit any of the following for credit:

Work in which a significant portion was prepared by another person.

Work copied, in whole or in part, whether word for word or in substance, from the work of another person or generative artificial intelligence (AI) as described in section 6.2.07(B), without clearly identifying it as the work of another with appropriate quotation marks and footnotes or with an appropriate written explanation and attribution.

Work the student has previously or contemporaneously prepared for compensation, offered for credit, or prepared for any other purpose unless the student secures the professor's written permission in advance of submission.

#### D. Fraudulent or Deceitful Conduct

No student shall engage in an act, practice, or course of conduct, which acts as a fraud or deceit or attempted fraud or deceit on the Law School including but not limited to any of its faculty, staff, administrators, or students.

#### E. Misappropriation or Destruction of Property

No student shall misappropriate or destroy, or attempt to misappropriate or destroy, the property of the school, the property of another student, or the property of a faculty or staff member.

"Misappropriate" includes the intentional and unauthorized use, taking, keeping, or concealing of property for any period of time. This offense does not include unintentional failure to return

properly checked-out library materials within the authorized time period.

F. Improper Knowledge of Contents of Examination

No student shall voluntarily acquire any knowledge of the content of a forthcoming examination without authorization from the professor.

No student who has voluntarily or involuntarily acquired knowledge of the contents of any forthcoming examination without authorization from the professor shall fail to report this fact to the professor immediately.

No student who has taken an examination, and who knows that one or more other students are to take the same examination at a later time, shall disclose the contents of said examination, until after all students in the course have taken the examination.

G. Non-Disclosure

No student shall fail to report any violation of the Honor Code, they know or reasonably believe has occurred. A report to any member of the Honor Committee shall be sufficient compliance with this subsection. See section 6.2.08(B) Initial Report.

H. Violation of Secrecy

No student who is a member of the Honor Committee or who makes a report to the Honor Committee under section 6.2.08 of the Honor Code, or who is called upon to give information to or testify before the Honor Committee shall divulge any information as to any proceedings of either, except as expressly authorized in the Honor Code. This subsection shall be read at the start of every meeting of the Honor Committee.

The secrecy requirement applies to all stages of the proceedings and continues where there is no finding of guilt. After a final finding of guilt and judgment of penalty, the secrecy requirement shall terminate in all causes.

I. Perjury

No student shall intentionally give false information in any investigation or hearing under the Honor Code.

No student shall make a report under section 6.2.08 unless the student reasonably believes a violation of the Honor Code may have occurred.

J. Unauthorized Alterations

No student shall make any changes, without authorization from the professor, in any writing submitted for a grade after the student has turned in the writing.

K. Noncompliance with Examination Time Limits

No student, without authorization from the professor or proctor, shall continue to write on an in-class examination after the professor or proctor has indicated that the time for completion has expired.



#### L. Request to Provide Information

No student shall fail to respond to a request from the Dean or Dean's delegate or the Honor Committee or its Co-Chairpersons to provide information relevant to Honor Code proceedings.

### 6.2.08 Procedures in Case of Alleged Violation

#### A. In General

Honor Code proceedings are neither criminal nor quasi-criminal in nature. The Honor Committee is not bound by rules of evidence or procedure except as provided in this Honor Code. The goal of the proceedings is to arrive at the truth through a fair and prompt resolution of reported violations.

#### B. Initial Report

A student, faculty member, administrator, or other person who has reason to believe that a violation has occurred may report such to any member of the Honor Committee or to designated administrators in the Dean's Office. A faculty member or administrator should make his or her report in writing or by email, which should then be delivered to the faculty Chair of the Honor Committee. Students may make an initial report in either of two ways:

1. Submission of a written report or email to an Honor Committee member, or to any designated administrator in the Dean's Office, which should then be delivered to the Chair of the Honor Committee.
2. Give an oral report to a member of the Honor Committee or to a designated administrator in the Dean's Office. The Honor Committee member or designated administrator in the Dean's Office to whom an oral report is made should memorialize the report in writing as soon as possible after the report and deliver it to the faculty chairperson of the Honor Committee.

#### C. Initial Review

The Honor Committee investigators, who are appointed by the faculty chairperson of the Honor Committee, shall review the matter and conduct a preliminary investigation. They may consult with the alleged violator, any faculty member or administrator in whose course or activity a violation may have occurred, and any other person who might have relevant information to provide.

After the preliminary inquiry, the investigators conclude whether or not it is likely that a violation occurred. If the investigators do not conclude that it is likely that a violation occurred, the matter is terminated. Termination of the matter results in no record being kept of the investigation, and any student whose investigation is terminated shall be under no obligation under this Honor Code to report that investigation to Capital University, its Law School, its agents, or to Ohio or any other Bar Examiners, though other organizations may have their own reporting requirements.

If the investigators conclude that it is likely that a violation occurred, the Honor Committee investigators have two (2) options (Option A or Option B):

1. **OPTION A:** In case of less serious violations (those unlikely to be punishable by expulsion or suspension), they may refer the matter to the Dean or Dean's delegate who then conducts an

informal hearing to determine the guilt or innocence of the student(s) accused of the violation(s). In deciding whether to pursue this alternative, the investigators primarily shall consider whether the offense is punishable by expulsion or suspension. Other factors to consider are:

- a. The need for a quick resolution of the problem;
  - b. The need for quietly resolving a matter;
  - c. The potential for unbiased resolution by the Dean or Dean's delegate;
  - d. The inherent complications of a particular alleged violation;
  - e. The difficulties in any given case of the Dean or Dean's delegate needing inordinate amounts of time to resolve a matter;
  - f. The desires of the alleged violator(s); and
  - g. Any prevailing exigent circumstances, which normally are limited to the instances such as the pending graduation of the alleged violator(s) or witness(es) and the pendency of examinations or vacation periods.
2. OPTION B: In the case of more serious violations (possibly punishable by expulsion or suspension), the matter ordinarily shall be referred to the Honor Committee. It then will conduct an informal hearing to determine the guilt or innocence of the student(s) accused of the violations.

In determining which option to pursue, the Committee investigators ordinarily shall consult with the Dean or Dean's delegate.

The investigators promptly shall write a concise summary of the statement of the charges which shall along with any supporting documentation be promptly delivered to the faculty chairperson of the Honor Committee, who will then promptly deliver them with any supporting documentation to the student, along with a copy of the Honor Code.

A student may submit a written statement of positions, preferably as an electronic PDF document, to the faculty chairperson of the Honor Committee within the time established by the faculty chairperson of the Honor Committee. The student's statement of position will become part of the record and will be delivered by the faculty chairperson of the Honor Committee to the investigators. The statement of position should include:

- The student's signed response to the statement of charges;
- Any and all tangible and documentary evidence in support of the student's position;
- Names of all witnesses in support of the student's position; and
- Any other relevant evidence or statements the student wishes the Honor Committee to consider.

## 6.2.09 Hearing

The hearing, conducted pursuant to either Option A or Option B, is to be held as promptly as the circumstances allow. The hearing is more analogous to a fact-finding administrative hearing than to a judicial trial.

Prior to the hearing, the Dean may meet with the alleged violator at the Dean's discretion. At that meeting, the Dean may offer the alleged violator an opportunity to resolve the matter prior to a formal hearing. In exchange for agreeing to admit all or some violations and accept an agreed-upon sanction (which may include any penalty except expulsion), the alleged violator will agree to waive their rights pursuant to 6.2.06. The agreement and waiver shall be in writing and shall be delivered to the Honor Committee Chair.

The Dean or Dean's Delegate or the Honor Committee conducting the hearing may consult with the alleged violator(s), the investigators, the faculty member or administrator in whose class or activity the alleged violation occurred, and any other person who might have relevant information to provide.

The decision of the Dean or Dean's delegate or of the Honor Committee conducting the hearing is based on the rules of the Law School and the evidence adduced at the hearing.

The Law School must make reasonable efforts to secure the presence at the hearing of any witness whose attendance is desired by the Dean, Dean's delegate, or Honor Committee conducting the hearing, or by the accused student.

See section 6.2.06 for a list of student rights and responsibilities.

Neither the investigators nor ex-officio members of the Honor Committee shall participate in the Honor Committee's deliberations, and they may not vote. A record of any informal or formal merits proceedings held before the Honor Committee under Option B where evidence is introduced and argument is made shall be kept by the Honor Committee. This record shall include

- The written complaint on which the charge(s) are based;
- The investigators' concise summary of the charges;
- An audio or video recording of the hearing along with copies of all documents introduced or considered; and
- The Honor Committee's written findings, conclusions, and determinations required by section 6.2.08, and the penalty to be meted out under section 6.2.10.

### **6.2.10 Sanctions**

If the Dean or Dean's delegate or a majority of the Honor Committee conducting the hearing determines, by clear and convincing evidence, that a violation has occurred, and that the accused student committed the violation, then the Dean or Dean's delegate or the Honor Committee decides upon the appropriate sanctions to be imposed by the Dean or Dean's delegate.

On occasion, the consequences imposed on an accused student may be limited to the context of the course or activity in which the violation occurred.

On other occasions, there may be other or additional consequences such as a requirement to make restitution, reprimand, and disciplinary probation for a fixed or indefinite period of time, suspension for a

fixed or indefinite period of time, or expulsion.

If a student is found to have violated the Honor Code, the Dean or the Honor Committee conducting the hearing may recommend that this fact and the sanction imposed be entered or not be entered on the student's official transcript.

### **6.2.11 Written Report of the Hearing**

After a hearing, the Dean or Dean's delegate or the Honor Committee conducting the hearing writes a report that states the decision, the reasons for the decision, and the sanctions to be imposed, if any. The report, together with any records of the hearing, is given to the Dean or Dean's delegate. The Dean or Dean's delegate decides whether and in what form the decision shall be made public, and whether or not to enter on the student's transcript the fact that the student was found to have violated the Honor Code and the sanction imposed.

The faculty chairperson of the Honor Committee shall promptly deliver a copy of the Honor Committee's report for any hearing held under option B to the student contemporaneously with that report's being delivered to the Dean or Dean's delegate. The Dean or Dean's delegate shall promptly deliver a copy of the report under option A to the student.

Sanctions of suspension and expulsion are always entered on the student's transcript; other sanctions may or may not be so entered at the Dean's discretion. The Dean or Dean's delegate also makes provision for the retention, return, or destruction of records of any hearing, whether held under option A or option B.

### **6.2.12 Loss of Privileges**

Students who are found to have violated the Honor Code and who have received a sanction of probation, suspension, or expulsion are not permitted to receive financial aid from Capital University and are not permitted to engage in extracurricular activities during the period of the probation.

Violators who receive a less severe sanction may be prohibited from receiving financial aid from Capital University and may be prohibited from engaging in extracurricular activities for a fixed or indefinite period of time.

Any courses taken at other universities during the period of suspension or expulsion will not be credited toward obtaining a Capital University law degree.

### **6.2.13 Appeals**

#### **A. In General**

The Appeals Committee shall be composed of two faculty members and one student member.

The Dean or Dean's delegate annually shall appoint two faculty members, including a chair. The SBA annually shall appoint one student member. Preferably, at least one member of the Appeals Committee shall have served on the Honor Committee in the preceding year.

The student shall have one appeal as of right from any decision of the Honor Committee to the Appeals Committee. The Appeals Committee shall make any decision by a majority vote.

#### **B. Grounds for Appeal**

The grounds for appeals are:

1. The failure to substantially comply with procedural provisions of the Honor Code, thereby resulting in prejudicial error;
2. A clearly erroneous interpretation of the Honor Code, thereby resulting in prejudicial error;
3. A recommended penalty that is too severe in light of the circumstances; or
4. The Honor Committee's findings of fact are clearly erroneous.

C. Procedure for Appeals and New Hearing

The student shall file a timely notice of appeal in writing within one week of delivery of the Dean's, Dean's delegate's, or Honor Committee's report to the student with the faculty chairperson of the Honor Committee (preferably by email), who will immediately transmit it to the Appeals Committee. Upon receipt of the notice of appeal, the Appeals Committee shall determine whether and when the student shall file a memorandum setting forth their arguments.

The Appeals Committee shall meet as soon as possible to determine whether to grant or deny the appeal. At this meeting, the Appeals Committee shall review the record and report of the Honor Committee hearing and the student's memorandum, if any. The Appeals Committee may invite the student (and their lawyer) and the members of the Honor Committee to appear before the Appeals Committee to give further explanation of their positions and respond to questions of the Appeals Committee members. The Appeals Committee shall determine the procedures to be used at the hearing including, for example, time limitations and the receipt of responsive memoranda.

If the Appeals Committee sustains the appeal, it shall memorialize the reasons for doing so. The Appeals Committee shall then either make a final decision or remand the case to the Honor Committee for further proceedings that are consistent with the decision of the Appeals Committee, which may include a new hearing. Upon remand, the Honor Committee shall meet and comply with the instructions of the Appeals Committee.

#### 6.2.14 Other Post-Hearing Procedures

After all appeals to the Appeals Committee are final, the Appeals Committee shall transmit all records to the Dean or Dean's delegate. The student may request that the President of the University or the President's delegate review the Appeals Committee's decision. The only basis for this review is the failure to substantially comply with the procedural provisions of the Honor Code, resulting in prejudicial error.

A hearing that results in a finding of a violation can be reviewed by the Dean or Dean's delegate or by the Honor Committee upon the discovery of new evidence that casts doubt on the earlier finding. The new hearing can be conducted under either Option A or Option B.

A former student who has been expelled or indefinitely suspended after having been found to have violated the Honor Code may apply for readmission as a new student. Such readmission is uncommon and can be granted only by a majority vote of the law school council. The burden is on the former student to prove that circumstances since the Honor Code violation indicate that the former student is now of good moral character and is highly unlikely to commit another ethical lapse. Because of this burden, several years typically elapse before the faculty entertains a petition for readmission.

### **6.2.15 Conclusion**

This document was the product of collaboration between students and faculty and was composed in the spirit of cooperation.

## 6.3 Employment

Students who are registered 12 or more credit hours during a semester may not be employed for more than 20 hours each week during that semester. Capital University Law School expects all students to comply with this standard. A student who violates this standard is subject to discipline, up to and including involuntary withdrawal.

### A. Definition of “employed”

For purposes of section 6.3, a student is “employed” if, for the work performed, the student (1) cannot receive academic credit and (2) does receive payment. “Payment” means compensation in money or money’s worth.

### B. Examples of students who are “employed”

Under section 6.3, research assistants and teaching assistants are “employed,” because they cannot receive academic credit and do receive payment.

### C. Examples of students who are not “employed”

Under section 6.3, students involved in externships are not “employed,” because they receive academic credit and do not receive payment. Students on law review executive committees are not “employed,” because they receive academic credit. Students involved in “pro bono” activities are not “employed,” because they may not receive payment.

### D. Standard for students who are not “employed”

Although students who are not “employed” under section 6.3 are not subject to the 20-hour cap, the faculty and administration encourage those students not to work or to volunteer more than twenty hours each week.

## **6.4 Recognition of Student Organizations**

Students at Capital University Law School are encouraged to participate in student organizations and activities. Students may form voluntary associations of any type, based upon any community of interest they may share.

Students wishing to use the facilities of the University, including the Law School, must first obtain the official recognition of the Law School faculty or its delegate. Recognition is sought by requesting it in writing signed by the organizers of the new organization. This request is presented to the Assistant Dean of Student Affairs who will present the request to the faculty or its delegate.

The official recognition of a student organization does not create any agency relationship between the Law School and the organization, nor does it constitute, on the part of the Law School, the endorsement, approval, or ratification of any actions undertaken by the organization.

Expenditures from budgeted funds must be approved by the Assistant Dean of Student Affairs, and all Law School procedures relating to the payment of invoices must be followed.

The Law School is not responsible for expenditures or obligations incurred by an organization in violation of this policy or in excess of its budget.



## 6.5 Guidelines for Student Requests for Accommodations and Exception to Academic Procedures Based on Physical or Mental Disability

Capital University Law School is dedicated to extending all available services, programs and activities to its students including those with disabilities. Accessibility Services provides support services and accommodations for students with disabilities. Information about the office, the registration process, and documentation guidelines can be found on the [Accessibility Services webpage](#).

The Director of Accessibility Services works with the Associate Dean of Academic Affairs and the Assistant Dean of Student Affairs to ensure that the Law School is in compliance with the Americans with Disabilities Act and responsive to the needs of persons with disabilities. The purpose of this section is to notify all students of the resources available to those with disabilities and other conditions and the procedures by which those resources may be best utilized.

### 6.5.01 Actions Student to Take Upon Admission

Upon admission to the Law School with a previously diagnosed disability or when subsequently diagnosed with a disability, students are encouraged to contact Accessibility Services at [accessibilityservices@capital.edu](mailto:accessibilityservices@capital.edu) or 614-236-6114 to discuss accommodations that may be available. Students who wish to receive accommodations must disclose their disability to Accessibility Services following the procedures outlined in the [Registration Process](#). The registration process takes time to complete. It is recommended that students start the process 6 weeks prior to the desired start date or deadline for most services.

The first step to register is to complete the accommodation request form.

- A. First-time requests: [Public Accommodation Request Form](#)
- B. Previously registered students who wish to request new accommodations or changes to their currently approved accommodations should submit an 'Additional Accommodation Request' on [Accommodate](#).

Students are advised to consult with the Director of Accessibility Services regarding how accommodations may affect their academic program.

### 6.5.02 Documentation Guidelines

Students are required to submit relevant documentation from an external source to verify the presence of a qualifying disability to register with Accessibility Services (AS). The documentation, in tandem with the student's self-report, aids AS in understanding the current nature of the impairment, functional limitations, and impact on the student in the university setting and in determining reasonable accommodations. There are multiple ways to document a disability, and the type of documentation will vary depending on the disability and nature of the request. If additional information or clarification is needed, AS has the right to contact the healthcare provider or request additional documentation.

Documentation should be provided by a licensed healthcare professional whose scope of practice permits the diagnosis of a qualifying disability and whose professional relationship with the student is sufficiently recent to reflect current impairment. The healthcare professional should be an independent evaluator, with no personal relationship to the student. The healthcare professional may include pertinent records that help convey the impact of the disability on the student in the university setting.

Some examples of acceptable disability documentation include:

- A. [Disability Documentation Form](#)
- B. [Emotional Support Animal Documentation Form](#)
- C. Letter from a healthcare professional conveying essential information (e.g., see the Disability Documentation Form or Emotional Support Animal Documentation Form)
- D. Healthcare records conveying similar information as requested on the Disability Documentation Form
- E. Diagnostic evaluation report
- F. Individualized Education Plan (IEP) or Section 504 (of the Rehabilitation Act of 1973) Plan from a secondary education institution with a recent Multi-Factored Evaluation (MFE) or Evaluation Team Report (ETR). Additional documentation may be required.

Documentation requirements may be different at other institutions or testing centers. It is the individual's responsibility to know what those requirements are.

The usual documentation requirements may be suspended for a temporary condition, such as a recent injury, concussion, or post-surgical recuperation. To pursue temporary or provisional accommodations, please contact [accessibilityservices@capital.edu](mailto:accessibilityservices@capital.edu).

### **6.5.03 Determinations by Director of Accessibility Services**

Once students have secured their documentation, please submit it to the Accessibility Services office. Students will be invited to schedule a meeting with the Director of Accessibility Services.

Following receipt of the documentation and meeting with the student, each request will be considered on a case-by-case basis. The student's self-report and documentation are carefully considered when making accommodation determinations. Accommodations are granted based on the need for equal access and may not reflect a student's preference nor do they guarantee success. Accessibility Services may engage with selected members of the University's administrators and/or faculty. Notification is sent to a student's University email address and to their Accommodate portal once a decision is rendered.

The Accommodation Approval Letter will outline a student's approved accommodations, student responsibilities, and instructions or guiding policies for using the approved accommodations. Students must submit a "Semester Professor Notification Request" on Accommodate before the start of each semester to use their accommodations in their courses. Accommodations are not retroactive, so it is in a student's best interest to submit the request before the start of the semester. Course professors will not be notified of any approved testing accommodations, only classroom, and additional accommodations.

Students approved for testing accommodations may take a test: a) with the class under standard conditions; or b) utilizing their accommodations by scheduling with Student Affairs. It is the student's responsibility to communicate with Student Affairs about taking their exams in a timely manner and by the deadlines set forth. Instructions for scheduling accommodated exams are provided on a student's Accommodation Letter, on their Semester Accommodation Letter, and in the Law School Student Accommodate User Manual. Midterms must be scheduled at least two weeks in advance and finals must

be scheduled at least one month in advance. Students who schedule with less notice may forfeit their ability to use their testing accommodations as pre-planning is required. If students have questions about utilizing testing accommodations, contact Student Affairs [studentaffairs@law.capital.edu](mailto:studentaffairs@law.capital.edu).

Accommodations are made only during the semester(s) when a student is actively participating in coursework and are not retroactive. If students have questions about how an accommodation applies to specific courses or have questions about implementing accommodations, they must contact Student Affairs ([studentaffairs@law.capital.edu](mailto:studentaffairs@law.capital.edu)) as soon as possible. Students, faculty, and campus partners are encouraged to consult with Accessibility Services to determine appropriate implementation.

#### **6.5.04 Complaint Procedure**

Please see the [Accessibility Services Grievance Policy](#).

#### **6.5.05 Requests for Non-Academic Accommodations or Exceptions to Policies and Procedures**

Requests for accommodations or exceptions to other non-academic policies and procedures are submitted to the Assistant Dean of Student Affairs or the Dean or Dean's delegate, who resolves the matters or forwards them to the appropriate persons or offices. Students who feel that their requests have not been appropriately addressed by the Assistant Dean of Student Affairs may direct their complaints pursuant to the Accessibility Services Grievance Policy.

#### **6.5.06 Orientation Announcement**

The following announcement shall be sent to all beginning law students prior to orientation, shall be included at least annually in registration packets, and shall periodically be posted at appropriate locations on law school bulletin boards:

##### **Announcement**

Capital University Law School is dedicated to extending all available services, programs and activities to its students including those with disabilities. Accessibility Services provides support services and accommodations for students with disabilities. Information about the office, the registration process, and documentation guidelines can be found on the [Accessibility Services webpage](#).

Students who wish to receive accommodations must disclose their disability to Accessibility Services following the procedures outlined in the [Registration Process](#). The Registration Process takes time to complete. It is recommended that students start the process 6 weeks prior to the desired start date or deadline for most services.

Information about accommodations is available on the [Accessibility Services webpage](#).

Reasonable accommodations are granted on a case-by-case basis and are determined to ensure students with disabilities have equal access.

#### **6.5.07 Promotional Announcement**

Any applicant, who would like to discuss the availability of accommodations, or any other matter

relating to their disability, is invited to contact Accessibility Services.

## **6.6 Student Complaint and Appeal Procedures**

### **6.6.01 Student Complaints Concerning Compliance with ABA Standards**

Capital University Law School is required to comply with ABA Standards for Approval of Law Schools. The ABA Standards may be found at [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/).

In accordance with ABA Standard 510, any law student who wishes to bring a formal complaint to the administration regarding a significant problem that directly implicates the law school's program of legal education and its compliance with the ABA Standards should take the steps listed below. Please note this policy does not displace or preclude more specific policies regarding grade appeals, student misconduct, sexual harassment, or the like. Any complaints or concerns not governed by this policy or by other specific policies should be raised with the Associate Dean for Academic Affairs and/or the Assistant Dean for Student Affairs. These individuals will be able to address the concern or to determine the appropriate avenue for addressing it.

### **6.6.02 Procedure for Filing an ABA Standards Complaint**

Submit a written complaint to the Associate Dean for Academic Affairs. The written complaint may be delivered via email, U.S. mail, or personal delivery.

The written complaint must describe in detail the behavior, program, process, or other matter complained of, and explain how it implicates the law school's program of legal education and its compliance with a particular ABA Standard. The complaint must identify the ABA Standard(s) at issue.

The written complaint must provide the complaining student's name, official Capital University email address, and current mailing address and phone number.

### **6.6.03 Procedure for Addressing an ABA Standards Complaint**

The Associate Dean of Academic Affairs will acknowledge receipt of the complaint within a reasonable timeframe. Within three weeks of acknowledging receipt of the complaint, the Associate Dean will either meet with the complaining student or respond to the complaint in writing. At this meeting or in the writing, the student should be informed of the Associate Dean's substantive response to the complaint, the steps being taken to address the complaint, or the steps being taken to further investigate the complaint. The timing of resolution is dependent upon the nature of the concern.

### **6.6.04 Appeal of an ABA Standards Complaint**

Any appeal from the decision of the Associate Dean of Academic Affairs shall be brought before the Dean of the Law School. Any appeal must be brought within 10 business days from the date of the response by the Associate Dean. The Associate Dean of Academic Affairs shall keep a record of all submissions and their resolutions, as required in ABA Standard 510(b).

### **6.6.05 Other Student Complaints Procedure**

Students with complaints against the law school or any of its faculty members, administrators, or staff persons may file a written complaint with the Assistant Dean of Student Affairs. If the complaint concerns the Assistant Dean of Student Affairs, the complaint shall be filed with the Associate Dean of

Academic Affairs. The Assistant Dean of Student Affairs or Associate Dean shall forward the complaint, or direct the complaining student, to the appropriate person, committee, or office for response. The person, committee, or office to whom a complaint under this section is referred shall respond to the complaining student, or to the referring dean as appropriate, within 30 days of receiving the complaint.

#### **6.6.06 Appeals to Dean from Decisions of Law School Directors or Assistant Deans**

Decisions made by the Law School Directors or Assistant Deans involving students are final, except that decisions having a material adverse impact on students may be appealed, in writing, to the Law School Dean within 14 days of the notice of the decision being transmitted to the student. The Dean will issue their decision within 30 days of receiving the student's appeal.

The review of the decision by the Dean is a limited appeal. The Dean will review the decision only to determine whether the Director or Assistant Dean abused their discretion and whether there was a material adverse impact on students. Examples of decisions not having a material adverse impact includes, but are not limited to, parking fines, late fees, computer lab charges, and library fees.

If the Law School Dean finds that the decision was an abuse of discretion, the Dean may, at the Dean's discretion, remand the decision to the applicable Director or Assistant Dean for action consistent with the Dean's determination, reverse or modify the decision, or make the appropriate referral of the matter to another appropriate law school or university office. The Dean may confine the review to written materials submitted by the student and written materials submitted by the Director or Assistant Dean. The Dean may refer the appeal to the Associate Dean of Academic Affairs, who shall proceed consistent herewith. The determination by the Dean or Associate Dean of Academic Affairs hereunder is final, as to the decision in question.

Decisions regarding admissions to the Law School and financial aid are final and not appealable.

#### **6.6.07 Appeals to Dean from Academic Decisions of the Associate Dean of Academic Affairs**

Academic decisions made by the Associate Dean of Academic Affairs involving students are final, except that decisions may be appealed, in writing, to the Law School Dean within 14 days of the notice of the decision being transmitted to the student. The Dean will issue their decision within 30 days of receiving the student's appeal.

The review of the decision by the Dean is a limited appeal. The Dean will review the decision only to determine whether the Associate Dean abused their discretion. If the Law School Dean finds that the Associate Dean abused their discretion, the Dean may, at the Dean's discretion, remand the decision to the Associate Dean for action consistent with the Dean's determination, reverse or modify the decision, or make the appropriate referral of the matter to another appropriate Law School or University office. The Dean may confine the review to written materials submitted by the student and written materials submitted by the Associate Dean of Academic Affairs. The determination by the Dean hereunder is final, as to the academic decision in question.

#### **6.6.08 Record of Complaints**

A record of the complaint, and any appeal, will be kept on file with the Assistant Dean of Student Affairs for seven years.

## **6.7 A Procedure to Ensure Prospective Employer Compliance with Nondiscrimination Policies**

The use of the Office of Professional Development is restricted to those who agree to abide by the Office of Professional Development's policies and procedures including the University's nondiscrimination policies:

- A. Capital University Policy No. 305, "Nondiscrimination, Harassment and Retaliation Policy"
- B. Capital University Policy No. 300, "Sex or Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy"
- C. Capital University Policy No. 100, "Diversity Statement"
- D. Capital University Policy No. 105, "Human Dignity Policy"

In accordance with Capital University's nondiscrimination policies, Capital University Law School provides equality of opportunity in legal education for all persons including faculty and employees with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students and graduates without discrimination on the grounds of race, color, religion, national origin, gender, age, handicap or disability, or sexual orientation. Capital University Law School pursues a policy of providing its students and graduates with equal opportunity to obtain employment without discrimination on the grounds of race, color, religion, national origin, gender, age, handicap or disability, or sexual orientation except as mandated by Ohio or Federal Law.

### **6.7.01 Complaint Procedure**

A law student who has reason to believe that a prospective employer, who interviews on campus, does not comply with Capital University and other applicable regulations concerning employment practices, may file a complaint with the Dean or Dean's delegate.

### **6.7.02 Dean's Actions**

The Dean or Dean's delegate will talk informally with the prospective employer in an attempt to ascertain the precise nature of that employer's policy.

### **6.7.03 Suspicion of Non-compliance**

If, based on the prospective employer's response, the Dean or Dean's delegate has reason to believe that the prospective employer is not in compliance with the relevant regulations, the Dean or Dean's delegate will appoint an ad hoc committee to make a more formal inquiry to determine the facts. The committee will submit a report to the Dean within a reasonable period of time.

### **6.7.04 Decision**

The Dean or Dean's delegate will decide whether the prospective employer is in compliance with the relevant regulations. If not, the Dean or Dean's delegate will attempt to use mediation to attempt to bring the prospective employer into compliance. After mediation, the Dean or Dean's delegate will determine whether a sanction should be imposed, or the Dean or Dean's delegate can refer the entire matter to the faculty for decision. Sanctions may include, without limitation, a notation in the

employer's records maintained by the Office of Professional Development or the loss of the privileges to use law school premises, offices, or both for recruitment purposes.

#### **6.7.05 Report**

The Dean or Dean's delegate will report the matter, on a confidential basis, to the faculty. If a faculty member disagrees with the Dean's or Dean's delegate's decision, he or she may appeal that decision to the faculty, which may modify the sanction imposed by the Dean or Dean's delegate.



## 6.8 Policies of Capital University Applicable to Faculty, Staff, and Students in All Divisions of the University

All policies of Capital University are applicable to all faculty, staff, and students. All handbooks and policies applicable to faculty and staff are made available via the Human Resources Office and may be found online at <https://www.capital.edu/faculty-and-staff/human-resources/policies-and-handbooks/>.

All policies applicable to students are available at <https://www.capital.edu/media/xd4pabhs/student-handbook.pdf>.

Among the policies applicable to all faculty, staff, and students (unless otherwise noted) include, but are not limited to the following:

- A. Title IX Policy: <https://www.capital.edu/media/2knnugyw/300-sexual-misconduct-policy-final-71316.pdf>
- B. Hazing Policy: <https://www.capital.edu/about/campus-safety/hazing-policy/>
- C. Human Dignity & Bias Incident Policy: <https://www.capital.edu/media/pbddggpk/human-dignity-policy.pdf>

Any questions regarding handbooks and policies should be directed to the following individuals:

- A. Dean, Associate Deans, or Assistant Deans
- B. Director of Human Resources
- C. Direct Supervisors

## 6.9 Student Records

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights in connection with educational records maintained at Capital University. For purposes of compliance with FERPA, the University considers all students independent.

Capital University's policy on students' rights under FERPA is available at <https://www.capital.edu/academics/office-of-the-registrar/student-rights/>.

## 6.10 Student Right to Know and Campus Security Act

Capital University complies with the federal Student Right to Know and Campus Security Act of 1990 which provides for the collection and reporting of graduation rates, campus crimes statistics, and for the development of annual campus security reports including campus security policies. The annual crime and fire safety report is located here: <https://www.capital.edu/about/campus-safety/annual-security-and-fire-reports/>. In addition, general safety information and materials may be obtained from Public Safety at <https://www.capital.edu/about/campus-safety/>. The information here includes emergency procedures, safety policies, and the Campus Safety Bulletin.

## 6.11 Information Technology Policies

Information Technology policies applicable to students are available at

<https://www.capital.edu/current-students/information-technology/information-technology-policies/>

Questions about any of these policies should be directed to the Department of Information Technology at [helpdesk@capital.edu](mailto:helpdesk@capital.edu).

### 6.11.01 Acceptable Use Policy

The University is committed to protecting Capital University faculty, staff, students, and guests from illegal or damaging actions by individuals, either knowingly or unknowingly. The Acceptable Use Policy was written to support and protect university computing and electronic communication resources, and all users of those resources, by defining the Standards for Acceptable Use.

Capital University's Acceptable Use Policy may be found at <https://www.capital.edu/media/yuonneom/acceptableusepolicy20407.pdf>.

### 6.11.02 Password Policy

The purpose of the password policy is to establish a standard for creation of strong passwords, the protection of those passwords, and the frequency of change.

Capital University's Password Policy may be found at <https://www.capital.edu/media/35edxtno/passwordpolicy20409.pdf>.

### 6.11.03 User Account Policy

The purpose of this policy is to establish a standard for effective account management procedures that promote the security and integrity of University information systems and assets. This includes user account creation, administration, usage, and deactivation. University resources and assets are to be used by authorized individuals for legitimate educational, research, academic, and administrative purposes.

Capital University's User Account Policy may be found at <https://www.capital.edu/media/hambp3ky/user-account-policy.pdf>

### 6.11.04 Electronic Copyright Infringement Policy

Copyright infringement occurs when intellectual property is used without authorization from the rightful owner. Downloading, uploading, or sharing copyrighted material without permission is illegal. Copyright infringement is a violation of the University's Acceptable Use Policy (AUP) and this Electronic Copyright Infringement Policy (ECIP).

Capital University will comply with all federal, state, and local laws regarding copyright infringement and takes this violation and behavior very seriously. Legally, the university is bound and required by the Higher Education Opportunity Act (HEOA) to take action against such activities when a notice of violation is received.

Capital University's Electronic Copyright Infringement Policy may be found in the Student Handbook at

<https://www.capital.edu/media/xd4pabhs/student-handbook.pdf>.

#### **6.11.05 Safe Computing Policy**

Capital University's Safe Computing Policy may be found in the Student Handbook at <https://www.capital.edu/media/xd4pabhs/student-handbook.pdf>.