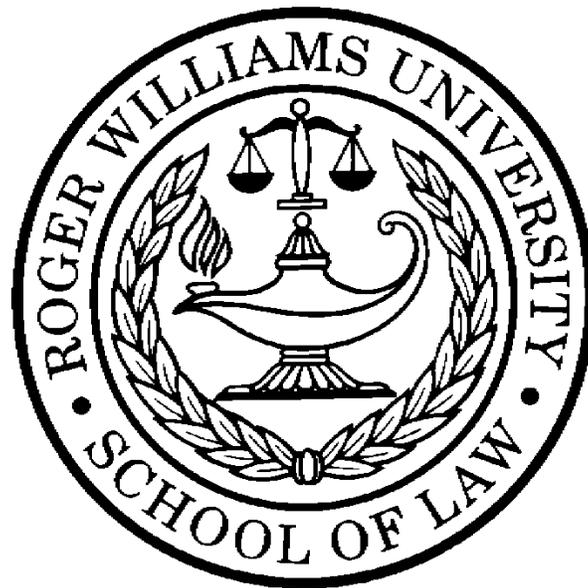


# **ROGER WILLIAMS UNIVERSITY**

## **SCHOOL OF LAW**

# **STUDENT HANDBOOK**

## **2023-2024**



Revised on August 1, 2023

## **INTRODUCTION**

The Roger Williams University School of Law Student Handbook is a compilation of documents relevant to the student's career at the law school. The materials in the Student Handbook will be supplemented from time to time on-line in order to improve it, provide more complete coverage, and keep it current. The current version is available online.

The Student Handbook is both notice to you of the regulations and interpretations included therein and a guide to the operating rules of the law school.

**TABLE OF CONTENTS**

INTRODUCTION ..... i

TABLE OF CONTENTS..... ii

MISSION AND GOALS OF THE SCHOOL OF LAW ..... 1

DISCLAIMER ..... 1

AMERICAN BAR ASSOCIATION ACCREDITATION ..... 1

ACADEMIC FREEDOM ..... 1

PART ONE. UNIVERSITY AND SCHOOL OF LAW REGULATIONS..... 2

    I.    NON-DISCRIMINATION POLICY ..... 2

    II.   SEXUAL HARASSMENT POLICY ..... 3

    III.  POLICY PERTAINING TO CONFIDENTIALITY OF STUDENT RECORDS  
          & ANNUAL NOTICE TO STUDENTS REGARDING EDUCATION RECORDS ..... 31

    IV.   ALCOHOL AND DRUG-FREE SCHOOL AND WORKPLACE POLICY..... 34

    V.    ALCOHOLIC BEVERAGES POLICY..... 38

    VI.   STATEMENT ON MARIJUANA ..... 41

    VII.  WEAPON-FREE CAMPUS POLICY ..... 41

VIII.  LICENSURE AND ACCREDITATION INFORMATION AND COMPLAINT PROCESS..... 43

    IX.   COPYRIGHT INFRINGEMENT POLICY FOR THE UNIVERSITY’S  
          COMPUTER NETWORK..... 45

    X.    BULLETIN BOARD POLICY..... 49

PART TWO. ACADEMIC CODE OF ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW..... 50

**ARTICLE ONE. PROGRAM..... 50**

Section 101. Definitions..... 50  
Section 102. Petitions..... 50  
Section 103. Years Allowed for Completion of Degree Requirements ..... 50  
Section 104. Graduation Requirements – J.D. Program ..... 50  
Section 105. Graduation Requirements – M.S.L. Program..... 51  
Section 106. Graduation Writing Requirement..... 52  
Section 107. Pro Bono Experiential Learning ..... 52

**ARTICLE TWO. ENROLLMENT..... 52**

Section 201. Course Load..... 52  
Section 202. Credit Hour Calculation Policy..... 53  
Section 203. Other Academic Programs ..... 56  
Section 204. Permission to Visit..... 56  
Section 205. Approval of Visitation ..... 56  
Section 206. Visiting Status..... 56  
Section 207. Outside Employment ..... 57  
Section 208. Summer Term ..... 57  
Section 209. Auditing Classes ..... 57  
Section 210. Non-Classroom Credit ..... 57  
Section 211. Directed Research ..... 58  
Section 212. Clinical Credit..... 58  
Section 213. Limitation on Pass/Fail Credits..... 58

**ARTICLE THREE. WITHDRAWAL..... 59**

Section 301. Add/Drop ..... 59  
Section 302. Withdrawal from Courses ..... 59  
Section 303. Withdrawal from School..... 59  
Section 304. Tuition Refund Policy..... 60  
Section 305. Leave of Absence..... 60  
Section 306. Emergency Suspension from the School of Law ..... 60  
Section 307. Reactivation of Enrollment ..... 61

**ARTICLE FOUR. GRADES ..... 61**

Section 401. Reporting of Grades..... 61  
Section 402. Grading System – J.D. Program..... 61  
Section 403. Grading System – M.S.L. Program..... 61  
Section 404. Grade Normalization..... 62  
Section 405. Pass/Fail Grading..... 62  
Section 406. Incomplete Grades ..... 62  
Section 407. Failing Grades..... 63  
Section 408. Grading of Retaken Courses Due to Grade of “F”..... 63  
Section 409. Cumulative GPA ..... 63  
Section 410. Class Rank ..... 63

Section 411. Grade Changes .....	63
Section 412. Graduation Honors (JD).....	64
Section 413. Graduation Honors (MSL).....	64
<b>ARTICLE FIVE. EXAMS .....</b>	<b>64</b>
Section 501. Examination Process.....	64
Section 502. Conflict in Examination Schedule .....	65
Section 503. Rescheduled Examinations .....	65
Section 504. Regulations Concerning Examinations.....	66
Section 505. Retention of Examinations.....	67
<b>ARTICLE SIX. ADVANCEMENT / EVALUATION.....</b>	<b>67</b>
Section 601. Period of Review.....	67
Section 602. Academic Supervision. ....	67
Section 603. Academic Probation.....	68
Section 604. Advancement Standards: Required Courses .....	68
Section 605. Advancement Standards: Cumulative GPA .....	68
Section 606. Annual GPA.....	68
Section 607. Advancement Standards: Annual GPA.....	68
Section 608. Advancement Standards: Preliminary Bar Exam.....	69
Section 609. Honors Program Policies .....	69
Section 610. Scholarship Review Policies.....	69
<b>ARTICLE SEVEN. DISMISSAL AND REINSTATEMENT .....</b>	<b>70</b>
Section 701. Notice of Automatic Dismissal.....	70
Section 702. Definition of Notice .....	70
Section 703. Effect of Academic Dismissal.....	70
Section 704. Procedure Relating to Petition for Reinstatement After Academic Failure at the End of the First Year.....	70
Section 705. Procedure Relating to Petition for Reinstatement After Academic Failure Beyond the First Year.....	71
Section 706. Guidelines for Review .....	71
Section 707. Scope of Relief.....	71
Section 708. Reinstatement on Condition That the Student Repeat All First Year Courses .....	71
Section 709. Reinstatement on Condition That the Student Repeat Some but Not All First Year courses.....	72
Section 710. Reinstatement on Condition Beyond the First Year .....	72
Section 711. Results of Petition .....	73
Section 712. Appeal To the Dean .....	73
Section 713. Readmission after Disqualification for Academic Reasons.....	73
<b>ARTICLE EIGHT. ATTENDANCE AND CLASS RECORDING .....</b>	<b>73</b>
Section 801. Attendance Policy .....	73
Section 802. Petition for Relief from Associate Dean’s Decision Under Section 801(e).....	77
Section 803. Class and Recording Policy .....	77

<b>ARTICLE NINE. DISABILITY – ACADEMIC ACCOMODATIONS.....</b>	<b>79</b>
Section 901. Disability Accommodations.....	79
Section 902. Disability Discrimination Grievance Procedure .....	80
<b>ARTICLE TEN. MISCELLANEOUS.....</b>	<b>81</b>
Section 1001. Student Accreditation Standards Complaints.....	81
Section 1002. Class Cancellation Due to Emergencies or Adverse Weather .....	82
<b>FORMS.....</b>	<b>83</b>
Form AC One. Petition for Reinstatement Following Academic Dismissal .....	83
Form AC Two. Petition for Variance from Academic Code .....	84
Form AC Three. Appeal From The Associate Dean.....	85
Form AC Four. Petition for Relief From the Rules on Attendance .....	86
<b>PART THREE. ROGER WILLIAMS UNIVERSITY SCHOOL HONOR CODE .....</b>	<b>87</b>
ARTICLE ONE: SCOPE .....	87
ARTICLE TWO: PROHIBITED CONDUCT .....	87
ARTICLE THREE: SANCTIONS .....	89
ARTICLE FOUR: PROCEDURES AND PROCEEDINGS.....	90
ARTICLE FIVE: THE HONOR BOARD: COMPOSITION AND PROCEDURES.....	98
ARTICLE SIX: MISCELLANEOUS .....	100
APPENDIX A.....	101
APPENDIX B.....	102
APPENDIX C.....	104
APPENDIX D.....	105

## **MISSION AND GOALS OF THE SCHOOL OF LAW**

The mission of RWU Law is to prepare students for success in the public and private sectors and to promote social justice and the rule of law through engaged teaching, learning, and scholarship. In support of that mission, we strive to:

1. Provide an excellent legal education that is focused on the development of students' analytical, ethical, and other practice skills through the exploration of legal doctrine, policy, history and theory, including the relationship between law and social inequality.
2. Provide students guided opportunities to provide pro bono legal assistance to unrepresented individuals and organizations.
3. Attract and retain a student body, faculty, and staff with diverse backgrounds and experiences, especially those historically underrepresented in the legal profession.
4. Produce meaningful legal scholarship that provides analysis, insights, or information to lawyers, judges, legislators, policymakers, scholars, journalists, and the public-at-large.
5. Provide service to the legal profession and the wider community.

## **DISCLAIMER**

The School of Law reserves the right to modify the requirements for admission and graduation, to change the program of study, to amend any regulation affecting the student body, to increase tuition and fees, and to dismiss from the law school any student at any time, if it is deemed by the School of Law to be in the best interest of the School of Law or the students to do so. Nothing in this Student Handbook may be considered as setting forth terms of a contract between a student or prospective student and the Roger Williams University School of Law.

## **AMERICAN BAR ASSOCIATION ACCREDITATION AND MEMBERSHIP IN ASSOCIATION OF AMERICAN LAW SCHOOLS**

The School of Law received full approval from the American Bar Association on February 14, 1997. Under current state policies, all students who graduate from law schools that have full approval from the American Bar Association may seek admission to the Bar in all fifty states and the District of Columbia. The School of Law was granted membership in the Association of American Law Schools in July 2006.

## **ACADEMIC FREEDOM**

The wellbeing of an academic institution and of society in general can be maintained only if individuals and groups exercise their responsibility and freedom to search for the truth and to speak that truth as it is discovered. As members of a collegial community, the faculty, administrators, and students at Roger Williams University School of Law must extend to one another the trust and respect that creates the appropriate environment for the exercise of academic freedom.

## **PART ONE: UNIVERSITY AND SCHOOL OF LAW REGULATIONS**

### **I. UNIVERSITY NON-DISCRIMINATION POLICY**

Roger Williams University and Roger Williams University School of Law do not discriminate against any person on the basis of race, color, religion, national or ethnic origin, age, sex, sexual orientation, gender expression or identity, disability, veteran status, or any other legally protected basis in admission to, access to, employment in, and treatment in its programs and activities.

Inquiries regarding the application of this Non-Discrimination Policy may be referred to the following:

- Amy Lanoie, Employment Specialist, Roger Williams University, One Old Ferry Road, Bristol, RI 02809, Telephone: 401-254-3190, [alanoie@rwu.edu](mailto:alanoie@rwu.edu).
- Assistant Secretary for Civil Rights, U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100, Telephone: 1-800-421-3481; or
- Boston Office, Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921, Telephone: 617-289-0111.

Title VI of the Civil Rights Act of 1964

Programs and activities that receive Federal financial assistance from the United States Department of Education are covered by Title VI of the Civil Rights Act of 1964 which protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance.

The Coordinator of Title VI of the Civil Rights Act of 1964 is:

- Christian Calienes, Director, Institutional Diversity, Equity and Inclusion, Roger Williams University, One Old Ferry Road, Bristol, RI 02809 Telephone: (401) 254-3090, [ccalienes@rwu.edu](mailto:ccalienes@rwu.edu).

The Equal Employment Opportunity Coordinator and Coordinator of the Age Discrimination Act of 1975 is:

- Amy Lanoie, Employment Specialist, Roger Williams University, One Old Ferry Road, Bristol, RI 02809, Telephone: 401-254-3190, [alanoie@rwu.edu](mailto:alanoie@rwu.edu).

The Coordinator of Title IX of the Education Amendment of 1972 is:

- Dr. Jen Stanley, Title IX Coordinator, Associate Dean & Director of the Gender and Sexuality Center, Roger Williams University, One Old Ferry Road, Bristol, RI 02809, Telephone: 401-254-3123, [jstanley@rwu.edu](mailto:jstanley@rwu.edu).
- The Deputy Title IX Coordinators are:
  - For Employees: Amy Lanoie, Employment Specialist, Telephone: 401-254-3190, [alanoie@rwu.edu](mailto:alanoie@rwu.edu);
  - For Students: Danny DiCamillo, Assistant Director of Residence Life, Telephone: 401-254-3161, [ddicamillo@rwu.edu](mailto:ddicamillo@rwu.edu), [ddicamillo@rwu.edu](mailto:ddicamillo@rwu.edu);

- For Faculty: Betsy Learned, Dean of the University Library, Telephone: 401-254-3625, [elearned@rwu.edu](mailto:elearned@rwu.edu);
  - For School of Law: Lorraine Lalli, Associate Dean for Student Life and Operations, Telephone: 401-254-4593, [llalli@rwu.edu](mailto:llalli@rwu.edu);
  - For Athletics: Kiki Jacobs, Director of Athletics, Intramurals and Recreation, Telephone: 401-254-3428; [kjacobs@rwu.edu](mailto:kjacobs@rwu.edu); and
  - For University College: Sean Parker, Assistant Director for Retention & Student Services, (401) 254-3407, [sparker@rwu.edu](mailto:sparker@rwu.edu).
- The Coordinator of Section 504 of the Rehabilitation Act of 1973 is: Diana Proto, Director of Student Conduct & Conflict Resolution, Roger Williams University, One Old Ferry Road, Bristol, RI 02809, Telephone: 401-254-3533, [dproto@rwu.edu](mailto:dproto@rwu.edu).

Please check the following websites for more information:

[RWU Title IX website](#)

[RWU Title IX Sexual Harassment Policy & Procedures](#)

## **II. SEXUAL HARASSMENT POLICY OF ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW**

### **PURPOSE OF POLICY**

On August 14, 2020, the United States Department of Education and the Office for Civil Rights implemented Title IX regulations that govern how institutions of higher education that receive federal funding must respond to allegations of sexual harassment.<sup>1</sup>

This document describes Roger Williams University’s (“RWU”) Title IX Sexual Harassment policy and procedures. Incidents that do not meet the definitions of prohibited conduct described herein or other criteria outlined in this Title IX policy will be referred to other University departments as appropriate (e.g. Office of Student Conduct and Conflict Resolution, Human Resources, etc.).

### **PROHIBITION AGAINST SEXUAL HARASSMENT**

RWU prohibits all forms of discrimination on the basis of sex in its education programs and activities and is required by Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations not to discriminate in such a manner. According to Title IX, *“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”*<sup>2</sup>

This prohibition against discrimination on the basis of sex applies to incidents of sexual harassment as defined by 34 C.F.R. § 106.30, as well as dating violence, domestic violence, sexual assault, and stalking as defined by the Violence Against Women Reauthorization Act of 2013. Sexual harassment, including sexual violence, is a form of sex discrimination that is illegal under both federal and Rhode Island state law, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 28-51-2 of the General Laws of Rhode Island.

### **APPLICABILITY AND SCOPE**

---

<sup>1</sup> See 34 C.F.R. § 106 et seq.

<sup>2</sup> See 20 U.S.C. § 1681(a).

This policy applies to all RWU community members, including faculty, adjunct faculty, staff, students, and participants in University programs or activities. In certain situations, this policy may also apply to other individuals, such as contractors, visitors, volunteers, and/or other third parties.

The policy and procedures described herein only apply to allegations of sexual harassment that meet the Title IX regulatory definition of sexual harassment and conduct that has occurred within the University's education programs or activities in the United States. For purposes of this policy, an education program or activity includes locations, events, or circumstances over which the University exercises substantial control, and over both the Respondent and the context in which the Title IX sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

### **ROLE OF THE TITLE IX COORDINATOR**

In compliance with Title IX requirements, the University has named Dr. Jen Stanley as its Title IX Coordinator. The responsibilities of the Title IX Coordinator and/or other Deputy Title IX Coordinators include, but are not limited to, the following:

1. Oversee compliance with the Title IX statute and implementing regulations, and review University Title IX policies and procedures accordingly;
2. Receive and assess reports of sexual harassment in violation of this policy made by any person through the reporting means described herein;
3. Respond to reports of sexual harassment, when the University has actual knowledge, in a way that is not deliberately indifferent;
4. Coordinate and oversee the administration of all Title IX formal complaints, alternate/informal resolution processes, formal grievance processes, and appeals processes described herein;
5. Oversee the effective implementation of supportive measures, remedies, and disciplinary sanctions;
6. Coordinate and develop programming and informational initiatives that enable individuals to understand sexual harassment as a form of sex discrimination; and
7. Educate community members about the University Title IX policy and procedures.

The Title IX Coordinator reserves the right to delegate some of the aforementioned responsibilities to other University employees who meet the requirements described in the "Roles of Professionals Involved in the Alternate/Informal Resolution Process and Formal Grievance Process" section below.

The Title IX Coordinator's contact information is as follows:

- Name: Dr. Jen Stanley
- Role: Title IX Coordinator
- Office Location: Center for Student Development Building

- Office Mailing Address: 1 Old Ferry Road, Bristol, RI 02809
- Phone Number: (401) 254-3123
- Email Address: [jstanley@rwu.edu](mailto:jstanley@rwu.edu)

## **PROHIBITED CONDUCT DEFINED**

### **Title III Sexual Harassment**

Title IX Sexual Harassment is conduct *on the basis of sex* that satisfies one or more of the following three categories: (1) Quid Pro Quo Sexual Harassment; (2) Hostile Environment Sexual Harassment; and/or (3) Sex-Based Crimes.

1. **Quid Pro Quo Sexual Harassment** occurs when an employee of RWU conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

Examples of Quid Pro Quo Sexual Harassment include, but are not limited to the following:

- A Professor of the University promises a student that they will receive an A in their course in exchange for sexual favors;
- A coach employed by the University conditions a student's athletic success or failure in an extracurricular activity on the student's participation in unwelcome sexual conduct; or
- A University employee who supervises a student-employee asks the student to go out on a date. When the student declines, the University employee threatens to fire the student.

2. **Hostile Environment Sexual Harassment** occurs when unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Examples of Hostile Environment Sexual Harassment include, but are not limited to the following:

- Acts that do not necessarily involve conduct of a sexual nature but are based on sex or gender-stereotyping, and which may include physical aggression, intimidation, hostility, humiliation, insulting and hazing, etc;
- Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault;
- Unwelcomed sexual advances or requests for sexual favors;
- Verbal contact, such as sexually suggestive or obscene comments, phone calls, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions;

- Visual contact, such as leering or staring at another’s body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters or magazines; or
- Written contact, such as sexually suggestive, harassing, or obscene letters, texts, faxes, emails, notes, invitations.

3. **Sex-Based Crimes** occur when conduct constitutes “sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

- **Sexual Assault** includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.
  - **Rape** is the carnal knowledge of a person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - **Sodomy** is oral or anal sexual intercourse with another person, without the consent of that person, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - **Incest** is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is nonforcible sexual intercourse with a person who is under the statutory age of consent.
- **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship.

- **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, **or** by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - (1) fear for their safety or the safety of others; or
  - (2) suffer substantial emotional distress.

### **Title IX Retaliation**

Neither the University nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or the Title IX regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

The University must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by federal or Rhode Island state law, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the policy described herein.

### **RELEVANT DEFINITIONS**

**Consent** is a clear, informed, knowing and voluntary agreement to engage in specific sexual activity. Consent to one type of sexual activity does not equal consent to other types of sexual activity. Consent can be withdrawn at any point during sexual activity, wherein the sexual activity must stop immediately. A verbal "no" establishes lack of consent. Silence, without clear actions demonstrating permission, cannot be assumed to indicate consent—the absence of "no" does not equal "yes." Consent cannot be obtained

by coercion, force, intimidation, or threat. Consent cannot be given by someone if they are mentally or physically incapacitated.

The University strongly encourages students who choose to engage in sexual conduct to verbally communicate their intentions and consent as clearly as possible.

**Coercion** is unreasonable or sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Complainant** is any individual who is alleged to be the victim of sexual harassment that is prohibited under this policy.

**Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force can include intimidation or implied threats to overcome an individual's resistance or produce consent. There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

**Incapacitation** is a state where an individual is temporarily or permanently impaired to the extent where that person can no longer make a rational and informed decision to consent to sexual activity. Incapacitation may be caused by mental or physical disability, or when a person has consumed alcohol or other drugs, including prescribed medication. Individuals who are asleep or unconscious are incapacitated. A person who does not comprehend the "who, what, when, where, why or how" of a sexual interaction may be incapacitated.

Indicators of alcohol-related incapacitation may include, but are not limited to, stumbling or shaky equilibrium, vomiting, slurred speech, bloodshot eyes, smell of alcohol, outrageous or unusual behavior, unconsciousness (for short or long periods of time), elevated blood alcohol level, sleeping, blackout, or loss of memory.

**Intimidation** is defined as overt or implied threats or acts that would cause reasonable fear of harm in another.

**Preponderance of the Evidence** standard is met if the greater weight of the evidence demonstrates that it is "more likely than not" that a violation has occurred.

**Respondent** is any individual who has been alleged to be the perpetrator of sexual harassment that is prohibited under this policy.

## **ACADEMIC FREEDOM**

The University is committed to the principles of Academic Freedom as found in the RWU Faculty Contract.<sup>3</sup> Reported conduct that is deemed protected under the Academic Freedom policy would not qualify as a Title IX violation.

## **CONFIDENTIALITY**

RWU will make all reasonable efforts to keep confidential the identity of any individual who has made a report or filed a formal complaint of sexual harassment under this policy, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, or any witness. RWU will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

RWU may reveal confidential information as permitted or required by law or to carry out the purposes of this policy, including conducting any investigation, live hearing, or proceeding arising thereunder.

Although RWU will make all reasonable efforts to maintain privacy and confidentiality, the University will not restrict the ability of any party to discuss the allegations under investigation or to gather and present relevant evidence. However, the prohibition against retaliation continues to apply to all parties.

Certain types of Sexual Harassment are considered crimes for which the University must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. In these instances, the University will continue to complete publicly available recordkeeping in accordance with relevant laws, including the Clery Act reporting and disclosures, without the inclusion of personally identifying information about the parties. In addition, RWU will issue “Timely Warnings” in compliance with the Clery Act to alert the campus community about crimes that pose a serious or continuing threat to safety. Timely Warnings may be issued for ongoing or imminent threats, both on- and off-campus, and will aid in the prevention of similar occurrences. The decision to issue a Timely Warning is decided on a case-by-case basis in light of all the facts surrounding an incident, including factors such as the nature of the crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts, and are not limited to crimes being committed by persons not known to the victim.<sup>4</sup>

## **AMNESTY FOR STUDENTS**

The health and safety of every student at RWU is of utmost importance. RWU recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of violence occurs, including, but not limited to, domestic violence, dating violence, stalking, or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. RWU strongly encourages students to report incidents of violence to University officials. A bystander acting in good faith, or a reporting individual acting in good faith, who discloses any incident of violence to RWU’s officials or law enforcement will not be subject to disciplinary action under RWU’s Code of Conduct for violations of alcohol and/or drug-use policies occurring at or near the time of the commission of the incident of violence.

## **OPTIONS FOR REPORTING SEXUAL HARASSMENT**

### **Title IX Reporting Procedure**

---

3 For the RWU Faculty Contract, see Appendix B of the following link: [RWU-RWUFA 2022-2026 CBA \(FINAL\)](#)

4 For more information about timely warnings, see the following link: <https://www.rwu.edu/who-we-are/administrative-offices/public-safety/clery-reports/timely-warning>

5 See Appendix A

Any person (whether or not the person reporting is the person alleged to be the Complainant) may report sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator in Appendix A, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. For purposes of this policy, RWU will be deemed to have actual notice of allegations only when notice of said allegations is made to the Title IX Coordinator or to a University official who has authority to institute corrective measures on behalf of the University.<sup>5</sup>

A reporting party may request that RWU not investigate and/or adjudicate the report under the formal complaint procedures described herein. RWU will make all reasonable efforts to honor a reporting party's request in this regard. However, in certain circumstances, the University may decide to pursue a formal complaint. These circumstances include, but are not limited to, instances when the University has received multiple reports of misconduct by the same individual or when the conduct reported poses a compelling risk to the health and safety of the University community.

Upon receiving a report of sexual harassment, if the Title IX Coordinator is made aware of the identity of a Complainant, the Title IX Coordinator will make all reasonable efforts to promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

Upon receiving a report of sexual harassment, if the Respondent is unknown or is not a faculty, staff, or student member of the University, the Title IX Coordinator will make all reasonable efforts to provide the Complainant with supportive measures, as well as information and options regarding potential criminal processes. The Title IX Coordinator may also take appropriate actions to protect the Complainant, such as providing assistance in obtaining no-trespass and no-contact orders. If requested, the University will assist in filing/applying for orders of protection, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### **Option of Confidential Reporting**

Individuals have the option to report confidentially through the RWU Confidential Reporting Form and/or to speak confidentially with the RWU Counseling Center employees, with RWU Health Services employees, or with other off-campus resources in accordance with law.<sup>6</sup>

### **Option of Reporting to Law Enforcement**

Individuals who have experienced criminal violations are encouraged to report incidents to local law enforcement and have the option to do so. Formal reporting options include contacting the police department in the jurisdiction in which the incident occurred. If a Complainant chooses to report to law enforcement or pursue a criminal process, the Complainant may simultaneously pursue a formal complaint under this policy. Individuals are advised that if there is concurrent law enforcement activity, RWU, at its sole discretion, may temporarily delay its investigative or adjudicative process.

The University can provide Complainants with information and support in the process of reporting criminal conduct to law enforcement.

Regarding the involvement of law enforcement, the Complainant has several options, including: (1) to notify law enforcement authorities; (2) to be assisted by campus authorities in notifying law enforcement authorities; or (3) to decline to notify such authorities. The University will comply with the Complainant's request for assistance in notifying law enforcement to the extent it is consistent with law. The Complainant's choice to report to law enforcement will not impact the provision of supportive measures.

## **INTERIM ACTIONS**

### **Emergency Removal and Administrative Leave**

Upon receiving a report that a Respondent engaged in prohibited conduct described in this policy, RWU reserves the right to remove the Respondent on an emergency basis,<sup>7</sup> provided that it conducts an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any individual arising from the allegations justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

RWU will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

Both the Complainant and Respondent involved in either an alternate/informal or a formal resolution process have a right to receive supportive measures from the University.

Supportive measures include, but are not limited to:

- Counseling services;
- Academic modifications;
- Housing adjustments, such as:
  - Emergency housing; and
- Protective Measures, such as:
  - No contact orders/directives;

---

<sup>6</sup> See Appendix A for reporting resources.

<sup>7</sup> When the Respondent is a non-student employee, RWU reserves the right to place the non-student employee on an emergency paid or unpaid administrative leave.

<sup>8</sup> For purposes of this policy, the Appeal Officer is a Decision-Maker.

- Increased security and monitoring of certain areas of campus.

Additional options and resources may be found in Appendix A and on the RWU Title IX website.

## **REQUIREMENTS FOR TITLE IX PERSONNEL**

### **Training**

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s),<sup>8</sup> and Facilitator(s) of Alternate/Informal Resolution Processes receive training on:

- Prohibited behaviors as defined in this policy, including Title IX Sexual Harassment;
- The scope of the University’s education program or activity as it relates to Title IX complaints;
- How to conduct the alternate/informal resolution process and formal complaint grievance processes under this policy, including investigations, live hearings, appeals, and alternate/informal resolution processes as applicable; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Decision-Maker(s) receives additional training on:

- Any technology to be used at a live hearing; and
- Issues related to relevance of questions and evidence, including when questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior may not be relevant.

The Investigator(s) receive additional training on:

- Issues related to relevance in order to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train will not rely on sex or other stereotypes and will promote impartial investigations and adjudications of formal complaints.

All Title IX training materials will be posted on the RWU website as a part of its recordkeeping in accordance with law.<sup>9</sup>

In addition to the aforementioned trainings, RWU also offers primary prevention and awareness programs, as well as educational programs and campaigns for students and employees to promote the awareness of discrimination and harassment, including dating violence, domestic violence, sexual assault and stalking.

---

<sup>9</sup> See the “Recordkeeping” section below.

As required by the Clery Act, the Grievance Process will also be implemented by officials who, at a minimum, receive annual training on relevant issues related to sexual assault, dating and domestic violence and stalking and on how to conduct the Grievance Process.

### **Conflicts of Interest, Bias, and Impartiality**

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Alternate/Informal Resolution Processes will make all reasonable efforts to ensure that the formal complaint grievance process is facilitated in an impartial manner.

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Alternate/Informal Resolution Processes may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

The parties are expected to promptly report concern(s) regarding conflict of interest or bias regarding the above-listed personnel to the Title IX Coordinator as soon as reasonably possible once they become aware of the conflict of interest or bias. Upon receiving a report of conflict of interest or bias, the University will evaluate the report, and if it is determined that a conflict of interest or bias exists, the University will appoint another individual to serve in the role.

## **ALTERNATE/INFORMAL RESOLUTION PROCESS**

### **Overview of Process**

Alternate/informal (hereafter simply referred to as “informal”) resolution does not involve a full investigation and adjudication like the formal grievance process. Rather, the informal resolution process uses mediation or other forms of dispute resolution with the goal that the parties will arrive at a mutually agreed-upon outcome. The informal resolution process cannot be used for cases involving allegations that an employee sexually harassed a student.

In order to engage in an informal resolution process, the Complainant must first file a formal complaint with the Title IX Coordinator,<sup>10</sup> the process must be deemed appropriate for informal resolution by the Title IX Coordinator, and the Complainant and Respondent must voluntarily consent in writing to participate in the process.

To complete the informal resolution process, both parties must voluntarily agree to the outcome with the understanding that the outcome is final and will not be subject to further procedures under this policy, unless there is material evidence to show that a party engaged in misrepresentation or fraudulent conduct that impacted the resolution.

Both parties reserve the right to terminate the informal resolution process and may move forward with the formal grievance process any time prior to resolution. Such termination must be provided to the Title IX Coordinator in writing.

### **Written Notice to the Parties**

Prior to initiating an informal resolution process, the Title IX Coordinator will provide written notice to the parties that includes:

- The allegations alleged by the Complainant;

- The requirements of the informal resolution process, including the circumstances under which the parties are precluded from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and move forward with a formal complaint grievance process; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

## **FORMAL COMPLAINT OVERVIEW**

### **Filing a Formal Complaint**

A Formal Complaint is a document signed by a Complainant or signed by the Title IX Coordinator, alleging sexual harassment against a Respondent and requesting that the University investigate the allegations.<sup>11</sup> At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University. For purposes of this policy, employment by the University constitutes participation in the education program or activity.

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.<sup>12</sup> For purposes of the definition of Formal Complaint, “document signed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

### **Consolidation of a Formal Complaint**

RWU may consolidate formal complaints under this policy when allegations arise out of the same facts or circumstances. In addition, a formal complaint of retaliation described herein may be consolidated with a formal complaint of sexual harassment under Title IX. Where the formal resolution process involves more than one Complainant or more than one Respondent, references made to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

### **Counter-complaint**

Counter-complaints will be processed using the Resolution Process outlined herein. In RWU’s discretion, investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur, or alternatively, counterclaims may be resolved through the same investigation as the underlying complaint.

---

10 See Filing a Formal Complaint described in the “Formal Complaint Overview” section.

11 Unless the parties have met the requirements described in the “Alternate/Informal Resolution Process” section and chosen to proceed with an informal resolution process as described herein, the University will evaluate the request for an investigation.

12 See Appendix A for contact information.

The grievance process may not be used for retaliatory purposes, however. Thus, counterclaims made with retaliatory intent or with false and/or misleading information will not be permitted and may constitute a violation of this policy and be subject to discipline.

### **Initial Assessment of a Formal Complaint**

Upon receipt of a formal complaint, the Title IX Coordinator will evaluate whether the alleged conduct, if proven, would constitute a Title IX violation because it meets or could meet the definition of Title IX Sexual Harassment and occurred or could have occurred within the jurisdiction and scope required by Title IX as described herein. If the Title IX Coordinator determines that the conduct alleged in the formal complaint, if proven, would meet the aforementioned requirements, then the complaint will be investigated and adjudicated in accordance with the procedures outlined in this policy. If the Title IX Coordinator determines that the conduct alleged in the formal complaint, if proven, would not meet the aforementioned requirements, then the complaint will follow the dismissal process described below and may, if appropriate, be referred to another University office.

### **Dismissal of a Formal Complaint and Acknowledgment of Responsibility**

RWU reserves the right to dismiss a formal complaint. However, a dismissal of a formal complaint under Title IX may be resolved through other means outside of Title IX, including the University's conduct process and procedures. Upon the decision to dismiss a formal complaint, both parties will be notified in writing and will be given the opportunity to appeal the dismissal.<sup>13</sup>

- *Mandatory Title IX "dismissal" will occur if:*
  - The alleged harassment would not constitute a Title IX violation because it does not meet or could not meet the definition of Title IX sexual harassment as described herein;<sup>14</sup> or
  - The alleged harassment did not occur within the jurisdiction and scope required by Title IX as described herein.<sup>15</sup>
- *Discretionary Title IX "dismissal" may occur if:*
  - At any time during the investigation or live hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
  - The Respondent is no longer enrolled in or employed by the University; or
  - There are specific circumstances that prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

---

13 Please see "Appeals" section below.

14 See the "Prohibited Conduct" section above.

15 See the "Applicability and Scope of Policy" section above.

16 Unless the parties have met the requirements to proceed with an alternate/informal resolution process as described herein.

17 As defined under Title IX and in the Clery Act.

At any point during the grievance process, a Respondent may choose to voluntarily admit responsibility for the alleged violation(s) and execute a written waiver, at which point the Respondent will be assigned a sanction(s) and the grievance process will be terminated.

### **FORMAL COMPLAINT GRIEVANCE PROCESS: OVERVIEW**

Once a formal complaint (as defined above) is filed, and the Title IX Coordinator has conducted the initial assessment and determined that the alleged conduct may proceed under this Title IX policy, the formal grievance process will commence.<sup>16</sup> The grievance process will include written notice of allegations, an investigation with interviews of all parties and relevant witnesses, a live hearing that includes all parties and relevant witnesses led by a Decision-Maker, a written determination of responsibility, and the option for appeal.

RWU will make all reasonable efforts to provide a prompt, equitable, fair and impartial resolution of student and employee complaints,<sup>17</sup> including providing a grievance process that treats Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility has been made against the Respondent, and by following its grievance process before imposition of any disciplinary sanctions or other actions that are not supportive measures. Remedies will be designed, where possible, to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services offered as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

#### **Advisors**

The Complainant and the Respondent are entitled to the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney; and the University may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding. Notwithstanding the foregoing, the advisor must comply with the restrictions established by the University regarding the extent to which the advisor may participate in the proceedings. The restrictions are set forth below.

- *Meetings and Investigation Interviews:* Advisors may not speak for or on behalf of any Complainant or Respondent during any meetings and/or investigation interviews. While an advisor cannot speak for or on behalf of the Complainant or Respondent during any meetings and/or investigation interviews, time will be granted for the advisor and the party to confer, if deemed appropriate, by the Investigator or University personnel facilitating any meeting. The Investigator and University personnel reserve the right to exclude an advisor from any meeting or investigation interview for failure to abide by these restrictions.
- *Live Hearings:* Each party must have an advisor present at the Title IX live hearing. If a Complainant or Respondent does not have an advisor present at the live hearing, the University will provide one. The University reserves sole discretion to select the advisor to provide under these circumstances. The advisor selected by the University will be provided without cost to the Complainant or Respondent. The role of any advisor during the live hearing is solely to conduct questioning on the Complainant's or Respondent's behalf. At the live hearing, the Decision-Maker will permit each party's advisor to ask the other party and any witnesses relevant questions and follow-up questions, including those challenging credibility. It is the expectation of the University that the advisor will at all times act in a respectful and non-aggressive manner. The Decision-Maker reserves the right to exclude an

advisor from the live hearing for failure to abide by these restrictions. Should an advisor be excluded from the live hearing, the party will be able to choose a new advisor, or one will be provided by the University.

Advisors are required to follow all procedures described in this policy. In a situation where an advisor engages in a material violation of this policy or does not abide by reasonable instruction from the Title IX Coordinator(s), Investigator(s), Decision-Maker(s), or other University personnel, RWU reserves the right to either limit or preclude the advisor from participation in the formal complaint grievance process. In the circumstance where an advisor is precluded from future participation, the party may select a new advisor of their choice or the University will provide an advisor for them.

### **Privileged Information**

The University will not require, allow, rely upon, or otherwise permit questions or use of evidence that constitutes, or seek disclosure of, information protected under a legally recognized privilege. Notwithstanding the foregoing, if a person holding such a privilege has waived the privilege, then the information may be used during an investigation or live hearing.

In gathering evidence, the University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.

### **Evidence Pertaining to Sexual History**

Questions about or evidence of a Complainant's sexual predisposition are never considered relevant for the purposes of preparing an investigative report or questioning in a live hearing.

Questions about or evidence of a Complainant's sexual history are only considered relevant for the purposes of an investigative report or questioning in a live hearing if:

- Such questions and evidence about the Complainant's prior sexual history are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
- Such questions and evidence concern specific incidents of the Complainant's prior sexual history with respect to the Respondent and are offered to prove consent.

Questions or evidence about a Complainant's sexual history that do not meet the two exceptions described above will be excluded from investigative reports and live hearings and are to be deemed irrelevant.

---

18 See the "Investigation" section below.

19 See Code 9. "Dishonesty" of the Student Code of Conduct at the following link: <https://www.rwu.edu/student-handbook/student-code-conduct>

20 The appointed Investigator will meet standards set out in the "Requirements for Title IX Personnel" section above.

## **Written Notice of Allegations**

Upon receiving a formal complaint, the Title IX Coordinator will provide written notice to all known parties that includes:

- The University’s grievance process, including any alternate/informal resolution process;
- The allegations alleged by the Complainant, including sufficient details known at the time, and allowing sufficient time for a Respondent to prepare a response before any initial interview. “Sufficient details” include the identities of the parties involved, if known; the conduct allegedly constituting the sexual harassment, if known; and the date and location of the alleged incident(s), if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Information regarding the parties’ right to have an advisor of their choice, who may be, but is not required to be an attorney.
- A statement that the parties may inspect and review evidence as described in the “Investigation” section of this policy;<sup>18</sup> and
- A statement that RWU prohibits knowingly making false statements or knowingly submitting false information at any point in the grievance process. Individuals who engage in this misconduct may be subject to disciplinary actions.<sup>19</sup> Disciplinary action pursued against a party for knowingly making false statements or submitting false information does not constitute retaliation prohibited under this policy; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement or provided materially false information.

If in the course of an investigation, RWU decides to investigate allegations about the Complainant or Respondent that are not included in the written notice of allegations described above, the Title IX Coordinator will provide written notice of the additional allegations to the parties whose identities are known.

## **FORMAL GRIEVANCE PROCESS: INVESTIGATION**

### **Overview of the Investigative Process**

Once a formal complaint is filed, and the Title IX Coordinator has conducted the initial assessment and determined that the alleged conduct may proceed under this Title IX policy, the Title IX Coordinator will appoint an Investigator to conduct a formal investigation into the allegations.<sup>20</sup>

The Investigator will contact the parties whose participation is invited or expected for an investigative interview and will provide written notice of the date, time, location, participants, and purpose of the meeting. Parties will be given reasonably sufficient time to prepare to participate.

The Investigator will make all reasonable efforts to complete the investigative report within 90 business days. This timeline may vary depending on the scope of the formal complaint, the amount of evidence to

be considered, the number of persons to be interviewed, and additional factors. If the investigative report is going to take longer than 90 business days to complete, the parties and their advisors will be given notice.

The parties and their advisors are not authorized to disseminate any portion of the investigative report provided to them to any other person or entity, through any electronic or hardcopy means.

Unauthorized video or audio recordings of investigative interviews are not permitted by the parties or their advisors.

### **Equal Opportunity Given to the Parties**

All parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

Both the Complainant and the Respondent have the right to meet separately with the Investigator.

Both the Complainant and the Respondent are permitted to provide names of potential witnesses to the Investigator. The Investigator will determine which of those potential witnesses, or other persons, may have relevant information about the alleged conduct; and the Investigator may request statements, either orally or in writing.

Both the Complainant and the Respondent are permitted to provide other relevant evidence to the Investigator. For instance, evidence may include any facts or information presented in support of or opposition to an allegation, including, but not limited to, text messages, email exchanges, timelines, receipts, photographs, etc. The Investigator may also consider additional documents, items, or other relevant information.

All parties will be given an equal opportunity to inspect and review any evidence obtained as a part of the investigation that is directly related to the allegations raised in the formal complaint. This includes evidence that the University does not intend to rely upon in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

### **Review of Evidence**

All parties must submit to the Investigator any evidence that they would like the Investigator to consider prior to the completion of the investigative report.

Prior to the completion of the investigative report, the University will send to each party and the party's advisor, if any, the evidence subject to the parties' inspection and review in an electronic or hardcopy format. (Note: All evidence that was subject to the parties' inspection and review also will be made available at the live hearing to give each party equal opportunity to refer to such evidence during the live hearing, including for purposes of questioning.)

Each party will be given 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

## **Completion of the Investigative Report**

Either after the Investigator receives the parties' written responses or after the 10-day time limit has expired, the Investigator will create an investigative report that fairly summarizes the relevant evidence.

At least 10 days prior to the live hearing, the Investigator will send a copy of the investigative report in an electronic or hardcopy format to each party, their advisors, and the Title IX Coordinator. The parties will be given the opportunity to review the investigative report and provide a written response.

## **FORMAL GRIEVANCE PROCESS: LIVE HEARING**

### **Role of the Decision-Maker(s)**

Shortly after receiving the final investigative report, the Title IX Coordinator will appoint one or more Decision-Makers to conduct the live hearing. If more than one Decision-Maker is appointed, the Decision-Makers will work together to make determinations during the live hearing regarding relevancy, responsibility, and sanctions.

The Complainant and Respondent will be notified of the identity/identities of the Decision-Maker(s) prior to the live hearing. If any party has concern(s) of potential bias or conflict of interest in regard to a particular Decision-Maker, the party must alert the Title IX Coordinator of said concern(s) no later than two days prior to the live hearing. Upon receiving a report of bias or conflict of interest, the University will evaluate the report, and if it is determined that a conflict of interest or bias exists, the University will appoint another individual to serve in the role.

Prior to the live hearing, at the discretion of the University, the Decision-Maker(s) may schedule a preliminary conference with each of the parties and their advisors to provide an overview of the live hearing procedures.

### **Written Response to the Final Investigative Report**

Prior to scheduling the live hearing, a Decision-Maker (who will be the Hearing Chair when more than one Decision-Maker is appointed) will contact each party to provide a deadline for which they can submit their written responses to the final investigative report.

### **Live Hearing Schedule**

Promptly after receiving the parties' written responses, a Decision-Maker (who will be the Hearing Chair when more than one Decision-Maker is appointed) will provide the parties, their advisors, and witnesses with written notice of the live hearing date, time, and location. In this notice, the parties will be asked to inform the Decision-Maker right away if there is a scheduling conflict that would make it impossible to attend the live hearing.

### **Live Hearing Location and Attendance**

At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms. Live hearings may be conducted with all parties physically present in the same geographic location, or, at the Title IX Coordinator's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. In either of the aforementioned situations, the

University will provide technology that enables the participants to simultaneously see and hear each other.

The only persons permitted to attend the live hearing are the parties, their advisors, the witnesses, and designated University personnel. The witnesses are only to be in attendance at the live hearing during the time in which they are offering information or answering questions. Otherwise, the witnesses are to be waiting in a designated room (or virtual room) until called upon.

### **Recording of Live Hearing**

The University will create an audio or audiovisual recording, or transcript of any live hearing. The choice of whether it is an audio or audiovisual recording, or transcript is made in the sole discretion of the University. The audio or audiovisual recording, or transcript will be made available to both parties for inspection and review. In compliance with applicable disability laws, the University will ensure that all parties are properly accommodated with respect to use of technology and reliance on visual, audio, or written communication.

### **Standard of Evidence**

Preponderance of the evidence is the standard of evidence to be used to determine whether a Respondent is responsible for the prohibited conduct alleged in the formal complaint.<sup>21</sup> This is the standard of evidence that will be applied to all formal complaints of prohibited conduct described in this policy, regardless of whether the Respondent is a student or employee of the institution.

### **Questioning During Title IX Live Hearings**

At the Title IX live hearing, the Decision-Maker (who will be the Hearing Chair when more than one Decision-Maker is appointed) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Before a party or witness answers a question, the Decision-Maker (who will be the Hearing Chair when more than one Decision-Maker is appointed) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker has complete discretion to make relevancy determinations.

Advisors are required to engage with parties, witnesses, and the Decision-Maker(s) in a respectful and non-aggressive manner.

Questions will be asked directly, orally, and in real-time from the advisors of the parties, not from the parties themselves. Advisors are permitted to ask the other party and witnesses relevant questions and follow-up questions, including those challenging credibility.

The advisor may only ask relevant questions to each party and witness. Repetitive questions asked at the Title IX live hearing may be deemed irrelevant.

---

<sup>21</sup> See the "Relevant Definitions" section above.

The Decision-Maker(s) is prohibited from drawing an inference regarding the determination of responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer questions.

### **FORMAL GRIEVANCE PROCESS: WRITTEN DETERMINATION OF RESPONSIBILITY**

At the conclusion of the live hearing, the Decision-Maker(s) will undertake an objective evaluation of all relevant evidence (including both inculpatory and exculpatory evidence). In addition, the Decision-Maker(s) will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness. Upon a determination of responsibility using the preponderance of the evidence standard described herein, the Decision-Maker(s) simultaneously issue a written determination regarding responsibility to both parties.

The written determination regarding responsibility will include:

- Identification of the allegations potentially constituting prohibited conduct;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and live hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of relevant policies to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed, where possible, to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- The University's procedures and permissible bases for the Complainant or Respondent to appeal.

The determination of responsibility will be deemed final on either of the following dates:

- If an appeal is filed, the date that the Appeal Officer<sup>22</sup> provides the parties with the written determination of the result of the appeal; or
- If an appeal is not filed, the date on which an appeal would no longer be considered timely.

### **FORMAL GRIEVANCE PROCESS: REMEDIES & DISCIPLINARY SANCTIONS**

Remedies will be designed, where possible, to restore or preserve the Complainant's equal access to the University's education program or activity. Disciplinary actions may range from warnings to University

---

<sup>22</sup> The Appeal Officer will be the Vice President for Student Life or designee, as indicated in the written determination of responsibility. See Appendix A for contact information.

dismissal or termination, depending on the magnitude and specifics of the violation. The types of prohibited conduct described in this policy are all serious offenses, and such violations are subject to any combination of conduct remedies or sanctions listed below.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Possible remedies and disciplinary sanctions are described in Appendix B.

### **FORMAL GRIEVANCE PROCESS: APPEALS**

#### **Appeals for Dismissal of a Formal Complaint or Determination of Responsibility**

Both parties have the option to appeal a dismissal of a formal complaint and/or the determination regarding responsibility on the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. If it is found that a party was aware of a potential bias or conflict of interest prior to the determination regarding responsibility and the party knowingly withheld that information from the University, the party will not be permitted to raise that allegation of bias or conflict of interest on appeal.

All appeals must be submitted in writing and authored by the Complainant or Respondent, not their Advisor, to the Appeal Officer within 5 days of receiving the written determination of responsibility.

Within 7 business days of receiving the written appeal, the Appeal Officer will review the appeal to determine whether it falls within one of the three bases for appeal as described above. If it does, the University will promptly notify the other party when a valid appeal is filed and will implement appeal procedures equally for both parties. If it does not meet the appeal criteria, the appealing party will be notified in writing.

The other party will be given 5 business days from the date of notification of the appeal to submit to the Appeal Officer a written response to the appeal.

Either after receiving the other party's written response to the appeal, or after the time for the other party to submit a written response has expired, the Appeal Officer will make a determination regarding the outcome of the appeal within 7 business days.

Upon a determination of the outcome of the appeal, the Appeal Officer will provide written notice of the decision to both parties and will make all reasonable efforts to simultaneously notify said parties. This written notice will describe the rationale for the result of the appeal.

The University will ensure that the Appeal Officer is not the Investigator, Title IX Coordinator, or the Decision-Maker(s) who made the decision regarding responsibility and/or sanctioning.<sup>23</sup>

### **POTENTIAL DELAYS IN THE INFORMAL OR FORMAL RESOLUTION PROCESSES**

RWU will make all reasonable efforts to abide by the timelines described throughout this policy. If the timeline for any stage of the alternate/informal resolution process or the formal complaint grievance process must be changed, the Complainant and Respondent will receive written notice of the temporary delay or limited extension of timelines and the reasons for the change. Possible reasons for temporary delays or extensions of timelines include, but are not limited to, the absence of a party or a party's advisor, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, etc.

### **REQUEST FOR EXTENSIONS OF TIMELINES FROM THE PARTIES**

If a party has good cause and needs an extension during the formal complaint grievance process, they can contact the Title IX Coordinator to request such extension. It is within the Title IX Coordinator's discretion to grant such a request. In the case that an extension is granted, the same extension will be given to the other party.

### **TIME LIMITS**

There is no time limit on reporting violations of this Policy, although the University's ability to respond fully may be limited with the passage of time.

### **WRITTEN EXPLANATION OF RIGHTS AND OPTIONS**

When an individual reports any allegation(s) of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, the University will provide the individual with a written explanation of rights and options.

### **RECORDKEEPING**

RWU will document and maintain in University records for a period of seven years the following:

- All materials used to train Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Alternate/Informal Resolution Processes. The University will make these training materials publicly available on its website;
- Any alternate/informal resolution and the results therefrom;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance of actions taken in response to Title IX reports or formal complaints, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the

---

<sup>23</sup> The Appeal Officer will abide by the procedures described in the "Requirements for Title IX Personnel" section above.

University does not provide a Complainant in Title IX cases with supportive measures, then the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances;

- Each formal investigation, including any determination regarding responsibility and any audio or audiovisual recording, or transcript of the live hearing;
- Any disciplinary sanctions imposed on the Respondent, and/or any remedies provided to the Complainant designed, where possible, to restore or preserve equal access to the University's education program or activity; and
- Any appeal and the result therefrom.

### **ADDITIONAL INFORMATION**

**Bystander Intervention** refers to safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of discrimination or sexual harassment, including sexual assault, dating and domestic violence, or stalking, against a person(s) other than the individual. Safe and positive options for bystander intervention include: recognizing prohibited conduct and situations of potential harm; understanding institutional structures and cultural conditions that facilitate violence; overcoming barriers to intervening; and identifying effective ways to intervene and take action, provided that the intervention or action can be undertaken in a way that ensures the safety of the bystander. For more information about bystander intervention contact Dr. Jen Stanley ([jstanley@rwu.edu](mailto:jstanley@rwu.edu); 401-254-3123). A description of the University's educational and primary prevention and awareness programs, including bystander intervention, can be found in the University's most recent Annual Security Report.

**Risk Reduction** is defined as options designed to decrease perpetration and bystander inaction, increase empowerment in order to promote safety, and help individuals and communities address conditions that facilitate violence. A description of the University's educational and primary prevention and awareness programs, including risk reductions, can be found in the University's most recent Annual Security Report.

**Preserving Evidence:** In cases of sexual violence, including sexual assault, dating and domestic violence, and stalking, as defined herein, it is critical that the Complainant preserve evidence because doing so may assist in proving that the alleged behavior occurred and/or may be helpful in obtaining a protective order.<sup>24</sup>

**Resources:** The University will provide written notification about existing resources and services, which may include counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other resources and services that may be available at the University and in the community. The written information may include options for, available assistance in, and how to request changes to academic, living, transportation, and working situations; or protective measures. The University will make requested adjustments and protective measures if they are reasonably available, regardless of whether a report is made to Public Safety or local law enforcement.

**Violations of Rhode Island State Law:** Individuals may also wish to pursue criminal charges through local law enforcement. Below are relevant violations under Rhode Island General Law:

---

<sup>24</sup> See Appendix B.

- **First Degree Sexual Assault** (RIGL § 11-37-2): A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist: (1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused, through concealment or by the element of surprise, is able to overcome the victim. (4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.
- **Second Degree Sexual Assault** (RIGL § 11-37-4): A person is guilty of second degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist: (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force, element of surprise, or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.
- **Third Degree Sexual Assault** (RIGL § 11-37-6): A person is guilty of third degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age.
- **Stalking** (RIGL § 11-59-2): Any person who: (1) harasses another person; or (2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking. "Harasses" means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."
- **Cyberstalking and Cyberharassment** (RIGL § 11-52-4.2): Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor.
- **Dating Violence** (R.I.G.L. §16-22-24) "Dating violence" means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner. "Dating partner" means any person involved in an intimate association with another primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.
- **Domestic Violence** (RIGL § 12-29-2): (a) "Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another: (1) Simple assault (§ 11-5-3); (2) Felony assaults (chapter 5 of title 11); (3) Vandalism (§ 11-44-1); (4) Disorderly conduct (§ 11-45-1); (5) Trespass (§ 11-44-26); (6) Kidnapping (§ 11-26-1); (7) Child-snatching (§ 11-26-1.1); (8) Sexual assault (§§ 11-37-2, 11-37-4); (9) Homicide (§§ 11-23-1 and 11-23-3); (10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the accused has knowledge of the order and the penalty for its violation, or a violation of a no-contact order issued pursuant to § 12-29-4; (11) Stalking (chapter 59 of title 11); (12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14); (13) Burglary and Unlawful Entry (chapter 8 of title 11); (14) Arson (chapter 4 of title 11); (15) Cyberstalking and cyberharassment (§ 11-52-4.2); (16)

Domestic assault by strangulation § 11-5-2.3; (b) "Family or household member" means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three (3) years, and persons who have a child in common regardless of whether they have been married or have lived together, or persons who are, or have been, in a substantive dating or engagement relationship within the past one year which shall be determined by the court's consideration of the following factors: (1) The length of time of the relationship; (2) The type of the relationship; (3) The frequency of the interaction between the parties. (c) "Protective order" means an order issued pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8. (d) "Victim" means a family or household member who has been subjected to domestic violence.

## **POLICY REVISION**

RWU reserves the right to revise this policy at any time in its sole discretion. Revised policies will be posted on the University's website.

## **Appendix A**

### **IMPORTANT CONTACT INFORMATION**

Any person believed to have experienced sexual harassment is encouraged to contact the Title IX Coordinator (or a deputy coordinator) for support, resources and information regarding the University policy and procedures, including how to file a complaint.

### **TITLE IX COORDINATOR**

- Name: Dr. Jen Stanley
- Office Location: Center for Student Development Building
- Office Mailing Address: 1 Old Ferry Road, Bristol, RI 02809
- Phone Number: (401) 254-3123
- Email Address: [jstanley@rwu.edu](mailto:jstanley@rwu.edu)

Request for appeals are to be submitted in accordance with the criteria outlined in the “**Appeals**” section of this document to:

- Dr. John King, Vice President for Student Life
- Office Mailing Address: 1 Old Ferry Road, Bristol, RI 02809
- Phone Number: (401) 254-3042
- Email Address: [jjking@rwu.edu](mailto:jjking@rwu.edu)

### **Official with Authority (OWA)**

An Official with Authority is a Roger Williams University employee explicitly vested with the responsibility to implement corrective measures on behalf of the institution for sex or gender-based discrimination, harassment, violence, and/or retaliatory conduct involving students, faculty, staff, or third parties.

This includes:

- The President and Members of the Cabinet
- Assistant Vice President for Human Resources
- Academic and Administrative Deans
- Title IX Coordinator and Title IX Deputies
- Director of Public Safety

- Director of Student Conduct & Conflict Resolution
- Department of Student Conduct & Conflict Resolution Staff
- Director of Athletics
- Residence Life Professional Staff
- Student Life Senior On-Call Staff Members

Complaints and inquiries regarding the application or enforcement of this Policy should be made to the University's Title IX Coordinator. Inquiries regarding the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator or designee, or to the United States Department of Education, Office for Civil Rights, at [OCR@ed.gov](mailto:OCR@ed.gov) or (800) 421-3481. This Policy is in compliance with applicable legal requirements, including Title IX of the Education Amendments of 1972, relevant provisions of the Violence Against Women Reauthorization Act of 2013, the Clery Act, and other applicable federal and Rhode Island state laws.

### **EMERGENCY MEDICAL, COUNSELING AND LAW ENFORCEMENT RESOURCES**

Emergency medical assistance, counseling support and campus safety/law enforcement resources are available on and off campus. Individuals are encouraged to seek prompt medical attention following incidents that pose a threat to safety or physical well-being.

#### **LOCAL MEDICAL RESOURCES:**

- **Women & Infants Hospital: (401) 274-1100 (24/7)**
- **Rhode Island Hospital: (401) 444-4000 (24/7)**
- **Roger Williams Hospital: (401) 456-2121 (24/7)**
- **Hasbro Children's Hospital: (401) 444-4000 (24/7)**
- [RWU Health Services](http://www.rwuhealthservices.com): (401) 254-3156

#### **LOCAL COUNSELING RESOURCES:**

- [RWU Counseling Center](http://www.rwu.edu/counseling), (401) 254-3124
- [Day One](http://www.dayoneri.org) (sexual assault & trauma resource center), (401) 421-4100 <http://www.dayoneri.org>/(24/7)
- [Women's Resource Center of Rhode Island](http://www.wrcnbc.org), (401) 846-5263 / 24 Hour Hotline: 1-800-494-8100 <https://www.wrcnbc.org/>
- Rape, Abuse, and Incest National Network (RAINN) crisis hotline (queer and trans affirming sexual assault hotline) 800-656-HOPE (24/7)
- [Rape, Abuse, and Incest National Network](https://ohl.rainn.org/online) (RAINN) online hotline <https://ohl.rainn.org/online> (24/7)

#### **CAMPUS SAFETY / LAW ENFORCEMENT RESOURCES:**

- [RWU Office of Student Conduct and Conflict Resolution](http://www.rwu.edu/student-conduct), (401) 254-3042
- [RWU Public Safety](http://www.rwu.edu/public-safety) (401) 254-3333 (24/7)
- [Bristol Police Department](http://www.bristolpolice.com) (401) 253-6900 (24/7)
- [Portsmouth Police Department](http://www.portsmouthpolice.com) (401) 683-0300 (24/7)
- [Providence Police Department](http://www.providencepolice.com) (401) 272-3121 (24/7)

### **CONFIDENTIALITY, PRIVACY AND REPORTING POLICY**

Any person reporting a violation of this policy has the right to confidential support and advice on and off campus. The following list includes confidential resources on and off campus.

## **RWU CONFIDENTIAL RESOURCES**

- [RWU Center for Counseling and Student Development](#), (401) 254-3124
- [RWU Health Services, Center for Student Development](#), (401) 254-3156

## **OFF-CAMPUS RESOURCES**

- [Day One](#) (sexual assault & trauma resource center), (401) 421-4100
- [The Women's Resource Center](#), (401) 846-5263 / 24 Hour Hotline: 1-800-494-8100
- Rape, Abuse, and Incest National Network (RAINN) crisis hotline 800-656-HOPE (queer and trans affirming sexual assault hotline)
- [Rape, Abuse, and Incest National Network](#) (RAINN) online hotline <https://ohl.rainn.org/online>

**DATING & DOMESTIC VIOLENCE RESOURCES** (including criminal justice and protective order advocacy, emergency shelter, transitional housing, safety plans, counseling, education and/or policy) are available at the following member agencies of the [RI Coalition Against Domestic Violence](#):

- [Sojourner House](#)  
401-765-3232 (24-hour)
- [Women's Center of Rhode Island](#)  
401-861-2760 (24-hour)
- [Elizabeth Buffum Chace Center](#)  
401-738-1700 (24-hour)
- [Blackstone Valley Advocacy Center](#)  
401-723-3057 (24-hour)
- [Domestic Violence Resource Center of South County](#)  
401-782-3995
- [Women's Resource Center of Newport & Bristol Counties](#)  
401-289-2022
- [Sisters Overcoming Abusive Relationships](#) a victim task force  
401-467-9940
- [National Sexual Assault Hotline](#)  
1-800-656-HOPE (4673) (24 hour)
- [National Domestic Violence Hotline](#)  
1-800-799-SAFE (7233) (24 hour)

## **Appendix B**

### **SANCTIONS**

When an individual has been determined to be in violation of the policy, a range of sanctions may be assigned. When determining the appropriate sanction(s), the following factors may be considered:

- nature, context, and severity of an incident,
- level of accountability and responsibility taken by the individual,
- level of cooperation from the individual,
- need to stop the misconduct and prevent its recurrence,
- need to remedy and address the impact or effects of the conduct on others,
- disciplinary history of the individual,
- best interests of the University community, and
- any other aggravating, mitigating, or relevant factors.

**Sanctions related to employees may include:**

- termination or dismissal from the University,
- suspension,
- probation,
- reprimand,
- warning, and
- directed counseling and/or mandatory education and training

**Sanctions related to students may include:**

- fines and restitution,
- community service,
- suspension of privileges,
- educational intervention,
- educational / restorative sanctions,
- conduct warning,
- conduct probation,
- suspension from housing,
- dismissal from housing,
- university suspension,
- interim suspension,
- university dismissal, and
- transcript notation for sanctions of suspension (during the suspension period) and dismissal

**For both employees and students: Other Reasonable Sanctions**

Any reasonable sanction may be assigned that appropriately promotes the education and development of a student or employee, ensures safety, or otherwise furthers the mission of the University.

**Additional information regarding sanctions can be found here:** <https://www.rwu.edu/student-handbook/conduct-review-process#sanctions>.

### **III. ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW POLICY PERTAINING TO CONFIDENTIALITY OF STUDENT RECORDS / ANNUAL NOTICE TO STUDENTS REGARDING EDUCATION RECORDS**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Roger Williams University School of Law (“School”) receives a request for access. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The School official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the School official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student’s education records that the student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

A student who wishes to ask the School to amend a record should write the School official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the School decides not to amend the record as requested, the School will notify the student in writing of the decision and the student’s right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the School discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The School discloses education records without a student’s prior written consent under the FERPA exception for disclosure to School officials with legitimate educational interests. A School official is a person employed by the School in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees/directors; or a student serving on an official committee, such as a disciplinary or grievance committee. A School official also may include a volunteer or contractor outside of the School who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another School official in performing his or her tasks. A School official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the School.

Upon request, the School also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to School officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student:

- To other School officials, including teachers, within the School whom the School has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the School, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. ((§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes.

(§99.31(a)(8))

- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))
- To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

Directory Information - At its discretion, the School may provide directory information in accordance with the provisions of FERPA to include, but is not limited to:

- Student’s Name
- Address
- Telephone Listing
- Electronic Mail Address
- Photograph
- Date and Place of Birth
- Major Field of Study
- Grade Level
- Enrollment Status
- Dates of Attendance
- Participation in Officially Recognized Activities and Sports
- Weight and Height of Members of Athletic Teams
- Degrees, Honors and Awards Received
- Most Recent Educational Agency or Institution Attended

Students wishing to withhold this information from public disclosure must complete a Request To Withhold Directory Information form with the Student Finance and Records Office within the first two weeks of the start of the fall semester.

## **IV. ALCOHOL AND DRUG-FREE SCHOOL AND WORKPLACE POLICY**

### **Introduction:**

Roger Williams University, including Roger Williams University School of Law (the “University”), established this Alcohol and Drug-Free School and Workplace Policy (the “Policy”) in response to and in conformity with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701) and the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1011i). Students and employees of the University shall receive a copy of this Policy on an annual basis.

### **Standards of Conduct:**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, or alcohol by any person, including visitors and vendors, is prohibited in or on the University premises, in vehicles owned, leased, or rented by the University, at any work site or location at which University duties are being performed by University employees or students, as part of any University activity, or at off-campus activities of student groups recognized by the University.

### **Health Risks:**

Drinking alcohol has immediate effects that can increase the risks of many harmful health conditions. Excessive alcohol use can lead to increased risk of health problems such as liver disease or unintentional injuries. The use of illegal drugs also carries many serious health risks. Illegal drugs may be addictive and may lead to long-term damage to the body. Heavy or long-term use of some illegal drugs may cause the user to overdose, which may cause permanent damage to the body and can be fatal.

### **Counseling Programs:**

Students and employees who may have a problem with the use of illegal drugs or the abuse of alcohol should be aware of resources at the University and the surrounding community that offer services to students and employees. The University resources listed below may not be available to all students and employees.

#### University Resources:

##### *Counseling Center*

Center for Student Development • (401) 254-3124

The Roger Williams University Center for Counseling and Student Development assists students through maintaining and enhancing their psychological and emotional well-being and promoting their normal development and maturation. Additionally, a wide offering of educational and support programs are designed to foster student development as healthy, thoughtful, responsible, respectful, and productive members of a diverse community who will be able to function at their full potential.

##### *Health Education Program*

Center for Student Development • (401) 254-3413

The Director of Health Education and the Student Health and Wellness Educators work together to provide education and support to students in maintaining a healthy lifestyle. They strive to motivate individuals to develop the physical, mental, social, intellectual, and spiritual dimensions of self and make choices toward a more successful and healthier existence. They offer one-on-one assessment sessions and a BASICS Intervention (Brief Assessment in College Students).

### *Health Services*

Center for Student Development • (401) 254-3156

Roger Williams University Health Services is committed to providing quality health care and disease prevention in a manner that exhibits compassion, professionalism, and excellence.

### Outside Resources:

#### *Al-Anon/Alateen*

106 Rolfe St., Cranston, RI 02910 • (401) 781-0044 • [www.riafg.org](http://www.riafg.org)

Al-Anon is a worldwide fellowship of individuals whose lives have been deeply affected by another's drinking. The only requirement for membership is that there be a problem of alcoholism in a relative or friend. Members, who come from all walks of life, meet to share their experience, strength, and hope in order to solve their common problems.

#### *Alcoholics Anonymous*

[www.rhodeisland-aa.org](http://www.rhodeisland-aa.org)

410 North Broadway, East Providence, RI 02914 • (401) 438-8860 or 1-800 439-8860

2845 Post Road, Room 112, Warwick, RI 02886 • (401) 739-8777

P.O. Box 9342, Providence, RI 02840 • (888) 378-6561

Alcoholics Anonymous is a fellowship of men and women who share their experience, strength, and hope with each other that they may solve their common problem and help others to recover from alcoholism.

#### *Butler Hospital*

345 Blackstone Blvd., Providence, RI 02906 • (401) 455-6200 • [www.butler.org](http://www.butler.org)

Butler Hospital is Rhode Island's only private, nonprofit psychiatric and substance abuse hospital for adults, adolescents, children, and seniors. Butler is affiliated with The Warren Alpert Medical School of Brown University and is the flagship for its department of psychiatry which has been recognized by its peers as one of the top ten in the United States. Recognized as a national leader in the development of acute, short-term psychiatric and substance abuse treatment, Butler has a reputation for providing the best care available to patients.

#### *CODAC Behavioral Healthcare*

[www.codacinc.org-a.googlepages.com](http://www.codacinc.org-a.googlepages.com)

1052 Park Ave., Cranston, RI 02910 • (401) 461-5056

349 Huntington Ave., Providence, RI 02909 • (401) 942-1450

93 Thames St., Newport, RI 02840 • (401) 846-4150

350 Columbia St., Wakefield, RI 02879 • (401) 789-0934

850 Waterman Ave., East Providence, RI 02914 • (401) 434-4999

CODAC, a non-profit organization, offers treatment and educational and prevention services. CODAC's goal is to help people lead a more productive, healthy life by learning to respond effectively to their own needs and the needs of the people they care for without the use of alcohol and other drugs, and free of violence.

#### *Narcotics Anonymous*

[www.gpana.org](http://www.gpana.org)

Narcotics Anonymous is a non-profit fellowship or society of men and women for whom drugs had become a major problem and is comprised of recovering addicts who meet regularly to help each other stay clean.

## **Disciplinary and Legal Sanctions:**

In addition to any action taken by law enforcement authorities as detailed below, the University will impose disciplinary sanctions on students and employees for violations of the standards of conduct required by this Policy, which may include referral for prosecution, mandatory participation in substance abuse treatment, counseling or education programs as a condition of reinstatement or continued employment, termination of employment, or expulsion of student.

Federal, state, and local drug and alcohol laws provide criminal penalties for the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, or alcohol. Listed below are some examples of penalties for violations of Rhode Island's controlled substances and alcoholic beverages laws:

### Controlled Substances:

Any person who manufactures, delivers, or possesses with the intent to manufacture or deliver a Schedule I or II controlled substance may be imprisoned to a term up to life, and/or fined \$10,000 to \$500,000. For Schedule III or IV controlled substances, such person may be imprisoned for up to twenty (20) years and/or fined up to \$40,000. For Schedule V controlled substances, such person may be imprisoned up to one (1) year and/or fined up to \$10,000. Any person who knowingly or intentionally possesses a Schedule I, II, III, IV, or V controlled substance in the absence of a valid prescription may be imprisoned for up to three (3) years, and/or fined \$500 to \$5,000. R.I.G.L. § 21-28-4.01.

### Alcoholic Beverages:

Sanctions for misrepresentation of age include (i) a mandatory fine of \$100 to \$500, thirty (30) hours of community service, and suspension of driving privileges for thirty (30) days for the first offense; (ii) a mandatory fine of \$500 to \$750, forty (40) hours of community service, and suspension of driving privileges for three (3) months for the second offense; and (iii) a mandatory fine of \$750 to \$1,000, fifty (50) hours of community service, and suspension of driving privileges for one (1) year for the third and subsequent offenses. R.I.G.L. § 3-8-6.

Sanctions for possession of alcoholic beverages by underage persons include thirty (30) hours of community service, minimum sixty (60) day suspension of driving privileges, and (i) fines of \$150 to \$750 for the first offense, (ii) fines of \$300 to \$750 for the second offense, and (iii) fines of \$450 to \$950 for the third and subsequent offenses. R.I.G.L. § 3-8-10.

Sanctions for furnishing or procuring alcoholic beverages for underage persons include (i) fines of \$350 to \$1,000 and/or imprisonment up to six (6) months for the first offense, (ii) fines of \$750 to \$1,000 and/or imprisonment up to one (1) year for the second offense, and (iii) fines of \$1,000 to \$2,500 and/or imprisonment up to three (3) years for the third or subsequent offenses. R.I.G.L. §§ 3-8-11.1 – 3-8-11.2.

In addition to the examples listed above, additional criminal penalties for violations of federal, state, and local drug and alcohol laws may be found at the following websites. There may be other provisions of federal, state, and local laws related to drugs and alcohol that are not included in this list.

For a list of federal drug trafficking penalties, see <http://www.justice.gov/dea/druginfo/ftp3.shtml>.

For a list of penalties for violations of the drug and alcohol laws of Rhode Island, see <http://webserver.rilin.state.ri.us/Statutes/TITLE3/INDEX.HTM> (alcoholic beverages); <http://webserver.rilin.state.ri.us/Statutes/TITLE11/INDEX.HTM> (criminal offenses);

<http://webserver.rilin.state.ri.us/Statutes/TITLE21/INDEX.HTM> (food and drugs); and  
<http://webserver.rilin.state.ri.us/Statutes/TITLE31/INDEX.HTM> (motor and other vehicles).

For a list of penalties for violations of local drug and alcohol ordinances, see  
<http://www.municode.com/RESOURCES/gateway.asp?pid=10105&sid=39> (Bristol);  
<http://www.portsmouthri.com/ordinances/> (Portsmouth); and  
<http://www.municode.com/resources/gateway.asp?pid=11458&sid=39> (Providence).

**Condition of Employment:**

As a condition of employment, all employees must (i) agree to abide by this Policy, and (ii) notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Notices should be sent to the Assistant Vice President of Human Resources.

### **Requirement for Students Receiving Federal Grants:**

Students who receive Pell and certain other federal grants must report any conviction of a drug-related offense to the United States Department of Education within ten (10) days of the conviction if the offense occurred during the period covered by the grant.

### **Biennial Review:**

The University shall conduct a biennial review of this Policy by December 31<sup>st</sup> of each even-numbered calendar year to (i) determine the Policy's effectiveness and implement any needed changes to the Policy, and (ii) ensure that the sanctions required by the Policy are consistently enforced.

Revised 5/3/2013

## **V. ALCOHOLIC BEVERAGES POLICY**

### **Purpose and Applicability:**

This policy governs the service and/or consumption of alcoholic beverages at Roger Williams University, including Roger Williams University School of Law ("University"), and applies to events on the University's Bristol, Portsmouth (Baypoint), and Providence (150 Washington Street) campuses and off-campus University-sponsored events. For purposes of this policy, an off-campus University-sponsored event is an event occurring at any off-campus location where alcoholic beverages are served and/or consumed and the event is hosted and/or paid for in whole or in part by the University, including but not limited to any school, department, office, group, club, or team of the University.

Examples of events that are governed by this policy include, but are not limited to, the following:

- University-sponsored conferences, dinners, events, meetings, and receptions.
- Department, faculty, or staff meetings and receptions, including those occurring after business hours; and
- Third party conferences, events, meetings, and receptions.

This policy does not apply to the following:

- The possession or consumption of alcoholic beverages by University students or their guests which does not occur at a University-sponsored event (governed by the Student Handbook);
- The possession or consumption of alcoholic beverages by Coordinators of Residential Education ("CORE") or their guests over the age of 21 in CORE apartments (governed by the CORE Staff Manual);
- The possession or consumption of alcoholic beverages by University employees who reside in University apartments or their guests over the age of 21 in their assigned University apartments; or
- The possession or consumption of alcoholic beverages at the University Residence by the President, his family, or his personal guests, or to events at the University Residence of ten or fewer persons.

### **Written Approval Required:**

Written approval is required for each event at which alcoholic beverages will be served and/or consumed at the University, as well as for off-campus, University-sponsored events as noted below. The organizer of the event must use the attached Alcoholic Beverages Policy Approval Form to obtain such approval.

Type of Event	Necessary Approval(s)*
School of Law Events occurring within the SOL building, on the Providence campus, or off-campus	EVP for Finance and Administration; <i>and</i> Dean of the School of Law
School of Law Events other than those captured above (i.e., occurring on the Bristol campus but not within the SOL building or on the Portsmouth campus)	EVP for Finance and Administration. Vice President for Student Affairs; <i>and</i> Dean of the School of Law
University Student Events on the Bristol campus within a building or off-campus	Vice President for Student Affairs
University Student Events other than those captured above (i.e., occurring on the Bristol campus but not within a building or on the Portsmouth or Providence campuses)	EVP for Finance and Administration; <i>and</i> Vice President for Student Affairs
All Other Events on the Bristol or Portsmouth campuses	EVP for Finance and Administration; <i>and</i> Vice President for Student Affairs
All Other Off-Campus University-Sponsored Events or Events on the Providence campus	EVP for Finance and Administration

\* Or the specifically appointed management designer in the event of an extended absence of the approving authority.

**Use of Approved Caterers and Certified Alcohol Servers:**

The service of alcoholic beverages at the University must be arranged through Bon Appetit Management Company, the University’s approved caterer, or an approved third-party caterer. Third party caterers must hold a valid Rhode Island Class P liquor license, comply with the University’s liability insurance requirements, and receive the prior written approval of the Office of General Counsel through a written agreement signed by the third-party caterer and the University. Additionally, all alcoholic beverages must be served by a person holding a valid certificate of completion from an alcohol server training program approved by the Rhode Island Department of Business Regulation.

**Sale of Alcoholic Beverages (Cash Bars):**

Bon Appetit Management Company: Bon Appetit Management Company, on behalf of the University, must obtain a Class F (beer and wine only) or Class F1 (beer, wine, and spirits) liquor license to sell alcoholic beverages on the Bristol or Providence campuses. Class F and Class F1 liquor licenses may be obtained through the Town of Bristol or the City of Providence. A Class F or Class F1 liquor license is not required for Bon Appetit Management Company to sell alcoholic beverages on the Portsmouth campus, as the University maintains a Class B-H, Class B-T, and Class B-V liquor license with the Town of Portsmouth.

**Third Party Caterers:** Approved third party caterers must hold a valid Rhode Island Class P liquor license to sell alcoholic beverages on the Bristol, Portsmouth, or Providence campuses. Third party caterers are not eligible to obtain Class F or Class F1 liquor licenses.

### **Regulations:**

In addition to the regulations below, the service of alcoholic beverages at the University must comply with state and local laws and regulations.

Alcoholic beverages may not be served to or consumed by persons under the age of 21. Proper identification of age must be produced to a certified alcohol server upon service of the alcoholic beverage.

Under no circumstances may alcoholic beverages be served to visibly intoxicated persons.

Any event offering alcoholic beverages must also offer a comparable quantity of food and non-alcoholic beverages.

Alcoholic beverages may not be consumed outside the confines of the event.

Self-service bars are prohibited; all alcoholic beverages must be served by a certified alcohol server.

Alcoholic beverages served at undergraduate student events shall be limited to beer and wine.

Organizers of student events should consider mandating that students over the age of 21 wear University-approved wrist bracelets before they are served alcoholic beverages and requiring an increased public safety/security presence at the event.

### **Violations:**

Penalties for violations of this policy may include discipline up to and including termination of employment for employees, expulsion from the University for students, and removal from the University for third parties.

Roger Williams University students who violate this policy may be subject to discipline under the Code of Student Conduct, and any such violation will be adjudicated through the Office of Student Conduct and Community Standards. Roger Williams University School of Law students who violate this policy may be subject to discipline under the Honor Code, and any such violation will be adjudicated through the Honor Board.

Employees and students should also refer to the University's Alcohol and Drug Free School and Workplace Policy, available at <http://www.rwu.edu/depository/hr/policies/Drug-FreePolicy.pdf>.

The sale, service, and consumption of alcoholic beverages is regulated by federal, state, and local laws and regulations. Violations of alcohol laws and regulations will be handled by law enforcement authorities.

### **Off-Campus University-Sponsored Events:**

Off-campus University-sponsored events must comply with the following provisions:

- If the event will be held at a facility that is properly licensed to serve alcoholic beverages, all alcoholic beverages must be served by that facility.

- If the event will be held at a facility that is not properly licensed to serve alcoholic beverages, all alcoholic beverages must be served by a caterer that is properly licensed to serve alcoholic beverages or Bon Appetit Management Company. The caterer must receive the prior written approval of the Office of General Counsel through a written agreement signed by the caterer and the University. Additionally, a copy of the caterer’s license to serve alcoholic beverages must be provided to the Office of General Counsel prior to the event.
- If the event will be held at a personal residence, please contact the Office of General Counsel prior to the event to discuss licensing and liability issues.

## **VI. STATEMENT ON MARIJUANA**

The use of marijuana can negatively impact learning, impair clear thinking and mental alertness, and conflicts with the educational mission of Roger Williams University. As an educational institution that receives federal funds, Roger Williams University must comply with federal law under the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. Section 1011i). Accordingly, the use, possession, distribution, sale or cultivation of marijuana remains prohibited for all students on and off campus via the RWU Student Handbook and the Student Code of Conduct. However, students who possess a lawfully issued medical marijuana card and use marijuana for that purpose in private, off-campus residences will be exempt from University policy in that regard.

### **Medical Marijuana**

The Rhode Island Medical Cannabis Law and program allows Rhode Islanders who are registered users to use medical marijuana to treat certain conditions. However, the possession and use of marijuana remains illegal under the federal law to which the college is subject, including the Drug-Free Schools and Communities Act, the Controlled Substances Act, and the Campus Security Act. Therefore, the use, possession, production, manufacture, and distribution of marijuana - medical or otherwise - continues to be prohibited while a student is on university owned or controlled property or at any function authorized or controlled by the university. Questions concerning medical marijuana should be directed to The Office of Student Life at [rwustudentlife@rwu.edu](mailto:rwustudentlife@rwu.edu) or 401-254-3042.

## **VII. WEAPON-FREE CAMPUS POLICY**

### **Purpose:**

Roger Williams University and Roger Williams University School of Law (collectively referred to as the “University”) have adopted this Weapon-Free Campus Policy (the “Policy”) to provide for a weapon-free environment for students, employees, vendors, and visitors of the University.

### **Definitions:**

Prohibited Weapon: includes any object or substance designed to inflict a wound, cause injury, or incapacitate, including but not limited to all (i) firearms, firearm ammunition, machine guns, pistols, rifles, shot guns, air guns, blank guns, BB guns, pellet guns, zip guns, dart guns, stun gun, tasers, and paint ball guns; (ii) daggers, dirks, stilettos, swords-in-canes, bowie knives, switchblade knives, metal-tip darts, razors or knives of any description having a blade of more than three (3) inches in length measuring from the end of the handle where the blade is attached to the end of the blade, or other similar weapon designed to cut and stab another; (iii) instruments or weapons of the kind commonly known as blackjacks, slingshots, billy clubs, sand clubs, sandbags, metal knuckles, slap gloves, bludgeons, and so-called “Kung-Fu” weapons; (iv) chemicals such as mace or tear gas, except for normally available over-the-counter self-defense repellents such as pepper spray; (v) fireworks, fire crackers, sparklers, rockets, or any

propellant-activated device whose intended purpose is primarily for illumination, except for firework displays officially recognized and sanctioned by the University; and (vi) any dynamite, nitroglycerin, black powder, or other similar explosive material, including plastic explosives, or any breakable container that contains a flammable liquid with a flash point of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited.

University Property: includes (i) the University's Bristol and Providence campuses, the Baypoint Inn and Conference Center in Portsmouth, and all other University owned or leased properties, including but not limited to all buildings, parking areas, grounds, structures, residence hall rooms, offices, workspaces, and lockers; (ii) all motor vehicles located on University property and all motor vehicles owned, leased, or rented by the University regardless of location; (iii) any work site or location at which University duties are being performed by University employees, students, or vendors as part of any University activity; and (iv) off-campus activities of student groups recognized by the University.

**Weapon-Free Policy:**

No student, employee, vendor, or visitor on University Property shall carry a Prohibited Weapon on or about his or her person, whether visible or concealed, or possess a Prohibited Weapon. Those possessing permits to carry concealed weapons in public are subject to this Policy and are prohibited from bringing Prohibited Weapons onto University Property. Participants in the ROTC program shall be permitted to carry unloaded firearms for ROTC activities on University Property when the activities are officially recognized and sanctioned by the University. The use of blank guns shall be permitted in theatrical and athletic events held on University Property when such events are officially recognized and sanctioned by the University. The Department of Public Safety reserves the right to prohibit the possession of and confiscate knives of any kind at University events. This Policy shall not apply to University equipment provided to employees or students for University business. The application of this Policy to law enforcement officers is addressed below.

**Application to Law Enforcement Officers:**

Law enforcement officers carrying firearms who are on University Property in an official capacity and in the performance of their duties shall be exempt from the provisions of this Policy. Law enforcement officers meeting the criteria of Rhode Island General Laws § 11-47-9 who are off duty shall be permitted to possess a firearm while attending classes, meetings, or seminars on University Property, provided that (i) a firearm carried by a uniformed law enforcement officer may be visible or concealed; (ii) a firearm carried by a non-uniformed law enforcement officer must be concealed; and (iii) a non-uniformed law enforcement officer carrying a firearm must possess and be carrying a valid and official badge and credentials to carry the firearm. Firearms carried by law enforcement officers on University Property shall be carried on the law enforcement officer's person at all times.

**Violation of Weapon-Free Campus Policy:**

In addition to any action taken by law enforcement authorities, the University will impose disciplinary sanctions on students and employees for violations of this Policy, which may include expulsion of student or termination of employment. Any vendor or visitor who violates this Policy may be barred from entering upon University Property. The University also reserves the right to refer any violations of this Policy to appropriate law enforcement agencies to investigate for possible violations of federal, state, or local laws.

## VIII. LICENSURE AND ACCREDITATION INFORMATION AND COMPLAINT PROCESS

The United States Department of Education, pursuant to 34 CFR § 668.43(b), requires institutions of higher education authorized under Title IV of the Higher Education Act to make available for review to any enrolled or prospective student, upon request, a copy of the documents describing the institution's licensure and accreditation. The institution must also provide its students or prospective students with contact information for filing complaints with its accreditor and with its state approval or licensing entity and any other relevant state official or agency that would appropriately handle a student's complaint. Roger Williams University and Roger Williams University School of Law (collectively, "University") provide the following information in accordance with the above requirements.

### **State Licensure and Accreditation Information:**

The University was originally chartered in 1956 and is licensed by the State of Rhode Island as an institution of higher education.

The University is accredited by the New England Association of Schools & Colleges, Inc. ("NEASC") and has been since 1972. In addition, Roger Williams University School of Law is accredited by the American Bar Association ("ABA"). Other University schools and programs hold various other accreditations, a comprehensive list of which is available at <http://www.rwu.edu/about/accreditation>.

Copies of the documents describing the University's licensure and accreditation may be obtained by contacting the University's Office of General Counsel, One Old Ferry Road, Bristol, RI 02809.

### **Complaint Process:**

#### *Recommended Content of Complaints*

A complaint should contain the complainant's contact information, including name, address, telephone number, and email address and specify whether the complainant is a prospective, current, or former student. Complaints should contain as much detail as possible, including the names of individuals involved, dates, supporting documentation, and requested remedy.

#### *Internal Complaint Process*

The University recommends that students and prospective students first file complaints internally before resolution is sought from the University's state licensing entity or accreditor. Internal complaints may be filed with the University administrators referenced below. Complainants who are unsure where to file internal complaints may contact Robert Cole, Interim Provost, or the Office of General Counsel, One Old Ferry Road, Bristol, RI 02809.

#### *Prospective Student Complaints*

Roger Williams University prospective students may report all complaints to the Vice President for Enrollment Management, One Old Ferry Road, Bristol, RI 02809.

Roger Williams University School of Law prospective students may report all complaints to the Associate Dean for Enrollment and Strategic Initiatives, 10 Metacom Avenue, Bristol, RI 02809.

#### *Roger Williams University Student Complaints*

Roger Williams University students may report complaints to the applicable vice president, dean, or department head having jurisdiction over the matter. For example, academic matters may be reported to the dean of the applicable school and student matters may be reported to the Dean of Students. Contact information for vice presidents, deans, and department heads is located on Roger Williams University's website <http://www.rwu.edu/>.

#### *Roger Williams University School of Law Student Complaints*

Roger Williams University School of Law students may report complaints to the applicable dean or department head having jurisdiction over the matter. For example, academic matters may be reported to the Associate Dean for Academic Affairs and student matters may be reported to the Dean of Students. Contact information for deans and department heads is located on the School of Law's website <http://law.rwu.edu/>. Student accreditation standards complaints may be reported pursuant to the procedures specified in Section 1001 of the School of Law Student Handbook.

#### *External Complaint Process*

If a complaint is not resolved satisfactorily internally or if the internal complaint process is not utilized, a student or prospective student may file a complaint with the University's state licensing entity and/or accreditor.

#### *State of Rhode Island Complaint Process*

The Rhode Island Department of Attorney General has established the following complaint process related to receiving and resolving complaints for all institutions that are legally authorized to provide post-secondary higher education in Rhode Island that are not subject to regulation by the Rhode Island Department of Education or other state agency:

- Violations of state consumer protection laws (e.g., laws related to fraud or false advertising) will be referred to the Consumer Protection Unit within the Department of Attorney General and shall be reviewed and handled by that Unit.
- Violations of state laws or rules related to approval to operate or licensure of post-secondary institutions will be referred to the appropriate Division within the Department of Attorney General and shall be reviewed and handled by that Division.
- Complaints relating to quality of education or accreditation requirements shall be referred either to NEASC, the entity with primary responsibility for accreditation of Rhode Island institutions of higher education, or a specialized accreditor with oversight of particular programs.

Contact information: Rhode Island Department of Attorney General  
150 South Main Street  
Providence, RI 02903  
Telephone: (401) 274-4400  
Web: <http://www.riag.ri.gov>

#### *Accreditor Complaint Process*

NEASC responds to complaints regarding allegations of institutional conditions that raise significant questions about the institutions' compliance with the NEASC *Standards for Accreditation*. NEASC's *Policy and Procedures for the Consideration of Complaints against Affiliated Institutions* is available at [http://cihe.neasc.org/downloads/POLICIES/Pp11\\_Consideration\\_of\\_Complaints.pdf](http://cihe.neasc.org/downloads/POLICIES/Pp11_Consideration_of_Complaints.pdf).

Contact information: New England Association of Schools and Colleges  
Commission on Institutions of Higher Education  
3 Burlington Woods Drive, Suite 100  
Burlington, MA 01803-4514  
Telephone: (781) 425-7785  
Facsimile: (781) 425-1001  
Web: <http://cihe.neasc.org>

The ABA has designed a complaint process to bring to the attention of the ABA any facts and allegations that may indicate that an approved law school is operating its programs of legal education out of compliance with the *ABA Standards for the Approval of Law Schools*. Information on how to file a complaint is available at [http://www.americanbar.org/groups/legal\\_education/resources/accreditation/complaint\\_proceedures.html](http://www.americanbar.org/groups/legal_education/resources/accreditation/complaint_proceedures.html).

Contact information: Office of the Consultant on Legal Education  
American Bar Association  
321 N. Clark Street, 21<sup>st</sup> Floor  
Chicago, IL 60654  
Telephone: (800) 285-2221  
Web: <http://www.americanbar.org>

*Online Learning Complaint Information for Students and Prospective Students Residing Outside of Rhode Island*

Students and prospective students that reside outside of Rhode Island and are enrolled in or have contacted the University requesting information concerning admission to the University's Online Learning Program may also file complaints with their state approval or licensing entity and any other relevant state official or agency that would appropriately handle a student's complaint. Contact information for out-of-state agencies is available at <http://www.sheeo.org/sites/default/files/Complaint%20Process%20Links%202012-2012.pdf>.

## **IX. COPYRIGHT INFRINGEMENT POLICY FOR THE UNIVERSITY'S COMPUTER NETWORK**

Roger Williams University, including Roger Williams University School of Law ("University"), has developed this Copyright Infringement Policy for the University's Computer Network to effectively combat the unauthorized distribution of copyrighted materials by users of the University's network, without unduly interfering with educational and research use of the network.

### **What is copyright?**

Copyright is legal protection of intellectual property, in whatever medium, that is provided for by the laws of the United States to the owners of copyright. Types of works that are covered by copyright laws include, but are not limited to, literary, dramatic, musical, artistic, film, and multi-media works. Many people understand that printed works, such as books and magazine articles, are covered by copyright laws. However, they are not aware that the protection extends into software, digital works, and unpublished works and it covers all forms of a work, including its digital transmission and use.

### **What is the current law concerning digital copyright?**

The Digital Millennium Copyright Act ("DMCA"), signed into law in 1998, recognizes that digital

transmission of works adds complexity to the copyright laws. The DMCA provides non-profit educational institutions with some protections if individual members of the community violate the law. However, for the University to maintain this protection the University must expeditiously take down or otherwise block access to infringing material, whenever it is brought to the University's attention and whether or not the individual who is infringing has received notice.

It is important to note that the DMCA contains serious implications with respect to infringing activities of faculty, graduate students, undergraduate students, or staff who are performing teaching or research functions if the University has received more than two notices of infringement against an individual within a three-year period.

The unauthorized distribution of copyrighted material, including peer-to-peer file sharing, may subject an individual to civil and criminal liabilities. Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

### **Why is it an important issue right now?**

Copyright is an issue of particular seriousness because technology makes it easy to copy and transmit protected works over the University's network. While the University encourages the free flow of ideas and provides resources such as the network to support this activity, the University does so in a manner consistent with all applicable state and federal laws. The University does not condone the illegal or inappropriate use of material that is subject to copyright protection and covered by state and federal laws.

### **What kinds of activities violate federal law?**

Following are some examples of copyright infringement that may be found in a university setting:

- Downloading and sharing MP3 files of music, videos, and games without permission of the copyright owner;
- Using corporate logos without permission;
- Placing an electronic copy of a standardized test on a department's web site without permission of the copyright owner;
- Enhancing a departmental web site with music that is downloaded and artwork that is scanned from a book without attribution or permission of the copyright owners;
- Scanning a photograph that has been published and using it without permission or attribution as the background of a web site;
- Placing a number of full-text articles on a course web page that is not password protected, thereby making the web page accessible to anyone who can access the Internet;
- Downloading licensed software from non-authorized sites without the permission of the copyright or license holder; and

- Making a movie file or a large segment of a movie available on a web site without permission of the copyright owner.

### **Specifically, is sharing and downloading MP3 files and videos illegal?**

It is true that some copyright holders give official permission to download MP3 files and you might be able to find a limited number of videos that are not copyright protected. It is also true that some MP3 files are copyright free and some MP3 files can be legally obtained through subscription services. However, most MP3 and video files that are shared do not fall into any of these categories.

U.S. copyright laws allow you to create MP3s only for the songs to which you already have rights; that usually means you purchased the CD or tape. U.S. copyright laws also allow you to make a copy of a purchased file only for your personal use. Personal use does not mean that you can give a copy to other people or sell a copy of it.

### **How do you get caught violating copyright law?**

Copyright holders represented by organizations such as the Recording Industry Association of America, the Business Software Association, and the Motion Picture Association of America are applying serious efforts to stop the infringing downloads of copyrighted music, movies, and software. The companies or their agents locate possible copyright infringements by using automated systems or "bots" that search the networks looking to see if any of the common music, movie, or software sharing programs are active on a port (e.g. KaZaA, Gnutella). The bot then asks the sharing program if it has a music title by a particular artist. If the sharing program answers positively, the bot reports the particular IP address and title to an authority, who then sends out a violation notice to the owner of the IP address.

The University's network has a range of IP addresses, and all computers connected to the University's network have an IP address. When the University receives a violation notice, the University locates the IP address and whenever possible the user of that address. At that point, the University is required to act on the notification.

### **If the IP address leads to my computer, what happens next?**

Violation notices come to the University's Director of Information Technology from organizations that represent the artists and copyright holders. When the University receives such a notice, staff in IT look up the network IP address and stop network services to the port that is connected to the computer where the infringing material resides. At this point, the computer cannot use any University resources or Internet resources. Once the identity of the individual is known, the individual is notified that he or she must remove the infringing material from his or her computer and inform IT and the Office of Student Conduct and Community Standards if the individual is a Roger Williams University student, or the Dean of Students for the School of Law if the individual is a Roger Williams University School of Law student, of its removal before network access will be reinstated.

**First-time Notifications:** If this is the first notification that the University has received on an individual, IT will temporarily disable the network port of the offending PC. The offending individual must verify that the infringing material has been removed from the computer and sign a certification document. Once this is done, the network connection will be reinstated and the computer can return to the network. A report about the violation of copyright will be sent by IT to the Office of Student Conduct and Community Standards if you are a Roger Williams University student; the Dean of Students for the School of Law if you are a Roger Williams University School of Law student; to your senior administrator and Human Resources if you are staff; and to your department chair and Dean or Provost if you are faculty.

**Second Notification Process for Students:** If students are found in violation a second time, their privileges to access the network from their personal computers, either through a wired port or through wireless, will be denied for two weeks. If it is subsequently determined that a student did not violate a copyright, the network connection will be allowed. When second infringements have occurred, the Office of Student Conduct and Community Standards will be notified if the student is a Roger Williams University student and the Dean of Students for the School of Law will be notified if the student is a Roger Williams University School of Law student. Appropriate action may also be taken within the University's disciplinary process, and a letter of disciplinary action may be entered into the student's record. If the student tries to connect his/her computer to the Internet from a University port that is assigned to someone else, through an open port in a classroom, or through the wireless service, further disciplinary action may take place. During this two week period, students will be allowed to access the Internet only from University computers.

**Subsequent Notification Process for Students:** If students are found in violation a third time, their privileges to access the network from their personal computers will be denied for a full semester. If it is determined that a student did not violate a copyright, the network connection will be allowed. These subsequent infringements also will be reported to the Office of General Counsel, the Office of Student Conduct and Community Standards if the student is a Roger Williams University student, and the Dean of Students for the School of Law if the student is a Roger Williams University School of Law student, and will result in action taken within the University's disciplinary process. If the student tries to connect to the Internet from a University port that is assigned to someone else, through an open port in a classroom, or through the wireless service, further disciplinary action may take place. During the period when students cannot connect a personal computer to the network, students will be allowed to access the Internet only from University computers. Additional infringements will result in permanent loss of network privileges and/or referral of the student's name to the appropriate authorities for civil or criminal prosecution.

**Second Notification Process for Faculty and Staff:** Faculty and staff who are engaged in teaching and research functions are expected to understand and act in accordance with applicable copyright laws. The University is obligated to exercise greater responsibility to address instances of repeated infringing activity by these individuals. There are potentially serious implications for both the individual and the University if the University receives more than two notices of infringement against an individual within a three-year period. For this reason, in an instance of a second notification of an individual's infringing activities the University's Office of General Counsel is also notified of the infringement, and a meeting with the relevant administrators will be held to determine the action(s) to be taken.

**What are some legal alternatives for downloading or otherwise acquiring copyrighted material?**

The Internet offers a variety of legal alternatives for downloading or otherwise acquiring copyrighted material, including Amazon, iTunes, and Pandora. The following website contains links to legitimate online services: <http://www.educause.edu/legalcontent>.

The University will, in consultation with its Chief Information Officer or other designated officer, periodically review the legal alternatives for downloading or otherwise acquiring copyrighted material, make available the results of the review to students, and to the extent practicable offer legal alternatives for downloading or otherwise acquiring copyrighted material.

**What are the University's procedures for reviewing the effectiveness of this Policy?**

The University will periodically review the effectiveness of this Policy using relevant assessment criteria. Such criteria shall include an inquiry into whether the University is following best practices, as developed by similarly situated institutions that have devised effective methods to combat the unauthorized distribution of copyrighted material.

## **X. BULLETIN BOARD POLICY**

Officially recognized Law School student organizations may place posters and announcements on Administrative/Student Announcement bulletin boards within the Law School. Posters that are commercial in nature or those posted by outside organizations are permitted only on the boards designated General Announcements. General Announcement boards are located in the locker room on the ground level of the Law School. Individual boards assigned to administrative offices, generally located behind glass outside of administrative offices, are not covered by this policy.

Outside organizations may request permission from the Dean of Students or the Associate Dean to post on Administrative/Student Announcement bulletin boards. Permission will be granted on a case by case basis.

### **LIMITATIONS**

- All postings must list the name of the sponsoring organization and contact information (such as a contact person's email address). Posters which do not include identifying information will be removed.
- No posting may exceed 11 by 17 inches in size.
- Posters are limited to one per bulletin board. Posters should be affixed to bulletin boards with thumbtacks, push pins or magnets and should be placed so they do not block or otherwise interfere with adjacent posters.
- Posting is limited to designated bulletin boards and is prohibited on the exterior of any building, on windows, doors and walls and may not interfere with any public exit.
- Advertisements and posters should not contain language relating to alcohol specials or promotions (e.g. drink or pitcher specials, kegs).
- Advertisements must not contain vulgar, obscene, and/or discriminatory statements as determined by the Dean of Students and/or the Associate Dean of Academic Affairs.
- Notices and announcements should not be posted for longer than two weeks.
- All forms of advertising are subject to the approval and revision by the Dean of Students and/or the Associate Dean of Academic Affairs.
- Notices that do not conform to these guidelines may be removed.

## **PART TWO. ACADEMIC CODE OF ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW**

### **ARTICLE ONE. PROGRAM**

#### **Section 101. Definitions.**

As used in this Code:

- (a). "Academic Standards Committee" means the Academic Standards Committee of the School of Law as appointed by the Dean.
- (b). "Associate Dean" means the Associate Dean for Academic Affairs or appointed delegate.
- (c). "Dean" means the Dean or appointed delegate.
- (d). "Dean of Admissions" means the Associate Dean for Enrollment and Strategic Initiatives.
- (e) "Dean of Students" means the Associate Dean for Student Life and Operations.
- (f). "Law school" or "School of Law" means Roger Williams University School of Law.
- (g). "Full time student" means any student who is enrolled in twelve or more semester hours of course work.

#### **Section 102. Petitions.**

Unless otherwise specified, petitions authorized by this Code must be filed with the Associate Dean on a [Dean's Variance Form](#). Unless otherwise specified, appeals from the denial of such petitions shall be heard by the Dean.

#### **Section 103. Years Allowed for Completion of Degree Requirements.**

Under normal circumstances, full-time students must complete all degree requirements within three years after initial matriculation. Any petition for variance from the normal time limit must be approved by the Associate Dean. All degree requirements must be completed no earlier than 24 months and no later than 84 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.

#### **Section 104. Graduation Requirements – J.D. Program**

The academic requirements for graduation from the J.D. Program are as follows:

- (a). *Grade Point Average*. A 2.2 cumulative grade point average is required for graduation.
- (b). *Required Courses*. Candidates for graduation must have successfully completed each course required for graduation. The courses required for graduation are:

LAW 600 Civil Procedure I  
LAW 601 Civil Procedure II

LAW 604 Contracts I  
LAW 605 Contracts II  
LAW 623 Criminal Law  
LAW 627 Criminal Procedure: Investigation  
LAW 610 Legal Practice I  
LAW 611 Legal Practice II  
LAW 646 Legal Practice III\*  
LAW 622 Property  
LAW 616 Torts I  
LAW 617 Torts II  
LAW 639 Constitutional Law I  
LAW 760 Constitutional Law II  
LAW 645 Evidence  
LAW 655 Professional Responsibility  
LAW 635 Business Organizations  
LAW 825 Race and the Foundations of American Law  
LAW 889 Applied Legal Reasoning\*\*

\*The Legal Practice III course requirement is waived for students who have a class rank in the top 25%, as determined at the end of their first semester or at the end of their first year.

\*\*Upon petition, the requirement to take Applied Legal Reasoning can be waived by the Associate Dean.

(c). *Experiential Education Requirement.* In addition, each student must complete the Experiential Education Requirement, which may be satisfied by taking any course or courses designated as “Experiential Education” for a total of at least six credits. For purposes of satisfying this requirement, Legal Practice III shall be designated as an Experiential Education course and be counted toward the six-credit requirement. In addition, an in-house clinical program, a field clinic, the fieldwork component of a clinical externship program, and any additional course designated by the Associate Dean as an Experiential Education course shall be counted as toward the six-credit requirement.

(d). *Credit Hours.* Ninety (90) semester hours of passing course work are required for graduation.

(e). *Writing Requirement.* Must be completed as required under section 106.

(f). *Pro Bono Experiential Learning Requirement.* Must be completed as required under Section 107.

### **Section 105. Graduation Requirements – M.S.L. Program**

(a). *Required Courses.* The following courses are required for completion of the Master of Studies in Law:

- Introduction to the Study of Law
- One First Year Required Course
- Capstone Seminar/Directed Research

(b). *Credits.* To obtain the MSL degree, a student must earn a grade of “Proficient” or better in thirty (30) credits of course work.

## **Section 106. Graduation Writing Requirement.**

In order to graduate, every student, under the direct supervision of a professor or director of an institute, must write an individually authored paper that reflects substantial legal research; presents a legal argument that is well-developed, organized, and supported; is at least 5500 words long; and is of sufficient quality to earn a grade of “C” or higher. With the approval of the supervising professor or director, students may also submit shorter papers totaling 5500 words, as long as each paper is at least 1500 words long and meets these requirements.

Students should work closely with the supervising professor or director in completing this paper or papers, submitting preliminary drafting stages, such as a thesis statement, an outline, and a first draft. At each stage, the supervising professor or director should provide thorough feedback on the student’s work.

The graduation writing requirement may be fulfilled by: (a) a directed research paper or papers under Section 211 of this Code, (b) a paper or papers submitted in a seminar or course in which the paper or papers in total count for at least one-half of the final course grade, or (c) a paper supervised by a professor or director submitted to acquire or maintain Law Review membership.

Examples of formats that would fulfill the graduation writing requirement are an academic-style paper, a legal brief, a research or bench memo, or a judicial opinion.

Students must obtain written certification that they completed the graduation writing requirement from the supervising professor or director or, for papers supervised in an adjunct-taught seminar, from the Associate Dean. Students shall submit the [Certification of Graduation Writing Requirement](#) to the supervising professor or director at the same time they submit the final version of the paper or papers for which they seek to satisfy the requirement. Students are responsible for ensuring that a certification form signed by the supervising professor or director is delivered to the Office of Student Finance and Records well in advance of their graduation date. To ensure uniformity in the treatment of the papers supervised by adjunct faculty in seminars, the Associate Dean will review the papers before they are certified as satisfying the requirement.

## **Section 107. Pro Bono Experiential Learning Requirement.**

Prior to graduation each student must engage in fifty (50) hours of law-related pro bono work. All work satisfying this requirement must be donated; neither monetary compensation nor academic credit may be exchanged for this work. Pro bono work, as used in this section, means working with indigent clients, non-profit organizations (including, but not limited to 501(c)(3) organizations), public interest groups, the judiciary, government, and private practitioners handling pro bono cases. The law school’s Associate Director of Pro Bono Programs will oversee the placement of students in pro bono opportunities and will certify satisfactory completion of this requirement. Every graduating student must complete his or her pro bono work no later than thirty (30) days in advance of the anticipated graduation date in order to allow for processing.

## **ARTICLE TWO. ENROLLMENT**

### **Section 201. Course Load.**

(a). *Full-Time Enrollment.* Normally, full-time students will enroll in 14 to 16 credit hours per semester. A full-time student is not permitted without advanced approval from the Associate Dean to register for

more than 16 credits or fewer than 12. Permission may not be granted to register for more than 18 credits per semester.

(b). *Part-time Enrollment.* Normally, part-time students will enroll in 6 to 9 credits per semester. A part-time student is not permitted without advanced approval from the Associate Dean to register for more than 11.5 credits or fewer than 6 credits.

## **Section 202. Credit Hour Calculation Policy.**

### Introduction

Standard 310(a) of the American Bar Association Standards and Rules of Procedure for Approval of Law Schools requires that: “A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.” The following policies and procedures are intended to comply with Standard 310.

The Law School shall determine credit hour for coursework and other academic activity in the manner set forth herein. The determination largely depends on the classification of the academic activity in question, in the manner described below.

### I. Calculating Classroom Or Direct Faculty Instruction Credit Hours

(a). According to Standard 310(b)(1): A credit hour is an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.

(b). Fifty minutes suffices for one hour of classroom or direct faculty instruction. An “hour” for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination. In-class time for the fifteenth week must be accounted for, either through time dedicated to a final examination or through time for additional instruction.

(c). The Law School may award credit hours for coursework that extends over any period of time, if the coursework entails no less than the minimum total amounts of classroom or direct faculty instruction and of out-of-class student work.

(d). If a comprehensive final exam is given (in class or take-home), it shall be scheduled during the examination period. Typically, the duration of an exam will be at least 60 minutes per credit. However, this is not an exact requirement. For example, several four credit courses finish the course with a three hour exam. This takes into account the additional time required for a student to prepare for an exam in a four-credit course. If multiple assessments are given throughout a course, the allotted time for the aggregate of the assessments, including the final examination, must total at least 60 minutes per credit or the reasonable equivalent. Faculty members may, at their discretion, require additional time for completion of an examination. For example, some three credit courses finish the course with a take-home exam 24 hours or more.

(e). Summary:

(i). In terms of total time, 42.5 hours per credit is required: 15 “hours” in class (50 minute “hours”) and twice that – 30 hours – out of class (60 minute hours).

(ii). Classes in which a final exam is scheduled should include 42.5 hours per credit spent in class, preparing for class (reading or completing class assignments or assessments), and preparing for and taking an exam.

(iii). Classes in which a paper or papers is required should include 42.5 hours per credit of time spent in class, preparing for class (reading or completing class assignments or assessments), and researching and writing the required paper(s). This includes seminar courses.

(iv). For courses that do not meet on a weekly basis, the total hours of classroom and out-of-class student work shall total at least 42.5 hours per credit.

(v). Any faculty member who must miss a regularly scheduled class session for any reason must schedule a make-up class of equal time, live or on-line.

## II. Calculating Out-Of-Class Student Work Hours

(a). Out-of-class student work may include, but is not limited to: reading assignments, additional reading of treatises and course related materials, case briefing, written assignments other than examinations, problem sets, participating in out-of-class simulations and role playing exercises, research assignments, posting to an on-line discussion board, court or other observations, meetings with the instructor, practice questions and practice exams, CALI exercises, participating in study groups, review sessions, and other work that assists in the comprehension of course content, such as outlining and studying for examinations. The criteria for estimating out of class work will be set by the Faculty.

(b). All faculty shall submit their syllabi to the Associate Dean. In so doing, the course instructor certifies that the class time and outside work reasonably approximates the requirements of Standard 310(b)(1).

(c). The Associate Dean shall keep all course syllabi on file and review them on a regular basis to determine whether assignments and outside work complies with Standard 310(b)(1).

## III. Calculating Credit Hours For Online Learning Classes

(a). Students may receive credit to the extent allowed by ABA Standards for online learning courses that are in compliance with ABA Standards.

(b). Online learning courses shall require at least 42.5 hours of student work per credit, consistent with Standard 310(b)(1).

(c). The Associate Dean shall collect and review online learning course syllabi on a regular basis to determine whether such courses comply with Standard 310(b).

## IV. Calculating Credit Hours for Clinics, Externships, and Semesters-in Practice

(a). According to Standard 310(b)(2): A credit hour is an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. However, there is no minimum requirement amount of in-class instruction required. Compliance with Standard 310(b)(2) requires instead “at least an equivalent amount of work as required in [Standard 310(b)(1)].”

(b). The requirement of 42.5 hours per credit may include time spent in class, performing field placement or clinic work, preparing for class or completing class assignments (e.g., reflective writing assignments), and preparing for and taking an exam, if applicable. Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c). Students enrolled in clinical courses, externships, and semesters-in practice must complete required hours in accordance with established clinic, externship and semester-in practice policies. Credit may be withheld for any student who fails to comply with this requirement.

#### V. Calculating Credit Hours For Independent Research Projects or Directed Study

(a). A student may earn up to two units of academic credit per semester and up to four units of academic credit in total through a directed research project under the supervision of a full-time faculty member or a director of an institute. To earn directed research credit, a student must submit an individually authored paper to the supervising professor or director. Students must complete the equivalent of 42.5 hours of work per credit. As a general rule, one credit may be awarded for a paper that is at least 3000 words long; two credits may be awarded for a paper that is at least 5500 words long. With the approval of the supervising professor or director, students may write more than one shorter paper to receive these credits, as long as each paper is at least 1500 words long and the total word count of the papers meets the 3000 or 5500 word requirement. The student and supervising professor or director must agree in advance on the number of credits to be earned for any semester and on other details of the project. The student must then register for the number of directed research credits to be earned for that semester. The supervising professor or director is to submit a letter grade for the student upon completion of the project.

(b). For students undertaking an Independent Research Project or Directed Study, the supervising faculty member shall submit to the Registrar a form at the end of the project, certifying that based on the work product of the student, the faculty member estimates that the student worked at least 42.5 hours per credit awarded. The Registrar's office will retain the forms. Credit may be withheld for any student who fails to comply with this requirement.

#### VI. Calculating Credit Hours For Journal and Law Review Participation

(a). Students must complete a minimum of 42.5 hours of work per credit.

(b). The criteria for estimating Law Review work will be set by the Faculty Advisor(s) of the Law Review.

#### VII. Calculating Credit Hours For Co-Curricular Competitions (e.g., Moot Court, and Trial Advocacy Competitions)

(a). Students may participate in co-curricular competitions without receiving credit. If the student wishes to receive academic credit, the student shall do so through an Independent Research Project.

(b). Students must complete a minimum of the equivalent of 42.5 hours of work per credit. As in V.B, the supervising faculty member shall submit to the Registrar a form at the end of the competition, certifying that based on the work product of the student, the faculty member estimates that the student worked at least 42.5 hours per credit awarded. The Registrar's office will retain the forms. Credit may be withheld for any student who fails to comply with this requirement.

## VIII. Course Approval

- (a). All proposals for new courses must include a paragraph justifying the number of credits to be awarded, including a description of both classroom hours and the estimate of out-of-class work. The Curriculum Committee must assess this information when determining how many credit hours should be granted for the course or other academic activity. In approving new courses, the Curriculum Committee will determine whether the number credits to be awarded complies with Standard 310(b).
- (b). The Chair of the Curriculum Committee and the Associate Dean shall keep these forms on file.

### **Section 203. Other Academic Programs.**

A student is not allowed to take course work in another academic program (including a joint degree program) or become a visitor or auditor or enroll in any other school, college, university, institute, law school, or other program without the advanced written permission of the Associate Dean. Students may only receive academic credit for courses taken at the graduate level.

### **Section 204. Permission to Visit.**

A student enrolled in the School of Law may request permission to attend another law school approved by the American Bar Association as a visiting student. Permission may be granted by the Associate Dean only when the circumstances necessitating the request are extraordinary and beyond the control of the student and where denial of the request would result in substantial personal or family hardship.

### **Section 205. Approval of Visitation.**

A student who wishes to visit during summer session or during the academic year must file a written petition to visit with the Associate Dean. Except for emergency situations, the petition must be filed at least sixty (60) days prior to the date of the first date of classes of an academic year or fourteen (14) days prior to the summer session in which the student wishes to visit. Permission shall not be granted to take a course required for graduation from Roger Williams University School of Law.

### **Section 206. Visiting Status.**

(a). *Course Loads During Visitation.* A student may not take a course load in another law school upon visitation that exceeds the maximum course load authorized by Section 201 of this Code.

(b). *Unapproved Visitation.* Transfer credits from any period of visitation that was not approved in advance by the School of Law will not be allowed toward residency or toward the required number of credit hours for graduation.

(c). *Reporting of Grades for Visiting Students.* The School of Law will accept transfer credits for courses only if approved in advance and only if the grade is a C or above. All passing grades received from other law schools relating to work performed by visiting students from the School of Law will be reported as "Pass" for purposes of students at this School of Law. All failing grades will be reported as "F" or failing for purposes of students at this School of Law. These Pass/Fail grades will not be counted toward the limitation on Pass/Fail grades (Section 213).

### **Section 207. Outside Employment.**

First year full-time students are strongly encouraged not to undertake employment outside of the law school and in no event more than twenty hours of employment per week during the academic year, including employment both inside and outside of the law school. Upper level full-time students are strongly encouraged not to undertake employment of more than 20 hours per week during the academic year, including employment both inside and outside of the law school.

### **Section 208. Summer Term.**

The School of Law conducts a summer term. A normal academic course load for any student in summer school is three to six academic credits. A student is not permitted to register for more than six academic credits, not including credits for the fieldwork component of a clinical externship, without the prior approval of the Associate Dean. A student on academic probation may not register for the summer term without prior approval of the Associate Dean.

### **Section 209. Auditing Courses.**

(a). *Registration.* Prior to the end of the Add/Drop period, a student may register to audit an elective course with permission of the instructor if the Associate Dean certifies that space is available and an overload for the student would not result. The Associate Dean may grant a written request for a change from a credit to an audit enrollment at any time after Add/Drop and within six weeks of the beginning of the term. A student may not change a course from a credit to an audit enrollment if the change will result in less than 12 credit hours. Tuition for auditing is calculated on the same basis as courses taken for credit.

(b). *Course Requirements.* Attendance requirements must be met or a grade of "W/F" will be entered. An audited course may not subsequently be taken for credit. A grade of "AU" "Audit" will be awarded. Audited courses are not included in calculating graduation requirements.

### **Section 210. Non-Classroom Credit.**

(a). *Minimum Grade Point Average.* Any student whose cumulative grade point average is less than 2.0 may not register for non-classroom credit.

(b). *Limitations.* A student may receive no more than nineteen credits for non-classroom credit.

(c). *Roger Williams Law Review.* A member of the Roger Williams Law Review may earn either one or two ungraded "pass" academic credits per semester up to a cumulative total of four academic credits for satisfactory participation in the work of the Law Review. The Faculty Advisor to the Law Review must certify the award of academic credit to a member for any particular semester.

(d). *Competitions.* A student who competes in an external competition representing the law school may earn either one or two academic ungraded (pass) credits per semester up to a cumulative total of three academic credits for satisfactory participation in external competitions. The Director of Competitions, after consulting with the faculty coach, must certify the award of academic credit to a competitor for any particular semester.

(e). *Directed Research.* Directed Research is a type of non-classroom credit included within the limitations set forth in section 211 hereafter.

(f). *Clinical Externship Program*. The fieldwork component of a clinical externship program is a type of non-classroom credit included within the limitations set forth in section 210(b).

### **Section 211. Directed Research.**

A student may earn up to two units of academic credit per semester and up to four units of academic credit in total through a directed research project under the supervision of a full-time faculty member or a director of an institute. To earn directed research credit, a student must submit an individually authored paper to the supervising professor or director. As a general rule, one credit may be awarded for a paper that is at least 3000 words long; two credits may be awarded for a paper that is at least 5500 words long.

With the approval of the supervising professor or director, students may write more than one shorter paper to receive these credits, as long as each paper is at least 1500 words long and the total word count of the papers meets the 3000- or 5500-word requirement.

The student and supervising professor or director must agree in advance on the number of credits to be earned for any semester and on other details of the project. The student must then register for the number of directed research credits to be earned for that semester. The supervising professor or director is to submit a letter grade for the student upon completion of the project.

### **Section 212. Clinical Credit.**

(a). *Total Number of Clinical Credits*. A student may receive up to twenty (20) credits for participating in a School of Law clinical program. These credits may include credits for participating in an in-house clinical program, an advanced clinic, or the fieldwork component of a clinical externship program. A student may enroll in two traditional clinical externships in separate semesters, in two in-house clinics in separate semesters, in one traditional clinical externship and one in-house clinic in separate semesters, or in one Semester-in-Practice Clinical Externship (for twelve credits of fieldwork) and one in-house clinic in separate semesters. If the student can do so without exceeding the twenty-credit limitation imposed by this rule, a student may also earn two credits in an advanced clinic.

(b). *Clinical Externship Program*. No student may receive more than twelve credits for the fieldwork component of a clinical externship program.

(c). *In-House Clinical Program*. No student may receive more than sixteen academic credits for participating in an in-house clinical program, nor more than two academic credits for participating in an advanced clinic.

(d). *Eligibility*. Any student whose cumulative grade point average is less than 2.00 may not register for any clinical program.

(e). *Grading*. Clinical courses will be graded in accordance with the grade structure set forth in Section 402 of this Code. The fieldwork component of a clinical externship program will be graded on a pass/fail basis with a "P" for pass or an "F" for failure.

### **Section 213. Limitation On Pass/Fail Credits.**

A student may not undertake more than nineteen credits of coursework with Pass/Fail grading.

## **ARTICLE THREE. WITHDRAWAL.**

### **Section 301. Add/Drop Period.**

A student may add or drop from an elective course at any time within the time period designated for add/drop, or in the case of a course that begins beyond that date within three days of the first class meeting, by filing a drop request with the Office of Student Finance and Records. After the add/drop period, a student must file a petition with the Associate Dean for approval to withdraw from any elective course without academic penalty.

### **Section 302. Withdrawal from Courses.**

Permission to withdraw from one or more courses after the add/drop period is not automatic. A student should not stop attending classes without Associate Dean approval. Permission from the Associate Dean is required to withdraw from all courses after the add/drop period.

- (a). A student may not withdraw from a required course at anytime without permission from the associate dean.
- (b). In a course in which students are assigned substantial presentations, simulations or group work, a student may withdraw only with the permission of both the instructor and the Associate Dean. Normally, such permission will not be given.
- (c). In an externship or clinical course, a student may withdraw only with the permission of both the instructor and the Associate Dean. The rights of clients will be a paramount consideration.
- (d). *Consequences of Withdrawal.* Ordinarily, a course from which a student has been permitted to withdraw shall remain on the student's transcript with an entry of "W."
- (e). *Appeal.* If the Associate Dean denies a request for withdrawal from any course, the student may file a written petition with the Dean not later than five days following the date of the Associate Dean's denial. The petition should substantially conform to Form AC Three.
- (f). *Report of "W/F" for Unauthorized Withdrawal.* The Associate Dean shall cause to be recorded a "W/F" for any course dropped by any student without approval after the end of the drop-add period.

### **Section 303. Withdrawal From School.**

- (a). *Notice of Withdrawal.* A student who wishes to withdraw from all courses must submit a withdrawal form to the Office of Student Records & Finance. No student may withdraw after the examination period begins or while grades for academic standing are pending. Students are responsible for notifying the School of Law if they plan to withdraw. Non-attendance or non-payment does not constitute official withdrawal or course drop.
- (b). *Withdrawal Presumed.* A student who does not attend any regularly scheduled classes for a period of more than the permitted number of absences and who has not been granted leave of absence is presumed to have withdrawn from the School of Law and is ineligible to return to the School of Law unless granted Reactivation of Enrollment under Section 307.

**Section 304. Tuition Refund Policy.**

Students who withdraw from school will have their tuition (less non-refundable deposits) adjusted in accordance with the schedules set forth below. All fees charged by the law school are non-refundable.

Tuition Refund During the Fall or Spring Semester

Before Orientation for the student's entering class	100%
By the end of the first week of classes	80%
By the end of the second week of classes	60%
By the end of the third week of classes	40%
By the end of the fourth week of classes	20%
After the fourth week of classes	0%

During the Summer Session

Prior to the first-class meeting	100%
Prior to the second class meeting	75%
Prior to the third class meeting	50%
Prior to the fourth class meeting	25%
After the fourth class meeting	0%

**Section 305. Leave of Absence.**

(a). *Leave of Absence.* A student who must withdraw from all classes for good cause, including illness of the student, death or illness of a family member, job change, active duty assignment in the armed forces, or for other reasons, may request permission for a Leave of Absence from the Associate Dean on a Dean's Variance Form. Supporting documentation will be required. In granting a Leave of Absence, the Associate Dean may impose requirements for a student's return to classes.

(b) *Period of Leave.* A Leave of Absence will normally be granted for a period of one academic semester. A student may submit a written request for an extension for an additional consecutive semester.

(c). *Ineligible to Take Courses While on Leave.* A student may not register for any course work while on leave of absence, but may make up any deferred final examinations or complete any deferred incomplete seminar papers, course papers, or directed research papers outstanding on the date he or she is granted a leave. Students on leave are not considered actively enrolled for institutional purposes and reporting.

**Section 306. Emergency Suspension from the School of Law.**

In emergency situations, the Dean, the Associate Dean for Academic Affairs, or the Dean of Students or, in their absence, their designees, may suspend a student on an interim basis. Such suspension will occur if, in the judgment and sole discretion of the applicable Dean or designee, the student constitutes a danger to themselves, others, or property.

If an interim suspension is imposed, the School will notify the student of this fact and of the right to appear before the applicable Dean or designee to demonstrate that continued presence in the School of Law does not constitute a danger. Such a meeting shall be scheduled as soon as practical after receiving the student's request. The applicable Dean or designee, in their judgment and sole discretion, may maintain or lift the suspension.

**Section 307. Reactivation of Enrollment.**

(a). *General.* A student who has withdrawn from the law school may petition for Reactivation of Enrollment by submitting a letter to the Associate Dean of Academic Affairs.

(b). *Form and Style of Petition.* The Petition shall be by letter to the Associate Dean of Academic Affairs and shall include an explanation of the reason for withdrawal, information about the candidate’s time away from the law school, and reasons for seeking to return. The candidate must provide an updated Character and Fitness disclosure to their original application for admissions and shall include academic transcripts for any course work completed. The petitioner may include supporting documents as appropriate and relevant.

(c). *Time for Filing Petition.* The application for Reactivation shall be received at least 45 days prior to the academic term for which reactivation is sought.

(d). *Reactivation Committee.* Petitions for Reactivation shall be evaluated by a Reactivation Committee that will evaluate the candidate for Reactivation, including a determination regarding academic standing and scholarship. The Committee reserves the right to have the candidate complete the full admissions process for new or transfer students. The Reactivation Committee shall include the Associate Dean of Academic Affairs, the Dean of Students, The Dean of Admissions or designee, Faculty Chair of the Admissions Committee, and the Registrar.

(e). *Eligibility.* Only students in good academic standing at the time of withdrawal are eligible for Reactivation of Enrollment. A student who was academically dismissed or who had a cumulative GPA below the standard for academic advancement is ineligible for Reactivation of Enrollment and must apply for Reinstatement under Section 704 or Readmission under Section 713 as appropriate.

**ARTICLE FOUR. GRADES.**

**Section 401. Reporting Grades.**

Instructors shall report all course grades to the Office of Student Finance and Records within thirty (30) days of the administration of the course examination, except for the grades of students whose anonymous numbers have been identified as graduating students which grades shall be completed by the date established by the School of Law for submission of grades for graduating students for that term.

**Section 402. Grading System – J.D. Program**

The School of Law grade structure for all course work is as follows:

A = 4.00	C = 2.00	NC = no credit
A- = 3.67	C- = 1.67	W = withdraw
B+ = 3.33	D+ = 1.33	WF = withdraw/fail
B = 3.00	D = 1.00	AU = audit only
B- = 2.67	D- = 0.67	I = incomplete
C+ = 2.33	F = 0.00	P = pass

**Section 403. Grading System – M.S.L. Program**

(a). Course work for students in the Master of Studies in Law program will be graded separately from

J.D. students, using an Honors/ Good/Proficient/Unsatisfactory system.

(b). The Faculty contemplates that work completed by students in the program will ordinarily be sufficient to earn a grade of “Good,” while recognizing that an individual’s performance in a given course may fall above or below that standard.

(c). To obtain the M.S.L. degree, a student must earn a grade of “Proficient” or better in 30 credits worth of course work.

(d). A faculty member will receive a separate roster for MSL students in the class. When reporting the final grade, the faculty member will enter a grade of Honors, Good, Proficient, or Unsatisfactory and submit those grades to the Office of Student Finance and Records. The Office will then translate the grade for the student’s transcript: Honors = A; Good = B+; Proficient = B-; Unsatisfactory = F. The transcript will reflect that the student received those letter grades, but there will be a notation at the bottom of the transcript indicating that A = Honors, B+ = Good, B- = Proficient, and F = Unsatisfactory.

#### **Section 404. Grade Normalization.**

The law faculty has adopted a two-tiered grade normalization policy for graded courses. Under this policy, a faculty member who is teaching one of the primary required courses (Civil Procedure, Contracts, Property, Torts, Criminal Law, Legal Practice I and II) must distribute grades so that the mean or average grade for the class falls within the range of 2.65 to 2.85. A faculty member teaching one of the secondary required courses (Constitutional Law, Criminal Procedure: Investigation, Evidence, Race and the Foundations of American Law, Professional Responsibility, Business Organizations, and Legal Practice III,) must distribute grades so that the mean or average grade for the class falls within the range 2.80 to 3.10. Faculty whose grades fall outside those limits are required to request a variance from the Associate Dean before grades are distributed.

#### **Section 405. Pass-Fail Grading.**

In a course designated pass/fail, a grade of "P" (Pass) is assigned if the student satisfactorily completes the course. A grade of "P" in a pass-fail course does not have a grade point value, but is intended to reflect work equivalent to the letter grades of "A" through "C". "NC" means that no credit is received for the course. A grade of "NC" in a pass-fail course is intended to reflect work equivalent to the letter grades "C-" through "D-". A grade of "F" (Fail) in a pass-fail course is treated as if it were a letter grade of "F". Courses taken on a pass-fail basis that are passed shall not be considered in computing a student’s grade point average.

#### **Section 406. Incomplete Grades.**

A grade of “I” (Incomplete) may be assigned for a good cause as determined by the instructor. The instructor must submit a final grade reflecting the completed work at the conclusion of the semester or session following the semester or session for which the Incomplete was recorded. The Office of Student Finance and Records will automatically convert the "I" grade to the grade of "F" if a change of grade has not been submitted by the instructor on or before the last day that grades are due for the semester or session following the semester or session for which the Incomplete was recorded.

### **Section 407. Failing Grades.**

If a student fails a required course, the course must be repeated until successfully completed. Prerequisite courses must be passed prior to enrollment in an advanced course.

### **Section 408. Grading of Retaken Courses Due to Grade of "F".**

(a). *Required Courses.* When a student fails a required course, that "F" is recorded and becomes part of the Grade Point Average calculations. The student must repeat the course and obtain a passing grade. The "F" will not be removed from the transcript. The new grade for the failed course will be shown on the transcript as repeat work and will be used as the grade for the course to calculate the Grade Point Average.

(b). *Elective Courses.* When a student fails an elective course, an "F" is recorded and becomes part of the Grade Point Average calculations. If the student elects to repeat the course, the "F" will not be removed from the transcript and the new grade for the failed course will be shown on the transcript as repeat work and will be used as the grade for the course to calculate the Grade Point Average.

### **Section 409. Cumulative GPA.**

The cumulative grade point average is calculated by totaling up the GPA points for each class attempted and then dividing by the number of earned credits. The grades are as described in Section 402 of this code. Grade point averages are calculated to the third or thousandths decimal place and are not rounded upward or downward. Grade point averages are calculated for every student upon the submission of course grades for each semester and summer term, where applicable. Courses taken on a pass-fail basis that are passed shall not be considered in computing a student's grade point average.

### **Section 410. Class Rank.**

(a). *Timing of Ranking.* Students will be ranked after spring semester grades are finalized. Students who have earned more than 30 academic credits will be ranked in the rising third year class. Students who have earned between 24 and 30 academic credits will be ranked in the rising second year class. Students who have earned fewer than 24 academic credits will not be ranked. July and December graduates will be assigned a final class rank with the graduating class in the following spring.

(b). *Ranking Process.* Only students in the top half of each class will receive an official class rank that will appear on academic transcripts. The grade point average for the 50<sup>th</sup> percentile will be published at the time that rankings are released.

### **Section 411. Grade Changes.**

(a). *General Rule.* Course grades submitted by an instructor are final when received by the Office of Student Finance and Records and may not be changed by the instructor except as prescribed below.

(b). *Instructor's Application for Change of Grade.* An instructor may apply to the Associate Dean for change of grade for good cause. Good cause is limited to clerical error in recording a grade, egregious error in grading, or other like circumstances.

(c). *Student's Application for Change of Grade.* A presumption of regularity and impartiality attaches to the grades recorded by instructors at the School of Law, particularly in a course in which a grade was

assigned on the basis of an anonymous grading system. A student may apply for a change of grade only on the grounds that a grade was awarded on a basis other than the work done by the student in the course. The burden of proof is on the student to prove the allegations. A student desiring to petition for a grade change must complete a petition substantially in accordance with Form AC Two, contained in the Appendix. A petition under this section must be filed within 30 days of the report of the grade in question. In any instance in which the Associate Dean for Academic Affairs receives a student's petition for change of grade, the Associate Dean will promptly notify the instructor who submitted the original grade.

#### **Section 412. Graduation Honors (JD)**

(a). *Summa Cum Laude*. A summa cum laude graduate must have a cumulative grade point average of 3.75 or higher as of commencement and must have completed all academic work required for receipt of degree.

(b). *Magna Cum Laude*. A magna cum laude graduate must have a cumulative grade point average of at least 3.50 but less than 3.75 as of commencement and must have completed all academic work required for receipt of degree.

(c). *Cum Laude*. A cum laude graduate must have a cumulative grade point average of at least 3.25 but less than 3.50 as of commencement and must have completed all academic work required for receipt of degree.

(d). *Valedictorian*. In order to qualify as class valedictorian, a student must have earned at least 70 graded credits at Roger Williams University School of Law.

#### **Section 413. Graduation Honors (MSL)**

To obtain the M.S.L. degree, a student must earn a grade of "Proficient" or better in 30 credits worth of course work. M.S.L. students who complete at least nine credits of course work with a grade of "Honors" and the rest "Good" shall receive the M.S.L. degree *cum laude*; those who complete at least 15 credits of course work with a grade of "Honors" and the rest "Good" shall receive the M.S.L. degree *magna cum laude*; and those who complete at least 24 credits with a grade of "Honors" and the rest "Good" shall receive the M.S.L. degree *summa cum laude*."

### **ARTICLE FIVE. EXAMS.**

#### **Section 501. Examination Process.**

(a). *Necessity of Evaluation*. The scholastic achievement of students shall be evaluated from the inception of their studies. As part of the testing of scholastic achievement, a written examination of suitable length and complexity shall be required in every course for which credit is given except clinical work, legal practice courses, experiential education courses, and courses involving extensive written work such as legal drafting courses, seminars, and individual research projects.

(b). *Materials Permitted at an Examination*. Each instructor should define the materials permitted in the examination by the end of the second week of classes. An instructor may conduct an "open book" examination. Students must bring their own writing instruments or computer, if permitted, to examinations. Other than materials defined by the instructor and writing instruments, students may not bring any item into an examination room without permission of the Associate Dean. The immediately

preceding sentence prohibits the presence of briefcases, bookbags, notebooks, purses, or pocketbooks in the examination room.

(c). *Take Home Examinations.* With the permission of the Associate Dean an instructor may give a take-home examination.

(d). *Anonymous Grading.* All examinations are graded anonymously. Papers submitted for credit in a course, seminar, or directed research project and work involving evaluation of student performance during the course of the semester need not be graded anonymously.

(e). *Grade for Classroom Performance.* An instructor may give a grade of plus or minus for each student's classroom performance during any course. Such grade is in addition to any examination grade, grade derived from papers or projects, or other graded course work. The instructor wishing to grade classroom performance under this subsection must announce the criteria for such grading within two weeks of the start of class. After submitting the examination grade anonymously, the instructor will receive a grade adjustment sheet for all students in the course, which shall contain the names of the students, matched with the numbers assigned to them, and their anonymously submitted grades. If the instructor has complied with this subsection, the instructor may enter a "Plus" or "Minus" for any student. No student may be minused into an "F." No student may be plussed beyond an "A." For courses designated as seminars, and those that involve substantial simulations, drafting exercises or presentations of research, classroom performance may be graded at the discretion of the instructor with no limitation on the percentage of the final grade represented by said classroom performance. However, a plus or minus for mere classroom performance unrelated to a simulation, drafting exercise or presentation of research is otherwise subject to the limitations of this section.

#### **Section 502. Conflict in Examination Schedule.**

A student may request relief from the examination schedule from the Office of Student Finance and Records if the student has two examinations within a twenty-four hour period. This request must be made at least 30 days prior to the examination period.

(a). *Attendance Policy.* Above and beyond the mandatory provisions of Academic Code Section 601, an instructor may reduce a student's grade or impose a failing grade for what the instructor deems to be inadequate attendance during any course. An instructor wishing to consider classroom attendance under this subsection in assigning a final grade for the course must announce the grading policy in writing within the first two weeks of class. At the conclusion of the course, the instructor will receive a grade adjustment sheet for all students in the course. If the instructor has complied with this subsection, she or he may enter any grade for any student consistent with the announced policy. A reduction of grade under this subsection shall not preclude the entering of a grade of "W/F" on account of excessive absence under Section 801.

(b). *Submission of Papers in Lieu of Final Examination.* With the permission of the Associate Dean, an instructor may use one or more papers for a portion of the final grade in an elective course or the entire grade in a seminar.

#### **Section 503. Rescheduled Examination.**

(a). *Scope.* This section applies to all final examinations, including any take-home examinations, whether administered during the final examination period or not.

(b). *No Right to Reschedule.* No student has the right or privilege to reschedule an examination. A student who fails to take an examination when scheduled to do so will receive an "F" for the examination, unless the examination has been rescheduled according to the procedure outlined in this section. Relief from this provision may be obtained only by petition to the Associate Dean.

(c). *Procedure for Requesting Rescheduled Examination.* No professor can grant an examination reschedule. Students are not to approach a professor about rescheduling an examination because of the potential to breach anonymity. Students are not to disclose to a professor the fact that an examination reschedule request has been granted by the Associate Dean.

If a student desires to reschedule an examination, the student should file a written petition requesting reschedule of a final examination with the Associate Dean as early as possible and at least 24 hours prior to the scheduled time for the examination for which the student seeks to reschedule.

(d). *Emergency Rescheduled Examination.* If a student is unable to take an examination for good cause that arises within 24 hours immediately prior to the final examination time, the student may contact the Dean of Students or the Associate Dean for permission to reschedule the examination.

(e). *Confirming Emergency Reschedule.* The student must submit a formal written request in confirmation of the emergency reschedule within forty-eight (48) hours from its grant. This request must be supported by persuasive evidence of some extraordinary event beyond the student's control that led the student to miss the examination. The extraordinary event must be the cause in fact of the student missing the examination.

(f). *Illness During Exam.* If a student becomes ill during an examination or is otherwise unable to continue and complete the examination, the student should notify the proctor and leave the examination "response book(s)" and any other examination materials with the proctor. The proctor should write down the name, year, and course of the student who leaves the examination and notify the Office of Student Finance and Records as soon as possible.

(g). *Required Medical Documentation.* When a student requests a rescheduled examination or obtains an emergency reschedule for medical reasons, the student must provide verification of the medical condition which necessitated reschedule of the examination.

#### **Section 504. Regulations Concerning Examinations.**

(a). *Faculty Available During Examinations.* Faculty shall be available for contact during the administration of their examinations unless excused by the Dean or Associate Dean.

(b). *Proctors.* Faculty members should not proctor their own examinations. The Director of Student Finance and Records will ensure that an adequate number of qualified examination proctors are available for each final examination. Proctors will pass out examinations, response books, and other materials and receive and record examinations by anonymous number at the end of every examination. Proctors will also monitor the activities of students during the examination.

(c). *Honor Code.* Students certify compliance with all requirements of the Honor Code on all examinations by sitting for and submitting such examination.

### **Section 505. Retention of Examinations.**

Examinations that are not returned to students will be retained for a period of one year. At that point, examinations will be destroyed.

## **ARTICLE SIX. ADVANCEMENT AND EVALUATION.**

This article describes the academic standards students must achieve in order to advance to the next year of legal education or to be recommended for the Juris Doctor degree. A student who fails to satisfy the standards for advancement or graduation is academically disqualified.

### **Section 601. Period of Review.**

Each student will be evaluated for academic advancement at the end of the spring semester regardless of the number of credits completed at that time. In extraordinary circumstances, such as an extended leave of absence, the Associate Dean in consultation with the Dean of Students may postpone the evaluation until a student completes 24 credits.

### **Section 602. Academic Supervision**

- (a) *Academic Supervision Definition.* A student with a cumulative GPA below 2.5 will be placed on Academic Supervision.
- (b) Students on academic supervision must complete the following requirements:
  - 1.) Review exam and course performance with each professor from the previous semester or academic term.
  - 2.) Enroll in the appropriate Academic Success course. Students on academic supervision after their fall semester in their first year must enroll in the spring semester Legal Analysis and Writing (LAW). Students on academic supervision after their first year must enroll in the fall semester Legal Reasoning course.
  - 3.) Meet individually with the Academic Success Program to receive recommendations to improve academic performance and skills development. Recommendations from this meeting could include, but are not limited to:
    - (i) Meeting regularly with the Academic Success department, writing fellows and/or teaching assistants.
    - (ii) Meeting with the Associate Director of Academic Success or Writing Specialist to diagnose writing issues; and
    - (iii) A reduced course load or part-time status.
  - 4.) Prior to course registration each semester, attend a mandatory course advising meeting with the student's faculty advisor or with the Director of Academic Success. Among other recommendations, the Director of Academic Success strongly recommend that the student enroll in bar-tested courses, courses that focus on increasing a student's writing and analytical skills, and to participate in in-house clinics rather than externships.

### **Section 603. Academic Probation.**

- (a) *Academic Probation Definition.* A student with a cumulative GPA below 2.20 will be placed on Academic Probation. Any student on probationary status is not in good academic standing and may not register for summer courses or for directed research without the Associate Dean's prior approval. Students on Academic Probation may not register for clinics or externships and are ineligible for graduation as detailed in Handbook Section 104.
- (b) *Academic Probation Requirements.* Students on academic probation must complete all requirements for students on Academic Supervision, as detailed above. Additionally, students on Academic Probation must meet with either the Associate Dean for Academic Affairs or the Dean of Students, either of whom will review with the student all factors impacting the student's academic success and direct the student to appropriate resources and support. The Associate Dean or Dean of Students may impose any of the following conditions on enrollment:
- a. Reduction in academic course load;
  - b. Reduction in or eliminating outside employment for a full-time student;
  - c. Repetition of specified courses;
  - d. Limitations on courses or programs that the student may take;
  - e. Any other course of action the Associate Dean or Dean of Students deems appropriate to maximize the student's chance of academic and bar success.

### **Section 604. Advancement Standards: Required Courses.**

To be eligible to advance to the next year of legal education or to graduate, a student must have completed all courses required of the student's class with passing grades (i.e., grades higher than "F"). This requirement may be waived by the Associate Dean for good cause for advancement, but not for graduation.

### **Section 605. Advancement Standards: Cumulative GPA.**

The minimum cumulative standard for advancement to the second year is a cumulative GPA of 2.00. The minimum standard for advancement to the third year is a cumulative GPA of 2.00.

### **Section 606. Annual GPA.**

The "Annual GPA" is the grade point average for work undertaken at the School of Law during the immediately preceding year. For the purpose of determining eligibility for advancement under Sections 604, 605, and 607, the preceding year includes the previous summer session and the fall and spring semesters. It does not include the current summer session.

### **Section 607. Advancement Standards: Annual GPA.**

The minimum annual standard for advancement to the third year is an annual GPA of 2.00.

## **Section 608. Advancement Standards: Preliminary Bar Exam**

(a). *Preliminary Bar Examinations.* Each student must take the following preliminary bar examinations: The 1L preliminary bar examination; and the 2L preliminary bar examination.

(1) *1L Bar Exam.* The 1L preliminary bar examination shall be taken at the end of the Spring exam period in the first year of law school for full-time students (and at the end of the Spring exam period in the second year of law school for part-time students).

(2) *2L Bar Exam.* The 2L preliminary bar examination shall be taken at the end of the Spring exam period in the second year of law school for full-time students (and at the end of the Spring exam period in the third year of law school for part-time students).

(3) *Exam Results.* The preliminary bar exams shall be scored and the results tabulated in reports for the benefit of each student and the law school. Exam scores shall not be included on a student's transcript, and shall not carry any credit. Each student's degree audit shall indicate whether the preliminary bar exam requirement has been satisfied.

(b). *Passing.* A student who does not receive a passing grade on a preliminary bar examination (as set by the Academic Standards Committee in consultation with the Academic Success staff), shall be required to meet with the Associate Dean, the Director of Academic Success, or their designee to design a course of study. The course of study may include a variety of measures, such as requirements that the student retake the preliminary bar exam, take specific bar-tested electives, enroll in programs offered by the Academic Success Department, take a reduced credit load, meet with Academic Success staff on a regular basis, or implement other specific measures to improve that student's bar readiness.

## **Section 609. Honors Program Policies.**

Students are evaluated for retention of Honors Program membership and associated scholarship awards at the end of each spring semester. If a student enrolled in the Honors Program is not ranked in the top one-third of the class at the end of the spring semester, that student will forfeit membership in the Honors Program. A student may not earn reinstatement to the Honors Program once it has been forfeited.

At the end of a student's first year of law school, a student may earn an invitation to join the Honors Program based upon superior academic performance. In the case of truly exceptional academic performance, a student may earn an invitation to join the Honors Program at the end of the student's first semester of law school. A student may not earn an invitation to join the Honors Program beyond the end of the first year.

## **Section 610. Scholarship Review Policies.**

(a). *Review Process.* Adjustments in scholarship awards will be determined by the Scholarship Review Committee, which is comprised of the Associate Dean for Academic Affairs, the Dean of Students, the Dean of Admissions, and others that the Dean may designate. All scholarship awards are reviewed at the end of each spring semester for retention purposes based on academic performance and other scholarship criteria. Scholarships that require a student to maintain a specified class rank or grade point average will be evaluated at the end of each spring semester.

(b). *First Year Students with Fewer Than 24 Credits.* All students will be evaluated for scholarship retention purposes at the end of the spring semester of the first year regardless of the number of academic

credits that the student has completed at that time. Because students with fewer than 24 academic credits are not ranked, scholarship determinations for any such student will be based upon that student's grade point average and a determination of where that student would place the student in the first year class had the student been ranked. The Scholarship Review Committee may postpone a scholarship decision until the completion of the semester in which the student earns the 24th credit, including summer semesters. Any decision to postpone a scholarship decision will be communicated to the student in writing.

(c). *Impact of Scholarship Adjustment.* When a scholarship is adjusted based upon a review at the end of the spring semester, that scholarship award will go into effect beginning in the following fall semester.

(c). *Appeal Process.* A student may file an appeal of a scholarship adjustment to the Scholarship Review Committee. An appeal must be filed in writing with the Associate Dean for Academic Affairs within 30 days of the notification of the adjustment. The Scholarship Review Committee will notify the student in writing of its decision on the appeal.

## **ARTICLE SEVEN. DISMISSAL AND REINSTATEMENT**

### **Section 701. Notice of Automatic Dismissal.**

Any student who fails to meet academic standards shall be dismissed automatically. Each student dismissed shall be notified by the Associate Dean. The notice will be accompanied by a statement of the Academic Code provisions relating to dismissal and reinstatement and an outline of the procedure for filing a petition for reinstatement.

### **Section 702. Definition of Notice.**

Dismissal notices will be sent by email to the student's University-issued email address. Notice will be deemed effective immediately.

### **Section 703. Effect of Academic Dismissal.**

If a student receives notice of dismissal while the student is in attendance at the law school during the summer session, the student is ineligible to take any final examinations or submit any papers or projects for grades for that session unless reinstated upon petition pursuant to the provisions of Sections 704 or 705. Immediate removal from courses may be waived by the Associate Dean.

### **Section 704. Procedure Relating to Petition for Reinstatement After Academic Failure at the End of the First Year.**

(a). *Time for Reinstatement.* A student dismissed for academic failure at the end of the first year may petition for reinstatement immediately following dismissal.

(b). *Time for Filing Petition.* The dismissed student may file a petition for reinstatement at any time up to May 1 of the year following dismissal. In any case, the petition for reinstatement must be filed no later than 45 days prior to the term for which reinstatement is sought. The petition shall be filed with the Associate Dean for Academic Affairs.

(c). *Form and Style of Petition.* A petition for reinstatement shall be typewritten and shall conform substantially to Form AC One. It shall be headed "Petition for Reinstatement After Academic Failure at the End of the First Year."

**Section 705. Procedure Relating to Petition for Reinstatement After Academic Failure Beyond the First Year.**

- (a). *Time for Reinstatement.* A student dismissed for academic failure beyond the first year may petition for reinstatement immediately following dismissal.
- (b). *Time for Filing Petition.* The dismissed student must file a petition for reinstatement within fifteen (15) days of notice of dismissal. The petition shall be filed with the Associate Dean for Academic Affairs.
- (c). *Form and Style of Petition.* A petition for reinstatement shall be typewritten and shall conform substantially to Form AC One. It shall be headed "Petition for Reinstatement After Academic Failure Beyond the First Year."

**Section 706. Guidelines for Review.**

- (a). *General.* The Associate Dean for Academic Affairs shall review and decide any petition for reinstatement filed under Section 704 or 705. In reaching a determination, the Associate Dean shall be guided by the considerations in subsections (b) through (d) below.
- (b). *Specification of Reason for Academic Failure.* The petitioner must rebut the presumption that she or he does not possess the requisite ability to achieve satisfactory performance in law school and that her or his disqualification does not indicate a lack of capacity to complete her or his legal studies at the law school but was rather the result of a specific issue or issues.
- (c). *Extraordinary Circumstances Caused Failure.* The petitioner must also allege and prove that any issues specified for having caused academic failure, as required by subsection (b) above, have been adequately resolved and will no longer be an impediment to academic success.
- (d). *Medical or Psychological Causes.* If extenuating circumstances raised by the petitioner are related to physical or psychological incapacity in the course of a semester or before or during an examination, medical documentation of the condition and its impact must accompany the petition.

**Section 707. Scope of Relief.**

The Associate Dean for Academic Affairs may:

- (a). deny the petition; or
- (b). reinstate the student upon terms and conditions.

**Section 708. Reinstatement on Condition That the Student Repeat All First Year Courses.**

Under extraordinary circumstances, the Associate Dean for Academic Affairs may, in his or her discretion, reinstate a first-year student on condition that the student repeat the first year.

If the Associate Dean for Academic Affairs determines to reinstate a student under this section, the following rules apply to that student.

- (a). *Effect on Transcript and GPA.* If a student is granted permission to repeat all first year courses:

1. the earlier grades he/she received will not be removed from the transcript; and
2. the new grades will be shown on the transcript as repeat work; and
3. only the new grades (whether higher or lower than the earlier grades) will be considered for determining the GPA; and
4. a notation shall appear on the student's transcript indicating dismissal for academic reasons and reinstatement.

(b). Those students who are required to repeat all first-year courses must attain a 2.00 GPA for the repeat year.

**Section 709. Reinstatement on Condition That the Student Repeat Some But Not All First Year Courses.**

Under extraordinary circumstances, the Associate Dean for Academic Affairs may exercise discretion to reinstate a first-year student on condition that the student repeat some but not all first year courses. If the Associate Dean for Academic Affairs determines to reinstate a student under this section, the following rules apply to that student.

(a). *Effect on Transcript and GPA.* If a student is required to repeat some but not all first year courses:

1. grades received prior to academic dismissal will not be removed from the transcript; and
2. grades in repeated courses will be shown on the transcript as repeat work; and
3. only grades earned after reinstatement will be considered for determining GPA and whether the student meets the minimum requirements for advancement and graduation; and
4. a notation shall appear on the student's transcript indicating dismissal for academic reasons and reinstatement.
5. Courses that the Associate Dean does not require the student to repeat shall count towards the graduation requirement of 90 credits but will not be included in any GPA calculation.

(b). Those students who are required to repeat some but not all first year courses must attain a cumulative 2.00 GPA at the end of the academic year of reinstatement.

**Section 710. Reinstatement on Condition Beyond the First Year.**

Under extraordinary circumstances and upon petition, the Associate Dean for Academic Affairs may, in his or her discretion, reinstate a second or third year student on condition.

If the Associate Dean for Academic Affairs determines to reinstate a student upon condition under this section, the following rules apply to that student.

(a). *Effect on Transcript and GPA.* If a student is granted permission to repeat one or more courses:

1. the earlier grades he/she received will not be removed from the transcript; and
2. the new grades will be shown on the transcript as repeat work; and
3. both the original grades and the new grades (whether higher or lower than the earlier grades) will be considered for determining the GPA; and
4. a notation shall appear on the student's transcript indicating dismissal for academic reasons and reinstatement.

(b). Students who are reinstated under this section must attain a 2.00 GPA for any repeat course(s) and for the year.

#### **Section 711. Results of Petition.**

The Associate Dean for Academic Affairs shall render a written decision. The Associate Dean for Academic Affairs shall deliver one copy to the student and place one copy in the student's file.

#### **Section 712. Appeal to the Dean.**

The decision of the Associate Dean for Academic Affairs on petitions for reinstatement may be appealed to the Dean. This appeal shall be limited to a written statement. The Dean shall render a written decision and deliver one copy to the Associate Dean for Academic Affairs, one copy to the student, and one copy to the student's file.

#### **Section 713. Readmission after Disqualification for Academic Reasons.**

Any student dismissed for academic failure and not reinstated following dismissal pursuant to Section 703 may apply for readmission and shall be readmitted only if the Dean and the Admissions Committee determine that the student possesses the requisite ability to complete the course of study. This section shall also apply to those students seeking admission to Roger Williams University School of Law from another law school after academic disqualification.

(a). *Filing Date.* Under this section, the student shall submit an application to the Dean of Admissions of the law school in conformity with regular application deadlines.

(b). *Cause for Readmission.* The student must show that the nature of the former student's work, activity, or studies during the interim indicates a stronger potential for law study than that which existed upon dismissal.

(c). *Form.* The admissions application shall be the same as that prescribed for all students applying to the law school.

### **ARTICLE VIII. ATTENDANCE AND CLASS RECORDINGS**

#### **Section 801. Attendance Policy**

All ABA accredited law schools are required to abide by the Standards for Approval of Law Schools of the American Bar Association, including the rule that,

“A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance . . . .”\*

Consistent with this directive, the School of Law faculty believes that dependability is an essential characteristic of a good lawyer. The Law School's objective is not only to ensure academic success, of which attendance is a major component, but also the development of good professional habits.

\* Standard 308(a), Standards for Approval of Law Schools of the American Bar Association.

- (a) *General Principles.* Attending class is an essential part of legal education. During class, students learn from the instructor, from class discussion, and from each other. While students will at times have legitimate reasons to miss a class, students should endeavor whenever possible to attend and should not miss class without an excuse for non-attendance that would be acceptable in a professional setting.
- (b) ***Student Responsibility:*** Students are responsible for monitoring their own compliance with the Attendance Policy and for keeping their own documentation of reasons for any absences. Students need not inform an instructor in advance of an absence unless a particular instructor has requested to be so informed.
- (c) *Faculty Duty.* Faculty should routinely record attendance at individual class sessions.
- (d) *Maximum Absences (20% Absence Rule).* A student exceeds the absences permitted under the Attendance Policy if the student is absent for 20% or more of the total class meetings (the “20% absence rule”).
  - (i) Examples:
    - 1) A class that meets three times each week meets a total of 42 times throughout the semester. A student will exceed the permissible absences when the ninth class is missed.
    - 2) A class that meets two times each week meets a total of 28 times throughout the semester. A student will exceed the permissible absences when the sixth class is missed.
    - 3) A class that meets once each week meets a total of 14 times throughout the semester. A student will exceed the permissible absences when the third class is missed.
  - (ii) The 20% absence rule is intended to be sufficient to cover all absences, including absences due to illness; intentional, negligent or accidental class cuts; religious days not included in our schedule or calendar; personal needs; family needs; and emergencies. A student’s reasons for missing class will be reviewed by the law school for purposes of the Attendance Policy only insofar as may be necessary if a student exceeds the 20% absence rule in a class, as detailed in (e) below, or if a student requests an advance ruling related to the Attendance Policy, as detailed in (g) below.

- (iii) Individual instructors have no authority to excuse absences or to allow more absences than the Attendance Policy permits.
  - (iv) A student who is unprepared in class but present may be counted as absent if the instructor announces at the beginning of the semester that unprepared students will be counted as absent.
  - (v) Punctual class attendance is required. A student who enters class late or leaves class early may be counted as absent at the professor's discretion. Unless stated otherwise by the professor, an absence under this subsection shall count as an absence for the entire class period (and NOT as an absence for a fraction of the class period).
  - (vi) Nothing in this section shall prevent an instructor from taking into account student professionalism when submitting final grades, including student preparation for and participation in class and, when requested by the instructor, advance notice from the student of any absences.
  - (vii) Falsification of attendance records constitutes a violation of the RWU School of Law Honor Code.
  - (viii) Absences during the add/drop period shall not count toward the 20% absence rule when a student is not yet formally enrolled in the course.
  - (ix) Absences from classes that are rescheduled for the convenience of the instructor shall not count toward the 20% absence rule, except for first year classes rescheduled during one of the official first year "make-up" periods, Legal Practice I & II classes rescheduled according to the syllabus, and classes rescheduled by the law school administration due to inclement weather or some other emergency situation.
- (e) *Consequence of Exceeding Maximum Absences.* If a student exceeds the maximum absences in a course, the instructor shall notify the Associate Dean in writing and provide the dates of the absences. Upon receiving such notice, the Associate Dean shall promptly notify the student in writing and provide an opportunity for the student, within seven (7) calendar days, to submit a "Petition for Relief from the Rules on Attendance," conforming substantially to Form AC Four, that explains, and provides suitable documentation of, the circumstances of each absence. The Associate Dean may extend this time period for good cause. The Associate Dean may, as appropriate, solicit the views of the instructor as to whether the student could proficiently complete the course if allowed to remain enrolled. If application of the Attendance Policy to the petition is unclear, the Associate Dean may refer the petition to the Academic Standards Committee for decision. The student should continue to attend the course while the petition is pending.
- (f) Based on the information received, the Associate Dean, or, upon referral from the Associate Dean, the Academic Standards Committee, shall promptly issue a decision as to which of the following consequences is most appropriate:
- (i) *Continued enrollment.* The student shall be allowed to stay in the course if (1) most of the student's total absences are for professionally acceptable reasons, as defined in (f) below; and (2) the student can proficiently complete the course if permitted to remain enrolled. Any

subsequent absences by the student in that course shall be grounds for reporting the student to the Associate Dean for excessive absences.

(ii) *Entry of "W" Grade.* A grade of "W" shall be entered if continued enrollment is not appropriate but good cause exists to allow the student to withdraw rather than fail the course (for example, the student has continuing health or medical issues or there are other extenuating circumstances justifying withdrawal). A student's poor performance in early assessments or fear of failing an exam does not, by itself, constitute "good cause" for withdrawal.

(iii) *Entry of "W/F" Grade.* A grade of "W/F" shall be entered for a student who fails, without good cause, to timely respond to the Associate's Dean's inquiry about absences. A grade of "W/F" may be entered in exceptional cases when neither continued enrollment nor withdrawal is a sufficient consequence (for example, where a student has missed numerous classes without offering professionally acceptable reasons and there is no issue of mental or physical illness).

(g) *Professionally acceptable reasons for absence.* Students should schedule non-class matters so as not to conflict with class times. At the same time, emergencies and conflicts arise that cannot be avoided by advance planning, such as illness, death in the family, school closures for students with children, court appearances, and the like. When a student's absences in a class exceed the 20% absence rule, the Associate Dean or, upon referral from the Associate Dean, the Academic Standards Committee, shall review the reasons for the absences and treat as excusable those absences attributable to reasons that would be generally acceptable in a professional setting. To reiterate a critical aspect of the standard in section 801(e), most of the student's absences must have been for professionally acceptable reasons.

(i) Examples of professionally acceptable reasons for an absence include:

- Illness or physical or mental condition of student that precludes in-person attendance in class (e.g., contagious or debilitating illness)
- Medical condition of child, parent, or household member that precludes attending class (e.g. need to care for sick child)
- Non-elective surgical procedures or urgent medical appointments
- Death of family member, household member, or person in a comparable relationship with the student
- Religious observance that precludes attendance in class and is not accommodated by law school schedule
- Birth of child (student or partner)
- Sudden cancellation of student's daycare arrangement or closure of child's school
- Job interview that could not be scheduled at another time
- Court appearance that could not be scheduled at another time
- Military service obligations
- Essential family-related events that the student lacks control in scheduling (e.g., child's graduation or school orientation)
- Weather conditions that make travel dangerous

(ii) Examples of reasons that would *not* generally be professionally valid reasons for an absence include:

- Vacation plans
- Leaving early for a long weekend
- Social engagements
- Non-emergency personal appointments
- Sleeping in, alarm failure
- Failure to prepare for class
- Failure to adequately plan for timely arrival

(h) *Advance Ruling Concerning Attendance.* When a student knows, in advance, of circumstances that will require missing a week or more of classes during the semester, the student may write to the Associate Dean explaining the circumstances and the dates and classes likely to be affected and seeking an advance ruling as to whether the absences will be treated as professionally valid reasons for missing class (for example, if the student or the student's partner is expecting a baby). The Associate Dean will either provide a ruling in advance as to whether the planned absences will be treated as professionally valid reasons for missing class or, if the application of the Attendance Policy is unclear, seek such an advance ruling from the Academic Standards Committee. The ruling shall be promptly provided to the student and will bind the law school in any subsequent proceedings related to the attendance at issue. The number of classes excused under such a ruling shall be appropriate to the circumstances and shall not ordinarily exceed more than two weeks of classes.

#### **Section 802. Petition for Relief from Associate Dean's Decision Under Section 801(e).**

(a) *Petition Process:* If a student is dissatisfied with a decision rendered by the Associate Dean of Academic Affairs under section 801, the student may file a "Petition for Relief from Associate Dean's Decision under Section 801" with the Academic Standards Committee of the faculty. Such petition must be filed within seven (7) calendar days of the Associate Dean's notice of decision to the student. The petition for relief from the Associate Dean's decision under section 801 must include as an attachment the student's original Petition for Relief from the Rules on Attendance filed under section 801 and must offer reasons why the Academic Standards Committee should grant relief from the decision of the Associate Dean.

(b) *Standard for Relief:* The Academic Standards Committee shall apply the standards set out in section 801 above in ruling on the petition.

(c) *Attend Classes Pending Review:* The student should continue to attend the course while the petition is pending.

#### **Section 803. Class Recording Policy**

(a) *Recording Obligation.* Each instructor shall create recordings capturing the visual and auditory material presented in each class, to the extent technologically possible, and preserve those recordings until at least the end of the exam period for the semester at issue. This duty to record shall be subject to the exceptions below:

- (i) *Confidential Client Information:* Recordings shall not be made of any part of a class that involves discussion of confidential client information.

(ii) *Sensitive Discussion Topics:* Instructors may, in their discretion, not record those parts of a class dedicated to discussing topics so sensitive or personal that recording is likely to inhibit the conversation.

(iii) *Instructor Opt-Out:* An instructor may opt out of this recording requirement for a course as follows:

- 1) The instructor shall provide written notice of the decision to opt out to the Associate Dean of Academic Affairs before the course schedule for the relevant semester is drafted. This information shall be included in the published course schedule before the course registration period begins.
- 2) In addition, at least one week before the start of the course, the instructor must notify students, through an announcement on the Bridges (or other web) course site and in the course syllabus, that the instructor has opted out of the recording requirement.
- 3) When an instructor has opted out of the recording requirement, the instructor shall provide any student entitled to class recording(s) under section (b) with the substantial equivalent of the class recording(s) through any of the following means:
  - recorded mini-lecture(s);
  - outline(s), PowerPoint slide deck(s), or other written material(s) authored by the instructor; or
  - class notes taken by a teaching assistant or paid note-taker.

The instructor shall promptly provide the substantial equivalent of a class recording.

(b) *Access to Class Recordings:* A student who was absent from class for a professionally acceptable reason as detailed in Section 801 may submit a written request to the instructor for the class recording, stating the professionally acceptable reason for the absence. If the instructor believes that documentation of a professionally acceptable reason for the absence is needed beyond the student's written request, the student should submit the appropriate documentation either to the Associate Dean of Academic Affairs or the Associate Dean of Student Life & Operations who shall, upon review of the documentation, inform the instructor as to whether the student was absent for a professionally acceptable reason. The instructor shall promptly provide the recording once a professionally acceptable reason has been established.

(c) *Remote Observation of an In-Person Class:* Students who anticipate being unable to attend an in-person class may, in advance of the class, request permission to observe the class by remote means (such as live online access via Zoom). Instructors are encouraged, but not required, to grant such requests. An instructor may place conditions on such access (for example, that the student may observe only).

(d) *Student recordings prohibited.* No student may record a class without the express permission of the professor teaching the class.

(e) *Additional Provisions:*

- (i) A student's enrollment at Roger Williams University School of Law constitutes consent to class recording and dissemination under this policy.
- (ii) A student may not copy, download, or share any part of a class recording except by express written permission of the instructor. Any violation of this provision constitutes an Honor Code violation.
- (iii) Instructors may choose, in their discretion, to make class recordings or the substantial equivalent of class recordings available more broadly than this policy requires.
- (iv) A student's use of class recordings or the substantial equivalent of class recordings to keep up with the material in the course may be weighed in the student's favor for purposes of the Associate Dean's inquiry under section (e) above if the student exceeded the permitted absences in the class.
- (v) The law school may impose additional access requirements, above and beyond those in this policy, as required to comply with the Americans with Disabilities Act.
- (vi) The availability of recordings under this policy is subject to technological capabilities, and the law school does not guarantee that a recording will be available for every class.

## **ARTICLE IX. ACADEMIC ACCOMMODATIONS.**

### **Section 901. Disability Accommodations**

(a) *General.* The law school endeavors to assist students with disabilities to complete law school successfully and will permit students with documented disabilities reasonable accommodations necessary to enable students to undertake the prescribed course of study.

(b) *Availability of Accommodations.* The law school will permit suitable accommodations concerning class schedule, examinations, and other services, on an individual basis. Such accommodations will at all times be consistent with the school's educational mission.

(c) *Request for Accommodations.* All requests for accommodations must be filed with the Dean of Students no fewer than thirty (30) days in advance of the date for which accommodations are requested. The Dean of Students may approve those timely requested accommodations which are reasonable under the circumstances and consistent with the School's educational function. Accommodations provided for individuals with temporary disabling conditions may be subject to periodic review.

(d) *Documentation Requirements.* Students desiring academic accommodations on account of a disability must have an evaluation by a physician or state-licensed medical or psychological professional. Students requesting accommodations and/or support services must provide documentation of the disability that substantially limits a major life activity. In order to accurately determine the appropriate accommodations, the documentation should be current and reflective of the student's current functioning. In all cases, the documentation should be appropriate to the anticipated setting. Documentation of disabilities must include, but not be limited to, the following:

- (i). Name, title, and professional credentials of the evaluator: The evaluator should have training and expertise with the particular medical condition identified. The area of specialization as well as the state in which the individual practices must be included. All reports must be signed and dated.

(ii). **Diagnosis/assessment:** A current medical diagnosis including appropriate medical reports, relevant medical history, and a clinical summary should be provided. These assessments should validate the need for accommodations based on the impact of the student's disability and level of functioning in an educational setting.

For all psychiatric disabilities, including learning disabilities, a complete diagnosis must be provided with an accompanying description of the specific symptoms the student experiences. This diagnosis should be based upon a comprehensive clinical interview and psychological testing.

(iii). **Evaluation of impact:** Documentation should indicate a substantial limitation and should include any prior history of accommodations. A complete description of the impact on academic functioning of the student's symptoms must be provided. Descriptions of impact upon study skills, classroom behavior, test-taking, and organizing research would be examples of academic functioning.

(iv). **Recommendations for Accommodations:** Documentation should indicate reasonable accommodations specific to the diagnosed disability with an explanation as to why each accommodation is recommended. Academic accommodations which are recommended must be related to the diagnostic information and its impact upon student functioning.

## **Section 902. Disability Discrimination Grievance Procedure.**

Roger Williams University, including its School of Law, ("University") has adopted this grievance procedure to assist in facilitating resolution of complaints alleging disability discrimination in violation of Section 504 of the Rehabilitation Act of 1973 ("Section 504"). The University has designated Diana Proto, Director of Student Conduct & Conflict Resolution, to coordinate its efforts to comply with Section 504. Contact information is as follows: Diana Proto, Director of Student Conduct & Conflict Resolution, Roger Williams University, One Old Ferry Road, Bristol, RI 02809, Telephone: 401-254-3533, [dproto@rwu.edu](mailto:dproto@rwu.edu).

### Initial Discussion:

An individual with a concern relating to his or her disability should first discuss the matter orally with the appropriate responsible department listed below that will attempt to resolve the individual's concern.

- Roger Williams University students should consult with Student Accessibility Services.
- Roger Williams University School of Law students should first consult with the Dean of Students of the School of Law. If the student is not satisfied with the resolution proposed by the Dean of Students, the student should then consult with the Associate Dean of Academic Affairs of the School of Law.
- University employees should consult with the Department of Human Resources.

### Informal Resolution:

If the individual is not satisfied with the resolution proposed by the appropriate responsible department listed above, the individual should discuss the matter orally with the Coordinator. Individuals who are not satisfied with the resolution proposed by the Coordinator may file a formal grievance following the procedures set forth below.

### Formal Grievance Procedure:

An individual may file a formal grievance with the Coordinator after attempting to resolve his or her concern orally with the appropriate responsible department listed above and the Coordinator. The formal grievance should be filed as soon as practicable. For example, students should file a formal grievance during the academic semester in which the concern arose, and employees should file a formal grievance within thirty (30) calendar days in which the concern arose.

The grievance must be in writing and include the following: (i) the individual's name, address, email address, and telephone number; (ii) a full description of the individual's concern; (iii) a description of the efforts made to resolve the concern orally through the appropriate responsible department listed above and the Coordinator; and (iv) a statement of the remedy requested.

Upon receipt of the grievance, the Coordinator will provide the individual with written notice acknowledging its receipt and promptly initiate an investigation. Upon completion of the investigation, the Coordinator will prepare and transmit a written reply to the individual and the party(ies) against whom the grievance is directed within thirty (30) calendar days of the filing of the grievance, unless additional time is needed, at which time the Coordinator will notify the individual and the party(ies) against whom the grievance is directed.

#### U.S. Department of Education Contact Information:

Individuals may always contact the following regarding allegations of disability discrimination in violation of Section 504:

- Assistant Secretary for Civil Rights, U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100, Telephone: 1-800-421-3481; or
- Boston Office, Office of Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491, Telephone: 617-289-0111.

## **ARTICLE X. MISCELLANEOUS PROVISIONS.**

### **Section 1001. Student Accreditation Standards Complaints.**

The School of Law is interested in hearing student concerns about significant problems that directly implicate its program of legal education and its compliance with the ABA's Accreditation Standards.

(a). *Reporting a Formal Complaint.* Any student at the School of Law who wishes to bring a formal complaint to the administration of the law school should hand deliver a written and signed complaint to the Associate Dean for Academic Affairs. The writing should describe in detail the behavior, program, process or other matter that is the subject of the complaint and should explain how the matter implicates the law school's program of legal education and its compliance with a specific, identified ABA standard or standards. The writing must provide the name, phone number, email address and mailing address of the complaining student for further communication about the complaint.

(b). *Procedures for Resolving a Complaint.* When a formal written complaint has been made in accordance with section (a), the Associate Dean for Academic Affairs or his or her designee shall acknowledge receipt of the complaint to the mailing address or email address provided within five business days. Within 20 business days, the Associate Dean for Academic Affairs or his or her designee must either meet with the student to discuss the resolution of the complaint or send a written response to the complaint. The written response must either state a decision regarding the substance of the complaint with an explanation of that decision or explain the steps that the School of Law will take to resolve or further investigate the complaint. If further investigation is required, the student shall be provided within ten business days after completion of the investigation either a substantive response to the complaint or information about what steps are being taken by the School of Law to address the complaint.

(c). *Appeal Process.* If the complainant is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The complainant should submit his or her written comments in a timely manner to the Dean of the School of Law, but in no case more than two weeks after communication to the complainant of the findings of the investigation. The Dean's decision shall be communicated to the complainant and the investigator(s) within 20 business days and shall be final.

(d). *Maintenance of Records.* The Associate Dean for Academic Affairs shall maintain a record of student complaints under this section, including resolutions and appeals, for a period of at least eight years from the date of final resolution of the complaint.

(e). *Protection Against Retaliation.* The School of Law will not in any way retaliate against an individual who makes a complaint under this section, nor permit any faculty member, administrator, employee or student to do so.

(e). *Not Exclusive Complaint Policy or Procedure.* Please note that the Roger Williams University School of Law School Student Handbook contains separate sections pertaining specifically to Sexual Harassment complaints and to those complaints that may fall within the parameters of the Honor Code. Jurisdiction over any student complaint is not exclusive to any single, or combination of, School of Law Policies.

#### **Section 1002. Class Cancellation Due to Emergencies or Adverse Weather.**

When it becomes necessary to cancel classes due to a late start or school closing due to emergencies or adverse weather conditions, the School of Law will give official notice to students through email and other appropriate means. This information will be made available to media outlets as early as feasible.

FORM AC ONE

**PETITION FOR REINSTATEMENT FOLLOWING ACADEMIC DISMISSAL**

IN THE MATTER OF \_\_\_\_\_ (Student's Name, Student ID#)

1. \_\_\_\_\_ (Student Name) \_\_\_\_\_, Petitioner, is a \_\_\_\_\_ (year) \_\_\_\_\_ student. At the end of the \_\_\_\_\_ (semester) \_\_\_\_\_, Petitioner had an academic average of \_\_\_\_\_ (GPA) \_\_\_\_\_ and was dismissed for poor scholarship by the Office of the Associate Dean by email dated \_\_\_\_\_ (date of notice) \_\_\_\_\_.

2. Petitioner possesses the requisite ability to achieve satisfactory performance in law school for the following reasons:

[Here state the reasons for poor performance. If medical or psychological incapacity to take examinations or to finish a paper is claimed, petitioner must attach signed statements from attending physician, psychiatrist, or hospital records showing admission, etc. in support of medical or psychological claims.]

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

CELL NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

FORM AC TWO

**PETITION FOR VARIANCE FROM ACADEMIC CODE**

IN THE MATTER OF \_\_\_\_\_ (Student's Name, Student ID#)

1. \_\_\_\_\_ (Student Name) \_\_\_\_\_, Petitioner, is a \_\_\_\_\_ (year) student. At the end of the \_\_\_\_\_ (semester) \_\_\_\_\_, Petitioner had an academic average of \_\_\_\_\_ (GPA) \_\_\_\_\_.
2. Petitioner requests a variance from Section \_\_\_\_\_ of the Academic Code for the following reasons:  
[Here state such equitable factors as are necessary to support a variance from the Academic Code provision.]
3. The authority for this variance is Section \_\_\_\_\_ (code number) \_\_\_\_\_ of the Academic Code.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

CELL NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

FORM AC THREE

**PETITION FOR APPEAL FROM DECISION OF THE ASSOCIATE DEAN**

IN THE MATTER OF \_\_\_\_\_ (Student's Name, Student ID#) \_\_\_\_\_

1. \_\_\_\_\_ (Student Name) \_\_\_\_\_ is a \_\_\_\_\_ (year) \_\_\_\_\_ student.

2. On \_\_\_\_\_ (date) \_\_\_\_\_, \_\_\_\_\_ (Student Name) \_\_\_\_\_ appealed to the Associate Dean for the following relief:

*[Here state the nature of the relief requested from the Academic Code, citing the specific code provision.]*

3. On \_\_\_\_\_ (date) \_\_\_\_\_ the Office of the Associate Dean issued the following decision:

*[Here describe the Associate Dean's decision and attach as an exhibit any letter from the Associate Dean.]*

4. The Associate Dean's decision should be overturned for the following reasons:

*[Here set out specified code provisions that show that the Associate Dean's ruling should be overturned.]*

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

CELL NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

FORM AC FOUR

**PETITION FOR RELIEF FROM THE RULES ON ATTENDANCE**

IN THE MATTER OF \_\_\_\_\_ (Student's Name, Student ID#) \_\_\_\_\_

1. \_\_\_\_\_ (Student Name) \_\_\_\_\_ is a \_\_\_\_\_ (year) \_\_\_\_\_ student. In a letter dated \_\_\_\_\_ (date) \_\_\_\_\_,

the petitioner was advised that the petitioner was in violation of the rules on attendance established in Section 801 of the Academic Code. Specifically, the student missed more than twenty percent of the classes in Section \_\_\_\_\_ (section #) \_\_\_\_\_ of \_\_\_\_\_ (Course Name) \_\_\_\_\_, taught by Professor \_\_\_\_\_ (professor name) \_\_\_\_\_.

2. Petitioner violated the rules on attendance for the following reasons:

*[Here state the reasons for each absence and attach suitable documentation of the reasons. Absences for professionally acceptable reasons as defined in Student Handbook Section 801(g) will be excluded.]*

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

CELL NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW  
HONOR CODE**

**I. SCOPE**

This Honor Code (“Code”) applies to any student who has received an offer of admission to Roger Williams University School of Law (“Law School”), or who has been accepted for enrollment in one or more classes offered by the Law School, and who has subsequently enrolled. This Code applies to conduct that occurs in connection with a student’s application for admission to the Law School, through graduation, expulsion, voluntary withdrawal or academic dismissal not followed by reinstatement. It also applies to a student on a leave of absence, visiting another institution, or who, although still enrolled at the Law School, is not attending classes.

**II. PROHIBITED CONDUCT**

**1. Prohibited Conduct:** The following conduct by a student is prohibited by the Code (“Prohibited Conduct”) and serves as the basis for a complaint against, and sanction upon, a student, or a person who was a student when such conduct took place.

**a) Academic Dishonesty:** dishonesty in any academic pursuit. Examples of Academic Dishonesty include but are not limited to: giving or receiving unauthorized assistance in the preparation of work product for any course or program at, or under the auspices of, the Law School; giving or obtaining any unfair academic advantage; plagiarizing, misappropriating, or failing to acknowledge the ideas or written work of another; and destroying, removing, or defacing library materials or other materials intended to be made available to students.

**b) Misuse of Property:** destruction, theft, misappropriation, or misuse of property of the Law School or University, property belonging to any member of the Law School or University community, or property at any place where an activity under the auspices of the Law School or University is taking place, including but not limited to any place where a student may be working pursuant to a public interest placement, internship, externship or clinic.

**c) Disruption of Activities:** the intentional disruption of academic, co-curricular, or social activities conducted under the auspices of the Law School.

**d) Harassment:** any act committed recklessly, knowingly, or purposely to harass, threaten, frighten, cause physical injury, or cause severe emotional distress to any member of the Law School community or any community in which a student is studying or working under the auspices of the Law School, including but not limited to work at public interest placements, internships, externships and clinics.

**e) Discrimination:** any action against any member of the Law School community on the basis of race, religion, sex, sexual orientation, gender identification, gender presentation, or disability.

**f) Disclosure of Confidential Information:** the disclosure without proper authorization of any confidential information. Confidential information means information gained by a student through participation or involvement in any employment, course, or activity under the auspices of the Law School, including but not limited to work at public interest placements, internships, externships and clinics, which a student knows or should know to have been provided in confidence.

**g) Misrepresentation:** any misstatement of a fact with the intent to deceive any

person in connection with official business of the Law School, any officially recognized student organization, or any activity sponsored by the Law School, including but not limited to work at public interest placements, internships, externships and clinics. Intentionally falsifying any school document or record, including but not limited to an attendance record, constitutes misrepresentation.

**h) Failure to Report:** (1) A student who has personal knowledge of Prohibited Conduct and fails to report it. (2) Safe Harbor for Failure to Report. If a student seeks advice from the Honor Board Chair or from the Associate Dean about whether a particular situation amounts to a violation of the Honor Code, and the Honor Board Chair or the Associate Dean answers in the negative, the student cannot be penalized for Failure to Report.

**i) Refusal to Cooperate:** the failure of a student to cooperate with an investigation or hearing by a disciplinary panel when properly requested to do so.

**j) Violation of Administrative Rules:** the failure of a student to comply with rules, regulations, and orders regarding student conduct authorized and publicized by the administration or faculty of the Law School or authorized and publicized at any place where a student may be working or studying under the auspices of the Law School, including but not limited to any place where a student may be working pursuant to a public interest placement, internship, externship or clinic.

**k) Attempt to Engage in Prohibited Conduct:** any effort to engage in Prohibited Conduct.

**l) Combination or Agreement to Engage in Prohibited Conduct:** any combined effort or agreement between two or more persons to engage in Prohibited Conduct.

**m) Criminal Proceedings that Raise Questions About Character:** a conviction or plea of no contest by a student under federal or state law to a crime punishable by incarceration where such crime raises a substantial question regarding the student's honesty, trustworthiness, or fitness as a lawyer. Such conduct is prohibited whether or not a punishment of incarceration is actually imposed.

**n) Abuse or Obstruction of Honor Board Process:** any action involving abuse or obstruction of the Honor Board process. Such action would include but is not limited to: (i) repeatedly filing complaints found to be frivolous by a unanimous decision by the Associate Dean, the Honor Board Advisor, and the Chair of the Honor Board; (ii) interfering with the panel's investigation; (iii) threatening or intimidating witnesses; (iv) failing to respond to correspondence from the panel; (v) concealing evidence; (vi) failing to comply with Honor Board rules or instructions from the panel; and (vii) not complying with an Honor Board sanction. A violation under this section generally requires a showing of a pattern of such prohibited conduct. However, a single event may constitute a violation, if that event has a substantial adverse impact on the integrity of the Honor Code process.

**2. Sexual Misconduct/Gender-Based Misconduct:** Sexual Misconduct/Gender-Based Misconduct by a student is expressly prohibited and subject to procedures and sanctions under the University Student Handbook and this Honor Code, as follows:

**a) University Procedures:** Any member of the Law School or University community who has been a victim of, or witnessed, Sexual Misconduct/Gender Based Misconduct by a student should follow the procedures in the University

Student Handbook (<https://www.rwu.edu/student-handbook/sexual-misconduct-gender-based-misconductprocedures>), rather than the procedures set forth in the Honor Code.

**b) Finding of Misconduct Communicated to Law School:** Any finding by the University that a student is responsible for Sexual Misconduct/Gender-Based Misconduct will be communicated to the Law School Associate Dean for Academic Affairs (“Associate Dean”).

**c) Notation of Misconduct:** The Associate Dean or the Registrar and Records will note the finding of Sexual Misconduct/Gender-Based Misconduct both in the student’s permanent file and on the student’s transcript. The transcript notation may not be expunged or removed.

**d) Reporting:** The Dean or the Dean’s designee will report any Sexual Misconduct/Gender Based Misconduct to any jurisdiction responsible for review of the character and fitness of the defendant for admission to the bar. The Dean or the Dean’s designee will also report any Sexual Misconduct/Gender-Based Misconduct to any other law school or other institution of higher learning to which the defendant may apply for admission. The Dean or the Dean’s designee may report any Sexual Misconduct/Gender-Based Misconduct in other circumstances, as appropriate.

**3. Non-Exclusiveness of Code:** In addition to the provisions of this Code, other mechanisms and institutions may sanction various forms of Prohibited Conduct, as well as other misconduct by a student, including but not limited to the following:

a) Failure to comply with course regulations or instructions may be sanctioned by the instructor of any course by a reduction in grade for an assignment or for the course, in addition to, or in place of, any sanctions pursuant to the Honor Code.

b) Pursuant to Section 206 of the Academic Code, in emergency situations, the Dean, the Associate Dean, or the Dean of Students (or, in their absence, their designees) may suspend a student on an interim basis. Such suspension will occur if, in the judgment and sole discretion of the applicable Dean or designee, the student constitutes a danger to him/herself, to others, or to property, without regard to any proceedings pursuant to the Honor Code.

c) Any violation of state or federal criminal law may subject the violator to arrest, trial, and punishment by the appropriate authorities, and any member of the Law School community who is victim of, or witness to, a criminal act by a student should contact the appropriate authority. Where such criminal acts are also Prohibited Conduct under the Code, the student is also subject to the Honor Code, and any victim or witness to criminal acts which are also Prohibited Conduct should also file a complaint pursuant to the Honor Code.

d) Certain violations of common law, statutory, or regulatory duties may make the violator liable for damages, and any member of the Law School community harmed by the breach of a common law, statutory, or regulatory duty by a student may seek any available civil or administrative remedies against that student. Where such violations are also Prohibited Conduct under the Code, the student is also subject to the Honor Code, and such member of the Law School community should also file a complaint pursuant to the Honor Code.

### III. SANCTIONS

**1. Sanctions:** Sanctions for Prohibited Conduct will consist of one or more of the following:

- a) Expulsion from the Law School;
- b) Suspension from the Law School for a specific term;
- c) Assignment of a lower grade, including F, in any course;
- d) Involuntary withdrawal with prejudice from any course, seminar or special course;
- e) Removal from any Law School program or activity or any program or activity under the auspices of the Law School;
- f) A written reprimand;
- g) An oral or written admonition; or
- h) Continued attendance at the Law School with conditions.

**2. Non-Exclusive Factors to Consider in Assessing Sanction:** The disciplinary panel, or the Associate Dean in cases decided under Section IV.F., will consider the following nonexclusive factors in assessing the appropriate sanction for misconduct: the flagrancy of the violation, the seriousness of the misconduct, the harm caused by the misconduct, whether the misconduct involves dishonesty, the degree of premeditation of the misconduct, whether the violation was self-reported, the level of remorse of the student, and the student's candor and cooperation during Honor Board proceedings.

**3. Record of Violation:** A record of an Honor Code violation and associated sanction will be noted in the following manner:

**a) Student's Permanent File:** A finding that the defendant is guilty of specific Prohibited Conduct and the sanction imposed on a student will be noted in the student's permanent file.

**b) Transcript:** A finding that the defendant is guilty of specific Prohibited Conduct and the sanction imposed on a student will ordinarily be noted on a student's transcript. The transcript notation may not be expunged or removed. However, the disciplinary panel, or the Associate Dean in cases decided under Section IV.F., may decide that a violation should not be noted on a student's transcript if the disciplinary panel, or the Associate Dean in cases decided under Section IV.F., concludes, based on the factors for determining the appropriate sanction listed in Section III.2., that the violation was a minor one that does not warrant notation on the student's transcript. Notwithstanding the above, the disciplinary panel, or the Associate Dean in cases decided under Section IV.F., must note a finding of guilt and associated sanctions on a student's transcript if any of the sanctions identified in Section III.1.(a)-(d) are imposed.

**c) Sexual Misconduct/Gender-Based Misconduct:** A finding of Sexual Misconduct/Gender-Based Misconduct and the sanction imposed on a student will be noted in a student's permanent file and on a student's transcript, as described in Section II.2.

**4. Reporting:** The Dean or the Dean's designee will report any Honor Code violation, or any finding of Sexual Misconduct/Gender-Based Misconduct, to any jurisdiction responsible for review of the character and fitness of the defendant for admission to the bar, to any other law school or other institution of higher learning to which the defendant may apply for admission, and in other circumstances, as appropriate.

## IV. PROCEDURES AND PROCEEDINGS

### A. The Complaint

**1. Generally:** Any member of the Law School community with personal knowledge of Prohibited

Conduct by a student or students should file a complaint by delivering it to the student chair of the Honor Board. For the purposes of this Code, a person filing a complaint is referred to as the complainant.

**2. Form and Content.** The complaint must:

- a) State that it is a complaint against a particular defendant or defendants, identified by name.
- b) Give the date on which the complaint is filed.
- c) Give the complainant's official email address.
- d) Set forth all facts, as specifically as possible, that lead the complainant to believe that a student may have engaged in Prohibited Conduct. All facts set out in the complaint should be based on the personal knowledge of the complainant, or, if based on information and belief, the complaint should state with specificity the basis of the information and belief.
- e) Be in numbered paragraphs with each paragraph setting out a discrete fact.
- f) Identify any other persons that the complainant believes to have personal knowledge of the facts in the complaint, along with what the complainant believes to be the nature of that knowledge.
- g) Contain any relevant supporting documentation.
- h) State that the complainant affirms the truth of its contents.
- i) Be signed by the complainant. A sample complaint is provided in Appendix A.

**3. Review by Prosecution Advisor:** Complainants are strongly encouraged to consult with the faculty prosecution advisor prior to filing a complaint.

**4. Forwarding of Complaint for Review:** No later than one class day after receiving the complaint, the student chair of the Honor Board will deliver copies of the complaint to the Associate Dean and the faculty advisor to the Honor Board for review.

## B. Initial Review of the Complaint

**1. Determining Whether the Complaint States a Claim:** After a complaint has been filed, the student chair of the Honor Board, the faculty advisor to the Honor Board, and the Associate Dean will review the complaint to determine whether it states a claim. A complaint states a claim when it presents a credible claim that a defendant has engaged in Prohibited Conduct and that the Prohibited Conduct is not de minimus (i.e., of a trivial or minor nature as not to merit any sanction under the Code). The determination of whether a complaint states a claim should take place no later than two class days after the Associate Dean and faculty advisor to the Honor Board have received the complaint.

**2. Initial Review Decision:** If it is determined that the complaint states a claim, the Associate Dean will assemble a separate disciplinary panel and appoint a student prosecution counsel from members of the Honor Board. If it is determined that the complaint does not state a claim, the student chair of the Honor Board will issue a statement of dismissal. The statement of dismissal must provide a written explanation for its conclusion. The statement of dismissal must be provided to the complainant, the defendant, the faculty prosecution advisor, the faculty defense advisor, and the Dean.

**3. Amended Complaint:** Within five class days of the complainant receiving the statement of dismissal, the complainant may file an amended complaint, which will be treated as a new complaint.

**4. Dean's Discretion to Reverse Initial Determination:** The Dean will review any statement of dismissal and may reverse the decision to dismiss the complaint, in which case the Associate Dean will assemble a disciplinary panel. If the Dean reverses a dismissal, the Dean will provide a written explanation for that decision.

**5. Preparation of Notice:** If it is determined that the complaint states a claim, the Associate

Dean, the faculty advisor to the Honor Board, and the student chair of the Honor Board will draft the notice of complaint referenced in Section IV.C.2., and provide such notice to the disciplinary panel.

### C. Notice of Proceedings and Obligation to Answer

**1. Notice of Complaint:** No later than one class day after the formation of a disciplinary panel and the selection of student prosecution counsel, the faculty chair of the disciplinary panel will deliver the complaint to the defendant along with a notice in the form set out in Appendix B to the Code. The faculty chair of a disciplinary panel shall also notify the Registrar of the filing of the complaint.

**2. Contents of Notice:** The notice will inform the defendant:

- a) That the defendant is accused of Prohibited Conduct and the nature of the Prohibited Conduct with reference to the appropriate section(s) of this Code.
- b) That the defendant will have five class days after the appointment of a student defense counsel to answer the complaint.
- c) What the answer should contain.
- d) Of the names and official email addresses for the members of the disciplinary panel.
- e) Of the names and official email addresses for the complainant, the student prosecution counsel, the faculty prosecution advisor, and the faculty defense advisor.
- f) That the defendant has the right to a student defense counsel. The notice will provide the defendant with a list of the names of students from the Honor Board who could serve as the defendant's student defense counsel and a statement that the defendant may choose from among these students.
- g) That the defendant may seek to have any member(s) of the disciplinary panel recused.
- h) That, in certain circumstances, the defendant may petition for exemption from the disciplinary panel hearing, as outlined in Section IV.F.

**3. Selection of Student Defense Counsel:** Within two class days of receiving notice of disciplinary proceedings, the defendant may choose a student defense counsel by providing notice in writing to the chair of the disciplinary panel of the name of the requested student defense counsel. If a defendant does not choose a student defense counsel, the chair of the disciplinary panel immediately will notify the Associate Dean who will appoint a student defense counsel to the defendant, in accordance with section IV(D)(3). The Associate Dean immediately will provide notice in writing to the defendant and to the chair of the disciplinary panel of the identity of the student defense counsel.

**4. Answer:** No later than five class days after the defendant receives notice of the identity of the student defense counsel, and unless the defendant petitions for exemption from the disciplinary panel hearing under Section IV.F., the defendant or the student defense counsel must deliver an answer, in substantially the form contained in Appendix C, to the disciplinary panel, the complainant, the faculty prosecution advisor, and the student prosecution counsel. The answer must:

- a) State that the answer is in regard to a specific complaint by the complainant.
- b) Give the date on which the answer is filed.
- c) Give the defendant's official email address.
- d) Respond to each numbered paragraph in the body of the complaint with a statement that the defendant affirms the facts alleged, denies the facts alleged, or denies knowledge or information sufficient to affirm or deny the paragraph. A denial must fairly respond to the substance of the allegation. A defendant who intends in good faith to deny only part

of an allegation must admit the part that is true and deny the rest.

- e) In subsequent numbered paragraphs, with each paragraph setting out a discrete fact, set out any further facts, beyond those contained in the complaint and implicit in the defendant's responses, that are relevant to whether the defendant engaged in Prohibited Conduct.
- f) Contain any additional relevant facts. Such facts should be based on the defendant's personal knowledge, but if based on information and belief, should state specifically the basis of such information and belief.
- g) Contain, as an attachment, a copy of any document relied on by the defendant that was not included in the complaint.
- h) Identify any other persons not mentioned in the complaint that the defendant believes to have personal knowledge of the facts in the complaint along with a statement of what the defendant believes to be the nature of that knowledge.
- i) State that the defendant affirms the truth of its contents.
- j) Be signed by the defendant.

**5. Obligation to Answer:** A defendant has the obligation to file an answer with true responses to the allegations of fact in the complaint and to set out any additional relevant facts known to the defendant, even if such an answer were to expose the defendant to sanctions under the Code, other consequences imposed by the University or any other institution, including current and potential employers or professional organizations, or civil or administrative liability under federal, state, or municipal law.

**6. Adverse Inference from Asserting Privilege Against Self-Incrimination:** A defendant who reasonably believes that submitting a truthful answer will expose the defendant to criminal liability under state or federal law may assert a privilege against self-incrimination. The defendant may do so by asserting the privilege against self-incrimination in the answer, rather than responding in the manner described herein. A defendant who asserts the privilege against self-incrimination will not have the answer treated as testimony by the disciplinary panel, will not be able to testify before the disciplinary panel, and will not be able to authenticate any documents offered into evidence before the disciplinary panel. The disciplinary panel may draw any adverse inference from the lack of testimony from a defendant asserting the privilege against self-incrimination.

**7. Request for Recusal:** The defendant may request to the disciplinary panel that any member or members of the disciplinary panel be recused. Any such a request will state with specificity the reasons for the request. No subsequent request for recusal of disciplinary panel members will be made or considered, absent extraordinary circumstances. If the defendant requests the recusal of one or more disciplinary panel members:

- a) The request for recusal will be distributed to the complainant, the faculty prosecution advisor, and the student prosecution counsel.
- b) The disciplinary panel will convene and determine if the recusal request should be granted. If the request is not granted, such a decision is final and not subject to review.
- c) If the request for recusal is denied, the disciplinary panel will notify the defendant, the complainant, the faculty prosecution advisor, the student prosecution counsel, the faculty defense advisor, and the student defense counsel.
- d) If the request for recusal is granted, the disciplinary panel will notify the Associate Dean and the faculty advisor to the Honor Board. The Associate Dean or the faculty advisor to the Honor Board will choose a replacement (or replacements) to serve on the disciplinary panel and will notify the defendant, the complainant, the faculty prosecution advisor, the student prosecution counsel, the faculty defense advisor, and the student

defense counsel of the identity of the new member(s).

#### D. Disciplinary Panel

**1. Formation of Disciplinary Panel:** The disciplinary panel will consist of three members: two faculty members and one student member. One faculty member will be appointed as chair of the disciplinary panel. The faculty prosecution advisor, the faculty defense advisor and the faculty advisor to the Honor Board may not serve on the disciplinary panel. The disciplinary panel will be formed no later than five class days after the Associate Dean, the student chair of the Honor Board, and the faculty advisor to the Honor Board conclude that the complaint states a claim or the Dean reverses a dismissal of complaint.

**2. Multiple Complaints and Consolidation:** The Associate Dean and the faculty advisor to the Honor Board may assign multiple related matters to a single disciplinary panel. In such a case, the Associate Dean shall appoint separate faculty defense advisors as necessary to avoid a conflict of interest.

**3. Student Counsel:** For every disciplinary panel, there will be a student prosecution counsel and a student defense counsel appointed from members of the Honor Board. A defendant will be permitted to choose his or her own student defense counsel from members of the Honor Board, or, in the absence of such a choice, will have a student defense counsel appointed to him or her by the Associate Dean. The student defense counsel cannot be the same student member who is appointed to the disciplinary panel, and the Honor Board chair cannot serve as the student defense council.

**4. Role of Disciplinary Panel:** The disciplinary panel's role is to investigate the complaint, hold one or more hearings, determine whether a student has engaged in Prohibited Conduct, and, if necessary, impose sanctions.

**5. Investigation:** As soon as practicable, the disciplinary panel will decide whether a prehearing investigation is desirable and, if so, appoint one or more of its members to conduct an investigation.

**6. Discovery of Additional Misconduct:** Upon the discovery of additional misconduct, the disciplinary panel shall refer the additional misconduct to the Associate Dean for appropriate action.

**7. Communications to the Disciplinary Panel:** Oral communications with any member of the disciplinary panel pertaining to the subject matter of a complaint are prohibited, unless such panel member is engaging in an investigation of the complaint. A communication in violation of this section constitutes Prohibited Conduct.

#### E. Disciplinary Hearing

**1. Inquisitorial Model:** Honor Board proceedings are intended to follow an "inquisitorial" model in which all participants are engaged in a search for truth, rather than an "adversarial" model. To that end, the disciplinary panel will control and conduct all proceedings before it. While it will proceed with the participation and advice of the student prosecution counsel, student defense counsel, the defendant, and the complainant, who may ask that certain witnesses be examined or certain documents or other evidence be produced and considered by the disciplinary panel, the course of the proceedings, the admissibility of evidence, and nature and scope of testimony will be determined by the disciplinary panel chair. After the panel has had an opportunity to question a witness, the disciplinary chair may permit the student prosecution and student defense counsel to ask additional questions of that witness. How much latitude to give the student prosecutor and student defense counsel is in the discretion of the chair.

**2. Hearing:** As soon as practicable after the disciplinary panel is finally constituted or any

investigation is conducted, the disciplinary panel will hold a hearing. At the hearing, the disciplinary panel may take testimony and evidence from the complainant, the defendant, and any other witnesses. The complainant, the defendant, the student defense counsel, the student prosecution counsel, the faculty defense advisor, and the faculty prosecution advisor will have notice of the date, time, and place of any hearing. The defendant and complainant may make requests of the panel to pose specific questions to any witness giving testimony.

**3. Evidence:** The disciplinary panel may receive documents and physical evidence from witnesses. Copies of all documentary evidence submitted to the panel will be provided to the defendant, student defense counsel, and student prosecution counsel. There are no rules of evidence applicable to proceedings before the disciplinary panel. Within the discretion of the disciplinary panel chair, any oral, documentary, or physical evidence may be received; however, the disciplinary panel chair should exclude irrelevant, unreliable, or unduly repetitious evidence.

**4. Obligation to Cooperate:** All students are obligated to cooperate with the disciplinary panel and to give testimony and provide evidence when requested. The failure of a student to cooperate with the disciplinary panel constitutes Prohibited Conduct under this Code.

**5. Adverse Inference from Asserting Privilege Against Self-Incrimination:** Any student who reasonably believes that testifying before the disciplinary panel would result in exposure to state or federal criminal liability may so state before the disciplinary panel. Any adverse inference may be drawn by the panel from the assertion of a privilege against self-incrimination.

**6. The Record:** All testimony will be live and recorded by a convenient method. The record will consist of the complaint, the notice of complaint, the answer, the recording of testimony, and any documents or physical evidence accepted by the panel.

**7. Subsequent Proceedings:** After the initial hearing, the disciplinary panel may conduct further investigation or convene additional hearings, as necessary. The disciplinary panel will provide notice of any additional hearings to the complainant, the defendant, the student defense counsel, the student prosecution counsel, the faculty defense advisor, and the faculty prosecution advisor.

## F. Petition for Exemption from Disciplinary Hearing

**1. Petition for Exemption from Disciplinary Hearing:** In the following circumstances, a defendant may petition for exemption from the disciplinary panel hearing:

- a) The defendant admits all or substantially all of the allegations in the complaint and notice of complaint. Where the defendant admits only to a subset of the misconduct, as in a “lesser included” offense, the defendant does not admit all or substantially all of the allegations in the complaint and notice of complaint; and
- b) The defendant asserts that the process of a disciplinary panel hearing will cause demonstrable and cognizable harm to the defendant significantly beyond that which is inherent in any disciplinary proceeding. The defendant must specifically identify such harm and provide supporting documentation, where appropriate.

**2. Timing and Procedure:** The defendant will make such a petition for exemption to the Associate Dean in writing within five class days of learning the identity of the student defense counsel. The Associate Dean may request to meet with the defendant to discuss the petition. Within five class days of receiving the petition, the Associate Dean will determine whether the petition should be granted and communicate the decision to the defendant in writing. If the petition is granted, the Associate Dean will inform the complainant of the decision in writing and notify the complainant that the complainant has a right to be heard before the Associate Dean. The complainant may exercise this right by informing the Associate Dean of the complainant’s desire to be heard.

**3. Notification to Disciplinary Panel:** The Associate Dean will consult with the disciplinary panel before granting an exemption under this section. If the Associate Dean grants an exemption, the Associate Dean will inform the disciplinary panel, the student prosecution counsel, the faculty prosecution advisor, the student defense counsel, and the faculty defense advisor.

**4. If Petition in Denied:** If the petition is denied, the defendant will have five class days from the date of receiving the notice of denial to file an answer.

**5. If Petition is Granted:** If the petition is granted, the Associate Dean will meet with the defendant, review the case, impose a finding of guilt on the defendant, determine the appropriate sanction, and determine whether the finding of guilt and the sanction will appear on the defendant's transcript. The Associate Dean will impose sanctions and determine if the finding of guilt and the sanction will be noted on the defendant's transcript in accordance with Section III.

**6. Right of Complainant to be Heard:** If the complainant exercises the right to be heard, the complainant may:

- a) Prepare a written statement for submission to the Associate Dean;
  - b) Meet with the Associate Dean in person;
  - c) Submit any documentary evidence to the Associate Dean; or any combination thereof.
- The focus of the above should be the impact that the defendant's misconduct had on the complainant. The defendant does not have a right to any written statement or documentary evidence submitted by the complainant. Nor does the defendant have the right to be present at any in-person meeting between the Associate Dean and the complainant.

**7. Notice of Sanction:** The Associate Dean will provide notice to the defendant and the complainant of the sanction imposed on the defendant and whether the sanction will be noted on the defendant's transcript.

**8. Appeal to Dean:** A party seeking to appeal the Associate Dean's decision under this section must adhere to the following procedure:

- a) No later than five class days after receiving the notice of sanction, the defendant or complainant may appeal the Associate Dean's sanction, including the decision to place or not place a notation on the defendant's transcript, to the Dean.
- b) A party wishing to appeal may do so by delivering a written statement of appeal to the Dean setting out the reasons why the sanction should be modified. An appealing party should provide copies of the statement of appeal to the non-appealing party. If the appealing party does not have contact information for the non-appealing party, the appealing party should notify the Associate Dean or the Dean, and the Associate Dean or the Dean will provide the statement of appeal to the non-appealing party.
- c) The non-appealing party may file a written response to the statement of appeal with the Dean and the appealing party within five class days of receiving the statement of appeal. The response should not explain why the Dean should modify the sanction, as in a "cross-appeal." Any party seeking to have the Dean modify the sanction must do so in a separate statement of appeal within the time set out above.
- d) The Dean will modify the sanction and/or the decision to place a notation on the defendant's transcript only where the Associate Dean's decision was an abuse of discretion.
- e) The Dean will issue a written decision under this section to the defendant, the complainant, and the Associate Dean no later than twenty class days after the delivery of

the notice of sanction.

#### G. Decision by Disciplinary Panel

**1. Decision by Panel:** Within five class days from the close of disciplinary panel proceedings, the disciplinary panel will reach a decision and issue a statement of decision. The decision of the disciplinary panel will be either “not guilty” or “guilty” of the Prohibited Conduct set out in the notice of complaint. If the disciplinary panel concludes that it is more likely than not that the defendant engaged in any of the Prohibited Conduct set out in the notice of complaint, then it will find the defendant guilty. Otherwise, it will find the defendant not guilty. The decision, along with any sanction imposed, will be based on a majority vote by the disciplinary panel. In the case of a finding of guilt, the disciplinary panel will impose one or more of the sanctions set out in this Code and will determine if a notation will appear on the defendant’s transcript in accordance with Section III.

**2. Statement of Decision:** The disciplinary panel will issue a written statement explaining the basis for its decision and, in the case of a finding of guilt, setting out the sanction it has imposed on the defendant and indicating whether the finding and sanction will be noted on the defendant’s transcript. The statement of decision will be sent to the defendant, the faculty defense advisor, the student defense counsel, the complainant, the faculty prosecution advisor, the student prosecution counsel, the Dean, the Associate Dean, the student chair of the Honor Board, and the faculty advisor to the Honor Board.

#### H. Appeal to Dean from Disciplinary Panel Decision

**1. Appeal to the Dean:** No later than five class days after the disciplinary panel issues its statement of decision, the complainant or the defendant may appeal the panel’s decision or the sanction imposed on the defendant. The appeal will be based only on the record and the statement of decision. A party wishing to appeal may do so by delivering a written statement of appeal to the Dean setting out the reasons why the decision should be reversed or the sanction imposed modified. An appealing party should provide copies of the statement of appeal to the disciplinary panel and any party adverse in interest.

**2. Response to Appeal:** A complainant or a defendant who wishes to respond to a statement of appeal may do so by providing a written response to the statement of appeal within five class days of receiving the statement of appeal. The response to appeal should be provided to the Dean, the disciplinary panel, and any party adverse in interest. The response should discuss only why the statement of appeal should be rejected in whole or in part. The response should not explain why the Dean should modify or reverse the decision or the sanction, as in a “cross-appeal.” Any party seeking to have the Dean modify or reverse the decision or the sanction must do so in a separate statement of appeal within the time set out in the previous section.

**3. Grounds for Reversal:** The Dean may modify or reverse a decision of the disciplinary panel only on the ground that a decision of guilty or not guilty was the result of clear error or that the sanction imposed, whether in its excessive leniency or excessive harshness, was an abuse of discretion.

**4. Written Decision by the Dean:** The Dean will issue a written decision on all appeals in a matter no later than twenty class days after the delivery of the statement of decision. The written decision will be delivered to the defendant, the faculty defense advisor, the student defense counsel, the complainant, the faculty prosecution advisor, the student prosecution counsel, the Dean, the Associate Dean, the student chair of the Honor Board, and the faculty advisor to the Honor Board.

## V. THE HONOR BOARD: COMPOSITION AND PROCEDURES

**1. Composition and Term:** The Honor Board will consist of twelve students, three of whom will be in their second year of study and nine of whom will be in their third year of study. Board members serve one year terms, commencing after a transitional meeting occurring no later than the last week of classes in the spring semester.

**2. Election:** Candidates for the J.D. degree seeking Honor Board membership must run for election in the spring semester prior to the year in which they will serve. Students become eligible for the election by submitting a completed copy of Appendix D, the self-nominating form, to the student chair of the Honor Board. The student chair of the Honor Board, the Associate Dean, and the faculty advisor to the Honor Board shall review the fitness of each self-nominated student to serve on the Honor Board. Each student who is approved by at least a two-thirds vote by the student chair of the Honor Board, the Associate Dean, and the faculty advisor to the Honor Board, shall be placed on the election ballot. The decision by the student chair of the Honor Board, the Associate Dean, and the faculty advisor to the Honor Board is final; however, no student shall be disqualified in the absence of serious concerns over the student's ethics, judgment, or other issues affecting the student's ability to serve on the Honor Board. In the event a student is disqualified from seeking election to the Honor Board, the student chair of the Honor Board, the Associate Dean, and the faculty advisor to the Honor Board, at the request of the student, shall disclose to the student the reason for the disqualification. The typed statement of no more than 250 words submitted as part of the self-nominating form by each student wishing to run in the election will be made available to all students prior to the election. The student chair of the Honor Board, under supervision of the faculty advisor to the Honor Board, will conduct the election in the spring semester of each year.

**3. Voting:** Voting will take place as follows: All students currently enrolled in the School of Law shall be entitled to cast one vote for each of the available student positions. This shall mean up to twelve (12) votes distributed across the classes as determined by Section V(1). Those elected will be the three students with the most votes among the first year candidates and the nine students with the most votes among the second year candidates. If a tie occurs in filling the last position available in any class, the student chair of the Honor Board will, as soon as possible, hold a runoff election to resolve the tie.

**4. Confidentiality of Information:** Any information any member of the Board learns as a result of being a member of the Board is confidential and may not be revealed to anyone without direct authorization from the Associate Dean or the faculty chair of the disciplinary panel. A violation of this section constitutes Prohibited Conduct as outlined in Section II.

**5. Chair and Vice Chair:** Within the first week of the new Board taking office, the Board will elect from its members a student chair and student vice-chair. In the case of the removal or death of the chair, the vice-chair will become the chair and the Board will then elect from its members a new vice-chair. In the case of the removal or death of the vice-chair the Board will elect from its members a new vice-chair.

### 6. Removal and Replacement

**a. Removal and Resignation:** A Board member may be removed by himself or herself, by the Board, or by the Honor Board faculty advisor. A Board member who is unable to continue in fulfilling his or her position may resign by submitting a letter of resignation to the Honor Board faculty advisor and to the other members of the Board. A Board member who withdraws or is expelled from the Law School will be considered to have resigned, in which case the faculty advisor will notify the remaining members of the Board. A majority of the Board may, for good cause, remove any other member of the Board. The Honor Board faculty advisor may, for good

cause, remove any member of the Board.

**b. Replacement:** After notification of the removal or resignation of a board member, the Chair of the Board may announce an election to replace any Board member who resigned or was removed (the “Special Election”). However, a Board member who resigns or is removed within three weeks of the end of the last day of Spring Semester classes shall not be replaced by Special Election or otherwise. The Special Election shall take place within 10 class days of the announcement of the Special Election. Only students in the same year as the Board member who resigned or was removed shall be eligible to run in a Special Election. Otherwise, the Special Election shall be conducted pursuant to the provisions of Section V.2- 3 of this Code. The term of a Board member elected in a Special Election shall end when the term of the student who resigned or was removed would have ended pursuant to Section V.1 of this Code.

**7. Adoption of Recommendations and Regulations:** The Honor Board may adopt internal procedural regulations related to the Code that are not inconsistent with the Code. A majority of the Honor Board constitutes a quorum for conducting business, and all recommendations and regulations must be approved by a majority of the members of the Honor Board who are present and voting at a meeting duly called. The student chair will call such meetings as may be required by the business of the Honor Board, and whenever requested by any seven members of the Honor Board. Each member of the Honor Board will be given four class days notice and a written agenda in advance of any meeting, unless this requirement is waived by unanimous consent of the members of the Honor Board.

**8. Faculty Advisors.** At any time, there will be at least three advisors appointed by the Dean: An Honor Board faculty advisor (also referred to herein as “faculty advisor to the Honor Board”), one or more faculty prosecution advisors, and one or more faculty defense advisors. The advisors have the following functions:

- a) The Honor Board faculty advisor will: review complaints, along with the Associate Dean and the student chair of the Honor Board, to determine whether the complaints state a claim; advise the student chair of the Honor Board with respect to any matters related to the Honor Code; serve as liaison between the faculty advisors and the student chair of the Honor Board.
- b) The faculty prosecution advisor(s) will advise students, faculty, and staff in the preparation of complaints and advise student prosecution counsel in matters before a disciplinary panel.
- c) The faculty defense advisor(s) will advise students and student defense counsel in the preparations of answers and in matters before a disciplinary panel.

**9. Review of the Code by Board:** Every March, the student chair of the Honor Board will meet with the Honor Board faculty advisors to discuss the operation of the Code and to propose suggestions by the Board for amendment of the Code. The faculty advisor to the Honor Board will bring such suggestions for amendment to the faculty.

**10. Amendment of the Code by Faculty:** If the faculty elects to amend the Honor Code, it should submit any proposed amendments to the Honor Board for consideration and comment. No amendment to the Honor Code will affect a pending matter without the consent of the defendant.

**11. Annual Abstract:** At the end of each academic year, the outgoing student chair of the Honor Board will, in consultation with the Associate Dean and the faculty advisor to the Honor Board, prepare for dissemination to the Law School community an abstract on all reports of suspected violations of the Honor Code received during the preceding twelve months. The Associate Dean will disseminate the annual abstract after preparation. The abstract will contain a synopsis of each suspected violation, including the underlying facts of the complaint, the determination on whether the complaint stated a claim, a summary of the specification of charges, the final judgment of the disciplinary panel, and the

result of the Dean's review on appeal. The annual abstract will also include a synopsis of any violation where the Associate Dean imposes sanctions pursuant to Section IV.F. The abstract will preserve the anonymity of students accused of violating the Honor Code, the complainant, and any witnesses.

## **VI. MISCELLANEOUS**

**1. Extension of Time Limits for Actions by Complainant or Defendant:** A complainant or defendant may request in writing for an extension of any time limit for any action or filing to be completed by the complainant or defendant. A party so requesting must provide an explanation or justification for the request.

**2. Other Time Limits:** Any time limits pertaining to actions by the Associate Dean, Dean, Honor Board, faculty advisors to the Honor Board, disciplinary panel, or any combination thereof, are aspirational only and will not be used as grounds for the dismissal of a complaint.

**3. Calculation of Time Limits:** Any reference to "class day" refers to a weekday where classes are ordinarily scheduled at the Law School, whether or not such classes take place. Time is calculated by excluding the initial day from which time begins to run, but counting the final day on which an action is to take place. For example, an appeal of any decision of the disciplinary panel to the Dean must be filed within five class days of such a decision. If the decision of the disciplinary panel is released on a Monday, the appeal is due on the subsequent Monday. Computation of days begins on Tuesday and Saturday and Sunday are excluded from the computation.

**4. Designee:** The Associate Dean, the Dean, and other persons referred to by title may appoint a designee in appropriate circumstances.

**5. Titles:** Titles are inserted for ease of reference only and will not be considered part of the Honor Code.

**6. Email:** Any communication which is sent by email is considered to be in writing for the purpose of this Code.

## Appendix A: Sample Complaint

### Complaint of Christine Crow (ccrow@rwu.edu)

Date: November 1, 2016

For my complaint, I, Christine Crow, state as follows:

1. I am professor at Roger Williams University School of Law.
2. Nancy Noe is a third-year student at Roger Williams University School of Law.
3. Michael Moe is a second-year student at Roger Williams University School of Law.
4. Both Noe and Moe are currently registered in my seminar “Legal History: Appeal of Felony – Practice and Procedure.” A copy of the roster for the seminar is attached as appendix A to this complaint.
5. On September 15, 2016, I assigned students 10 page papers on various topics. Both Noe and Moe received and the same assignment. A copy of the assignment is attached as appendix B to this complaint.
6. The assignment made clear that students were not to collaborate, and that the papers were to be the result of each student’s original research and writing.
7. Both Moe and Noe turned in their papers on October 15, 2016.
8. The papers turned in by Moe and Noe are substantially similar and, in many instances, identical. Copies of Moe’s and Noe’s papers are attached as appendices C and D to this complaint, respectively, with the similar and identical portions highlighted in yellow.
9. The papers are so nearly identical that they can only be the result of Noe having copied from Moe, Moe having copied from Noe, Noe and Moe having collaborated, or Noe and Moe having plagiarized from the same source.
10. Aside from the persons set out in the class roster in appendix A to this complaint, I know of no other person who might have additional knowledge of Moe and Noe’s copying, collaboration or plagiarism.

I affirm that the contents of this complaint are true.

/s/Christine Crow

## Appendix B: Sample Notice of Complaint

*In the matter of Nancy Noe and Michael Moe*

**Notice of Complaint**

Date: November 6, 2016

To: Nancy Noe

Please take notice that:

1. You are the subject of a complaint, attached as appendix A to this Notice, which accuses you of violations of section II.1.(a) of the Honor Code, Academic Dishonesty, and a disciplinary panel has been formed to consider the matter.
2. You have five class days after notice of the appointment of a student defense counsel to answer the complaint.
3. Your answer must:
  - a) State that your answer is in regard to a specific complaint by the complainant, Professor Christine Chow.
  - b) Give the date on which your answer is filed.
  - c) Provide your official email address.
  - d) Respond to each numbered paragraph in the body of the complaint with a statement that you affirm the facts alleged, deny the facts alleged, or deny knowledge or information sufficient to affirm or deny the paragraph. A denial must fairly respond to the substance of the allegation. If you intend in good faith to deny only part of an allegation you must admit the part that is true and deny the rest.
  - e) In subsequent numbered paragraphs, with each paragraph setting out a discrete fact, set out any further facts, beyond those contained in the complaint and implicit in your responses, that are relevant to whether you engaged in Academic Dishonesty.
  - f) Contain any additional relevant facts. Such facts should be based on your personal knowledge, but if based on information and belief, should state specifically the basis of such information and belief.
  - g) Contain, as an attachment, a copy of any document relied on by you that was not included in the complaint.
  - h) Identify any other persons not mentioned in the complaint that you believe to have personal knowledge of the facts in the complaint, along with a statement of what you believe to be the nature of that knowledge.
  - i) State that you affirm the truth of its contents.
  - j) Be signed by you.

14. The names and official emails of the members of the disciplinary panel are:

- Sarah Smith (Professor of Law), [ssmith@rwu.edu](mailto:ssmith@rwu.edu)
- John Jones (Professor of Law), [jjones@rwu.edu](mailto:jjones@rwu.edu)
- Frank Fuller (Second-Year Law Student), [ffuller1234@g.rwu.edu](mailto:ffuller1234@g.rwu.edu)

15. The name and official email address of the complainant is Christine Crow (Professor of Law), [ccrow@rwu.edu](mailto:ccrow@rwu.edu).

16. The name and official email address for other interested parties is as follows:

- Student prosecution counsel: Richard Roe (Third-Year Law Student), [rowe1717@g.rwu.edu](mailto:rowe1717@g.rwu.edu)
- Faculty prosecution advisor: Mary Martin (Professor of Law), [mmartin@rwu.edu](mailto:mmartin@rwu.edu)
- Faculty defense advisor: Andy Andrews (Professor of Law), [andyandrews@rwu.edu](mailto:andyandrews@rwu.edu)

17. You have the right to a student defense counsel and may choose from among the following students, who have been elected to the Honor Board:

- Beatrice Best, [bbest7654@g.rwu.edu](mailto:bbest7654@g.rwu.edu)
- Donald Davies, [ddavies9876@g.rwu.edu](mailto:ddavies9876@g.rwu.edu)
- Lakshmi Luthra, [lluthra1357@g.rwu.edu](mailto:lluthra1357@g.rwu.edu)
- Santiago Suarez, [ssuarez9348@g.rwu.edu](mailto:ssuarez9348@g.rwu.edu)

You must make this election by notifying the Associate Dean of your selection within two days of the date of receiving this notice. If you do not make this election within two days of receiving this notice, a student defense counsel will be appointed to you.

18. You may seek to have any member(s) of the Disciplinary Panel recused.

19. In certain circumstances, you may petition for exemption from the disciplinary panel hearing, as outlined in Section IV.F of the Honor Code.

20. If you have any questions about this Notice, you are advised to contact the faculty defense advisor.

### **Appendix C: Sample Answer**

***In the matter of Nancy Noe and Michael Moe***  
**Answer of Nancy Noe ([nnoe2358@g.rwu.edu](mailto:nnoe2358@g.rwu.edu))**

Date: November 10, 2016

For my answer, I, Nancy Noe:

1. Admit the allegations in paragraph 1 of the complaint.
2. Admit the allegations in paragraph 2 of the complaint.
3. Admit the allegations in paragraph 3 of the complaint.
4. Admit the allegations in paragraph 4 of the complaint.
5. Admit the allegations in paragraph 5 of the complaint.
6. Admit the allegations in paragraph 6 of the complaint.
7. Admit I turned in my paper on October 15, 2016, but deny knowledge or information sufficient to form a belief as to when, if ever, Michael Moe turned in his paper.
8. Admit the document attached as appendix D to the complaint is my paper; admit that both my paper and the document attached as appendix C to the complaint are similar or identical as indicated by the highlighting; and deny knowledge or information sufficient to form a belief as to the author of the document attached as appendix C to the complaint.
9. Deny knowledge or information sufficient to form a belief as to the cause of similarity between my paper and the document attached as appendix C to the complaint; and deny I copied Moe's paper, collaborated with Moe, or plagiarized my paper from any source.
10. State that Moe has been involved in a romantic relationship with my apartment mate, Tammy Toe, and was a frequent visitor to our apartment. Accordingly, Moe would have had access to my laptop, which I kept on the common dining table in my apartment.
11. Persons with knowledge of Moe's visits to my apartment are Tammy Toe, [ttoe1749@g.rwu.edu](mailto:ttoe1749@g.rwu.edu); Yael Yoe, [yyoe2416@g.rwu.edu](mailto:yyoe2416@g.rwu.edu); and Graham Goe, [ggoe@g.rwu.edu](mailto:ggoe@g.rwu.edu).

I affirm that the contents of this answer are true. /s/ Nancy Noe

**Appendix D: Self-Nomination Form**

**Honor Board Student Self-Nomination Form**

I, \_\_\_\_\_, a \_\_\_\_\_ year student, declare my candidacy for a position on the Roger Williams University School of Law Honor Board.

If elected, I agree to uphold the Honor Code's provisions to the best of my ability.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
RWU E-mail Address and Telephone Number

In support of my candidacy, I believe that I am qualified to serve in this position for the following reasons: [include statement of no more than 250 words; statement can be attached as a separate document].