

SOUTHWESTERN

LAW SCHOOL Los Angeles, CA

Code of Student Professionalism and Conduct

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Related policies: Student Honor Code, Student Conduct Policy and By-Laws of the Honor Code Committee (HCC), Policy on Student Academic Work-Product Originality (Plagiarism) for All Southwestern Students and Collaboration Rules in Legal Analysis, Writing, and Skills Courses, Sexual Misconduct Policy, Policy to Prevent Discrimination, Harassment, and Retaliation, Policy on Alcohol and Other Drugs, Campus Safety & Security Policies, Policy on Minors, Intimate and Familial Relationships Policy, Smoke-Free Campus Policy, Workplace Violence Prevention Plan, Campus Access Policy, Anti-Hazing Policy

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A. Purpose

Southwestern Law School has two codes and multiple policies that govern student conduct, including this Code of Student Professionalism and Conduct (Conduct Code), the Student Honor Code (Honor Code), the Policy to Prevent Discrimination, Harassment, and Retaliation (DRH Policy), the Policy on Student Academic Work-Product Originality (Plagiarism) for All Southwestern Students and Collaboration Rules in Legal Analysis, Writing, and Skills Courses (which

defines plagiarism and expectations for LAWS courses), and the Sexual Misconduct Policy.

Although both the Honor Code and the Conduct Code include rules, guidelines, and expectations for appropriate and professional conduct, the Honor Code primarily concerns academic issues, and the Conduct Code primarily concerns nonacademic and behavioral issues. While Honor Code issues proceed under the Student Conduct Policy and By-Laws of the Honor Code Committee (HCC), most matters under the Conduct Code will be handled administratively and in a way that advances professional development.

Some situations may involve conduct that implicates both codes. If a matter involves conduct covered by both codes, the law school may choose to proceed under either or both codes.

Consistent with Southwestern's mission and core values, this Conduct Code is based on the philosophy that individual and group responsibility is an important part of the educational process and preparing to enter the legal profession. This Conduct Code is designed to encourage individual and group responsibility, protect the rights, freedoms, and safety of Southwestern community members, and promote professionalism, civility, and respect for the rights of others.

The Conduct Code provides an educational and non-adversarial process designed to resolve matters concerning student professionalism or conduct. It is not designed to be a legal or judicial process. Accordingly, it is inappropriate for counsel to attend or participate in meetings or other proceedings under this Conduct Code.

B. Scope

The Conduct Code applies to all students admitted to Southwestern. It covers conduct that occurs from the time an individual applies to Southwestern through the time a student graduates. If a matter under the Conduct Code is pending when a student is scheduled to graduate, Southwestern may withhold the student's degree at least until the matter is resolved. Southwestern also retains jurisdiction after a student graduates or completes a program to address matters that occurred while the student was enrolled at Southwestern.

The Conduct Code applies to on-campus conduct, conduct within Southwestern programs and at Southwestern events, and to off-campus, online, and virtual conduct when the law school's mission, programs, activities, or reputation, a student's character and fitness or ability to practice law, the student's safety or well-being, or the safety or well-being of other Southwestern community

members are implicated. The law school has a vital interest in the character of our students and may regard off-campus behavior as a reflection of the student's character or fitness to continue as a member of the student body or to practice law.

This Conduct Code also applies to students enrolled in courses or programs sponsored or co-sponsored by Southwestern, such as the London Study-Abroad Program and the dual-degree program with the Drucker School of Management.

Aspects of this Conduct Code also apply to student organizations, whether they are formally recognized by Southwestern or receive funding, directly or indirectly, from Southwestern.

This Conduct Code does not diminish or modify a faculty member's authority to formulate grades. Although faculty may choose to defer academic assessments pending decisions made under this Conduct Code, they have the authority to assign reduced or failing grades when, in their professional judgment, student work deserves such a grade based on a lack of professional competency or insufficiency in performing course requirements.

C. Definitions

1. **"Day"** means any regular business day of the law school and does not include weekends, school holidays, Winter Break, or any day the law school is not open to conduct regular business.
2. **"Dean"** refers to the President and Dean of Southwestern Law School.
3. **"Investigator"** refers to the person charged with gathering facts and information about a referral under this Conduct Code and imposing sanctions. The Investigator will typically be an employee in the Student Services Office. The Dean reserves the right to appoint another person, including a person who is not a Southwestern employee, as an Investigator. If the Dean appoints or approves the appointment of an Investigator from outside Southwestern, the law school will enter into a written agreement with that individual or the individual's employer indicating that they will abide by relevant law school policies and procedures. The Dean also reserves the right to appoint multiple investigators or co-investigators to a matter. Others may assist the Investigator in work under this Conduct Code. The Investigator is distinct from the Examiner under the Honor Code.
4. **"Notice"** means written notice and includes email messages.
5. **"Property"** includes physical property, intellectual property, and computing and communication files and resources.

6. **“Writing”** includes email messages sent to a student’s Southwestern account.
7. Other terms are defined within this Conduct Code at the point where they are introduced.

D. Administration of the Conduct Code

The Associate Dean for Student Services is responsible for administering and enforcing the Conduct Code. The Associate Dean may delegate responsibility under the Conduct Code to another professional employee of the Student Services Office or, with the permission of the Dean, to another Southwestern employee or an appropriate external organization or individual.

E. Dean’s Authority

In addition to the standards and procedures set forth in this Conduct Code, the Honor Code, and other Southwestern policies, the Dean has the authority to provide for the safe and orderly administration of the law school’s academic affairs, student life, and campus safety and security.

F. Prohibited Conduct

Students are expected to conduct themselves in a manner that supports the law school’s educational mission and core values, which include acting professionally and respectfully. The following non-exhaustive list of inappropriate conduct may result in disciplinary action:

1. Violating institutional policies or rules

Violating policies or rules posted on Southwestern’s institutional policies webpage or otherwise provided to students, including, but not limited to:

- Acceptable Use Policy
- Anti-Hazing Policy
- Policy on Alcohol and Other Drugs
- Campus Access Policy
- Full-time J.D. Student Employment Policy
- Intimate and Familial Relations Policy
- Policy on Minors
- Peer-to-Peer File Sharing Policy
- Policy to Prevent Harassment, Discrimination, and Retaliation
- Political Activity Policy
- Sexual Misconduct Policy
- Smoke-Free Campus Policy
- Workplace Violence Prevention Plan

- Posted Campus Safety & Security policies
- Posted Career Services policies
- Posted Law Library policies
- Posted Student Affairs policies

2. Engaging in violent, threatening, or dangerous behavior

- Engaging in violence. "Violence" means any intentional physical aggression, assault, or behavior that results in bodily harm, injury, or damage to oneself, another individual, their property, or school property. "Violence" also includes any intentional act, whether physical, verbal, or nonverbal, designed to cause intimidation or emotional or psychological harm. Examples include, but are not limited to:
 - physical assault or battery, such as hitting, slapping, pushing, or kicking another individual;
 - threatening or intimidating behavior, such as raising a fist, making aggressive gestures, or displaying a weapon;
 - verbal threats or abusive language, including yelling, cursing, or making derogatory remarks about someone's race, gender, religion, or other protected characteristics;
 - bullying or harassment, including persistent or repeated behaviors intended to belittle, humiliate, or undermine a person's sense of dignity or self-worth;
 - stalking or following someone in a manner that reasonably causes fear or apprehension;
 - sexual harassment or assault, including unwanted touching, sexual advances, or inappropriate comments or gestures;
 - cyberbullying or online harassment, such as sending threatening emails, posting derogatory messages on social media, or sharing private or embarrassing information without consent;
 - damage to property, like vandalism or destruction of personal or school-owned belongings;
 - acts of self-harm, including self-inflicted injury or self-destructive behavior;
 - disrupting or interfering with normal school operations or academic activities; and
 - encouraging or inciting others to engage in violent or aggressive behavior.

Note: Self-defense that appears to be reasonably necessary to prevent injury and remove oneself from the situation is not prohibited.

- Threatening violence. A "threat of violence" means any verbal, non-verbal, or written expression, gesture, or behavior that communicates an intent or desire to cause physical harm, injury, or damage to an individual or their property or to members of an identifiable group. A "threat of violence" may include intimidating statements, aggressive posturing, harassment, stalking, or displaying weapons. The threat may be direct or implied, creating a reasonable perception or apprehension of fear or concern for one's safety or the safety of others, and includes threats of self-harm.
- Hazing. "Hazing" is conditioning new or continued membership in a group or organization on any act that violates the Conduct Code or recklessly endangers a person's mental or physical safety.
- Engaging in conduct that endangers the student's health and safety within the law school community or at school-sponsored events.
- Engaging in conduct that endangers the health and safety of other Southwestern community members or visitors within the law school community or at law school-sponsored events.
- Engaging in disorderly conduct, including but not limited to public intoxication; lewd, indecent, or obscene behavior; or other conduct that interferes with the orderly and efficient administration of Southwestern's academic and student life programs, that impacts Southwestern's reputation, or that interferes with emergency services (e.g., campus security, fire, police, EMT, etc.).
- Participating in or promoting a disturbance of the peace or unlawful assembly in the Southwestern community or at Southwestern events, which may include violating noise ordinances and regulations.
- Initiating or causing any false report, warning, or threat of fire, explosion, or other emergency.
- Misusing or tampering with fire alarms, fire systems, fire extinguishers, or other safety and security equipment.
- Altering campus lighting or projecting lights or lasers into campus buildings, onto campus properties, or at members of the Southwestern community or guests without advance written approval of the Chief Operating Officer.
- Failing to evacuate during a fire alarm, whether the alarm was activated falsely, during a drill, or during an actual emergency.
- Possessing, without authority, firearms or replicas, ammunition, fireworks, explosives, knives, or other weapons on Southwestern property or at Southwestern events.

- Inappropriately using flammable substances or equipment or using these items without proper authorization.
- Engaging in dangerous behavior in Southwestern's parking areas (e.g., speeding, disregard for the physical safety of others, etc.).
- Obstructing the free flow of pedestrian or vehicular traffic.

3. Misusing property or resources, misrepresentations, and unauthorized actions

- Destroying, defacing, erasing, altering, hiding, limiting access to, possessing, accessing, entering, or using—without authority—law school property, the property of others located on Southwestern property, or property related to a Southwestern activity.
- Camping or erecting tents or other structures on Southwestern property or the Promenade unless part of an authorized Southwestern event or without the advance written permission of Southwestern's Chief Operating Officer, Associate Dean for Student Affairs, or Associate Dean for Student Services.
- Stealing or misappropriating law school funds or services or funds of a student organization.
- Publishing, posting, or distributing on Southwestern property or at authorized Southwestern activities or by using Southwestern resources (e.g., computers, telephone lines, email services, internet connections, bulletin boards, etc.) material that violates any law, including the laws of defamation, copyright, or obscenity, or any Southwestern policy.
- Posting flyers, banners, signs, or similar materials on Southwestern property, campus sidewalks, or in the Promenade without the advance written approval of the Student Affairs Office or Chief Operating Officer.
- Falsely presenting oneself as an authorized Southwestern representative to gain or attempt to gain privilege, convenience, goods, or services.
- Giving or sharing a Southwestern student ID or parking permit with another person.
- Facilitating unauthorized access to law school property or programs.
- Possessing, manufacturing, or distributing false student IDs.
- Using Southwestern's name or logo for commercial purposes without written authorization.
- Providing false information to Southwestern or forging or falsifying records or signatures before or after admission.
- Misrepresenting your own or another student's presence or absence from class. This section includes but is not limited to signing into Qwickly or

another attendance when you are not present in class or sharing Quickly or other attendance codes.

4. Digital and social media misconduct

- Creating or maintaining a social media site, app, or other online presence that uses Southwestern's name or logo without appropriate written authorization. Students may refer to their Southwestern affiliation in professional contexts, such as LinkedIn, provided the use is accurate, professional, and does not imply official representation or endorsement by the school.
- Publishing or circulating false information (on any platform, in any format, and in any medium) that is damaging to the reputation of any member of the Southwestern community.
- Creating or publishing an audio or video recording without the subject's consent if that person has a reasonable expectation of privacy or if the recording is prohibited by state law or other Southwestern policy.

5. Misconduct at The Residences

- Violating regulations or policies governing residence in Southwestern-owned housing.
- Causing repeated disruptions in the Residences @7th. A non-exhaustive list of "disruptions" includes repeated and ongoing noise violations and repeatedly disturbing individuals using study rooms and common areas.
- Entering the dwelling of another in the Residences @7th without permission.

6. Legal and professional ethics violations

Southwestern's disciplinary process is independent of any criminal or administrative proceedings. Actions that violate the Conduct Code may result in Southwestern disciplinary action regardless of whether the acts occur on or off campus or are subject to prosecution. Southwestern reserves the right to proceed under the Conduct Code even if criminal or administrative charges are reduced, dismissed, resolved through a plea agreement, result in acquittal, or are otherwise adjudicated.

- Violating any federal, state, city, or county law, ordinance, or regulation, regardless of whether the conduct occurred, in the following circumstances:

- If necessary to protect the rights and safety of the Southwestern community;
- If the act bears a substantial nexus to the law school's programs, property, community, mission, or reputation; or
- The conduct also violates another part of the Conduct Code, Honor Code, or other Southwestern policy.
- Engaging in conduct that, if the individual were a licensed attorney, violates the California Rules of Professional Conduct.
- Engaging in the unauthorized practice of law.

7. Failing to comply and retaliation

- Failing or refusing to comply with the lawful order of any clearly identified law school official performing their duties.
- Failing to complete requirements associated with clinics and externships that affect Southwestern's reputation or ability to place students into those programs in the future.
- Failing to participate fully and truthfully in law school investigations.
- Knowingly violating the terms of any citation or order issued or any sanction imposed under any Southwestern code or policy.
- Attempting to discourage any individual's participation in an investigation or proceeding under a Southwestern code or policy.
- Directly or indirectly harassing or attempting to influence any Investigator, witness or potential witness, person making a referral, or any other person involved with a procedure under a Southwestern code or policy.
- Knowingly submitting a false or vexatious complaint under this Conduct Code or the Honor Code.
- Threatening, attempting, or committing retaliation against anyone who, in good faith, brings a concern or complaint under any Southwestern code or policy, participates in an investigation under a Southwestern code or policy, or protests in good faith alleged discrimination, harassment, or retaliation against another. Retaliation may include but is not limited to the following:
 - coercion, intimidation, interference, harassment, or vexatious behavior;
 - excluding or blocking someone from an activity, organization, or course participating because that person filed a complaint or has been a witness; or
 - spreading negative information about the individual.

G. Student Organization Responsibility

1. Group conduct

Student organizations are expected to adhere to all applicable institutional policies or procedures to the extent feasible. Failing to do so may result in action being initiated against the group; consequently, policies, procedures, and penalties set forth in this Conduct Code apply to student organizations collectively. Members of organizations, honors programs, groups, or clubs should understand that group culpability may occur when any one of the following situations exist, regardless of whether the activity is co-organized or co-sponsored with another Southwestern or non-Southwestern group:

- a.** Members act in concert to violate Southwestern codes or policies.
- b.** A code or policy violation arises out of a group-sponsored, financed, or endorsed event.
- c.** A group leader has knowledge of the inappropriate act or conduct before or while it occurs and fails to take corrective action or report it to an appropriate law school official.
- d.** The incident occurs at an off-campus facility leased, rented, or used by the group for an off-campus event.
- e.** A pattern of individual violations is found to have existed without proper or appropriate group control, remedy, or sanction.
- f.** Group members attempt, cover up, or fail to report the improper conduct to an appropriate law school official.

2. Organization representative

Each year, each organization should designate one officer to represent the organization when a referral against the organization is made under the Conduct Code. The organization must email the representative's name, position within the organization, school email address, and phone number to the Student Services Office and the Student Affairs Office by September 30.

H. Sanctions

1. Sanctions for individuals

Sanctions are intended to be corrective and educational, to protect the safety and security of the Southwestern community, and to reflect

Southwestern's core values. Each Conduct Code violation will constitute a separate violation. For each violation, the law school may impose appropriate sanctions, including but not limited to one or more of the following:

- a. Oral or written warning
- b. Oral or written reprimand
- c. Written apology
- d. Community or law school service
- e. Assessment (e.g., a mental-health assessment) or training
- f. Educational task or counseling (such as writing a research or reflective paper, planning and presenting a program, or attending an educational program)
- g. Referral to an assistance program (e.g., BisonCares or lawyer assistance program)
- h. Meetings with individuals, departments, or groups
- i. Loss or suspension of privileges or benefits (e.g., exclusion or restriction from one or more activities, events, functions, platforms, systems, or physical locations of or within the law school)
- j. Living unit suspension or expulsion (temporary or permanent separation from housing owned by Southwestern)
- k. Restitution (compensation for loss, damage, or injury; compensation may take the form of appropriate service or monetary or material replacement)
- l. Disciplinary probation for a specific or indefinite term.

2. Additional sanctions for individuals

For individuals, the Investigator may also recommend other measures, including but not limited to the following:

- a. Adding a letter to the student's permanent file; the Dean must approve this measure.
- b. Referring the matter to the Honor Code Committee for enhanced sanctions, including but not limited to suspension; suspending or

revoking admission or a degree, concentration, award, or other recognition conferred by Southwestern; or expulsion.

3. Sanctions for groups

Each Conduct Code violation will constitute a separate violation. For each violation, the law school may impose appropriate sanctions, including but not limited to one or more of the following, which would not be placed in an individual student's file:

- a. Oral or written warning
- b. Oral or written reprimand
- c. Written apology
- d. Community or law school service
- e. Training
- f. Meetings with individuals, departments, or groups
- g. Educational task (such as members planning and presenting a program)
- h. Property restrictions (organization may be restricted from certain law school facilities, property, or platforms)
- i. Restitution (compensation for loss, damage, or injury; compensation may take the form of appropriate service and/or monetary or material replacement)
- j. Suspension of recognition or registration of the organization
- k. Budget reductions for a specified period

4. Effective date of sanctions

Unless stayed or otherwise set by the Investigator, all sanctions are effective immediately.

5. Mitigating and aggravating factors

In determining sanctions, the Investigator may consider mitigating and aggravating factors. A non-exhaustive list of factors that the Investigator may consider include the following:

a. Pre-referral admission

When a student voluntarily admits conduct before learning that someone has referred the matter or is about to refer the matter, the Investigator may consider the admission as a mitigating factor. A student who has the courage and integrity to come forward with a good-faith admission has reaffirmed a personal commitment to integrity and professionalism. Admissions should be made to the Associate Dean for Student Services.

b. Other admissions

Even an admission made after a referral may have some mitigating value. This type of admission acknowledges the inappropriate conduct and acceptance of responsibility.

c. Cooperation

The Investigator may consider how cooperative or uncooperative the student was during the process, including whether the student responded timely and professionally to inquiries and requests for meetings and information and whether the student dealt honestly and civilly with the Investigator and others involved in the process.

d. Intent

Conduct falls on an intent continuum that ranges from malicious, willful, intentional, reckless, and grossly negligent on the more serious end to negligent, careless, and accidental on the less serious end. The Investigator may consider where conduct falls on this continuum when determining sanctions.

e. Degree of harm or seriousness of the offense

The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.

f. Prior violations

The Investigator may consider prior violations of the Honor Code, this Conduct Code, or other Southwestern policies in setting sanctions.

g. Nexus to professional standards

The nexus between the student's conduct and the question of the student's character and fitness to practice law is a relevant factor in determining sanctions.

h. Willingness to make restitution

A student's willingness to make restitution may be a mitigating factor in appropriate cases. Restitution refers to compensation for loss, damage, or injury and may take the form of appropriate service or monetary or material replacement.

i. Discriminatory motive

If a student engaging in conduct prohibited under the Conduct Code is found to have intentionally directed the conduct toward a person or group because of race, ethnicity, color, religion, creed, ancestry, national origin, sex, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), sexual orientation, gender identity, gender expression, parental status, marital status, age (40 and over), disability (mental and physical), medical condition, citizenship status, military status or service, veteran status, genetic information, or any other classification protected by law, that discriminatory motive may be considered an aggravating factor in determining sanctions.

6. Amnesty

a. Medical

Any student may bring an intoxicated or drug-impaired person to the attention of a law school official, campus security, or any emergency service provider (e.g., police, fire, EMT). Neither the student who is impaired nor the student assisting the impaired student will face disciplinary action under this Conduct Code for possessing, using, or providing alcohol (see exception below) or possessing or using other drugs, so long as the student(s) receiving the amnesty completes a mandatory follow-up with the Associate Dean for Student Services.

Amnesty does not apply to other prohibited conduct, including but not limited to providing alcohol to persons under 21 or distributing illegal substances. Amnesty may still be extended under these circumstances but will be determined by the Associate Dean for

Student Services on a case-by-case basis, with consideration given to the student's intent, proactive steps taken to ensure the safety of the intoxicated peer, and other relevant factors.

Amnesty will not apply in any case of assault, violence, or property damage.

Failure by a student, organization, or college to contact a Southwestern official, campus safety, or local emergency responders when faced with an alcohol- or other drug-related emergency is a serious violation and may be sanctioned under this Conduct Code.

To receive amnesty, a student must initiate a request for assistance before being confronted by a Southwestern official or campus security for possible alcohol or drug violations. Students may receive amnesty on more than one occasion. Because cooperation is crucial during emergency responses, any interference with the emergency response or others trying to provide care to an injured person is unacceptable. An intoxicated or drug-impaired student who is belligerent toward emergency responders will not receive amnesty.

b. Sexual assault

A student who, in good faith, reports being the victim of, or a witness to, an incident of sexual assault will not face disciplinary action under this Conduct Code for misconduct related to the incident. This amnesty does not apply to a student who reports their own commission of a sexual assault or assistance in committing a sexual assault.

I. Procedures

1. Referrals

a. Method of referral

Any member of the Southwestern community may consult with the Associate Dean for Student Services or their designee about possible conduct issues. To determine whether an investigation is necessary, it is helpful for the person to provide specific names, dates, locations, and descriptions of the possible misconduct. Any referral received orally will be memorialized as soon as possible after the communication. Although anonymous referrals may be

considered, anonymity may limit the law school's ability to respond and may be considered when determining whether to appoint an Investigator. We encourage individuals to report issues and suspected violations as promptly as possible. The Associate Dean for Student Services and the assigned Investigator may consider the impact of long delays in determining whether and how to proceed.

b. Decision regarding investigation

After receiving a referral, the Associate Dean for Student Services should promptly consult with the Dean to determine whether an investigation should occur and who will serve as the Investigator.

c. Additional violations

If, in the course of investigating alleged misconduct or in reviewing public records and reports, the Investigator finds information that suggests additional violations of the Conduct Code or the Honor Code by any person, the Investigator may treat this information as an additional referral or may refer the additional matter to the Honor Code Committee.

d. Referral to the Honor Code Committee

In addition, serious violations of the Conduct Code may be treated as violations of the Honor Code and may be referred to the Honor Code Committee.

e. Faculty Advisor and Associate Dean for Student Affairs notification

When a referral is made against a student organization, the Faculty Advisor and Associate Dean for Student Affairs should be notified of that referral.

2. Interim action

After receiving a referral, the Dean or the Associate Dean for Student Services or Investigator in consultation with the Dean, may determine that interim measures are necessary or appropriate. Interim action must be based on a reasonable belief that serious misconduct occurred and that the student's continued presence or participation poses a threat to an individual, property, or law school operations. They should be tailored to the specific situation and based on an objective assessment of the circumstances and the alleged misconduct.

A decision to impose an interim action will be communicated in writing to the student and will become effective at the time stated in the communication.

A student who receives an interim action will be provided with an opportunity to meet with the Investigator to respond to the allegations of misconduct no later than three days following the effective date of the interim action.

The interim action will remain in effect until a final decision has been made on the pending referral or until the Investigator determines that the reasons for imposing the interim action no longer exist.

Interim actions may include but are not limited to the following:

- Restricting the student's access to the law school campus or certain areas of the law school campus (e.g., library, fitness center, etc.);
- Requiring the student to attend classes, educational activities, or office hours remotely;
- Restricting the student's access to certain events, platforms, or systems;
- Adjusting or restricting the student's participation in nonacademic activities and programs;
- Relocating the student's Residence unit or removing the student from Southwestern housing; or
- Restricting the student's contact with certain individuals.

3. Leave or withdrawal

If a student takes a leave of absence, is placed on a leave of absence, or withdraws from Southwestern after a referral has been made under this Conduct Code but before the matter is resolved, Southwestern may decide whether to continue with the investigation to gather and preserve evidence or to toll the investigation.

In case of a leave, the matter will be revived if and when the student returns. If a student attempts to transfer to another institution during this period, Southwestern will note the pending investigation if asked to send materials to another institution of higher education.

In case of a withdrawal, Southwestern may note on the student's transcript that they are not eligible to re-enroll; the notation will be "Disqualified for Code of Conduct."

4. Investigation and decision

- a.** Upon receiving a referral, the Investigator:
 - i. will determine whether the referral primarily reflects academic or nonacademic misconduct and will request the Dean to reassign the matter if necessary;
 - ii. will determine whether the referral states a sufficient basis to believe that a violation of the Conduct Code or Honor Code may have occurred;
 - iii. may interview the person making the referral and other persons with information or seek additional information regarding the referral.
- b.** If the Investigator determines that the Conduct Code has not been violated or that a violation cannot be substantiated, the Investigator will end the investigation and will follow the reporting and record-keeping provisions below. The referral will be considered an allegation under the Conduct Code only after the Investigator determines that a sufficient basis exists to believe this Conduct Code may have been violated.
- c.** Even if the Investigator determines that the matter should not be pursued, they may recommend that a professionalism conference be held with the student or student group so that the conduct at issue is not repeated or that the student or student group may better understand the effect, impact, and consequences of their actions. The meeting is especially important when the conduct at issue violates the norms of the legal profession, as reflected in the California Rules of Professional Conduct.
 - i. If the Investigator determines that a professionalism conference is appropriate under the circumstances, the Investigator will notify the student or student organization representative in writing about the need for the student to participate and the basis for the conference. The student or student-organization representative must agree to meet with the Investigator within 10 days of receiving the notice and at a time mutually convenient to the Investigator or other law school official employee conducting the conference.

- ii. No other individuals are entitled to attend the professionalism conference, although the Investigator may permit others to attend but not participate. If necessary, the student may be required to sign a FERPA notice for certain individuals to attend the meeting.
 - iii. The professionalism conference should address why the referred conduct violates the rules of professional conduct, norms of the legal profession, or Southwestern's core values and may include specific action steps for the student or group to take or avoid to improve the student's or group's conduct in the future.
 - iv. During or after the professionalism conference, the Investigator may require the student or student group to enter into a professionalism contract that outlines the conduct or actions the students must avoid or affirmative actions the student or student group may take.
 - v. Failing to respond to the meeting request, failure to attend the meeting, refusal to participate in the meeting in good faith, or failure to comply timely or completely with the action steps may result in a new referral under the Conduct Code.
 - vi. When the student or student group completes all designated action steps, the Investigator will send a letter informing the student or student-group representative of that fact.
- d.** If the Investigator believes that a Conduct Code violation may have occurred, the Investigator will promptly notify the student or student-group representative about the alleged violation in writing, set a time to meet with the student or student-group representative, indicate who may attend the meeting, provide details about how the meeting will proceed (e.g., if witnesses will be present), and gather any other information needed to resolve the matter. The Investigator may conduct portions of the investigation before meeting with the student or student-group representative.
- e.** At the meeting with the student or student-group representative, the Investigator will provide the following:

- An explanation of any Conduct Code sections at issue and the nature of the conduct that is the basis for invoking those Conduct Code sections;
- A summary of the information gathered;
- A reasonable opportunity to respond to allegation; and
- An explanation of the applicable disciplinary procedures.

The Investigator will provide the student or student-group representative with written notice before, during, or within one day of the meeting.

During this meeting, the Investigator and the student or student-group representative may have witnesses available. The witnesses need not be in the same physical or Zoom room as the student or student-group representative. While the student or student-group representative has a right to understand the witnesses' positions, they do not have the right to examine or question the witnesses.

The Investigator may choose to record the meeting and will record it if the student or student-group representative requests it.

An individual student may request to have a support person available. That person may not be an attorney representing the student and generally should not be a law school employee. The student will be asked to sign a FERPA waiver to allow that person to attend the meeting. The support person may not participate actively in the meeting.

A student-group representative may ask the faculty advisor to attend the meeting, but the faculty advisor may not participate in it.

- f.** A student or student-group representative who fails to attend a scheduled meeting with the Investigator will forfeit the right to respond unless excused by the Investigator. If the student or student-group representative fails to attend the meeting, the Investigator may proceed to impose a sanction.
- g.** After considering the information gathered, the Investigator will determine whether it is more likely than not that a violation of the Conduct Code has occurred and, if so, the appropriate sanction to apply.
- h.** The Investigator will notify the Dean of the decision and sanction, if any.

- i. Then, the Investigator will inform the student or student-organization representative of the decision in writing. The written decision will describe the alleged violation, the determination, and any sanction to be imposed. When feasible, this information will also be communicated in a face-to-face meeting.
- j. The Investigator's decision is final, although the Dean reserves the right to review and amend any decision or sanction.

J. Records and Record-Keeping

1. Individual students

a. Decision issued

The decision will be placed in the student's file in the Registrar's Office. In addition, a confidential file will be maintained in the Student Services Office.

b. Decision not issued

If the Investigator determines that the student did not violate the Conduct Code or that a violation cannot be substantiated, the Investigator may prepare a summary of the matter. That summary will be maintained in a confidential file in the Student Services Office. Information in the file will be used only to respond to specific inquiries from the student whose conduct was at issue or from a board of bar examiners or similar organization to which the student has applied.

c. Report to bar examiners

Southwestern may report a finding of a Conduct Code violation to any board of bar examiners or similar organization to which the student applies. Southwestern will not report referrals that result only in a professionalism conference. Students should be aware that most bar applications will require the student to report any sanctions imposed on the student by an educational institution, regardless of whether the sanctions were for conduct suggesting unfitness for legal practice.

2. Student organizations

The decision and related materials will be maintained in a confidential file in the Student Services Office. The information should not be placed into individual students' files in the Registrar's Office. The faculty advisor for

the organization will receive a copy of the decision, which should be kept confidential.

K. Annual Reporting

Each August, the Associate Dean for Student Services will compile a list of all referrals in which decisions were issued during the immediate past year (June to May). This list should not contain names of students or organizations but should list the type of referral and any sanction issued. The Dean will share the list during an executive session of the September or October faculty meeting.

L. Confidentiality

Southwestern considers referrals and procedures under the Conduct Code to be confidential. All participants should respect the confidentiality of this information and disclose it only to those who have a legitimate need to know.

M. Revisions

Southwestern reserves the right to revise this Conduct Code at any time and for any reason. Revisions may be enforced on 15 days' notice to the student body. Notice may be made via the student listserv or in another manner deemed by the Dean to reach most students.