

ARIZONA SUMMIT LAW SCHOOL
STUDENT CODE OF CONDUCT
Revised March, 2016

A. Introduction

A central mission of Arizona Summit Law School is to develop and maintain a challenging yet supportive academic environment guided by core values of professionalism, integrity, trust, civility, mutual respect, and accountability. This Student Code of Conduct is intended to ensure students, as members of our school community, conduct themselves in accordance with these values. The purpose of the Student Code of Conduct is to create a set of expectations of student conduct, to ensure a fair process for determining responsibility, and to assign corrective measures when student behavior deviates from expectations. Students become part of the school community upon admission, and by doing so; they share in the school's mission and associated responsibilities.

Students are expected to respect the views and personal dignity of other members of the Arizona Summit community. In addition, students should learn about the expectations that will be required of them when they become lawyers. The Codes of Professional Responsibility published by each state's bar association, including the Rules of Professional Conduct of The Arizona Bar, describe these expectations. Students are encouraged to consult these codes for guidance. This Conduct Code is not a contract, and it is not to be construed as a contract between students or student organizations and Arizona Summit Law School.

B. Definitions

1. The terms "school", "ASLS" or "Arizona Summit" mean Arizona Summit Law School.
2. The term "student" means an individual:
 - a. Who has received an offer of admission to Arizona Summit, or who has been accepted for enrollment in one or more classes offered by this school, or in any qualifying program at Arizona Summit, and
 - b. Who has registered for one or more classes of academic instruction to be given at the school or sponsored by the school.
3. The terms "class" or "course" refer to any class or course at Arizona Summit Law School. The terms should be construed broadly, and include graded and nongraded courses, courses offered for credit and not for credit, and courses offered on or off the law school campuses. The terms specifically include clinics, internships, externships, summer abroad programs, and advocacy competitions.
4. Student status continues until it is terminated upon the occurrence of one or more of the following events:
 - a. Graduation.
 - b. Documented completion of the academic program by the Registrar or program administrator.
 - c. Voluntary withdrawal of the student from all courses of academic instruction.
 - d. Involuntary dismissal from all programs and activities of the school, and the exhaustion of all internal procedures to redress the dismissal or withdrawal (if

- applicable).
- e. Unauthorized absence from the school for one or more semesters.
5. The term “Conduct Code” or “Code” means the Student Code of Conduct.
 6. The term “school official” includes any person employed by Arizona Summit and serving the school in an official capacity.
 7. The term “Dean” refers to the Dean of Arizona Summit Law School, or that person’s designee.
 8. The term “Student Engagement” is also referred to as the Student Services department.
 9. The term “school community” includes any person who is a student, school employee, school official, trustee, or any other person serving the school in an official capacity.
 10. The term “school premises” includes all land, building, facilities, and other property in the possession of, used, or controlled by Arizona Summit.
 11. The term “organization” means any Arizona Summit student organization or organization sponsored by the school.
 12. For the purpose of determining deadlines, “day” means any regular business day of Arizona Summit, and does not include weekends, college holidays, or any day on which the school is not open to conduct regular business, unless otherwise specified. References to a number of “days” prior to or after occurrence of an event shall not include the day of the event.
 13. The term “notice” means written notice and includes e-mail messages.
 14. The term “property” includes physical property, intellectual property, and computing and communication files and resources.
 15. The term “writing” includes an e-mail message sent to a student’s Arizona Summit e-mail account.
 16. The term “Investigator” refers to the person charged with gathering facts and information about a referral under this Code, and with imposing sanctions.
 - a. The Investigator typically will be the Director of the Office of Student Engagement but may be another Arizona Summit employee appointed by the Dean.
 - b. The Dean reserves the right to appoint another person, including a person who is not a full-time employee of Arizona Summit, as Investigator. If the Dean appoints a person who is not a full-time employee of Arizona Summit, the Dean will enter into an agreement with that individual indicating that the individual will abide by the relevant Arizona Summit policies and procedures.
 - c. The Dean also reserves the right to appoint multiple Investigators to a matter. When multiple investigators are appointed, those people will collaborate in the fulfillment of investigator duties and actions.
 - d. The Investigator may be assisted by others in work under the Code.
 - e. The Investigator under this Code is distinct from the person charged with gathering facts and information about a referral under the Honor Code.
 - f. Upon appointment, the Investigator will notify the Dean of any conflict of interest, allowing the Dean to appoint a different Investigator.

C. Discipline Authority and Delegation

Ultimate authority for student discipline is vested in the Dean of Arizona Summit Law School through the Fiduciary Board. The Dean may assign any action or sanction deemed

appropriate for a given incident, notwithstanding anything contrary in the Conduct Code. The Director of the Office of Student Engagement is the person designated by the Dean to be responsible for the administration and enforcement of the Conduct Code. This person may delegate responsibility under this code to another professional in the Office of Student Engagement. Disciplinary authority may be delegated to the Director of Student Engagement or specific school officials as deemed appropriate by the Dean or designee.

D. Conduct Code Jurisdiction and Student Responsibility

Generally, the school will take action for conduct that occurs on school premises or at school events, whether held on or off-campus. However, the school may take action for other off-campus behavior that adversely affects the school, the school community, and/or the school's reputation, the pursuit of its mission, or objectives. Arizona Summit has an interest in the character of its students and may regard off-campus behavior as a reflection of a student's character and his or her fitness to continue as a member of the student body. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though that conduct may occur before classes begin, after classes end, during the academic year, and during periods between terms of actual enrollment. Students are responsible for knowing the contents of the Conduct Code. Ignorance of the Conduct Code and its provisions will not constitute an acceptable defense in any disciplinary meeting. The Conduct Code shall apply to a student's conduct even if the student withdraws or is dismissed from the school while a disciplinary matter is pending, as long as the conduct occurred prior to the student's withdrawal or dismissal. If a Conduct Code investigation or meeting is pending when a student is scheduled to graduate, the student's degree may be withheld until the matter is resolved, and the student may be denied the privilege of participating in graduation programs, receptions, elections, or honors banquets at the discretion of the Dean or Director of Student Engagement. Students and student organizations are subject to the Conduct Code. The Conduct Code and its processes shall only be applicable with respect to alleged violations of the Code committed by students and shall not, under any circumstances, be applicable with respect to alleged violations committed by faculty, staff, or law school administration. The Conduct Code is intended to govern all non-academic conduct issues, and where deemed appropriate, certain academic dishonesty and related issues. The Arizona Summit Honor Code governs all academic dishonesty and related issues not being pursued under the Conduct Code. In the event of a jurisdictional conflict between the provisions of the Conduct Code and the Honor Code, the Dean or Director of Student Engagement will determine the appropriate course of action. A matter need not be handled under the Conduct Code if appropriate action is taken under other Arizona Summit procedures (e.g., Library policies and rules). The Conduct Code is not a contract, and it is not to be construed as a contract between students or student organizations and Arizona Summit Law School.

E. Educational Process

This 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 not appropriate for counsel to attend or participate in meetings and

other proceedings initiated under this Code.

F. Violation of Law and Conduct Code

A referral may be registered against a student or organization charged with violation of a law that is also a violation of this Conduct Code if both violations result from the same factual situation, without regard to any pending civil litigation or criminal arrest and prosecution. Actions under the Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Students who are arrested or otherwise charged with a violation of law or ordinance outside of law school have an on-going obligation to disclose this information to the school in a timely fashion. Disclosure should be made in writing to the Director of Student Engagement within five (5) calendar days of the date of arrest. Failure to comply with this reporting provision constitutes misconduct under the Conduct Code.

G. Prohibited Conduct

The Conduct Code and the assignment of sanctions are not limited to the acts of prohibited conduct specifically outlined here, as this Code is not meant to be an exhaustive summary of all conduct prohibited by the school. However, any student found to have committed one or more of the following acts of prohibited conduct will be subject to sanctions, up to and including expulsion.

1. Prohibited Conduct Affecting the School Community

- a. Engaging or having engaged in any conduct that, under the laws of the United States or the state where such conduct occurred, constitutes a crime punishable by incarceration, whether or not the student is charged in a criminal court and whether or not the punishment of incarceration is actually imposed. If such conduct occurs in a foreign nation, it is misconduct under this code if it constitutes a crime punishable by incarceration both (1) in that foreign nation and (2) under the laws of the United States or any state.
- b. Disruption of teaching, clinics, meetings, conferences, library activities, research, administration, disciplinary or other proceedings, or other school-sponsored or school-related activities, whether on or off-campus.
- c. Failure to comply with directions of school officials, including, but not limited to, faculty, staff, administration, school security or law enforcement officers acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
- d. Failure to wear or display the school-provided personal identification (ID) card on campus grounds. Failure to adhere to the Campus ID Card Policy covering the school-provided personal identification card. Failure to pursue or receive a campus ID card.
- e. Failure to register vehicle or any subsequent vehicle changes with the campus Security Department.

- f. Failure to recognize and preserve student anonymity with respect to confidential or controlled information including, but not limited to, blind grading numbers (BGN) and special accommodations provided to students under the Americans with Disabilities Act (ADA).
- g. Improper use of a computer in a classroom or in any school-sponsored presentation, on or off-campus.
- h. Use of social media to send threatening, abusive, harassing, or indecent messages or images.
- i. Recording a lecture or other classroom or on-campus interaction without permission of the professor or staff member.
- j. Videotaping, audio taping, or photographing members of the school community without permission, and the distribution or public display of the same.
- k. Sharing authorized or unauthorized recordings from class with other students or people outside the school.
- l. Signing-in another student to class or the solicitation of the same act by another student.
- m. Selling class notes or being paid for taking class notes except when authorized by the Office of Student Engagement.
- n. Failure to report any arrest or legal/disciplinary charges to the Director of Student Engagement within five (5) calendar days of the said incident.
- o. Acts of dishonesty not covered by the Honor Code, including but not limited to the following:
 - i. Furnishing false information to the school or any school official including, but not limited to, information provided in the law school application, employment hours certification, class attendance verification processes, or any internal application.
 - ii. Furnishing false information to a prospective employer, in a resume, or in a bar application.
 - iii. Omission of vital information requested by the school or any school official including, but not limited to, information requested in the law school admissions application.
 - iv. Forgery, alteration, or misuse of any school, government, or Law School Admissions Council (LSAC) document, record, or means of identification.
 - v. Tampering with the election of any person, organization, or award.
 - vi. Misuse or unauthorized use and/or possession of school or school-sponsored organizational funds, checking account, credit card, or debit card.
- p. Violation of published school policies, rules, regulations, or requirements including, but not limited to, Student Handbook policies, Policy for Sexual Misconduct and Relationship Violence (Title IX), Arizona Summit Library policies, Information Technology network and computer policies, Alcohol Policies, Weapons Policy, Tobacco Policy, Non-Discrimination Policy, Security Policy, Campus ID Policy, parking and traffic policies and regulations, vehicle registration requirements, policies governing student organizations, and other school policies.
- q. Unauthorized use of the school's name, logo, or symbols.
- r. Unauthorized soliciting or canvassing by an individual group, or organization.
- s. Violating the terms of any disciplinary sanction imposed in accordance with the

Conduct Code.

- t. Tampering with the normal activity of service animals.
- u. Failure to complete requirements associated with clinics, internships, externships, or other off-campus courses that can affect Arizona Summit's reputation and ability to place students into those programs in the future.

2. Prohibited Conduct Affecting People

- a. Domestic violence, dating violence, stalking, and sexual misconduct, including but not limited to sexual battery, sexual assault, rape, and sex-based harassment. These offenses are subject to the additional procedural requirements outlined in the Policy for Sexual Misconduct and Relationship Violence (Title IX).
- b. Physical or verbal abuse, harassment, threats, stalking, intimidation, bullying, coercion and other conduct which threatens or endangers the health or safety of any person, or which causes reasonable apprehension of such harm.
- c. Discriminatory harassment, including harassment based on one of the protected classes in the school's non-discrimination policy. Any discriminatory act including, but not limited to, hate speech/symbols/gestures or any violation of the school's non-discrimination policy.
- d. Hazing is prohibited. Any solicitation to engage in hazing is prohibited. Aiding and abetting another person who is engaged in hazing is prohibited. A person's consent to hazing is not an excuse. All students must take reasonable measures within the scope of their individual authority to prevent violations of this policy. It is not a defense to a violation of this policy that the hazing victim consented to or acquiesced in the hazing activity.
 - i. For the purposes of this policy, and in accordance with A.R.S. 15-2301, the following definitions apply:
 - a. Hazing - any intentional, knowing, or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:
 - i. The act was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in any organization that is affiliated with the university
 - ii. The act contributes to a substantial risk of potential physical injury, mental harm, or degradation, or causes physical injury, mental harm, or personal degradation.
 - b. Organization -an athletic team, association, order, society, corps, cooperative, club, student organization, fraternity, sorority, or other similar group that is affiliated with the university and whose membership consists primarily of students enrolled at the university. "Organization" includes a local chapter, unit, or other local division consisting primarily of students, regardless of the nature of the membership of the larger public or private organization.

- c. Student - any person who is enrolled at the university, any person who has been promoted or accepted for enrollment at the university, or any person who intends to enroll at or be promoted to the university within the next 12 calendar months. The hazing prevention policy of the university, where a person has been accepted for or promoted to enrollment, or where a person intends to enroll or be promoted to within the next 12 calendar months, shall be the effective policy. A person who meets the definition of a student for purposes of this paragraph shall continue to be defined as a student for purposes of this section until the person graduates, transfers, is promoted, or withdraws from the university.
- e. The use or display of profane, indecent, degrading, threatening, or otherwise inappropriate images, gestures, or written/verbal communications on school premises or off-campus at school-sponsored activities, events, or experiential learning activities.
- f. Clothing which displays profane messages or images or which is otherwise indecent or exceedingly unprofessional.

3. Prohibited Conduct Affecting Property

- a. Attempted or actual theft of and/or damage to property of the school or school-sponsored organization or property of a member of the school community. Unauthorized possession of any school property or property of a member of the school community.
- b. Destroying, defacing, erasing, altering, hiding, limiting access to, possessing, accessing, entering, or using without authority, the property of Arizona Summit or the property of others located on the premises of Arizona Summit or related to a Arizona Summit activity.
- c. Unauthorized use or possession of school money, credit card, or debit card. Unauthorized use or possession of money, credit card, or debit card belonging to a school-sponsored organization.
- d. Improper or unauthorized use, duplication, or distribution of any school property, including, but not limited to, Arizona Summit CDs, tapes, books/library materials, podcasts, website, social media, or photographs of any member of the school community. Violation of existing copyright policies.
- e. Unauthorized possession, duplication, or use of keys to any school premises or unauthorized entry into or use of school premises.
- f. Theft or other abuse of computer facilities and resources, including, but not limited to, the following actions:
 - i. Use of computing facilities and resources to disrupt the normal operation of the Arizona Summit computing system or to interfere with the work of others.
 - ii. Use of computing facilities and resources to send threatening, abusive, or indecent messages or images.
 - iii. Use of another individual's identification and/or password.
 - iv. Unauthorized entry into a file to use, read, or change the contents, or for any other purposes.

- v. Use of computing facilities or resources in violation of copyright laws.
- vi. Any violation of the school's network and computer policies.

4. Prohibited Conduct Affecting Health, Safety, and Order

- a. Possession, use, or storage of firearms, explosives, incendiary devices, weapons, or dangerous chemicals on school premises or at school-sponsored activities occurring off campus, including in the subject's vehicle in the parking facilities.
- b. Use, possession, distribution, sale, or manufacture of illegal drugs, including the use of drug-related paraphernalia, on school premises or at school-sponsored or school-related activities occurring off campus.
- c. Use, possession, sale, or distribution of alcoholic beverages on school premises or at school-sponsored/school-funded activities off campus, except as expressly permitted by the law and school officials.
- d. Appearance in class, on campus, or at school-sponsored or school-related functions, on or off campus, under the influence of alcohol or drugs.
- e. Engaging in violent, abusive, intimidating, indecent, profane, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance or disrupts the normal operation of the school, school-sponsored function, or functions associated with the school.
- f. Any activity which disrupts the normal operations of the school or infringes on the rights of other members of the school community.
- g. Leading or inciting others to disrupt scheduled or normal activities on campus.
- h. Intentional obstruction of the free flow of pedestrian or vehicular traffic on school premises or at school-sponsored or school-supervised functions.
- i. Initiating or causing any false report, warning, or threat of fire, explosion, or other emergency.
- j. Misusing or tampering with fire extinguishers, alarms, smoke detectors, defibrillators, or any other safety or security equipment.
- k. Failure to immediately vacate a school building when a fire alarm has sounded.
- l. Smoking in unauthorized locations on school premises.
- m. Violations of federal, state or local law on school premises or at school-sponsored or school-supervised activities.
- n. Violations of federal, state or local law off school premises and not related to school-sponsored or school-related activities when the violations adversely affect the school and/or the pursuit of its objectives.
- o. Loitering on campus grounds or facilities outside of open building hours.

5. Prohibited Conduct Affecting the Discipline Process

- a. Failure to appear at a disciplinary meeting when directed to do so.
- b. Falsifying, distorting, misrepresenting, or failing to disclose material facts in a disciplinary investigation, meeting, or knowingly initiating a false or frivolous

- complaint.
- c. Attempting to discourage a person's proper participation in, or use of, the discipline process. Harassment or intimidation of a complainant, witness, respondent, or other participant in a disciplinary meeting.
 - d. Harassment or intimidation of a school official or member of a disciplinary committee, including the Honor Court, or Review Committee.
 - e. Refusing reasonable cooperation in an investigation of an alleged violation of the Conduct Code.
 - f. Tampering with evidence relevant to a Conduct Code charge.
 - g. Failure to comply with any sanctions, actions, or terms imposed under the Conduct Code or Honor Code processes.

6. Prohibited Conduct Involving Groups

- a. Students who act together to violate the Conduct Code may be assigned joint responsibility for such violation(s).
- b. Students and organizations may be held responsible for the conduct of their guests while on school premises, at school-sponsored activities, and at functions sponsored by any registered student organization.

7. Other Conduct

- a. Engaging in conduct not otherwise covered by any other provision of this Code which reflects negatively on a student's character and fitness in law school. These conduct issues may include academic dishonesty and related issues and may occur on campus or outside of the law school.
- b. Engaging in any other conduct that would render a student unfit to practice law, including violations of any state's rules of professional responsibility while acting under student practice rules in that state.
- c. Engaging in conduct that would, if students were a member of The Arizona Bar, violate the Rules of Professional Conduct of The Arizona Bar.

H. Organizational Responsibility

This Code also applies to student groups and organizations at Arizona Summit, regardless of whether they are formally recognized by Arizona Summit or receive funding, directly or indirectly, from the school.

- a. Student organizations are expected to adhere to all applicable institutional policies and standards. Failure to do so may result in action being initiated against the group; consequently, this Code applies to student organizations collectively. Student groups may be held responsible when any of the following situations exist:
 - i. Members of the group act in concert to violate Arizona Summit community standards.
 - ii. A violation arises out of a group-sponsored, -financed, or -endorsed event.
 - iii. A group leader has knowledge of the act or incident before or while it occurs and

- fails to take corrective action.
 - iv. The incident occurs at an off-campus facility that is leased, rented, or used by the group.
 - v. A pattern of individual violations is found to have existed without proper or appropriate group control, remedy, or sanction.
 - vi. Members of the group attempt to cover up or fail to report improper conduct to the appropriate Arizona Summit officials.
- b. One officer of the student group should be designated to represent the organization when a referral against that group is made under the Conduct Code. If the group does not designate an officer, the president or president-equivalent will be deemed the representative.

I. Sanctions

1. The following sanctions and may be imposed upon any student found to have violated the Conduct Code. Please note, any sanction imposed may be added to a student's permanent academic file and may be subject to disclosure:
 - a. Warning—Notice, orally or in writing, that continuation or repetition of prohibited conduct will be cause for additional disciplinary action.
 - b. Reprimand—A written or oral reprimand specifying the violation for which the student is held responsible.
 - c. Disciplinary Probation—A form of probation that is distinct from probation that may be imposed as a result of academic performance. The term refers to the period prescribed by the Investigator during which certain conditions imposed as sanctions must be met or during which the student's behavior will be monitored. If the student fails to fulfill the conditions during the probationary period, the Investigator, after giving the student notice and a reasonable opportunity to respond, may determine that the student has violated the probation and may impose new or additional sanctions. The conditions of disciplinary probation may be varied, depending on the circumstances. Examples of conditions might include obtaining drug or alcohol counseling or treatment, obtaining a psychiatric evaluation, refraining from certain activities or contact with certain persons, redoing assignments or exams, and attending programs.
 - d. Restrictions or Loss of Privileges and/or Benefits—Denial, exclusion, or restriction of certain privileges, events, activities, or benefit for a designated period of time. An example would be the denial of the privilege of participation in any school-sponsored extracurricular activity, service, or organization for a definite period of time. Another example would be the removal from any student governmental office or position in any school-sponsored activity or organization or from any school-sponsored position of trust, responsibility or interest. Another example would be the partial or total revocation or suspension of scholarship.
 - e. Contact Restriction—A written notice that further contact between specified students is prohibited. Conditions and duration of restrictions may be specified.
 - f. Restitution—Compensation for loss, damage, or injury. This may take the form of

- appropriate service and/or monetary or material replacement.
 - g. Discretionary Sanction—Work assignments, service to the school, local community, civic organizations, or other related discretionary assignments.
 - h. Counseling—This may be for substance abuse, anger management, or other purposes depending on the incident and associated circumstances. The student will be required to provide documentation of completion of the required off-campus counseling by a qualified professional. The student will be responsible for all costs associated with the counseling.
 - i. Suspension—Separation of the student from the school for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Duration of suspension will be determined as part of the disciplinary process.
 - j. Withdrawal—Permanent withdrawal from registered classes. If a student is withdrawn from any classes for any Conduct Code violation, the student is not entitled to any reimbursement of tuition, book expenses, or other fees associated with the school and/or enrollment.
 - k. Expulsion—Permanent separation of the student from the school. School officials administering this Code have the right to permanently dismiss a student for any reason, cause, or Conduct Code violation. If a student is expelled from the school for any Conduct Code violation, the student is not entitled to any reimbursement of tuition, book expenses, or other fees associated with the school and/or enrollment.
 - l. Revocation of Degree—Rescinding a student’s degree awarded by the school.
 - m. Other Sanctions — Other sanctions or actions may be imposed instead of or in addition to those specified in parts (a) through (k) of this section.
2. The following sanctions may be imposed on any organization or group of students found in violation of the Conduct Code.
 - a. Any of the sanctions listed in Section 1 above.
 - b. Loss of identification as a registered student organization.
 - c. Loss or withdrawal of all student general fee dollars or other school funding for the remainder of the academic year.
 3. Multiple sanctions may be imposed in connection with any violation.

J. Implementation of Sanctions

Sanctions are effective immediately, unless stayed or otherwise set by the Investigator. An appeal process may or may not be afforded. If a student initiates an appeal, sanctions will not begin until the appeal process is exhausted. The Dean or designee may impose sanctions during the appeal process to ensure the safety and wellbeing of members of the school community. If the sanctions include suspension or expulsion, various members of the school community will be promptly notified, including school security personnel and the student’s faculty.

K. Mitigating and Aggravating Factors

In determining the sanction, the Investigator may consider mitigating and aggravating factors. A nonexhaustive list of factors that may be considered include the following:

1. Pre-referral admission — When a student voluntarily admits misconduct 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 forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making such an admission should contact the Director of the Office of Student Engagement.
2. Other admissions — Even an admission made after a referral may have some mitigating value. This type of admission shows acknowledgment of the inappropriate nature of the student’s conduct. However, a post-referral admission is not as strong a mitigating factor as a pre-referral admission.
3. Cooperation — The Investigator may consider how cooperative, or uncooperative, the student was during the process, including whether the student responded timely to inquiries and requests for meetings, provided requested information, and dealt honestly and civilly with the investigator and others involved with the process.
4. Intent — Conduct falls on an intent continuum that ranges from malicious, willful, intentional, reckless, and grossly negligent conduct on the more serious end, to merely negligent, careless, and accidental conduct on the less serious end. Where conduct falls on this continuum may be considered when determining sanctions. Conduct that is malicious, willful, intentional, reckless, or grossly negligent may justify a more serious sanction. Less intentional conduct may be a mitigating factor.
5. Degree of harm or seriousness of offense — The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.
6. Prior violations — Prior violations of the Conduct Code or the Honor Code may be considered as aggravating factors.
7. Nexus to professional standards — The nexus between the student’s conduct and the question of character and fitness of the student to practice law is a relevant factor in determining sanctions.
8. Willingness to make restitution — A student’s willingness to make restitution may be considered as a mitigating factor in appropriate cases. Restitution refers to compensation for loss, damage, or injury; compensation may take the form of appropriate service and/or monetary or material replacement.
9. Discriminatory motive — If a student, in engaging in conduct prohibited under the Conduct Code or Honor Code, is also found to have intentionally directed the conduct toward a person or group because of the race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, marital, or parental status of the targeted person or group, that discriminatory motive may be an aggravating factor in determining sanctions.

L. Procedures

1. Referrals

- a. Method of referral — Members of the Arizona Summit community may refer

- possible conduct issues to the Director of the Office of Student Engagement. To determine whether an investigation or intervention is necessary, it is helpful for the person to provide names, dates, locations, and descriptions of the possible misconduct.
- b. Additional referrals — If the Investigator finds information that suggests the student or another person may have violated other provisions of the Conduct Code or the Honor Code, the Investigator may treat this information as an additional referral or may refer the additional matter to an Honor Code Investigator.

2. Interim Action

- a. After receiving a referral, the Investigator may recommend to the Dean that a student be suspended, restricted from classes or other activities, or prohibited from having contact with one or more individuals for an interim period.
- b. A recommendation for interim action must be based on a reasonable belief that serious misconduct occurred and that the continued presence of the student on the campus(es) poses a threat to an individual, property, or college function.
- c. The decision to impose an interim action will be communicated in writing to the student, and will become effective immediately.
- d. 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 five days following the effective date of the interim action.
- e. 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.
- f. The Dean or Director of the Office of Student Engagement have the right to impose any readmission requirement necessary, based on an individualized assessment, to demonstrate the health, well-being, and overall fitness of the student to continue in law school before allowing readmission.

3. Investigation and Decision

- a. After receiving a referral, the Investigator;
 - i. will determine whether the referral states a sufficient basis to believe that a violation of the Conduct Code or Honor Code may have occurred;
 - ii. will determine whether the referral primarily reflects Conduct Code or Honor Code covered misconduct and will reassign the matter if necessary;
 - iii. may interview the person making the referral and other persons with information, and may seek additional information regarding the referral.
- b. If the Investigator determines that the Code has not been violated or that a violation cannot be substantiated, the investigation will end and the Investigator will follow the reporting and record-keeping provisions noted below.
- c. Even if the Investigator determines that a matter should not be pursued under the Conduct Code, the Investigator may recommend that an educational conference be held with the student or student group so that the conduct at issue is not repeated, or so that the student or student group may better understand the effects and

- consequences of the actions.
- i. During this educational conference, the Investigator may require the student or student group enter into a conduct contract. That contract may outline conduct or actions that the student or student group must avoid, or may impose affirmative obligations on the student or student group.
 - ii. A violation of the contract may be considered as a violation of this Conduct Code.
- d. The referral will be considered an allegation under this Code only after the Investigator determines that a sufficient basis exists to believe that the Conduct Code may have been violated.
 - e. If the Investigator believes that a violation of the Code may have occurred, then the Investigator will promptly notify the student or student-group representative, in writing, of the alleged violation, will set a time to meet with the student or representative, and will gather any other information needed to resolve the matter.
 - f. The student or student-group representative will be provided with the following in writing:
 - i. an explanation of any Conduct Code sections at issue and the nature of the conduct that is the basis for invoking those Code sections;
 - ii. A summary of the information gathered;
 - iii. A reasonable opportunity to respond in writing; and
 - iv. An explanation of the applicable disciplinary procedures.
 - g. During the meeting with the student or student-group representative, the Investigator may have witnesses available, but the witnesses need not be in the same room as the student or representative, and the student or representative, while having the right to understand the witnesses' positions, does not have a right to examine the witnesses. The Investigator may choose to audiotape the meeting.
 - h. A student or student-group representative who fails to attend a scheduled meeting with the Investigator will forfeit the right to respond regarding the alleged violation, unless excused by the Investigator. If the student or representative fails to attend the meeting, the Investigator may proceed to impose a sanction.
 - i. After carefully 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 or sanctions to apply.
 - j. The Investigator will notify the Dean of the decision and sanction, if any.
 - k. Then, the Investigator will inform the student or student-group representative of the decision, in writing. The written decision will describe the violation, the determination, and the sanction. When feasible, the Investigator also should communicate the decision and sanction to the student or student-group representative in a face-to-face meeting.
 - l. Following a decision, the student or student group has the right to file an appeal based on the procedures outline in Section M.

M. Appeals

A student may appeal the sanctions imposed under this Code. Appeals should be made in writing to the Director of the Office of Student Engagement of the school within five (5) days

of the date of communication of the decision reached in the meeting with the Investigator. An appeal must be based on one or more of the following:

- a. Availability of new evidence sufficient to alter the decision that was not available prior to the original decision.
- b. A procedural defect that was prejudicial.
- c. Sanctions found to be grossly disproportionate to the offense.

The appeal will be reviewed and considered by a Review Committee comprised of the Dean or his/her designee, the Director of the Office of Student Engagement, an academic dean, and another administrator selected by the Dean or his/her designee.

Formal rules of evidence will not be applied nor will deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student or the school may result. Upon review of the appeal, the Review Committee will make a ruling, and the decision of the committee is final. The student will be notified in writing of the Review Committee's decision regarding the appeal.

N. Records and Record-keeping

1. Individual students:

- a. Decision issued — In the case of an individual student, the decision will be placed in the student's file in the Registrar's Office, and a confidential file on the matter also will be maintained in the Office of Student Engagement.
- b. Decision not issued — If the Investigator determines that the Code has not been violated 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 Office of Student Engagement. Information in the file will be used only to respond to specific inquiries about that matter received 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 board of bar examiners — Any finding of a Conduct Code violation may be reported by the Dean or his/her designee to any board of bar examiners or similar organization for any bar to which the student applies. 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 the practice of law. Students also should be aware that Arizona Summit routinely responds to inquiries regarding student character and fitness from boards of bar examiners and similar organizations.

- 2. Student organizations:** In the case of a student group, the decision and other material related to the matter will be maintained in a confidential file in the Office of Student Engagement. 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.

O. Confidentiality

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

P. Publication of Results

At least once a year, the Director of the Office of Student Engagement should compile a list of all referrals in which decisions were issued. This list, which should not contain names, but which should list the violation and any sanction issued, should be published, posted in writing, and displayed in school board postings for students at the discretion of the Dean or his/her designee.

Q. Student Code of Conduct Review and Amendment

The Student Code of Conduct shall be reviewed semi-annually under the direction of the Director of the Office of Student Engagement. In addition, specific Arizona Summit personnel selected by the Dean or designee shall periodically conduct a review of the Student Code of Conduct and make recommendations regarding omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Student Code of Conduct. Questions of interpretation regarding the Conduct Code shall be referred to the Director of the Office of Student Engagement or designee. In keeping with normal school policy approval processes, the Student Code of Conduct may, at the sole discretion of the school, be amended at any time to include any changes deemed necessary to the Code. Changes made to the Conduct Code take effect immediately. Changes will be made with or without notice. Current/updated versions of the Student Code of Conduct will be maintained on the Arizona Summit website. This Conduct Code is not a contract, and it is not to be construed as a contract between students or student organizations and Arizona Summit Law School.

