

**PROCEDURES AND STANDARDS FOR  
ACADEMIC CODE VIOLATIONS  
ADOPTED BY THE FACULTY,  
as of May 6, 2024**

**I. Overview:**

Any allegation of a student's violation of Boston College Law School's Academic Code of Conduct is serious and, if substantiated, may carry important and long-lasting consequences. To ensure fairness, alleged violations of the Academic Code shall be investigated and disposed of through the following procedures (each of which is explained in more detail below):

- Initial Incident Report by faculty, administrator, proctor, or student;
- Faculty or administrator's limited investigation to determine whether *reasonable suspicion* exists to warrant a referral to the Associate Dean for Academic Affairs;
- Initial inquiry and limited investigation by the Associate Dean for Academic Affairs to determine whether *probable cause* exists to warrant referral to the Academic Standards Committee;
- The Academic Standards Committee holds a due process hearing to determine whether *clear and convincing evidence* exists to warrant a finding of one or more violations of the Academic Code of Conduct, and, if so, to determine appropriate sanctions;
- A student found to have violated the Academic Code of Conduct may appeal the finding to the full faculty;
- In reviewing the Academic Standards Committee's determination of a violation of the Academic Code and/or appropriate sanctions, the full faculty gives deference to the factual findings and credibility determinations made by the Academic Standards Committee. It may vote to affirm the ruling of the Academic Standards Committee, or it may modify or reverse the Committee's determination if the faculty find that the Committee's determination was not supported by sufficient facts, imposed an excessive sanction, or entailed a misinterpretation of the Academic Code of Conduct.

## II. Student Disciplinary Procedures and Due Process Protections:

### a. Initial Incident Report and Limited Inquiry

- (1) **Standard: *Reasonable Suspicion*** - Faculty members, administrators, proctors and students shall report to the Associate Dean for Academic Affairs any incident that creates a reasonable suspicion that one or more students violated the Academic Code of Conduct (hereafter “Academic Code”). “Reasonable suspicion” is a low threshold.
- (2) **Procedure: Limited Investigation to Determine Reasonable Suspicion** - To determine whether there is reasonable suspicion that one or more students violated the Academic Code, a faculty member or administrator may undertake a limited investigation to determine whether there is reasonable suspicion to warrant reporting the incident to the Associate Dean for Academic Affairs (hereafter “the Academic Dean”). Depending on the circumstances, a limited investigation may include, without limitation, speaking to the student, comparing materials submitted for academic credit, or conferring with other faculty members. When conducting a limited investigation, the faculty member or administrator shall focus on whether there is a reasonable suspicion of a suspected violation. The faculty member or administrator shall not conduct a thorough investigation or form an ultimate opinion as to whether the suspected violation occurred. If the limited investigation supports a reasonable suspicion of a violation of the Academic Code, the faculty member or administrator shall forward a report of the incident (hereafter, the “Incident Report”) to the Academic Dean.

### b. Initial Inquiry By Associate Dean for Academic Affairs

- (1) **Standard:** Upon receiving a report of possible violations of the Academic Code of Conduct, the Associate Dean for Academic Affairs shall initially determine whether the facts as reported, and reasonable inferences from those facts, would constitute a violation of the Academic Code of Conduct. This determination does not involve determination of facts or credibility. If the Associate Dean for Academic Affairs concludes that the facts as reported constitute a violation of the Academic Code of Conduct, she or he shall investigate whether there is probable cause to believe that the reported facts are true.
- (2) **Procedure:** The Associate Dean for Academic Affairs does not conduct a hearing. Depending on the circumstances, s/he may need to speak with the reporting faculty member, proctor or student, and the student accused. If, after investigation, the Associate Dean for Academic Affairs believes that probable cause of a violation exists, the Associate Dean for Academic Affairs shall refer the matter to the Academic Standards Committee, and the reporter and accused shall be informed. The written notice to the accused shall include a summary of the allegations, reference to the portions of the Academic Code involved and information regarding the disciplinary procedures and his or her rights in the process.

In cases where the report does not constitute a violation, or the investigation does not establish probable cause that the reported facts are true, the Associate Dean for Academic Affairs makes no referral to the Academic Standards Committee and seals any record concerning the matter. (In this instance, “sealing” means that no records of the report or action taken would appear in the student’s file and no mention would be made in certifications to outside authorities, such as bar examiners. A record may still be kept, for internal purposes only, by the Associate Dean for Academic Affairs). The Associate Dean may, within his or her discretion, inform the reporting party or the accused of this disposition.

The Associate Dean for Academic Affairs and Dean for Students shall be available to answer questions the accused may have regarding the process.

**c. Academic Standards Committee’s Due Process Hearing**

**(1) Standard: *Clear and Convincing Evidence*** - The standard of proof for determining whether the Respondent violated the Academic Code is “clear and convincing evidence,” which is between civil (“preponderance of the evidence”) and criminal (“beyond a reasonable doubt”) standards.

**(2) Procedure: Academic Standards Committee Due Process Hearing** - Once a case is referred to the Academic Standards Committee for suspected misconduct, the Respondent is entitled to a due process hearing before the full Committee or a sub-committee thereof consisting of three or more members of the full Committee, to be appointed by the Committee chair (hereinafter collectively referred to as the “Hearing Committee”).

**A. Due Process Hearing Procedures:**

1. Respondent shall have the opportunity to: a) be represented by legal counsel; b) testify and present argument, orally and/or in writing; c) present evidence, including documents and witnesses; d) cross-examine witnesses.
2. All witnesses shall testify under oath and be available for questioning by the Hearing Committee members and the Respondent or their representative.
3. It is a violation of the Academic Code for any student, other than the Respondent, to fail to cooperate with the Academic Standards Committee or any members thereof in a hearing to determine whether Respondent’s conduct violated the Academic Code.
4. The Academic Dean shall introduce the incident report, summarize their initial limited investigation, and explain their reasons for finding that probable cause exists to find that Respondent violated the Academic Code.
5. The Hearing Committee shall receive evidence, make findings of fact and credibility, and interpret and apply the Academic Code to the facts of the case. Formal rules of evidence do not apply to these proceedings.
6. The Committee may, but need not, draw an adverse inference from a

Respondent's failure to testify, failure to answer questions of the Committee, or failure to produce relevant documents.

7. The Chair of the Hearing Committee may, in his or her discretion and upon a showing of good cause, allow one or more witnesses to testify remotely by means of teleconferencing technology.

**B. Due Process Considerations for Multiple Respondents:**

1. Where two or more students have been accused of misconduct arising from a common nucleus of operative facts, the Chair shall determine whether to hold a joint hearing or separate hearings.
2. When conducting a joint hearing, the Chair has discretion to bifurcate evidentiary proceedings in whole or in part. For example, the Committee may hear evidence common to multiple respondents in one phase of the hearing, and in a separate part of that hearing receive evidence relevant to only one or more respondents. The Chair should consider exercising this discretion in cases involving multiple respondents where alleged mitigating information for a particular respondent involves confidential material such as a psychiatric or other medical condition with supporting witnesses and/or documentation.

**C. Hearing Committee's Findings:**

1. A majority vote of the Hearing Committee is required to find that, based on clear and convincing evidence, the Respondent violated the Academic Code.
2. If the Hearing Committee finds that there is clear and convincing evidence that the Respondent has violated the Academic Code, it shall determine appropriate sanctions, which may include, without limitation, a revised grade on an assignment or for a course, deprivation of credit, a mandatory leave of absence from the school, or expulsion.
3. In determining appropriate sanctions, the Hearing Committee shall consider mitigating circumstances that may include, but are not limited to, the Respondent's contribution to the law school community, academic record in other courses, unusual hardships, and/or medical condition(s).
4. If the Hearing Committee finds that a Respondent has violated the Academic Code, the Committee shall issue a written report that includes: a) specific factual findings and interpretations of the Academic Code which form the basis for its conclusion; b) its determination of appropriate sanctions; and c) a summary of Respondent's Law School record.

**D. Respondent's Acceptance or Appeal of Decision:**

1. The respondent shall have fourteen days to either accept the Hearing Committee's decision or appeal the Committee's decision to the full faculty.
2. If the respondent chooses not to contest the Academic Standards Committee decision, the decision is final and shall be forwarded to the Assistant Dean for Academic Services for inclusion in the Respondent's Law School record.
3. If the Respondent chooses to appeal the Hearing Committee's decision to the full faculty, the report shall be sent to all regular full-time law school faculty members

for action as set forth below.

**d. Full Faculty Action**

- (1) **Standard:** The student may appeal a decision of the Committee to the full faculty. The full faculty has a limited role. The faculty reviews the Committee's interpretation of the Code and may reverse on that basis, if appropriate. In addition, the faculty may approve, disapprove, or adjust the Committee's recommended sanction for the violation. The faculty's decisions must be based on the findings of fact and credibility determined by the committee. The faculty does not independently review these findings.
- (2) **Procedures:** The Committee report is distributed prior to the faculty meeting, along with any submission by the student. At the full faculty meeting, the Chair of the Academic Standards Committee presents the committee report and answers any questions from faculty members. The student, or the student's representative, may attend the faculty meeting and may:
- 1) argue that the facts as found do not constitute a violation of the Code, and
  - 2) present mitigating circumstances which the faculty may weigh in considering the appropriate sanction.

The student may be questioned by the faculty regarding the violation and any other matters bearing on Code interpretation and sanctions. The student and the student's representative may be excluded from deliberations after all questions and presentations are complete.

If the faculty interprets the Code differently than the Committee and, based on the faculty's Code interpretation, finds that no Code violation occurred, the record of the complaint and all proceedings shall be sealed. If, after determining any issues of Code interpretation, the faculty finds that the evidence, as found by the Committee, meets the standard of an Academic Code violation, the faculty's decision and determination of sanctions shall become a permanent part of the student's law school record and shall be disclosed to appropriate outside authorities, such as bar examiners.