

# POLICIES AND PROCEDURES

## COVID-19 Assumption of Risk

### Students:

The university has taken steps to implement substantial precautions to prevent the spread of COVID-19. By entering onto the Quinnipiac University campus, the student agrees to abide by all university policies and procedures related to COVID-19. The student voluntarily and knowingly assumes the risk of exposure to or infection of COVID-19 by using the services or premises, and that such exposure or infection may result in personal injury or illness. The student also acknowledges that it is impossible to fully mitigate the risk of becoming exposed to or infected by COVID-19 and that such exposure or infection may result from the actions, omissions, or negligence of the student, university faculty and staff and other students or visitors to campus. The university will follow all state guidelines and provide guidance on proper protection to alleviate and/or decrease the spread of viruses.

### Vendors:

The university has taken steps to implement substantial precautions to prevent the spread of COVID-19. By entering onto the Quinnipiac University campus, the vendor agrees to abide by all university policies and procedures related to COVID-19. The vendor voluntarily and knowingly assumes the risk of exposure to or infection of COVID-19 by using the services or premises, and that such exposure or infection may result in personal injury or illness. The vendor also acknowledges that it is impossible to fully mitigate the risk of becoming exposed to or infected by COVID-19 and that such exposure or infection may result from the actions, omissions, or negligence of the vendor, university faculty and staff and other students or visitors to campus. The university will follow all state guidelines and provide guidance on proper protection to alleviate and/or decrease the spread of viruses.

### Faculty and Staff:

The university has taken steps to implement substantial precautions to prevent the spread of COVID-19. By entering onto the Quinnipiac University campus, the employee agrees to abide by all university policies and procedures related to COVID-19. The employee also acknowledges that it is impossible to fully mitigate the risk of becoming exposed to or infected by COVID-19 and that such exposure or infection may result from the actions, omissions, or negligence of the employee, university faculty and staff, students or visitors to campus. The university will follow all state guidelines and provide guidance on proper protection to alleviate and/or decrease the spread of viruses.

## Alcoholic Beverages Policy

The following Alcoholic Beverages Policy is in effect with respect to all Quinnipiac School of Law student-sponsored functions:

### On-Campus Events

Except where permission has been granted by the associate dean of students, alcohol may **not** be served at student organization-sponsored events at the School of Law. Student organizations seeking to serve beer and/or wine must request permission from the associate dean of students at least two weeks in advance of the event, outlining the specifics of the event. If the associate dean of students grants permission for beer and wine to be served, special conditions may be imposed that the student organization must follow (such as a two-drink ticket system). The event is also subject to the Quinnipiac University

Alcohol and Drug Policy (<http://catalog.qu.edu/handbooks/graduate/university-policies/policy-statement-prevention-alcohol-abuse-drug-use-abuse/>) and the Student Code of Conduct. (<http://catalog.qu.edu/handbooks/graduate/student-conduct-community-standards/student-code-conduct/>)

Set forth below are the procedures that must be followed if/when the associate dean of students grants permission for alcohol to be served at student organization-sponsored events:

### When alcohol is served at an *on-campus* School of Law event:

1. The associate dean of students must approve the amount of alcohol purchased for each event.
2. Alcohol may never be consumed or served in classrooms, the library, the student meeting room, student organization offices, or the Courtroom. Non-alcoholic beverages must also be available.
3. Substantial food must be available, such as sandwiches, wraps, etc. Pretzels, potato chips and similar snack foods do not constitute a substantial food for this purpose. When the food is gone, the serving of alcohol must cease.
4. Beer and wine are the only alcoholic beverages that may be served. Mixed drinks are not permitted. If approved for use, kegs must be closed or capped at the end of the event and removed from campus as soon as possible.
5. **Two non-drinking representatives of the sponsoring student organization must be present where alcohol is being served.** The president of the sponsoring organization must notify the associate dean of students *prior to the event* who these two representatives will be. These students are responsible for reporting violations of the alcohol policy to the associate dean of students.
6. The sponsoring organization **must** hire a bartender from the university's catering department (Chartwells). The bartender must be on duty for the entire length of time alcohol is dispensed.
7. Attendance at alcohol-related events is limited to **law school students, faculty, staff and their escorted guests**. NO undergraduates are permitted at any time.
8. The faculty adviser for the sponsoring organization or a member of the administration (dean, associate dean) must attend the event.
9. Immediately after the event has concluded, all open bottles of alcohol must be disposed of. Unopened bottles must be placed in a locked and secure location within the law school, such as the associate dean of students office.

### When alcohol is served at an *off-campus* School of Law event:

1. Events held at off-campus establishments require the purchase of any alcohol to be made directly from the off-campus establishment. The associate dean of students may still require a two-drink ticket system be used to ensure that such purchases be limited to no more than two drinks per student.
2. Attendance at alcohol-related events is limited to law school students, faculty, staff and their escorted guests. NO undergraduates are permitted at any time.
3. It is the student organization's responsibility to ensure that off-campus establishments hold the appropriate municipal and state liquor licenses, as well as the required insurance. All distribution of alcohol must comply with the restrictions indicated in Connecticut law.

**The sale of alcoholic beverages:** No alcohol shall be sold at on-campus School of Law events.

**Legal drinking age:** Beer and wine may be dispensed only to individuals who are 21 and older. In accordance with Connecticut state law, alcoholic beverages shall not be dispensed to any intoxicated person.

**Damages:** Any damage to property incurred at events at which alcohol is served is the responsibility of the sponsoring organization.

**Transportation of alcohol:** The event-sponsoring organization is responsible for preventing attendees from bringing personal alcoholic beverages into the event and for preventing attendees from taking alcohol out of the event. The only exception is where alcohol is being transported by a representative of the sponsoring organization from a retail outlet to the event.

**Policy violations:** Violation of any of the aforementioned alcoholic beverage policies may result in the loss of privileges to the sponsoring group or organization and the disciplinary sanctions set forth in the University Alcohol and Drug Policy and Student Code of Conduct.

## COMPLAINT PROCEDURE

1. **In general.** There are two types of complaints: those that implicate the ABA Standards for Approval of Law Schools ([https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/)) and those that do not. To determine if the substance of a complaint implicates the Standards, a student should read the Standards.
2. **Submitting a formal complaint that implicates the Standards.** Any student at the law school who wishes to bring a formal complaint to the administration of the law school concerning a significant problem that directly implicates the school's program of legal education and its compliance with the ABA Standards should do the following:
  - A. If the complaint concerns an academic matter, submit it in writing, via Quinnipiac University email, to the associate dean for academic affairs. If the complaint concerns a nonacademic matter, submit it in writing, via Quinnipiac University email to the associate dean of students.
  - B. The writing should describe in detail the behavior, program, process or other matter that is the subject of the complaint. It should explain how the matter implicates the law school's program of legal education and its compliance with one or more specific, identified ABA Standard(s).
  - C. The writing must provide the name, official law school email address, and a street address of the complaining student, for further communication about the complaint.
  - D. The administrator to whom the complaint is submitted will acknowledge the complaint within three business days of receipt of it. Acknowledgment will be made by email.
  - E. Within 10 business days of acknowledgment of the complaint, the administrator, or the administrator's designee, shall either meet with the complaining student, or respond to the substance of the complaint in writing. In this meeting or in this writing, the student will either receive a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint or to further investigate the complaint. If further investigation is needed, when the investigation is completed, the student shall be provided either a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint. The response shall be provided to the student via email within 10 business days after completion of the investigation.

F. Appeals regarding decisions on complaints may be taken to the dean of the law school. The student may further appeal to the university's senior vice president for academic affairs. Any decision on appeal to the academic vice president shall be final.

G. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the office of the dean where it was originally filed.

3. **Submitting a complaint that does not implicate the Standards.**
  - A. If the complaint concerns an academic matter, the student should make an appointment to meet with the associate dean for academic affairs or submit the complaint via QU email.
  - B. If the complaint concerns a nonacademic matter, the student should make an appointment to meet with the associate dean of students or submit the complaint via QU email.
  - C. If the complaint is submitted at a meeting, the student may present the complaint either orally or in writing.
  - D. The dean to whom the complaint has been submitted shall respond to the complaint in writing to the student's QU email address within 10 business days.
  - E. Appeals regarding decisions on complaints may be taken to the dean of the law school. The student may further appeal to the university's senior vice president for academic affairs. Any decision on appeal to the academic vice president shall be final.

## Bias, Harassment and Discrimination Policy

Quinnipiac University values diversity, multiculturalism and respect for others in an environment free from bias. The university is committed to providing a safe and respectful educational and work environment that prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, gender (including identity and expression), sexual orientation, age or disability. Such behaviors or attitudes undermine the environment of equity and mutual respect that is essential to fulfill the university's mission.

Discriminatory or bias-related acts by students, faculty or staff will be addressed through the appropriate disciplinary processes. Any act of reprisal, interference, restraint, penalty discrimination, coercion or harassment against the university community for using these policies responsibly interferes with free expression and openness and violates this policy. Accordingly, members of the university community are prohibited from acts of reprisal against those who report incidents to the university, are involved as witnesses or otherwise try to responsibly use this policy. This policy will help to create an atmosphere in which allegations of discrimination or harassment are dealt with in a timely, private, fair and effective manner.

## Title IX Policy Against Gender-Based Discrimination and Sexual Misconduct

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance. Quinnipiac University is committed to complying with Title IX and providing an educational, working and living environment free from gender or sex discrimination and sexual misconduct. Quinnipiac seeks to ensure that no student, faculty or staff member is excluded from participation in or denied the benefits of any university program or activity on the basis of sex.

Quinnipiac University School of Law affirms its commitment to an environment that is fair, humane and respectful for all members

of the law school community. Behaviors at the School of Law that inappropriately assert sexuality are unacceptable and will not be condoned. Behaviors that constitute sexual harassment include unsolicited verbal, nonverbal and/or physical conduct of a sexual nature that creates an intimidating, hostile or offensive environment.

The School of Law has identified associate dean for academic affairs, Robert Farrell, and associate dean of students, Kathy Kuhar, as administrators to whom law students who believe themselves to have been subjected to harassment or discrimination as defined above may report their complaints. Where appropriate, the School of Law will first try to resolve problems without formal hearings. When such efforts are not successful, individuals have available to them a formal process, outlined further in the University's Student Handbook (<http://catalog.qu.edu/handbooks/graduate/student-conduct-community-standards/student-conduct-process/>) and in the University's Title IX Policy (<http://catalog.qu.edu/university-policies/titleix-policy/>). In all cases, the School of Law will protect the confidentiality of both the complainant and respondent so far as the described process permits.

## Policies and Procedures for Students with Disabilities

Quinnipiac University is committed to providing equal educational opportunities and full participation for students with disabilities. Consistent with its responsibilities to comply with the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, Quinnipiac University provides reasonable accommodations to promote equal educational opportunity. Documentation from a licensed evaluator is required to substantiate the presence of a disability, defined by the ADA as "a physical or mental impairment that substantially limits one or more major life activities," and to establish the need for reasonable accommodations at Quinnipiac University.

Responsibilities of the student:

1. Contact the associate dean of students at the time of enrollment so that appropriate accommodations can be made in a timely manner. The student is also responsible for reviewing the need for accommodation on a semester-by-semester basis with the associate dean of students.
2. Provide to the associate dean of students appropriate medical, psychological, psychoeducational or neuropsychological documentation indicating the student's disability and suggested reasonable accommodations.
3. Provide signed consent authorizing the associate dean of students or designee to discuss the student's need for reasonable accommodations, academic adjustments, and/or auxiliary aids with the professional(s) providing the documentation.
4. Meet the timelines and procedural requirements established by the School of Law for scheduling exams and requesting assistance. If the student with a disability fails to provide adequate notice of the need for space and/or assistance, the associate dean of students will attempt to provide the accommodation to the extent possible under the circumstances.

## Student Conduct Code

*(Revised to June 2001)*

Quinnipiac University's Basic Policy and Student Code of Conduct are hereinafter incorporated by reference.

### 1. Student Discipline Committee

A standing committee shall be appointed by the dean at the beginning of each academic year. The membership of this committee shall be at least six faculty members and four students, the latter to be chosen by the Student Bar Association in any manner it deems suitable.

The committee chairperson shall appoint one or more members of the faculty, from the committee if possible, to serve as law school advocates and one or more faculty members to serve as defense counsel. For each complaint of a possible violation of this Student Conduct Code, the committee chairperson shall assign one faculty law school advocate and one student to serve as an advocate team. All student committee members are eligible to serve as members of an advocate team. The advocate team shall be responsible for investigating alleged offenses, for preparing and presenting the case against the accused at disciplinary hearings, and for conducting negotiations with the accused or accused's counsel, and shall have sole discretion to decide whether or not to bring charges and whether or not to enter into negotiations. In the event that the faculty and student members of the advocate team cannot agree on a course of conduct, the faculty member's decision shall govern.

Hearing panels consisting of one student and two faculty members selected by the chairperson shall hear and determine all cases. The committee chairperson shall select faculty members to serve on the hearing panel from the faculty in rotation, and shall select student members from the committee.

Any faculty member may serve as defense counsel, at the request of the accused student. Alternatively, the accused student may elect to be represented by a faculty member who serves as appointed defense counsel. Any faculty member representing an accused student, whether appointed or selected by the accused student, shall represent the accused student without fee and shall cooperate with retained outside defense counsel if the latter so requests.

### 2. Student Conduct Code: General Statement of Purpose

This code shall be construed liberally in accordance with its purpose, which is to promote the highest ethical standards.

Acts of a non-academic nature, whether undertaken within the law school, on university property or elsewhere may be subject to all applicable law school and university rules and sanctions. Thus, the institution of proceedings under this code shall not preclude the institution of proceedings by the university, and the institution of proceedings by the university shall not preclude the institution of proceedings under this code. When proceedings are instituted by both the law school and the university, neither shall be ousted from jurisdiction by either the institution of proceedings or by the result reached by the other.

Nothing in these rules or procedures shall limit the authority of the School of Law or Quinnipiac University to act administratively to protect public safety and the educational mission of the School of Law or Quinnipiac University.

### 3. Violations

The following acts are prohibited. Any student found guilty of one or more such acts shall be subject to the sanctions authorized by this code.

A. Cheating on any examination or other law school assignment, as illustrated by, but not limited to:

1. The unauthorized giving or receiving of aid or assistance;
2. The unauthorized use of information;

3. The unauthorized submission of work which has already been submitted in satisfaction of other coursework;
4. The giving or obtaining of any unfair advantage.

B. Plagiarism on papers or other law school assignments, as illustrated by, but not limited to:

1. The knowing or reckless copying or paraphrasing without proper attribution of any material written by another;
2. The knowing or reckless submission as one's own of research assignment or papers, class work, or other projects which have been prepared in any part by another;
3. The knowing or reckless use of the exact language of another without identification as a direct quotation, by quotation marks or otherwise, even though the source is cited in the student's work;
4. Knowledge or recklessness may be inferred from the circumstances.

C. Any act which reflects adversely upon fitness to practice law. Relationship to fitness shall be construed in accordance with the American Bar Association Rules of Professional Conduct, and relevant case law.

D. Any attempt to commit any act prohibited by this code.

#### 4. Procedures

A. When an alleged offense is brought to the attention of the committee, or any member thereof, neither the committee nor any of its members shall conduct any inquiry, but shall instead refer the matter to the advocate team for investigation, as soon as is feasible. The team members may investigate in any reasonable manner. When the investigation discloses insufficient evidence of a violation, the case shall be dismissed at this stage with no notation in the student's record.

B. As soon as is practical after receiving notice that the advocate team has chosen to charge the accused student, the chairperson of the committee shall advise the student in writing of the name of the accuser or accusers, and of the nature of the charges with sufficient particularity to enable the student to answer them. The chairperson shall give notice in the manner most likely to provide the student with prompt notice.

The notice shall require the student to file a written answer to the charges with the committee chairperson, admitting, denying, or admitting in part and denying in part the charges. An answer should contain specific admissions or denials for each allegation of fact in the charge, and shall not contain only general denials. The chairperson shall specify in the notice a date on which the answer shall be due. An accused student shall have at least seven days from the issuance of the notice of charge in which to file an answer. The chairperson, upon request, may extend the time for filing an answer.

C. After the filing of the answer, the accused must prepare a written statement responding to every allegation which they have denied in the answer, and about which

the accused has any information. The advocate team may enter this statement into evidence at a hearing. As soon as is practical after the filing of the statement, the advocate team and the accused shall each prepare and provide to each other a summary of the testimony of each witness, and copies or descriptions of any physical evidence. The accused and the advocate team shall correct or supplement any disclosure that either side learns to be false or incomplete. There shall be no process prior to the hearing for ruling on disputes relating to this disclosure process. The Hearing Panel may, however, treat a failure to disclose or to cooperate as a basis for excluding testimony or evidence, or for drawing adverse inferences.

D. As soon as is practical following the giving of notice of a pending charge, but no earlier than ten days thereafter, the committee chairperson shall schedule a hearing date. The chairperson shall provide the accused with notice of the date, place and time of the hearing. The hearing shall be completed no later than the end of the semester after the one in which the committee chairperson first receives the complaint, unless the accused student, or their representative, requests a continuance. The hearing shall be open or closed at the election of the accused student, subject to the need to maintain order. A student wishing a continuance, an open hearing, or both shall notify the committee in writing at least two days prior to the hearing date.

E. At the hearing the student shall have the following rights:

1. To be advised and represented by the appointed defense counsel, any other faculty member, or by any attorney or representative retained by the accused, including another student;
2. To confront and cross-examine, in person or through their representative, the accuser and all other witnesses;
3. To testify;
4. To summon and present witnesses and other evidence in their behalf;
5. The student whose case is to be heard by the hearing panel may bring to its attention any facts or circumstances that would or would appear to compromise the impartiality of a member of the panel. Any member of the panel who knows of such circumstances, whether or not presented by the student, shall recuse themselves. If a panel member declines to recuse themselves upon request by the accused or another panel member, the dean of the law school shall make the final decision. Any recused member shall be replaced in the same manner as the member was originally appointed.
6. The accused student has no right to refuse to testify or give a statement pursuant to Section 4.C. unless the testimony or statement would incriminate them under state or federal law. If the accused

refuses to testify or give a statement under this provision, the Hearing Panel may draw a negative inference from the refusal.

F. Any oral or documentary evidence may be received, but irrelevant, immaterial or unduly repetitious evidence may be excluded. The Hearing Panel will rule on evidentiary matters at the hearing. The panel shall give effect to privileges recognized by Connecticut law that do not conflict with the express provisions of this code. When a hearing will be expedited and the interests of the law school or of the student will not be prejudiced substantially, evidence may be received in written form of copies and excerpts if the original is not readily available. The panel may take notice of the records and written policies of the law school and of the university. The parties shall be informed of the matter the panel notices, and shall have an opportunity to contest the material so noticed.

G. Any negotiated settlement between the advocate team and the accused or accused's counsel shall be subject to approval by the Hearing Panel. The panel may not impose sanctions pursuant to an agreement of the parties in the absence of an admission of guilt by the accused.

H. After a contested hearing, the panel shall reach a decision regarding guilt or innocence, and sanction. The decision shall be upon a majority vote, based upon clear and convincing evidence, and communicated in writing to the student within 10 days after the decision is made.

I. If the decision is adverse to the student, the panel shall, within 20 days of mailing the decision, prepare a written summary of the evidence and its findings. A copy of the summary shall be mailed to the student.

J. The student may, within 10 days after receipt of the written summary, appeal to the dean who may affirm, reverse or remand the decision, or reduce the sanctions. The student must specify the basis of the appeal. No new evidence shall be presented on appeal. The dean shall specify in writing the reason for any reversal or reduction.

K. Any student who refuses to attend and testify at any hearing upon summons by either the panel or the student accused, shall be guilty of a violation of this code. No witness has a right to refuse to testify or give a statement unless the testimony or statement would incriminate them under state or federal law.

L. Prior to a finding or admission of guilt by a panel, all proceedings and accompanying information shall be confidential, except insofar as the student may elect a public hearing. Any breach of confidentiality shall be a violation of the code, and if by the accused, shall also operate as a waiver of any obligation of confidentiality on the part of others. After a finding or admission of guilt and the expiration of the appeal period, or of the affirmance of the decision by the dean, the disciplinary matter may become public information. In the event the panel finds that the student is not guilty, the panel and/or the committee chairperson may inform the complainant

and any witnesses who testified at the hearing of the outcome of the matter.

M. If the case is dismissed at any stage prior to the imposition of a sanction, or the accused is found innocent, no record of the matter shall be placed in the student's file.

N. The committee may post a public notice of its disposition of any matter, so long as the information does not violate the confidentiality provision of Section 4.L.

## 5. Sanctions and Their Imposition

Sanctions which may be imposed by the Hearing Panel include, but are not limited to, one or more of the following which are set forth in descending order of severity:

- A. Expulsion from the law school;
- B. Suspension from the law school, or any course or courses, for one or more semesters, or for the balance of any semester.
- C. A grade of "F" in any course to which the offense pertains;
- D. Withdrawal of credit in a course;
- E. Lowering of grade in any course to which the offense pertains;
- F. A retake of an examination in a course, or the doing or repetition of any work less than the entire course in such a manner and subject to such conditions as the panel shall recommend;
- G. Academic probation;
- H. A written reprimand;
- I. An oral admonition.
- J. The committee may direct restitution in addition to or as an alternative to any of the foregoing.
- K. In any matter when there is a conviction or an admission of guilt and the panel has imposed a sanction, such action shall be noted in the student's permanent file. After the imposition of a sanction, the notation thereof shall not be erased from the file as a result of the student's later successful completion of certain conditions.
- L. In any matter where the dean reverses a conviction, the dean shall state whether or not the reversal has the effect of a dismissal and results in the erasure of the matter from the student's permanent file.

## 6. Exclusions

Nothing in this code shall preclude:

- A. The establishment and enforcement by the Law faculty, administration, librarian or individual instructor, of rules pertaining to the administration of exams, papers, or assignments, or the maintenance of classroom or library decorum;

B. The use of authority on the part of the instructor to do those things believed necessary to fulfill responsibilities in the classroom, including devices to promote effective class participation, to prevent disturbance of the classroom situation, and ensure punctual and regular class attendance.

### **Student Discipline Committee**

Under the Student Conduct Code, alleged violations are investigated by a team consisting of one faculty member and one student. If the team decides to bring charges, the matter is heard by a panel of two faculty members and one student, who are appointed in a rotation.

Each year, the dean appoints a committee of several faculty members, and the SBA designates at least four students to serve on the committee. Anyone having reason to believe that a student has violated the Student Conduct Code may bring the matter to the attention of the committee chair, who will assign the team to investigate the matter.