



# CODE OF CONDUCT

The Code of Conduct may be amended at any time by the President and Dean after consultation with the Student Services Committee, the Vice Dean for Students, and the Associate Dean for Student Affairs and Diversity. Notice of amendment shall be given by posting on the official campus bulletin board, email, and through the campus mail.

# CODE OF CONDUCT

**ADOPTED 10/10/94**

**AMENDED 8/14/20**

**The effective date of this policy is 8/14/20.**

## ARTICLE I. STANDARDS OF CONDUCT

*"I pledge that I will uphold the highest standards of academic excellence, honesty, professionalism, and integrity. In my academic and professional life, I will treat others with dignity, respect, and courtesy. I commit myself to zealous advocacy for justice and to ethical service without prejudice."*

This oath is sworn before a Vermont Supreme Court justice by all Vermont Law and Graduate School students upon their first morning of school. Vermont Law and Graduate School students are citizens of an academic and social community whose members are expected to show respect for the person, property, and rights of others. Students seeking admission to the Vermont Bar, as well as most other state bars, must meet a standard of conduct set by the bar. Vermont Law and Graduate School is required to certify a student's character and fitness for the bar and for clearance by the FBI and other investigators for positions with the federal government. Therefore, all students are expected to maintain the standards set in this Code of Conduct and to act with professionalism at all times. Professionalism is the strict adherence to courtesy, civility, honesty, and responsibility when interacting with other students, faculty, staff, or other individuals in the community.

## ARTICLE II. APPLICATION OF THE CODE OF CONDUCT

This Code governs all matters of conduct not covered by the Vermont Law and Graduate School Honor Code. It applies to the conduct of all students of Vermont Law and Graduate School (VLGS) with regard to their actions in connection with the application and admissions process, educational activities, career services, employment, or other law school-related activities, when those actions occur on VLGS property or in the use of VLGS facilities (including the computer network and telephone and email systems). This Code applies to all students taking classes on campus, as well as all students taking distance learning classes and students participating in off-campus programs, such as externships or SiPs. This Code also applies when those actions occur off campus in connection with events sponsored by VLGS or VLGS-approved organizations, or in connection with official business undertaken for VLGS, or in other circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLGS or could pose a threat to the safety or other interests of VLGS or members of the VLGS community.

This Code of Conduct does not govern interactions between members of the Vermont Law and Graduate School community that do not involve violations of its provisions. An employer-employee dispute, a contract dispute, a landlord-tenant dispute, a domestic dispute, or other civil dispute between two individuals who happen to be members of the Vermont Law and Graduate School community is governed by local, state, or federal law rather than this Code except insofar as the dispute also involves actions by the parties that independently are violations of the Code.

Conduct covered by this Code may also violate local, state, and federal laws. This Code will not be used merely to duplicate the function of those laws, but where Vermont Law and Graduate School's distinct interests as an academic community are involved, the School may pursue enforcement of its own policies whether or not legal proceedings involving the same incident are underway or anticipated. Vermont Law and Graduate School may use information from third-party sources, such as law enforcement agencies and the courts, to initiate or adjudicate proceedings under this Code of Conduct. Conversely, Vermont Law and Graduate School will not shield law students from the law, nor will it intervene as a party in legal proceedings against a law student. In general, this Code prohibits:

Any conduct that evidences fraud, deceit, dishonesty, any intent to harm or to obtain unfair advantage over another, or a gross disregard for the rights of others; and any conduct that violates Vermont Law and Graduate School regulations or policies contained in the Vermont Law and Graduate School Student Handbook; and any other conduct or activities that raise serious doubts about the student's honesty, integrity, professionalism, or fitness to practice law, regardless of whether the conduct occurred on campus or off campus, and regardless of whether classes were in session or during semester breaks.

A student violates this Code of Conduct if he or she acts purposely, knowingly, or recklessly. A student acts purposely if it is the student's conscious object to engage in prohibited conduct or to cause a prohibited result, whether or not the student knows the conduct is prohibited. A student acts knowingly when that student knows that such conduct is prohibited or knows that his or her conduct will cause a prohibited result. A student acts recklessly when that student consciously disregards a substantial and unjustifiable risk that his or her conduct will fall within prohibited conduct or cause a harmful result.

It is not a defense to charges of violating this Code of Conduct and related policies for a student to claim that she or he has not received, read or understood this Code, or is otherwise ignorant of its provisions. Students will be held accountable for policy violations that take place between the time they first arrive in South Royalton to begin their Law School career and their graduation, or the School's confirmation of their withdrawal. Online learning students will be held to have notice of this Code of Conduct and to be bound by its provisions upon their enrollment in a VLGS course or program. The School may also initiate charges with respect to alleged misconduct of the sort described herein that occurs before matriculation, if it appears that such alleged misconduct may have an effect on the student's fitness to remain a part of the School community or fitness to practice law, or that reflects negatively on the student's honesty or integrity. Further, the School reserves the right to pursue withdrawal of a degree, if it is determined that the degree was in part procured through academic dishonesty, fraud, or other misconduct. Violations of the Code of Conduct include, but are not limited to:

- **Alcohol policy violation**
- **Alteration, misuse, or forgery of documents, records, ID's, or keys**
- **Any and all felonies and misdemeanors, excluding minor traffic violations**
- **Arson**
- **Attempting to improperly influence the decision of the VLGS Disciplinary Board**
- **Conduct off campus that is incongruent with the mission and goals of VLGS**
- **Deliberate tampering with fire safety equipment on campus**
- **Desecration, profanation, misuse of any VLGS property**
- **Disruptive behavior**
- **Drug policy violation**
- **Failure to present proper identification of oneself or one's guest when asked by VLGS personnel or campus security; failure to comply with the directives of VLGS personnel, including Aladdin staff, or knowingly furnishing false information to VLGS personnel**
- **Harassment, Sexual Harassment, Discrimination, and Retaliation Policy violation**
- **Lewd, indecent, or obscene conduct**
- **Lying**
- **Misuse of VLGS fire equipment, VLGS ID card, the VLGS computer network, the VLGS email system or telephones (including pay phones)**
- **Obstruction or disruption of educational activities, administrative functions, or other activities of the School**
- **Physical assault**
- **Sexual Harassment, Domestic Violence, Dating Violence, and Stalking Prohibited by Title IX Policy violation**
- **Sexual Exploitation as defined below**
- **Stalking as defined below**
- **Theft, attempted theft, or sale of VLGS property or property belonging to others**
- **Unauthorized entry into any VLGS sponsored event or club/organization activity**
- **Unauthorized entry into or use of VLGS or student facilities or property**
- **Use or possession of firearms, explosives, knives, ammunition, or other lethal devices on campus**
- **Verbal abuse**
- **Willful damage**
- **Reading, copying, altering, or deleting computer files in another user's account without permission of that user; willfully modifying or disabling computer files, programs, or equipment provided by the Computer Center for general use; using VLGS computing facilities for outside business purposes**
- **Any of the behaviors listed above and exhibited in electronic form are also prohibited.**

For purposes of the Code of Conduct, the following definition applies. "Stalking" as defined by federal law means engaging in a course of conduct (a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose) directed at a specific person that would cause a reasonable person to: fear for one's safety or the safety of others; or suffer substantial emotional distress.

Under Vermont law, "stalking" is defined to mean engaging in a course of conduct which consists of one of the following, when such conduct serves no legitimate purpose and would cause a reasonable person to fear for one's physical safety or health or would cause a reasonable person to suffer emotional distress.

- a. Following - defined as maintaining over a period of time a visual or physical proximity to another person in such a manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury or death.
- b. Lying in wait for - defined as hiding or being concealed for the purpose of attacking or harming another person, or
- c. Harassing - defined as actions directed at a specific person, or a member of the person's family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

When part of a pattern of behavior that falls within the definition of stalking described above, examples of stalking behaviors or activities may include, but are not limited to:

- a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- b. Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
  - Posting of pictures or text in chat rooms or on websites;
  - Sending unwanted/unsolicited e-mail or talk requests;
  - Posting private or public messages on Internet sites, social networks, and/or school bulletin boards;
  - Installing spyware on a person's computer;
  - Using Global Positioning Systems (GPS) or similar technology to monitor a person.
- c. Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- d. Surveillance or other types of observation including staring or "peeping".
- e. Trespassing.
- f. Vandalism.
- g. Non-consensual touching.
- h. Direct verbal or physical threats.
- i. Gathering information about an individual from friends, family, or co-workers.
- j. Accessing private information through unauthorized means.
- k. Threats to harm self or others.
- l. Using a third party or parties to accomplish any of the above.

As a matter of VLGS policy, VLGS strictly prohibits conduct that would constitute stalking under VLGS policy as defined above, and as defined by Vermont law. The School encourages individuals who believe that they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the School through the procedures described below, and to seek the support of the School and/or external resources.

"Sexual Exploitation" is taking sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, re, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place. Sexual act, for purposes of the definition of sexual exploitation under this policy, is defined as: conduct between persons consisting of (A) contact between the penis and the vulva, (B) contact between the penis and the anus, (C) contact between the mouth and the penis, (D) contact between the mouth and the vulva, and/or (E) any intrusion, however slight, by any part of a person's body or any object in the genital or anal opening of another.

Each student is responsible for keeping informed of any changes in this Code. Ignorance of regulations and changes to regulations are not an excuse for violations of the VLGS Code of Conduct.

### **ARTICLE III. STUDENT'S DUTY TO REPORT**

Vermont Law & Graduate School is required to certify students' and graduates' good character and fitness to state bar examiners. Students are responsible for informing themselves on the character and fitness requirements of the bar in the state or states where they intend to practice. Students have a duty to promptly report to the Vice Dean for Students any charges, arrests or convictions of a violation of any civil or criminal law, other than a minor parking violation or parking ticket. In their application to Vermont Law and Graduate School, students are required to disclose such events, as well as any prior disciplinary action by an educational institution, government, or administrative agency (including any branch of the Armed Forces). Students who failed to disclose such in their application materials must report to the Director of Admissions. A failure to disclose events which occurred prior to or during Law School may lead to more serious consequences than the event itself. Any failure to report is a violation of the Code of Conduct.

### **ARTICLE IV. PROCEDURE**

#### **A. GENERAL PROVISIONS**

1. The procedures for investigating and resolving complaints under this Code include voluntary informal resolution, mediation, informal process and formal process. Additional specific provisions governing

the handling of alleged violations of the “Harassment, Sexual Harassment, Discrimination and Retaliation Policy” and the “Sexual Harassment, Domestic Violence, Dating Violence, and Stalking Prohibited by Title IX Policy” are set forth in those policies. Such specific provisions will apply to complaints that allege harassment, discrimination, retaliation, domestic violence, dating violence, and stalking within the scope of those policies, to the extent that such specific provisions differ from the provisions outlined in these more general procedures. The availability of these procedures does not restrict the authority of the Dean of the Law or Graduate School to take whatever action he or she deems necessary to maintain good order within the School or to determine whether harassment or discrimination is occurring and ensure that any such action cease.

## **B. COMPLAINT AND PRELIMINARY PROCEEDINGS**

1. Any person may initiate a proceeding under this Code by making a complaint to the Vice Dean for Students (the Vice Dean) alleging a violation of the Code. The complaint **must be in writing**. Upon receiving a complaint that this Code has been violated, the Vice Dean shall meet with the complainant, outline the possible courses of action, and explain the operation of these procedures. The Vice Dean shall discuss the allegations with the complainant to determine whether all pertinent facts have been alleged. The Vice Dean may conduct a further investigation.
2. If the Vice Dean determines that the facts alleged, if true, would not establish a violation of the Code, the Vice Dean shall dismiss the complaint. When a complaint is dismissed for this reason, the Vice Dean may ask the complainant and the student complained against to meet in an effort to resolve differences between them. The fact that a complaint has been filed and dismissed will not be publicly disclosed by the Vice Dean or any party unless all parties agree.
3. If the Vice Dean determines that the facts alleged, if true, would establish a violation of the Code, he or she shall notify the student complained against of the substance of the complaint, meet with the student, outline the possible courses of action, and explain the operation of the procedures. The Vice Dean at his or her discretion may appoint advisors for the complainant and the student complained against. The appointed advisors serve as advisors only, and do not give legal advice. There is no attorney/client privilege between students and advisors. The students may retain legal counsel at their own expense. The Vice Dean shall give the student the opportunity to tell her or his side of the story. If it is appropriate in the circumstances, the Vice Dean may ask the parties to participate in voluntary informal resolution of the complaint as provided in subsection IV.C. and may take other actions designed to clarify and resolve issues for the parties and the School community.
4. If the Vice Dean does not request voluntary informal resolution, or that procedure does not result in resolution of the complaint, the Vice Dean shall appoint a Preliminary Investigator to conduct a preliminary investigation of the facts and submit a written report to the Vice Dean. When conducting a preliminary investigation, the Preliminary Investigator shall make every effort to avoid disclosing sensitive information, although full confidentiality cannot be guaranteed because some information may need to be shared with witnesses and otherwise as necessary in order to complete the preliminary investigation.
5. The Preliminary Investigator shall complete the investigation and submit her or his report within 30 working days after the date of appointment unless the time is extended by the Vice Dean for reasonable cause. Upon receipt of the Preliminary Investigator’s report, the Vice Dean may direct such further investigation as he or she deems necessary.

The report may be given, as appropriate, to the parties, to the mediator under subsection IV.D., to the Vice Dean for Students under subsection IV.E. or to the Chair of the Disciplinary Board and the Dean of the School under subsection IV.F. The report will be included in the Dean’s confidential file under subsection IV.L., but will not otherwise be distributed or disclosed to anyone.

6. At the conclusion of the preliminary investigation, and after consulting with the complainant and the student complained against, the Vice Dean will determine whether there are reasonable grounds to believe that a violation of this Code has occurred. If there are not reasonable grounds to believe that a violation has occurred, the Vice Dean shall dismiss the complaint. If the complaint is dismissed on this ground, the Vice Dean may ask the parties to meet in an effort to resolve differences between them and may take other actions designed to clarify and resolve issues for the parties and the School community.
7. If the Vice Dean finds reasonable grounds to believe that a violation of this Code has occurred, he or she shall determine whether the complaint is to be resolved by mediation as provided in subsection IV.D., informal process as provided in subsection IV.E., or formal process as provided in subsection IV.F. and shall take the steps necessary to initiate the procedure selected. Pending resolution of the complaint by one of these procedures, the Vice Dean, or the Dean, is authorized to take whatever interim measures

he or she deems necessary to maintain good order within the School or to ensure that any harassment or discrimination complained of ceases.

8. The Vice Dean shall issue a written statement of reasons for any decision that he or she makes under this subsection and shall provide a copy of that statement to the parties and to the Dean.

### **C. VOLUNTARY INFORMAL RESOLUTION**

1. With the agreement of the parties, the Vice Dean may work with them to reach an informal resolution of the complaint. Other members of the School community or outside individuals with appropriate experience or expertise may be asked to participate in an informal resolution process.
2. Voluntary informal resolution must be completed within 20 working days after the parties have signified their agreement to participate unless the Vice Dean extends the time for reasonable cause. If the process does not result in a resolution satisfactory to the parties and approved by the Vice Dean within the allotted time, the Vice Dean shall resume the proceeding at the point at which voluntary informal resolution was undertaken.
3. A written report of a voluntary informal resolution that reaches a result satisfactory to the parties and approved by the Vice Dean shall be provided to the Dean and made part of the confidential file of the complaint. The resolution reached shall not be disclosed by the Vice Dean or any party unless the parties agree.
4. An informal resolution of the complaint by the parties does not affect the power and responsibility of Vermont Law and Graduate School to take whatever action may be necessary to ensure past and future compliance with all policies and regulations of the School.

### **D. MEDIATION**

1. If the Vice Dean determines that mediation is appropriate, then the Vice Dean, or another mediator selected by the Vice Dean, may undertake mediation with the complainant and the student complained against. Mediation shall not be undertaken unless both parties agree.
  - a. During mediation, each party may be accompanied by counsel or another person of his or her own choice and at his or her own expense.
  - b. Possible resolutions through mediation include, but are not limited to, an apology (public or private); promise to cease the behavior complained about; counseling; limitations on contact; assurance of no retaliation; and/or notation in the student's personal file.
  - c. Mediation will be completed within 30 working days after the parties have signified their agreement to participate unless the Vice Dean, on the representation of the mediator that a mediated resolution is probable, extends the time.
2. A complaint shall be deemed resolved by mediation when both parties have signed a settlement agreement indicating their acceptance of the resolution reached in the mediation procedure, the mediator has approved and signed the agreement, and the Vice Dean has approved the agreement and dismissed the complaint with any necessary conditions.
3. If a complainant believes that a mediated settlement agreement has been breached, she or he shall make a complaint to the Vice Dean. If the Vice Dean decides that the mediation agreement has been breached, he or she shall undertake appropriate further proceedings or may recommend an appropriate sanction or disciplinary action to the Dean. The Dean may accept, reject, or modify the recommended sanction or disciplinary action.
4. Either party may withdraw from mediation at any time before resolution. If a party withdraws from mediation, the mediator will report the status of the mediation to the Vice Dean. The Vice Dean may dismiss the complaint or may reopen the preliminary investigation or may determine that the complaint should be resolved in another resolution procedure under this Code.

### **E. INFORMAL PROCESS**

1. If the Vice Dean finds that mediation is not appropriate or mediation has not resulted in an approved settlement agreement and that the violation is subject only to Class Two Sanctions (as set out in Article V), he or she shall proceed as follows. The Vice Dean shall discuss the charges, the potential consequences, and the operation of the informal process with the student complained against. After discussion with the student and deliberation, the Vice Dean shall make a decision as to whether a violation

has occurred and shall make a recommendation concerning sanctions to the Dean. In this recommendation, the Vice Dean is limited to Class Two Sanctions.

2. The student may appeal the decision and recommendation of the Vice Dean to the Dean. No other appeal is available. If the student does appeal, the Dean may affirm, reverse, or modify the decision of the Vice Dean, and may accept, reject, or modify any recommended sanction that may be made by the Vice Dean, provided that only a Class Two Sanction may be imposed. The Dean may confer with the Vice Dean during this process. The decision of the Dean is final.
3. If the student does not appeal, the Dean shall approve the recommended sanction.
4. The complainant will be informed of the final decisions and the sanctions, if any, that have been imposed upon the student complained against, to the extent permitted by applicable law.

## **F. FORMAL PROCESS**

1. If the Vice Dean finds that mediation is not appropriate or has not resulted in an approved settlement agreement and that the violation is one the sanctions for which are not limited to Class Two Sanctions (as set out in Article V), he or she shall discuss the charges, the potential consequences, and the formal process with the student complained against. The student will be given the option of going forward with the formal process or agreeing in writing to abide both by the decision of the Vice Dean as to whether a violation of this Code of Conduct has occurred and by the sanction imposed by the Dean upon the recommendation of the Vice Dean. Such agreement by the student will constitute a waiver of any right to the formal process. In this process, the Dean may accept, reject, or modify any recommendation which may be made by the Vice Dean.

The Dean may confer with the Vice Dean during this process. The decision of the Dean is final. In this process, the Vice Dean and the Dean are not limited to Class Two Sanctions.

2. If the student decides to proceed with the formal process, the Vice Dean will schedule a hearing before the Vermont Law and Graduate School Disciplinary Board and shall give notice to all parties and the Dean. The hearing shall be held within 20 working days after notice is given unless the time is extended by the Vice Dean for reasonable cause. The notice shall include the date, time, and location of the hearing and a summary of the elements of the complaint.
3. The Vermont Law and Graduate School Disciplinary Board shall be composed of the Vice Dean as a non-voting chair, three members of the Vermont Law and Graduate School faculty committee on standards, administration or staff appointed by the Dean, and two of the five students elected by the student body during the fall elections.
4. The hearing shall not be a formal adversarial one in the sense that there will be a prosecution versus a defense. The purpose of the hearing is to gather information to enable the Disciplinary Board to make a factual determination and if necessary to recommend a sanction.

To that end, the Vice Dean shall conduct the proceeding and shall have the right to call witnesses and present documents as evidence. The Vice Dean and all members of the Disciplinary Board shall have the right to question witnesses and examine documents offered as evidence. The School may have counsel present at the proceeding.

5. Because this is not a trial, rules of evidence may be more relaxed in the interest of gathering relevant information.
6. The student complained against will be entitled to have counsel or another person of his or her own choosing at the hearing. The student or any such counsel or person will also have the right to call and question witnesses and the right to introduce and examine documents offered as evidence. The School may also choose to have counsel present on its behalf to call and question witnesses and to introduce and examine documents offered as evidence.
7. After hearing all witnesses and considering all evidence presented, the Disciplinary Board shall decide whether a violation of the Code of Conduct has occurred. A majority vote shall be necessary for a finding of a violation and the recommendation of any sanction. However, a recommendation of expulsion or a recommendation that an awarded degree be withdrawn shall require unanimity. The Vice Dean shall appoint a member of the Disciplinary Board to prepare a written report stating: (1) the essential findings of fact upon which the Board's determination of violation or no violation is based; (2) the conclusions which are necessary to support the determination; and (3) the recommended sanction if a determination of violation is made. Concurring and dissenting members may prepare reports explaining their positions. Copies of the report(s) shall be given to the student complained against and to the Dean.



8. The Disciplinary Board shall tape record the hearing in each case. The recording, the documents received, and the opinion of the Board shall be retained in the Dean's Office. This record may be referred to by the Board for any purpose, but the confidentiality of the record should otherwise be maintained. At any time after three years, the Board may destroy the record except for the final report/opinion of the Board and the opinion of the Dean, if any, unless there is a pending request for production of the record or some other reason why, in the Board's discretion, the record should be maintained.
9. If the student complained against does not appeal the decision of the Disciplinary Board within fourteen days after receiving the written report of the Board, the decision of the Disciplinary Board on the merits shall become final and binding upon all parties, and the Dean shall proceed to consider implementation of the recommended penalty. In so doing, the Dean may confer with the Vice Dean and shall have plenary power to accept, reject, or modify the recommended penalty. The decision of the Dean is final.
10. The student may appeal the decision of the Disciplinary Board directly to the Dean. If the student appeals, the Dean may affirm, reverse, or modify the decision of the Disciplinary Board and may accept, reject, or modify any recommended sanction. The Dean may confer with the Vice Dean during this process. The decision of the Dean is final.
11. The complainant will be informed of the final decisions and the sanctions, if any, that have been imposed upon the student complained against, to the extent permitted by applicable law.

### **G. CONFIDENTIALITY**

1. All proceedings under this Code are confidential from the initial complaint through the final decision of the Dean. The identity of the complainant and other witnesses will be disclosed to the student complained against, unless the Vice Dean decides otherwise.
2. The School has the right to investigate incidents or situations brought to its notice.
3. All hearings and meetings are confidential and are not open to persons not directly involved in the proceedings.
4. The Dean has discretion to report violations of local, state, and federal law to the appropriate authorities. The Dean also has discretion to report the results to the Vermont Law and Graduate School community, to the extent permitted by applicable law. The Vice Dean and the Disciplinary Board may recommend public acknowledgment of wrongdoing by an accused student as a sanction. The student complained against has the right to release only the results of the proceeding.
5. These confidentiality provisions cannot be waived except as provided in this subsection.

### **H. RETALIATION**

"Retaliation" is defined as an adverse action taken against any person for making a good faith complaint of a violation of the Code of Conduct or of having participated in an investigation of such a complaint. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's educational, living, or work environment. Retaliation may be unlawful and may constitute a violation of this policy depending on the circumstances, whether or not the complaint is ultimately found to have merit.

### **I. STANDARD OF PROOF**

Before a student may be found to have violated this Code of Conduct, the Vice Dean or the Disciplinary Board must find that the student committed the acts constituting the violation by a preponderance of the evidence.

### **J. TIME LIMITATION**

No complaint under this policy may be brought more than one hundred and eighty (180) days after the occurrence of the alleged violation or one hundred and eighty (180) days after the alleged violation should have reasonably been discovered by the Administration. If an individual has begun a proceeding under the Vermont Law and Graduate School Honor Code, this time limitation shall be tolled during that proceeding.

### **K. THE POWER TO APPOINT ALTERNATES**

Should it become necessary at any time during proceedings under this Code, the Dean shall have the power to appoint alternates to serve either in the role of the Vice Dean or as members of the Disciplinary Board. The President of the Student Bar Association also has the power to appoint alternate students to serve on the Disciplinary Board.



#### **L. NOTICE**

If written notice must be given to a student complained against, it shall be given by U.S. certified mail to the local address contained in the student's educational file. If there is no local address, notice will be sent by U.S. certified mail to the student's permanent address. Notice will be considered given on the date the notice is placed in the mail.

#### **M. RECORDS**

Records of all complaints and proceedings for their resolution shall be retained by the Dean in a confidential file and/or as described above.

### **ARTICLE V. SANCTIONS**

Following the determination that the student complained against has violated one or more of the provisions of this Code of Conduct, the Vice Dean or the members of the Disciplinary Board shall recommend a sanction in accordance with the provisions below:

#### **A. CLASS ONE SANCTIONS**

If the Vice Dean or the members of the Disciplinary Board conclude that the student has committed a serious violation of the Code of Conduct, the recommended sanction shall be suspension, expulsion, or that the Dean recommend to the Board of Trustees withdrawal of an awarded degree, unless there are substantially mitigating circumstances that warrant a lesser penalty as set out in the following paragraph.

#### **B. CLASS TWO SANCTIONS**

If the Vice Dean or the members of the Disciplinary Board conclude that the student has committed a lesser violation of the Code of Conduct, the recommended sanction shall be such lesser penalty as is deemed appropriate, including, but not limited to a warning, a fine, restitution, community service, probation, reference to counseling, or notation in the student's permanent file, unless there are substantially aggravating circumstances that warrant a harsher penalty as set out in the preceding paragraph.

#### **C. NOTATION IN THE STUDENT'S OFFICIAL FILE**

If the student complained against receives either a Class One sanction or a Class Two sanction the fact of the violation and the sanction shall be noted in the student's official file, unless the Dean decides otherwise.

#### **D. NOTATION ON OFFICIAL TRANSCRIPT**

If the student complained against receives a Class One sanction, the fact of the violation and the sanction shall be noted on the student's official transcript.

#### **E. STUDENT STATUS**

Ordinarily a student will not be permitted to graduate, or to withdraw with the expectation of returning to the Law and Graduate School, while a disciplinary matter is pending. The disciplinary matter shall be held in abeyance until the matter is resolved. If a student withdraws with a disciplinary matter pending, the withdrawal will be considered a resignation from the Law and Graduate School and the student will have given up any opportunity to return to the School. A notation to this effect will be made in the student's permanent record. VLGS reserves the right to adjudicate disciplinary matters even after a student has withdrawn with a disciplinary matter pending.

### **ARTICLE VI. AMENDMENT**

This Code of Conduct may be amended at any time by the President, Dean of the Law School, or Dean of the Graduate School after consultation with the Student Services Committee, the Vice Dean for Students and the Director of Student Affairs. Notice of amendments shall be given by posting on the official campus bulletin board, email, and/or through the campus mail.