

THE RIGHTS AND DUTIES OF MEMBERS OF THE YALE LAW SCHOOL

The Yale Law School is a community devoted to the study and improvement of law. It is thus part of two rich traditions—those of the University and of the legal profession. As an institution, the Law School has a history of self-government that assures each student and member of the faculty¹ an equal opportunity to fulfill their potential at the highest university standard of excellence.

We recognize, and we reaffirm, that every member of the Law School has rights, and owes correlative duties, which flow from the nature of the School, and of that member's relationship to it.

Those rights include the rights of intellectual freedom that are the essence of the idea of the university. The principles of academic freedom are a precious achievement, won and maintained with difficulty over a long period of time. We wish to protect and strengthen them.

The duties, which are the necessary predicate of these rights, include a scrupulous respect for the equal rights of others, and an obligation, owed to every member of the community, and to the Law School itself, of fealty to its scholarly and educational purpose, and to its ideals.

Unless these rights are protected, and these duties met, the Law School cannot hope to sustain and deepen the climate of calm, of mutual respect, and of confident good faith that are necessary conditions of its life as a house of reason.

Although the Rights and Duties of Members of the Yale Law School (R&D) provide for formal disciplinary procedures when necessary to sanction violations, the R&D provides for, and the Faculty² encourages, non-adversarial resolution in appropriate circumstances. It is the Faculty's hope that members of the community will seek in times of conflict to maintain, heal, and even strengthen community bonds.

Adopted: 1970; Amended: 2015, 2016, 2022

I.

The Basic Rights and Duties of Members of the Law School

1. In the discharge of their duties—whether as a student or as member of the faculty—each member of the Law School shall enjoy the rights of academic and intellectual freedom which are fundamental to the University tradition generally, and to the traditions of the Law School in particular.
2. Membership in the Law School does not qualify any person's freedom to exercise their constitutional rights, including the rights of freedom of speech, of the press, and of peaceable assembly.

¹ In this document, "member of the Law School" refers to a student or member of the faculty.

² In this document, "Faculty," when capitalized, is the Law School governing entity that consists of the Professors of Law and Clinical Professors of Law (with primary appointments in the Law School); tenure-track professors (clinical and non-clinical); associate deans; assistant deans; professorial lecturers; and elected student representatives. "Tenured Faculty" is the Law School governing entity that consists of the Professors of Law and Clinical Professors of Law with primary appointments in the Law School. A "member of the faculty" is anyone, except students, who has been voted an academic appointment by the Governing Board or the Tenured Faculty.

II.

Offenses

A. Offenses against the academic community for which students are subject to the penalties of probation for longer than a month, suspension for not more than two years, or expulsion, depending upon the gravity of the offense, and for which faculty may be subject to discipline, are limited to the following major offenses:

1. Violations of the Academic Integrity Policy (see appendix).
2. Knowingly furnishing false information of a substantial character to an office or official of the Law School, or to a properly identified University official.
3. Harassing, abusing, coercing, or injuring any member of the Law School.
4. Harassing, abusing, coercing, or injuring any member of the University who is not a member of the Law School or any employee (or employees) of, or any visitor (or visitors) to, the Law School or University.
5. Using physical force or violence to cause significant damage to, or loss of, property owned by or in the custody of the Law School, University, or any member of or visitor to the Law School or University.
6. Taking property owned by or in the custody of the Law School, the University, or any member of or visitor to the Law School or University without authorization.
7. Substantially interfering with the conduct of classes, or any other official Law School or University business in a manner that is purposeful, knowing, or reckless.
8. Substantially interfering with student-sponsored or student group-sponsored events or functions in a manner that is purposeful, knowing, or reckless.
9. Violating relevant Law School or University policies.³

B. Minor offenses not specifically mentioned in Section II (A) shall be governed by Section IV.

III.

Procedure with Respect to Alleged Offenses

1. The provisions of this Section shall govern except in situations (a) where jurisdiction is transferred to or assumed by a University disciplinary panel, pursuant to its rules, or (b) which involve the minor offenses referred to in Section II (B), which will be governed by Section IV. At the discretion of the Dean, the procedures of this Section and associated time constraints may be postponed during times when the Law School is in recess until the following regular session of the Law School.

³ Whether the violation of a Law School or University policy constitutes a major offense is to be ultimately determined through the process set forth herein. At a minimum, applicable policies include the University's current [Policy Regarding Free Expression and Peaceable Assembly](#) and the [Faculty Standards of Conduct](#).

2. The Complaint Committee shall be composed of five members of the Tenured Faculty and five students. The Hearing Committee shall be composed of ten members of the Tenured Faculty and five students. Members of the Complaint and Hearing Committees shall be appointed at the commencement of the academic year.
3. A member (or members) of the Law School who believes that they have been injured by a violation of Section II (A) of R&D (“complainant(s)”) shall consult with the Dean or the Dean’s Representative.
4. The Dean, or the Dean’s Representative, shall, where appropriate, seek to resolve any dispute between complainant(s) and the member or members of the Law School who are alleged to have violated Section II (A) of R&D (“respondent(s)”). For this purpose, the Dean may employ the services of those specializing in mediation and in other forms of non-adversarial dispute resolution.
5. If complainant(s) are not satisfied by the processes of Section III (4), they may file a written complaint with the Complaint Committee. The complaint shall set out in detail the alleged violation of Section II(A) of R&D. This shall be known as the “Complaint.”
6. Under some circumstances, Federal or State law may require the Law School to take action with respect to an alleged offense. In those cases, the Dean or the Dean’s Representative will file a Complaint under R&D. If violations of Section II (A)(3) or II (A)(8) are alleged, the Dean or Dean’s Representative will file a Complaint only in exceptional circumstances. In all other cases, the Dean or Dean’s Representative may file a Complaint.
7. Upon the filing of a Complaint, the Complaint Committee shall by lot select from among its members a panel to consider the Complaint (the “Complaint Panel”). The Panel shall consist of two members of the Tenured Faculty and one student. At the Dean’s discretion, the Panel may consist of three members of the Tenured Faculty and two students. The respondent(s) may elect to have students excluded from service on the Panel; in such cases the Panel shall consist of three members of the Tenured Faculty, selected by lot from among members of the Complaint Committee.
8. The Complaint Panel shall consider and, where appropriate, investigate the Complaint referred to it. Its investigation shall, where practicable, include an interview with the complainant(s) and respondent(s). If the Complaint Panel finds reasonable cause to believe that the respondent(s) have committed an offense that calls for disciplinary action under Section II (A), it shall refer a “Charge,” together with findings supporting the Charge, to the Dean. Respondent(s) shall also be informed of the Charge, together with the findings supporting the Charge. The Complaint Panel shall make its decisions by majority vote.
9. Any Charge shall be placed in the official file of the respondent(s). In the absence of a Charge, neither the Complaint nor any documents generated by proceedings under Sections III (1-8) shall be placed in the official file of respondent(s), except with the consent of the respondent(s). Final resolution of the proceedings under Sections III (10-28) shall also be placed in the official file of the respondent(s). Subject to the Dean’s discretion, additional records of the proceedings under Sections III (10-28) shall also be placed in the official file of the respondent(s), as appropriate.

10. The Dean or the Dean's Representative shall seek a resolution of the Charge through consultation with the respondent(s) or the respondent(s)' representative. With the written consent of the respondent(s), the Dean or the Dean's Representative may dispose of the Charge, imposing appropriate penalties.
11. If a Charge is not disposed of by agreement between the Dean or the Dean's Representative and the respondent(s), the Dean shall cause to be selected by lot a Hearing Panel, which shall consist of three faculty members of the Hearing Committee and two student members of the Hearing Committee. Persons on the Complaint Panel and members of the Hearing Committee who have been involved in the investigation of the charges under consideration may not serve on the Hearing Panel. The members of the Hearing Panel shall select a Presiding Officer from among their number. The respondent(s) may elect to have students excluded from service on the Hearing Panel; in such an instance, the Hearing Panel shall consist of five faculty members of the Hearing Committee. If the Dean concludes that it is in the best interests of the School, the Dean shall refer the Charge and findings of the Complaint Panel to the Hearing Panel. Respondent(s) may also refer the Charge and findings of the Complaint Panel to the Hearing Panel. A maximum of three challenges to the individual members of the Hearing Panel may be made by the respondent(s). Faculty Panel members so challenged shall be replaced by lot from among the faculty members of Hearing Committee; student Panel members so challenged shall be replaced by lot from among the student members of Hearing Committee.
12. Barring exceptional circumstances, the Dean or Dean's Representative shall notify the complainant(s) orally about the Complaint Panel's Charge and the findings supporting the Charge, and the penalty agreed upon or imposed, or the referral to the Hearing Panel.
13. The Dean or Dean's Representative shall take action under Section III (4) within three weeks of the date on which it becomes aware of a dispute. A Complaint Panel shall act on any Complaint referred to it within two weeks of the date on which the Complaint is presented, except that the Complaint Panel may fix a longer period of time for its action if it decides that such a step would best serve the interest of fairness to respondent(s). The Dean's Office shall take action on any Charge conveyed to it by the Complaint Panel under Section III (8) within two weeks of receiving the Charge. If the Charge is referred to a Hearing Panel, the Dean or Dean's Representative shall serve written notice on the respondent(s) within one week. Such written notice shall contain the charges, detailed with sufficient particularity to afford respondent(s) a fair opportunity to prepare a response. Written notice may be served on respondent(s) in person, by email, or by registered or certified mail.
14. In appropriate circumstances, the Hearing Panel may refer the determination of disputed questions of fact to an independent hearing examiner.
15. The Hearing Panel shall name a hearing date and notify respondent(s), concurrently with service of written notice of charges. Such a hearing shall normally be set two to four weeks from the date on which written notice was served on respondent(s). A hearing may be set more than four weeks from the serving of the notice if the Hearing Panel determines such action would best serve the interest of fairness to respondent(s).
16. A hearing shall be conducted in private.

17. The Dean shall appoint a member of the Faculty to present the evidence with respect to the Charge in any proceeding before the Hearing Panel, or in proceedings under Section III (14), to the hearing examiner. Respondent(s) may select anyone to represent them at such proceedings. A Faculty member shall be appointed by the Dean to represent any respondent(s) who requests such an appointment.
18. In determining the admissibility of evidence, the Hearing Panel (and, in proceedings under Section III (14), the hearing examiner) shall be guided by the standard of fairness to the individual charged. Except under unusual circumstances recognized by the law of evidence, evidence of prior offenses shall not be admitted on the issue of determining whether the person charged has committed the offense. In making its determinations, the Hearing Panel (and, in proceedings under Section III (14), the hearing examiner) will consider only evidence presented at the hearing. The Hearing Panel (and, in proceedings under Section III (14), the hearing examiner) shall be persuaded by clear and convincing evidence before it may find against respondent(s), who shall have the benefit of the presumption of innocence.
19. Respondent(s) have the right to present witnesses on their behalf; to remain silent; to cross-examine witnesses appearing against them to the extent appropriate; and to present a concluding argument when the taking of evidence has been concluded.
20. If a respondent does not appear before the Hearing Panel (or, in proceedings under Section III (14), the hearing examiner) on the date scheduled for the hearing, the Panel shall determine whether such non-attendance is justifiable. If it determines that the absence of respondent(s) is not justifiable, the Hearing Panel (or, in proceedings under Section III (14), the hearing examiner) shall proceed and pass upon the Charge nonetheless. All witnesses called by the Hearing Panel or respondent(s) have a duty to appear and testify truthfully, except that no witness is under a duty to give testimony which may incriminate them.
21. A verbatim record shall be kept of all proceedings before the Hearing Panel (and, in proceedings under Section III (14), the hearing examiner). Such record may be a tape recording or stenographic transcription and shall be available to the individual charged in any proceeding. Records will be treated as confidential and shall be made available as appropriate for use in these proceedings.
22. The Hearing Panel shall reach its conclusion regarding whether the respondent(s) committed an offense by majority vote. It shall also recommend penalties by majority vote, except that suspension for more than a year or expulsion cannot be recommended by a vote of less than four to one. In recommending penalties, the Hearing Panel shall be guided by the principle stated in the preamble to this Code, namely, that of primary concern for the educational mission of the School.
23. The findings and recommendation of the Hearing Panel shall become final unless the respondent(s) against whom the Hearing Panel has made an adverse finding, and recommended a penalty, request the Dean to review the record and decision of the Hearing Panel. Any such request must be made within two weeks of the decision of the Hearing Panel. The Dean may exercise discretion to modify but not increase the penalties recommended by the Hearing Panel. In such instances, the Dean shall where practicable act within a week of receiving the request. In cases where the Dean has been

requested to review the decision of the Hearing Panel, the findings and recommendations of that Panel, and the Dean's disposition of the request, shall be laid before the Faculty for a period of three weeks beginning on the day that the Dean's decision is made, and the Faculty may, at the request of five members, assume appellate jurisdiction within that period.

24. If the Hearing Panel has found no violation of R&D, the Dean may lay the decision of the Hearing Panel before the Faculty for a period of three weeks, and the Faculty may, at the request of five members, assume appellate jurisdiction within that period.
25. In cases of appellate review of a decision of the Hearing Panel by the Faculty, the respondent(s) against whom the Hearing Panel has made an adverse finding, and recommended a penalty, may elect to have student representatives excluded from attendance at the Faculty meetings at which the appeal is considered. The Faculty may affirm, modify, or reverse and remand the findings or recommendations of the Hearing Panel. It shall consider the records of the Hearing Panel and may hear oral argument. It may reverse and remand when it concludes that new evidence likely to alter the outcome of the case has been uncovered or that there was substantial and prejudicial error in the conduct of the hearing, the determination of facts, or the interpretation or application of R&D.
26. The Dean or Dean's Representative shall notify the respondent(s) and, barring exceptional circumstances, complainant(s) orally about any penalty imposed by the Hearing Panel, Dean, or the Faculty within one month of the final disposition of the charge.
27. In situations of emergency, the Dean may take action consistent with University policy.
28. All formal complaints of sexual misconduct must be pursued in accordance with the procedures of the University Wide Committee on Sexual Misconduct. The Law School and other University Title IX Coordinators are available to assist with non-disciplinary responses to such complaints and to provide guidance regarding the resources available to students. For more information, see smr.yale.edu.

IV.

Minor Offenses

In the case of minor offenses not specifically mentioned in Section II (A), the Dean may take such measures as the Dean deems appropriate, including encouraging mediation or non-adversarial dispute resolution. In addition, the Dean may take measures such as the Dean deems appropriate, including an oral reprimand, request for apology, placing a letter in the offender's official file not lasting beyond graduation, and placing the offender on probation for not more than a month, but excluding expulsion or suspension. For student members, the Dean may not place a letter lasting beyond graduation in the offender's official file under this Section without first filing a Complaint under Section III (6).

V.

Committee on Disciplinary Policy

A Committee on Disciplinary Policy shall be a standing committee of the Faculty. It shall, among its responsibilities, review the operation of this Code, and propose amendments when in its judgment such amendments are desirable.

APPENDIX

Academic Integrity Policy

Academic integrity is a core value of the Law School.

All members of the community are expected to demonstrate the highest degree of ethics and honesty.

Violations of academic integrity include but are not limited to:

- Cheating or assisting another student to cheat through the use of unauthorized materials or information before, during, or after an examination or other written exercise.
- Participating in unauthorized collaboration on graded course work such as take-home examinations.
- Falsifying data in any work product.
- Plagiarizing or otherwise failing to give proper attribution or credit to ideas or text from another source, including published works, another person's work, data collection services, or materials on the Internet.
- Submitting for academic credit work procured or purchased from another person or source without permission of the instructor and the Deputy Dean.
- Submitting the same work, or a substantial portion of work, in more than one course without permission of the instructors involved and the Deputy Dean.
- Submitting for academic credit work done for compensation or as uncompensated work done in a professional setting, without disclosing to the instructor the compensated or professional circumstances under which the work was performed. Students submitting such work would be well advised also to seek the permission of the individual or entity for whom the work was done.

Law School community members should comply with the University's Human Research Protection Program (HRPP), which sets forth ethical standards, policies, and procedures for research that involves human subjects. Researchers should consult the HRPP Policies and Procedures to determine whether a project requires advance review and approval by an Institutional Review Board. <http://www.yale.edu/hrpp/responsibility/start.html>.