

DePaul University Student Conduct Process

GUIDE FOR ATTORNEYS

1. *I have been asked to represent a student who may be involved in DePaul University's Student Conduct Process. How do I establish this with DePaul University?*

DePaul's Student Conduct Process is an educational process, not a legal process. Other than the exception described below regarding violations of DePaul's Sexual and Relationship Violence Prevention and Response policy, there is no formal role for an attorney in the Student Conduct Process.

If you are representing a student who is involved in the Student Conduct Process and would like to communicate with the University about any aspect of the student's participation in the Student Conduct Process, please contact DePaul's Office of the General Counsel at (312) 362-8865.

Please note that, pursuant to federal privacy laws, including the Family Educational Rights and Privacy Act (FERPA), the University will need the student's permission in order to speak to you about the details of a particular matter. A release form can be found [here](#).

2. *Where can I get more information about DePaul's Code of Student Responsibility and the Student Conduct Process?*

More information about DePaul's Code of Student Responsibility and the Student Conduct Process can be found in the [University Catalog](#):

[Code of Student Responsibility](#)
[Student Conduct Process](#)

3. *Are there any protections for my client in the Student Conduct Process?*

Yes. Students participating in the Student Conduct Process have a number of specific rights. Please see [Student Rights Within the Student Conduct Process](#) in the Student Conduct Process. These rights include, among others: the right to receive a written statement of the alleged violations, the right to be accompanied by an Advisor, the right to submit Witnesses and question Witnesses, the right to a written decision, and the right to request an appeal. Please keep in mind, however, that the Student Conduct Process is an educational process, not a legal process. The Student Conduct Process has set rules and procedures, all of which are detailed in the Student Conduct Process; criminal or civil legal rules (e.g., rules of evidence and criminal or civil procedure) do not apply.

Students who do not comply with the requirements of the Student Conduct Process could face further University sanctions. Please see [Student Conduct Process Compliance](#) in the Code of Student Responsibility.

4. *The incident took place off campus. What interest does DePaul University have?*

The Code of Student Responsibility applies to situations in which (i) the alleged policy violation occurred on-campus; (ii) the alleged policy violation occurred on or off-campus at a University event; (iii) the alleged policy violation occurred off campus (including online communities) and involves a member of the campus community (student, faculty or staff); (iv) the alleged policy violation involved the student or student organization using their status as a member of the DePaul community; or (v) the alleged policy violation affects the University or its community members . Please see [Jurisdiction](#) in the Code of Student Responsibility.

5. What is the "burden of proof" in the Student Conduct Process?

The standard for determining policy violations through the Student Conduct Process is "whether it is more likely than not" that the student is in violation of the policy(ies) at issue. Please see [Standard for Hearing Determinations](#) in the Student Conduct Process.

6. *My client has been charged with a crime. Will the University delay the Student Conduct Process until the criminal matter is resolved?*

The Student Conduct Process does not determine whether or not a student has violated the law. Rather, the University is determining whether or not a student has violated its policies. The University will make the decision whether or not to delay the Student Conduct Process until the conclusion of any related civil or criminal action. If a student chooses not to participate in the Student Conduct Process because of a pending legal action, the University may reach a decision in the matter based on the information available, without the benefit of additional information from the student. Additionally, the outcome of a legal proceeding will not be determinative on the outcome of a Student Conduct Process. Please see [Relationship Between the Student Conduct Process & Legal Proceedings](#) in the Student Conduct Process.

7. *What if my client chooses to participate in the Student Conduct Process? Will the student be granted any immunity in the criminal process?*

All University records, including those related to the Student Conduct Process, are subject to lawful subpoena. As required by the Family Educational Rights and Privacy Act (FERPA), DePaul will notify a student if it receives a lawfully issued subpoena requesting information contained in the student's education records, such that the student will have an opportunity to consult with an attorney and move to quash the subpoena, as appropriate.

8. *My client plans to withdraw from the University. Will this end the Student Conduct Process?*

No. Students may always choose to withdraw from the University according to established policies and procedures. However, once a Student Conduct Process begins, it will be completed.

9. *How can I get a transcript of an Administrative Hearing or University Board Hearing?*

Hearings in the Student Conduct Process are not recorded. There are no transcripts. A student is able to take notes during any meeting of the Student Conduct Process, including a hearing, which the student is then able to retain.

10. *My client has a disability and may need accommodations for that disability during the Student Conduct Process. What do I need to do to make sure that these accommodations are established?*

Students who may need reasonable accommodations for disabilities should register with DePaul's [Center for Students with Disabilities](#). The Dean of Students Office will work with the Center for Students with Disabilities to ensure that all appropriate reasonable accommodations are in place so that a student may fully and equally participate in a Student Conduct Process

Additional Information Regarding Students Involved in the Student Conduct Process for Matters Related to Sexual and Relationship Violence:

If students are participating in the Student Conduct Process for issues related to potential violations of DePaul's [Sexual and Relationship Violence Prevention and Response policy](#), additional procedures may apply. Among other things, a student participating in the Student Conduct Process may choose to have an attorney serve as their Advisor. Any individual choosing to have an attorney as their Advisor must notify the Dean of Students Office of this decision no later than two business days prior to the meeting (unless the Dean of Students Office determines that a shorter timeframe is feasible). Attorneys serving as Advisors will be required to abide by all of other requirements for Advisors. Please see [Advisors](#) in the Student Conduct Process. If you are serving as an Advisor for a student involved in a Student Conduct Process for an issue related to sexual or relationship violence, please contact DePaul's Office of the General Counsel at (312) 362-8865.

This document is adapted from the "Disciplinary Guide for Attorneys" from the Dean of Students Office at Illinois State University.