

FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF LAW STUDENT CODE OF CONDUCT

Under the College of Law Student Code of Conduct, the College of Law shall have exclusive jurisdiction over matters of academic misconduct. In the event of a difference in standards or procedures relating to matters of academic misconduct between the College of Law Student Code of Conduct and the University Standards of Student Conduct, the College of Law Student Code of Conduct shall prevail. The University Standards of Student Conduct shall prevail as to matters of non-academic misconduct that are not covered by the College of Law Student Code of Conduct.

Statement of Principles

It is the responsibility of the legal profession to enforce its own standards of conduct. The profession requires that a lawyer's conduct exemplify the highest of ethical standards. The Florida International University College of Law has adopted a Student Code of Conduct that reflects principles of self-regulation and high ethical behavior. Prior to application by a graduate for entry into the profession, the College of Law must certify that he/she is of moral and ethical character. Accordingly, the College of Law requires a commitment by students to adhere to principles of high ethical conduct and academic integrity. The relationship between the College of Law, the University and the student is based upon mutual trust and respect. Each student who joins the Florida International University College of Law community agrees, by the student's acceptance of a position in the community, to adopt this commitment to academic integrity, trust and respect. Each student is presumed not to have violated this commitment unless and until proven otherwise.

The Florida International University College of Law establishes the rules by which students at the College of Law shall be governed with respect to any conduct or act relating to academic matters as determined by this Code. The Florida International University Student Conduct Code establishes the rules by which all students at the Florida International University shall be governed with respect to behavior relating to their conduct while present on the University premises.

A student is on notice of this Code and its provisions by virtue of enrollment at the College of Law. Copies are to be distributed by the Associate Dean of Admissions and Student Services or her designate to every student enrolling for the first time at the Florida International University College of Law. Copies are to be placed on reserve in the Library and are to be made available at the Dean's Office.

College of Law Student Code of Conduct

ARTICLE 1. PROHIBITED CONDUCT AND MISCONDUCT

1.01 Prohibited Conduct.

Unless otherwise specified, violations shall consist of conduct that is performed intentionally, knowingly, or recklessly. Knowledge that an act constitutes a violation of the code, however, is not a necessary element of misconduct. The following conduct, while not exhaustive, shall constitute a violation of this Code:

1.02 Academic Misconduct.

(a) Misconduct Involving Work Required for a Law School Course, Program or Other Requirement

(1) Plagiarism: A student shall not intentionally, knowingly, or recklessly include in work offered to fulfill any law school requirement the language, work or ideas of another without proper attribution. Plagiarism includes (a) the misappropriation of language taken verbatim, or nearly verbatim, from other sources without crediting the author of the original work by use of both quotation marks and footnotes or other appropriate forms of attribution, (b) the misappropriation of the original ideas of another without appropriate attribution, and (c) the misappropriation of the original pattern of ideas or organization of one or more original works over a substantial portion of the paper. This third species of plagiarism occurs when a student follows the work of others, idea for idea, over a substantial portion of the paper, while paraphrasing the language of the original work, without indicating that the pattern of thought or structure of the paper comes from the original source.

(2) Use of work completed by another: A student shall not submit the work of another in fulfillment of any law school requirement. This includes work completed by another student, practicing attorney or any other person.

(3) Multiple submission of work: A student shall not submit work in fulfillment of any law school requirement which the student has submitted in compliance with the requisites for any other class or program at this or any other academic institution without the express consent of the present professor. This provision shall also apply to work submitted for law school credit that was previously completed in satisfaction of non-academic work requirements outside the law school.

(4) Unauthorized collaboration: A student shall not submit work produced in collaboration with another without the permission of the professor. This includes collaboration with respect to the substantive content of the work, as well as the writing style, grammar, proofreading or cite form. This provision shall not apply if the professor has expressly permitted discussion,

collaboration or assistance in the matter, but applies only to the extent that such discussion, collaboration or assistance is permitted.

(5) Third parties: A student shall not assist another student in violating the regulations set forth in any part of this section nor shall any student attempt to enlist the assistance of a third party with the purpose of violating any of the foregoing provisions.

(b) Misconduct Involving Examinations

(1) A student shall not copy the work of another during the course of any examination.

(2) Unauthorized use of materials during examinations: During an examination, a student shall not use any materials that are not expressly permitted by the professor or exam proctor. This includes use of books, outlines, notes, taped materials, or any other similar materials.

(3) Unauthorized departure from the exam room; unauthorized use of materials during absence: A student shall not leave the exam room before completing the exam without permission of the exam proctor, if an exam proctor has been assigned to the room. If permission is granted to leave the exam room, a student shall not review any materials during his/her absence from the examination room, nor shall he or she discuss the exam or related matters with any person during the course of the exam.

(4) Interference with other students during exam: A student shall not talk or engage in other conduct that unreasonably distracts or disturbs other students during an examination.

(5) Unauthorized departure with, or discussion of, an exam: Without the express permission of the professor, a student shall not remove any exam, or any portion thereof, from the exam room. A student shall not transcribe, deliver or receive notes taken during or after an exam that reflect the substance or nature of an exam. No student shall discuss with another student whom he or she knows has not yet taken an exam, the nature or substance of the examination.

(6) Cheating by substitution: A student shall not take an exam for another student, nor shall a student intentionally or knowingly permit another to take an exam for him or her.

(7) Violation of exam security: A student shall not in any way violate the security maintained for preparation or storage of any exam materials or other course materials.

(8) Violation of anonymous grading: A student shall not purposefully act in a manner that is reasonably calculated to identify oneself to the person grading the work so that the anonymous grading system is compromised.

(9) Attempts to enlist assistance of third parties: A student shall not attempt to enlist the assistance of another student or third party with the intention of violating any of the foregoing provisions.

(c) Misconduct Involving Library Materials

- (1) A student shall not tear, deface, destroy or otherwise dispose of library materials or equipment.
- (2) A student shall not disrupt others with respect to their use of library materials, equipment or resources.
- (3) A student shall not remove library materials without complying with established library procedures.
- (4) A student shall not conduct himself or herself in a matter that unreasonably interferes with others' use of library materials, equipment, or resources, or that violates a library rule about which the student should know.

1.03 Other Forms of Misconduct.

- (a) A student shall not misrepresent facts about himself or herself in connection with admission to, or withdrawal from, the law school, or any class or program thereof. This includes, but is not limited to, misrepresentations of degrees obtained, grades earned, subjects studied, work performed or other personal or professional achievements or experiences. The student shall have the continuing obligation to update the school or relevant authorities as such information may change. Failure to do so shall constitute a violation of this Code.
- (b) A student shall not sign the attendance roster for another student who is absent from, or late to, class. A student shall not enlist the assistance of another to sign his or her name on the attendance roster.
- (c) A student shall not falsify credential information presented to an employer.
- (d) A student shall not fail to comply with directions of a College of Law official or other public officials acting in the performance of their duties while on College of Law or University property or resist or obstruct those officials in the performance or attempted performance of their duties.
- (e) A student shall not fail to comply with a condition or sanction imposed by the Conduct Review Committee.
- (f) If an individual, while a College of Law student, is adjudicated by a court of law to have violated any criminal laws of the State of Florida or the United States, said individual shall be deemed to have violated this code.

ARTICLE 2. STUDENT CODE OF CONDUCT INQUIRIES.

2.01 Inquiries.

- (a) The faculty member in charge of an assignment has the primary responsibility for adequately informing students in writing of the rules under which the assignment should be completed. Any questions about ambiguity in the rules should be raised initially with the faculty member.
- (b) Any student who has a question about the interpretation of the Student Code of Conduct as it applies to a particular assignment should raise the question with the faculty member who is in charge of the assignment. If the faculty member is unable to assist the student in the application of the Student Code of Conduct, the student should seek the advice of the Associate Dean for Academic Affairs.
- (c) Any student who has a question about the application of the Student Code of Conduct in general should seek the advice of the Associate Dean for Academic Affairs.

ARTICLE 3. PROCEDURES.

3.01 Initial Reporting to the Associate Dean for Academic Affairs.

- (a) Any individual who believes that a violation of the Student Code of Conduct has occurred may refer allegations of violations of these rules, orally or in writing, to the Associate Dean for Academic Affairs, who has sole authority to investigate the allegations and to decide to initiate proceedings hereunder.
- (b) After notification, either orally or in writing, of an alleged violation of the Code is received by the Associate Dean of Academic Affairs, the Associate Dean for Academic Affairs shall engage in a preliminary investigation to determine whether there is probable cause to believe that a violation of the Student Code of Conduct has occurred. This investigation may include interviewing the party alleging the violation, the person accused, and any other person who may have knowledge or information that will assist the Associate Dean for Academic Affairs in the probable cause determination.
- (c) After receiving notice of an alleged violation of the Student Code of Conduct, within a reasonable amount of time, the Associate Dean for Academic Affairs shall notify the accused student in writing that either an oral or written allegation has been made.
- (d) At the same time as the Associate Dean of Academic Affairs notifies the accused student of the allegation, the Associate Dean shall notify the Dean of the alleged violation and shall provide the Dean with a preliminary timetable whether the matter proceeds under the formal or informal process.

(e) If the Associate Dean for Academic Affairs determines that no probable cause exists that a violation of the Student Code of Conduct has occurred, the Associate Dean for Academic Affairs shall meet with the accused and inform the accused of the Associate Dean for Academic Affairs' determination and the basis of the determination. The Associate Dean shall also meet with the person who lodged the allegation and inform the complaining party of the Associate Dean for Academic Affairs' determination and the basis of the determination. The Associate Dean for Academic Affairs will send a copy of the no probable cause determination to both the accused and to the complainant. The Associate Dean will also inform the Dean and any person whom the Associate Dean for Academic Affairs contacted during the probable cause investigation of the no probable cause determination. If the Associate Dean for Academic Affairs determines that no probable cause exists, no reference to the Student Code of Conduct complaint shall be placed in the student's permanent record unless requested by the accused student.

(f) If the Associate Dean for Academic Affairs determines that probable cause exists that a violation of the Student Code of Conduct has occurred, the Associate Dean for Academic Affairs will meet with the accused and inform the accused of the basis of the probable cause determination. The Associate Dean for Academic Affairs will, at or in advance of that meeting, provide the accused with a copy of the written report that summarizes the basis for the probable cause determination. During this meeting, the Associate Dean for Academic Affairs will also explain the options available to the accused.

(1) In appropriate cases where institutional interests and the accused's position suggest that informal resolution of the complaint may be consistent with the policies of the Student Code of Conduct, the Associate Dean for Academic Affairs may suggest informal resolution of the complaint.

(2) In cases where informal resolution is either inappropriate or is not acceptable to the accused, the accused will be informed that a hearing on the probable cause determination will be held before the Conduct Review Committee.

(g) If the Associate Dean for Academic Affairs suggests and the accused is interested in pursuing informal resolution, the Associate Dean for Academic Affairs shall propose a resolution consistent with the purpose of the Student Code of Conduct, the nature of the violation, and the circumstances of the student. The accused may reject the proposed resolution without forgoing any of the rights provided under this code to a hearing. If the accused rejects the proposed resolution and a hearing on the alleged violation is held before the Conduct Review Committee, the attempt at informal resolution shall not be disclosed to the Committee.

If the Associate Dean for Academic Affairs and the accused reach an informal resolution of the complaint, the Associate Dean for Academic Affairs shall present the informal resolution of the complaint to the Dean in writing with a copy of the probable cause determination. If the Dean agrees to the informal resolution, the Dean will send a letter to the student that sets forth the terms of the informal resolution. If the Dean does not agree to the informal resolution, the Associate Dean for Academic Affairs shall inform the accused in writing that a hearing on the alleged violation will be held before the Board.

Neither the existence of a proposed informal resolution nor its rejection by the Dean shall be disclosed to the Conduct Review Committee.

(h) If informal resolution is not appropriate or is unsuccessful, the Associate Dean for Academic Affairs will forward a copy of the written complaint and the probable cause determination to the Dean and refer the matter to the Conduct Review Committee. Within ten days of receiving a copy of the complaint and probable cause determination, the Dean shall convene the Conduct Review Committee.

(i) During the course of the Student Code of Conduct hearing, it is the responsibility of the Associate Dean for Academic Affairs to present the case in support of the determination of probable cause. The Conduct Review Committee is not limited to the evidence presented by the Associate Dean for Academic Affairs, but may independently investigate the alleged violation. The Associate Dean for Academic Affairs should be available to respond to any questions that the Committee has about the nature of the investigation or the basis upon which the Associate Dean for Academic Affairs determined the existence of probable cause.

ARTICLE 4. THE FORMAL HEARING: CONDUCT REVIEW COMMITTEE (CRC).

4.01 Composition.

Each year, a panel of six, including three members of the faculty and three students, shall be appointed by the FIU College of Law Dean to serve as members of the Conduct Review Committee. Students interested in serving on the CRC shall submit a letter of interest to the College of Law Dean. The Dean shall select three student members to serve as CRC members. Each student so selected shall be given the opportunity to decline after being informed of the nature and extent of the responsibility. One of the faculty members shall be appointed to chair the CRC by the College of Law Dean. The accused student may challenge for cause any of the CRC members appointed by the Dean.

Challenges for cause are addressed to the Dean, who determines their validity in his or her sole discretion. The Dean will replace any successfully challenged member. This person may also be challenged for cause.

4.02 Hearing Process.

(a) Before the CRC hearing, the accused is entitled to a reasonably specific written statement of the charges and to reasonable time for preparation.

(b) The accused shall be presumed innocent.

(c) The CRC chairperson conducts the hearing, subject to the discretion of a majority of the CRC. The Associate Dean for Academic Affairs or his designee presents the case to the CRC. The accused is entitled to the presence of counsel or an adviser.

- (d) The accused may call witnesses and question witnesses heard by the CRC.
- (e) The College shall make an adequate record of the hearing by written memorandum, tape recording or otherwise.
- (f) Trial rules of evidence are not applicable and the accused has no privilege against the drawing of adverse inferences from failure to cooperate in the investigation or hearing. The hearing shall generally proceed in the following order:
1. Evidence in support of the allegation;
 2. Evidence in rebuttal;
 3. Argument on findings;
 4. Decision as to whether the accused student has committed the alleged misconduct;
 5. If appropriate, evidence in aggravation and mitigation and extenuation;
 6. Arguments on sanction; and
 7. Decision on recommended sanction.
- (g) The College of Law shall bear the burden of proof by a preponderance of the evidence, except that a sanction of suspension or dismissal must be supported by clear and convincing evidence of the alleged violation.
- (h) A vote determining that a violation has been committed by the accused shall require the concurrence of at least four members of the CRC; the chairperson shall vote on all matters.
- (i) A vote determining the appropriate sanction that results in a three-three tie shall be submitted to the Dean for final disposition. The Dean may undertake additional fact finding in aid of final disposition.
- (j) The hearing committee shall render an expeditious, written decision that shall include findings of fact, conclusions and, if appropriate, sanctions.

4.03 Discussing Code Matters.

- (a) The hearing shall be held in private. During the pendency of a Code matter, persons connected with it, whether officially or personally, shall not communicate respecting the case except:
1. Insofar as is necessary to implement the Code; or
 2. Where a potential witness voluntarily chooses to discuss the matter with the accused or his or her designated representative.
- (b) Except to the extent authorized by section 4.02(i) of the Code or by law, the deliberations and decisions of the CRC, as well as any appeals taken from those decisions, shall be held in confidence by all persons having knowledge of them unless the student involved disclosed them or authorizes disclosure.

ARTICLE 5. APPEAL TO THE DEAN.

5.01. Appeal Process.

- (a) A disciplined student may appeal the decision of the CRC to the Dean of the College of Law in writing within 30 days of the date of the decision.
- (b) On appeal, the Dean shall review the written decision of the CRC. The Dean may affirm or reverse the CRC's decision or reduce the sanctions it imposed. In any case, the Dean may request additional information and/or written argument from the student and the College.
- (c) The Dean shall issue a written decision, affirming, overruling or modifying the decision of the CRC. A copy shall be sent to the student and the members of the CRC.
- (d) If the Dean overrules or modifies in any respect the decision of the CRC, his or her written decision shall include the reasons for the modifications of the decision of the hearing committee.
- (e) Upon appeal, the decision of the Dean of the College of Law is final.

ARTICLE 6. RECORD KEEPING AND ANNUAL REPORT.

6.01 Storage of Records and Access.

After final determination of a matter, all transcripts, tapes, memoranda, opinions, findings and any other tangible records connected with that matter shall be stored under lock and key in the Office of the Dean for the College of Law. The Associate Dean for Academic Affairs shall have the duty to collect and transmit such materials to the Dean's Office.

6.02 Annual Report.

The Associate Dean for Academic Affairs shall issue a brief annual report to the student body describing the disposition of matters arising hereunder, not including the names of the parties. The report shall be available for general inspection at the Office of the Associate Dean for Academic Affairs.

ARTICLE 7. SANCTIONS.

7.01 Penalties.

Any one or a combination of the following sanctions may be imposed for a violation of these regulations:

1. Warning. Written notice to the student that a future violation of this Student Code of Conduct will be cause for disciplinary action as herein provided.
2. Censure. Written reprimand for a violation of this Student Code of Conduct.
3. Disciplinary Probation. Probation for a stated period of time on specified conditions.
4. Suspension. Termination of student status for a specified period. Suspension may include exclusion from designated areas of the campus.
5. Dismissal. Permanent termination of student status.
6. Interim Suspension. Exclusion from classes or from other designated activities or from designated areas of the campus, before final action on an alleged violation, when there is reasonable cause to believe that such action is in the best interest of the College.
7. Grade Reduction. The CRC may recommend to the faculty member that a student be denied course credit or a grade be reduced to an administrative "F" where the relevant misconduct consists of cheating on an examination, plagiarism in a paper, or other academic dishonesty.

7.02 Notation of Sanction on Official Transcript.

Suspension and dismissal, and any other sanctions so ordered, shall be noted on the student's official College of Law transcript. Other sanctions may be noted on the transcript. When a sanction is noted on a student's transcript, the College of Law will report that sanction to any state bar to which the student has previously been certified for admission. All disciplinary sanctions, whether or not noted on the student's transcript, will be reported to any licensing authority making inquiry.

Please refer to the University Handbook 2013-2014 for the University Standards of Student Conduct at <http://campuslife.fiu.edu/index.php/student-handbook-20132014>