

## **Section 17    Student Conduct Code**

The College of Law's Student Conduct Code governs the academic conduct of students at the Florida State University College of Law. All other conduct of students at FSU College of Law is governed by the Florida State University's Student Conduct Code, which is available at <http://srr.fsu.edu/conduct/code.htm>.

### **17.1    Definitions and Violations**

This Code defines and prohibits:

#### **17.1.1    Securing or Providing an Unfair Advantage:**

Securing an unfair advantage involves, but is not limited to, failing to follow instructions provided by a professor in relation to an examination or class assignment, as well as cheating. Cheating is receiving or giving unauthorized aid or assistance in the completion of an examination or of any other work used in evaluating a student's performance.

#### **17.1.2    Plagiarism:**

Plagiarism is representing the work of another as the student's own. Students are expected to know and employ accepted conventions of citations and attribution. Failure to indicate quoted or paraphrased sources constitutes plagiarism. More specific definitions of plagiarism for particular courses or in particular contexts may be supplied by a course instructor, editor, or faculty employer of a student. A student

should request clarification in case of doubt. Any student charged under this section may prove by a preponderance of the evidence that the misrepresentation of work resulted from mistake or inadvertence as a complete defense.

#### 17.1.3 Library Offenses:

Library offenses are sequestering, hiding, or mutilating library materials, or using library materials in a manner which violates official library rules on manner of length of use.

#### 17.1.4 Disruption:

Disruption is disturbance of or interference with the scholarly pursuit of the College. It includes, but is not limited to, interference with the conduct of an examination, defiance of rulings or instructions issued by an instructor or proctor in the course of an examination, and defacing or destroying class notes, drafts, or any other scholarly or administrative work product of faculty, fellow students, or other users of College facilities.

#### 17.1.5 Fraud:

Fraud is material falsification of documents or any other form of deceit or misrepresentation committed in regard to the administrative or academic processes of the College of Law.

#### 17.1.6 Other Serious Misconduct:

Other serious misconduct involves intentional and serious offenses, involving acts for which criminal or other punitive sanctions are provided by federal, state, or local law, or ordinance, that directly relate to a student's fitness to continue as a student at the College.

### 17.2 Procedures

#### 17.2.1 Initiation of Code Violation Investigation:

Students, faculty, and staff of the College are expected to inform the Dean of any facts constituting cause to believe a code violation has been committed or will be committed.

Failure to report such information, however, is not a violation of this code.

The information reported under this section may be communicated in confidence, and the fact that such communication has been received shall not be disclosed until the Dean determines that probable cause of a code violation exists.

#### 17.2.2 Investigation:

The Dean shall appoint a faculty member to serve as investigator upon determining that the reported facts constitute probable cause to believe a violation of this code has occurred.

The investigator should not be either an accuser or anticipated witness in the matter.

17.2.2.1 The investigator shall notify the accused of the allegations, the investigation, and the accuser.

17.2.2.2 The investigator may interview persons believed to have knowledge of the facts and circumstances surrounding the alleged violation, as the investigator deems appropriate, to determine whether to proceed to a hearing on the matter.

17.2.2.3 The investigator may review all documents and materials that the investigator deems appropriate to determine whether to proceed to a hearing on the matter.

17.2.2.4 Interview the accused if considered appropriate and if the accused agrees, provided that the accused may terminate the interview at any time.

17.2.2.5 Report findings and recommendations to the Dean. A recommendation to proceed to a hearing shall be supported by a finding, based on a preponderance of the evidence, that the accused engaged in the Code violation alleged.

Such recommendation to proceed shall be stated in a complaint. If the investigator concludes by a preponderance of the evidence that no such Code violation occurred, the investigator shall recommend that the matter be terminated. In either case, a recommendation shall be supported by documentation as to the findings.

#### 17.2.3 Dean's Review of Recommendation:

The Dean shall review the investigator's findings and recommendations. The Dean may accept or reject recommendations in whole or in part, and may adopt or revise a proposed complaint. The Dean may also initiate a complaint although the investigator has recommended a termination of proceedings, but the Dean must provide a statement of reasons and documentation explaining the decision to proceed.

#### 17.2.4 Proceedings after Dean's Review:

After review, the Dean shall advise the accused in writing of a decision to terminate proceedings or to proceed to a hearing based on a complaint. A decision to terminate is final and concludes the matter. A decision to proceed shall be accompanied by copies of the complaint, the investigator's findings and recommendations, and the documentation

supporting them. The accused shall also be provided with a copy of this Code.

Unless the accused admits guilt in writing within fifteen (15) school days after receiving notice of a decision to proceed to a hearing, the Dean shall appoint a panel to hear the case. The accused, upon admission of guilt, may also demand a hearing for the sole purpose of presenting matters in mitigation.

Every hearing panel shall consist of three permanent faculty members and two students, all of the College of Law. Student members shall be appointed after consultation with the Student Bar Association. The chair shall be designated by the Dean from among the three appointed faculty members.

Notice of appointment shall be given to panel members and to the accused, with the notice designating the chair. The chair shall make arrangements for meetings, the attendance of witnesses, the reproduction of necessary documents, and the recording of proceedings.

Unless the Dean directs otherwise, the investigator shall present the case against the accused. The investigator shall also present evidence of which the investigator is aware tending to exonerate the accused. However, no accuser or potential witness may present the case.

#### 17.2.5 Hearings:

Hearings shall be scheduled at the convenience of all participants, and upon notice to the accused. Unless the accused consents, the first hearing shall not be scheduled within ten (10) school days of the appointment of the panel.

Hearings shall not be governed by formal rules of evidence. An accused is entitled to present evidence in person, or through an attorney, or both. Paid counsel must be supplied by the accused. An accused is entitled to present witnesses and documentary evidence, to cross-examine any witnesses, and to inspect and inquire concerning any evidence. Upon request, the chair shall make every reasonable effort to secure the presence of witnesses or documentary evidence for the accused.

In exercising any of the procedural rights, an accused may address both innocence and matters in mitigation.

#### 17.2.6 Panel Procedure after Hearings:

After a final hearing, the panel shall meet in closed session upon call of the chair to discuss and consider the case, to determine guilt or innocence, and to consider sanctions upon determination or admission of guilt. One or more sessions may be held.

The standard of proof for the panel's finding is clear and convincing evidence. Findings of fact shall be based exclusively on evidence of record.

A vote determining guilt and a vote as to any sanction requires the concurrence of at least four members.

The panel shall submit to the Dean a written summary of its factual findings, its findings of guilt or innocence, and its recommendations as to sanctions. The panel may also recommend terms for suspension of any sanctions. This summary should be made within five (5) school days of the final hearing. The Dean shall make available to the accused a copy of the panel's factual findings, findings of guilt or innocence, and recommendations as to any sanctions, and shall allow the accused at least ten (10) calendar days in which to submit written exceptions thereto. When a case involves more than one accused student, the panel shall specify its factual findings, its findings of guilt or innocence, and its recommendations as to each accused student.

#### 17.2.7 Sanctions:

A student convicted of a violation of this code is subject to one or more of these sanctions:

17.2.7.1       expulsion from the College of Law;

- 17.2.7.2 suspension from the College of Law for a specified period of time;
- 17.2.7.3 loss of privileges to participate in any non-required course, program, or activity of the College of Law;
- 17.2.7.4 replacement, repair, or restitution for damaged, destroyed, or stolen property;
- 17.2.7.5 written reprimand to be included in the student's permanent record;
- 17.2.7.6 oral reprimand;
- 17.2.7.7 disclosure by the Dean to the College of Law and Bar agencies;
- 17.2.7.7 reduction in course grade;
- 17.2.7.8 any other sanction deemed appropriate by the Dean or the Dean's designee.

17.2.8 Disclosures:

Disclosure to the Bar of any proceeding, regardless of the result, by the Dean or the accused student may be required by Bar rules.

17.2.9 Imposition of Sanctions:

A panel finding of innocence as to any charge terminates the proceedings, upon delivery of the within report to the Dean. A panel recommendation that no sanctions be

imposed upon finding of guilt as to any charge terminates the procedure as to sanctions.

The Dean shall review all findings as to guilt and mitigating matters, and all recommendations to impose sanctions. Rejection by the Dean of a finding of guilt terminates the proceedings. If the Dean endorses the finding of guilt, the Dean shall consider the panel's recommendations as to sanctions and determine which, if any, sanctions to impose.

Upon being informed of sanctions proposed by the Dean, the student may request a faculty review provided five faculty members join in the request. If faculty review is requested, the faculty by majority vote may reduce or suspend the proposed sanctions in whole or in part. Faculty review must be requested in writing within five (5) school days after a student is informed of proposed sanctions. The Dean shall impose those sanctions not reduced or suspended as a result of the faculty review.

17.2.10 Informal Resolution by the Dean:

Notwithstanding the above procedures, the Dean may settle any instance of an alleged code violation at any time, with the assent of the accused student.

17.2.11 Action taken by Dean's Representative:

Whenever this code specifies that any action is to be taken by the Dean it may be performed by the Associate Dean, except that only the Dean or an Acting Dean designated by the University may perform those duties specified in section 17.2.9.

17.2.12 Timeliness:

All actions prescribed or authorized by this code shall be accomplished as expeditiously as possible, except where the code provides otherwise or where prejudice to an accused or convicted student would result.