

ACADEMIC DISCIPLINE

9.1-9.5

9.1 Students are expected to meet the standards of conduct appropriate to professional schools.

9.2 Nonacademic misconduct will be dealt with at the discretion of the University administrators pursuant to the procedures set out in the Student Handbook. Academic misconduct will be dealt with within the School of Law. Non-serious academic misconduct will be dealt with by the Dean. In cases of serious academic misconduct, as defined in Rule 9.3, the procedures stated in Rule 9.4 will be applied.

9.3 Serious academic misconduct includes, but is not limited to:

- (a) cheating on law school examinations;
- (b) plagiarism of written work which is used to satisfy the academic requirements of any law school course or activity (See Rule 9.5);
- (c) submission of written work to satisfy the academic requirements of any law school course or activity when such work (or a significant portion thereof) has also been submitted to satisfy the academic requirements of any other course (including a course taken outside the law school) or law school activity;
- (d) furnishing false academic or academic related information to the institution;
- (e) intentional destruction of library materials;
- (f) theft of library materials;
- (g) misuse of library privileges;
- (h) obtaining or gaining unauthorized access to examinations or grades;
- (i) other misconduct as set forth in the University Student Handbook under "Academic Misconduct";
- (j) furnishing false academic related information to the Career Services Office, to an employer using the Career Services Office, or to any other group or individual, by the use of resume, application form, or other written or oral communication; or
- (k) any other misconduct which gives the offending student unfair academic advantage over other students.

9.4 (a) Whenever a member of the faculty believes that a case of serious academic misconduct has occurred, the faculty member will meet and confer with the Dean. The Dean will investigate the matter, either in person, or through such member of the administration of the Law School as the Dean deems appropriate. If after investigation, the Dean believes that there is evidence sufficient to warrant a charge of serious academic misconduct, the Dean will refer the matter to the Academic Affairs Committee.

(b) Whenever the Dean refers a case of serious academic misconduct to the Academic Affairs Committee, the Chairman of the Committee shall give written notice to the student of the charge and of the evidence which supports the charge, and shall give the student an opportunity to appear before the Committee and answer such charge.

The notice shall be given at least one week in advance of the day set for the hearing. A student who elects to appear before the Committee has the right to be assisted either by an advisor of his or her choice selected from the University community or by a member of the Bar. The student may bring witnesses and present evidence in his or her defense. A student is not required to appear before the Committee. If a student elects not to appear, the determination required under Rule 9.4(b) will be made on the information available to the Committee.

(c) At the conclusion of the hearing, the Academic Affairs Committee, by a vote of a majority of its members may find either that (1) the charge of serious academic misconduct has not been proven, in which event the charge will be dismissed; (2) that a charge of academic misconduct has been proven, but that the misconduct is not serious misconduct, in which event the Committee will refer the matter to the Dean for appropriate action, provided that the Committee shall not find a case of proven misconduct to be other than serious misconduct if it involves a violation of Rule 9.3(a), (b) or (c); or (3) the Committee may find that a charge of serious academic misconduct has been proven. The Committee shall find that a charge of serious academic misconduct has been proven only when it reasonably believes that information before it supports such finding. If the Academic Affairs Committee finds that a charge of serious academic misconduct has been proven, then it shall impose an appropriate sanction. The sanction shall be imposed by a majority vote of the members of the Committee. The sanctions which may be imposed include expulsion, suspension, censure, probation, or restitution. The usual sanction for violations of Rule 9.3(a), (b) and (c) will be either expulsion or suspension for a substantial period.

(d) The Committee shall give written notice to the student of the decision which it has made. If the decision is that serious academic misconduct has been proven, the notice shall include a brief summary of the evidence which supports the decision and an explanation of the reason for any sanction imposed. The notice shall also inform the student of his right to appeal under subsection 9.4(e) of this Rule. The notice of the Committee's action shall be forwarded to the Dean and made available to each member of the full-time faculty.

(e) In any case in which the Committee finds that serious academic misconduct has been proven, the student may appeal to the faculty by giving written notice to the Dean of the student's intention to appeal. The student must give notice of intention to appeal within 10 calendar days after the date of the Committee's written notice of its decision is sent to him or her. A student may appeal on either or both of the grounds that (1) the decision of the Committee is not supported by the information available to it or (2) the sanction is too severe. If the student appeals, the issue or issues upon which the student appeals shall be reviewed de novo by the full-time faculty. If a student appeals solely on the issue of sufficiency of the information, the severity of sanction will not be reconsidered. However if the issue of severity of sanction is raised, since the review is de novo, it will be open to the full-time faculty to impose a different or more severe sanction. The action of the faculty will be preceded by a hearing before the full-time faculty at which the student shall have the right to appear and to be represented by the same type of assistant or counsel which the student could have utilized before the Committee. The student may bring witnesses and present evidence in his or her defense. A student who has appealed need not appear before the faculty. If a student does not appear, the decision of the faculty will be based upon the information available to the faculty at the meeting at which it considers the appeal. The action of the faculty shall be taken by a majority of the members of the full-time faculty present at the hearing, and a quorum of the full-time faculty present at the hearing. The student

shall be given at least seven (7) calendar days notice of the hearing before the faculty.

(f) The action of the Committee shall not become final until 10 calendar days after the date of the notice to the student. During that 10-day period, any member of the full-time faculty who is dissatisfied with the action of the Committee shall notify the Dean in writing of such dissatisfaction. If during the time before which the decision becomes final, five members of the full-time faculty express dissatisfaction in writing, then the entire matter will be referred to the faculty for de novo consideration. On such de novo consideration, the faculty may take any action which the Academic Affairs Committee could have taken in the first instance. In case of faculty dissatisfaction, the procedures to be followed will be those provided for by an appeal by a student pursuant to subsection 9.4(e) of this Rule.

(g) The Dean shall give written notice to the student of the decision which the faculty has made. If the decision is that serious academic misconduct has been proven, the notice shall include a brief summary of the evidence which supports the decision and an explanation of the reason for any sanction imposed.

9.5 Unless otherwise announced, a student is permitted to discuss a legal research, moot court, seminar, estate planning, independent research, other writing or drafting assignment or requirement with other students, but the student's written work submitted in satisfaction of an assignment or requirement must be his or her own. Failure to comply with this rule shall be considered to be plagiarism.