

FSU-3.045 College of Law Student Conduct Code.

~~(1) Definitions and Violations. This Code defines and prohibits:~~

~~(a) Cheating. Cheating is receiving or giving unauthorized aid or assistance in the completion of examinations or of any other work used in evaluating a student's academic performance.~~

~~(b) Plagiarism. Plagiarism is representing the work of another as the student's own. Students are expected to know and employ accepted conventions of citation 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.~~

~~(c) Library Offenses. Library offenses are sequestering, hiding or mutilating library materials, or using the library or library materials in a manner which violates official library rules on manner or length of use.~~

~~(d) Disruption. Disruption is disturbance of or interference with the scholarly pursuits 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.~~

~~(e) 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.~~

~~(f) Serious Misconduct. Other serious misconduct is 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.~~

~~(2) Procedures.~~

~~(a) 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 violation of this Code has been committed, or will be committed. Failure to report information is not a violation of this Code. The information required under this section may be communicated in confidence, and the fact that such a communication has been received shall not be disclosed until the Dean determines that probable cause exists.~~

~~(b) Investigation.~~

~~1. The Dean shall appoint a faculty member 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.~~

~~2. The investigator shall:~~

- ~~a. Notify the accused of the allegations, the investigation, and the accuser;~~
- ~~b. Interview all persons believed to have knowledge of the facts and circumstances surrounding the alleged offense, provided such persons are within the reach of the investigator without subpoena powers;~~
- ~~c. Interview the accused if considered appropriate and if the accused agrees, provided that the accused may terminate the interview at any time;~~
- ~~d. Report findings and recommendations to the Dean. A recommendation to proceed shall be supported by a complaint. A recommendation to terminate shall give reasons. In either case, a recommendation shall be supported by documentation as to the findings.~~

~~(c) Dean's Review of Recommendations. 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.

~~(d) Proceedings After Dean's Review.~~

~~1. After reviewing the Dean shall advise the accused in writing of a decision to terminate proceedings or to proceed with 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.~~

~~2. Unless the accused admits guilt in writing within fifteen school days after receiving a decision to proceed, 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.~~

~~3. 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. 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.~~

~~4. Unless the Dean directs otherwise, the investigator shall present the case against the accused. The investigator shall also present any evidence tending to exonerate the accused. However, no accuser or potential witness may present the case.~~

~~(e) Hearings.~~

~~1. 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 school days of the appointment of the panel.~~

~~2. Hearings shall not be governed by formal rules of evidence. An accused is entitled to present evidence in person, or through an attorney or other counselor, or both. No faculty member shall~~

~~represent an accused. 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 these procedural rights, an accused may address both innocence and matters in mitigation.~~

~~(f) Panel Procedure After Hearings.~~

~~1. After 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.~~

~~2. The standard of proof for conviction is clear and convincing evidence. Findings of fact shall be based exclusively on evidence of record.~~

~~3. A vote to convict and a vote as to any sanction requires the concurrence of at least four members.~~

~~4. The panel shall submit to the Dean a written summary of its factual findings, its finding 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 school days of the final hearing. The Dean shall make available to the accused a copy of the panel's recommendation and shall allow the accused at least ten calendar days in which to submit written exceptions to the recommendation. When a case involves multiple charges and/or multiple accused persons, each charge and accused shall be separately covered in the findings and recommendations.~~

~~(g) Sanctions. A student convicted of a violation of this Code is subject to one or more of these sanctions:~~

~~1. Expulsion from the College of Law;~~

~~2. Suspension from the College of Law for a specified period of time;~~

~~3. Loss of privileges to participate in any nonrequired course, program or activity of the College of Law;~~

~~4. Replacement, repair or restitution for damaged, destroyed or stolen property;~~

~~5. Written reprimand to be included in the student's permanent records;~~

6. Oral reprimand;

7. Disclosure by the Dean to the College of Law and Bar agencies.

(h) ~~Disclosure. Disclosure to the Bar of any proceeding, regardless of the result, by the~~

~~Dean or the accused student, may be required by Bar rules.~~

(i) ~~Imposition of Sanctions.~~

1. ~~A panel finding of innocence as to any charge terminates the proceedings, upon delivery of the written report to the Dean. A panel recommendation that no sanctions be imposed upon a finding of guilt as to any charge terminates the proceedings as to sanctions.~~

2. ~~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.~~

3. ~~When sanctions have been recommended, the Dean may determine to impose them or to reduce or suspend them in whole or in part. The Dean shall promptly communicate this determination to the student in writing.~~

4. ~~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 school days after a student is informed of proposed sanctions.~~

5. ~~The Dean imposes those sanctions not reduced or suspended as a result of faculty review.~~

(j) ~~Action by Dean's Representative. Whenever this Code specifies that any action is to be taken by the Dean, it may be performed by an Associate Dean, except that only the Dean or an Acting Dean designated by the University may perform those duties specified in subsection (i) of this rule (Imposition of Sanctions).~~

(k) ~~Timeliness. All actions prescribed or authorized by this Code shall be accomplished as expeditiously as possible, except where the Code expressly provides otherwise or where prejudice to an accused or convicted student would result.~~

~~Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law
Implemented 1001.74(2)(f), 1002.22, 1006.52, 1006.60, 1006.62, 1006.63 FS History New
8-25-83, Formerly 6C2~~

~~5.146.~~