



# Student Code of Conduct and Academic Responsibility: Rules and Procedures

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## Section 1: Grounds for Disciplinary Action

- A.** The faculty, administration, and students all participate in preparing students to be responsible members of the legal profession. Achieving this purpose requires students to meet standards of academic integrity appropriate to graduate education, to display the high degree of professional responsibility required by the attorney's role in American society, and to observe principles of personal conduct that accord full respect for the rights of other members of the Law School community. These various ethical standards cannot be reduced to a comprehensive list of rules. Although Section 1.B of this Code does list some specific violations, students may be sanctioned for any substantial lapse of academic integrity, professional responsibility, or acceptable personal conduct toward other members of the Law School community. This Code applies to every person who has attended or sought to attend the Law School in any capacity. It shall continue to apply to students who have graduated, withdrawn, or otherwise discontinued their relationship with the School, but only for activities that took place in the admission or registration process or while in attendance at the School.
- B.** Conduct for which disciplinary action may be taken shall include, but is not limited to, commission of any of the following acts:
- 1.** Cheating on academic exercises, including
    - a.** Obtaining or giving assistance, unless by explicit authorization or instructions of the teacher or supervisor
    - b.** Submitting for credit substantially the same work as was submitted in another course (including Independent Study, law journal, Moot Court, clinic, or externship) or work as was prepared for any other purpose (including employment or volunteer work) except where the student, after full disclosure, obtains prior written permission from the teacher or supervisor of all such courses or work.
    - c.** Plagiarism, including
      - i.** Failing fully to credit sources of ideas or language by failing to cite the work of others, by failing to use quotation marks or to block indent language taken directly from the sources, or by otherwise failing adequately to acknowledge the sources used, and
      - ii.** Otherwise submitting another's work as one's own.
  - 2.** Making any misrepresentation to any person in connection with admission to the School or the Bar, awards, financial assistance, or any other academic, financial, School or employment-related matter, whether prior to or after admission to the School.
  - 3.** Intentionally or recklessly doing, or attempting or threatening to do, any of the following:
    - a.** Misappropriating the books, notes or other property of other students.
    - b.** Misappropriating property or services of the School or contractors of the School or of any other person while on the premises of the School.
    - c.** Damaging the property of the School, injuring members of the Law School community or their guests, or subjecting such persons to substantial harm.
    - d.** Wrongfully depriving members of the Law School community of books, materials, services or opportunities otherwise available.
    - e.** Wrongfully interfering with or disrupting any of the educational programs or academic exercises of the School.
    - f.** Wrongfully obstructing the operations of the Academic Responsibility Committee.

**C. Dean's Actions Not Limited.**

1. Nothing herein shall limit the authority of the Dean, administration or faculty to enforce the financial or academic rules of the School including but not limited to examination and attendance rules.
2. Nothing herein shall limit the authority of the Dean to revoke or withdraw admission to the School for failing to meet admission requirements, or to revoke or alter an award of financial aid.
3. Notwithstanding the provisions of this Code, the Dean may take action to deal with situations of an emergency nature posing a threat to the safety or health of the Law School community or the integrity of the programs or property of the School. Such emergency action may involve suspension of the Student for a period of time deemed appropriate by the Dean, delaying the granting of credits or the posting of grades to the Student's transcript, or the suspension of graduation of the Student pending the completion of proceedings under these rules. If the Dean determines that emergency action is required, he or she shall inform the Chair of the Academic Responsibility Committee of such actions. The Chair shall then proceed according to the provisions of this Code with respect to a decision about the status of the Student.

**Section 2: Academic Responsibility Committee**

- A.** Appointment of the Committee. The Dean shall appoint an Academic Responsibility Committee, consisting of the following, none of whom may serve simultaneously on the Academic Responsibility Committee and the Academic Status Committee:
1. Faculty. From among the full-time faculty, a Chair for each Investigation Panel (if there is more than one Investigation Panel, one of the Chairs will serve as Chair and Convener), two Hearing Panel members, and one additional faculty member for each Investigation Panel.
  2. Administration. From among the administration, one Hearing Panel member and one member for each Investigation Panel.
  3. Students. Two students for the Hearing Panel.
    - a. Student members shall be appointed annually, commencing at the beginning of the fall semester, and shall serve until a successor is appointed.
    - b. A student who has been appointed to a Hearing Panel may continue to serve after graduation, but not after termination of the student's status for any other reason, on any case in which the student has already participated.
    - c. A student who is or has been the subject of a proceeding under this Code shall be suspended from the Committee, but may be reinstated, in the discretion of the Chair, if the investigation is complete and there have been no sanctions against the student.
  4. Alternates. The Dean shall appoint first and second alternate faculty members and first and second alternate student members of the Committee, and one alternate administration member, to serve in case a member of the Committee is unavailable or refuses to serve, either in a particular case or for an extended period of time. The Dean may appoint additional alternates as needed.
- B.** Officers of the Committee. The Dean shall designate a faculty member to be the Chair and Convener of the Committee. For each Investigation Panel, the Dean shall designate, in consultation with the Chair and Convener, from among the faculty and administration members, one member of the Committee to serve as Secretary, and one member to serve as Fact Finder.

Such designations shall be made when new Committees are appointed, and may be altered periodically either for particular cases or for an extended period of time.

- 1. Investigation Panel Chair.** For each Investigation Panel, there will be an Investigation Panel Chair. The Investigation Panel Chair shall coordinate all activities of the Committee, preside at all meetings, and be the person through whom faculty, students, the Student under investigation (the "Student"), and other interested parties communicate with the Committee. The Investigation Panel Chair should generally keep the Student informed of the Committee's procedures and the Student's rights and obligations. The Investigation Panel Chair shall vote as a Member of the Investigation Panel and as a member of the Hearing Panel.
  - 2. Secretary.** The Secretary shall keep the records relating to Committee business, and assist the Investigation Panel Chair in the preparation of official correspondence and reports. The Secretary shall vote as a member of the Investigation Panel.
  - 3. Fact Finder.** Except as otherwise directed by the Investigation Panel, the Fact Finder shall conduct preliminary investigations, consult witnesses, locate documents, and gather relevant information for presentation to the Investigation Panel and the Hearing Panel. The Fact Finder is responsible for gathering and presenting information in an impartial and thorough manner, and should convey information that is likely to exonerate a Student or materially mitigate responsibility. The Fact Finder shall vote as a member of the Investigation Panel, and shall present information to the Hearing Panel, but shall not participate in deliberations or votes of the Hearing Panel.
- C. Investigation Panel.** The Investigation Panel shall be composed of the Investigation Panel Chair, the Secretary, and the Fact Finder. Two members of the Investigation Panel shall constitute a quorum, and, if necessary, may take action by mutual consent without prior notice to the other member. The purpose of the Investigation Panel is to conduct a simple and expeditious preliminary assessment of the evidence to determine whether a Hearing is necessary.
- D. Hearing Panel.** The Hearing Panel shall be composed of all faculty, administration, and student members of the Committee, except (a) the Fact Finder of the Investigation Panel hearing the case shall not participate in the deliberations of the Hearing Panel, and (b) the Secretary of the Investigation Panel may participate in deliberations of the Hearing Panel as a non-voting member. A Fact Finder and Secretary may participate in deliberations and vote on any case brought to the Hearing Panel by an investigation panel on which they do not serve. A quorum shall consist of at least five voting members of the Hearing Panel. The Hearing Panel shall act by majority vote of those present. In the discretion of the Chair, alternates may receive notice of and may be asked to attend hearings of the Panel, but shall not participate in the deliberations or vote unless they are serving in place of a member of the Committee with respect to the matter before the Committee.
- E. Membership of the Panels.** Upon learning the name of the Student, or after hearing the nature of the possible Code violations, any member of the Investigation or Hearing Panels may decline to serve on the Panel if he or she feels incapable of playing an unbiased role in the case, or feels that participation would create an unacceptable appearance of impropriety. In such an event, the Investigation Panel Chair shall notify the designated alternates. Once the Investigation Panel or Hearing Panel has begun consideration of a case, the members of that Panel shall continue to constitute the Panel for that case until final disposition, notwithstanding the appointment of a new Academic Responsibility Committee or the designation of different Panels for other cases. If a member of a Hearing Panel becomes unavailable, alternates shall only serve on the Panel if they have attended the Hearing under Section 4.C, or by agreement of the other members of the Panel after hearing any objections from the Student.

### Section 3: Investigation

- A. Reporting Possible Violations.** All New York Law School personnel and students are expected and encouraged to report, and to cooperate in the investigation and Hearing of, possible violations of the Code. Any person may report a possible violation by bringing the matter to the attention of the Chair, preferably in writing.
- B. Initiation of Investigation.** Upon receiving a report of a possible violation, the Chair shall notify the Fact Finder, and, in consultation with the Investigation Panel, shall determine whether it is necessary to conduct a preliminary investigation before the Investigation Panel considers the matter.
- C. Fact Finder's Meetings with Parties.** The Fact Finder may meet with the reporting party, the Student, or any other person (preserving, if possible, the anonymity of all parties), and report, either orally or in writing, to the Investigation Panel. Before the Fact Finder questions the Student, the Student shall be informed of the general nature of the matters under investigation. The Fact Finder shall report to the other members of the Investigation Panel the results of these meetings.
- D. Preliminary Consideration.** The Investigation Panel shall review the report of the Fact Finder and any relevant written materials. The Investigation Panel may then decide not to proceed further with the investigation, with or without prejudice to reconsideration at a later time. Or the Investigation Panel may decide to proceed further with the investigation, pursuant to the following subsections of this Code.
- E. Notice of Investigation.** If the Panel decides to proceed further with the investigation, then the Secretary shall prepare a notice, for personal delivery or service by mail upon the Student at the last address contained in the Student's records at the Law School, containing substantially the following information:
1. A description of the matters under investigation with reasonable specificity but, if possible, without compromising the confidentiality of the investigative process.
  2. The proposed date and time for any requested meeting with the Investigation Panel. The Chair may consult with the Student or the Student's Advisor and the members of the Panel to try to find a mutually convenient meeting time, but the Investigation Panel may set any reasonable time not less than forty-eight hours from the time notice is given.
  3. A copy of this Code.
- F. Appearance of Parties.** The Investigation Panel may request the appearance of any person, or solicit written statements or documents from any person, including the Student. The Investigation Panel shall have authority to grant immunity in exchange for a person's testimony. The Investigation Panel may choose whether or not to record any of the testimony of witnesses or of the Student.
- G. Actions of the Investigation Panel.** The Investigation Panel may take any of the following actions:
1. **Decision Not to Proceed.** Decide not to proceed further with the investigation, with or without prejudice to reconsideration at a later time. The Chair shall convey such a decision to the Student, and the Secretary, in consultation with the Chair and the Fact Finder, shall prepare a report of the action for the Dean. At the discretion of the Panel, a report may be made to the Law School community, redacted to preserve the anonymity of all parties.
  2. **Calling a Hearing.** Call a Hearing, pursuant to the following Section 4 of this Code. The Panel shall call a Hearing when it determines, based upon all the information then before the Investigation Panel, including the apparent credibility of the witnesses, that the Hearing Panel could subsequently decide that there is clear and convincing evidence to find a violation of the Code.
  3. **Disposition without a Hearing.** Propose to the Student a disposition without a Hearing, with suggested findings of fact and sanctions.

- a.** If the Student elects to accept the proposed disposition, then there will be no Hearing, and the disposition will be reported to the Dean, and will be treated as the report of the Committee pursuant to Section 5.B of this Code. The Student may preserve the right to request a meeting with the Dean under Section 5.C.
  - b.** If the Student elects not to accept the proposed disposition, then the Investigation Panel shall choose another course of action under this Section 3.G.
- H.** Notice of the Hearing. After the Investigation Panel votes to call a Hearing, the Secretary shall prepare a notice of the Hearing. A copy of the notice shall be served upon the Student, and copies distributed to members of the Hearing Panel.

## Section 4: Hearing

- A.** Calling of a Hearing. Upon the vote to call a Hearing under the previous section, the Chair shall contact the Student or the Student's Advisor and the members of the Hearing Panel to arrange a Hearing date. Unless the Student elects to have a Hearing open to the Law School community, the Hearing shall be closed and confidential.
- B.** Pre-Hearing Disclosure of Information. The Chair should disclose to the Student or the Advisor the material information that the Chair expects to be presented to the Hearing Panel, and the names of all witnesses that the Chair expects to be called, at least forty-eight hours before the Hearing. The Student or the Advisor should disclose the names of expected witnesses at least twenty-four hours before the Hearing.
- C.** Conduct of the Hearing. The Fact Finder shall present evidence to the Hearing Panel. The Fact Finder, any member of the Hearing Panel, and the Student or the Advisor may call or question witnesses, and may require testimony from any person, subject to the Chair's discretion to set reasonable limits under subsection E. Refusal by any student to participate as a witness may be considered a violation of Section 3.F of this Code.
- D.** Record of the Hearing. The Secretary shall cause a record to be made of the Hearing, either by stenography or tape recording. The Student may obtain a free copy of the record at the Student's request.
- E.** Rules of Evidence. Formal rules of evidence shall not apply. The Chair, subject to overruling by a majority of the Hearing Panel, may disallow questions and set reasonable limitations upon the number of witnesses and the amount of time allowed for statements and for questioning.
- F.** Additional Related Violations. If in the course of the Hearing evidence of additional related possible violations have been presented, it shall not be necessary for the Hearing Panel to serve formal notice upon the Student, but the Panel, after giving the Student reasonable notice and an opportunity to be heard, may proceed to include such possible Code violations in its deliberations and report.
- G.** Disposition Prior to Conclusion of the Hearing. If at any time during the Hearing a majority of the Hearing Panel believes that justice so requires, the Hearing may be discontinued, with or without prejudice, and an appropriate report prepared. The Panel may at any time propose to the Student suggested findings of fact and sanctions in settlement of the case, on the terms set forth in Section 3.G.3.

## Section 5: Findings and Decision

- A.** Deliberations of the Hearing Panel. At the conclusion of the Hearing, the Hearing Panel shall conduct its deliberations in private. The decision that the Code has been violated shall be based solely upon the record made at the Hearing. The standard to be applied by the Hearing Panel shall be proof by clear and convincing evidence that a violation of the Code has occurred.
- B.** Report of the Hearing Panel. The Panel shall prepare a report setting forth findings of fact, the determination that a violation has or has not occurred, any proposed sanctions, and the reasons therefore. The report shall identify the vote on each finding and proposal, but not the votes of individual Panel members. Individual members may submit separate written statements to be included with the report as concurring or dissenting views.
- C.** Meeting with the Dean. At the request of the Student, the Dean may meet with the Student to consider reasons why the report of the Panel should or should not be adopted before the Dean makes a determination. Presentation may be made by the Student or the Advisor, and by the Chair or any other Committee member selected by the Chair.
- D.** Dean's Review. The Dean shall review the report of the Hearing Panel and adopt it as the final disposition of the matter, unless the Dean determines that the findings of fact of the Panel are not supported by substantial evidence on the whole record, or that the recommended sanction is excessive, or both. The Dean may adopt the Panel's findings of fact but reject the Panel's recommended sanctions, and may substitute such sanctions as the Dean finds to be justified by the record, provided that the Dean shall not adopt any sanctions more stringent than those recommended by the Panel.

## Section 6: The Student's Rights and Responsibilities

- A.** Cooperation of the Student. Although the Student may decline to appear or to answer questions as described below, cooperation of the Student in the investigation and Hearing is expected, and may be taken into account at each stage of the proceedings, including the determination of a sanction.
- B.** Meeting with the Fact Finder. Upon being contacted by the Fact Finder, the Student may request postponement of the Student's discussion with the Fact finder for a reasonable period of time. The Student may decline to answer questions of the Fact Finder, but if the student declines, then the Fact Finder may report to the Investigation Panel that the Student so declined.
- C.** Meeting with the Investigation Panel.
  - 1.** The Student has the right to meet with the Investigation Panel before it decides whether to proceed to a Hearing, but if the Student elects to appear before the Investigation Panel, the Student will be deemed to have consented to answer questions of the Panel relating to the matter under investigation.
  - 2.** If the Investigation Panel requests the Student to meet with it, the Student may decline, but the Panel may draw such adverse inferences as it deems appropriate from the Student's refusal to answer questions of the Fact Finder or the Investigation Panel, and may report to the Hearing Panel that the Student so declined.
- D.** Hearing. The Student has the right to attend the Hearing, and to call and to question witnesses.
  - 1.** If the Hearing Panel requests the Student to testify, the Student may decline to answer questions of the Panel, but the Panel may draw such adverse inferences as it deems appropriate from the Student's refusal to answer questions of the Fact Finder, the Investigation Panel, or the Hearing Panel.
  - 2.** If the Student elects to testify at the Hearing, the Student will be deemed to have consented to answer questions of the Panel relating to the matter under investigation.

## Section 7: The Advisor

- A.** Right to Advisor. The Student shall be entitled to the assistance of an Advisor, who may be an Attorney. The Law School shall not pay for any such Advisor.
- B.** Meeting with the Investigation Panel. The Advisor may accompany and advise the Student in meeting with the Investigation Panel, but may not speak on behalf of the Student unless asked to do so by the Investigation Panel.
- C.** Hearing. The Advisor may appear with the student at the Hearing, may question witnesses on the Student's behalf, and may briefly summarize the case, but may not testify to facts unless invited to do so by the Panel.
- D.** List of Advisor Volunteers. The administration of the Law School shall invite interested professors, administrators, students, and alumni to indicate their willingness to serve as Advisors without compensation. The administration shall make the list of such volunteers available to any Student requesting it. After talking to the Student, any volunteer may decide whether or not to act as the Student's Advisor, but shall in any event treat all information as confidential. The Law School assumes no responsibility for finding an Advisor, or for the quality of an Advisor's assistance.

## Section 8: Sanctions for Violation of the Code

The Hearing Panel shall have discretion to adopt any sanction it deems appropriate by majority vote of the members of the Panel constituted for the case, bearing in mind the seriousness of the offense, including but not limited to one or more of the following: expulsion, suspension, reprimand, permanent notation on the record of the Student, restitution, adjustment of a grade, loss of credit for a course or excluding, barring, or deleting from the Dean's List or Dean's List High Honors.

## Section 9: Publication and Precedent

The reports of the Panel, redacted to protect the identity of the Student and other participants in the proceedings, shall be compiled and maintained by the Office of the Dean, and may be consulted by anyone in the Law School community. Recognizing that each case presents its unique factual circumstances, the Panel shall not be required to treat as binding precedent any of its prior reports or decisions.

## Section 10: Applicability

Provisions of this Code preempt the provisions of any prior New York Law School regulation as to matters embraced within the Code, except for the New York Law School Sexual Harassment Code.

## Section 11: Nonprejudicial Errors

Any error, defect, or irregularity in, or variance from, these rules which does not affect substantial rights shall be deemed harmless.



## Section 12: Definitions

"Advisor" means the Student's Advisor selected pursuant to Section 7 of this Code. "Chair and Convener" is the Chair of the Academic Responsibility Committee and will serve as the chair of an investigation panel. When there is more than one investigation panel, the Chair and the Convener will coordinate the assignment of cases to the investigation panels. "Code" means this Code of Conduct and Academic Responsibility: Rules and Procedures. "Committee" means the Academic Responsibility Committee, as constituted under Section 2 of this Code. "Dean" means the Dean of New York Law School, but may also include such other persons as the Dean may designate to administer the duties of the Dean. "Full-time faculty" means all full-time employees who have an instructional role. "Hearing Panel" means the Hearing Panel designated in Section 2.D conducting a Hearing under Section 4 of this Code. "Investigation Panel" means the Investigation Panel designated in Section 2.C exercising its powers under Section 3 of this Code. "Panel" means Investigation Panel in Section 3, Hearing Panel in Section 4, or as the context requires in other sections. "The Reporting Party" is the person reporting a possible violation of the Code under Section 3.A, and may include a member of the Investigation or Hearing Panels. "School" or "Law School" means New York Law School. "The Law School community" means the administration, faculty, students, employees and alumni of New York Law School, and, at the discretion of the Chair or the Dean, other persons from outside the Law School who have been involved in the matters under investigation. "The Student" means the student or other person under investigation or against whom proceedings have been commenced pursuant to this Code.