



## **CODE OF STUDENT PROFESSIONAL RESPONSIBILITY**

### **INTRODUCTION**

Law school is the first step toward becoming a member of the legal profession. Members of the legal profession are subject to the highest standards of professional conduct. The Law Center, therefore, expects its students to adhere to high standards of conduct during their legal education and to avoid even the appearance of impropriety during that process. Just as lawyer behavior reflects on the bar and courts even when they are not in court, student behavior can reflect on the Law Center away from the physical facility. When students represent the Law Center, or when their behavior might closely affect the Law Center or its relationships with other institutions in Louisiana or abroad, students are expected to abide by the professional obligations of the Code of Student Professional Responsibility.

It is the obligation of every student to report to the Associate Dean for Academic Affairs or to a member of the Ethics Committee of the Student Bar Association any violation of this Code of Student Professional Responsibility. Students are expected to live up to the standards set forth in this Code and to assist in its enforcement.

### **THE CODE**

Lying, cheating, plagiarism, theft, and other forms of student misconduct are prohibited.

1. Lying includes, but is not limited to, the following:
  - a. Knowingly furnishing false or misleading information to the administrators, faculty, or other personnel of the Law Center.
  - b. Forging, altering, or misusing Law Center documents, records, or identification cards.
  - c. Knowingly furnishing false information in any proceedings undertaken pursuant to this Code.
  - d. Failing to acknowledge one's presence in class when present and requested by the instructor to recite materials or otherwise participate in class discussion.

- e. Falsifying information on a class roll sheet in any manner, such as by signing or initialing for another student who is not present, by procuring another student to sign or initial for a student not present, or by signing or initialing a roll sheet indicating that the student was present when the student was not actually present in the classroom or was so late that this student missed a substantial portion of the class.
2. Cheating includes, but is not limited to, the following:
- a. Copying from or looking upon another student's examination paper during an examination with intent to give or obtain information relevant to the examination.
  - b. Using material during an examination not authorized by the person administering the examination.
  - c. Collaborating during an examination with any other person by giving or receiving information without authority.
  - d. Stealing, buying, otherwise obtaining, selling, giving away, or bribing another person to obtain all or part of an unadministered examination or information about an unadministered examination.
  - e. Substituting for another student, or permitting any other person to substitute for oneself, to take an examination.
  - f. Submitting as one's own, in fulfillment of academic requirements, a report, term paper, memorandum, brief, or any other written work prepared totally or in part by another person.
  - g. Taking time beyond that allowed other students for the completion of an examination, without the expressed permission of the person administering the examination.
  - h. Selling, giving, or otherwise supplying to another student for submission in fulfilling academic requirements any report, term paper, memorandum, brief, or any other written work.
  - i. Consulting any attorney regarding the specifics of any written or oral presentation, unless authorized by the instructor.
3. Plagiarism is the unacknowledged incorporation of another person's work in one's own work submitted for credit or publication (such material need not be copyrighted).
4. Theft includes, but is not limited to, the following:
- a. The taking or unauthorized use of Law Center property, including any materials from the Law Library.
  - b. The taking or unauthorized use of the funds of the Law Center or any student organization.

- c. The taking or unauthorized use of the property of other students while on campus, or of material related to the Law Center while off campus.
5. Student misconduct includes, but is not limited to, the following:
- a. Attempting to commit, or being an accessory to the commission of any of the foregoing offenses.
  - b. Committing any misdemeanor on the premises of the Law Center, or on the premises of a Law Center partner institution, on the premises of student residences associated with the Law Center or its programs, or at an official Law Center function, or committing any felony.
  - c. Knowingly interfering with any proceedings undertaken pursuant to this Code, including threats directed to students, faculty, or other persons initiating or participating in such proceedings.
  - d. Repeatedly attending class without adequately preparing the material assigned by the instructor, unless special arrangements are made with the instructor prior to class.
  - e. Refusing to participate in class discussion when requested to do so by the instructor.
  - f. Using any other person's work or assistance in the preparation of work to be submitted for credit, unless authorized by the instructor.
  - g. Committing any act of vandalism or destruction with respect to Law Center property, the property of a Law Center partner institution, the property of student residences associated with the Law Center or its programs, or the property where a Law Center function is being held.
  - h. Intentionally disrupting a class.
  - i. Violating any rules established to govern student use of or conduct in the Law Library.
  - j. Talking with another student during an examination with intent to give or obtain information relevant to the examination.
  - k. Utilizing materials submitted in fulfillment of the requirements of a course to fulfill the requirements of another course or courses without first obtaining consent of all faculty members affected.
  - l. Knowingly to communicate directly to one or more specifically identifiable person(s) an epithet i) that a reasonable person would regard as demeaning to the recipient student or students and ii) that has a direct tendency to cause acts of violence by the person or persons to whom the communication is addressed. Such epithets shall include, but shall not be limited to, epithets that demean on the basis of race, gender,

gender identity/expression, religion, national origin, disability, sexual orientation or age.

- m. Knowingly to communicate directly to one or more specifically identifiable person(s) a statement that a reasonable person would regard as a serious expression of an intent to commit an act of unlawful violence against the recipient or recipients of the statement. Such statements shall include, but shall not be limited to, statements expressing intent to commit an unlawful act of violence based on the race, gender, gender identity/expression, religious belief, national origin, disability, sexual orientation, or age of the recipient.
- n. Repeated, persistent, or pervasive conduct (including verbal conduct) directed toward specific individual(s), that is (i) unwelcome and (ii) intended to interfere with, or that a reasonable person would regard as having the effect of interfering with, the ability of the specific individual(s) to participate in or benefit from the services, activities, or opportunities offered by the law school or university. Such conduct is that which is motivated by personal characteristics of the specific individual(s) to whom such conduct is directed, including but not limited to, race, gender, gender identity/expression, religious belief, national origin, disability, sexual orientation, or age.
- o. Sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, stalking, or any other Title IX-related misconduct that results in a finding of responsibility under LSU PM-73. Any person with knowledge of misconduct identified in this Section shall report it immediately to either the LSU Title IX Coordinator, the LSU Deputy Title IX Coordinators, the Law Center's Associate Dean for Academic Affairs or any person designated to receive such reports under LSU PM-73. (See Title IX of the United States Education Amendments of 1972, 20 U.S.C.S. §§1681-88 (2017); 34 C.F.R. Part 106; and Permanent Memorandum No. 73 of the Louisiana State University System)
- p. Knowingly and intentionally failing or refusing to comply with any LSU Law Center policy relating to the public health of students, faculty, or employees of the LSU Law Center.

## **RULES OF PROCEDURE FOR DISPOSITION OF COMPLAINTS**

1. General. The ultimate goal of the disposition of complaints is to determine whether a student violated the fundamental standard of the Code of Student Professional Responsibility and to impose an appropriate sanction, if necessary. Given the serious nature of these proceedings, hearing committees shall endeavor to hold hearings as soon as possible after notification of an incident. The hearings are inquisitorial in nature and do not follow formal rules of evidence. However, it is important that both the student and the hearing committees have the opportunity to present and/or obtain all relevant evidence and testimony. Disciplinary Hearings are not formal courts of law, and the Chairs of said

hearings may suspend hearings and reconvene them later on if necessary or in the interests of fairness and justice. A student may be investigated only one time for a particular alleged violation of the Code.

2. Reporting. Any person having first-hand knowledge of a violation of this Code shall report the incident to the Associate Dean for Academic Affairs of the Law Center designated by the Law Dean to receive such reports, or to a member of the Ethics Committee of the Student Bar Association. No anonymous reporting is permitted. If a report is made to a member of the Ethics Committee, that member shall promptly report the matter to the designated Associate Dean for Academic Affairs.
3. Any complaint alleging misconduct identified in Section 5(o) of this Code shall be governed by the substantive standards and procedures set forth in the LSU Code of Student Conduct, as administered by the LSU Office of Student Advocacy and Accountability. If a complaint alleges conduct that may violate both Section 5(o) and other sections of the Law Center Code of Student Professional Conduct, all alleged violations shall be investigated and adjudicated under the LSU Code of Student Conduct, as administered by the LSU Office of Student Advocacy and Accountability.
4. Preliminary Inquiry by Associate Dean.
  - a. Upon receipt of a report of an alleged violation of the Code of Student Professional Responsibility, the Associate Dean for Academic Affairs will conduct a preliminary inquiry to determine whether probable cause exists to warrant a disciplinary hearing.
  - b. In conducting this inquiry, the Associate Dean for Academic Affairs may meet with the accused student, the reporting party, and any witnesses and may examine any relevant evidence.
  - c. If the Associate Dean for Academic Affairs determines that no probable cause exists, the charges will be dismissed. If the Associate Dean determines that probable cause exists, the Associate Dean shall direct the Chair of the Student Ethics Committee to appoint a committee to conduct a Disciplinary Hearing to determine the merits of the complaint.
  - d. The Law Center directly reports to state bar examiners only the final results of a Disciplinary Hearing. If the Associate Dean for Academic Affairs does not recommend a Disciplinary Hearing, the student may not have to report the incident to the state bar examiners. The student should consult the applicable state's bar application website for more information.
  - e. The accused student or a reporting party may appeal the decision of the Associate Dean for Academic Affairs to the Law Center's Executive Committee within 14 days of receiving notice of the Associate Dean's decision.

- f. The Associate Dean for Academic Affairs shall provide to the Chair of the Student Ethics Committee and to the Executive Committee an anonymous summary of each report of alleged violation received and the disposition of that report.

5. Disciplinary Hearing.

a. Preliminary Matters.

- i. The Chair of the Student Ethics Committee and the President of the Student Bar Association shall appoint the Disciplinary Hearing Committee consisting of five (5) members: three (3) law student members and two (2) faculty members, and shall appoint one member to serve as Chair of the Disciplinary Hearing Committee.
- ii. The Associate Dean for Academic Affairs shall set forth in writing the grounds of the complaint against the student and shall furnish a copy of the written complaint to the Chair of the Disciplinary Hearing Committee.
- iii. The Chair of the Disciplinary Hearing Committee shall designate the time and place for a hearing. The hearing shall be conducted de novo and the preliminary determination of probable cause by the Associate Dean for Academic Affairs should not be considered binding on the Disciplinary Hearing Committee.
- iv. The Chair of the Disciplinary Hearing Committee shall provide the student with a copy of the written complaint. The Chair of the Disciplinary Hearing Committee shall prepare a notice containing the following information: (a) the time and place of the hearing; and (b) the date for furnishing the information described in paragraph 4.a.v. The notice shall be furnished to the student and to the Associate Dean for Academic Affairs.
- v. The Associate Dean for Academic Affairs and the student shall furnish to each other and to the Chair of the Disciplinary Hearing Committee (a) a list of the names and addresses of witnesses whose testimony should be heard by the Disciplinary Hearing Committee; (b) a brief statement describing the substance of the testimony of each witness; (c) any documentary evidence which should be considered at the hearing; and (d) the name of any person designated to assist him or her during the hearing.
- vi. The following may be present at the hearing: members of the Disciplinary Hearing Committee, the student, the Associate Dean for Academic Affairs, persons designated to assist during the hearing, the witness under examination, and any person authorized by the Disciplinary Hearing Committee to record the proceedings. At the request of the student, the Disciplinary Hearing Committee may permit such other persons as it deems appropriate to be present during the hearing.

b. Opening Procedures.

- i. A statement of the charges shall be read to the student and he/she will be asked if he/she understands said charges.
- ii. The Chair of the Disciplinary Hearing Committee shall determine whether there are any facts which may be agreed upon and the order in which the witnesses shall be heard.

c. Examination of Witnesses.

- i. All witnesses whose names have been submitted and who are available will be asked to testify unless the Disciplinary Hearing Committee determines that their testimony would not assist in finding relevant facts or in making a recommendation as to the proper disposition of the case. The Committee may also ask witnesses to testify whose names have not been submitted by the Associate Dean for Academic Affairs or the student. When practicable, notice of such witnesses shall be given to the student. The Chair of the Disciplinary Hearing Committee shall notify all witnesses of the time and place of the hearing.
- ii. The Disciplinary Hearing Committee may receive affidavits based upon personal knowledge addressing relevant facts upon a finding that the witness cannot conveniently attend the hearing. If the Committee feels that hearing the witness's testimony is necessary to achieve a fair result and disposition, the Committee may ask the witness to appear to testify or, if the witness is unavailable, take whatever alternative steps it deems appropriate.
- iii. Prior to hearing the testimony of a witness, the Chair of the Disciplinary Hearing Committee shall ask the witness whether he or she will truthfully respond to all questions.
- iv. The Chair of the Disciplinary Hearing Committee will first examine the witness. The members of the Disciplinary Hearing Committee will next examine the witness. The Chair may then permit the Associate Dean for Academic Affairs (or the person designated to assist him) and the student (or the person designated to assist the student) to examine the witness. The order of examination may be varied by the Chair in order to effectively present the testimony of the witness.

d. Examination of Evidence.

- i. The Disciplinary Hearing Committee may receive any documentary evidence it deems helpful in fairly performing its duty.
- ii. The Disciplinary Hearing Committee may consider any reliable evidence which it deems helpful in fairly performing its duty.

- iii. If the Disciplinary Hearing Committee determines that additional evidence and/or testimony is required before a verdict can be reached, the Chair of the Disciplinary Hearing Committee will inform the student and the Associate Dean that a continuance is needed. The Chair will then coordinate with the Associate Dean to obtain the evidence and/or testimony and notify the student when the hearing will resume.
- e. Closing Procedures.
- i. At the close of the hearing, the Disciplinary Hearing Committee shall allow the student (or person designated to assist him or her) and the Associate Dean for Academic Affairs (or person designated to assist him) the opportunity to make a closing statement.
  - ii. The student or the Associate Dean for Academic Affairs may request that the Disciplinary Hearing Committee vary its procedures or grant a continuance and, upon a showing of good cause for such, the committee shall, by majority vote, grant the request.
  - iii. At the close of the hearing, the Disciplinary Hearing Committee shall deliberate privately. The Committee will, by majority vote, make and deliver to the Law Dean (a) written findings of fact and conclusions concerning the complaint; and (b) written recommendations concerning the proper disposition of the case. Any concurring or dissenting views of a Committee member, including the Chair of the Disciplinary Committee, shall be included in the report.
- f. Sanctions. If the Disciplinary Hearing Committee finds that by clear and convincing evidence the student committed a violation included in the complaint, the Committee may recommend any appropriate sanction or combination of sanctions. Sanctions include, but are not limited to recommending that the student be:
- i. expelled from the Law Center indefinitely;
  - ii. expelled from the Law Center with a right to apply for readmission no sooner than a fixed date;
  - iii. suspended from the Law Center for a fixed period;
  - iv. publicly reprimanded by the Law Dean, with a copy of the public reprimand sent to the Louisiana State Bar Association;
  - v. denied course credit or assigned a grade of 1.3 in a course if the violation involved the student's conduct in a course.



6. Actions by the Law Dean.

- a. The Law Dean shall advise the student of the recommendations of the Disciplinary Hearing Committee and allow him/her a reasonable opportunity to respond in writing before imposing a sanction.
- b. Determination of the sanction shall be at the discretion of the Law Dean. In arriving at the sanction, the Law Dean shall consult with the Disciplinary Hearing Committee. Modification of a sanction shall be done only after consultation with the Committee.
- c. Upon the imposition of a sanction by the Law Dean, an announcement shall be placed on the bulletin boards of the Law Center to the effect that: "A student has been found guilty of a violation of the Code of Student Professional Responsibility in that he or she committed (name the offense). The student has been (name the sanction)." The student's name shall be withheld unless the Law Dean determines that a public sanction is in order.
- d. The Law Dean, with or without a recommendation of the Disciplinary Hearing Committee, may communicate the results of the proceedings to witnesses, faculty or other interested parties if he determines it is in the best interests of the Law Center or the legal profession.