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.

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 Responsibility and to impose an appropriate sanction, if necessary. Given the serious nature of these proceedings, the hearing
committees shall endeavor to hold the 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. The Preliminary and 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 of Student Responsibility.

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 Chancellor and 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.

   
a. The Associate Dean for Academic Affairs will notify the Chair of the Student Ethics Committee of the complaint and instruct the Committee to conduct a Preliminary Hearing.

   b. The Chair of the Student Ethics Committee will appoint three (3) Committee members to serve on the Preliminary Hearing. He or she will appoint one of the three members to serve as Chair of the Preliminary Hearing.

   c. The Chair of the Preliminary Hearing will then notify the accused student in writing that they have been instructed to investigate an alleged violation of the Code and he/she will schedule the Preliminary Hearing at the earliest possible date. The student will receive a copy of the violation report and any evidence in support of the report.

   d. The Preliminary Hearing Committee shall conduct a hearing to determine whether probable cause exists to warrant a Disciplinary Hearing.

   e. The Chair of the Preliminary Hearing will read the complaint to the accused student. The Chair will then present any evidence and/or witnesses in support of the complaint. The accused student may then question the witnesses.

   f. The accused student has the right to testify and to present any evidence and/or witnesses in his/her defense. The Preliminary Hearing Committee may question any witnesses and examine all evidence presented.

   g. If the Preliminary Hearing Committee determines that no probable cause exists, the charges will be dismissed. If probable cause exists, the Preliminary Hearing Committee will recommend to the Associate Dean for Academic Affairs that a formal disciplinary hearing be conducted.
h. The findings of the Preliminary Hearing shall be compiled into a report briefly explaining the Preliminary Hearing Committee’s reasoning.

i. The Associate Dean for Academic Affairs shall then direct the Chair of the Student Ethics Committee to appoint a committee to conduct a Disciplinary Hearing to determine the merits of the complaint. No Committee member who served on the Preliminary Hearing may serve on the Disciplinary Hearing Committee.

j. If the Preliminary Hearing Committee 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.

4. Disciplinary Hearing.

a. Preliminary Matters.

i. The Chairman 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. One member will be appointed to serve as Chair of the Disciplinary Hearing.

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.

iii. The Chairman of the Disciplinary Hearing shall designate the time and place for a hearing. The hearing shall be conducted de novo and the findings of the Preliminary Hearing Committee should not be considered binding on the Disciplinary Hearing Committee’s findings and recommendations.

iv. The Chairman of the Disciplinary Hearing shall provide the student with a copy of the written complaint. The Chairman of the Disciplinary Hearing 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 Chairman of the Disciplinary Hearing (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 shall determine whether there are any facts which may be agreed upon and the order in which the witnesses shall be heard. If both the Disciplinary Hearing Committee and student concur, the findings of the Preliminary Hearing may be used as stipulated facts.

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 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 shall ask the witness whether he or she will truthfully respond to all questions.

iv. The Chair of the Disciplinary Hearing will first examine the witness. The members of the Disciplinary Hearing Committee will next examine the witness. The Chairman 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 Chairman 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
dems 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. The Chair of the Disciplinary
Hearing shall decide whether particular evidence should be heard and considered.
His or her decision may be overruled upon motion of a Committee member and
by a majority of the Committee. A second to the motion to overrule is not
required.

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 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 Chancellor and 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 Chancellor and 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.

5. Actions by the Law Chancellor and Dean.

a. The Law Chancellor and 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 Chancellor and Dean. In arriving at the sanction, the Law Chancellor and 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 Chancellor and 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 Chancellor and Dean determines that a public sanction is in order.

d. The Law Chancellor and 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.

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