

# Stetson University College of Law

## Code of Student Professionalism and Conduct

### I. General Expectations and Community Standards

As responsible members of the community, Stetson University College of Law students are expected to maintain the highest ideals of academic and social conduct and are responsible for knowing the College of Law's published policies and standards. Students are also expected to respect the views and personal dignity of other members of the College of Law community.

In addition, students should learn about the expectations that will be required of them when they become lawyers. The Codes of Professional Responsibility published by each state's bar association, including the Rules of Professional Conduct of The Florida Bar, describe these expectations. Students are encouraged to consult these codes for guidance.

### II. Relation to the Honor Code

The College of Law has two codes that govern student conduct: this Code of Student Conduct of Professionalism ("Conduct Code") and the Academic Honor Code ("Honor Code"). Although both codes include rules, guidelines, and expectations for appropriate and professional conduct, the Honor Code primarily concerns academic issues and the Conduct Code primarily concerns non-academic issues. Honor Code issues typically will be handled by a faculty member or dean, while Conduct Code issues typically will be handled by the Student Life Office.

### III. Definitions

- A. **"Class"** and **"Course"** refer to any class or course at Stetson University College of Law. The terms should be construed broadly, and include graded and non-graded courses, courses offered for credit and not for credit, and courses offered on or off the law school campuses. The terms specifically include clinics, internships, summer abroad programs, and advocacy competitions.
- B. For the purpose of determining deadlines, **"day"** means any regular business day of the College of Law, and does not include weekends, college holidays, or any day on which the College is not open to conduct regular business.
- C. **"Dean"** refers to the Dean of Stetson University College of Law, or that person's designee.
- D. **"Honor Code"** refers to Stetson University College of Law's Academic Honor Code.

- E.** “**Investigator**” refers to the person charged with gathering facts and information about a referral under this Code, and with imposing sanctions.
1. The Investigator typically will be a professional employee of the Office of Student Life.
  2. The Dean reserves the right to appoint another person, including a person who is not a full-time employee of the College of Law, as Investigator. If the Dean appoints a person who is not a full-time employee of the College of Law, the Dean will enter into an agreement with that individual indicating that the individual will abide by the relevant College of Law policies and procedures.
  3. The Dean also reserves the right to appoint multiple Investigators to a matter.
  4. The Investigator may be assisted by others in work under the Code.
  5. The Investigator under this Code is distinct from the Honor Code Investigator, who is the person charged with gathering facts and information about a referral under the Conduct Code; the Honor Code Investigator typically will be a member of the full-time faculty.
- F.** “**Notice**” means written notice and includes e-mail messages.
- G.** “**Property**” includes physical property, intellectual property, and computing and communication files and resources.
- H.** “**Writing**” includes an e-mail message sent to a student’s College of Law e-mail account.

#### **IV. General Provisions**

- A. Individual and group responsibility:** This Conduct Code is based on the assumption that individual and group responsibility is a part of the educational process. Disciplinary action can help encourage individual responsibility and self-discipline; protect the rights, freedoms, and safety of members of the College of Law community; and promote respect for the rights of others.
- B. Scope:**
1. This Code applies to all students admitted to Stetson University College of Law. It covers conduct that occurs from the time a candidate applies to the College of Law, through the time a student graduates.

2. The Code also applies to students enrolled in courses or programs sponsored or co-sponsored by the College of Law.
  3. Investigations may be initiated or continued after a student has graduated, or after the student has completed the course or program, if the conduct at issue occurred while the individual was enrolled in the College of Law or in a program sponsored or co-sponsored by the College of Law. If an Honor Code matter is pending when a student is scheduled to graduate, the student's degree may be withheld at least until the matter is resolved.
  4. This Code also applies to student groups and organizations at the College of Law, regardless of whether they are formally recognized by the College of Law or receive funding, directly or indirectly, from the College of Law.
- C. On-campus versus off-campus conduct:** Generally, the College of Law will take action for conduct that occurs on College of Law premises, or at College of Law events, whether held on or off campus. However, the College of Law may take action for other off-campus behavior that adversely affects the College of Law community, mission, or reputation. The College of Law has a vital interest in the character of our students and may regard off-campus behavior as a reflection of a student's character and his or her fitness to continue as a member of the student body, or to practice law.
- D. Administration of Conduct Code:** The department head for the Office of Student Life has the day-to-day responsibility for administering and enforcing the Conduct Code. This person may delegate responsibility under this Code to another professional employee of the Office of Student Life.
- E. Cooperation:** Members of the College of Law community are expected to cooperate fully with the Investigator and others in connection with this Code, and may not retaliate against, threaten, or harass anyone participating in a process under this Code. Participating in a process under this Code includes but is not limited to making a good-faith report that the Code has been violated, regardless of the Investigator's decision.
- F. Educational process:** This Code provides an educational and non-adversarial process designed to resolve matters concerning student professionalism or conduct. It is not designed to be a legal or judicial process. Accordingly, it is not appropriate for counsel to attend or participate in meetings and other proceedings initiated under this Code.
- G. Relationship to Honor Code:** Violations of the Conduct Code deemed by the Investigator to be serious in nature may be considered as violations of Stetson

University College of Law's Academic Honor Code and may be referred for resolution under that code. That referral may occur before or after Interim Action is taken.

- H. Relationship to other College of Law policies:** A matter need not be handled under the Conduct Code if appropriate action is taken under other College of Law procedures (e.g., rules for parking administration).
- I. Authority of the Dean:** In addition to the standards and procedures set forth in this Conduct Code and the Honor Code, the Dean has the authority to provide for the safe and orderly administration of the College of Law's academic affairs and student life.

## **V. Code of Conduct**

- A. Students are expected to conduct themselves in a manner that supports the College of Law's educational mission. This includes acting in a professional, dignified, and respectful manner. Examples of inappropriate conduct include using obscenities or using degrading, abusive, or offensive language or gestures, except when discussing such matters from an academic perspective.
- B. Additional categories of misconduct that could result in disciplinary action against a student include the following:
  - 1. Violating the College of Law's Sexual Harassment policy, or harassing or discriminating against members of the College of Law community, or others associated with the College of Law, based on a person's race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, marital, or parental status.
  - 2. Violating the College of Law's Alcohol and Drug Policy.
  - 3. Violating the College of Law's Campus Security and Violence Policy.
  - 4. Violating the College of Law's Firearms and Weapons Policy.
  - 5. Violating the College of Law's Computer and Network Use Policy or otherwise misusing College of Law computer hardware or software.
  - 6. Endangering, threatening, harassing, or causing physical or mental harm to any member of the College of Law community or to oneself, or causing reasonable apprehension of such harm.

7. Destroying, defacing, erasing, altering, hiding, limiting access to, possessing, accessing, entering or using, without authority, the property of the College of Law or the property of others located on the premises of the College of Law or related to a College of Law activity.
8. Stealing or misappropriating College of Law funds, or funds of a student organization.
9. Publishing, posting, or distributing on College of Law property, through the use of College resources (e.g., computers, telephone lines, e-mail services, Internet connections), or at authorized College activities, material that violates any law, including the law of defamation, copyright, or obscenity, or any College of Law policy.
10. Engaging in disorderly conduct, including, but not limited to, public intoxication; lewd, indecent, or obscene behavior; or other conduct that interferes with the orderly and efficient administration of the College of Law's academic and student life programs, or impacts the College of Law's reputation.
11. Providing false information to the College of Law or forging or falsifying records or signatures, either before or after admission.
12. Misrepresenting your own or another student's presence or absence from class.
13. Publishing or circulating false information that is damaging to the reputation of any member of the College of Law community.
14. Disrupting the activities or functions of the College, or any class, library, academic, or co-curricular activity.
15. Initiating or causing any false report, warning, or threat of fire, explosion, or other emergency.
16. Misusing or tampering with fire alarm systems, fire extinguishers, or other safety or security equipment.
17. Violating any federal, state, city or county law, ordinance or regulation. Prosecution for criminal acts on or off campus will not preclude action by the College of Law if such acts also violate the Conduct Code.

18. Failing or refusing to comply with the lawful order of any clearly identified College of Law or Stetson University official who is performing his or her duties.
  19. Failing or refusing to participate in an on-campus activity competition, such as Advocacy Board Tryouts, after having signed up to participate and not withdrawing by the announced deadline, absent circumstances deemed appropriate by the faculty advisor or student organizer for the event.
  20. Failing to complete requirements associated with clinics, internship, and other off-campus courses that can affect the College of Law's reputation and ability to place students into those programs in the future.
- C. Students must not engage in conduct that would, if they were a member of The Florida Bar, violate the Rules of Professional Conduct of The Florida Bar.
- D. Students are expected to respect processes and procedures initiated under this Code and under the Honor Code. Accordingly, the following acts constitute violations of the Conduct Code:
1. Attempting to discourage an individual's proper participation in, or use of, the Conduct Code or Honor Code.
  2. Directly or indirectly harassing, retaliating against, or attempting to influence any Investigator, witness, person making a referral, or other person involved with the Conduct Code or Honor Code process.
  3. Violating the terms of any sanction imposed under the Conduct Code or Honor Code.

## **VI. Student Group Responsibility**

- A. **Group conduct:** Student organizations are expected to adhere to all applicable institutional policies and standards. Failure to do so may result in action being initiated against the group; consequently, this Code applies to student organizations collectively. Student groups may be held responsible when any of the following situations exist:
1. Members of the group act in concert to violate College of Law community standards.
  2. A violation arises out of a group-sponsored, -financed, or -endorsed event.
  3. A group leader has knowledge of the act or incident before or while it

occurs and fails to take corrective action.

4. The incident occurs at an off-campus facility that is leased, rented, or used by the group.
5. A pattern of individual violations is found to have existed without proper or appropriate group control, remedy, or sanction.
6. Members of the group attempt to cover up or fail to report improper conduct to the appropriate College of Law officials.

**B. Representative:** One officer of the student group should be designated to represent the organization when a referral against that group is made under the Conduct Code. If the group does not designate an officer, the president or president-equivalent will be deemed the representative.

## **VII. Sanctions**

**A. Sanctions for individuals:** Below is a nonexhaustive list of sanctions that may be imposed against individuals under this Code; other sanctions also may be imposed. This Code does not require any particular sanction or range of sanctions. What sanction or sanctions are appropriate in a particular case will depend on the circumstances. Multiple sanctions may be imposed in connection with any violation. In addition, if a matter is referred to the Honor Code Investigator, the full range of sanctions under the Honor Code may be imposed, even though the conduct at issue is prohibited under the Conduct Code.

1. Oral or written warning
2. Oral or written reprimand
3. Letter of apology or explanation of conduct
4. Community or College of Law service
5. Educational task (such as writing a paper, planning and presenting a program, or attending a class)
6. Counseling or referral to the Student Assistance Program
7. Exclusion or restriction from one or more activity, event, function, benefit, privilege, or physical location of or within the College of Law
8. Living unit suspension or expulsion (temporary or permanent separation)

from housing owned by the College of Law)

9. Disciplinary probation, which is a form of probation is distinct from probation that may be imposed as a result of academic performance. The term refers to the period prescribed by the Investigator during which certain conditions imposed as sanctions must be met or during which the student's behavior will be monitored. If the student fails to fulfill the conditions during the probationary period, the Investigator, after giving the student notice and a reasonable opportunity to respond, may determine that the student has violated the probation and may impose new or additional sanctions. The conditions of disciplinary probation may be varied, depending on the circumstances. Examples of conditions might include obtaining drug or alcohol counseling or treatment, obtaining a psychiatric evaluation, refraining from certain activities or contact with certain persons, redoing assignments, and attending programs.

**B. Sanctions for student groups:** Any of the sanctions listed above for individuals may be applied to groups. In addition, the College of Law may suspend the group's recognition, registration, or funding.

**C. Effective date of sanctions:** All sanctions are effective immediately, unless stayed or otherwise set by the Investigator.

**D. Mitigating and aggravating factors:** In determining the sanction, the Investigator may consider mitigating and aggravating factors. A nonexhaustive list of factors that may be considered include the following:

1. **Pre-referral admission.** When a student voluntarily admits misconduct before learning that someone has referred the matter or is about to refer the matter, the Investigator may consider the admission as a mitigating factor. A student who has the courage and integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making such an admission should contact the head of the Office of Student Life.
2. **Other admissions.** Even an admission made after a referral may have some mitigating value. This type of admission shows acknowledgment of the inappropriate nature of the student's conduct. However, a post-referral admission is not as strong a mitigating factor as a pre-referral admission.
3. **Cooperation.** The Investigator may consider how cooperative, or uncooperative, the student was during the process, including whether the student responded timely to inquiries and requests for meetings, provided requested information, and dealt honestly and civilly with the Investigator

and others involved with the process.

4. **Intent.** Conduct falls on an intent continuum that ranges from malicious, willful, intentional, reckless, and grossly negligent conduct on the more serious end, to merely negligent, careless, and accidental conduct on the less serious end. Where conduct falls on this continuum may be considered when determining sanctions. Conduct that is malicious, willful, intentional, reckless, or grossly negligent may justify a more serious sanction. Less intentional conduct may be a mitigating factor.
5. **Degree of harm or seriousness of offense.** The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.
6. **Prior violations.** Prior violations of the Conduct Code or the Honor Code may be considered as aggravating factors.
7. **Nexus to professional standards.** The nexus between the student's conduct and the question of character and fitness of the student to practice law is a relevant factor in determining sanctions.
8. **Willingness to make restitution.** A student's willingness to make restitution may be considered as a mitigating factor in appropriate cases. Restitution refers to compensation for loss, damage, or injury; compensation may take the form of appropriate service and/or monetary or material replacement.
9. **Discriminatory motive.** If a student, in engaging in conduct prohibited under the Conduct Code or Honor Code, is also found to have intentionally directed the conduct toward a person or group because of the race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, marital, or parental status of the targeted person or group, that discriminatory motive may be an aggravating factor in determining sanctions.

## VIII. Procedures

### A. Referrals

1. **Method of referral:** Members of the College of Law community may consult with the department head for the Office of Student Life about possible conduct issues. To determine whether an investigation or intervention is necessary, it is helpful for the person to provide names, dates, locations, and descriptions of the possible misconduct.

2. **Additional referrals:** If the Investigator finds information that suggests the student or another person may have violated other provisions of the Conduct Code or the Honor Code, the Investigator may treat this information as an additional referral or may refer the additional matter to the Honor Code Investigator.
3. **Faculty advisor notification:** When a referral is made against a student group, the Faculty Advisor should be notified of that referral.

**B. Interim action**

1. After receiving a referral, the Investigator may recommend to the Dean that a student be suspended, restricted from classes or other activities, or prohibited from having contact with one or more individuals for an interim period.
2. A recommendation for interim action must be based on a reasonable belief that serious misconduct occurred and that the continued presence of the student on the campus(es) poses a threat to an individual, property, or college function.
3. The decision to impose an interim action will be communicated in writing to the student, and will become effective immediately.
4. A student who receives an interim action will be provided with an opportunity to meet with the Investigator to respond to the allegations of misconduct no later than five days following the effective date of the interim action.
5. The interim action will remain in effect until a final decision has been made on the pending referral or until the Investigator determines that the reasons for imposing the interim action no longer exist.

**C. Investigation and decision**

1. After receiving a referral, the Investigator
  - a. will determine whether the referral states a sufficient basis to believe that a violation of the Conduct Code or Honor Code may have occurred;

- b. will determine whether the referral primarily reflects academic or nonacademic misconduct and will request the Dean to reassign the matter if necessary;
  - c. may interview the person making the referral and other persons with information, and may seek additional information regarding the referral.
- 2. If the Investigator determines that the Code has not been violated or that a violation cannot be substantiated, the investigation will end and the Investigator will follow the reporting and record-keeping provisions noted below.
- 3. Even if the Investigator determines that a matter should not be pursued under the Conduct Code, the Investigator may recommend that an educational conference be held with the student or student group so that the conduct at issue is not repeated, or so that the student or student group may better understand the effects and consequences of the actions.
  - a. During this educational conference, the Investigator may require the student or student group enter into a conduct contract. That contract may outline conduct or actions that the student or student group must avoid, or may impose affirmative obligations on the student or student group.
  - b. A violation of the contract may be considered as a violation of this Conduct Code.
- 4. The referral will be considered an allegation under this Code only after the Investigator determines that a sufficient basis exists to believe that the Honor Code may have been violated.
- 5. If the Investigator believes that a violation of the Code may have occurred, then the Investigator will promptly notify the student or student-group representative, in writing, of the alleged violation, will set a time to meet with the student or representative in person, and will gather any other information needed to resolve the matter.

6. At the meeting the student or student-group representative will be provided with the following:
  - a. An explanation of any Conduct Code sections at issue and the nature of the conduct that is the basis for invoking those Code sections;
  - b. A summary of the information gathered;
  - c. A reasonable opportunity to respond; and
  - d. An explanation of the applicable disciplinary procedures.
7. During the meeting with the student or student-group representative, both the Investigator and the student or student representative may have witnesses available, but the witnesses need not be in the same room as the student or representative, and the student or representative, while having the right to understand the witnesses' positions, does not have a right to examine the witnesses. The Investigator may choose to audiotape the meeting.
8. A student or student-group representative who fails to attend a scheduled meeting with the Investigator will forfeit the right to respond regarding the alleged violation, unless excused by the Investigator. If the student or representative fails to attend the meeting, the Investigator may proceed to impose a sanction.
9. After carefully considering the information gathered, the Investigator will determine whether it is more likely than not that a violation of the Conduct Code has occurred and, if so, the appropriate sanction or sanctions to apply.
10. The Investigator will notify the Dean of the decision and sanction, if any.
11. Then, the Investigator will inform the student or student-group representative of the decision, in writing. The written decision will describe the violation, the determination, and the sanction. When feasible, the Investigator also should communicate the decision and sanction to the student or student-group representative in a face-to-face meeting.
12. The Investigator's decision is final, although the Dean reserves the right to review and amend any decision or sanction.

## **IX. Records and Record-keeping**

### **A. Individual students:**

- 1. Decision issued:** In the case of an individual student, the decision will be placed in the student's file in the Registrar's Office, and a confidential file on the matter also will be maintained in the Office of Student Life.
- 2. Decision not issued:** If the Investigator determines that the Code has not been violated or that a violation cannot be substantiated, the Investigator may prepare a summary of the matter; that summary will be maintained in a confidential file in the Office of Student Life. Information in the file will be used only to respond to specific inquiries about that matter received from the student whose conduct was at issue or from a board of bar examiners or similar organization to which the student has applied.
- 3. Report to board of bar examiners:** Any finding of an Conduct Code violation may be reported by the Dean to any board of bar examiners or similar organization for any bar to which the student applies. Students should be aware that most bar applications will require the student to report any sanctions imposed on the student by an educational institution, regardless of whether the sanctions were for conduct suggesting unfitness for the practice of law. Students also should be aware that the College of Law routinely responds to inquiries regarding student character and fitness from boards of bar examiners and similar organizations.

- B. Student organizations:** In the case of a student group, the decision and other material related to the matter will be maintained in a confidential file in the Office of Student Life. The information should not be placed into individual students' files in the Registrar's Office. The faculty advisor for the organization will receive a copy of the decision, which should be kept confidential.

## **X. Confidentiality**

The College of Law considers referrals and procedures under the Conduct Code to be confidential. All participants should respect the confidentiality of this information and disclose it only to those who have a legitimate and necessary need to know.

## **XI. Publication of Results**

At least once a year, the head of the Office of Student Life should compile a list of all referrals in which decisions were issued. This list, which should not contain names, but which should list the violation and any sanction issued, should be published in *The Brief* or other College of Law newsletter for students.

## **XII. Amendments**

This Conduct Code may be amended on 15 days' notice to the student body.

*Attribution:* Portions of this Code were derived from Depauw University's 2004-2005 Student Handbook, Emory University School of Law's honor code, and The Honor Code of Washburn University School of Law.

**Administrative regulation effective as of January 5, 2005.**