Academic Handbook

For the class of 2014

Academic Rules for J.D. Students
Academic Rules for LL.M. Students
Code of Student Conduct
Grievance Procedure
Procedure for Student Complaints Concerning the Program of Legal Education
Community Service/Pro Bono
Curricular Programs

2013-2014

Revised October 28, 2013
Academic Handbook
(Class of 2015 and 2016)

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Code of Student Conduct
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2013-2014
Revised January 2014
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*(rev. 10/2013)*

*Academic Year 2013-2014*
CODE OF STUDENT CONDUCT

A. PREAMBLE

1. Purpose

Prior to the enactment by Syracuse University of a university-wide code of student conduct governing the matters set forth herein, this Code of Student Conduct of the Syracuse University College of Law shall apply to all persons who are admitted as students of the College of Law, whether or not currently registered, and whether taking courses in the College of Law or at other colleges, and to all persons who are not admitted as students of the College of Law while taking classes in the College of Law.

On and after enactment of a university-wide code of student conduct governing the matters set forth herein, this Code of Student Conduct shall further define and specify the academic integrity expectations of the College of Law in courses offered by the College of Law, and shall specify alternative procedures that may apply in the event charges are brought against a student for violating this Code of Student Conduct.

2. Purpose of this Code

The purpose of this Code of Student Conduct is to set out the boundaries of impermissible conduct by law students in regard to matters that may have a direct impact on or relationship to the College of Law.

3. Distribution

This Code of Student Conduct shall be given to and explained to each new first year class entering the Syracuse University College of Law during the Orientation Week Program, and at any time deemed necessary by the Dean. In addition, a copy of this Code of Student Conduct shall be distributed to any student entering after orientation. Upon enactment or upon revision, a copy of the new or revised Code of Student Conduct shall be emailed to every student. Finally, a copy of the Code of Student Conduct shall be permanently posted on the bulletin board in the Office of Student Life.

4. Violations

The investigation and prosecution of an alleged violation of this Code shall be treated in the strictest confidence by all persons involved. Any information learned in the course of an investigation may be disclosed only to others involved in the proceeding who have a need to know the information.

B. RULES OF CONDUCT

The following sets forth the Syracuse University College of Law Academic Integrity Expectations Policy (the "College of Law Policy").

1. Structure of Rules

The following provisions of the College of Law Policy are substantially modeled on the Model Code and Model Rules promulgated by the American Bar Association. These provisions of the College of Law Policy are comprised of Rules (appearing in ALL CAPITALS) and Comments (appearing in ITALICS below each Rule). The Rules are rules of reason and should be interpreted with reference to the purpose of this Code. Comments do not add obligations to the Rules but provide guidance for compliance with the Rules. The Comments accompanying each Rule explain and illustrate the meaning and purpose of the Rule. The Comments are intended as guides to interpretation, but the text of each Rule is authoritative. The Comments are not intended to be exhaustive.

2. Ambiguity

The drafters recognize that the structure of the College of Law Policy may at times lead to a degree of ambiguity as to whether particular conduct is proscribed or not. Because no student should be penalized for conduct without fair advance notice that it is prohibited, it is specifically provided that this College of Law Policy applies only to conduct which has a direct impact on or relationship to the College of Law.
3. **Conflicting Rules**

   Except as specified below, this College of Law Policy shall apply to all students enrolled in the College of Law taking classes offered by the College of Law.

   However, if the university-wide Syracuse University Academic Integrity Policy is in effect and contains provisions governing the academic integrity expectations of students, this College of Law Policy will not apply, and the Syracuse University Academic Integrity Policy will apply: (i) to College of Law students taking courses offered by schools and colleges other than the College of Law (even if the College of Law offers credit for such courses) and (ii) to students not enrolled in the College of Law while taking courses in the College of Law. The Syracuse University Academic Integrity Office, upon request of any party, shall promptly and finally determine any dispute over whether the university-wide Syracuse University Academic Integrity Policy or this College of Law Policy applies to a particular dispute.

4. **Who is a “Law Student?”**

   For purposes of these rules, a student shall be deemed to be a “Law Student” beginning when the student submits an application for admission to the College of Law and ending when the student graduates. Acts initially occurring prior to a student applying for admission to the College of Law may constitute acts of a Law Student if the acts are continuing, or if the student has a continuing duty while a Law Student to disclose or to take actions to correct the prior acts.

5. **Academic Integrity Expectations Rules of Conduct**

   The following rules constitute the Academic Integrity Expectations of the College of Law.

   a) **A LAW STUDENT SHALL NOT ENGAGE IN CONDUCT INVOLVING MORAL TURPITUDE OR OTHER CONDUCT WHICH WOULD UNREASONABLY INTERFERE WITH THE OPERATION OF THE COLLEGE OF LAW.**

      Examples of conduct prohibited by this rule include but are not limited to the following:

      i. Embezzlement or misuse of funds from law school activities or student groups.
      ii. Intentionally misrepresent expenses in connection with reimbursement for any law school activity.
      iii. Engage in violence, threats of violence, or harassment directed at another person.
      iv. Theft or any attempt to steal the property of another person or of the College of Law or of any organization within the College of Law.
      v. Unauthorized removal or defacement of any library materials.
      vi. Willfully damaging or destroying any property of another person or of the College of Law or of any organization within the College of Law.
      vii. Serious and unreasonable disruption of law school activities, including classes, administrative and other functions.
      viii. Unauthorized entry, use or occupation of the facilities of the College of Law.

   b) **A LAW STUDENT (OR A PERSON APPLYING TO BE A LAW STUDENT) SHALL NOT ENGAGE IN CONDUCT INVOLVING DISHONESTY, FRAUD, DECEIT OR MISREPRESENTATION, SHALL NOT ENGAGE IN PLAGIARISM, UNATTACHED COPYING, OR CHEATING, AND SHALL NOT KNOWINGLY MAKE A FALSE STATEMENT OF LAW OR MATERIAL FACT.**

      Examples of conduct prohibited by this rule include but are not limited to the following:

      i. Plagiarism and Unattributed Copying.

         a. All students have an obligation to assure that the work, words or ideas of others are properly credited in their work product. In addition, students are expected to perform independent analysis, and to use their own words to express their ideas, when writing papers in the College of Law.
b. Plagiarism is the intentional passing off of the work, words, or ideas of another as one’s own.

c. Unattributed Copying is the passing off of the work, words, or ideas of another as one’s own through gross negligence or recklessness.

d. Plagiarism and unattributed copying occur through the verbatim use or paraphrasing of words from any source without crediting the source in a way that clearly indicates the nature and extent of the source’s contribution to the student’s work, including among other things the failure to use quotation marks to indicate that material has been quoted from another source, and including the failure to provide citations to the true source for any ideas or words used in the student’s work. Plagiarism will be presumed (and unattributed copying will be conclusively presumed) when a student makes extensive verbatim copying of another’s work without proper attribution. A lack of understanding of what plagiarism is does not constitute a defense.

e. Copying all or part of another student’s exam or other work without proper attribution constitutes plagiarism, as well as cheating.

ii. Cheating. Cheating includes but is not limited to the following acts:

a. Giving or receiving unauthorized assistance or using unauthorized material in the preparation of material to be submitted in a course, law review or journal, law school competition or examination, whether or not for credit.

b. Collaboration on any course work beyond the degree of collaboration specifically authorized by a course instructor.

c. The intentional failure to follow rules imposed by the College of Law, an individual professor, or exam proctor during the administration of an examination.

d. Stealing any examination or obtaining knowledge of the content of an examination in an unauthorized manner prior to the time set therefor.

e. Using any books, notes or other materials during an examination that are not specifically authorized by the instructor.

f. Deliberately hiding library materials to prevent others from using them.

g. Misrepresenting one’s status in law school, e.g. false representations regarding graduation, class rank, grades, organization membership, employment or officership.

h. Making a false or deceptive statement on an application for admission to the law school, or on any application, petition or other statement directed to the law school.

i. Making a false or deceptive statement to a faculty member or to the administration of the law school for the purpose of obtaining a benefit or avoiding a penalty.

c) A LAW STUDENT SHALL NOT ENGAGE IN CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE UNDER THIS CODE.
Examples of conduct prohibited by this rule include but are not limited to the following:

i. Presentation of false testimony in any proceeding under this code; intentional destruction or falsification of evidence.

ii. Refusal to cooperate with any proceeding under this Code (except for any right against self-incrimination.)

iii. Violation of the confidentiality of any proceedings under this Code.

iv. Deliberate or bad faith making of a false accusation under this Code.

d) A LAW STUDENT SHALL READ, BE SURE TO UNDERSTAND AND FOLLOW THE RULES ESTABLISHED BY A PROFESSOR FOR THE CONDUCT OF A CLASS.

Examples of conduct prohibited by this rule include but are not limited to the following:

i. Use of any materials or equipment during an examination that were prohibited in the written or oral instructions of the professor for the course.

ii. Using computers or other electronic equipment during class in a manner prohibited by the written or oral instructions of the professor for the course, such as surfing the web, playing games, reading and responding to email and the like, when prohibited by the professor.

C. INTEGRITY PROCEDURES – DISCIPLINE AND PENALTIES

Students admitted to the College of Law are embarking on a professional endeavor, and are expected to conduct themselves in a professional manner in accordance with this Code of Student Conduct. A student who violates the academic integrity expectations and rules of the College of Law is subject to discipline by the College of Law in accordance with the following procedures (the “College of Law Procedures”).

1. Applicability and Conflicts

Except as specifically provided below, the College of Law Procedures shall apply to (1) all students enrolled in the College of Law, and (2) to all students who are not enrolled in the College of Law while taking classes in the College of Law or committing acts while at the College of Law. However, after enactment of university-wide Syracuse University Academic Integrity Procedures, the following College of Law Procedures shall apply in lieu of the Syracuse University Academic Integrity Procedures only to a charge against a student who is (or was at the time of the alleged violation) enrolled in the College of Law, and which charge specifically alleges that a violation of academic integrity occurred in one of the following situations: (i) in an application for admission to the College of Law, (ii) in an application for employment where the violation concerned the student’s standing or performance in or other relationship to the College of Law, (iii) in a situation to which the Syracuse University College of Law Academic Expectations Policy is applicable, or (iv) in a College of Law building or at a College of Law event. All other charges against College of Law students, or against non-College of Law students attending classes in or offered by the College of Law, shall be governed by the Academic Integrity Procedures adopted by Syracuse University. The Syracuse University Academic Integrity Office, upon request of any party, shall promptly and finally determine any dispute over whether the College of Law Procedures or the Academic Integrity Procedures adopted by Syracuse University apply to a particular dispute.
2. Procedures for Complaints.

(a) Content and Filing of Charging Statement.

Any person may file with the Office of the Dean a written statement alleging that a student has violated this Code of Student Conduct. The person making the allegation will be referred to herein as the “Allegor,” the student accused of violating this Code shall be referred to herein as the “Accused,” and the statement will be referred to herein as the “Charging Statement.” The Charging Statement should contain: (1) the name and contact information of the person filing the statement, (2) the name of the Accused, and (3) a brief statement of the facts supporting the statement. In addition, the Charging Statement may contain a brief statement of the legal elements alleged to constitute a violation of the Code of Student Conduct. In general, the Charging Statement shall be signed by the Allegor. Anonymous Charging Statements may be filed but are strongly discouraged. Because of the difficulty investigating and prosecuting a case on the basis of an Anonymous Charging Statement, a person filing an Anonymous Charging Statement should not expect the statement to be investigated or acted upon. The Allegor may (but is not required to) submit declarations signed under penalty of perjury attesting to facts relevant to the allegation.

(b) Decision to Prosecute.

The faculty will appoint a member of the faculty or of the administration to act as the chief prosecutor, and will appoint two alternate prosecutors in the event that the chief prosecutor is conflicted or unable to handle a prosecution. The prosecutors selected by the faculty shall be experienced attorneys. The chief prosecutor or an alternate prosecutor assigned to prosecute the case shall be hereafter referred to herein as the “Prosecutor.” The Prosecutor may consult with the chief prosecutor or any of the alternate prosecutors who are not conflicted concerning the case, and may seek assistance from such alternates when necessary. The Prosecutor shall determine whether the Charging Statement should be prosecuted as a violation of this Code of Student Conduct.

The Prosecutor shall review the Charging Statement and any other documents submitted by the Allegor, and may perform (or cause to be performed) an independent investigation, to determine whether sufficient cause exists to charge a student with violating this Code of Student Conduct. As part of the investigation, the Prosecutor may meet with the Accused or any other party who was or may have been involved in or have knowledge of the matter. If the Charging Statement was filed anonymously, the Prosecutor will investigate only if the Charging Statement contains allegations which are, in the judgment of the Prosecutor, sufficiently specific and verifiable to warrant investigation and possible prosecution. Where potentially relevant, the Prosecutor shall have the right to inspect student examination papers, but, where possible, shall endeavor to inspect examination papers without causing other faculty members to be aware that a particular student is under investigation.

If the Prosecutor determines that sufficient facts have not been alleged or discovered to support charging a student with violating the Code of Student Conduct, the matter shall be kept confidential and shall not constitute a charge, action or proceeding against the student. The Prosecutor may reconsider the decision not to prosecute at any time if additional facts are discovered to support the claim. If the Prosecutor determines that sufficient facts have been alleged or discovered which, if true, would constitute a violation of the Code of Student Conduct, then the Prosecutor shall proceed in accordance with subparagraph d below.

(c) Notice of Charging Complaint, Deadline for Answer and Administrative Settlement Conference.

After determining to charge a student with violating the Code of Student Conduct, the Prosecutor shall mail to the student’s last known address listed in the College of Law’s records, by certified mail, return receipt requested: (1) a copy of the Charging Statement filed against the student, together with a statement of additional factual allegations discovered by the College of Law’s investigation, and together with any other documents which support the claim (collectively, the “Charging Complaint”), and (2) a scheduling notice. The Office of the Dean shall also make reasonable efforts to contact the Accused to assure that the Accused is aware of the matter and has received the foregoing materials. The scheduling notice shall advise the Accused of the deadline for filing an answer in accordance with subparagraph e below, and of the date and time for the initial settlement conference with the Prosecutor as required by Paragraph C(2).
(d) Answer to Charging Complaint.

The Accused must file with the Office of the Dean a written answer to the charges contained in the Charging Complaint within 21 calendar days after the mailing of the Charging Complaint and scheduling notice. Unless the Prosecutor grants an extension of time for the Accused to file an answer, or determines that there was just cause for the Accused's failure to file a timely answer, the allegations in the Complaint will be deemed to have been conclusively proven if the Accused fails to timely file an answer. The answer shall contain (1) a line-by-line response admitting or denying the allegations made in the Charging Complaint, (2) a plain statement of any additional factual allegations relevant to the Accused's defense, and (3) a plain statement of any separate or affirmative defenses to the charges.

(e) Assistant Student Prosecutors.

At the beginning of each Fall semester, the Law Student Senate shall designate two Assistant Student Prosecutors to serve during the academic year. If the Law Student Senate does not timely appoint the Assistant Student Prosecutors, then the Dean may appoint the Assistant Student Prosecutors. If the Assistant Student Prosecutors are resident in the Syracuse area and able to serve if needed during the summer, they shall continue to do so. Prior to the end of the academic year, the Law Student Senate may designate replacement Assistant Student Prosecutors for the summer. In the event of a vacancy, upon request of the Prosecutor, or when otherwise deemed necessary or appropriate, the Law Student Senate (or, if the Senate fails or is unable to make a timely designation, the Dean) shall designate replacement or additional Assistant Student Prosecutors. The Assistant Student Prosecutors shall work under the supervision and control of the Prosecutor in investigating, mediating and prosecuting complaints brought under this Code. With appropriate supervision, the Prosecutor may allow the Assistant Student Prosecutors to present evidence, examine witnesses and make arguments at the hearing.

(f) Prosecutor's Obligation to Assure Fair Presentation of Case.

The Prosecutor's role shall not be to act as a partisan advocate for conviction. Rather, it shall be the Prosecutor's responsibility to assure that all of the facts and issues are presented to the hearing panel in a fair and balanced way, and to request a penalty that the Prosecutor believes is appropriate under all of the circumstances. When the Accused is not represented by counsel, the Prosecutor will cooperate with the Accused in reasonable ways to assist the Accused in presenting any exculpatory or mitigating evidence or defenses to the charges.


(a) Scheduling of Settlement Conference

The Office of the Dean shall schedule a settlement conference with the Accused to be conducted by the Prosecutor. The settlement conference will be scheduled to take place between 30 and 90 calendar days after the Charging Complaint and notices required by Paragraph 3.(d) are mailed. Notice of the date and time of the settlement conference shall be mailed to the Accused in accordance with Paragraph 3.(d).

(b) Purpose and Conduct of Settlement Conference.

The purpose of the settlement conference is to attempt to reach an agreement between the Prosecutor and the Accused regarding the disposition of the Charging Complaint. The Prosecutor shall meet with the Accused (and the Accused's counsel or representative appointed under Paragraph 4.(b).(viii)) to discuss a proposed resolution of the Charging Complaint. The Prosecutor may schedule further settlement conference sessions if the Prosecutor believes further sessions would be beneficial. The Prosecutor shall have control over the conduct of the settlement conference sessions, and shall have complete discretion whether to invite the accuser or other parties to participate in the settlement conference sessions. The Prosecutor may also further investigate the facts and interview additional witnesses concerning the matter.

(c) Agreement

If the Prosecutor and the Accused are able to reach agreement regarding the disposition of the Charging Complaint, they shall prepare a proposed resolution agreement for review by the Dean. The Dean shall have 30 days to disapprove the proposed resolution agreement. If the Dean approves the proposed

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resolution agreement, or does not timely disapprove the proposed resolution agreement, the terms of the proposed resolution agreement will become final and will be implemented. If the Dean disapproves the proposed resolution agreement, the parties will attempt to resolve the Dean’s concerns with the proposed resolution agreement. If the parties are unable to resolve the Dean’s concerns with the proposed resolution agreement, the matter shall proceed under Paragraph 4 below.

(d) Scheduling Hearing

If the Prosecutor and the Accused are unable to agree on the terms for a resolution agreement, the Office of the Dean will promptly schedule a hearing before the hearing panel in accordance with the terms of Paragraph 4, and shall promptly send notice by certified mail to the Accused of the date and time of the scheduled hearing. The Office of the Dean shall endeavor to convene a hearing panel and schedule a hearing to be conducted within 90 days after the Prosecutor determines that the parties will be unable to reach a proposed resolution agreement acceptable to the Dean and the Accused. The Accused shall be given notice of the hearing date at least 45 days before the hearing unless the Accused agrees to shorten the time for notice.

4. Formal Hearing Procedures

(a) Hearing Panel Composition

i. The hearing panel shall be made up of two students and three faculty members. The senior faculty member shall serve as the presiding judge of the hearing panel.

ii. At its first meeting for the newly elected Law Student Senate, the Law Student Senate shall elect a total of eight students, consisting of three third-year students, three second-year students, and two first-year students, to be available to serve on hearing panels during the year. The Law Student Senate shall submit the list of students elected to serve on hearing panels to the Office of the Dean. At the time of scheduling a formal hearing, the Office of the Dean shall randomly select two available students from the list to serve on the hearing panel. Replacement Student Panelists shall be elected according to the established procedures of the Law Student Senate and replacement Faculty Panelists shall be appointed by the Dean of the College of Law as needed during the event of any vacancy or absence from the Syracuse area during the summer.

iii. At the beginning of each Fall and Summer semester, the Dean of the College of Law shall appoint ten faculty members to serve as Faculty Panelists for the academic year and summer semester respectively. If any of the faculty members should become unable to serve, the Dean shall appoint replacements. At the time of scheduling a hearing, the Dean shall randomly select three of the faculty members who have no personal involvement with the matter, and who are available, to serve on the hearing panel.

(b) Conduct of Hearing.

i. Statement of Undisputed and Disputed Facts. The Prosecutor and the Accused shall endeavor to meet prior to the hearing to agree on a statement of undisputed and disputed facts. If the Prosecutor and the Accused are able to reach agreement, the joint statement of undisputed and disputed facts shall be submitted to the hearing panel. If the parties are unable to agree on a joint statement of undisputed and disputed facts, the Prosecutor shall submit to the panel a proposed statement of undisputed and disputed facts, and the Accused shall submit to the panel a written statement explaining the Accused’s objections to the proposed statement and identifying any additional matters in dispute.

ii. Formality and Transcription. The hearing shall be conducted in a formal manner, and shall be recorded in an appropriate manner, as determined by the hearing panel. Upon request of the student, and at the student’s expense, the proceedings shall be transcribed by a licensed court reporter.

iii. Papers. The hearing panelists shall be given a copy of the Charging Complaint, the Answer, any declarations submitted by the Accused with the answer, and any documentary evidence which the accuser, the Accused, or the Prosecutor wishes to be considered by the panel.
iv. Affirmation of Confidentiality. All Student and Faculty Panelists and the Prosecutor shall be required to take the following affirmation administered by the Prosecutor: "We affirm that any information acquired by us as a result of our participation in any proceedings pursuant to this Code of Student Conduct shall be held in strictest confidence and that we shall never disclose any of the information so acquired, except in the manner prescribed by this Code of Student Conduct."

v. Opening Statements. The Prosecutor shall make an opening statement concerning the allegations in the Charging Complaint, and the evidence that will be submitted in support of the complaint. The Accused (or the Accused's representative) shall make an opening statement concerning the defenses to the allegations in the Charging Complaint, and the evidence that will be submitted in opposition to the Charging complaint. Evidence may be submitted by offer of proof.

vi. Testimony. The Prosecutor and the Accused (or the Accused's representative) may call witnesses to testify at the hearing unless the panel determines, after an offer of proof, that the proffered testimony would not be material or relevant. In addition, the panel shall have the power to issue a demand for appearance to any student or faculty member who is not willing to appear voluntarily. All students and faculty members shall be bound to attend and testify at the hearing upon being given written notice from the panel of a demand to attend. The Prosecutor shall present evidence first. After the Prosecutor has finished calling witnesses and presenting evidence, the Accused may testify or call witnesses to testify. If the hearing panel feels that additional witnesses should be heard, the hearing panel may adjourn the hearing to call additional witnesses to testify. The panel shall control the conduct of the proceedings. The witnesses who testify at the hearing shall take an oath under penalty of perjury to tell the truth. The Prosecutor, any member of the hearing panel and the Accused (or the Accused's representative) shall have the right to question the witnesses who are called to testify at the hearing. The hearing panel shall control the manner of questioning and shall rule on any objections. The panel shall not be bound by any formal rules of evidence, but may consider applicable judicial evidentiary rules in ruling on objections. The Accused shall have the right to testify, but cannot be compelled to testify. The hearing panel may not draw an adverse inference from the Accused’s refusal to testify.

vii. Burden of Proof and Determination. The hearing panel shall determine whether the charges in the Charging Complaint have been proven. Where these rules do not specify a presumption, the burden is placed upon the Prosecutor to (i) prove by a preponderance of the evidence that the charged violation is conduct prohibited under the Code of Student Conduct; and (ii) prove beyond a reasonable doubt that the Accused has committed the charged violation. Where these rules specify a rebuttable presumption, the burden shall be on the Accused to prove by a preponderance of the evidence that the Accused has not committed the charged violation. Where these rules create a non-rebuttable presumption, the matter presumed will be deemed to have been proven. The hearing panel shall issue formal findings of fact and rulings on the issues in dispute.

viii. Representation of Accused. The Accused may elect to represent himself or herself, or may elect to engage legal counsel or any other person (other than a member of the faculty or staff of the College of Law) to represent or assist the student at the hearing. Any person representing the Accused shall act in a professional and courteous manner. The representative shall have the right to act on the Accused’s behalf at any stage in the proceedings, including at the hearing, and in connection with any appeal. The Accused shall be responsible for any fees charged by the Accused’s representative.

ix. Deliberations. The Hearing Panel shall deliberate in closed session and discuss the merits before reaching a verdict. Verdicts shall be reached after due deliberation, but in any event within one week after the close of the proceedings. All decisions will be by majority vote of the panel. If the hearing panel renders a not guilty verdict, the complaint shall be deemed dismissed and all records of the proceeding shall be sealed. If the hearing panel renders a guilty verdict, the Prosecutor shall then recommend a disposition.

x. Trial in Absentia. An Accused who chooses not to participate in the proceedings before the Hearing Panel may be tried in absentia, provided however that all reasonable efforts to insure the presence of the Accused shall be made before proceeding in absentia.
(c) Disposition and Penalties.

i. **General Power of Panel.** The Hearing Panel may make any disposition of the matter that it determines is appropriate, including imposing discipline. Discipline may include, among other things: (1) a non-punitive oral or written admonition, (2) a punitive written censure, (3) suspension for one or more terms, (4) expulsion with the possibility of readmission on specified terms, or (5) permanent expulsion. In addition, the College of Law may impose conditions to the Student’s continued attendance at the College of Law, such as requiring the student to perform community service, make financial restitution, or attend mandatory counseling. The College of Law may also deprive a student of privileges (such as the ability to participate in College of Law extracurricular activities). In addition, the finding of guilt and the determination of penalties may (and, when required by the applicable bar rules, must) be reported to any bar to which a student may apply. All students should understand that the College of Law’s report concerning a violation of these rules may result in delaying, or may constitute grounds for refusal of, admission to the bar.

ii. **Mitigating and Aggravating Factors.** Without in any way limiting the powers of the College of Law to impose whatever penalty is appropriate under the circumstances, the College of Law will generally utilize a base penalty and then apply specific mitigating and aggravating factors in determining the final penalty. Mitigating factors include admitting and accepting personal responsibility for the conduct, providing an honest and forthright explanation for the conduct, and seeking appropriate treatment for any personal problems that contributed to the conduct. Aggravating factors include lying about the conduct, trying to cover up the conduct, attempting to blame others for the conduct, and failing to cooperate with the investigation and prosecution of the case.

iii. **Examples of Penalties.** By way of example, a student who commits an unintentional violation of these rules would generally be subject to penalties ranging from a mere admonition to a suspension, depending on whether mitigating or aggravating factors are present. A student who commits an intentional violation of the rules would generally receive penalties ranging from a censure to permanent expulsion, depending on the nature of the offense and whether mitigating or aggravating factors are present. A student who commits an intentional violation of these rules and is expelled may not be considered for readmission to the College of Law until the student can show to the satisfaction of the Dean that the student has learned from and accepted responsibility for the conduct, and can be trusted not to violate these rules if readmitted.

iv. **Course Grade.** Nothing in these rules will prevent the professor in any course from awarding whatever grade the professor believes is appropriate for the work performed in the professor’s class. Thus, for example, the determination that a student’s work does not constitute unattributed copying or plagiarism under these rules would not in any way limit the professor from awarding a grade of “F” in the course, if the professor believes that a grade of “F” is appropriate.

v. **Written Opinion.** The Hearing Panel shall prepare a written opinion containing the findings of fact and conclusions of law upon which its decision was based, and the relief awarded. If the Accused is found guilty, a copy of the opinion, together with the record of any appeal as hereinafter provided, shall be placed in the official file of the Accused and provided to the University’s Office of Academic Integrity. The Hearing Panel shall render a decision within one week after the hearing is completed, and shall deliver its written opinion to the Accused and the Prosecutor within one week after making its decision. The Prosecutor shall implement the decision promptly, but shall stay implementation pending the time for notice and hearing of any appeal.

vi. **Posting and Maintenance of Rulings.** The Hearing Panel’s opinion, redacted to remove any information that would identify the student, the panelists, and the witnesses, shall be posted on the Law Student Senate Bulletin Board and placed in a file book to be maintained on reserve in the Law Library; however, the posting and filing of the redacted opinion shall be deferred pending any appeal to the Faculty as provided below. In the event of an appeal to the Faculty as provided below, a similarly redacted version of the Faculty’s action on the appeal shall likewise be posted and filed.

5. Appeals To The Faculty

   (a) Appeal of Right; Timing.
An Accused who has been found guilty by the Hearing Panel, the Prosecutor, or the Dean of the College of Law may appeal the finding of the hearing panel to the Faculty of the College of Law. To exercise the right of appeal, a notice of appeal must be filed with the Office of the Dean (and served on the Accused if not filed by the Accused) within fourteen days after the mailing of the opinion of the Hearing Panel.

(b) Standard of Review.

In any appeal, the Faculty shall not overturn a finding of guilt if there is substantial evidence to support it. The Faculty may revise the disposition imposed by the Hearing Panel if it determines that the disposition was inappropriate. All faculty action on appeals shall be by a majority vote of those present at the faculty meeting at which the appeal is heard.

(c) Hearing on Appeal.

Appeals filed during the academic year shall be heard by the Faculty within 45 days after the filing of the notice of appeal, or at the next scheduled faculty meeting, whichever occurs later. Appeals filed during the summer shall be heard by the Faculty no later than the second regular faculty meeting of the Fall semester.

In hearing any appeal, the Faculty shall limit its review to the record made by the Hearing Panel, the Hearing Panel’s written opinion, a brief by the appellant and any reply brief by the Prosecutor. The Faculty may upon request and in its discretion permit and consider oral argument by the Accused and his or her counsel and/or the Prosecutor. In no event shall the Faculty reexamine any other witnesses. In an appeal before the Faculty, the Accused student may not be represented by any member of the full-time faculty.

In any appeal, faculty members who participated in the matter as members of the Hearing Panel shall recuse themselves from both the hearing on the appeal and voting on the appeal. In addition, any member of the faculty who was the Alleged, or who has personal knowledge of the facts alleged in the Charging Statement, shall recuse himself or herself from participating in the hearing of and voting on the appeal.

6. Effective Date

This Code of Judicial Conduct shall be in effect from and after July 21, 2006.

(a) Substantive Provisions Not Retroactive.

The provisions of Paragraph B of this Code of Student Conduct (the “Academic Integrity Expectations”) shall apply to any act occurring after the Effective Date. Any act occurring before the Effective Date will be governed by the substantive rules of conduct set forth in the Syracuse University Code of Student Conduct in effect when the act was committed.

(b) Procedural Provisions Retroactive.

The provisions of Paragraph C of this Code of Student Conduct (the “Academic Integrity Procedures”) shall apply from the Effective Date to all complaints that have not been finally adjudicated prior to the Effective Date.

NOTE 1: The foregoing Code of Student Conduct was passed by the Faculty of the College of Law on May 12, 2006, and replaces entirely the previously adopted Codes of Student Conduct and Judicial Conduct.