

**PROCEDURES FOR HANDLING BREACHES OF  
ACADEMIC CONDUCT BY STUDENTS ENROLLED IN  
THE SCHOOL OF LAW  
CODE OF ACADEMIC CONDUCT**

**PART I. VIOLATIONS**

- A. A student violates the Code of Academic Conduct if the student purposely or knowingly engages in or attempts to engage in or aids another to engage in the conduct defined in the following paragraphs 1, 2 or 3.

1. *Violations Concerning Examinations*

- a. To give to a student any unauthorized information concerning the characteristics or content of an examination prior to the time the student who receives the information has taken the examination;
- b. to obtain or to receive any unauthorized information concerning the characteristics or content of an examination prior to taking the examination;
- c. to communicate 1) with anyone in any manner during an examination which the student is taking, except the Dean in charge of examinations, the persons involved in administering the examination or a faculty member, or 2) at any time with another student who is taking an examination;
- d. to copy or read another student's examination paper or book or to consult any unauthorized material during the course of an examination or to possess any unauthorized material in the examination room;
- e. without proper authorization, to began an examination before the prescribed time or to continue working on an examination after the announced conclusion of the examination period;
- f. to fail to submit all bluebooks and examination questions by the end of the examination, or to remove bluebooks or examination questions from the examination room, unless authorized to do so by the faculty member giving the examination.

2. *Violations Concerning the Library*

- a. To damage, destroy or conceal any property belonging to or deposited in the Law School library;
- b. to possess any property belonging to or deposited in the Law School library without complying with prescribed procedures governing circulation of library materials.

3. *Other Violations*

- a. To make a material misrepresentation in connection with any procedure under Part II of this Code or to solicit another person to make such a material misrepresentation;
- b. to fail to appear or to testify before the Disciplinary Committee after due notice and without good cause, or to solicit another student to violate the student's obligation under this Code to appear and testify;
- c. to fail to produce relevant documents on the demand of the Dean's designee or the Disciplinary Committee or to solicit another to refuse to produce such documents;
- d. to damage, destroy or conceal evidence with the purpose of obstructing a proceeding under this Code or to solicit another to damage, destroy or conceal such evidence;
- e. to make a material misrepresentation for the purpose of obtaining a benefit in connection with any matter for which academic credit is given;
- f. to steal, damage, destroy, conceal or use without authority another student's or a faculty member's notes or books;
- g. to submit the same or a significantly similar work for credit in more than one course without disclosing that fact as early as is feasible and without obtaining the consent of the faculty members to whom the work is submitted;
- h. to fail to comply with the conditions or sanctions agreed to in an administrative disposition of a complaint or imposed by the Disciplinary Committee under Part II of this Code;
- i. to make a material misrepresentation concerning the student's law school performance and activities on a resume or other written communication to a potential employer.

B. Plagiarism

1. Definition. A student plagiarizes when the student represents the work of any other person as the student's own work. Plagiarism includes but is not limited to:
  - a. copying or substantially copying someone else's words without both citing the author of the quotation and using either quotation marks or an indented block quotation;
  - b. paraphrasing someone else's words or work without citing the source.
2. The Violation. A student violates the Code of Student Conduct when the student:
  - a. purposely or knowingly plagiarizes or aids another student to plagiarize;

or

  - b. plagiarizes with knowledge of circumstances which should alert a reasonable student that there is a substantial risk that the student would be plagiarizing.

## II. PROCEDURE

### A. *Complaints*

Any person may make a complaint alleging a violation of this Code by filing a written complaint with the person or persons designated for that purpose by the Dean. Every such complaint must be signed by the person alleging the violation and must contain a statement of the facts and circumstances involved in the alleged violation. A complaint must be filed within a reasonable time after the event complained of takes place, in view of all the surrounding circumstances.

### B. *Notice*

Upon receipt of the complaint, the Dean's designee shall notify the person or persons alleged in the complaint to have violated the Code that a complaint has been filed. The notice shall describe the nature and circumstances of the claimed violation.

### C. *Investigation*

Upon receipt of the complaint, the Dean's designee shall investigate the charge.

### D. *Disposition*

1. If, upon investigation, the Dean's designee determines that there is no probable cause for the complaint or that the alleged infraction is de minimis, or that the complaint was not made within a reasonable time, the complaint shall be dismissed without further proceedings, and no record of the complaint shall be retained in the personal file of the student who is alleged to have violated the Code.
2. When a complaint is dismissed, the Dean's designee shall inform the person filing the complaint, the accused and the Dean of the decision in writing.
3. If the Dean's designee determines that there is probable cause that the alleged infraction is not de minimis and that the complaint was filed within a reasonable time, the complaint may be disposed of on terms satisfactory to the Dean's designee and the accused. If the complaint is resolved in this manner, the Dean's designee shall inform the Dean of the terms of the agreement and shall notify the person filing the complaint of the fact that the complaint has been resolved.
4. The Dean's designee shall have ten Law School days<sup>1</sup> from the filing of the complaint to notify the accused in writing either
  - a. that the complaint is dismissed, or
  - b. that there is probable cause, the alleged infraction is not de minimis, the complaint was filed within a reasonable time, and the matter cannot be settled administratively. The ten day period can be extended only if the accused consents or if the Dean determines that there is good cause for extension. If the complaint is not dismissed or settled administratively, the Dean's designee shall furnish the accused with a copy of the complaint.

*E. Appointment of Disciplinary Committee and Presenter of Charges*

1. After the Dean's designee has notified the accused that the complaint has not been dismissed, the Dean shall appoint a Disciplinary Committee composed of three faculty members, one of whom the Dean shall designate as Chair. At the written request of the student charged with violating the Code, the Dean shall appoint two student members to the Disciplinary Committee. The student members shall not vote but otherwise shall have full rights of participation on the Committee. The Dean may also appoint a person or persons to present the evidence related to the charges to the Disciplinary Committee.

---

<sup>1</sup> A Law School day is a day in which the administrative offices of the Law School are open.

2. The accused may file with the Dean a written objection to the appointment of any member of the Disciplinary Committee. The Dean, in his or her sole discretion, shall determine whether there is good cause to replace a member of the Disciplinary Committee.
3. The Disciplinary Committee shall have the authority to require law school administrators, faculty, staff and students to produce relevant documents and to appear and testify at a hearing.
4. If more than one student is charged with jointly violating the Code, the Dean's designee may determine that separate Disciplinary Committees should be empaneled for one or more students. The decision of the Dean's designee to empanel one or more Disciplinary Committees shall not be appealable.

F. *Hearing*

1. The Chair of the Disciplinary Committee shall convene the Committee and set a date for a hearing of the matter. The accused shall be notified in writing of the hearing at least ten Law School days before the hearing.
2. The hearing shall be closed, unless the accused requests that it be open to the public. A request for a public hearing must be made in writing to the Chair at least two law school days prior to the hearing.
3. At the hearing it shall be the duty of the Presenter of Charges, if one has been appointed, to present the facts fully and fairly for the purpose of enabling the Disciplinary Committee to reach a just result.
4. The accused may be represented by any person of his or her choosing, and shall have the right to call witnesses and present relevant evidence, to cross-examine witnesses called by the Presenter of Charges or the Disciplinary Committee, and to present summation and argument.
5. The Chair shall have the authority to require any person to leave the hearing if that person acts in a disruptive manner.
6. A verbatim record of the proceeding shall be made by any means deemed appropriate for the purpose by the Dean's designee.
7. The admissibility of evidence and other matters of procedure not otherwise provided for by this Code shall be in the discretion of the Disciplinary Committee.
8. The Disciplinary Committee, by the affirmative vote of a majority of the Committee authorized to vote, shall make one of the following written findings with respect to each alleged violation:

- a. the alleged violation was not proved and the charge is or charges are dismissed;
- or
- b. the charge has or charges have been established by clear and convincing evidence.

G. *Authorized Penalties*

- 1. Upon finding a violation, the Disciplinary Committee may:
  - a. impose one or more of the following penalties:
    - i. expulsion from Hofstra Law School;
    - ii. suspension from Hofstra Law School for a stated period of time;
    - iii. probation for a stated period of time on specified conditions;
    - iv. placement of a Disciplinary Letter in the student's personal file;
    - v. oral reprimand;
    - vi. restitution or restoration;
  - or
  - b. determine that no penalty shall be imposed, subject to the accused's satisfaction or specified conditions or obligations.
- 2. The Disciplinary Committee shall notify the accused, the Dean and the person filing the complaint of the result of the hearing, except that the person filing the complaint shall not be notified as to any penalties imposed. In the event that a violation is found, the Dean's designee shall notify the violator of his or her appellate rights.

H. *Appeal*

If a violation is found and the accused wishes to appeal to the Dean with respect to any aspect of the Committee's determination, the accused shall notify the Chair of the Disciplinary Committee who shall forward to the Dean a copy of the findings and disposition, and a verbatim transcript of the proceeding. The accused, on request, shall be entitled to a copy of the findings, disposition and transcript.

The Dean shall affirm the action of the Disciplinary Committee unless the Dean finds it to have been clearly erroneous or plainly excessive, then the Dean may modify the findings or penalties, order a new hearing, or dismiss the charge or charges. The Dean's decision shall be final.

The Dean shall notify the accused, the person or persons presenting the charges to the Disciplinary Committee, the members of the Disciplinary Committee and the person filing the complaint of the disposition of the appeal in writing, except that the Dean shall not notify the person filing the complaint of any modification of the penalties imposed.

### **PART III. NONEXCLUSIVITY**

This Code is not intended to foreclose disciplinary action for matters not addressed by the Code.

### **PART IV. EFFECTIVE DATE**

This Code shall take effect on August 24, 1994 and shall apply to all conduct occurring on or after that date. The Code of Student Conduct which took effect on April 19, 1980 shall be repealed on August 24, 1994, except that said Code of Student Conduct shall remain in effect with respect to any charge that a student violated said Code of Student Conduct prior to August 24, 1994.