CODE OF ACADEMIC RESPONSIBILITY

ARTICLE I: JURISDICTION AND ADMINISTRATOR

This code shall apply to the conduct of every student from the time of application for admission to Fordham University School of Law until graduation, and to every organization as defined in Article II, Section 7.

This code shall apply in all places except as otherwise limited.

The Dean of Fordham Law School is responsible for the administration of the Code of Academic Responsibility.

ARTICLE II: DEFINITIONS

1. The term "University" means Fordham University or any of its schools.

2. The term "student" includes all persons permitted to attend class at Fordham Law School, and those who have been suspended or granted a leave of absence.

3. The term "faculty member" means any person authorized by Fordham Law School to teach in the Law School.

4. The term "University official" includes any person, including a faculty member, employed by Fordham University, or by a contractor employed by Fordham University, to perform administrative or professional or other responsibilities.

5. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University, or by a contractor employed by Fordham University. A person's status in a particular situation shall be determined by the Dean of the Law School or the Dean's designee.

6. The term "University premises" includes all land, buildings, facilities, and other property in the possession of our owned, used, or controlled by the University (including surrounding streets, sidewalks and plazas).

7. The term "organization" means any association of students that has been recognized by Fordham Law School, or that operates in connection therewith.

8. The term "cheating" includes, but is not limited to:

   (a) acquiring, using, or providing any unauthorized assistance in taking any examination;

   (b) using or providing sources beyond those authorized by the faculty member in writing papers or carrying out other assignments, including the submission of work done for one assignment or course for another assignment or course without the permission of both faculty members; or

   (c) acquiring, using, or providing, without permission, tests or other academic material belonging to a faculty member or any University official.
9. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another, without full and clear acknowledgment. It also includes the use of materials prepared by another engaged in the selling of term papers or other academic materials.

**ARTICLE III: MISCONDUCT**

Any student found to have committed, or induced another to commit, the following misconduct (which the faculty of the Fordham Law School has determined involves academic evaluation of the competence, character, and fitness of any law student to graduate from Fordham Law School and be admitted to the bar) is subject to the sanctions outlined in Article IV(E):

1. Acts of dishonesty, including but not limited to the following: Cheating, plagiarism, or other forms of academic dishonesty. Furnishing false information to any University official, faculty member, officer, or office. Forgery, alteration, or misuse of any University document, record, or instrument of identification.

2. Unauthorized disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University or student activities, including public service, or other authorized non University activities when the act occurs on University premises.

3. Physical abuse, verbal abuse, threats, intimidation, harassment (including but not limited to sexual harassment), coercion, or conduct that threatens or endangers the health or safety of any person.

4. Attempted or actual theft of and/or intentional or reckless damage to property on University premises or at University sponsored or supervised activities.

5. Failure to comply with lawful directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

6. Unauthorized possession, duplication, or use of keys of any University premises or unauthorized entry to or use of University premises.

7. Violation of published University policies, rules, or regulations.

8. Violation of federal, state, or local law on University premises or at University sponsored or supervised activities.

9. Illegal or unauthorized possession of firearms, explosives, or other weapons, or dangerous chemicals.

10. Disruption of the normal operations of the University.

11. Abuse of University computer equipment, including but not limited to:
   - Excess time.
   - Unauthorized entry into a file, to use, to read, or change the contents, or for any other purpose.
   - Unauthorized transfer of a file.
   - Unauthorized use of another's identification or password.
   - Use of computing facilities to interfere with the work of another student, faculty member, or University official.
   - Use of computing facilities to send obscene or abusive messages.
1. Use of computing facilities that interferes with normal operation of the University computing system.

12. Abuse of the judicial system, or abuse or failure to comply with the Fordham Law School disciplinary process or procedures.

13. Failing promptly to amend the application for admission to Fordham Law School should there have been a change in or omission of any of the facts or information stated therein, or failure to notify the Registrar's Office of such changes as they occur.

14. Engaging in any violation of law or other conduct that adversely reflects on fitness to practice law.

ARTICLE IV: JUDICIAL POLICIES AND PROCEDURES

A. Complaint, Investigation, and Preliminary Hearing

1. Any member of the University community may accuse any student or organization subject to this Code of a violation of this Code by filing a written complaint with the Dean. Every such complaint must be signed by the party filing it and must contain a statement of the facts and circumstances involved in the alleged violation. The complaint may be amended to exclude irrelevant material or to include additional substantiation concerning the alleged violation.

2. Upon receipt of the complaint, the Dean or the Dean's designee shall make such investigation of the charges as deemed necessary to establish whether probable cause exists for the complaint.

3. If the Dean or designee finds, either on the face of the complaint or upon investigation, that the complaint is without substance, or that in any event it requires no further action, the Dean or designee may dismiss the complaint without further proceedings. When a complaint is so dismissed the Dean shall inform the party filing the complaint and the accused in writing of the decision and state the reasons therefore.

4. If the Dean or designee is satisfied that there is probable cause for the complaint and that further action is required, the Dean or designee shall notify the accused in writing of the charges and allegations contained in the complaint and of the basis for the finding of probable cause. The Dean or designee shall require the accused to appear for a preliminary hearing before the Dean or designee at a time and place set forth in the notice. If the accused fails to appear as directed without reasonable excuse, the Dean may suspend the accused from Fordham Law School until such time as the accused does appear for a hearing at a time and place established by the Dean or designee. If the accused fails within a reasonable time after suspension to request and arrange for such a meeting, or again does not appear for a scheduled meeting, the accused shall be subject to expulsion from Fordham Law School by the Dean.

B. Summary Disposition

At the preliminary hearing, the Dean or designee shall inform the accused of the sanctions, if any, that the Dean or designee will impose in the event the accused wishes to admit the violation of this Code alleged in the complaint. The accused may then admit or deny the violation. If the accused admits the violation and accepts the sanctions imposed by the Dean or designee, no further disciplinary action shall be taken.
C. Formal Hearing

1. If at the preliminary hearing the accused denies the violation, or admits the violation but refuses to accept the sanctions imposed by the Dean or designee, the Dean or designee shall promptly refer the case to the Hearing Committee for decision, forwarding to the Chairperson thereof a copy of the complaint and the names of all persons having relevant information.

2. The Hearing Committee shall be composed of five members:

   (a) Two of such members shall be students at Fordham Law School, chosen by the Student Bar Association within one week from the time such appointment is requested by the Dean or designee, or at the election of the Student Bar Association, and within the aforesaid time period, chosen pursuant to a reasonable procedure established by it. In default of such appointment within the stated prime period, the appointment of the student members of the Committee shall be made by the Dean or Dean's designee.

   (b) Three of such constituents shall be members of the full time faculty of Fordham Law School not members of the Faculty Review Board (see Article IV(G)) selected by the Dean or designee. The Chairperson of the Hearing Committee shall be selected by the Dean or designee from among the faculty members of the Committee.

3. Hearings shall be conducted by the Hearing Committee according to the following guidelines:

   Hearings shall be conducted in private, unless the accused elects otherwise.

   In hearings involving more than one accused, the Chairperson, in his or her discretion, may permit the hearings concerning each accused to be conducted separately.

   The case against the accused shall be presented by the Dean's designee, who shall represent Fordham Law School.

   The accused shall have the right to be represented by counsel at the expense of the accused, and to call and examine witnesses. There shall be a single verbatim record, such as a tape recording, of all hearings before the Hearing Committee. The record shall be the property of Fordham Law School. The accused may request a transcript of the hearing for a fee.

D. Decision

After the Hearing, the Hearing Committee shall determine, by majority vote, made on the basis of a preponderance of evidence, whether the accused has violated the Code. If such violation is found, the Hearing Committee shall have authority to impose sanction(s) pursuant to paragraph E. The Committee shall deliver its decision in writing to the Dean, who shall announce it and deliver a copy to the complainant, the accused, and counsel, if any. Decisions made by the Hearing Committee shall be final, except where an appeal pursuant to Paragraph G is upheld.

E. Sanctions

1. The Hearing Committee shall have authority to impose one or more of the following sanctions upon any accused student found to have violated the Code:

   a. Warning. Written notice to the accused that continuation or repetition of the conduct found wrongful may be cause for a more severe disciplinary action; the original notice to be delivered to the accused and a copy maintained in the student's file.
b. Probation. Written reprimand for violation of specified provision(s) of the Code. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating the Code during the probationary period.

c. Loss of privileges. Denial of specified privileges for a designated period of time.

d. Restitution. Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary replacement.

e. Suspension. Separation of the student from Fordham Law School for a definite period of time, after which the student is eligible to apply for readmission. Conditions for readmission may be specified.


g. Any other sanction deemed appropriate by the Committee under the circumstances.

2. The following sanctions may be imposed upon groups or organizations:

   Those sanctions listed above in Section E(1), a through d.

   Deactivation. Loss of all privileges, including Fordham Law School recognition, for a specified period of time.

F. Status of Accused; Interim Suspension and Ejection

1. The status of a student accused of violation of this Code shall not be altered, nor shall the right to attend classes at the School of Law be suspended, until the conclusion of the above procedure, unless the Dean determines that the student's continued presence poses a significant risk to the interest of the community or of the student. If the Dean makes such a determination, the Dean may take all appropriate interim measures to protect the interests in question, including temporarily suspending the accused student and ejecting him or her from University Housing.

2. If a student engages in conduct that unreasonably interferes with or disrupts a class or other University activity in Fordham Law School in the opinion of the faculty member or other University official in charge of the activity, the faculty member or other University official may immediately exclude the student involved from the classroom or other facility. If the student fails to obey such direction, the faculty member or other University official in charge may cause the student's ejection by University guards and/or may terminate the class or activity.

G. Appeal

1. A decision reached by the Hearing Committee may be appealed by the accused to the Faculty Review Board within fourteen days of the decision. Such appeal shall be in writing and shall be delivered to the Dean.

2. The Faculty Review Board shall consist of three members of the full time faculty of Fordham Law School chosen by the Dean at the beginning of each academic year.

3. An appeal shall be limited to review of the verbatim record of the hearing and supporting evidence for one or more of the following purposes:

   a. To determine whether the hearing was conducted fairly and in conformity with procedures prescribed in this Code, and giving the accused a reasonable opportunity to prepare and present evidence.
b. To determine de novo whether the decision reached was based on a preponderance of the evidence presented.

c. To determine whether the sanction(s) imposed was (were) appropriate for the violation of the Code that the accused was found to have committed.

4. If an appeal is upheld by the Review Board, the matter shall be remanded to the Hearing Committee for reconsideration.

ARTICLE V: RECORDS

1. Any proceeding against an accused who has been found guilty of or admitted a violation of this Code shall be noted on the permanent academic record of the accused. Fordham Law School and members of its faculty admitted to the bar are required to comply with the appropriate disclosure requirements of Committees on Character and Fitness.

2. Upon conclusion of a proceeding under this Code, all records and files concerning the proceeding shall be delivered to the Dean by the Hearing Committee and the Faculty Review Board and the members thereof, and by any faculty member having such records or files.

ARTICLE VI: ADOPTION AND AMENDMENT

1. This Code was adopted by the full-time faculty of Fordham Law School to be effective August 1, 1998.

2. This Code may be amended by the full-time faculty of Fordham Law School at any time.