

— F L O R I D A —  
**COASTAL**<sup>TM</sup>  
SCHOOL OF LAW

**STUDENT HANDBOOK**

August 2011

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## INTRODUCTION

Please read this Handbook and its attachments carefully. It contains the rules and regulations of the Florida Coastal School of Law (hereinafter “Florida Coastal,” “Coastal Law” or “School of Law”), for which every faculty member and student is responsible. These rules cover only the subjects enumerated and do not govern or limit the existing and customary authority of the Faculty or the Deans in other respects. These rules shall be construed in harmony with the rules and standards of the American Bar Association, the Association of American Law Schools and the Florida Department of Education. All law students are subject to the general regulations of Florida Coastal on matters not specifically covered in this Handbook.

The Honor Code and the Student Code of Conduct are attached to the Student Handbook as exhibits. Because of Florida Coastal’s commitment to values and to ethical professional conduct, every student is bound by the Honor Code and Conduct of Code. In order for these Codes to be effective, every student must take the time to read them and to understand them thoroughly.

Also attached as exhibits, are the Florida Coastal School of Law’s Sexual Harassment Policy, Security Policy, Alcohol Policy for Student Sponsored Events & Activities, Tobacco Policy, and the Complaint Procedures in Cases of Alleged Disability and Age Discrimination.

## DISCLAIMER

The rules, regulations, policies and procedures governing Florida Coastal School of Law are subject to amendment; any such amendments take effect immediately. Amendments may affect program requirements, degree status, tuition fees and financial aid, and any other aspect of enrollment at Florida Coastal School of Law. Florida Coastal School of Law notifies students of amendments to the Handbook, rules, regulations, policies and procedures by way of notices appearing on the class schedules published prior to each semester, through correspondence sent to student portals, or through email.

This Handbook is officially updated at the end of each academic year (August). Any amendments adopted during the academic year are printed in blue font until the official update occurs in August. This process is used so that all amendments to the Handbook are published upon adoption and notice is given to the Florida Coastal Community.

This document is not a contract. It is not to be construed as a contract between students and Florida Coastal School of Law. **Each student is personally responsible for her/his academic progress.** Students are urged to carefully read this document and all Florida Coastal School of Law publications and correspondence, and to consult regularly with appropriate School of Law personnel for additional information.

## **RIGHTS RESERVED**

Florida Coastal School of Law reserves the right to dismiss any student for any reason notwithstanding any other provision in the Student Handbook.

## **THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Florida Coastal complies with the Family Educational Rights and Privacy Act of 1974 (FERPA). FERPA was designed to protect the confidentiality of student records, guarantee student access to certain records, regulate disclosure of information from student files, provide opportunities for students to correct or amend records and add explanatory statements, and provide opportunities for students to file complaints with the U.S. Department of Education alleging infractions of the law.

For students who would like to obtain more specific information about FERPA, a Model Notification of Rights Under FERPA for Postsecondary Institutions is posted on the notice board outside the Registrar's office.

## **SECTION I**

### **GENERAL INFORMATION ON THE LAW SCHOOL AND RELATED SERVICES**

#### **Academic Affairs**

The academic deans—Vice Dean, Associate Dean of Academic Affairs, and Assistant Dean of Academic Affairs—provide assistance to students with questions concerning their academic progress. In addition, the academic deans may offer advice and answer questions regarding academic rules, scheduling, course concerns, and change of status.

#### **Academic Success**

Florida Coastal's Academic Success Department provides students with the guidance, support, and resources necessary to succeed in law school. The Academic Success Department also offers extensive legal writing assistance and a comprehensive Bar Preparation program. The Academic Success Counselors are available to meet with students individually to review academic performance, discuss study techniques, plan course schedules, and provide feedback on practice essays and multiple choice questions. In addition to presenting the Law School Foundations course, a mandatory class for all first-semester students, the Academic Success Department offers a variety of workshops for second-semester and upper-level students who wish to further develop and improve their academic performance. The Academic Success Department's writing specialists offer workshops throughout the semester and are available to discuss legal-writing issues, review essays, and help improve grammar and writing style. The Academic Success Department's Bar Preparation program is available to all students taking the Florida, or any other state, bar exam. Students who participate in the program attend lectures on select bar examination subjects, take mock bar examinations, and regularly meet with their personal bar coaches. The Academic Success Department also offers two third-year bar preparation courses: Advanced Florida Bar Studies and Multistate Bar Examination Strategies. Individual counseling is also available to students with questions about bar applications and admission.

#### **Bar Admission Information**

The Bar Prep Coordinator provides assistance in obtaining information concerning the requirements of the bar and in obtaining the proper forms. The Dean of Florida Coastal completes bar certificates and character recommendation forms.

Students should be advised that each state has “character and fitness requirements” in terms of sitting for and admission to the bar. Each student, prior to enrollment and during law school, should review the state bar requirements for Florida or any other state in which he/she may be considering the practice of law.

Please note that criminal charges and/or convictions, juvenile offenses, credit problems, academic charges and sanctions, and student conduct issues may affect your ability to sit for the bar and/or be admitted to practice. The investigation by the state bars of such issues is often lengthy; therefore, it is highly recommended that students begin their application to the bar early in his/her law school education. Students should contact the Board of Bar Examiners in any state in which he/she may be interested in practicing for further information.

### **Bookstore**

The Coastal Bookstore is located at the Oak Grove building of the Law School. Items for sale include new and used course books, course supplements, school supplies, and Coastal Law emblematic merchandise.

### **Career Services Department**

The Career Services Department (CSD) provides support and assistance to students in all stages of the career planning process. The CSD offers a wide range of services and programs that are responsive to a diverse student body and evolving market realities. For more in-depth information on the services provided by the CSD, please read Section VIII of the Student Handbook.

### **Computer Lab**

The student computer lab is located in the Library and Technology Center. The computers are password protected, and include the following programs: WordPerfect, Internet Explorer, and Microsoft Office. Students are assigned their Florida Coastal network passwords during Orientation, and are required to login to the network during Orientation to activate their accounts. Problems with passwords can be resolved by contacting the Help Desk at 680-7624 or emailing [helpdesk@fcsl.edu](mailto:helpdesk@fcsl.edu). Use of Florida Coastal equipment and access to the Florida Coastal computer network is subject to the Computer Policies, found on the Computer Services website <http://www.fcsl.edu/computer-services/policies> under “Policies.”

### **Distance Education**

Florida Coastal offers a limited number of courses through distance education. Distance education is an educational process characterized by the separation, in time or place, between instructor and student. The guidelines for enrolling in distance education courses may be found in Section V (H) below.

## **Duty to Update Admission Application**

On the application for admission to Florida Coastal, students were required to disclose any history of criminal offenses or academic, work-related, or military disciplinary actions, whether those matters appear on your record or not. Each student has a continuing duty to update this information beginning from the time the law school application was submitted until the time the student sits for the bar exam. This information specifically includes, but is not limited to, any arrests or convictions occurring during the time a student is enrolled at Florida Coastal. Students needing to change or update information on their admissions applications should notify the Associate Dean for Student Affairs in writing or in person within seven (7) days of the occurrence of any addition or change.

Failure to disclose information in accordance with this provision may subject the student to discipline up to and including Honor Code proceedings, Student Code of Conduct proceedings, revocation of admission, suspension or dismissal from school, withdrawal of certification of graduation to bar authorities, or revocation of his/her degree.

Few acts will be serious enough to keep a student from being admitted to practice law in any jurisdiction, but a lack of candor in reporting instances which may reflect on a student's character and fitness to practice law may substantially delay or even prohibit acceptance into a state bar.

## **Finance Office**

The Finance Office is responsible for billing and receiving all payments such as tuition, fees and other financial obligations to Florida Coastal.

## **Financial Aid Office**

Applicants for Student Loans must complete the Free Application for Federal Student Aid (FAFSA). There is no deadline for submitting these forms which can be obtained from the Financial Aid Office. The Financial Aid Office can also provide you with important information regarding the eligibility requirements for Student Loans and assistance with completing the forms.

## **ID Cards**

The Florida Coastal Library and Technology Center is responsible for issuing student identification (ID) cards. Student ID pictures are taken during Orientation, and distributed during the first weeks of the semester. An email is sent providing instructions on where and when IDs can be picked up. Please contact the Circulation Manager to schedule an appointment to have your picture taken if you did not attend Orientation. Replacements for lost cards or name changes can be requested through the Reference Desk during reference hours.

## **Library and Technology Center**

The Florida Coastal Library and Technology Center (LTC) provide a number of services to support the law school's educational and research mission. The collection includes materials in print and electronic formats, covering U.S., international, and comparative law. The LTC's services include reference assistance, research guides, interlibrary loan, and research workshops. Additional information, and access to the library's collection, begins at the webpage: <http://www.fcsl.edu/ltc/>

Contact Phone Numbers: Circulation/Reserve Desk, ext. 7600; Computer Help Desk, ext. 7624; Reference Desk ext. 7612.

## **Mailboxes and Lockers**

- Select an empty locker, place a lock on the locker, then proceed to the following Registrar website link:  
<http://surveys.infilaw.com/classclimate/index.php?mca=online/index/index>,  
**password = locker**
- Faculty mailboxes are located in the Faculty Assistants' offices.

## **Notices to Students**

It is important for students to check their personal e-mail accounts, messages sent to their student portals, and alerts posted on student notice boards, on a regular basis as this is the most effective way for the faculty and staff of Florida Coastal to communicate events, changes to academic schedules, and other important information to the students. E-mails to students from faculty, staff, and administrators are considered formal notification.

## **Podcast**

Podcasting enables students to access course and other materials electronically. Podcasts of courses at Florida Coastal may be available to students at the discretion of the professor. Please see Section IV(C) below for more information.

## **Registrar's Office**

The Registrar's Office provides official verifications of enrollment; prepares official transcripts; provides graduation audits; assists students with questions regarding registration; and is also responsible for maintaining student records. Students must input any change to their address or telephone number in their Student Portal immediately. In the event a student is unable to make this change in the Student Portal, the student must contact the Registrar's Office for assistance.

## **Room Reservations**

To reserve classrooms or meeting space for law school related activities, visit the Computer Services page on the Coastal Law Homepage and click Request Reserve Rooms. The policy,

procedure and reservation form are available on this site. Library study rooms are reserved in person through the Library Circulation Desk.

## **Security**

Security guards are on the Florida Coastal premises at all times the law school is open and will escort anyone to their car. Escort services may be requested by calling 680-7777. This number automatically forwards the call to a security officer's cell phone. Security should also be notified of any suspicious activity.

## **Student Grading Numbers**

Students are provided with a new Student Grading Number (SGN) at the beginning of each semester. SGNs are available on each student's web portal. SGNs are not disclosed to Faculty or other students. Students should retain their SGN in a secure place and not disclose the SGN to any other person. A student may request that his/her SGN number be reassigned only if he/she believes it has been revealed to a faculty member or another student. This will be done on an exception basis only. Questions about SGNs should be directed to the Registrar's Office.

## **Student Affairs**

The Associate Dean for Student Affairs provides support and advice to individual students as well as student organizations and acts as the liaison between student groups, faculty, the administration, and the alumni board, when appropriate. Students with disabilities and students needing assistance are a high priority in this office (please read Section III- Policies and Procedures for Students with Disabilities for further information).

## **Multicultural Affairs**

The Assistant Dean for Multicultural Affairs focuses on enriching Florida Coastal by fostering the development of and an appreciation for multiculturalism and diversity at the law school. The Assistant Dean provides support and advice to students regarding nationality, ethnicity, language, and gender and sexual orientation. The Assistant Dean also serves as liaison between student groups, faculty, the administration, and the alumni organization, when appropriate, to attain the highest levels of multicultural sensitivity and programmatic results within the institution. The support of the identified students is supplementary and does not supplant the general broad services and responsibilities of the Associate Dean for Student Affairs.

## **Voter Registration Forms**

Voter registration forms are made available to students by Florida Coastal, and these forms are located in the Student Lounge.

## **SECTION II**

### **NOTICE OF NON-DISCRIMINATION**

No person shall on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, ethnicity, genetics, gender identity, gender expression, political affiliation, marital status, familial status, or veteran status be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any of the programs and activities of Florida Coastal School of Law, including but not limited to admissions, retention, recruitment, and employment, consideration, or selection therefore, whether full-time or part-time. Florida Coastal School of Law, as an equal opportunity institution of higher education, conforms to all applicable law prohibiting discrimination and affirms its commitment to equal employment opportunity.

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## **SECTION III**

### **POLICIES AND PROCEDURES FOR STUDENTS WITH DISABILITIES**

#### **I. Introduction**

Florida Coastal School of Law is committed to providing an inclusive educational environment, responsive to the needs of all its students, including those students with disabilities. In doing so, Florida Coastal School of Law (FCSL) is guided by its mission statement, the Americans with Disabilities Act, state and local statutes and ordinances, and all applicable regulations. The purpose of this Section is to notify all students of the resources available to those with disabilities and the procedures by which those resources may best be utilized.

#### **II. Confidentiality**

All documentation submitted to, and the records of, the Office of Student Affairs regarding the specific nature of the disability shall be held in confidence in separate files. Information about a student's disability shall not be released to school faculty or staff without the written permission of the student, unless there is a clear educational or health/safety reason. Testing accommodations are provided to the Registrar's office for the purpose of granting the accommodation.

#### **III. Disabilities and Accommodations**

Some examples of disabilities are:

- Physical/Medical Conditions
- Learning Disabilities
- Attention-Deficit/Hyperactivity Disorder
- Psychiatric Disorders

Reasonable accommodations, supported by the documentation of the disability presented to the Office of Student Affairs, are available to qualified students on a case-by-case basis. A wide range of accommodations are made available to students with a documented disability as long as they do not materially affect the integrity of the class.

#### **IV. Temporary Medical Conditions**

Temporary medical conditions are not covered under the Americans with Disabilities Act. However, Florida Coastal School of Law is dedicated to facilitating our students' education and will attempt to accommodate a student requesting accommodations due to a temporary medical condition. Students requesting accommodations for temporary medical conditions shall provide current documentation verifying the nature of the condition, stating the expected duration of the condition and describing the accommodations deemed necessary. A professional health care

provider who is qualified to diagnose such conditions must provide the verification, and the verification must demonstrate that the requested accommodations are medically necessary.

The cost of obtaining the professional verification shall be borne by the student. The Associate Dean of Academic Affairs shall consider requests for accommodations on the basis of a temporary condition on a case-by-case basis.

## **V. Accommodation Requests: Process and Procedures**

- A. **Self-Identification:** Students with disabilities who require accommodations must make those needs known to the Office of Student Affairs. This is accomplished by meeting with the Student Services Coordinator and completing a Student Disabilities Intake Form. All paperwork can be obtained at the Office of Student Affairs. It is the responsibility of the student to make these needs known and to provide the appropriate medical documentation in accordance with the disability documentation guidelines set forth in FCSL's Policies and Procedures for Students with Disabilities. Students who do not require accommodations need not make their disabilities known.
  
- B. **Accommodations:** Once the intake paperwork is completed, and required medical documentation of the disability is received, the Office of Student Affairs will work with the student to develop an appropriate plan for individualized accommodations while attending FCSL. **All documentation must be submitted two weeks prior to the first day of the next exam period, including mid-term exams.** If an accommodation is granted, the Office of Student Affairs will notify the Registrar's Office of the specifics of the accommodations for the purpose of facilitating the accommodations. Due to the varying nature of disabilities, some accommodation requests must be renewed every semester.

## **VI. Guidelines for Disability Documentation**

Students who request accommodations on examinations or other academic modifications on the basis of a disability must provide documentation that meets the guidelines set forth below. In all cases, the cost of obtaining the professional verification to establish the disability shall be borne by the student. In the event that a student requests an academic accommodation that is not supported by the data in the assessment, or if the initial verification is incomplete or inadequate to determine the extent of the disability, it is incumbent on the student to obtain supplemental testing and assessment at the student's expense.

- A. **Students must have a medical practitioner complete the specific form related to their disability. These forms can be obtained through the Student Services Coordinator or in the Office of Student Affairs. These forms include:**

- Physical/Medical Disabilities

- Psychiatric Disabilities
- Attention-Deficit/Hyperactivity Disorder
- Learning Disabilities

**B. FCSL requires several elements that must be included in the medical documentation and specific forms in order to receive an accommodation. The following information provides details of what is required, as adapted from the Association of Higher Education and Disability (AHEAD).**

**1. The credentials of the evaluator(s)**

The best quality documentation is provided by a licensed or otherwise properly credentialed professional who has undergone appropriate and comprehensive training, has relevant experience, and has no personal relationship with the individual being evaluated. The documentation must be completed by the medical professional and not by the student except for the required student authorizations.

**2. A diagnostic statement identifying the disability**

Quality documentation includes a clear diagnostic statement that describes how the condition was diagnosed, provides information on the functional impact, and details the typical progression or prognosis of the condition. While diagnostic codes from the Diagnostic Statistical Manual of the American Psychiatric Association (DSM) or the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization are helpful in providing this information, a full clinical description will also convey the necessary information.

**3. A description of the diagnostic methodology used**

Quality documentation includes a description of the diagnostic criteria, evaluation methods, procedures, tests and dates of administration, as well as a clinical narrative, observation, and specific results. Where appropriate to the nature of the disability, having both summary data and specific test scores (with the norming population identified) within the report is recommended.

**4. A description of the current functional limitations**

Information on how the disabling condition(s) currently impacts the individual provides useful information for both establishing a disability and identifying possible accommodations. The best quality documentation is thorough enough to demonstrate whether and how a major life activity is substantially limited by providing a clear sense of the severity, frequency and pervasiveness of the condition(s).

**5. A description of the expected progression or stability of the disability**

It is helpful when documentation provides information on expected changes in the functional impact of the disability over time and context. Information on the cyclical or episodic nature of the disability and known or suspected environmental triggers to episodes provides opportunities to anticipate and plan for varying functional impacts.

**6. A description of current and past accommodations, services and/or medications**

The most comprehensive documentation will include a description of both current and past medications, auxiliary aids, assistive devices, support services, and accommodations, including their effectiveness in ameliorating functional impacts of the disability. A discussion of any significant side effects from current medications or services that may impact physical, perceptual, behavioral or cognitive performance is helpful when included in the report. While accommodations provided in another setting are not binding at Florida Coastal School of Law, they may provide insight in making current decisions regarding a given request for accommodations.

**7. Recommendations for accommodations**

This is to include all reasonable recommendations for academic and classroom accommodations with rationale for each accommodation. Please note that FCSL does not have an obligation to provide or adopt recommendations made by practitioners but will consider each recommendation. Recommended accommodations may not be adopted by the school if they are not deemed to be reasonable or appropriate or if the recommended accommodations materially affect the integrity of the class.

**VII. Bar Examinations**

Students who wish to request accommodations on the Florida Bar Exam must apply directly to the Board of Law Examiners, or if the exam is to be taken in a different state, to the Board of Bar Examiners of other appropriate agency in that particular state. The FCSL Bar Prep Coordinator has information on how to contact bar examiners in all states. Accommodations for the Multistate Professional Responsibility Exam are arranged through the National Conference of Bar Examiners. Receiving accommodations at FCSL does not guarantee the receipt of accommodations on a bar exam. Students who pursue accommodations at FCSL should consider the possibility that accommodations, if received while in law school, may not be received in the administration of a state bar exam.

## SECTION IV

### ACADEMIC RULES AND REGULATIONS

#### A. Course Load

##### 1. Regular Semester

The standard course load for full-time students is thirteen (13) to sixteen (16) credit hours per semester, and the standard course load for part-time students is nine (9) to twelve (12) credit hours per semester. This distinction between full-time and part-time course loads is used by the Finance Office to determine tuition and fees owed by the student each semester.

It is expected that students enrolling in the full-time division will graduate in three (3) years and those in the part-time division in four (4) years.

Students are strongly encouraged to take courses in the sequence listed in the suggested course schedules on the law school website at <http://www.fcsl.edu/academics/suggested-schedules-course-concentrations>. Accelerating the academic program is generally inadvisable and requires advance approval by an academic dean.

##### 2. Acceleration

Any student who, in any semester, wishes to enroll in more than sixteen (16) credit hours must obtain the written approval of an academic dean. Students registering for sixteen (16) credit hours should be aware that this course load will likely require a large commitment of time; such students are advised to speak with an academic dean or an Academic Success Counselor prior to registering.

##### 3. Summer Session

There is no minimum course load for enrollment in a summer session. However, in order to be eligible for federal financial aid, a student must be registered for a minimum of four (4) credit hours. The maximum course load in any summer session for full or part-time students is eight (8) credit hours or three (3) courses, whichever is less. Students will not be permitted to enroll in more than eight (8) credit hours or three (3) courses during any summer session.

##### 4. Intersession

The maximum course load a student may take during any Intersession is three (3) credit hours. Intersession is not considered part of the regular semester for purposes of determining a student's academic status or financial aid. Students should speak with Financial Aid to request the inclusion of the cost of the intersession classes into the total cost of attendance for financial aid purposes.

## **5. Half-Time Student**

Students enrolled in seven (7) to eight (8) credit hours during any regular semester or four (4) credit hours during the summer term are defined as “half-time” students. Special permission from an academic dean is required to become a half-time student during any regular semester; no such permission is required during the summer term. Under exceptional circumstances, an academic dean may allow a student to take five (5) to six (6) credit hours during a regular semester; such a student will not be considered a half-time student and will not be eligible for federal financial aid.

## **6. Auditors**

Mature persons with an adequate background of experience or study, who have special need for a limited acquaintance with a field of law, may be permitted to enroll in one or more classes upon application with an accompanying statement of their situation and needs. Unless the applicant seeks admission as a regular student, her/his status and privileges are those of an auditor, and he/she will not receive credit for attendance or work done.

## **7. Registration for Courses**

Course registration is conducted in accordance with rules and procedures established and published by Florida Coastal. There is no guarantee that a student will be able to register for a particular course at a particular time or semester. It is the responsibility of the student to become familiar with registration rules and procedures, including Drop/Add procedures and dates, to ensure proper course registration. Students must be properly registered to receive course credit.

Students are also advised to read the course descriptions and prerequisites posted on the Coastal Law website at <http://www.fcsl.edu/academics/course-descriptions-and-prerequisites>.

## **8. Drop/Add Period**

A student may drop or add (subject to enrollment restrictions) a course without consequence during the official Drop/Add period. The Drop/Add period is typically the first week of the semester except for intersession courses.

After the Drop/Add period, a student may only withdraw from a course in accordance with the policy set forth in Section IV (K) - Withdrawal from a Course. Further, after the Drop/Add period, a student may not change the number of credit hours for any course or clinic for which s/he is already registered.

Failure to attend a class does not constitute a drop. Additionally, notification to the instructor of an intention to stop attending classes does not constitute a drop. A student

must complete a Drop/Add form and file it with the Registrar to officially drop a course during the Drop/Add period.

Students become liable for fees the last day of Drop/Add except for intersession courses. The financial liability deadline for intersession courses will be sent by email to students in advance of each intersession. Transfer to another school does not relieve a student of financial liability for courses for which he/she is registered at Florida Coastal unless a drop/add form is submitted to the Registrar by the appropriate deadline.

## **B. Class Attendance and Employment Limitation**

1. Regular attendance and preparation are required in all courses. A student whose absences exceed twenty (20) percent of the total number of classes in a course will be barred from taking the final examination or completing other graded course requirements and, in such instance, will receive the grade “WF” in the course. For purposes of this policy, absences during the Drop/Add period will be considered when calculating total absences for the course. If a student believes the absences were caused by exceptional circumstances, the student should refer to Section IV (N) below.

Faculty members are free to establish other attendance requirements consistent with the needs of specific courses, so long as such other requirements are consistent with ABA standards and Florida Coastal attendance policy and are set forth in advance in the course syllabus.

2. Notification of excessive absences will be sent electronically through student e-mail and/or student portal alerts. It is the student’s responsibility to read and respond to the notifications as appropriate.
3. Advance notice given to the Professor of the course that a student will not attend a class because of a verifiable religious holiday shall automatically result in the granting of an excused absence. This absence shall not be counted against the maximum number of absences allowable in the course.
4. Full-time students must devote substantially all working hours to the study of law. For this reason, the school discourages employment for full-time first year students. A student may not engage in employment for more than 20 hours per week in any semester in which the student is enrolled in more than 12 class hours. During final registration for each semester, these students must certify that they are not devoting more than 20 hours per week to outside employment. A false, inaccurate or misleading statement on this certification shall be grounds for dismissal or such other disciplinary action as is deemed appropriate by an academic dean. Such disciplinary action may include, but is not limited to, a denial of credit hours for all course work taken in excess of 12 credit hours, beginning with the courses in which the student obtained the highest letter grade(s). Refunds will not be granted for credit hours denied under this section.

## **C. Podcasting**

1. Podcasting enables students to access course and other materials electronically. Any class may be podcast at any time.
2. Podcasts of classes at Florida Coastal may be available to all students in the course at the discretion of the Professor of the course. However, podcasting may be required for students with approved ADA accommodations for podcasts.
3. Podcasting is neither a substitute for class attendance nor an excuse for a student's lack of full attention or participation in class.
4. All podcasts are the property of Florida Coastal and may not be redistributed in any form to any person, except for the sole purpose of supporting the learning activities of matriculated students and student applicants.

## **D. Grading**

### **1. Grades**

Grades in each course reflect academic performance as evaluated by the faculty member. Faculty members may, at their discretion, consider class attendance and participation in determining final grades. Faculty members will provide students with a written syllabus of course work and an explanation of the testing and grading requirements for the course.

### **2. Anonymous Grading**

- (a) Written examinations are graded without the grader knowing the identity of the test taker. Student Grading Numbers (SGNs) are confidential. Each student is assigned a unique SGN for use on examinations and other written projects. The Registrar posts final grades by SGNs. Faculty members or other individuals engaged in grading student work do not have access to SGNs. Faculty should not question students about their SGNs. Students who fail to use an SGN or who otherwise reveal their identity may be subject to sanctions by the administration or the professor including, but not limited to, substantial grade reductions. Students with questions concerning SGNs should consult the Registrar.
- (b) Faculty may incorporate into final grades non-anonymous factors such as class participation and other assigned projects. If so, each factor and its percentage of the final grade must be identified in the course syllabus. To preserve anonymity, faculty must submit a list of student names and non-anonymous points earned to the Faculty Assistant prior to the first day of the examination period.

- (c) The anonymous grading policy does not apply to courses in which supervised papers are required or other courses in which papers account for a major part of the final grade are assigned.

### 3. Distribution Policy

To avoid inequities that result when different professors employ different criteria, and to defuse pressures which may result in grade inflation, the faculty has adopted a grade distribution policy. This policy aims to avert individual grading standards and establish a faculty-wide grading criterion. It is also designed to facilitate instructor and course selections for sound academic reasons.

The grading policy requires each instructor to assign to each student a final numerical grade and the total points possible for the course. This raw grade will reflect the relative rank of each student's performance in the course.

It is the faculty member's prerogative and responsibility to assign grades. To the extent his or her grade mean deviates from the curve, he or she will provide an academic dean with a written notation and rationale for the departure. An academic dean will forward the grades to the Registrar for appropriate data entry purposes.

The following mandatory grade distribution policy does not apply to courses with a student enrollment of less than twenty (20), except for LP I, LP II and Intensive Writing Practice, or to courses that have been approved for grading on a pass/fail basis.

**(a) The grade distribution for first-year, first-semester courses other than Lawyering Process I is:**

A, A-, B+	15-25%
B, B-, C+, C	50-70%
C-, D+, D, F	15-25%

The mean for these courses must be 2.50 with an acceptable deviation of no more than 0.10.

First-semester courses are those designated by the faculty to be taught in the first-semester of the first-year full-time program regardless of the semester in which a student takes a particular course.

**(b) The grade distribution for all other courses except Lawyering Process II, skills courses, ALWR courses, and France Program Courses is:**

A, A-, B+	20-30%
B, B-, C+, C	55-75%
C-, D+, D, F	5-15%

The mean for these courses must be 2.70 with an acceptable deviation of no more than 0.10.

(c) **The average grade for each LP I section must fall between 2.3 and 2.7. The average grade for each LP II section must fall between 2.6 and 2.8. The average grade for each Intensive Writing Practice section must fall between 2.2 and 2.8.**

(d) **The grade distribution for the France Program Courses is:**

A, A-	15%
B, B+	35%
B-, C+	35%
C or below	15%

(e) **The grade distribution for Skills and ALWR Courses is:**

The following is the grade distribution policy for courses designated as “skills” or “ALWR” on the course schedule. This distribution will be applied to all courses designated as ALWR if the student is writing a paper(s) as a primary component of the course, regardless of the length of paper or whether the paper is being used to satisfy the advanced legal writing requirement.

A, A-	20%
B, B+	50%
B- and below	30%

4. **The following grading and point value system applies:**

Letter Grade	Point Value	Letter Grade	Point Value
A	4.0	D+	1.33
A-	3.67	D	1.00
B+	3.33	F	0.00
B	3.00	HP	High Pass
B-	2.67	P	Pass
C+	2.33	LP	Low Pass
C	2.00	W	Withdrawal
C-	1.67	W/F	0.00

5. **Grade of “Incomplete”**

A student shall receive an Incomplete (“I”) if, and only if, either (i) her/his absence from the final examination was excused by an academic dean, as provided below, or (ii) the instructor granted the student additional time to complete the course requirements *on or before* the last day of classes for that semester. Instructors granting such permission

must submit written notice to an academic dean and the Office of the Registrar no later than the last day of classes. An instructor may not grant permission for a student to delay or defer sitting for the final examination.

## **6. Expunging a Grade of “Incomplete”**

An Incomplete (“I”) may be expunged by taking an examination or completing other unfulfilled course requirements within such time as may be fixed by the instructor, but, in no event, later than thirty (30) days after the end of the examination period for the semester for which the Incomplete (“I”) was granted. A student who fails to expunge an Incomplete (“I”) as provided herein will receive a “F” for the course.

## **E. Finality of Grades.**

### **1. Grades are deemed final when posted by the Registrar.**

### **2. Grade Appeals.** Grades may be appealed for only one of the two reasons listed below. All grade appeals must be made within six (6) weeks after the grade has been posted by the Registrar.

(a) A faculty member may change a grade only if there has been an arithmetical or clerical error in calculating the grade. If a student believes that an arithmetical or clerical error occurred, she or he must resolve the matter with the faculty member. If the faculty member determines that there is an arithmetical or clerical error, the faculty member must complete a grade change form and submit it to an academic dean. The decision of the faculty member is final, subject to the approval of an academic dean.

(b) If a student believes a grade was motivated by animus or given arbitrarily, s/he may submit a written petition to the Academic Standards Committee setting forth all information which the student deems relevant. The Academic Standards Committee will provide a copy of the petition to the faculty member. Where appropriate, at the request of the Academic Standards Committee, an academic dean may convene a meeting between the student and the faculty member to resolve the dispute. The decision of the Academic Standards Committee shall be final.

## **F. Examinations**

### **1. Schedules and Procedures.** An academic dean establishes final examination schedules and procedures for administering examinations. Students are responsible for adhering to examination schedules and procedures.

### **2. ExamSoft.** Students are not required to use ExamSoft to take their exam and may handwrite their exams.

Florida Coastal School of Law, ExamSoft Worldwide Inc., their partners, employees, officers, directors or affiliates are not liable for any damages to laptops arising from the use of this software including any loss of exam answers or any affect it may have on any students' grade for this course.

Students have a duty to ensure laptops are in proper working condition before the exams, including up-to-date Microsoft Windows updates and anti-virus software, and that all installation instructions are followed.

### **3. Examination Schedule Conflicts and Deferrals.**

A student may request that a scheduled final exam be rescheduled under the following circumstances: (a) two examinations at the same time; (b) two examinations scheduled in which there is less than two hours from the end of the first scheduled examination time and the beginning of the second scheduled examination time; (c) or a verified religious holiday. Rescheduled examinations will be marked and grades will be rendered in the normal course.

To request a deferral based on these reasons, a student must complete a Deferral Request form and submit it to the Registrar no later than the Friday before mid-term week. Once the Registrar receives the request, she will work with the student to reschedule the exam for a time which is after the regularly scheduled exam time.

### **4. Exam Policy for Students Who Arrive Late or Fail to Appear For a Final Examination**

- (a) If a student arrives within thirty (30) minutes of the scheduled start time of a final examination, the following policies apply:
- i. The student may report to the examination room, enter without disruption, and begin taking the examination. The student is prohibited from typing any answers using ExamSoft and must hand-write the examination answers. The student may take the examination but will not be given any additional time. (For example, if the student arrives ten minutes late for a three-hour examination, the student will have only two hours and fifty minutes to take the examination.)
  - ii. If the student wishes to demonstrate extraordinary circumstances beyond the student's control to explain the tardiness, the student may report to a Dean for Academic Affairs (hereinafter "the Dean" or "a Dean"). The time of arrival will be noted by the Dean's office. (The student must notify an administrative assistant that the student is arriving late for an examination so that the time may be recorded.)
    - 1) If the student demonstrates extraordinary circumstances beyond the student's control to explain the tardiness, and if the Dean finds the reasons to constitute

extraordinary circumstances beyond the student's control, the student will be placed in a separate room to take the examination using the full allotted time.

- 2) If the student either does not demonstrate extraordinary circumstances beyond the student's control to explain the tardiness, or if the Dean does not find the reasons to constitute extraordinary circumstances beyond the student's control, the student will be placed in a separate room to take the examination using whatever time was remaining of the scheduled examination when the student first arrived in the Dean's office as recorded by the administrative assistant. However, the student is prohibited from typing answers using ExamSoft and must hand-write the examination answers. The student may be charged a \$50 fee for the special arrangements that are needed to separately proctor the examination.
- iii. Thirty (30) minutes after the scheduled start time for an examination, the person proctoring the examination will deliver to the Dean's office any examinations that have not been picked up by a student in that classroom.
- (b) If a student arrives more than thirty (30) minutes after the scheduled start time of a final examination (after the time designated for the examination to begin), the student **MUST** report to a Dean. The time of arrival will be noted by the Dean's office. (The student must notify the administrative assistant that the student is arriving late for an examination so that the time may be recorded.) The student may sit for the examination, but the following policies apply:
- i. If the student demonstrates extraordinary circumstances beyond the student's control to explain the tardiness, and if the Dean finds the reasons to constitute extraordinary circumstances beyond the student's control, the student will be placed in a separate room to take the examination using the full allotted time.
  - ii. If the student either does not demonstrate extraordinary circumstances beyond the student's control to explain the tardiness, or if the Dean does not find the reasons to constitute extraordinary circumstances beyond the student's control, the student may elect either of the following options:
    - 1) The student will be placed in a separate room to take the examination using whatever time was remaining of the scheduled examination when the student first arrived in the Dean's office as recorded by the administrative assistant. However, the student is prohibited from typing answers using ExamSoft and must hand-write the examination answers. The grade for this examination will be given without any penalty.
    - 2) The student will be allowed to take the exam with the fully allotted time before the end of that current examination period and at the earliest available time to be determined by the Dean. However, the student is prohibited from

typing answers using ExamSoft and must hand-write the examination answers. The grade for the examination will be capped at a “D.”

The student may be charged a \$50 fee for the special arrangements that are needed to separately proctor the examination.

(c) If a student does not appear during the scheduled examination period or is unable to take the examination during the scheduled examination time, the student must notify a Dean as soon as possible but no later than 24 hours after the scheduled start time of the examination. The following policies apply:

- i. If the student demonstrates extraordinary circumstances beyond the student’s control, the Dean may authorize a delay in the student’s examination. If a delay is authorized, however, the examination (with the fully allotted time and with no grade penalty) must be taken before the end of that current examination period and at the earliest available time as determined by the Dean.
- ii. If the student fails to demonstrate extraordinary circumstances beyond the student’s control, or if the Dean does not find the reasons to constitute extraordinary circumstances beyond the student’s control, the student will be allowed to take the exam with the fully allotted time before the end of that current examination period and at the earliest available time to be determined by the Dean. However, the student is prohibited from typing answers using ExamSoft and must hand-write the examination answers. The grade for the examination will be capped at a “D.”

The student may be charged a \$50 fee for the special arrangements that are needed to separately proctor the examination.

- iii. If the student fails to take the examination as scheduled by the Dean, the student will receive the grade of “F” on the examination.
- iv. If the student fails to notify a Dean within 24 hours of the scheduled start time of the examination, the student will not be allowed to take the examination and will receive an “F” on the examination, unless the student makes a separate showing of extraordinary circumstances beyond the student’s control, and the Dean finds the reasons justifying such late notice to constitute extraordinary circumstances beyond the student’s control.

(d) The term “extraordinary circumstances beyond the student’s control” used herein includes but is not limited to health emergency or immediate family emergency.

## **G. Academic Success Program**

The Academic Success Program at Florida Coastal offers a variety of resources and services designed to assist students in enhancing and maximizing their academic potential. The

Academic Success Department teaches Law School Foundations I (LSF I), a first-semester course that provides students with an intensive introduction to law school and the tools necessary to become active learners. Through the use of exercises and practice questions, students will develop successful study strategies and learn how to successfully analyze, organize, and write law school essays. LSF Instructors provide feedback on in-class exercises and meet with students individually throughout the semester. The Academic Success Department provides individual counseling and skills-based workshops for upper-level students who desire to improve their law school performance. Additionally, the Academic Success Department's writing specialists provide extensive legal writing assistance in topics ranging from basic grammar and punctuation to organization, analysis, and rule synthesis. Please see Section I, Academic Success, for information regarding Florida Coastal's Bar Preparation program.

## **H. Academic Probation and Dismissal**

The following rules regarding academic probation and dismissal apply to all students without regard to full time or part time status. Under these rules, summer and intersession terms are not deemed "semesters" for probation evaluation purposes. A student's probationary status will only be evaluated at the end of a Fall or Spring semester.

### **Completion of First Semester**

1. If a student earns less than a 1.40 GPA after the first semester he/she will be academically dismissed.
2. If a student earns between a 1.40 and a 1.99 GPA after the first semester the student **may** continue his or her studies on probation. Any student with a first semester GPA below 1.90 who continues for a second term of study (whether during the Spring semester or Summer term) must meet with an Academic Success Counselor or an academic dean before or during the first two weeks of classes in the student's second term of enrollment. The student shall be counseled at that time as to the GPA that must be earned by the end of his or her second semester (i.e., Fall or Spring enrollment) to avoid academic dismissal, along with specific information about the risks of continuing and his/her prospects of success in law school and the legal profession, and shall sign an acknowledgement of the same.
3. Any student completing a Fresh Start semester must earn a GPA of 2.00 or better by the end of that semester to avoid academic dismissal from Florida Coastal (only applicable through the Fall 2010 semester).

### **Completion of Second Semester**

1. Students who earn between a 1.90 and 1.99 cumulative GPA following their second semester (i.e., Fall or Spring enrollment) may continue their studies on probation. Students' probationary status will be evaluated at the end of their next semester of study (i.e., Fall or Spring enrollment).

2. Students who earn below a 1.90 cumulative GPA after their second semester (i.e., Fall or Spring enrollment) will be academically dismissed.
3. Students on academic probation after their second semester (i.e., Fall or Spring enrollment) **must** earn at least a 2.00 cumulative GPA at the end of their third full semester (i.e., Fall or Spring enrollment) or they will be academically dismissed.

### **Completion of Remaining Studies at Florida Coastal**

1. Students must earn a cumulative 2.00 GPA or higher at the end of their third semester of study (i.e., Fall or Spring enrollment) or they will be academically dismissed.
2. Students earning less than a 2.00 cumulative GPA at any time following their third semester of study (i.e., Fall or Spring enrollment) will be academically dismissed.

### **Transfer Students**

Any student transferring to Florida Coastal after having completed two or more semesters at another law school will be dismissed if he/she fails to earn at least a 2.00 cumulative GPA for work completed at Florida Coastal.

## **I. Academic Probation Requirements**

### **Requirements for Students on Academic Probation during their Second Semester:**

Students attending summer classes after being placed on probation will be on probation during the summer semester and will continue on probation during the fall semester (effective for those students placed on probation 2012 and forward.)

Students on academic probation during their second semester must comply with the following conditions:

1. The student will be enrolled in Law School Foundations II (LSF II) and must attend all class sessions, complete all assignments, and, if necessary, re-write assignments until satisfactory;
2. The student must meet with his or her LSF II instructor at the beginning of the semester and after each written assignment unless the instructor exempts the student from a meeting due to the student's exemplary work;
3. The student may not serve as a representative or officer of the Student Bar Association or any other student organization;
4. The student may not participate in Law Review, Moot Court, or Mock Trial;

5. The student may not enroll in, or continue in, any clinical or externship program; and
6. The student, if attending full-time, must relinquish all employment positions

### **Requirements for Students on Academic Probation during their Third Semester:**

Students on academic probation during their third semester must comply with the following conditions:

1. The student must participate in Academic Success Department activities, including workshops, and meet with a member of the Academic Success Department at least four (4) times during the semester;
2. The student must submit written answers to three (3) sample essay exams for evaluation by a member of the Academic Success Department and, if necessary, re-write the essay answers until satisfactory;
3. The student is restricted from serving as a representative or officer of the Student Bar Association or any other student organization;
4. The student may not participate in Law Review, Mock Trial, or Moot Court;
5. The student may not enroll in, or continue in, any clinical or externship program; and
6. The student, if attending full-time, must relinquish all employment positions.

The Academic Standards Committee and the Academic Success Director may impose such additional conditions during the probationary or fresh start term as they deem necessary.

If a student has failed to abide by the terms set forth above, the student may be prevented from registering for the next term via a registration hold and/or the student's course registration for the following semester may be dropped. If this occurs, the student will lose priority in course selection, but may re-register upon notification by the Registrar's Office.

### **J. Academic Alert**

Upon completion of their first semester of law school, any student who has earned a cumulative grade point average between a 2.0 and a 2.29 will be placed on Academic Alert during their second semester of their first year. The conditions of Academic Alert are:

1. The student will be enrolled in Law School Foundations II (LSF II) and must attend all class sessions, complete all assignments, and, if necessary, re-write assignments until satisfactory; and
2. The student must meet with his or her LSF II instructor at the beginning of the semester.

## **K. Withdrawal from a Course**

Students are not permitted to withdraw from courses after the Drop/Add period without the approval of an academic dean. Withdrawals will be approved only for good cause. An academic dean may consult with the faculty member if s/he believes that the faculty member may have information bearing on the request for withdrawal. In any case, the faculty member will be notified by the Registrar before the student is informed that permission to withdraw has been granted. A student may receive the grade of “W” or “WF” at the discretion of an academic dean. Students should be aware that the grade of “WF” has the same impact on a cumulative grade point average as a failing grade.

Withdrawal from courses may have financial aid impact. Students considering a withdrawal from a course should consult with the Financial Aid Director.

## **L. Leave of Absence and Withdrawal**

Florida Coastal understands some students may need to leave school for an extended period of time. The policies and procedures below describe the circumstances under which a student may leave and return to Coastal Law.

- 1. Leave of Absence.** A student may take a leave of absence from Florida Coastal for up to two (2) regular semesters. A leave of absence requires prior approval from an academic dean. An academic dean may grant a leave of absence for good cause but only if the student is in good academic standing or on academic probation.
- 2. Withdrawal.** Withdrawal, under this section, is defined as dropping the entire academic program, not a portion thereof. A withdrawal requires prior approval from an academic dean. An academic dean may grant a withdrawal for good cause but only if the student is in good academic standing. Any student who withdraws at any time after completing their third semester and has a cumulative GPA less than a 2.0 is not in good academic standing and will be academically dismissed.
- 3. Transcript.** A student requesting a leave of absence or withdrawal may receive the grade of “W” or “WF” at the discretion of an academic dean taking into account the student’s performance in the course(s) at the time the leave or withdrawal is requested. Students should be aware that the grade of “WF” has the same impact on a cumulative grade point average as a failing grade.
- 4. Return to Coastal Law.**
  - (a) Following an Approved Leave of Absence.** Any student who discontinues his or her attendance for no more than two regular semesters may resume law studies upon approval of an academic dean. Students returning from a leave of absence should contact an academic dean at least forty-five (45) days prior to the beginning of the term in which the student intends to return.

**(b) Others.** Any student who discontinues her/his attendance for more than two regular semesters shall be deemed to have withdrawn from school. In such instance, former students must apply for readmission by submitting a petition to the Academic Standards Committee no later than forty-five (45) days prior to the beginning of the term in which the student seeks readmission. If the Academic Standards Committee approves the petition for readmission, the student may continue his/her legal studies at the law school. In the event the Academic Standards Committee does not approve the student's application for readmission, the student may reapply for admission to the law school no sooner than two (2) years from the date of withdrawal. In such instance, the student will receive no credit or grade points for work previously attempted or completed at Florida Coastal.

**5. Honor Code or Conduct Code.** If a student takes a leave of absence or withdraws when an honor code or student conduct code investigation or proceeding is pending, the Associate Dean for Student Affairs may place a memo in the student's academic file outlining the charges and the status of the proceeding. An honor court or student code of conduct proceeding may continue even after the student has taken a leave of absence or withdraws.

**6. Financial Aid Impact.** Students should be aware that any leave from the institution may have an impact on current as well as future financial aid. This may include repaying a portion of funds received in the current semester. In accordance with financial aid regulations, a leave of absence cannot exceed 180 days. Students considering a leave of absence or withdrawal should meet with the Finance Office to ascertain if any funds are to be immediately returned to lenders and with the Financial Aid Office concerning the impact on future financial aid.

## **M. Repeating Courses**

The right of a student to repeat or to be reexamined in a course is limited as follows:

- 1.** A student may, as a matter of right, repeat any course from which s/he withdrew or which s/he dropped.
- 2.** A student who receives a grade of "F," "W," or "W/F" in a required course must repeat the course.
- 3.** In all other cases, a student shall not be permitted to repeat any course without the approval of the Academic Standards Committee.
- 4.** In the case of repetition of a course, both the original grade earned and the grade earned on repetition shall be reported on the transcript and computed as part of the student's cumulative average.

## **N. Waiver of Academic Rules**

### **1. General**

Requests for waiver of any Florida Coastal rule, regulation, or policy must be submitted in writing to an academic dean who shall forward such requests to the faculty committee having jurisdiction over the matter. An academic dean may also forward a recommendation to the faculty. If none of the standing faculty committees has jurisdiction over the issue(s) raised, then an academic dean, in her/his discretion, may grant or deny the waiver. A waiver of an academic rule will only be granted under exceptional circumstances. The student will be notified of the decision in writing. The decision of the academic dean or faculty committee is final.

- (a) Requests for academic waivers under Section IV (H), Academic Probation and Dismissal, must be submitted in writing to an academic dean within **seven (7) calendar** days from the date of the dismissal letter.
- (b) Requests for academic waivers under Section IV (B), Class Attendance and Employment Limitation, must be submitted in writing to an academic dean within **seven (7) calendar** days from the date of the attendance notification.

### **2. Graduation Requirements**

Requests for waivers of academic rules, regulations and/or policies relating to graduation requirements must be submitted in writing to the Academic Standards Committee.

## SECTION V

### DEGREE REQUIREMENTS

A candidate for graduation must have: (i) attained a cumulative grade point average of at least 2.00 in at least ninety (90) credit hours of course work; (ii) successfully completed all course requirements; (iii) satisfied the advanced legal writing requirement; (iv) satisfied the Foundation Course Requirement; (v) satisfied the skills credit requirement; (vi) satisfied the Continuing Professionalism Education (CPE) requirement; (vii) conducted himself or herself as a fit candidate for admission to the bar; and (viii) satisfied all outstanding account balances owed to the school, including any library fines. Students must complete a minimum of forty-five (45) credit hours in residence at Florida Coastal School of Law.

A candidate for graduation will be permitted to sit for a state bar exam provided that all degree requirements have been satisfied.

If the candidate has completed all degree requirements but is subject to an Honor Code or Conduct Code complaint, that person will be certified to sit for the bar exam only if the matter has been fully adjudicated through the applicable process prior to the exam administration.

Sanctions imposed in Honor or Code hearings may be completed after the candidate sits for the bar exam. However, sanctions must be completed in full before a candidate is permitted to be sworn in by the bar.

#### **A. Credit Hour Requirement**

Credit hours are awarded for courses in which the candidate for the degree has earned a grade of “D” or better, or in the case of a course that is graded pass/fail, a “P,” or for which s/he has received advanced standing credit on the basis of work at another law school. A student who receives a grade of “F” in a required course shall not be deemed to have completed the course.

#### **B. Course Requirements**

Please see Section VI (A) for further information regarding the courses required for graduation.

#### **C. Advanced Legal Writing Requirement**

Please see Section VI (B) for further information regarding the advanced legal writing requirement.

#### **D. Foundation Course Requirement**

- 1. Satisfying the Requirement.** To better prepare Florida Coastal graduates for the rigors of the Bar Exam, all students who enroll at Florida Coastal in fall 2009 or later must

successfully complete the Foundation Course Requirement in order to graduate. A student may satisfy the Foundation Course Requirement in one of the following two ways:

- (a) Under the first option, a student must earn nine (9) total Foundation Points in order to graduate. A student earns one (1) Foundation Point by achieving a grade of “C+” or better in a designated Foundation Course. No Foundation Points are earned for a grade of “C” or below in a Foundation Course. Under this option, the student may earn no more than four (4) Foundation Points from the designated first-year curriculum, and must earn at least five (5) Foundation Points in non first-year courses. Beyond the first year curriculum, no restrictions are placed upon the total number of Foundation Points a student may earn in any given semester or academic year.
- (b) Alternatively, a student may meet the Foundation Course Requirement by taking and passing twenty-one (21) of the Foundation Courses designated in the table below. A passing grade is defined as a grade of “D” or better, or in the case of a course that is graded as pass/fail, a “P.” A student who receives a grade of “F” in a Foundation Course shall not be deemed to have passed the course.

A student who must satisfy the Foundation Course Requirement under the second method (listed directly above) and plans to complete a visiting semester, may substitute up to three (3) Foundation Courses from the far-right column of the Table of Foundation Courses with bar-tested courses taken at another ABA-accredited law school. For purposes of this requirement, the student must first demonstrate, in writing, to the academic dean approving the visiting semester, that the proposed substitute course(s) cover material that is tested on the particular Bar Exam the student intends to take. This information must be submitted with the student’s Visiting Student Application.

- 2. **Foundation Courses.** Foundation Courses generally include those courses covering material tested on the Florida and other states’ bar exams. Florida Coastal may add to or alter the list of Foundation Courses as necessary to reflect changes in the bar exam coverage or curricular offerings.

<b>TABLE OF FOUNDATION COURSES</b>		
<b>First-Year Courses</b>	<b>Second- and Third-Year Required Courses</b>	<b>Second- and Third-Year Bar-Tested Electives</b>
Civil Procedure	Constitutional Law I	Florida Constitutional Law
Contracts I	Constitutional Law II	Florida Practice & Procedure
Contracts II	Criminal Procedure	Georgia Practice & Procedure
Criminal Law	Evidence	Remedies
Lawyering Process I	Professional Responsibility	Residential Real Estate Trans.
Lawyering Process II		Sales
Property I	Business Associations	

Property II	Family Law	
Torts I	Trusts & Estates	
Torts II		

**3. Retaking Foundation Courses.** In the event a student receives a failing grade in a Foundation Course (i.e., if the student has earned a grade of “F,” “W,” or “W/F”), the student may retake the course either in an effort to earn a Foundation Point for the course or to complete the alternative method of satisfying the Foundation Course Requirement.

In the event a student receives a passing grade in a Foundation Course but does not earn a Foundation Point, (i.e., if the student earns a grade of “C,” “C-,” “D+,” or “D” in a Foundation Course), the student may not retake the course and must instead continue to select courses from the list of Foundation Courses until s/he successfully completes the Foundation Course Requirement.

**4. Graduation Requirement.** A student who enrolls at Florida Coastal in fall 2009 or later must successfully complete the Foundation Course Requirement before he or she may graduate. A student who has satisfied all graduation requirements except the Foundation Course Requirement will be permitted to take two additional Foundation Courses, free of tuition charge, during the academic year immediately following completion of all other graduation requirements (i.e., over the period of the next two semesters and one summer session). A student who does not satisfy the Foundation Course Requirement after taking the two additional, free-of-charge courses must continue to take Foundation Courses at the student’s expense until he or she has satisfied the Foundation Course Requirement.

#### **E. Skills Credit Requirement**

Students are required to complete eight (8) credit hours of skills courses. At least five (5) of the skills credit hours must come from designated skills courses, clinics or externships. A student may count up to three (3) credits from ALWR courses, or independent study courses that have an ALWR component, towards the skills credit hours requirement.

A student also may count up to four (4) credits from any combination of the following towards the skills credit hours requirement: (a) credits earned for Mock Trial Team during any semester in which the student participates in a designated position with an external competition team for the Mock Trial Team; (b) credits earned for Moot Court Honor Board during any semester in which the student participates in a designated position with an external competition team for the Moot Court Honor Board; (c) credits earned for Moot Court or Mock Trial (other than for the Moot Court Honor Board or Mock Trial Team) during any semester in which a student participates in a designated position for an external moot court competition, mock trial competition, or arbitration, or similar competition team supervised by the faculty member who assigns the grade for the credit. No student may compete nor earn credits in an external competition for moot court, mock trial or arbitration unless under the supervision of a FCSL faculty member; and (d) credits earned for Law

Review during any semester in which the student is a staff editor or Board member, except where the student has elected to treat Law Review as an ALWR course during that semester.

Independent study courses without an ALWR component do not count towards the required skills credit hours.

#### **F. Continuing Professionalism Education Requirement**

Students entering in the fall 2008 semester and after are required to complete six (6) hours of Continuing Professionalism Education (CPE) programs. Students transferring into Florida Coastal from another law school must earn one (1) hour of CPE credit for each fall and spring semester spent at Florida Coastal. Program topics will include professionalism, mental health, substance abuse, and diversity issues. The programs must be approved by the Professionalism Committee for CPE credits. The Professionalism Committee will provide at least three (3) CPE program opportunities per semester. Please visit <http://www.fcsl.edu/content/professionalism-credits> for additional information regarding the CPE requirement.

#### **G. Limitations of Time**

The normal maximum period for a full-time law student to complete requirements for a J.D. degree is five (5) years. The normal maximum completion time for a part-time law student to complete requirements for a J.D. degree is six (6) years.

#### **H. Distance Education Courses**

1. A student may not take more than four (4) credits of courses designated by the Coastal schedule as distance education courses in any term, nor more than twelve (12) total credit hours of distance education courses toward their law degree.
2. A student may not enroll in courses qualifying as distance education courses until s/he has successfully completed twenty-eight (28) credit hours toward their degree.

#### **I. Graduate Credits**

Students may apply toward the course credit requirements up to six course credits for graduate courses taken outside the law school, provided an academic dean approves the enrollment in advance and that a grade of “C” or better is earned.

An academic dean shall approve the enrollment if he/she finds that (1) the student is in good standing; (2) the course does not overlap with any course offered at the School of Law; and (3) the student demonstrates that taking the course is essential to his or her intellectual or practice objectives.

Graduate credits earned under this section will count in the total number of visiting credits earned by the student in Section V (K) below. No credit shall be granted for graduate level

courses completed prior to enrollment in the law school or during any period in which the student had been dismissed. In no case may a student receive course credit for units that are being applied to earn a degree elsewhere.

#### **J. Transfer Students**

A candidate who has transferred from another law school must successfully complete at least forty-five (45) credit hours at Florida Coastal, attain a cumulative grade point average of 2.00 or better for at least ninety (90) credit hours, complete all required courses or their substantial equivalent, satisfy the advanced writing requirement and eight (8) credit hours of clinic/skills requirement, and satisfy all other degree requirements.

Credits for courses completed at another approved law school are evaluated by an academic dean on an individual basis. Only courses completed with a grade of “C” or better are transferable. All credits must have been obtained within two academic years prior to matriculation.

#### **K. Students Visiting Elsewhere**

A student who, at the time of application, has a minimum cumulative GPA of 2.20, has earned a minimum of thirty (30) credits prior to the visiting semester or summer session, and who receives advance permission from an academic dean, may enroll for a summer session or one semester at another ABA approved law school. Students are only permitted to visit at another institution for one semester or for a total of fifteen (15) credit hours. An academic dean shall grant such permission if the student demonstrates a compelling reason for the visit and it is in the best interests of the institution. Factors that may bear upon the institution’s best interest include, but are not limited to, possible administrative and financial aid problems, reciprocity of understanding with other schools, and whether the proposed visited institution has policies that assume appropriate responsibilities and risks of student matriculation and performance.

For credits to be awarded toward graduation from Florida Coastal, a student must receive advance approval from an academic dean for the student’s proposed courses, demonstrate that he or she is enrolling in special classes or a special program not available at Florida Coastal, and earn a “C” or better in each such course. A student must obtain special permission from an academic dean to take a course graded on a Pass/Fail basis at a visiting institution. The actual grades earned at the other institution will not be factored into the student’s grade point average.

**Courses required by Florida Coastal may not be taken at another institution.** Also, proposed courses will not be approved if they overlap with courses previously taken or would result in a violation of academic standards (including standards relating to internships or non-course credit) that would have applied to the student were he or she taking the courses at Florida Coastal.

In no instance may a student receive more than eight (8) credits for courses taken in a single summer or receive credit in excess of the amount permitted by ABA Standards regarding the minimum number of class hours necessary to receive credit in a course.

Students earning credits at another institution (summer abroad, or visiting away from Florida Coastal for a semester) must earn a minimum of forty-five (45) credits at Florida Coastal to earn a Florida Coastal degree.

#### **L. Florida Coastal's France Study Abroad Program**

A student who, at the time of application, has a minimum cumulative GPA of 2.20, has earned a minimum of thirty (30) credits prior to summer session may apply for Florida Coastal's France Study Abroad Program. Grades earned through this program will be factored into the student's cumulative GPA.

#### **M. Dual Degree Program**

Students in the J.D. Program at Florida Coastal School of Law may also earn an M.B.A. degree through a cooperative program with the Davis College of Business at Jacksonville University.

##### **1. Reduction in Overall Credit Requirement**

The J.D./M.B.A. program was developed based on the assumption that, because there is complementary intellectual benefit from studying law and business administration in a coordinated program, a student enrolled in the dual degree program should be allowed to earn both degrees in less time and with a lower overall credit requirement than a student enrolled in each school or program independently. Accordingly, students enrolled in the dual degree program may count up to 9 credit hours of law school class work towards fulfilling the thirty-five (35) credit-hour requirement of the M.B.A. degree, and may count up to 9 credit hours of M.B.A. class work towards fulfilling the ninety (90) credit-hour requirement of the J.D. degree. Upon completion of each program, the student will earn two separate degrees, a J.D. degree awarded by Florida Coastal School of Law and an M.B.A. degree awarded by the Jacksonville University's Davis College of Business.

Because the overall credit requirements for both degrees are reduced by eighteen (18) credit hours, a student enrolled in the dual degree program can expect to complete the two degrees in approximately eight semesters of full-time study (excluding the summer semesters). A student enrolled in the dual degree program will be awarded each degree upon completion of the respective school's degree requirements without having to wait until the requirements for both degrees have been completed.

##### **2. Application to the J.D./M.B.A. Dual Degree Program**

Applicants interested in the dual degree program must submit separate admission applications to Florida Coastal and to the Davis School of Business. Each program has

its own independent admissions standards, and admission to one program does not ensure admission to the other.

Applicants interested in pursuing the J.D./M.B.A. dual degree are encouraged to apply to both programs at the same time. However, it is possible for a law student to apply to the M.B.A. program (and thus be eligible to earn a dual degree) any time prior to completion of his/her law degree.

### **3. Enrollment in the J.D./M.B.A. Dual Degree Program and Approval of Courses**

A student who has been admitted to both the J.D. and M.B.A. programs and who wishes to pursue a dual degree must file a Dual Degree Enrollment Form with Florida Coastal School of Law. Once this form has been approved by an academic dean, the student will meet with the program advisors of each school to draft an overall plan of study that takes advantage of the goals of the dual degree program.

Each semester, the student must complete a Florida Coastal J.D./M.B.A. Dual Degree Course Selection Form. This form must list the courses the student will be taking in the upcoming semester and indicate whether the M.B.A. courses will be applied towards the J.D. degree.

To earn academic credit towards the J.D. degree for M.B.A. courses: (1) the courses selected must be listed on the J.D./M.B.A. Dual Degree Course Selection Form and be approved by an academic dean; (2) the courses must be graduate level courses but not part of the M.B.A. foundation course curriculum; and (3) the student must receive a grade of “B” or higher in the course.

To earn academic credit towards the M.B.A. degree for coursework completed in the College of Law: (1) the course may not be part of the law school’s first-year curriculum; (2) the student must receive a grade of “C” or higher in the course; (3) the nine credits must come from the following courses: three from an international law course, three from a Professional Responsibility course, and three from any elective course. Any exceptions to this must be pre-approved by the M.B.A. Program Advisor.

Due to the demands of the first year law school curriculum, Florida Coastal students may not take any M.B.A. courses during the first year of law school.

### **4. Course Load and Financial Considerations of the Dual Degree Program**

The standard course load for full-time dual degree students is thirteen (13) to sixteen (16) credit hours per semester, and the standard course load for part-time dual degree students is nine (9) to twelve (12) credit hours per semester. This course load is determined using the combined total credits taken in each program during the applicable semester. However, a credit-hour formula may be applied when the student completes the J.D./M.B.A. Dual Degree Course Selection Form to determine the semester course load if either school’s semester or session start or end dates differ.

Dual Degree students are eligible for federal financial aid while enrolled in the J.D./M.B.A. Dual Degree Program. In order to facilitate the award and distribution of federal financial aid disbursements, Florida Coastal School of Law will be considered the home institution of all J.D./M.B.A. Program students as long as the students are enrolled in the dual degree program.

Students are required to pay the tuition at each institution based upon the number of credit hours in each program of study during a given semester.

## **N. Honors**

A candidate for the J.D. degree or the J.D./M.B.A. degree may be recommended for honors if the student's cumulative grade point average at Florida Coastal meets the following standards and the student is enrolled in six (6) or more credits at Florida Coastal:

<i>Cum Laude</i>	3.250
<i>Magna cum Laude</i>	3.500
<i>Summa cum Laude</i>	3.750

## SECTION VI

### CURRICULUM

#### A. Required Courses.

Courses that are required for graduation are as follows:

**First Year Required Courses:** Civil Procedure; Contracts I and II; Criminal Law; Lawyering Process I and II; Property I and II; and Torts I and II

All students will be enrolled in Law School Foundations I (LSF I), a skills development program for first semester students. LSF I is a pass/fail seminar not for credit.

**Intensive Writing Practice:** Intensive Writing Practice (IWP) is a two-credit graded course that concentrates on raising students' writing ability to the level needed by all successful law students and competent practicing lawyers. Lawyering Process I (LP I) students designated by their LP I professors as needing additional practice in writing skills must take and successfully complete IWP after completing LP I and before registering for LP II. Once the designated students have successfully completed IWP they may register for LP II the next semester it is offered.

**Upper Division Required Courses:** Constitutional Law I and II; Criminal Procedure; Evidence; and Professional Responsibility. Additionally, students must take at least two of the following three courses: Business Associations, Family Law, Trusts and Estates. Students must also satisfy eight (8) credit hours of Skills requirement and the Advanced Legal Writing Requirement.

**Strongly Recommended Courses:** Florida Practice and Procedure; Florida Constitutional Law; Remedies; Family Law; Business Associations; and, Trusts and Estates. These courses are heavily tested on the Florida Bar Examination.

Students must complete all first year required courses before taking any upper division courses. The Required Course Sequence for first year students and the Recommended Course Sequences for upper division students are available in the Registrar's Office and online at <http://www.fcsf.edu/academics/suggested-schedules-course-concentrations>. For your reference, here is a schedule for all first year students entering in fall 2006 and thereafter.

### **Full-time Students First Year Required Courses**

<u>1st semester (15 credits):</u>		<u>2nd semester (16 credits):</u>	
Contracts I	3	Civil Procedure	4
Criminal Law	3	Contracts II	3
Lawyering Process I	3	* Lawyering Process II	3
Property I	3	Property II	3
Torts I	3	Torts II	2
LSF I	N/A		

### **Part-time Students First Year Required Courses for Fall Start Dates**

<u>1st semester (9 credits):</u>		<u>2nd semester (10 credits):</u>	
Contracts I	3	Contracts II	3
Criminal Law	3	Civil Procedure	4
Lawyering Process I	3	* Lawyering Process II	3
LSF I	N/A		

1st Year Summer: Electives 2-4

<u>3rd semester (11-12 credits):</u>		<u>4th semester (11 credits):</u>	
Property I	3	Property II	3
Constitutional Law I	3	Constitutional Law II	3
Torts I	3	Torts II	2
Electives	2-3	Criminal Procedure	3

\* **Intensive Writing Practice** (2 credits): Please see the description above.

### **B. Advanced Legal Writing Requirement (ALWR)**

The purpose of the Advanced Legal Writing Requirement (ALWR) is to provide students with a rigorous upper level writing experience that will enhance a student's writing skills in a legal context. ALWR writing projects are designed to challenge a student's organizational, problem-solving and writing abilities. ALWR writing projects are intended to integrate theory and application, provide an opportunity to implement lawyering skills, and/or provide a basis for advocating a particular position.

Each student must satisfy the ALWR as a pre-requisite to graduation. Except as provided below, students must satisfy the ALWR by meeting the ALWR writing project requirements in an ALWR course at Florida Coastal, or through an independent study with a full-time faculty member at Florida Coastal, and earning a grade of "C" or better on the ALWR writing project requirements. Moot Court members may satisfy the ALWR by completing a written project (appellate brief) that the faculty advisor certifies as satisfying the ALWR.

Students who enroll in an ALWR course that has an exam option must elect within two weeks of the beginning of the semester whether they will satisfy the ALWR in the course, and such election is irrevocable.

### **General Requirements for ALWR Writing Projects**

#### *Use of Sources*

1. Each ALWR writing project must be the student's own work. Plagiarism will not be tolerated. The following quotes are provided to help students understand the expectations regarding originality in the final work product.

Plagiarism: "The act of appropriating the literary composition of another, or parts or passages of his [or her] writings, *or the ideas or language of the same*, and passing them off as the product of one's own mind." Webster's II New College Dictionary 841 (1995) (emphasis added).

"[M]any persons...perceive plagiarism to be only intentional, wholesale copying of large passages, and are oblivious to the fact that *borrowed words, phrases and ideas are included in that definition*.. .Comment, Plagiarism in Legal Scholarship, 15 U. Tol. L. Rev. 233, 235 (1983) (emphasis added).

Please refer to the Florida Coastal Honor Code for more information and to the ALWR section of the Florida Coastal website for more information.

2. With respect to material or ideas in an ALWR writing project that do not originate with the student, the student should retain a copy of that source or maintain a readily-available list of citations, which the student shall submit to the supervising faculty member upon request of the faculty member.
3. Except for ALWR writing projects that consist of simulated client communications or similar drafting projects, ALWR writing projects must contain appropriate citations to the source material. Citations must be proper and complete. Students must accurately use information obtained from sources.
4. Students may not rely on websites as a basis for material included in their ALWR writing projects, unless the student discusses each such website with the supervising faculty member and obtains the faculty member's approval for each website.

#### *Quality of Work*

5. Students must produce a high level written product that would be acceptable to the target audience for the work, which includes the professor as well as practicing attorneys, judges and clients, as appropriate.

6. Each ALWR writing project should adhere to the rules of grammar and punctuation. ALWR writing projects should be well-organized, precise and appropriately formatted based on the type of project and its target audience. The text and footnotes (if required) shall be in Times New Roman 12 point type.
7. Students must comply with the ALWR Project Standards set forth in paragraph 12 below.

#### *ALWR Process*

8. Students must submit draft(s) for review and discussion prior to the submission of the finished work pursuant to a schedule determined by the professor, and students must use the feedback to enhance the quality of the ALWR project.
9. Students and their ALWR professor must discuss the grading criteria for each ALWR writing project during the first two weeks of the semester.
10. Students must adhere to deadlines set by the supervising faculty member.

#### *Satisfaction of ALWR*

11. All students registering to satisfy the ALWR must complete the “ALWR Declaration” form at <http://www.fcsf.edu/registrar> within the first two weeks of the beginning of the semester. The faculty member will confirm completion of the ALWR requirements through the grade submission form at the end of the semester. Students seeking to satisfy the ALWR through an Independent Study must also submit the “Independent Study Program application” as described in Section VI (C) below.
12. In addition to the general standards set forth above, ALWR writing projects must satisfy the standards set by the supervising faculty member, which will of necessity vary depending on the nature of the course or writing project. Below are basic standards for common types of ALWR writing projects:

##### Law review articles and similar academic papers

- (a) The topic must require the student to do significant research and engage in significant independent legal and/or policy analysis.
- (b) The project must be in the form of a law review article, or the functional equivalent of same, with appropriate citation to sources.
- (c) The project must be a minimum of 25 double-spaced pages, excluding footnotes.
- (d) Wherever possible, the project should use at least 15 different sources and, where possible, sources should be primary sources and/or scholarly materials.
- (e) The project should contain a table of contents or table of authorities.
- (f) The project must follow the citation form found in the most recent edition of The Bluebook: A Uniform System of Citation or similar guides as designated by the

supervising faculty member. In particular, the project should have footnotes rather than internal citations, and have an appropriate number of footnotes.

- (g) With the advance consent of an academic dean, the supervising faculty member may revise or supplement these criteria as appropriate to the subject matter of the project and the course.

#### Non-appellate briefs and memoranda of law

- (a) The topic must require the student to do significant research and engage in significant independent legal and/or policy analysis.
- (b) The student must write a minimum of 25 double-spaced pages. These pages can be distributed over any number of assignments/projects.
- (c) Each project must follow the citation form found in the most recent edition of *The Bluebook: A Uniform System of Citation* or similar guides as designated by the supervising faculty member.
- (d) With the advance consent of an academic dean, the supervising faculty member may revise or supplement these criteria as appropriate to the subject matter of the projects and the course.

#### Appellate briefs

- (a) The topic must require the student to do significant research and engage in significant independent legal and/or policy analysis.
- (b) The student must write a minimum of 25 double-spaced pages. These pages can be distributed over any number of assignments/projects.
- (c) Each project must follow the citation form found in the most recent edition of *The Bluebook: A Uniform System of Citation* or similar guides as designated by the supervising faculty member.
- (d) Each project should contain a table of contents and a table of authorities.
- (e) With the advance consent of an academic dean, the supervising faculty member may revise or supplement these criteria as appropriate to the subject matter of the projects and the course.

#### Other ALWR writing projects

- (a) Supervising faculty members may establish ALWR writing projects other than law review articles, academic papers, appellate and non-appellate briefs, and memoranda of law, with the prior consent of an academic dean.
- (b) An academic dean must consent in advance that the standards for such proposed ALWR writing projects are the substantial equivalent of the standards otherwise set forth in this paragraph 12.

### Deadlines for submission of the project to the supervising faculty member

- (a) The faculty member will set and announce a stated deadline for the handing in of papers, which may be no later than the last day of exams for the semester in which the student has registered to complete the ALWR.
- (b) Failure to complete the paper. Failure to submit the paper by the appropriate deadline will result in a failing grade for the paper unless the instructor granted the student additional time to complete the course requirements before the deadline for the paper or an academic dean granted the student additional time to complete the paper due to extraordinary circumstances. If the student is granted additional time under this provision, the Registrar will record a grade of Incomplete (“I”). An Incomplete (“I”) may be expunged by submission of the paper no later than thirty (30) days after the end of the examination period for the semester in which the Incomplete (“I”) was granted. A student who fails to expunge an Incomplete (“I”) as provided herein will receive an “F” for the course.

### **C. Independent Study Program**

1. The Independent Study Program allows a student to work closely with a faculty member to deepen his or her knowledge in a specific area of the law. Students are expected to produce a written document as the result of enrolling in the program.
2. A student may satisfy the Advanced Legal Writing Requirement through an Independent Study Program for one or two credits. Students satisfying the ALWR through an Independent Study Program must comply with all the criteria set forth in Section VI. B. above. Students may receive credit for only one Independent Study Program regardless of whether that Independent Study is completed in residence at Florida Coastal or at another institution. If the student intends to use the Independent Study Program to satisfy the ALWR, s/he must take the Independent Study in residence at Florida Coastal.
3. The following students are not eligible to enroll in an Independent Study Program:
  - (a) Students who have not yet completed at least 42 credit hours;
  - (b) Students who have a cumulative grade point average less than 2.75.
4. To register for an Independent Study Program, the student must:
  - (a) Identify a full-time faculty member (tenured, tenure-track, and professional skills professors) who agrees to supervise the student’s study;
  - (b) Submit a written proposal to the faculty member who has agreed to supervise the student’s research and the “Independent Study Course application” form;
  - (c) Obtain the approval of an academic dean prior to the end of the Drop/Add period. When the faculty member accepts the student’s proposal and the dean provides approval, the student may register for up to two credit hours for that semester.

5. Students registering for a two credit Independent Study Program must produce a paper that is a minimum of twenty-five (25) pages, excluding footnotes, and must comply with the requirements specified for Advanced Legal Writing Requirement papers set forth in Section VI (B) above.

Students registering for a one credit Independent Study Program must produce a paper that is a minimum of fifteen (15) pages, excluding footnotes, and must comply with all the other requirements specified for Advanced Legal Writing Requirement papers set forth in Section VI (B) above.

6. Any Independent Study paper must meet all of the standards established by Section VI (B) above. The work product of the student will be evaluated by the supervising faculty member. The evaluation shall include the determination of the grade to be assigned and whether the Advanced Legal Writing Requirement has been satisfied. All students registering to satisfy the ALWR through an Independent Study must complete the "ALWR Declaration" form at <http://www.fcsl.edu/registrar>. The faculty member will confirm completion of the ALWR requirements through the grade submission form and submit a copy of the graded paper to an academic dean at the end of the semester.
7. A faculty member may supervise no more than three (3) Independent Study students per semester.

#### **D. Non-Course Credit**

1. Non-course credits consist of live-client clinics, externships, judicial internships, classroom components of all clinics, externships or internships, teaching assistant or research assistant positions, Law Review, Moot Court, Mock Trial and additional non-course activities as are approved by the faculty for non-course credit and so designated in the law school course catalog or registration materials. Except as provided in the next sentence, only twelve (12) non-course credits may be applied toward the total number of credits required to graduate. Students participating full-time during the fall or spring semester in the international criminal law externship, the Florida Supreme Court internship, or the Florida District Court of Appeal internship may apply up to fifteen (15) non-course credits toward the total number of credits required to graduate.
2. A student may be dropped from a non-course activity during the term if the faculty advisor determines that the student has missed an excessive number of meetings or otherwise failed to participate fully and effectively in the activity.

#### **E. Clinics and Externships**

Florida Coastal School of Law offers students in good academic standing who have completed all the first-year required courses and certain other specific course prerequisites, an opportunity to participate in numerous clinical placement programs. Clinical placement programs include five (5) in-house clinics and a wide variety of externships. While specific externship placements vary from semester to semester, they typically include placements in

prosecutorial agencies, public defender offices, legal services organizations, the City of Jacksonville Office of General Counsel and other governmental agencies. There are also opportunities to participate in externships with federal and state trial and appellate judges. Finally, externships are available for students in association with the Sports Law Program, the Environmental Law Program and the International Law Program.

With the exception of those externships associated with the certificate programs noted in the previous paragraph, students may not earn credit for externships with private law firms or individuals in private practice. While credit may be earned for an externship with an in-house legal department of a company, such placements must comply with certain established guidelines. These guidelines may be found on the clinical page of the Florida Coastal website.

A member of the Florida Coastal faculty coordinates the administrative process and works with each student intern to enhance the clinical experience or placement process and maximize the learning experience. All placements must be secured through or approved by the responsible faculty member. Each semester, members of the clinical faculty hold several informational meetings about clinical programs. Any student who wishes to participate in a clinical program in a future semester must attend one of these informational meetings.

Initial enrollment in an in-house clinic is for four (4), five (5) or six (6) credit hours. In addition to the client-representation component of the live-client clinic, students enrolled must also attend the classroom component which normally meets twice a week. During the semester, a student must work a total of fifty-five (55) hours per credit hour. Hours spent in class and preparing for class count toward the overall time requirement of 220 or 275 hours. At the discretion of the clinical professor and subject to the limitation set forth hereafter, a student may be allowed to enroll in the same clinic for up to two additional credit hours in a semester subsequent to the initial enrollment. Such students will not be required to attend the classroom component of the clinic. Credit for the initial enrollment in an in-house clinic will be graded in accordance with detailed grading criteria developed by the professor supervising the clinic and communicated in writing to the students at the beginning of the semester. Any additional credit hours earned in a subsequent semester in the same clinic will be awarded on a pass/fail basis.

Depending on the particular placement, and with the exception of the international criminal law externship, the Florida Supreme Court externship, and the Florida District Court of Appeal externship, a student may earn from between three (3) to six (6) credit hours in an externship. During the semester, a student must work a total of forty-five (45) hours per credit hour at his or her placement with the fifth and sixth credit hour requiring a total of fifty (50) hours per credit hour. In addition to the field work, students are required to participate in a classroom component or the equivalent that provides both a link between the externship and the substantive law curriculum and an opportunity for guided reflection by the student. All of the credits for the externship will be graded on a High Pass (HP), Pass (P), Low Pass (LP), Fail (F) basis. This grade is based on the student's performance in the classroom component of the externship as well as the student's performance at the externship and completion of the required number of hours at the placement. The grades of

HP/P/LP do not factor in the student's overall GPA. A grade of F means that the student will not receive any credit for the externship and has failed the externship. A grade of F will be factored into the student's overall GPA.

Enrollment in clinical placement programs, which include in-house clinics and externships, is often limited. Decisions for placements will be based upon the following considerations: credits the student has successfully completed; the student's goals and objectives in seeking the placement; the student's grade point average; the student's research and writing skills; requirements imposed by the supervising professor, attorney, agency, or judge; interviews with the supervising professor, attorney, or judge; and other qualifications as determined by the clinical professor or faculty supervisor. In addition, priority will be given to those students who have not participated in an in-house clinic, externship, or judicial externship in a prior semester. A student may not enroll in more than one clinical placement program during a semester. While a student may participate in more than one clinical placement program during law school, the total number of credit hours from such that may be applied toward the graduation requirement is limited to nine (9) credit hours. A student who participates full-time during the fall or spring semester in the international criminal law externship, the Florida Supreme Court externship, or the Florida District Court of Appeal externship may apply twelve (12) credit hours from clinical placement programs toward the graduation requirement.

Three of the five in-house clinics, as well as many of the most popular externships, require completion of Professional Responsibility and Evidence as well as gaining status as a certified legal intern (CLI) from the Florida Supreme Court. As a matter of interest, the only way that a student can gain CLI status is by participation in a qualifying "law school practice program." In order to be approved as a certified legal intern, a student must have completed at least 48 credit hours. In addition, a student must have applied to the Florida Board of Bar Examiners and have received a background clearance letter from the Board. More detailed information regarding the certification process can be found on the clinical page of the Coastal website.

## **F. Infusion Curriculum and Skills Training**

Through the Infusion Curriculum and Skills Training, students are exposed to "real-life" situations. Simulations and practical exercises are incorporated in a wide variety of courses to demonstrate how legal principles function and provide the students with an opportunity to learn and practice essential skills. In addition, students may enroll in trial and appellate advocacy courses and other skills courses, and compete in internal and external moot court and mock trial competitions.

## **G. Teaching Assistants and/or Research Assistants**

This provision applies to all teaching assistant (TA) and research assistant (RA) positions at the law school. Students must have a minimum cumulative grade point average of 2.75 and have obtained permission as described below. Students may accept TA or RA positions for academic credit or pay. Prior to a student accepting a TA or RA position, the professor

must formally request, in writing, approval of the TA or RA position and the student from the Academic Success Department. The request should set out with specificity the responsibilities of the TA or RA for the semester. TA positions will be automatically granted for first-year required courses and with permission from an academic dean for upper level required courses. RA positions will be granted for full-time professors.

More generally, full-time students may not work in excess of twenty (20) hours per week, as stated in the ABA standards. In addition, students may not earn more than 12 non-course credits while in law school. Copy and/or printing privileges for TAs and RAs are available in the Law Library.

**Credit:** Students may earn only one unit of credit per semester as a TA or RA. The student must work at least sixty (60) hours during the semester. The student should submit biweekly timesheets to the professor to ensure the minimum hour requirement is met. It is the professor's responsibility to maintain a record of the student's hours logged during the semester. At the end of the semester, the professor must contact the Registrar's office to confirm that the student satisfactorily completed the requirements for credit. Students will be graded on a pass/fail basis at the end of the semester.

Students earning credit as a TA or RA will not be paid for hours worked in excess of sixty (60) hours per semester. The predominant function of an RA who receives credit is scholarly research. It is the responsibility of the student to register for the TA or RA credit after approval is received from the Academic Success Department.

Students that elect to complete a TA or RA position for credit will be required to pay tuition for the credit received. Note that the addition of a credit hour to the student's schedule may affect the student's tuition based upon his/her status as a part-time (9-12 hours) or full-time (13-16 hours) student. If the added credit bumps a student over the full time limit of 16 credits per semester, the student will be charged the per credit tuition rate for the TA/RA credit.

**Pay:** The number of TA or RA positions available for pay during any given semester is subject to budget approval. Students may hold a maximum of two (2) TA or RA positions for pay per semester. The student may work a maximum of ten (10) hours per week or one hundred and fifty (150) hours per semester. It is the responsibility of the student to submit the employment paperwork to Human Resources (HR) after approval is received from the Academic Success Department. The student must submit a timesheet each week through the online payroll system. Finance and/or HR can assist students with this system.

## **SECTION VII**

### **STUDENT/FACULTY DISPUTES**

#### **A. Policy**

Individual faculty members are primarily responsible for each course or other academic activity to which they are assigned. As a necessary concomitant of this responsibility the faculty member has the primary authority in all matters pertaining to the course or activity, subject to the rules, regulations and policies of Florida Coastal.

As chief administrative and academic officer of the School of Law, the Dean possesses a general supervisory responsibility for the academic affairs of Florida Coastal. His concomitant authority is also general and supervisory and does not extend to matters which are properly within the province of the individual faculty member.

#### **B. Procedure**

1. A student who believes that a faculty member engaged in improper conduct, i.e., exceeded or abused her/his authority in academic matters (exclusive of grade appeals discussed in Section IV(E) above) must first discuss the problem with the faculty member. This must be done promptly, and in no event later than the end of the fourth week of the semester or summer session immediately following the semester or summer session in which the alleged improper conduct occurred. If the faculty member is on leave, has resigned or is otherwise unavailable to meet with the student, the student must send the faculty member a written statement describing her/his complaint within the time period specified above.
2. If discussion or correspondence between the student and the faculty member does not resolve the matter, the student may then request a review by the administration. Requests for review must be submitted in writing to an academic dean no later than the end of the fifth week of the semester immediately following the semester in which the alleged improper conduct occurred. The request for review must: (i) be dated and signed by the student; (ii) specify the action which the student believes to have been improper; (iii) specify what relief is sought; and (iv) set forth any and all other information that the student deems relevant.

Upon receipt of a request for review, an academic dean shall forward a copy to the faculty member.

3. An academic dean may request that the faculty member respond to the request for review in writing, meet with the student or an academic dean, or both. An academic dean will seek to reach a resolution which is acceptable to both the faculty member and the student through correspondence and meetings. Except in unusual circumstances, the faculty member and the student will be sent copies of all correspondence and will be advised in advance of all meetings.

4. Should the efforts to reach a mutually acceptable resolution of the matter be unsuccessful, an academic dean will forward to the Dean the complete file on the matter together with a recommendation as to what further action, if any, should be taken. The faculty member and the student will be advised when a dispute is referred to the Dean. After evaluating the file and the recommendation of an academic dean, the Dean may make such further inquiries as might be appropriate and will thereupon communicate a decision to the faculty member and to the student. The decision of the Dean shall be the final resolution of the matter.

## **SECTION VIII**

### **CAREER SERVICES DEPARTMENT**

Florida Coastal School of Law maintains a full service career counseling and resource center that provides support and assistance to students in all stages of the career planning process. The Career Services Department (CSD) is committed to assisting each student in identifying, developing, and attaining his or her individual goals. The CSD offers a wide range of services and programs that are responsive to a diverse student body and evolving market realities.

Each student is encouraged to meet individually with a career counselor to discuss unique career planning goals and to develop effective job search strategies. In addition, workshops and special programs are plentiful and are designed with students' needs in mind. Workshop topics offered each term include Writing Effective Resumes and Cover Letters, Successful Interviewing Techniques, and Effective Job Search Strategies. The law school offers special panels and programs bringing to campus practicing attorneys, judges and members of the legal community to discuss their careers and the legal profession.

The CSD has many resources available to students, including a wide variety of publications and materials covering topics such as career planning, job search, resume preparation, interviewing skills, and legal practice areas and alternative careers for lawyers. The CSD uses Symplicity, a state-of-the-art software program designed to manage job postings, student resumes, and potential employers. ILs are trained to use Symplicity after November 1st (or April 1st for January admits) of the first year, as mandated by American Bar Association guidelines for law schools.

First year law students are strongly encouraged to focus on their adjustment to law school and academics during the first semester. For this reason, and due to ABA guidelines, Florida Coastal offers introductory workshops beginning in November of the first year to orient students to the CSD, highlighting its resources and their accessibility to all students.

Members of the law school faculty and administration conduct extensive outreach and promotional activities to increase community awareness of the law school and create employment opportunities for students. The CSD is actively working to establish recruitment programs and develop additional opportunities for students to interact with attorneys and other potential employers. Students are also encouraged to test options and gain experience through employment, internship and clinical opportunities, pro bono activities, networking, and student organizations.

In addition to established models of career counseling and placement activities, the CSD is committed to developing innovative career opportunity strategies and programs to assist our students in reaching their professional goals.

## **SECTION IX**

### **STUDENT ORGANIZATIONS**

#### **Student Bar Association**

The Student Bar Association (SBA) is the student government and service organization of Florida Coastal. Every law student is automatically a member of the SBA. The SBA is headed by a popularly elected President. The President works closely with an Executive Committee composed of a Vice President for the full-time division and a Vice President for the part-time division, a Treasurer and a Secretary. Appointments to student committees are made by the President of the SBA with the advice and consent of the SBA Council. First year students elect their representatives in October of the year they enter Florida Coastal.

The SBA has primary responsibility or shares responsibility with Florida Coastal administration for the following services and programs:

- First Year Orientation and Mentoring Program
- A Speakers Series
- A Law Student Newsletter
- Advocacy for Student Issues Recommendations for Funding of Student Organizations
- Social and Professional Activities on Campus

#### **Moot Court Honor Board**

Just as writing is an essential skill for an attorney, oral communication is also a very significant skill. Through a series of moot court activities, students have the opportunity to develop and reinforce both their advocacy skills and their intimate knowledge of specific areas of the law. The Board coordinates the activities of several specific Moot Court competitions throughout the academic year.

Moot Court is a co-curricular activity. Except for special circumstances, members of the Honor Board must register for Moot Court the semester after having acquired thirty (30) credit hours, which is usually in the fall of their second year. Members will receive one (1) pass/fail credit per semester. Students may not receive more than a total of four (4) credits during their law school career for participation on the Moot Court Honor Board.

#### **Florida Coastal Law Review**

The Florida Coastal Law Review is a student-run and edited journal, providing a unique forum for the exposition of quality research and original thought. Florida Coastal Law Review's mission is to publish a visible and forward-thinking journal that influences and engages the legal community. The Law Review challenges its editors to cultivate an environment of personal and professional achievement. Law Review student editors are selected on a

competitive basis and may receive academic credit for their participation as provided in the Florida Coastal Law Review By-Laws.

Law Review staff editors may earn one (1) credit per semester, up to a maximum of three (3) credits total. Board members may earn two (2) credits per semester, up to a maximum of four (4) credits. No Law Review member can earn more than a total of four (4) academic credits from participation on Law Review.

### **Florida Coastal Mock Trial Team**

The Florida Coastal Mock Trial Team is a student-run organization that allows students to develop and demonstrate their trial advocacy skills in competitive state and national simulated jury trials, during which they are evaluated by experienced trial lawyers and judges. Through their participation, a student will have the opportunity to perfect trial skills to a degree not usually possible through classroom instruction. Mock trial team members are selected on a competitive basis and will receive one (1) course credit for their participation per semester when the student participates in a designated position with an external competition team for the Mock Trial Team. A student may not earn more than a total of four (4) academic credits for participation on the Mock Trial Team.

# ATTACHMENT #1

## COASTAL LAW HONOR CODE Revised August 10, 2011

### A. Purpose

Students at Florida Coastal School of Law must exhibit high standards of academic and professional responsibility in order to enter the legal profession. The principles of honesty and personal responsibility are essential for the proper practice of law. The law school believes that those who intend to enter this profession cannot wait for graduation but must now begin to live by these principles. The Honor Code shall be interpreted in accordance with these underlying fundamental purposes.

This Honor Code details prohibited conduct, outlines the jurisdiction and operations of the Honor Court, establishes the procedures to be followed when a violation of the Code is alleged, and provides for the election, appointment and removal of Honor Court members, Student Prosecutors and Student Defense counsel. This Honor Code and its processes shall only be applicable with respect to alleged violations of the Code committed by students and shall not, under any circumstances, be applicable with respect to alleged violations committed by professors, staff members or law school administration. Professors, staff members and law school administration may, but are not obligated to, enforce this Honor Code against students.

The primary goals of the Honor Court procedures are to:

- Create a simplified process in which to determine violations of the Honor Code;
- Create an initial set of administrative adjudicative procedures to minimize litigation;
- Ensure involvement of students, faculty, and administration in enforcement; and
- Maintain confidence that the system will work, that violators will be punished, and that any accused student will be treated fairly.

### B. Notice of the Honor Code Provisions and Amendments

A student is on notice of this Code and its provisions by virtue of enrollment at the law school. Copies of this Code are to be distributed by the Director of Admissions or his/her designee to every student enrolling for the first time at the law school. Copies are to be made available at the office of the Student Bar Association, and may be found on the law school's website at <http://www.fcsl.edu/content/student-honor-and-conduct-codes>. Any suggestions for amendments to the provisions of this Honor Code shall be made collaboratively by the Academic Standards Committee (or a sub-committee thereof) and two student representatives appointed by the President of the SBA. In order to take effect, such amendments (excluding minor clerical or grammatical corrections) must be approved by the

voting faculty at a duly noticed faculty meeting. A simple majority is required to amend the Code.

### **C. Prohibited Conduct**

Any conduct by a student that would permit any student to gain or give an unfair advantage to any student in any academic matter or matter related to academic credentials shall be considered a violation of this Code. The Honor Court does not have to prove that any unfair advantage was achieved by the student, only that the student acted knowingly or recklessly with respect to the specific violation. Conversely, a disciplinary violation occurs when, among other things, the violation of a scholastic standard is not the sole or primary allegation against the student. Disciplinary violations will be adjudicated and sanctioned pursuant to Florida Coastal School of Law's Student Code of Conduct.

The following conduct, while not exhaustive, shall constitute a violation of this Code:

- 1. Plagiarism-** Appropriation of any other person's work without acknowledgment in any work submitted in any academic pursuit or law school competition, including but not limited to, research or seminar papers, examinations, law review or moot court.
- 2. Cheating -** Any act of fraud or deception by which the offender improperly gains or attempts to gain an unfair benefit or advantage from the school, its faculty, staff, fellow students, or other persons in connection with the school. Examples of this offense include, but are not limited to the following:
  - (a)** Giving or securing information about an examination, except as authorized by the examining professor;
  - (b)** Copying or consulting books, papers, or notes of any kind during the examination, except as authorized by the examining professor;
  - (c)** Unauthorized communication during an examination, which creates a presumption of cheating;
  - (d)** Failing to report advance knowledge of any question on an examination not yet given.
- 3. False Witness -** Knowingly making a false report or statement that another student has violated this Code or that a faculty or staff member has violated any provision of the faculty handbook, employee handbook or otherwise engaged in unprofessional conduct.
- 4. Obstruction of Justice -** Failing to reveal fully any knowledge or evidence concerning a filed complaint on proper request of a member of the Honor Court, the Prosecutor or Defense Counsel.

5. **Perjury** - Knowingly misstating a material fact in testimony presented before the Honor Court.
6. **Contempt of Court** - Willfully failing or refusing to comply with any order of the Honor Court or the Dean's Office in a matter related to this Code.
7. **Confidentiality of Code Violation Proceedings** - Violating any duty of confidentiality imposed by this Code on any member of the Honor Court or any individual called before the Honor Court.
8. **Other Conduct** - Engaging in conduct, not otherwise covered by any other provision of this Code, involving dishonesty, fraud, deceit, or misrepresentation directly related to activities or programs related to the law school, which adversely reflect upon fitness to remain a student at the law school.
9. **Failure to Report** - Failing to file a complaint pursuant to the provisions of this Honor Code when a student has knowledge that another student has committed a violation of the Honor Code that raises a substantial question as to that student's honesty, trustworthiness, or fitness as a student in other respects.

**D. Confidentiality of Honor Court Proceedings and Ex Parte Communications**

**1. Confidentiality of Proceedings**

- (a) All Honor Court proceedings are confidential. No person may, without the explicit authorization from the Honor Court, disclose information concerning an Honor Court proceeding which identifies, or which could reasonably be expected to identify, the accused, the accuser, or any other witness, except to the extent allowed by this Code.
- (b) The Dean of the law school will release otherwise confidential information only when required by existing law.
- (c) The duty to maintain confidentiality is ongoing and does not end with the termination of the proceedings.
- (d) The duty to maintain confidentiality shall not prevent the disclosure by the Dean of the law school to bar examiners of a student's guilty verdict in Honor Court proceedings.
- (e) Breach of confidentiality by any member of the Honor Court or any individual called before the Court shall be a violation of this Code.
- (f) Only the accused may waive confidentiality as to his or her identity and the charges rendered against that individual. No such waiver is effective unless provided in a writing signed or otherwise authenticated by the accused. If the accused does not

waive the confidentiality of his or her identity in writing, but nonetheless engages in non-privileged discussions with others about the pending Honor Court proceedings, the accused will be deemed to have implicitly waived the confidentiality provision.

## **2. Ex Parte Communications**

- (a) During Honor Court proceedings neither party may engage in ex parte communications regarding the contents of the case with Honor Court members, Deans of the law school, or witnesses identified pursuant to Section G.1.(c), unless otherwise authorized by this Code. Any ex parte communications should be reported to the Chief Justices of the Honor Court.
- (b) Communications regarding procedural aspects of the Honor Court proceedings are acceptable, but must be directed solely to the Chief Justices of the Honor Court.

## **E. The Honor Court**

### **1. Composition**

The Honor Court shall consist of nine members, made up of seven students and two faculty members. Of these nine members, there shall be two Chief Justices, one post being held by a student and the other by a faculty member. The student members of the Court shall consist of four third-year students (one of whom shall serve as Chief Justice) and three second-year students (as further defined in E.2.). These students shall be elected by the student body each year and may serve a maximum of two academic years. The Dean will appoint one faculty member every year; the faculty member shall serve a two-year term. The members of the Court present at a hearing will determine issues of liability and recommend appropriate sanctions. (*See* G.2. (b)) regarding the required forum for Court for hearings.)

### **2. Election**

- (a) Election of the seven student Honor Court members shall be held annually, in conjunction with, or as close as possible to, the SBA elections during Law week, but no later than the end of classes in the spring semester. The term of office shall begin on the last day of such spring semester and shall run for one full academic year.
- (b) All other election requirements and procedures pertaining to candidacy, campaigning or any other election issue, including but not limited to removal and vacancies, will be governed by the applicable provisions of the SBA Election Code pertaining to SBA officers.

### **3. The Honor Court Chief Justices**

- (a) The student membership of the outgoing Honor Court shall elect a student Chief Justice for the following year from among those Honor Court members-elect who will be beginning their third year of law school. The new student Chief Justice shall

be elected by a majority of the student members of the Honor Court for a one-year term and shall assume office immediately following the last day of classes of the spring semester. The new student Chief Justice shall have completed the course of Evidence. Likewise, all other election requirements and procedures pertaining to candidacy, campaigning or any other election issue, including but not limited to removal and vacancies, will be governed by the applicable provisions of the SBA Election Code pertaining to SBA officers. The faculty Chief Justice shall be the faculty member who is serving in his or her second year on the Honor Court.

- (b) The Chief Justices of the Honor Court shall preside over all Honor Code hearings, make rulings on evidentiary objections, and ensure that the hearings are conducted in a manner that is orderly, expeditious, fair, and consistent with these rules and the purpose of the hearing.
- (c) In the event that the student Chief Justice is unable to preside or is disqualified pursuant to E.5.(a), the Honor Court shall elect by popular vote one of its members to preside over the Honor Court hearing in the place of the student Chief Justice. In the event that the faculty Chief Justice is unable to preside or is disqualified pursuant to E.5.(a), the other faculty member on the Honor Court shall serve in the place of the faculty Chief Justice.
- (d) The Chief Justices are voting members of the Honor Court and have the authority to vote in Honor Code hearings.
- (e) In the event that the Chief Justices are not able to reach a common decision in the course of fulfilling their duties, they shall refer the matter to the other faculty member on the Honor Court.

#### **E. Duties and Powers of the Honor Court**

The Honor Court shall have the following duties and powers:

- (a) Promote awareness of the Honor Code among students;
- (b) Hear evidence and arguments and determine the merits of any allegation in accordance with the procedures provided for herein;
- (c) Decide all questions of law and fact relating to the guilt or innocence of the accused;
- (d) Maintain the confidentiality of Honor Court proceedings, unless confidentiality has been waived by the accused in accordance with this Code; and
- (e) Carry out any other responsibilities specified in this Code.

#### **F. Recusal and Exclusion of Honor Court Members from Voting**

- (a) Any member who is likely to become a party or a witness, is related by blood or marriage to a party or witness, *or in the case of a faculty member, is currently teaching a course in which the accused is enrolled*, may not participate in any way in that case and has an affirmative duty to recuse himself or herself. Such recusal shall take place at the moment of discovery. A recused member may not participate in any way in the deliberations of the Honor Court regarding the subject matter for which he or she was recused.

- (b) Following a determination of probable cause by the Prosecutor pursuant to this Code, the accused may challenge the participation of any member of the Honor Court on the grounds of demonstrable bias by submitting a written statement setting forth the grounds of the challenge to the Chief Justices at least three (3) days before the hearing. The Chief Justices shall rule on the challenge unless the challenge is to the Chief Justices, in which case the Chief Justices shall designate a member of the Honor Court to rule on the challenge.
- (c) Honor Court members may recuse themselves from participating in the case only for good cause as stated to the Honor Court. The Honor Court by majority vote of the non-recusing members will determine if recusal is appropriate.

## **F. Code Violations: Preliminary Investigative Procedures**

### **1. Initial Reporting to the Associate Dean for Student Affairs**

Any student who believes that a violation of the Honor Code may have occurred should first consult with the Associate Dean for Student Affairs. If the Dean believes a possible violation of the Honor Code has occurred, the Dean should urge the individual to move forward with a written complaint. So doing, the Dean should alert the student to the fact that failure to report an Honor Code violation is in itself an actionable offense under section C.9. of the Code. If the Dean does not believe a violation has occurred, the Dean shall inform the student that he or she is not obliged to take any further action in the matter. However, if despite the consultation with the Dean, the student decides to file a complaint, the Dean should remind the student that the Honor Code equally sanctions the students who knowingly make a false report of an Honor Code violation (*see* section C.3.).

### **2. Filing a Complaint**

- (a) Any person who wishes to formally initiate the Honor Code process must submit to the Prosecutor a signed written statement alleging a violation of the Honor Code. At a minimum, the complaint should include the name of the reporting individual, the name of the accused student, the violating conduct, when the conduct occurred, the class in which the conduct occurred or to which the offending conduct relates, and the date of the submission of the complaint. The complaint should be in sufficient detail to permit the Prosecutor to proceed with a preliminary investigation and to provide the accused adequate notice of the nature of the alleged violation. No anonymous complaints will be considered. The complaint shall be filed within sixty days (60) of the date of the violation, or the discovery thereof, whichever is later. A lockbox will be kept at all times in the SBA office for the filing of such written statements, and only the Prosecutor will have access to the lockbox. If the signed written statement is insufficiently detailed to permit the investigation to proceed, the Prosecutor shall contact the person who submitted the signed statement and ask for supplemental information in writing.

- (b) After a statement described in section F.2.(a) has been received by the Prosecutor, the Prosecutor shall forward a copy of such statement to the Associate Dean for Student Affairs and to the accused.

### **3. Investigation**

- (a) The Prosecutor shall then engage in a preliminary investigation to determine whether there is probable cause to believe that a violation of the Honor Code has occurred. This investigation may include interviewing the complainant, the person accused, and any other person who may have knowledge or information that will assist the Prosecutor in the probable cause determination. The Prosecutor should complete the investigation within twenty-one (21) days of the filing of the complaint. Extensions can be granted for good cause, at the discretion of the Chief Justices.
- (b) If the Prosecutor determines that no probable cause exists, the Prosecutor shall meet with the accused and the complainant, separately, and inform each of them of the Prosecutor's determination and the basis of the determination. The Prosecutor shall also send a copy of the no probable cause determination to both the accused and to the complainant. The Prosecutor shall also inform the Associate Dean for Student Affairs and any person whom the Prosecutor contacted during the probable cause investigation, of the no probable cause determination.
- (c) If the Prosecutor determines that probable cause exists that a violation of the Honor Code has occurred, the Prosecutor must write a report that summarizes the basis for the probable cause determination and provide a copy of that report to the accused. At a minimum, the Prosecutor should e-mail a copy of the report to the student as well as send a hard copy to the student's current mailing address on file with Florida Coastal School of Law. The Prosecutor can also inform the student of the probable cause determination in a face to face meeting, where a copy of the report should be provided to the accused. The Prosecutor will forward a copy of the written complaint and the probable cause determination to the Chief Justices of the Honor Court and the Associate Dean for Student Affairs. The Chief Justices will then initiate formal Honor Court proceedings as outlined in Article VII.

## **G. Formal Honor Court Proceedings**

### **1. Pre-Hearing Procedures**

- (a) A hearing will be scheduled by the Chief Justices no earlier than seven (7) days and no later than thirty (30) days from the date of delivery of the probable cause determination to the respondent. However, the Honor Court Faculty and Student Chief Justices may deviate from this time schedule for good cause.
- (b) The notice shall be delivered personally or by mail (which may include email sent to the student's Florida Coastal account) to the accused and the Prosecutor, and shall include the following:

- i. A statement of the date, time, and location of the hearing.
  - ii. A statement of the alleged violation of the Honor Code.
  - iii. Notice of the accused's right to representation by Defense Counsel and/or assistance by an outside advisor of the accused's own choosing and at the accused's own expense.
  - iv. Any evidence already collected by the Prosecutor in support of the probable cause determination.
  - v. A list of the members of the Honor Court. Should the accused decide to seek assistance from an outside advisor, the advisor will be bound by the provisions in this Code. If the accused chooses an attorney to serve as his or her advisor, the accused shall, no later than five (5) days prior to the hearing, notify the Chief Justices of that attorney's name and contact information.
- (c) Prior to the Honor Court hearing, Defense Counsel may investigate the charge against the accused. This investigation may include interviewing the accused, the complainant, and any other person who may have knowledge or information that will assist Defense Counsel in presenting a defense for the accused.
- (d) No later than five (5) days before the hearing, the Prosecutor and the Defense Counsel shall:
- i. Exchange and submit a list to the Chief Justice of witnesses who may be called to testify at the hearing.
  - ii. Exchange documents and other items that each expects to use as evidence at the hearing. Should either the Prosecution or Defense object to the proffered witness/evidentiary lists, the parties must meet in the presence of the Chief Justices to address any objections, and establish a final witness/evidence list for the proceeding. The Chief Justices will be the final arbiters regarding any unresolved conflicts between the parties.
- (e) If a witness is a student or employee of the law school, the Chief Justices may, at the request of the Prosecutor or the accused, require the attendance of that witness at the hearing.
- (f) Any student or faculty member who is likely to become a party or a witness, is related by blood or marriage to a party or witness, *or in the case of a faculty member, is currently teaching a course in which the accused is enrolled*, may not participate in any other way in that case (i.e., serving as Prosecution, Defense, or faculty advisor to either of these positions) and has an affirmative duty to recuse himself or herself. Such recusal shall take place at the moment of discovery.

## 2. Hearing Procedures

- (a) The purpose of the hearing is to formulate a recommendation to the Dean of the law school as to (1) whether a violation of the Honor Code has occurred if the violation is not admitted by the accused, and (2) if a violation has occurred, the appropriate sanction.
- (b) At least five (5) student Justices must be present in order for the Court to conduct a hearing.
- (c) The hearing shall be closed and recorded electronically or otherwise.
- (d) All witnesses shall testify under oath.

- (e) The Chief Justices shall preside at the hearing and shall rule on all evidentiary and procedural matters. While the Honor Court is not bound by the formal rules of evidence, it will consider only evidence that is relevant in that it tends to prove or disprove a fact at issue. The Chief Justices have the authority to refuse to hear overly repetitive evidence.
- (f) The Prosecutor and Defense Counsel may make a brief opening statement at the beginning of the hearing.
- (g) After any opening statements, the Prosecutor shall present the evidence which supports the charges. The Prosecutor shall bear the burden of showing by clear and convincing evidence that a violation of the Code has been committed. Defense Counsel may cross-examine any witnesses presented by the Prosecutor. Following presentation of evidence by the Prosecutor, Defense Counsel may present evidence. The Prosecutor may cross-examine any witnesses offered by the accused. With the permission of the Chief Justices, rebuttal witnesses may be called.
- (h) The Chief Justices may alter the order of the presentation of evidence.
- (i) Honor Court members may question any witness.
- (j) At the conclusion of the presentation of the evidence, the Prosecutor and Defense Counsel may make a closing statement.

### **3. Post -Hearing Procedures**

- (a) At the conclusion of the Hearing, the Honor Court shall meet and decide whether a violation of the Honor Code has occurred. If, by a majority of the Justices, the Honor Court determines that such a violation occurred, it shall recommend what it determines to be an appropriate sanction, up to and including suspension or expulsion. The faculty member teaching the class in which the alleged infraction occurred shall have control over the grade assigned to the accused student. The assigned grade is independent of any sanctions that may be imposed by the Honor Court if it is determined that a violation occurred.
- (b) If a majority of the Honor Court determines a violation has not occurred, and believes the complaint was filed for an improper purpose or was motivated on the basis of animosity, the Chief Justices shall present their beliefs and supporting proof to the Associate Dean for Student Affairs, pursuant to section F.1. of this Code.
- (c) The Honor Court shall make a written report explaining the basis for its determination and any recommended sanction within three (3) days of the conclusion of the hearing. Any member of the Honor Court who dissents either from the determination of the existence or nonexistence of a violation or on the appropriateness of any sanction shall reduce the dissent to writing. The decision, and any dissent, shall be signed by the members of the Honor Court and shall comprise the Report of the Honor Court. A copy of the Report shall be given to the accused within two (2) days of its issuance. If the accused wishes to challenge the Report's finding and recommended sanction, the accused shall do so in writing within fourteen (14) days of the issuance of the Report. Any challenge to the Report must be based on one or more of the following: (1) availability of new evidence sufficient to alter the decision; (2) a procedural defect that was prejudicial or that substantially prevented the student from obtaining a fair hearing; or (3) sanctions found to be

grossly disproportionate to the offense. The challenge must be signed by the student and submitted to the Chief Justices.

- (d) The Chief Justices shall give the Dean of the law school a copy of the report, along with any challenge from the accused.
- (e) The Dean of the law school or the Dean's assigned deputy (either the Vice Dean or Associate Dean of Academic Affairs) shall review the Honor Court's report and recommended sanction, along with any challenge from the accused student. If the Dean finds the Honor Court's conclusion of liability or proposed sanction to be arbitrary and capricious, the Dean may assign any action or sanction that he or she believes is appropriate. Likewise, if the Dean determines there are grounds warranting the student's challenge to the Honor Court's report and recommended sanction, the Dean may impose an alternative sanction, or remand the case to the Honor Court for further proceedings. In any instance in which the Dean does depart from the Honor Court's recommendation, the Dean shall inform the Court in writing of his or her alternative decision and the reasons for the alternative decision.
- (f) The Dean of the law school shall inform the student in writing of the Dean's final determination of the Honor Code violation and any sanction.
- (g) A copy of the Dean's written communication to the student shall be placed in the student's permanent file at the law school.
- (h) The Dean of the law school shall inform the student body, the faculty and the staff in writing of the nature of the alleged violation and the Dean's final decision in the case, including the sanction if one is imposed.
- (i) Upon completion of the Honor Court proceeding, all documents and exhibits shall be filed with the Associate Dean of Academic Affairs.

## **H. Student Prosecutors and Student Defense Counsel**

### **1. Composition of the Prosecutors Office and Defenders Office**

The Prosecutors Office and the Defenders Office shall each have three members. The three members of each office shall consist of two third-year students and one second-year student. These students shall be elected by the student body each year and may serve a maximum of two academic years.

### **2. Election of Members to Each Office**

- (a) Election of members for the Prosecutors Office and the Defenders Office shall be held annually in conjunction with, or as close as possible to, the SBA elections during Law week, but no later than the last day of classes in the spring semester. The term of office shall begin on the last day of such spring semester and shall run for one full academic year.
- (b) All other election requirements and procedures pertaining to candidacy, campaigning or any other election issue, including but not limited to removal and vacancies, will be governed by the applicable provisions of the SBA Election Code pertaining to SBA officers. However, students seeking to serve as Prosecutors or Defense counsel

should have taken, or will be scheduled to take evidence during the first full semester after assuming their duties.

### **3. Appointment of Prosecutor and Defense Counsel**

- (a) The Prosecutors Office shall assign one of its members to serve as Prosecutor with respect to each complaint that is filed pursuant to section F.2.(a). The Defenders Office shall assign one of its members to serve as Defense Counsel for the accused with respect to each complaint that is filed pursuant to section F.2.(a).
- (b) The accused's private discussions with her or his Defense Counsel shall be kept in the strictest confidence. Defense Counsel shall have no obligation to report Code violations or evidence of Code violations revealed in confidence.
- (c) The accused is permitted to be assisted by an advisor of his or her own choice and at his or her own expense. Advisors may assist the accused with preparation for the hearing, and consult with the accused during a hearing. However, advisors may not act as legal counsel, nor may they address the Honor Court or question witnesses during the proceedings. As referenced in section G.1.(b).v., if the accused chooses an attorney to serve as their advisor, the accused shall, no later than five (5) days prior to the hearing, notify the Chief Justices of that attorney's name and contact information.
- (d) The Dean of the law school shall appoint, from among the full-time faculty of the law school, one Faculty Advisor to the Prosecutors Office. Such Faculty Advisor shall serve for a term of one calendar year, commencing on the last day of classes of the spring semester, and shall not serve consecutive terms. Upon request, such Faculty Advisor shall give advice to the Prosecutor regarding any matters with respect to the particular case.
- (e) The Dean of the law school shall appoint, from among the full-time faculty of the law school, one Faculty Advisor to the Defenders Office. Such Faculty Advisor shall serve for a term of one calendar year, commencing on the last day of classes of the spring semester, and shall not serve consecutive terms. Upon request, such Faculty Advisor shall give advice to the Defense Counsel regarding any matters with respect to the particular case.

## ATTACHMENT #2

### COASTAL LAW STUDENT CODE OF CONDUCT Revised August 5, 2011

#### A. Introduction

A central mission of Florida Coastal School of Law is to develop and maintain a challenging yet supportive academic environment guided by core values of professionalism, integrity, trust, civility, mutual respect, and accountability. This Student Code of Conduct is intended to ensure students, as members of our school community, conduct themselves in accordance with these values. The purpose of the Student Code of Conduct is to create a set of expectations of student conduct, to ensure a fair process for determining responsibility, and to assign corrective measures when student behavior deviates from expectations. Students become part of the school community upon admission, and by doing so; they share in the school's mission and associated responsibilities.

#### B. Definitions

1. The terms "school" or "Coastal Law" mean Florida Coastal School of Law.
2. The term "student" means an individual:
  - (a) Who has received an offer of admission to Coastal Law, or who has been accepted for enrollment in one or more classes offered by this school, and
  - (b) Who has either:
    - i. Registered for one or more classes of academic instruction to be given at the school, or
    - ii. Expressed intent to register, either in writing or through one or more overt acts (such as attending orientation, or paying part or all of the relevant fees, tuition or other expenses).
3. Student status continues until it is terminated upon the occurrence of one or more of the following events:
  - (a) Graduation.
  - (b) Voluntary withdrawal of the student from all courses of academic instruction.
  - (c) Involuntary dismissal (or other withdrawal of the student initiated by the school) from all programs and activities of the school, and the exhaustion of all internal grievance procedures to redress the dismissal or withdrawal (if applicable).
  - (d) Unauthorized absence from the school for one or more semesters.
4. The term "Conduct Code" or "Code" means the Student Code of Conduct.
5. The term "school official" includes any person employed by Coastal Law and serving the school in an official capacity.

6. The term “school community” includes any person who is a student, school employee, school official, trustee, or any other person serving the school in an official capacity.
7. The term “school premises” includes all land, building, facilities, and other property in the possession of, used, or controlled by Coastal Law.
8. The term “organization” means any Coastal Law student organization.
9. The term “day” means a day when the school is open for normal business, regardless of whether classes are in session. In determining any deadlines as set forth in the Conduct Code, references to a number of “days” prior to or after occurrence of an event shall not include the day of the event.
10. The term “complainant” means any person filing a complaint of suspected misconduct under this Code.
11. The term “respondent” means a student or organization against whom a complaint has been filed under this Code.

### **C. Discipline Authority and Delegation**

Ultimate authority for student discipline is vested in the Dean of the Florida Coastal School of Law through the Board of Trustees. The Dean may assign any action or sanction that he believes is appropriate for a given incident, notwithstanding anything contrary in the Conduct Code. The Associate Dean of Student Affairs is the person designated by the Dean to be responsible for the administration of the Conduct Code. Discipline authority may be delegated to specific school officials and committees as set forth in this code, in accordance with other school policies, rules, or regulations, or as deemed appropriate by the Dean or Vice Dean.

### **D. Conduct Code Jurisdiction and Student Responsibility**

Generally, school jurisdiction shall be limited to conduct which occurs on school premises or which occurs off school premises and adversely affects the school, the school community, and/or the pursuit of its mission and objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though that conduct may occur before classes begin, after classes end, during the academic year, and during periods between terms of actual enrollment. Students are responsible for knowing the contents of the Conduct Code. Ignorance of the Conduct Code and its provisions will not constitute an acceptable defense in any disciplinary meeting or hearing. The Conduct Code shall apply to a student’s conduct even if the student withdraws from the school while a disciplinary matter is pending. If a Conduct Code investigation or hearing is pending when a student is scheduled to graduate, the student’s degree may be withheld until the charges are resolved. Students and student organizations are subject to the Conduct Code. The Conduct Code and its processes shall only be applicable with respect to alleged violations of the Code committed by students and shall not, under any circumstances, be applicable with respect to alleged violations committed by faculty, staff, or law school administration. The Conduct Code is intended to govern all non-academic conduct issues, while the Honor Code governs all academic dishonesty and related issues. In the event of a jurisdictional conflict between the provisions of the Conduct Code and the Honor Code, the Vice Dean will determine the appropriate

course of action. The Conduct Code cannot be applied retroactively to events that predated the school's acceptance and implementation of the Code. The Conduct Code is not a contract, and it is not to be construed as a contract between students or student organizations and Florida Coastal School of Law.

#### **E. Violation of Law and Conduct Code**

A complaint may be filed against a student or organization charged with violation of a law that is also a violation of this Conduct Code if both violations result from the same factual situation, without regard to any pending civil litigation or criminal arrest and prosecution. Proceedings under the Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Students who are arrested or otherwise charged with a violation of law or ordinance outside of law school have an on-going obligation to disclose this information to the school in a timely fashion. Disclosure should be made in writing or in person to the Associate Dean of Student Affairs within seven (7) days of arrest or receipt of said charges. Failure to comply with this reporting provision constitutes misconduct under the Conduct Code.

#### **F. Prohibited Conduct**

The Conduct Code and the assignment of sanctions are not limited to the acts of prohibited conduct specifically outlined here, as this Code is not meant to be an exhaustive summary of all conduct prohibited by the school. However, any student found to have committed one or more of the following acts of prohibited conduct will be subject to sanctions, up to and including expulsion.

##### **1. Prohibited Conduct Affecting the School Community**

- (a) Engaging or having engaged in any conduct that, under the laws of the United States or the state where such conduct occurred, constitutes a crime punishable by incarceration, whether or not the student is charged in a criminal court and whether or not the punishment of incarceration is actually imposed, but only so long as such conduct raises a substantial question regarding the student's honesty, trustworthiness, or fitness as a lawyer in other respects. If such conduct occurs in a foreign nation, it is misconduct under this code if it constitutes a crime punishable by incarceration both (1) in that foreign nation and (2) under the laws of the United States or any state.
- (b) Disruption of teaching, clinics, meetings, conferences, library activities, research, administration, disciplinary or other proceedings, or other school-sponsored or school-related activities, whether on or off-campus.
- (c) Failure to comply with directions of school officials, including, but not limited to, faculty, staff, administration, school security or law enforcement officers acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
- (d) Failure to recognize and preserve student anonymity with respect to confidential or controlled information including, but not limited to, student grading numbers (SGN)

and special accommodations provided to students under the Americans with Disabilities Act (ADA).

- (e) Improper use of a computer in a classroom or in any school-sponsored presentation, on or off-campus.
- (f) Recording a lecture or other classroom interaction without permission of the professor, selling class notes, or being paid for taking class notes or signing in another student to class.
- (g) Videotaping, audio taping, or photographing members of the school community without permission, and the distribution or public display of the same.
- (h) Failure to report any arrest or legal/disciplinary charges to the Associate Dean of Student Affairs within seven (7) days of the said incident.
- (i) Acts of dishonesty not covered by the Honor Code, including but not limited to the following:
  - i. Furnishing false information to the school or any school official including, but not limited to, information provided in the law school application, employment hours certification, class attendance verification processes, or any internal application.
  - ii. Furnishing false information to a prospective employer, in a resume, or in a bar application.
  - iii. Omission of vital information requested by the school or any school official including, but not limited to, information requested in the law school admissions application.
  - iv. Forgery, alteration, or misuse of any school, government, or Law School Admissions Council (LSAC) document, record, or means of identification.
  - v. Tampering with the election of any person, organization, or award.
- (j) Violations of other published school policies, rules or regulations including, but not limited to, Student Handbook policies, all Coastal Law Library policies, Information Technology network and computer policies, Alcohol Policies, Tobacco Policy, Non-Discrimination Policy, Sexual Harassment Policy, Security Policy, parking and traffic regulations, policies governing student organizations, and other published policies.
- (k) Unauthorized use of the school's name, logo, or symbols.
- (l) Unauthorized soliciting or canvassing by an individual group, or organization.
- (m) Violating the terms of any disciplinary sanction imposed in accordance with the Conduct Code.

## **2. Prohibited Conduct Affecting People**

- (a) Physical or verbal abuse, harassment, sexual harassment, threats, stalking, intimidation, bullying, coercion and other conduct, through any means of communication, which threatens or endangers the health or safety of any person.
- (b) Discriminatory harassment, including harassment based on one of the protected classes in the school's non-discrimination policy. Any discriminatory act including,

but not limited to, hate speech/symbols/gestures or any violation of the school's non-discrimination policy.

- (c) Any participation or role in activities involving hazing. Hazing includes, but is not limited to, any mental or physical requirement, request, or obligation placed upon a person that could cause injury, pain, fright, disgrace, or which is personally degrading. A person's consent to hazing is not an excuse.
- (d) The use or display of profane, indecent, threatening, or otherwise inappropriate images, gestures, or written/verbal communications on school premises or off-campus at school-sponsored activities. This section includes, but is not limited to, clothing that may contain profane messages or which is otherwise indecent or exceedingly unprofessional.

### **3. Prohibited Conduct Affecting Property**

- (a) Attempted or actual theft of and/or damage to property of the school or property of a member of the school community. Unauthorized possession of school property or property of a member of the school community.
- (b) Improper or unauthorized use, duplication, or distribution of any school property, including, but not limited to, Coastal Law CDs, tapes, books/library materials, podcasts, website, Facebook, Twitter, or photographs of any member of the school community. Violation of existing copyright policies.
- (c) Unauthorized possession, duplication, or use of keys to any school premises or unauthorized entry into or use of school premises.
- (d) Theft or other abuse of computer facilities and resources, including, but not limited to, the following actions:
  - i. Use of computing facilities and resources to disrupt the normal operation of the Coastal Law computing system or to interfere with the work of others.
  - ii. Use of computing facilities and resources to send threatening, abusive, or indecent messages or images.
  - iii. Use of another individual's identification and/or password.
  - iv. Unauthorized entry into a file to use, read, or change the contents, or for any other purposes.
  - v. Use of computing facilities or resources in violation of copyright laws.
  - vi. Any violation of the school's network and computer policies.

### **4. Prohibited Conduct Affecting Health, Safety, and Order**

- (a) Possession of firearms, explosives, incendiary devices, weapons, or dangerous chemicals on school premises or at school-sponsored activities occurring off campus.
- (b) Use, possession, distribution, sale, or manufacture of illegal drugs, including the use of drug-related paraphernalia, on school premises or at school-sponsored or school-related activities occurring off campus.

- (c) Use, possession, sale, or distribution of alcoholic beverages on school premises or at school-sponsored/school-funded activities off campus, except as expressly permitted by the law and school officials.
- (d) Appearance in class, on campus, or at school-sponsored or school-related functions, on or off campus, under the influence of alcohol or drugs.
- (e) Any violation or deviation from the school's Alcohol Policy for Student Sponsored Events and Activities.
- (f) Engaging in violent, abusive, indecent, profane, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance or disrupts the normal operation of the school, school-sponsored function, or functions associated with the school.
- (g) Any activity which disrupts the normal operations of the school or infringes on the rights of other members of the school community.
- (h) Leading or inciting others to disrupt scheduled or normal activities on campus.
- (i) Intentional obstruction of the free flow of pedestrian or vehicular traffic on school premises or at school-sponsored or school-supervised functions.
- (j) Initiating false fire alarms or bomb threats or tampering with fire extinguishers, alarms, smoke detectors, defibrillators, or any other safety equipment.
- (k) Failure to immediately vacate a school building when a fire alarm has sounded.
- (l) Smoking in unauthorized locations on school premises.
- (m) Violations of federal, state or local law on school premises or at school-sponsored or school-supervised activities.
- (n) Violations of federal, state or local law off school premises and not related to school-sponsored or school-related activities when the violations adversely affect the school and/or the pursuit of its objectives.

## **5. Prohibited Conduct Affecting the Discipline Process**

- (a) Failure to appear at a disciplinary meeting or hearing when directed to do so.
- (b) Falsifying, distorting, misrepresenting, or failing to disclose material facts in a disciplinary investigation, meeting, or hearing, or knowingly initiating a false or frivolous complaint.
- (c) Attempting to discourage a person's proper participation in, or use of, the discipline process. Harassment or intimidation of a complainant, witness, respondent, or other participant in a disciplinary meeting or hearing.
- (d) Harassment or intimidation of a school official or member of a disciplinary committee, including the School Discipline Committee (SDC), Honor Court, or Honor Court Review Committee.
- (e) Refusing reasonable cooperation in an investigation of an alleged violation of the Conduct Code.
- (f) Tampering with evidence relevant to a Conduct Code charge.
- (g) Failure to comply with any sanction(s) imposed under the Conduct Code.

## **6. Prohibited Conduct Involving Groups**

- (a) Students who act together to violate the Conduct Code may be assigned joint responsibility for such violation(s).
- (b) Students and organizations may be held responsible for the conduct of their guests while on school premises, at school-sponsored activities, and at functions sponsored by any registered student organization.

## **7. Other Conduct**

- (a) Engaging in conduct not otherwise covered by any other provision of this Code which reflects negatively on a student's character and fitness in law school. These conduct issues may occur on campus or outside of the law school while adversely affecting the school community and/or the school and the pursuit of its objectives.
- (b) Engaging in any other conduct that would render a student unfit to practice law, including violations of any state's rules of professional responsibility while acting under student practice rules in that state.

## **G. Organizational Responsibility**

A complaint may be filed against an organization under the Conduct Code. An organization and its members may be held collectively and individually responsible for violations of the Conduct Code by those associated with the organization, including guests and alumni of the organization. When a complaint is filed naming an organization as respondent, the presiding officer and/or students affiliated with the group shall be required to participate in meetings and hearings as representatives of the group.

## **H. Conscientious Admissions/Other Admissions**

A student, who voluntarily admits misconduct before gaining any knowledge that someone else may suspect that student of a Conduct Code violation, shall be entitled to have this admission considered as a mitigating factor relevant to the determination of appropriate sanctions. A student who has the courage and integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. A student interested in making a conscientious admission should contact the Associate Dean of Student Affairs immediately. After discussing the matter with the Associate Dean of Student Affairs, the student should prepare a written statement fully acknowledging any and all misconduct. The statement should contain a clause attesting to the fact that the student admitted the acts before being approached by anyone concerning the matter. The student making a conscientious admission will be given the opportunity to make a proposal regarding the sanctions to be imposed by the Associate Dean of Student Affairs or designee.

Even an admission of wrongdoing made after a student has been accused of misconduct may have some mitigating value. The post-accusation admission shows an acceptance of the wrongful nature of the student's conduct. However, a post-accusation admission is not as strong a mitigating factor as a conscientious admission of wrongdoing because it is not clear that the student would have ever admitted the wrongdoing were it not for the accusation that has been made.

## **I. Discipline Procedures**

### **1. Filing a complaint**

- (a) Any person may file a complaint against a student or organization suspected of violating this Conduct Code. A complaint must be in writing and signed by the complainant and directed to the Associate Dean of Student Affairs or designee. An anonymous report will not be sufficient to initiate an investigation or disciplinary meeting under this Code.
- (b) A complainant is expected to meet with the Associate Dean of Student Affairs to discuss the complaint and to present relevant evidence. A complainant may be required to participate in any subsequent hearing, especially when a formal hearing is dictated by the Conduct Code. Complainants may request the assistance of an adviser. In some situations, the original complainant may be excused from the hearing to protect his or her identity. Based on the nature of the allegations, a representative of the school may act as the prosecutor for the complaint for any subsequent hearing. The Associate Dean of Student Affairs or designee may serve in this capacity.
- (c) Complaints should be submitted as soon as possible after the event takes place, preferably during the semester in which the event took place.
- (d) The Associate Dean of Student Affairs or designee may conduct an investigation to determine if the complaint has merit and/or if it can be disposed of by mutual consent of the persons involved on a basis acceptable to the Associate Dean of Student Affairs or designee. Such disposition shall be final and there shall be no subsequent proceedings or appeals. If the complaint has merit and cannot be disposed of by mutual consent, the Associate Dean of Student Affairs or designee may participate in any subsequent disciplinary meeting to resolve the complaint.
- (e) The Associate Dean of Student Affairs or designee has the right to reject a complaint where the Associate Dean of Student Affairs or designee finds the complaint has no basis or merit or where it is not feasible for the school to pursue it. Based on the facts and circumstances associated with the complaint, the Associate Dean of Student Affairs has the right to dismiss the complaint and handle the matter administratively and outside of the Conduct Code.
- (f) The Associate Dean of Student Affairs or designee will conduct a preliminary review of the complaint to determine whether the alleged misconduct may be subject to suspension or expulsion from the school; the Vice Dean may be consulted for input regarding the infraction and the severity of the potential sanctions if responsibility is found. The Associate Dean of Student Affairs or designee will also determine whether the respondent disputes the facts that form the basis of the complaint. Respondents not subject to suspension or expulsion and those who do not dispute the facts of the complaint are required to participate in an informal disciplinary meeting with the Associate Dean of Student Affairs or designee. Respondents subject to suspension or expulsion and those disputing the facts of the complaint are required to participate in a hearing before the School Discipline Committee.

## **2. Informal Process – Disciplinary Meeting**

Respondents not subject to suspension or expulsion and those not disputing the complaint are required to participate in a disciplinary meeting with the Associate Dean of Student Affairs or designee. However, if a respondent was previously found to have violated one or more acts of prohibited conduct under the Conduct Code, the student will be subject to a formal hearing with the School Discipline Committee (SDC) regardless of the severity of the infraction. Respondents meeting with the Associate Dean of Student Affairs or designee will receive:

- (a) Written notice of the complaint at least three (3) days prior to the disciplinary meeting.
- (b) Reasonable access to the complaint file prior to and during the disciplinary meeting.
- (c) An opportunity to respond to the evidence.
- (d) An opportunity to be assisted by an adviser. Advisers are not allowed to speak or participate as legal counsel in the meeting but may provide guidance to the respondent or complainant outside of the meeting. Advisers may not appear in lieu of the respondent. Because the purpose of this disciplinary process is to provide a fair review of alleged violations of the Conduct Code rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted.
- (e) An opportunity to respond to the complaint and to present relevant and necessary witnesses.
- (f) Written notice of the determination, including any sanction(s).
- (g) Written notice of the determination will be placed in the student's disciplinary file at the school. The disciplinary file will be maintained for future reference by the Associate Dean of Student Affairs. If it is determined that the student violated the Conduct Code, a written notice of the determination will be placed in the student's permanent file.

## **3. Formal Process – Hearing with the School Discipline Committee (SDC)**

Respondents subject to suspension or expulsion are required to participate in a hearing before the SDC. Respondents who dispute the facts of the complaint are also required to participate in a hearing before the SDC. If a respondent was previously found to have violated one or more acts of prohibited conduct under the Conduct Code, the student will be required to participate in a formal hearing with the SDC regardless of the severity of the infraction. The SDC is an administrative, fact-finding panel, not a court of law.

### **(a) Composition of the SDC**

- i. The SDC shall be comprised of the five (5) people associated with the Honor Court; this involves three (3) full-time faculty, and two (2) full time students. A total of four (4) faculty members are appointed by the Dean of the law school on an annual basis to serve on both the Honor Court (as Faculty Advisors and Justices) and the School Discipline Committee (SDC) for a one (1) year term

and may be reappointed. Three of the four appointed faculty members will serve on the SDC for a given hearing. The two student members of the SDC are members of the Honor Court appointed annually by the President of the SBA from among the seven elected Honor Court Justices.

- ii.** One of the faculty members of the SDC will be identified by the Dean to serve as chair of all SDC hearings. All five (5) members are necessary to hear a complaint. The Dean and SBA President will replace faculty and student members of the SDC, respectively, when a vacancy or absence prevents a hearing from moving forward.
- iii.** The Associate Dean of Student Affairs or designee is responsible for coordinating hearings and assigning complaints.
- iv.** The Dean may remove a member from the SDC when the member has failed or refused to perform his or her duties or responsibilities. Student members found in violation of this Conduct Code may be removed from the SDC by the Associate Dean of Student Affairs. Likewise, the Associate Dean of Student Affairs may remove a student member of the SDC if the member incurs a legal or other disciplinary infraction, or Conduct or Honor Code complaint after being appointed to the SDC.
- v.** A complainant or respondent may challenge an SDC member on the grounds of a conflict of interest that might affect impartial consideration of the complaint. SDC members may be disqualified upon a majority vote of the remaining members of the SDC conducted by secret ballot.

**(b) SDC Hearing Procedures**

- i.** The respondent will receive written notice of the complaint at least seven (7) days prior to the hearing. The hearing date will be specified and communicated by the Associate Dean of Student Affairs or designee.
- ii.** On a date specified by the Associate Dean of Student Affairs or designee, the complainant and respondent will submit to the Associate Dean of Student Affairs or designee a list of witnesses for the hearing, a summary of the information each witness is expected to provide, and any document(s) the complainant and respondent are expected to present at the hearing. The Associate of Student Affairs or designee will make copies of this information available to the complainant, respondent, and the SDC prior to the hearing.
- iii.** The respondent and complainant may be assisted by an adviser of their own choice and at their own expense. The role of advisers is limited to consultation. Advisers may not address hearing bodies, speak in disciplinary meetings or hearings, or question witnesses. Because the purpose of this disciplinary process is to provide a fair review of alleged violations of the Conduct Code rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted. Advisers may not appear in lieu of the complainant or respondent; however, an adviser may consult with the complainant or respondent during a hearing and may assist with the preparation for the hearing. Respondents and complainants who choose an attorney as their adviser shall notify the Associate Dean of Student Affairs or designee of the attorney's name and contact information at least three (3) days prior to the hearing.

- iv.** In the event that the school chooses to proceed through legal counsel, the respondent will be notified three (3) days prior to the hearing and also shall have the right to proceed through counsel. Counsel may not appear in lieu of the complainant or respondent.
- v.** If a respondent fails to appear for a hearing, the hearing may proceed without the respondent's presence.
- vi.** Witnesses, other than the complainant and respondent, may be excluded from the hearing during the testimony of other witnesses.
- vii.** The chairperson will exercise control over the proceedings. Any person disrupting a hearing or who fails to abide by the decisions of the chairperson may be excluded from the hearing.
- viii.** Violations will be determined by majority vote of the SDC on the basis of whether it is more likely than not that the respondent violated the Code (preponderance of evidence).
- ix.** The chairperson shall determine what information and evidence the SDC will consider. The chairperson shall have the right to exclude testimony or evidence which is not relevant to the charge(s). Information may be considered if it directly relates to the facts of the complaint or appropriateness of a particular sanction. Formal rules of evidence and procedure shall not apply.
- x.** The complainant, respondent, and SDC may examine the information accepted by the chairperson. The chairperson will determine how the evidence will be tested and how the witnesses will be questioned during the hearing.
- xi.** Respondents may speak on their own behalf; however, they will not be forced to speak against themselves and their silence shall not be used to their detriment.
- xii.** All hearings, up to the final resolution of the charge, shall be kept confidential by all participants unless the respondent chooses to waive confidentiality, in which case all parties are relieved of the responsibility of confidentiality. Any breach of confidentiality shall be brought to the attention of the Associate Dean of Student Affairs.
- xiii.** At the hearing, the complainant and respondent may submit relevant information to be considered by the SDC prior to their deliberations. The respondent's prior disciplinary record may be considered only to recommend an appropriate sanction.
- xiv.** If the SDC recommends that the respondent be found responsible under the Conduct Code, deliberations will occur by the SDC to determine the appropriate sanction(s).
- xv.** Recommendations for sanctions by the SDC shall be by majority vote. The SDC shall have full discretion to recommend any sanction it deems appropriate, which may include suspension or expulsion.
- xvi.** The hearing may be recorded. This is not a required aspect of any hearing. If a hearing is recorded, the recordings will remain the property of the school.
- xvii.** Within five (5) business days of the hearing, the SDC's recommendation will be forwarded in writing to the Dean for review and approval. The Dean of the law school shall inform the student in writing of the final determination of the Conduct Code violation and any sanctions.

- xviii.** The Dean of the law school or the Dean's assigned deputy shall review the Student Discipline Committee's report and recommended sanction, along with any challenge from the accused student. The Dean may request information or ask questions of any person, as necessary, when he or she deliberates over the recommendations made by the SDC. Notwithstanding any recommendation made by the Conduct Code, the Dean may assign any action or sanction that he or she believes is appropriate for a given incident. Likewise, if the Dean determines there are grounds warranting the student's challenge to the SDC's report and recommended sanction, the Dean may impose an alternative sanction, or remand the case to the SDC for additional proceedings. In any instance where the Dean does depart from the SDC's recommendation, the Dean shall inform the SDC in writing of his or her alternative decision and the reasons for the alternative decision.
- xix.** A copy of the Dean's written communication to the student resulting from a formal hearing shall be placed in the student's permanent academic file at the Registrar's Office. The Associate Dean of Student Affairs shall also maintain all pertinent information and reports within the disciplinary files in the Student Affairs office.
- xx.** The Dean of the school may inform the student body, faculty, and staff in writing of the nature of the alleged violation and his final decision in the case, including the imposed sanction.
- xxi.** The time requirements specified throughout the Conduct Code are guidelines. The specified time requirements may be modified by the Associate Dean of Student Affairs or designee, as necessary, to ensure a fair and thorough hearing.

## **J. Sanctions**

- 1.** The following sanctions may be imposed upon any student found to have violated the Conduct Code:
  - (a)** Warning—Notice, orally and in writing, that continuation or repetition of prohibited conduct will be cause for additional disciplinary action.
  - (b)** Disciplinary Probation—A written reprimand specifying the violation for which the student is held responsible. Students on disciplinary probation are not considered to be in good standing with the school. Probation is for a designated period of time and includes the probability of more severe disciplinary action if the student is found in violation of any school policy during the probationary period.
  - (c)** Restrictions or Loss of Privileges and/or Benefits—Denial or restriction of certain privileges or benefit for a designated period of time. An example would be the denial of the privilege of participation in any school-sponsored extracurricular or athletic activity or organization for a definite period of time. Another example would be the removal from any student governmental office or position in any school-sponsored activity or organization or from any school-sponsored position of trust, responsibility or interest. Another example would be the partial or total revocation or suspension of scholarship.

- (d) Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - (e) Discretionary Sanction—Work assignments, service to the school, local community, civic organizations, or other related discretionary assignments.
  - (f) Suspension—Separation of the student from the school for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - (g) Expulsion—Permanent separation of the student from the school. School officials administering this Code have the right to permanently dismiss a student for any reason, cause, or Conduct Code violation notwithstanding any other provision in the Conduct Code or Student Handbook. If a student is expelled from the school for any Conduct Code violation, the student is not entitled to any reimbursement of tuition, book expenses, or other fees associated with the school and/or enrollment.
  - (h) Revocation of Degree—rescinding a student’s degree awarded by the school.
  - (i) Other Sanctions – Other sanctions may be imposed instead of or in addition to those specified in parts (1) through (8) of this section.
2. The following sanctions may be imposed on any organization found in violation of the Conduct Code.
- (a) Any of the sanctions listed in Section A above.
  - (b) Loss of identification as a registered student organization.
  - (c) Loss or withdrawal of all student general fee dollars or other school funding for the remainder of the academic year.
3. More than one of the sanctions listed above may be imposed for any single violation.
4. Violations involving persons or organizations intentionally targeted because of their protected class(es) in the school’s non-discrimination policy may result in enhanced sanctions.
5. Drug or alcohol-related arrests may result in enhanced sanctions. Likewise, any arrest involving firearms or acts of violence may result in enhanced sanctions.

## **K. Appeals**

A respondent or complainant may appeal the sanctions imposed through the formal or informal processes. Appeals should be made in writing to the Dean of the school within five (5) days of the respondent or complainant’s receipt of the decision reached in disciplinary meetings or hearings. Copies of the appeal must also be provided to the Vice Dean and Associate Dean of Student Affairs. An appeal must be based on one or more of the following:

1. Availability of new evidence sufficient to alter the decision.
2. A procedural defect that was prejudicial or that substantially prevented the student from obtaining a fair hearing.
3. Sanctions found to be grossly disproportionate to the offense.

Formal rules of evidence will not be applied nor will deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a respondent or the school may result. Upon review of the appeal, the decision of the Dean of the school is final. The student will be notified in writing of the Dean's decision regarding the appeal.

#### **L. Implementation of Sanctions**

Sanctions will not begin until either the time for appeal has been exhausted or until the appeal process is exhausted. The Dean or Vice Dean may impose sanctions during the appeal process to ensure the safety and well being of members of the school community. If the sanctions include suspension or expulsion, various members of the school community will be promptly notified, including school security personnel and the student's faculty.

#### **M. Immediate Suspension**

The Dean, Vice Dean, or designee may impose an immediate suspension on a student or student organization at any time prior to a disciplinary meeting or hearing. The Dean, Vice Dean, or designee may suspend the registration of an organization at any time prior to a disciplinary meeting or hearing.

1. An immediate suspension may be imposed:
  - (a) To ensure the safety and well-being of members of the school community or preservation of school property.
  - (b) If the student or organization poses a definite threat of disruption or interference with the normal operation of the school.
  - (c) If a student or organization is charged with one or more offenses of violence.
2. During an immediate suspension, a student will be denied access to the campus including classes, and/or all other school activities or privileges for which the student might otherwise be eligible. An organization shall discontinue all activities during an immediate suspension.
3. An immediate suspension takes effect immediately upon issuance. A student or organization will receive written notice of the immediate suspension, including a description of the suspected misconduct within one (1) business day after the immediate suspension has been imposed. A hearing will take place within five (5) business days of the student or organization's receipt of written notice of the immediate suspension. School security personnel and the student's faculty will be promptly notified when an immediate suspension occurs. If it should be deemed necessary, other members of the school community may also be informed of an immediate suspension for security or other purposes.
4. The student or organization affected by the immediate suspension may submit a written petition for reinstatement at any time to the Dean. The petition should outline all relevant facts to allow thorough consideration of the events that generated the immediate suspension. Upon receipt of the petition, the Dean will provide a written response to the student within three (3) business days summarizing their decision regarding the petition.

5. School officials administering this Conduct Code have the right to require a student to see a mental health professional, or other qualified medical professional specified by the school, to demonstrate the health, well-being, and overall fitness of the student to continue in law school before gaining readmission.

#### **N. Maintenance of Disciplinary Records**

Disciplinary files for all formal and informal hearings shall be maintained by the Associate Dean of Student Affairs. Written determinations reached in formal and informal hearings will be included in the student's disciplinary file. For formal hearings, a copy of the Dean's written communication to the student summarizing the final determination will be placed in the student's permanent file at the Registrar's Office. If the student was found to have violated the Conduct Code, records related to informal hearings will be made part of a student's permanent file.

#### **O. Student Code of Conduct Review and Amendment**

The Student Code of Conduct shall be reviewed semi-annually under the direction of the Associate Dean of Student Affairs. In addition, specific Coastal Law personnel selected by the Dean or Vice Dean shall conduct an annual review of the Student Code of Conduct and make recommendations regarding omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Student Code of Conduct. Questions of interpretation regarding the Conduct Code shall be referred to the Associate Dean of Student Affairs or designee. In keeping with normal school policy approval processes, the Student Code of Conduct may, at the sole discretion of the school, be amended at any time to include any changes deemed necessary to the Code. Changes made to the Conduct Code take effect immediately. Changes will be made with or without notice. Current/updated versions of the Student Code of Conduct will be maintained on the Coastal Law website.

## **ATTACHMENT #3**

### **COASTAL LAW**

#### **ALCOHOL POLICY FOR STUDENT SPONSORED EVENTS AND ACTIVITIES**

The purpose and goal of this alcohol policy is to foster alcohol awareness and responsible drinking practices and to promote the health and safety of the members of the law school community. Florida Coastal seeks to encourage a professional social life that limits the role of alcoholic beverages in student events and activities. We are committed to the ongoing development of a community based on respect for the individual and compliance with the policies of the school and the laws of our community, state, and nation. Within our school community, Florida Coastal will take reasonable steps to insure that no illegal or excessive consumption of alcohol occurs on school property or at its institutionally-sponsored activities. One's presence at the law school, or any function associated therewith, requires compliance with applicable laws and standards of behavior of the school community. Only the Dean of the law school may grant exceptions to this policy for special occasions.

#### **A. Alcohol Funding**

1. Florida Coastal School of Law does not allow the use of any student funding for the purchase of alcohol. Student funding is defined as monies derived from the Student Bar Association (SBA) or any other type of student organization, group, or cause.
2. The SBA and other student organizations are permitted to host events at off-campus establishments where alcohol is served, and they may fund the purchase of food or non-alcoholic beverages at those events. Students desiring alcoholic beverages at such events must purchase their own drinks with private funds.

#### **B. Advertising**

1. A student organization may post advertising on the law school campus for an off-campus event it is sponsoring, but if alcoholic beverages will be available at the event, the advertising must conspicuously state that Florida Coastal School of Law is not sponsoring or providing security for the event. Any publicity or advertising for such events must be devoid of any reference to alcohol, alcohol price, or alcohol price advantage (ex. "drink specials," "happy hour," "two-for-one," etc.).
2. Student organizations desiring to host events such as wine or beer "tastings", held off-campus in accordance with the aforementioned funding policy, may advertise for such events after obtaining special permission for their written advertisement through the Associate Dean of Student Affairs.
3. Advertising on campus must be handled in accordance with the Florida Coastal School of Law Flyer Policy.

### **C. Alcohol Use on Campus**

It is the policy of the law school that alcohol will not be served or offered at any student-sponsored or student-organized event held on campus.

### **D. Exceptions to Funding and Campus Use Policies**

- 1.** Student organizations may petition for an exception to the policies involving student funding for alcohol and/or alcohol use on campus. Exceptions to those prohibitions may be approved under rare circumstances, but only after written approval is granted by the Dean or the Dean's designee after specific requirements for the event are agreed upon as described later in this policy (see D.3).
- 2.** Requests for exceptions to the alcohol policy must be made in writing to the Dean or the Dean's designee thirty (30) days prior to the proposed event. The student organization must provide all relevant details for the proposed event, including estimated breakdown on how the funds will be spent. The Dean may approve or deny the request, or at his or her discretion, he or she may limit the amount of alcohol purchased for the event, restrict the location of the event, or restrict the time and/or manner in which the alcohol is served.
- 3.** At all events where an exception is granted to the aforementioned policies involving alcohol funding and/or alcohol use on campus, the following conditional requirements must be accepted and adhered to by the sponsoring organization(s) for the duration of the event:
  - a.** Non-alcoholic beverages must be available at the same location as the alcoholic beverages. If beverages are sold at the event, non-alcoholic drinks must be sold at the same price or for less/no charge compared with alcohol-containing drinks.
  - b.** Substantial food items must be provided by the sponsoring groups and available when the alcohol is served. When the food runs out, the serving of alcohol must cease.
  - c.** Alcoholic beverages served are restricted to beer and wine.
  - d.** Bartenders/servers who are licensed, insured, and professionally-trained must serve the alcohol.
  - e.** Organizations may serve only two alcoholic beverages to each individual. Each glass of beer served must be 12 ounces or less; each glass of wine served must be 5 ounces or less. Appropriately sized cups must be used. Organizations must provide a pre-approved system for distribution of alcoholic beverages, such as tickets or stamping of hands.
  - f.** The Associate Dean of Student Affairs must approve the amount of alcohol purchased for each event.
  - g.** Two non-drinking representatives of the organization must be present where the alcohol is being served at all times.
  - h.** Competitions and contests that involve alcoholic beverages are strictly prohibited.

- i. Alcoholic beverages shall not be used as prizes or awards for any student event.
  - j. Attendance at events is limited to Florida Coastal students, faculty, staff and their escorted guests with proper identification. The sponsoring organization shall be responsible for the behavior of all admitted guests.
  - k. A list of the names of officers of the sponsoring group and their non-drinking representatives must be provided to the Associate Dean for Student Affairs two weeks before the scheduled event. These individuals will be responsible for upholding state laws and school policies. The sponsoring group shall have its advisor or pre-approved replacement at the function.
  - l. No person under the age of 21 may be served alcoholic beverages.
  - m. Appropriate steps must be taken for event advertisement (see Advertising).
  - n. The service and sale of alcohol must cease at least one hour before the advertised end of the event. The service and sale of alcohol shall not continue after 1:00 a.m. at any off-campus event when the venue is rented by the school.
  - o. The sponsoring group is responsible for clean-up of the area.
  - p. The sponsoring group and its officers will be held responsible for damages to physical facilities incurred as a result of the event.
  - q. Only approved vendors and/or authorized organization representatives may enter and/or leave event premises with alcoholic beverages and/or setups.
  - r. The sponsoring group is responsible for denying entrance to any student or guest who arrives at the event in a visibly intoxicated state. Likewise, the sponsoring group is responsible for denying service to any student or guest who is visibly intoxicated or whose behavior at the event warrants the refusal of service. The sponsoring group should involve event security in the denial of entrance or service or in the removal of students/guests for intoxication or conduct. The sponsoring group must also report all offending parties to the Associate Dean of Student Affairs.
  - s. The sponsoring group is responsible for compliance with all above requirements. Violation of any of the above stipulations will subject the sponsoring group and its members to discipline under the Student Code of Conduct, including, but not limited to, the loss of privileges to the sponsoring group, or suspension or expulsion of individual members.
4. The law school strongly recommends that all student groups hosting off-campus social events adopt and enforce the applicable safeguards outlined above, even when students purchase their own alcohol.

### **E. Conduct Code and Legal Responsibility**

- 1. Any incident of intoxication and/or misconduct at any event or activity associated with the school is subject to disciplinary action under the Student Code of Conduct (Conduct Code). This provision covers events and activities that are held on or off-campus. Legal infractions and conduct-related incidents that are linked to alcohol use may result in enhanced sanctions under the Conduct Code.

2. Students are expected to comply with municipal, state, and federal laws pertaining to the possession and consumption of alcoholic beverages. Any violation of these laws may result in disciplinary action under the Conduct Code including, but not limited to, suspension or expulsion from the school. Proceedings under the Conduct Code may be carried out prior to, simultaneous with, or following any civil or criminal proceedings.
3. The law school will cooperate fully with law enforcement in the investigation and prosecution of any legal incidents involving members of the school community.
4. As outlined in the Conduct Code and the Student Handbook, students who are arrested or charged in association with any legal incident outside of the law school have an affirmative duty to disclose this information to the school in a timely fashion. Specifically, disclosure of legal incidents must be made to the Associate Dean of Student Affairs within fourteen (14) days of receipt of said charge or arrest. Failure to comply with disclosure requirements will be cause for additional sanctions under the Conduct Code.
5. When a student is found responsible for a Conduct Code violation, a written determination is placed in the student's permanent academic file and is accessible to state bar examiners during subsequent character and fitness assessments.

## **ATTACHMENT #4**

### **COASTAL LAW TOBACCO POLICY**

Florida Coastal is a tobacco free environment. Smoking is not permitted in the building. Smokeless tobacco is not permitted in the building. Use of tobacco products is permitted only in specifically designated locations outside the building. Those using tobacco in permitted locations should properly dispose of their by-products in trash containers or cigarette disposals.

## ATTACHMENT #5

### COASTAL LAW SECURITY POLICY

- I. Reporting of Emergency Situations and Security Concerns:** Any emergency situation involving a threat to life or property should be reported to the Security Officers at Florida Coastal School of Law at 680-7777. Florida Coastal encourages all students, members of the faculty, and staff to be involved in campus crime prevention.

All instances of rape/sexual offenses occurring on campus are to be reported immediately to a Security Officer. The Security Officer will then assist the victim until local police are notified and arrive. At that time, the Dean and Vice Dean will be notified of the incident. The local police will handle all aspects of the investigation into the alleged attack.

If other types of improprieties occur, these should be reported immediately to a Security Officer. At this time, a report of the incident will be written and statements taken. An investigation will be conducted and the results turned over to the Associate Dean for Student Affairs for possible Honor Code or Student Code of Conduct proceedings.

Crime statistic information concerns should be addressed to the Director of Security, Room 427, or by phone at 680-7777.

- II. Weapons Policy:** Firearms, fireworks, chemicals of explosive nature, explosives or explosive devices, or weapons shall not be brought onto the Florida Coastal campus except as may be specifically authorized by the Director of Security or the Dean. Weapons may not be carried by a person or stored on the campus in any vehicle or other location on school property. The term "weapon" includes any object or substance designed to inflict a wound, cause injury, or incapacitate and may include, but are not limited to, all firearms, pellets/BB guns, paintball guns, home-manufactured cannons, bow and arrows, slingshots, martial arts devices, switchblade knives, knives of any type, swords, or other sharp blades, and box cutters, and tasers. Toys that resemble or may be mistaken for a weapon are also prohibited. Ammunition and any items related to the use of weapons described here are also prohibited. Students found with prohibited items will be referred for conduct action.

## **ATTACHMENT #6**

### **COASTAL LAW SEXUAL HARASSMENT POLICY**

#### **I. Statement of Policy**

Florida Coastal School of Law (Florida Coastal) is dedicated to maintaining an academic environment free of discrimination, exploitation or coercion. Discrimination in any form frustrates individual achievement, undermines a comfortable learning climate, and affects the integrity of the law school. In the interest of promoting an academic environment in which people are free to work and learn without fear of sexual harassment, Florida Coastal prohibits sexual harassment.

This policy also seeks to further understanding in the law school community of the types of behavior that may constitute discriminatory sexual harassment and to make available to persons aggrieved by such harassment both informal and formal procedures for resolution of complaints. These procedures supplement those provided by state and federal law and are in no way intended to discourage their use. This policy also reflects conscious and difficult choices concerning coverage, procedures, and academic freedom.

#### **II. Scope**

Professional relationships among faculty, staff, and students are central to the educational mission of Florida Coastal. These relationships must be protected against impropriety, as well as the appearance of impropriety. Those who work within this community are entrusted with unique responsibilities, including, but not limited to, guiding the educational and professional development of each student, evaluating student performance and assigning grades, providing job recommendations, mentoring, and counseling. Minimally, romantic or sexual relationships between faculty and staff create the appearance of undue advantage. Faculty and staff must recognize that in relationships with students or subordinates, there is always an element of power. Abuse of such power, or the appearance of such abuse, diminishes the trust and respect essential to the openness and freedom from constraint that an academic community requires. In this regard, it is essential that Florida Coastal articulate standards of conduct for faculty and staff in their dealings with students, other employees, and colleagues.

Florida Coastal has established policies and procedures to respond to student complaints of sexual harassment against faculty and staff members, as well as faculty and staff members' complaints against co-workers. This is designed to assure all members of the law school community that complaints will be addressed fairly and expeditiously. It also prohibits any member of the Florida Coastal community from discriminating or retaliating against an individual for having initiated an inquiry or complaint regarding an incident of alleged sexual harassment.

The policy is not designed to reach relationships between students unless institutional power or authority is implicated. (Such implication could occur, for example, where teaching assistants or student employees are involved.) While discriminatory harassment is possible in these relationships, complaints of harassment in this context ordinarily are appropriately addressed by policies and procedures governing student conduct.

The policies and procedures established herein are intended to supplement and complement the laws, policies, and regulations, and procedures of the state and federal governments concerning sexual harassment. They are not intended to displace or limit them. Resorting to the law school's policy and procedures is not required prior to utilizing other procedures and remedies, and does not limit application of other procedures and remedies.

### III. Definitions

**A. Sexual Harassment:** Sexual harassment is defined as any unwanted sexual advance or other conduct of a sexual nature whereby submission to these actions is made either explicitly or implicitly, a term or condition of an individual's education, or employment, by creating an intimidating, hostile, or offensive environment. Such conduct will constitute sexual harassment regardless of whether it is directed toward a person of the opposite or the same sex.

Examples of conduct that constitutes sexual harassment include but are not limited to:

1. Sexual assault;
2. Express or implied threats that submission to sexual advances will be a condition of a grade, a letter of recommendation, academic evaluation, employment, or work status;
3. Classroom behavior of a sexual nature is not legitimately related to the course and creates an intimidating, hostile or offensive environment, including, but not limited to: (1) offensive comments of a sexual nature; (2) statements of behavior based on sexual stereotype; (3) statements, questions, jokes, or anecdotes of a sexually explicit nature; (4) the use of teaching materials, including handouts, books, hypothetical, lectures, and exam problems, that gratuitously emphasize sexuality or sexual stereotype; and,
4. Any unwanted sexual advance or other conduct of a sexual nature, either in or outside the classroom, that creates an intimidating, hostile, or offensive working or learning environment, including, but not limited to, the behavior enumerated in the previous section, as well as: (1) intentional and unwanted touching, patting, hugging, or other physical contact; (2) sexually suggestive remarks about a person's clothing or body; (3) remarks about sexual activity or speculations about sexual experience; (4) repeated and unwanted staring; (5) repeated and unwanted personal notes or telephone calls; or (6) a direct proposition of a sexual nature.

- B. Investigating Law School Official:** The individual charged with receiving and investigating complaints of sexual harassment. Depending on the nature of the complaint, the investigating law school official is the Associate Dean for Student Affairs, a department head or an academic dean. (See Section V.B., below). The investigating law school official will maintain the complaint and any investigative notes in a confidential file.

#### **IV. Prohibited Conduct**

Sexual harassment, as defined above, is specifically prohibited by Florida Coastal. This policy is not intended to suggest that classroom or out-of-class discussion of sexuality or sexual stereotypes is always inappropriate. Discussion of topics having a legitimate relationship to course materials, classroom discussion, and the free debate of issues and ideas is not prohibited. In determining whether behavior constitutes sexual harassment in violation of this policy, the totality of the circumstances and the context in which the behavior occurs will be considered. This is intended to ensure the protection of individual rights, freedom of speech, and academic freedom.

#### **V. Procedures**

- A. Complaints:** Any student, staff, or faculty member who believes that he or she has been unlawfully discriminated against in violation of this policy is encouraged to file a complaint as promptly as possible after the alleged harassment.
- B. Form of Complaint:** An aggrieved student, faculty member, or staff member may file a formal complaint. The complaint must be based upon the personal knowledge of the aggrieved person. Complaints must be submitted in writing and include a description of the alleged harassment, the date(s) of the incident(s), identity of the complainant and alleged harasser, and any other information relevant to the charge.
- C. Where to File:**
1. **Students:** A student who wishes to file a complaint against a faculty member of staff member may submit a complaint to the Associate Dean for Student Affairs.
  2. **Staff:** A staff member who wishes to file a complaint against a member of the staff or faculty may file a complaint with his or her immediate supervisor. The supervisor will forward a copy of the complaint to the department head as soon as possible.
  3. **Faculty:** A faculty member who wishes to file a complaint against a member of the faculty or staff may file a complaint with an academic dean.

- D. Notice to the Dean:** Upon the filing of a complaint, the investigating law school official will notify the Dean that a complaint has been filed, the nature of the complaint and the procedural option chosen by the complainant. (See Sections 2 and V.3., below).
- E. Notice to the Charged Party:** Within a reasonable time after the filing of a complaint, the investigating law school official will notify any person against whom a complaint is filed. A copy of the complaint will be available to the charged individual.
- F. Meet and Discuss:** At the option of either the aggrieved party or the investigating law school official, a meeting will be conducted with the aggrieved party and the investigating law school official as soon as possible after the filing of the complaint. The purpose of the meeting is to permit the discussion of the procedural requirements of this policy, confidentiality, retaliation, academic freedom, and any other relevant matters.
- G. Anonymity and Confidentiality:** Anonymous complaints will not be investigated. Under exceptional circumstances, the investigating law school official may permit a complaint to be filed without revealing the identity of the complainant party. An exceptional circumstance might arise, for example, where there is evidence of harassment beyond the complaint (e.g., where there is evidence of inappropriate sexual references in an examination problem). Complaints and investigations arising therefrom are deemed confidential as to persons not named in the complaint or otherwise involved in the alleged harassment.

**H. Informal Procedures:**

1. The goals of the informal procedures are to afford the parties an opportunity to discuss the complaint with the charged party, agree on changes in behavior where necessary, and arrive at a resolution acceptable to both. Informal procedures are not prerequisites to the formal mediation procedures described below or other formal resolution mechanisms provided by state or federal law.

An aggrieved party who files a complaint may:

- (a) Speak directly with the charged party;
  - (b) Request that the investigating law school official speak with the charged party, or;
  - (c) Propose another method of resolution.
2. In the event that the complaint is resolved through informal procedures, the investigating law school official will notify the Dean of the resolution. Notwithstanding resolution of the complaint, the Dean may take any action deemed necessary to assure that the resolution is consistent with Florida Coastal policies.

- I. Formal procedures:** If the complainant is not satisfied with the result of the informal procedures described above, or if he or she chooses not to use the informal procedures,

the formal mechanism for resolving complaints of sexual harassment is mediation. Mediation provides a forum where the complainant and respondent, with the aid of a neutral third party, can come to a mutually satisfactory resolution.

1. A complainant who wishes to proceed to mediation must inform the investigating law school official. The official will arrange mediation.
2. Both parties must be willing to engage in the mediation process and must agree upon the identity of the mediator.
3. A mediator may propose solutions, but any resolution of the complaint must be acceptable to both parties; however, Florida Coastal reserves all rights, privileges, and authority. The parties may not enter into a mediation agreement which binds the law school to take or refrain from taking any action.
4. During mediation, either party may be accompanied by a legal representative.
5. If the parties reach an agreement, they must reduce it to writing and provide a copy to the investigating law school official.
6. Florida Coastal will bear the reasonable cost of mediation.
7. Mediation is not a prerequisite to formal resolution of the matter through state or federal formal resolution mechanisms.
8. Upon the completion of the mediation process, the investigating law school official will notify the Dean of the resolution. Notwithstanding the resolution of the complaint, the Dean may take any action deemed necessary to assure that the resolution is consistent with Florida Coastal policies.

**VI. Records:** The complaint and any other documents that are created in the course of resolving the complaint will be retained by the investigating law school official in confidential files.

## ATTACHMENT #7

### COASTAL LAW COMPLAINT PROCEDURES IN CASES OF ALLEGED DISABILITY AND AGE DISCRIMINATION

#### I. Statement of Policy

Florida Coastal School of Law ("FCSL,") is dedicated to maintaining an academic environment free of discrimination, exploitation or coercion. Discrimination in an), form frustrates individual achievement, undermines a comfortable learning climate, and affects the integrity of the law school. In the interest of promoting an academic environment in which people are free to work and learn without fear of discrimination, FCSL, prohibits discrimination against an), individual on the basis of physical or mental disability, or age. This policy extends to all rights, privileges, programs and activities, including employment, admissions, financial assistance, and educational programs. It is also the policy of FCSL, to provide reasonable accommodations to persons with disabilities unless such accommodations would impose an undue burden or fundamental alteration to the program in question. Retaliation against an), individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of this policy.

It is the policy of FCSL, to take appropriate remedial measures to prevent the recurrence of discrimination and to correct an)' discriminator)' effects on the complainant and others, if appropriate. Any student, staff or faculty member who learns of possible discrimination should immediately report the possible discrimination to the Associate Dean of Academic Affairs.

These procedures supplement those provided by state and federal law and are in no way intended to discourage their use.

#### II. Procedures

**A. Complaints:** Any student, faculty or staff member who believes that he or she has been unlawfully discriminated against in violation of this policy may file a written complaint as promptly as possible after the alleged discrimination. The complaint should be as specific as possible regarding the actions(s) or inaction(s) that precipitated the complaint: date, place, persons involved, efforts made to settle the matter informally, and the remedy sought.

**Student:** A student may file a complaint with the Associate Dean of Academic Affairs. If the complaint alleges discrimination by the Associate Dean of Academic Affairs, then the complaint should be submitted to the Vice Dean of the Law School.

**Staff:** A staff member may file a complaint with his or her immediate supervisor. If the complaint alleges discrimination by the supervisor, then the complaint should be submitted to the staff member's department head.

**Faculty:** A faculty member may file a complaint with an academic dean.

- B. Investigation:** The person receiving the complaint will either investigate the complaint or will assign investigation of the complaint to an appropriate administrative officer depending on the nature of the allegations. The person assigned to investigate the complaint is the "investigating school official." The investigating school official will conduct a fair and impartial investigation of the allegations of discrimination. The investigating school official will interview the complainant at the complainant's request. The complainant may present evidence and witnesses to the investigating school official. The investigating school official may forward a copy of the complaint to the persons whose actions (or inactions) are the subject of the complaint, and may request a written response from appropriate individuals at FCSL. The investigating school official may also choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.
- C. Notice to the Dean of the Law School:** The investigating school official will notify the Dean of the Law School that a complaint has been filed and the nature of the complaint.
- D. Meet and Discuss:** At the option of either the complainant or the investigating school official, a meeting will be conducted with the complainant and the investigating school official as soon as possible after the filing of the complaint to discuss the procedural requirements of this policy, confidentiality, retaliation, academic freedom, and any other relevant matters.
- E. Decision:** The investigating school official will render a decision on the merits of the complaint as promptly as possible. If resolution is not possible within forty-five (45) days of receipt of the complaint, the investigating school official will inform the complainant of the status of the investigation. The complainant shall be notified of the
- F. investigating school official's decision may be sent to the complainant, the Dean of the Law School, the Associate Dean of Student Affairs, and the department and/or the persons whose actions (or inactions) are the subject of the complaint, as appropriate.**
- F. Appeal Procedures:** In the event that the complainant is not satisfied with the resolution of the complaint, an appeal may be made in writing. The appeal should be filed with the Vice Dean of the Law School within fourteen (14) days of the resolution of the complaint. The Vice Dean of the Law School will appoint a three-person review panel of faculty and/or administrators. The members of the panel shall receive a copy of the written complaint and appeal, the investigating school official's decision, and all

supporting documents provided by the investigating school official or the complainant. The Chair of the panel shall notify the participants of a hearing date, time and place at least five (5) calendar days in advance of the hearing. During the hearing, the complainant may address the panel and present his/her appeal. The complainant may have a non-participating advisor present at the hearing. The advisor must be a member of the FCSL, community, such as a student, staff or faculty member. The advisor may not participate in the hearing or address the panel, but may provide the complainant with advice and counsel during the hearing. The panel shall make a recommendation to the Dean of the Law School as promptly as possible after hearing an appeal. The panel may recommend that the investigating school official's decision be upheld, reversed, or some other relief be given.

- G. Final Decision:** The Dean of the Law School shall render the final decision on the appeal. The Dean of the Law School may adopt, reject or modify the panel's recommendation. The Dean of the Law School shall notify the complainant of the final decision as promptly as possible.
- H. Records:** The complaint and any other documents that are created in the course of resolving the complaint will be retained by the Associate Dean of Student Affairs in a confidential file.