



## **STUDENT HANDBOOK**

August 2016  
Updated 4/25/2019  
8/9/2019

*TABLE OF CONTENTS*

<b>INTRODUCTION</b>	<b>1</b>
<b>DISCLAIMER</b>	<b>1</b>
<b>RIGHTS RESERVED</b>	<b>2</b>
<b>FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)</b>	<b>3</b>
<b>SECTION I — General Information on the Law School and Related Services</b>	<b>4</b>
<b>SECTION II — Notice of Non-Discrimination</b>	<b>10</b>
<b>SECTION III — Policies and Procedures for Students with Disabilities</b>	<b>11</b>
<b>SECTION IV — Academic Rules and Regulations</b>	<b>18</b>
A. Course Load	18
B. Class Attendance and Employment Limitation	20
C. Webcasting	22
D. Grading	22
E. Finality of Grades	26
F. Examinations	27
G. Dismissal, Academic Probation, and Academic Alert	30
H. Withdrawal from a Course	35
I. Return to Coastal Law After Leave of Absence, Dematriculation or Academic Dismissal	35
J. Repeating Courses	38
K. Waiver of Academic Rules	38

<b>SECTION V — Degree Requirements</b>	<b>40</b>
A. Credit Hour Requirement	40
B. Course Requirements	41
C. Advanced Legal Writing Requirement	41
D. Skills and Experiential Learning Credit Requirement	41
E. Limitations of Time	42
F. Distance Education Courses	42
G. Graduate Credits	42
H. Transfer-In Students	43
I. Advanced Standing Policy	43
J. Students Visiting Elsewhere	44
K. Dual Degree Program	45
L. Honors	48
<b>SECTION VI — Curriculum</b>	<b>49</b>
A. Required Courses	49
B. Advanced Legal Writing Requirement (ALWR)	51
C. Independent Study Program	54
D. Non-Course Credit	55
E. Clinics and Externships	56
F. Practitioner Clinics	59
G. Infusion Curriculum and Skills Training	60
H. Teaching Assistants and Research Assistants	60
I. Academic Support	61

<b>SECTION VII — Student/Faculty Disputes</b>	<b>64</b>
<b>SECTION VIII — Student Organizations</b>	<b>66</b>
<b>ATTACHMENT #1— Coastal Law Honor Code</b>	<b>68</b>
<b>ATTACHMENT #2—Coastal Law Student Code of Conduct</b>	<b>79</b>
<b>ATTACHMENT #3 —Coastal Law Alcohol Policy for Student Sponsored Events and Activities</b>	<b>95</b>
<b>ATTACHMENT #4 —Coastal Law Smoke and Tobacco Policy</b>	<b>99</b>
<b>ATTACHMENT #5—Coastal Law Security Policy</b>	<b>100</b>
<b>ATTACHMENT #6—Coastal Law Policy for Sexual Misconduct and Relationship Violence</b>	<b>108</b>
<b>ATTACHMENT #7—Coastal Law Complaint Procedures in Cases of Alleged Disability and Age Discrimination</b>	<b>136</b>
<b>ATTACHMENT #8—Coastal Law Complaint Procedures in Cases Implicating Compliance with ABA Standards</b>	<b>139</b>
<b>ATTACHMENT #9—Exam Room Policy</b>	<b>141</b>

## 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 Code of Conduct. 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 Misconduct and Relationship Violence Policy, Security Policy, Alcohol Policy for Student Sponsored Events & Activities, Smoke and Tobacco Policy, Complaint Procedures in Cases Implicating Compliance with ABA Standards 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, unless otherwise noted. 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, through email or by way of handbook update notifications on our website.

This Handbook is typically updated at the end of each academic year (August). However, it may be updated as changes occur during the academic year.

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 Florida Coastal website at <https://www.fcsl.edu/sites/fcsl.edu/files/FERPA%20policy%20-%20wordupdate.pdf>.

**SECTION I**

**GENERAL INFORMATION AND RULES  
REGARDING THE LAW SCHOOL AND RELATED  
SERVICES**

**Academic Affairs**

The academic deans 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 Advisors**

The Academic Advisors offer resources to help students succeed in law school. The Advisors are available to meet with students individually to review academic performance, discuss study techniques, plan course schedules, and provide feedback on practice essays.

**Bar Examination and Admission**

The academic deans provides assistance in obtaining information concerning the requirements of the bar exam. The Dean of Florida Coastal completes bar certificates and character recommendation forms.

Florida Coastal offers a number of final semester bar preparation courses as well as post-graduation support and assistance.

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 Law Virtual Bookstore is located at <http://www.fcsl.bkstr.com/>. In addition to new and used course books, course supplements, and other academic materials, the bookstore also includes Coastal Law emblematic merchandise. Further information is available on the [Bookstore](#) page of the FCSL website.

## **Center for Professional Development (CPD)**

The CPD provides support and assistance to students in all stages of the career planning process. The CPD offers a wide range of services and programs that are responsive to a diverse student body and evolving market realities.

## **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, Google Chrome, Firefox, 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 SYNC Desk – Services You Need Center at 904.515.6777 or emailing [sync@fcsl.edu](mailto:sync@fcsl.edu).

## **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(F) below.

## **Duty to Update Admission Application**

Official Transcript Policy. By October 15 of his/her entering year, each student must have on file an official transcript indicating a baccalaureate degree has been conferred. If a student's official, degree-bearing transcript is not on file by October 15, the student will be administratively withdrawn (at that time) from classes and will be unable to continue with his/her studies.

Student Records. 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 Assistant 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). A student can complete the FAFSA online at <https://fafsa.ed.gov/>. The Financial Aid Office can also provide you with important information regarding the eligibility requirements for Student Loans and assistance with completing the forms.

### **Grading Numbers (Blind Grading ID)**

Students are provided with a new Blind Grading Number at the beginning of each semester. Grading numbers are available on each student's web portal. Grading numbers are not disclosed to Faculty or other students. Students should retain their grading number in a secure place and not disclose the grading number to any other person. A student may request that his/her grading 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 grading numbers should be directed to the Registrar's Office.

### **ID Cards**

The Florida Coastal Office of Security is responsible for issuing student identification (ID) cards. Student ID pictures can also be taken during Orientation, and are 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 Office of Security 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 Office of Security.

### **IT Acceptable Use**

All internet or computer equipment use shall be consistent with the purposes, goals, and policies of Coastal Law. It is imperative that users of the Internet or computer equipment conduct

themselves in a responsible, ethical, moral, and polite manner. All participants must abide by all local, state, and federal laws. The Internet user accepts the responsibility of adhering to high standards of conduct and the terms and conditions set forth in all parts of this policy.

## **Library and Technology Center**

The Florida Coastal Library and Technology Center (LTC) provides 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: SYNC Desk, 904.515.6715.

## **Lockers**

Students must register lockers pursuant to the Locker Policy, available at <https://www.fcsl.edu/student-life-safety-and-security.html>. You must provide the combination of your lock, as well as the selected locker number, to register a locker for an academic year.

## **Mailboxes**

Faculty mailboxes are located in the Faculty Assistant's office.

## **Notices to Students**

It is important for students to check their personal Florida Coastal 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.

## **Program Learning Outcomes**

For students in the J.D. program, Coastal Law has established the following program learning outcomes:

Legal knowledge: Students will be able to identify, explain, and apply the law in both core subjects and in the students' own chosen area(s) of interest.

Research: Students will be able to use relevant authority to address and analyze legal issues with current and accurate sources, given the time and financial limitations of law practice.

Critical reading: Students will be able to understand, interpret, and critique legal documents and authority.

Critical thinking, legal analysis, and problem solving: Students will be able to identify relevant

facts and analyze, synthesize, and apply relevant legal authority to generate solutions, develop strategies, make reasoned arguments, and reach conclusions.

Communication/Advocacy: Students will be able to communicate and advocate in the written and oral form in a manner that is timely, clear, concise, organized, technically accurate, audience sensitive, and persuasive.

Professionalism: Students will be able to identify, explain, apply, and model the rules of professional ethics and responsibility.

Law practice readiness: Students will be able to perform frequently recurring litigation and transactional tasks, to oversee the financial and managerial requirements of practicing law, and to collaborate with others in performing tasks and reaching solutions.

Cross cultural lawyering: Students will be able to recognize inter-cultural issues, demonstrate cultural sensitivity, and utilize appropriate lawyering techniques to prepare themselves to practice in an increasingly global and pluralistic society.

Serving the underserved: Students will be able to understand and value the importance of ensuring equal access to the system of justice for those who because of economic, cultural or social barriers, cannot afford or secure legal counsel.

## **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 shall 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 should contact the Registrar's Office for assistance.

## **Room Reservations**

To reserve classrooms or meeting space for law school related activities, the faculty advisor for the appropriate student organization must submit an online [Event Request Form](#) . Library study rooms are reserved in person through the SYNC Desk or online through the [room reservation link](#) found on the [LTC homepage](#).

## **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 904.515.6777. This number automatically forwards the call to a security officer's cell phone. Security should also be notified of any suspicious activity.

## **Student Affairs**

The Office of 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).

### **Webcasts**

Webcasting enables students to access course and other materials electronically. Webcasts 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.

## **SECTION II**

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

No person 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 shall 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.

## **SECTION III**

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

#### **A. 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 (Coastal Law) is guided by its mission statement, the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973 (Section 504), 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.

#### **B. 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, separate from the student's academic records. 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, health or safety reason. Granted testing accommodations are provided to the Registrar's office for the purpose of administering exams.

#### **C. Disabilities and Accommodations**

Some examples of disabilities are physical disabilities, specific learning disabilities, and psychological disabilities. 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.

#### **D. Temporary Medical Conditions**

Temporary medical conditions are typically not covered under the Americans with Disabilities Act. However, Coastal Law is dedicated to supporting 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 recommended accommodations. 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 Office of Student Affairs shall consider requests for accommodations on the basis of a temporary condition on a case-by-case basis.

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

1. **Self-Identification:** Students with disabilities who require accommodations must make those needs known to the Office of Student Affairs in a timely manner and should take the following steps:
  - a. Review the requirements set forth in these Policies and Procedures.
  - b. Schedule a meeting with the Office of Student Affairs
  - c. Complete a Student Disability Accommodations Intake Form and obtain the appropriate Disability Verification Form.
  - d. Have a qualified practitioner complete the correct Disability Verification Form and submit it, along with appropriate evaluations and testing, to the Office of Student Affairs.

All paperwork can be obtained through the Office of Student Affairs. The Policies and Procedures for Students with Disabilities are located on the school's website and in the Student Handbook. **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 Coastal Law's Policies and Procedures for Students with Disabilities.** Students who do not require accommodations need not make their disabilities known. However, students diagnosed with serious medical conditions are encouraged to register these conditions with the Office of Student Affairs, even if academic accommodations are not warranted.

### **2. Accommodations Process:**

- a. The student submits the Student Disability Accommodations Intake Form and required medical documentation.
- b. The Office of Student Affairs reviews all documentation and makes a determination regarding the presence of a disability and a corresponding need for accommodation.
- c. If the need for an accommodation is determined, the Office of Student Affairs works with the student to develop an appropriate plan for individualized accommodations while attending Coastal Law
- d. If a testing accommodation is granted, the Office of Student Affairs will notify the Office of the Registrar of the specifics of the accommodations for the purpose of facilitating the exam accommodations.
- e. Due to the varying nature of disabilities, some accommodation requests must be renewed during a student's tenure at Coastal Law

### **3. Deadlines for Submission of Documentation:**

- a. All documentation must be submitted a minimum of two weeks prior to the first day of the next exam period, including mid-term exams.
- b. If an exam is given outside of the exam period, all documentation must be received a minimum of two weeks before the exam.

### **F. Service Animals**

Coastal Law welcomes service animals that are trained to do work or perform tasks for a student with a disability. A student seeking to bring a service animal to Coastal Law buildings and/or Coastal Law-sponsored events should first notify the Office of Student Affairs. Coastal Law may ask if an animal is a service animal required because of a disability and what work or tasks the animal has been trained to perform. All applicable statutes surrounding the handler and service animal responsibilities will apply.

The provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks as defined by Florida statutes; therefore, comfort, support, therapy animals and pets are prohibited at Coastal Law. School-sponsored activities involving pets or pet therapy that are approved by the Office of Student Affairs may be considered as an exception to this rule.

### **G. 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.

Documentation must indicate that a disability exists and the disability substantially limits one or more major life activities. A diagnosis of a disorder in and of itself does not automatically qualify an individual for disability accommodations. Documentation must support the request for accommodations. Please see the corresponding Disability Verification Form for specific information regarding documentation requirements.

#### **1. Disability Verification Forms:**

Students must have a qualified medical practitioner complete the specific Verification Form related to their disability. These forms can be obtained through the Office of Student Affairs. These forms include:

- a. Disability Verification of Physical Conditions
- b. Disability Verification of Psychological Conditions

- c. Disability Verification of Attention-Deficit/Hyperactivity Disorder
- d. Disability Verification of Specific Learning Disorders

## **2. Documentation Requirements:**

Coastal Law requires several elements that must be included in the medical documentation and specific forms in order to receive an accommodation.

### **a. The credentials of the evaluator(s)**

Documentation must be 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. Please refer to the appropriate Disability Verification Form for specific credentialing requirements.

### **b. A diagnostic statement identifying the disability**

A clear diagnostic statement is required. The statement must describe how the condition was diagnosed, provide information on the functional impact, and detail the typical progression or prognosis of the condition. While diagnostic codes from the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association (DSM 5) or the International Classification of Diseases of the World Health Organization (ICD) are helpful in providing this information, a full clinical description will also convey the necessary information.

### **c. A description of the diagnostic methodology used**

A description of the diagnostic criteria, evaluation methods, procedures, tests and dates of administration, as well as a clinical narrative, observation, and specific results are required. Where appropriate to the nature of the disability, having both summary data and specific test scores within the report is recommended.

### **d. A description of the current functional limitations**

The impact of the disabling condition(s) must 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).

### **e. A description of the expected progression or stability of the disability**

Documentation must provide 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.

**f. A description of current and past accommodations and/or services**

Provide a description of current or past auxiliary aids, assistive devices, support services, and accommodations. While accommodations provided in another setting are not guaranteed at Coastal Law, they may provide insight in making current decisions regarding a given request for accommodations and a comprehensive accommodations plan.

**g. Recommendations for accommodations**

This is to include all reasonable recommendations for testing and classroom accommodations with accompanying rationale for each accommodation. Please note that Coastal Law 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 if the recommended accommodations materially affect the integrity of the class, cause an undue hardship to the school, or fundamentally alter the educational program.

**H. Bar Examination Accommodations**

Students who are granted accommodations at Coastal Law are encouraged to apply for accommodations on state bar exams. Students requesting accommodations on the Florida Bar Exam must apply directly to the Florida Board of Bar Examiners, or if the exam is to be taken in a different state, to the Board of Bar Examiners or other appropriate agency in that particular state. Accommodations for the Multistate Professional Responsibility Exam are arranged through the National Conference of Bar Examiners. Receiving accommodations at Coastal Law does not guarantee the receipt of accommodations on a bar exam. Students who pursue accommodations at Coastal Law should consider the possibility that accommodations, if received while in law school, may not be received in the administration of a state bar exam. The Office of Student Affairs is available to assist students seeking accommodations on a state bar exam.

**FLORIDA COASTAL SCHOOL OF LAW**  
Student Disability Accommodations Intake Form

Date: \_\_\_\_\_

Level: 1L 2L 3L Other: \_\_\_\_\_

Start Date: \_\_\_\_\_ Expected Graduation Date: \_\_\_\_\_

***BIOGRAPHICAL INFORMATION***

Name: \_\_\_\_\_

Preferred Name: \_\_\_\_\_

Student ID#: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**ACCOMMODATIONS:**

1. Please list any reasonable accommodations that you have received in the past: *Please note that your receipt of an accommodation in the past does not guarantee that you will receive an accommodation, the same accommodation at Coastal Law, however past accommodations are considered in the eligibility process.*

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

2. Please list any reasonable accommodations you would like to request at Coastal Law and the accompanying rationale for each requested accommodation based on the barriers of your disability:

Accommodation: \_\_\_\_\_

Rationale: \_\_\_\_\_

Accommodation: \_\_\_\_\_

Rationale: \_\_\_\_\_

Accommodation: \_\_\_\_\_

Rationale: \_\_\_\_\_

Accommodation: \_\_\_\_\_

Rationale: \_\_\_\_\_

I understand that if testing accommodations are granted, these will be communicated with the Office of the Registrar for the purpose of facilitating test accommodations. The Office of Student Affairs reserves the right to inform specific Coastal Law personnel involved in the facilitation of granted accommodations. All medical records remain confidential in the Office of Student Affairs.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

**Rights and Responsibilities for Students with Disabilities Student Rights:**

- Equal access and inclusion in programs and services provided to all students by Coastal Law
- Expectation of appropriate confidentiality of disability status and medical records
- An opportunity to engage in interactive dialogue regarding barriers, functional limitations and accommodations
- The receipt of a reasonable accommodations plan for qualified students to remove barriers and increase access to programs
- An established grievance procedure for alleged instances of discrimination

**Student Responsibilities:**

- Meet and maintain institutional standards for academic and non-academic programs, services and activities within the Student Handbook and any other institutional policies and procedures
- Self-identify to the Office of Student Affairs when accommodations are requested and follow all requirements as published in the Policies and Procedures for Students with Disabilities.
- Provide medical documentation from a qualified practitioner, as deemed appropriate and outlined in the Policies and Procedures for Students with Disabilities
- Submit a written notification to the Registrar's Office in the beginning of each semester to request accommodated exams. Requests made less than 72 business hours prior to the exam or assessment may not be considered.
- Follow exam schedule provided by the Registrar's Office, including date, start and end time, and location of exam
- Adhere to the Testing Center policies put forth by the Registrar's Office and notify the Registrar's Office before or during an exam of any concerns

---

Student Signature

---

Date

## 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 <https://www.fcsl.edu/academics-courses-and-schedules.html>. Accelerating the academic program is generally inadvisable and requires advance approval by an academic dean or admission into an approved accelerated program.

##### 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 Advisor prior to registering.

##### 3. Summer Session

Any student who has a cumulative grade point average of less than a 2.0 after a spring semester may not enroll in summer classes. No exceptions will be made for any student who files a grade appeal or petition for a waiver of academic dismissal.

Subject to the provisions of Section IV (G), the Summer session is not considered a regular semester for purposes of determining a student's academic standing.

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. Students enrolled in an approved accelerated program may be required to enroll in additional credit hours.

#### **4. Intersession**

Any student who has a cumulative grade point average of less than 2.3 at the time of registration may not enroll in intersession courses.

A student may take a one credit hour course over a one-week period, or, if available, a two credit hour course over a two-week period. No student may take more than one course per intersession period.

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. An academic dean must approve the auditor and courses to be audited.

#### **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 <https://www.fcsl.edu/academics-courses-and-schedules.html>.

## **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 (H) - 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.

Students become liable for fees the last day of Drop/Add except for intersession courses. The financial liability deadline for intersession courses will be posted on the academic calendar 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 Change of Status form has been completed.

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

1. Regular attendance and preparation are required in all courses. A student whose absences exceed eighteen (18) 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 counted 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 (K) below.

Faculty members are free to establish additional attendance requirements consistent with the needs of specific courses, so long as such other requirements are not more lenient than the ABA standards or the Florida Coastal attendance policy and are set forth in advance in the course syllabus.

Students are entering a profession. It is pivotal to success in law school and in the legal profession that students attend each class and arrive to class on time, having thoroughly prepared for class. Professors will detail in course syllabi the ways in which they will require students to meet these professionalism standards.

2. Students are expected to track their own attendance and are responsible for complying with faculty attendance policies, as well as the Florida Coastal attendance policy. 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. An excused absence shall not be counted against the maximum number of absences allowable in the course. Students must also be given an opportunity to avoid suffering a penalty for any assessments given during an excused absence. An absence is considered “excused” if one of the following applies:
  - a. **Religious Holidays.** Advance notice given to the Professor of the course that a student will not attend a class because of a verifiable religious observance shall automatically result in the granting of an excused absence. **Please note that travel time is not an excused absence.**
  - b. **Coastal Educational Programs.** A student who will not attend a class because of participation in a moot court or mock trial competition or direct participation in a court appearance or required administrative proceeding through an in-house clinic or externship shall receive an excused absence if the sponsoring full-time faculty member gives written approval of the student’s direct participation in such proceedings, at least 24 hours in advance of the date of the anticipated absence and the student provides a copy of such written approval to the Professor of the course from which the student will be absent. A maximum of ten (10) percent of the total number of classes in a course may be excused if the student complies with the provisions of the preceding sentence and such absences shall not be counted against the maximum number of absences allowable in the course.
4. If a student believes that one or more absences were due to an exceptional circumstance, the student should refer to Section IV (K) below:
  - a. For the purposes of this section, an “exceptional circumstance” includes, but is not limited to, a circumstance, that arises due to serious illness or injury to the student or immediate family member, death of an immediate family member, a call to active duty in the military, or any other extraordinary circumstance beyond the student’s control that prevented the student from meeting attendance requirements.
  - b. It is not an exceptional circumstance if a student has taken on a course load that exceeds the work load he or she contemplated at the time of registration or fails to abide by an attendance policy established by an individual faculty member.
5. 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. Webcasting

1. Webcasting enables students to access course and other materials electronically. Any class may be Webcast at any time.
2. Webcasts of classes at Florida Coastal may be available to all students in the course at the discretion of the Professor of the course. However, Webcasting may be required for students with approved ADA accommodations for Webcasts.
3. Except when specifically provided or authorized for that purpose by the professor, Webcasting is not a substitute for class attendance, nor does the availability of a Webcast excuse a student's lack of full attention or participation in class.
4. All Webcasts 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. In addition, students must not copy, edit, alter, share or distribute any Webcast, or portion thereof, except as authorized by the professor.

## D. Grading

### 1. Grades

Grades in each course reflect academic performance as evaluated by the faculty member. Faculty members will provide students with a written syllabus of course work and an explanation of the testing and grading requirements for the course.

- a. **Formative & Summative Assessments before the Final Exam for courses that are not paper or experiential courses.** Students will have a graded midterm, or pre-final assessments, that mirrors the final exam and that is at least 20% of the final grade. Each midterm will have a bar style IRAC essay and multiple-choice questions. Students will be assessed for proper grammar and IRAC in these formative and summative assessments to mimic bar exam grading. Students will be penalized for failing to write in IRAC format. A student's failure to follow instructions will be penalized to ensure students become accustomed to close reading and professional preparation.
- b. **Final Exams for courses that are not paper or experiential courses.** All final exams should be cumulative for material covered throughout the semester, and if it is a two-semester course throughout both semesters. Final exams will count for at least 60% of the final course grade. Each final exam must have at least one bar style IRAC essay with MBE bar style multiple-choice questions. Students will be assessed for proper grammar and IRAC in these formative and summative assessments to mimic bar exam grading. Students will be penalized for failing to write in IRAC format. A student's failure to follow instructions will be penalized to ensure students become accustomed to close reading and professional preparation.

- c. **First-Year Bar Knowledge Competency Assessment Questions.** During the final exam for Criminal Law, Civil Procedure II, Contracts II, Property II, and Torts II, students will be administered twenty cumulative questions during the first forty minutes of the class final exam. These 20 questions will be calculated into the final grade for these classes.
- d. **Participation Points and Class Preparation.** All students are required to come to each class prepared. Professors may mark students absent if a student is not prepared to meaningfully participate during class. Professors may, but are not required to, award up to 10% of the final grade to class participation. “Class Participation” is participation in class discussing materials, cases, problems, etc. This does not include participation in skills or experiential exercises that have an independent and separate grading rubric as a formative or summative assessment. Faculty who chose to assign participation points must have specific criteria (e.g. a grid or rubric) for assigning participation points.

## 2. Anonymous Grading

- a. Written examinations are graded without the grader knowing the identity of the test taker. Grading Numbers (Blind Grading IDs) are confidential. Each student is assigned a unique grading number for use on examinations and other written projects. Grades are posted by grading number. Faculty should not question students about their grading number. Students who fail to use a grading number 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 grading numbers 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.

## 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.

The following mandatory grade distribution policy does not apply to Clinics, to Appellate Advocacy sections designated as "Moot Court Members Only," or to courses with a student enrollment of fewer than ten (10), except for the First Year Required Courses found in Section VI (A)(1). It also does not apply to courses approved by the faculty for an exemption from the policy because student grades are assigned uniformly using competency-based grading criteria (which includes Professional Responsibility, National Law Survey, Florida Law Survey, Uniform Law Survey, Georgia Law Survey, and California Law Survey).

**a. The grade distribution for first-year, first-semester courses other than Legal Research & Analysis is:**

A, A-, B+	15-25%
B, B-, C+, C	40-60%
C-, D+, D, F	25-35%

The mean for these courses must be 2.50 with an acceptable deviation of no more than 0.30.

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 Legal Research & Analysis, Writing for Law Practice, Pretrial Litigation Drafting, and Transactional Drafting Practice 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 Legal Research & Analysis section must fall between 2.3 and 2.7. The average grade for each Pretrial Litigation Drafting, Transactional Drafting Practice, and Writing for Law Practice section must fall between 2.6 and 2.8.**

- d. Although Trial Practice for Mock Trial will be graded, all other sections of Trial Practice will be graded on a Pass/Fail basis. Legal Editing will also be graded on a Pass/Fail basis.
- e. As detailed in Section VI (F), with the exception of certain clinical credits, non-course credit is awarded on a Pass/Fail basis.

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

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

**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. Students should be advised that by accepting an incomplete, they may no longer be subject to anonymous grading.

**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 professor and available in the student portal.**
- 2. Grade Appeals.** Grades may be appealed for only one of the two reasons listed below. All grade appeals must be made within seven (7) calendar days after the grade has been posted.
  - 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, she or 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

**Students should not schedule any events, flights, activities, etc., during the entire exam period. An exam date may change due to unforeseen circumstances.**

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.

Final examinations for distance education courses must be taken in person on campus at the day and time announced on the final examination schedule for each semester.

2. **ExamSoft Policies.** Florida Coastal uses ExamSoft to administer secure exams. Prior to the exam period, students will receive instructions via their Florida Coastal email. Students must download the software and the exam prior to the examination period. Any student who shows up for an exam and has not followed the instructions will be required to handwrite. No exceptions, except for approved accommodations, will be made.

Students must provide their own laptop computer and have a duty to ensure it is in proper working condition before their examinations, including installing required updates, anti-virus software, and ensuring all installation instructions are followed.

Students are responsible for downloading the exam files prior to coming to class on exam day and must be in the classroom at least 20 minutes prior to the exam start time to ensure the exam is launched and seek support if there are technical issues. Students must be launched into ExamSoft and on the “Stop Sign” page no later than 5 minutes prior to the start of the exam. If a student is not on the “Stop Sign” page the student will be required to close their computer and handwrite their examination.

If a student experiences technical issues during the exam, the student may seek ExamSoft support at the locations listed on the support schedule provided by the SYNC desk ([sync@fcsl.edu](mailto:sync@fcsl.edu)). No additional time will be granted to a student who experiences technical difficulties or who leaves the room to seek ExamSoft support during the exam. If student fails to resolve the issue, the student should immediately begin handwriting the exam where he or she left off in ExamSoft.

Students should take full advantage of the resources provided by ExamSoft on the Student Portal.

Students are responsible for following the proper procedure for uploading their exam answer file. If during the upload a student experiences technical difficulty, the student should immediately seek assistance from the SYNC desk ([sync@fcsl.edu](mailto:sync@fcsl.edu)).

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' grades.

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

- a.** A student may request that a scheduled final exam be rescheduled under the following circumstances: (1) two examinations at the same time; (2) two examinations scheduled in which there are fewer than two hours from the end of the first scheduled examination time and the beginning of the second scheduled examination time; or (3) a verified religious holiday.

To request a deferral based on one of the foregoing scheduling conflicts, a student must complete a Deferral Request form and submit it to the Registrar's Office no later than the Friday before mid-term week. Once the Registrar's Office receives the request, it will work with the student to reschedule the exam for a time which is after the regularly scheduled exam time.

- b.** A student may request that a scheduled final exam be rescheduled due to a documented or verifiable medical emergency or other significant personal emergency involving the student or immediate family member. To request a deferral due to an emergency, the student must immediately contact an Academic Dean.
- c.** Rescheduled examinations will be marked, and grades will be rendered, in the normal course.

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

- a.** If a student is not present in the examination room and prepared to begin the exam at the scheduled start time of a final examination (i.e., the time designated for the examination to begin), the student must report to the Dean's office and explain the circumstances of the tardiness to an academic Dean (hereinafter "the 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 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



## G. Dismissal, Academic Probation, and Academic Alert

The following rules regarding Dismissal, Academic Probation, and Academic Alert apply to all students without regard to full time or part time status.

Under these rules, a student's cumulative GPA will be evaluated at the end of each Fall or Spring semester for purposes of academic dismissal or placing a student on Academic Probation or Academic Alert status. Summer and Intersession terms are not deemed "semesters" for such purposes. However, if a student's cumulative GPA after completing a Summer or Intersession term has improved above the applicable upper threshold, then a previously assigned status of Academic Alert or Academic Probation may be removed or modified at that time, without waiting for the end of the next Fall or Spring semester.

### 1. Students Matriculating in the Spring 2015 Semester or Later

Students matriculating in the Spring 2015 semester or later must earn a cumulative 2.00 GPA or higher at the end of every semester or they will be academically **dismissed**. If a student earns between a 2.00 and a 2.29 GPA, inclusive, after any semester, the student may continue his or her studies on **Academic Probation**. If a student earns between a 2.3 and a 2.59 GPA, inclusive, after any semester, the student may continue his or her studies on **Academic Alert**.

#### a. Completion of the First Semester

- i. Any student earning less than a 2.00 GPA will be academically dismissed.
- ii. Any student with a first semester GPA between 2.00 and 2.29 who continues for a second semester of study will be subject to **Academic Probation**, under which the following conditions apply.
  - a) The student must meet with an Academic Advisor during the first month of classes in the student's second semester of enrollment. This condition applies only for Fall and Spring semesters.
  - b) The student must continue to meet with an Academic Advisor as needed for the duration of the second semester. This condition applies only for Fall and Spring semesters.
  - c) The student will be prohibited from participating in the following academic and non-academic activities:
    - 1) The student may not serve as a representative or officer of the Student Bar Association or any other student organization;
    - 2) The student may not participate in Law Review, Moot Court, or Mock Trial;

- 3) The student may not enroll in, or continue in, any externship program; and
  - 4) The student, if attending full-time, must relinquish all employment positions.
  - d) The Academic Advisor, Academic Standards Committee, or Academic Dean may impose any additional conditions during the Academic Probation term as they deem necessary to promote the success of the student.
  - e) If a student fails to abide by the terms set forth above, the student will be prevented from registering for the next semester 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 successful completion of these requirements as certified by the student's Academic Advisor and notification by the Registrar's Office.
- iii. Any student with a first semester GPA between 2.30 and 2.59 who continues for a second semester of study will be subject to **Academic Alert**, under which the following conditions apply.
- a) Within the first month of the second semester the student must meet with an Academic Advisor to evaluate the student's academic standing and set goals for the semester to come. This condition applies only for Fall and Spring semesters.
  - b) The student must complete all Academic Alert requirements set forth by the Academic Advisors.
  - c) The Academic Advisor, Academic Standards Committee, or Academic Dean may impose any additional conditions during the Academic Alert term as they deem necessary to promote the success of the student.
  - d) If a student fails to abide by the terms set forth above, the student will be prevented from registering for the next semester 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 successful completion of these requirements as certified by the student's Academic Advisor and notification by the Registrar's Office.

**b. Completion of Second Semester through Sixty (60) Credits of Study**

- i. Any student earning less than a 2.00 cumulative GPA will be academically dismissed.
- ii. Any student who earns a cumulative GPA between 2.00 and 2.29 in any semester beyond his or her second semester through sixty (60) credits of study will be

subject to **Academic Probation**, under which the following conditions apply.

- a) The student must meet with an Academic Advisor during the first month of classes in each semester of enrollment. This condition applies only for Fall and Spring semesters.
  - b) The student must complete all Academic Probation requirements set forth by the Academic Advisors.
  - c) The student will be prohibited from participating in the following academic and non-academic activities:
    - 1) The student may not serve as a representative or officer of the Student Bar Association or any other student organization;
    - 2) The student may not participate in Law Review, Moot Court, or Mock Trial;
    - 3) The student may not enroll in, or continue in, any externship program; and
    - 4) The student, if attending Florida Coastal full-time, must relinquish all employment positions.
- ii. Any student who earns a cumulative GPA between a 2.30 and a 2.59 in any semester beyond his or her second semester through sixty (60) credits of study will be subject to **Academic Alert**, under which the following conditions apply.
- a) Within the first month of each semester the student must meet with an Academic Advisor to evaluate the student's academic standing and set goals for the semester to come. This condition applies only for Fall and Spring semesters.
  - b) The student must complete all Academic Alert requirements set forth by the Academic Advisors.
  - c) The Academic Advisor, Academic Standards Committee, or Academic Dean may impose any additional conditions during the Academic Alert term as they deem necessary to promote the success of the student.
  - d) If a student fails to abide by the terms set forth above, the student will be prevented from registering for the next semester 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 successful completion of these requirements as certified by the student's Academic Advisor and notification by the Registrar's Office.

### c. Completion of Remaining Studies at Florida Coastal

- i. Any student earning less than a 2.00 cumulative GPA will be academically dismissed.
- ii. Any student who earns a cumulative GPA between 2.00 and 2.29 in any semester beyond sixty (60) credits of study will be subject to **Academic Probation**, under which the following conditions apply.
  - a) The student may not serve as a representative or officer of the Student Bar Association or any other student organization;
  - b) The student may not participate in Law Review, Moot Court, or Mock Trial; and
  - c) The student may not enroll in, or continue in, any externship program.
- iii. If a student fails to abide by the terms set forth above, the student will be prevented from registering for the next semester 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 successful completion of these requirements as certified by the student's Academic Advisor and notification by the Registrar's Office.

### 2. Students Matriculating Prior to the Spring 2015 Semester

- a. Any student matriculating prior to the Spring 2015 semester who earns a cumulative GPA between a 1.90 and 1.99 at the end of the second semester will be subject to **Academic Probation**, under which the following conditions apply.
  - i. The student must meet with an Academic Advisor before or during the first two weeks of classes in the student's second semester of enrollment. This condition applies only for Fall and Spring semesters.
  - ii. The student must continue to meet with an Academic Advisor twice a month for the duration of the semester. This condition applies only for Fall and Spring semesters.
  - iii. The student will be prohibited from participating in the following academic and non-academic activities:
    - a) The student may not serve as a representative or officer of the Student Bar Association or any other student organization;
    - b) The student may not participate in Law Review, Moot Court, or Mock Trial;



### 3. 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 in classes completed at Florida Coastal. Transfer students are subject to the Academic Probation and Academic Alert provisions above upon completion of their first semester at Florida Coastal.

### H. Withdrawal from a Course

Students are not permitted to withdraw from courses after the Drop/Add period. Please see Section IV (A)(8) for further information regarding the Drop/Add period. An academic dean may approve withdrawal from a course after the Drop/Add period upon a showing of exceptional circumstances, including but not limited to scheduling needs arising from a student's externship registration.

### I. Return to Coastal Law After Leave of Absence, Dematriculation, or Academic Dismissal

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 terminate enrollment and later 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, which is based on an intention to re-enroll and continue the academic program at a later time, 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. Dematriculation.** Dematriculation is defined as dropping the entire academic program, not a portion thereof, without intention to re-enroll at a later time. A dematriculation requires prior approval from an academic dean. An academic dean may grant a dematriculation for good cause but only if the student is in good academic standing.
- 3. Transcript.** A student requesting a leave of absence or dematriculation while an academic term is in progress 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 dematriculation 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. A student who has a cumulative GPA less than a 2.0, including any "WF" grades assigned under this section, at the time of a termination of enrollment of any kind is not in good academic standing and will be academically dismissed.

#### 4. Return to Coastal Law.

- a. **Following an Approved Leave of Absence.** A student who terminates his or her attendance for no more than two regular semesters pursuant to an approved leave of absence may resume law studies upon approval of an academic dean. Students returning from a leave of absence should contact an academic dean at least thirty (30) days prior to the beginning of the term in which the student intends to return.
- b. **Following Other Terminations of Enrollment.** A student who terminates her/his enrollment in any other manner, and who subsequently seeks to re-enroll in the academic program, must reapply for admission to the law school as if a new applicant. This requirement applies to students who terminate enrollment pursuant to an approved dematriculation, as well as to students who initially undertake an approved leave of absence but whose period of non-enrollment exceeds two regular semesters. Such students may reapply for admission to the law school no sooner than six (6) months from the date on which they were last enrolled. If admitted to the law school upon reapplication, the student will receive no credit or grade points for work previously attempted or completed at Florida Coastal.
- c. **Following Academic Dismissal.**
  - i. A student who has been academically dismissed from Florida Coastal School of Law shall not be allowed to continue at Florida Coastal School of Law. An academically dismissed student who seeks to return to the law school and resume the program of legal education shall submit a single petition, which must include all pertinent evidence that the student believes affirmatively demonstrates that the student's dismissal does not indicate a lack of capacity to successfully complete the Florida Coastal School of Law program of legal education and to be admitted to the bar.
  - ii. If the petition is granted, the student must wait one regular semester (summer session will not count) before returning to FCSL to continue studies after dismissal. Students who are academically dismissed after the fall term cannot continue their studies until the following fall term if the Academic Standards Committee grants the student's petition. Students who are academically dismissed after the spring term cannot continue their studies until the following spring term if the Academic Standards Committee grants the student's petition. This time-period cannot be waived. If the petition is granted, the student will continue with the grade point average earned by the student while enrolled at Florida Coastal School of Law.
  - iii. The student's petition shall be reviewed by the Academic Standards Committee, which will consider the following factors when deciding whether to recommend that the student resume their studies:
    - a. Mitigating or extenuating circumstances regarding the dismissal;

- b. An affirmative showing that the dismissal does not indicate a lack of capacity to successfully complete the Florida Coastal School of Law program of legal education and be admitted to the bar;
      - c. Admission test scores; performance in undergraduate, graduate, or professional programs; extracurricular activities; work experience; and other relevant demonstrated skills.
    - iv. If the Committee recommends continuation of the student's program of legal education, it shall supplement the student's file with a decisional letter containing a brief statement of the considerations that led to that recommendation and the conditions the student will be required to satisfy prior to returning to school. Those conditions may include:
      - a. Remediation measures the applicant has taken to address the root causes of the dismissal; and
      - b. Interim work, activity, or studies the student must complete in order to return to school.
    - v. If the Committee recommends continuation of the student's program of legal education, the Academic Standards Committee shall provide the student with a time certain to provide proof of completion of the conditions stated in the Committee's decisional letter.
      - a. If the student does not comply with any of the Committee's requirements by the stated time deadlines, the student shall not be allowed to continue their studies at Florida Coastal School of Law.
      - b. If the student satisfactorily complies with the Committee's requirements by the stated time deadlines, the student will be allowed to continue their studies at Florida Coastal School of Law. The Committee shall have the final determination as to whether the student has satisfactorily complied with the requirements by the stated time deadlines.
- 5. Honor Code or Conduct Code.** If a student takes a leave of absence or dematriculates when an honor code or student conduct code investigation or proceeding is pending, the Assistant 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 code or student code of conduct proceeding may continue even after the student has taken a leave of absence or dematriculates.
- 6. Financial Aid Impact.** Students should be aware that any termination of enrollment 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 dematriculation 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.

## **J. Repeating Courses**

The ability of a student to repeat 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 “WF” 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.
5. A repeated course cannot be counted towards the number of credit hours required for graduation.

## **K. Waiver of Academic Rules**

### **1. General**

Requests for waivers of Florida Coastal rules, regulations, or policies 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 (G), Dismissal, Academic Probation, and Academic Alert, 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. In making a determination on a waiver, the academic dean may consider the total number of absences, whether a substantial majority of the absences were the result of an exceptional circumstance, and whether the student has otherwise made a good faith effort to minimize the total number of absences.

## **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 experiential learning credit requirement; (iv) conducted himself or herself as a fit candidate for admission to the bar; (v) satisfied all outstanding account balances owed to the school, including any library fine; completed the Application for Graduation.

Students must complete a minimum of sixty (60) credit hours at Florida Coastal School of Law to earn a Florida Coastal degree.

For students who matriculated in the Fall 2013 through Fall 2015, a candidate for graduation must have at least ninety-three (93) credit hours in addition to the above requirements.

Beginning with students who enroll in Fall 2015, all students are required to complete at least ten (10) legal pro bono hours. This work must be completed no later than the semester prior to the student's final semester of law school.

A candidate for graduation will be permitted to sit for a state bar exam provided that all degree requirements have been satisfied at least 30 days prior to the administration of the next bar exam. Students who have not met all degree requirements prior to the bar exam may be required to postpone, unless they are taking the exam in a jurisdiction which allows students to take the exam when they have not met all degree requirements *prior* to the exam administration. Students taking courses during the summer term are not considered to have met their degree requirements prior to the July bar exam.

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 Conduct 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 a "P" in a course that is graded pass/fail 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**

**(applicable only to those students who matriculated prior to Fall 2013)**

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

## **D. Skills and Experiential Learning Credit Requirement**

**Students matriculating prior to the Fall 2013 semester** are required to complete eight (8) credit hours of skills courses, subject to the following provisions:

- a) 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.
- b) 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, and 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.
- c) Independent study courses without an ALWR component do not count towards the required skills credit hours.

**Students matriculating in the Fall 2013 semester and thereafter** are required to complete six (6) experiential learning credit hours. These credit hours must come from experiential learning courses, such as clinics, externships or simulations, unless such simulation is a requirement for graduation.

**Students matriculating in the Spring 2016 semester and thereafter** are required to complete three (3) of the six (6) experiential learning credits through a clinic or externship.

## **E. Limitations of Time**

The course of study for the J.D. degree can be completed no earlier than 24 months and, except in extraordinary circumstances, no later than 84 months after a student has commenced law study at the law school or a law school from which Florida Coastal has accepted transfer credit.

## **F. Distance Education Courses**

1. A student may not take more than fifteen (15) total credit hours of distance education courses toward the J.D. degree. A student whose cumulative GPA is less than a 2.6 may not take more than three (3) credits of distance education in any semester in which their cumulative GPA is below 2.6.
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 the J.D. degree.
3. Students who register for DE courses offered by Florida Coastal through a consortium agreement (e.g., iLawVentures) must have a cumulative 2.6 GPA at the time of registration, except for courses specifically approved for enrollment without such limitation. Any student with below a cumulative 2.6 GPA who wishes to enroll in such classes as part of completion of one of Florida Coastal's certificate programs should contact the designated director of said certificate program.
4. Final examinations for distance education courses must be taken in person on campus at the day and time announced on the final examination schedule for each semester.

## **G. Graduate Credits**

Students may apply toward the course credit requirements up to six (6) 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(J) 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.

## **H. Transfer-In Students**

A candidate who has transferred from another law school must successfully complete at least sixty (60) 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, complete six (6) credit hours of experiential learning, and satisfy all other degree requirements.

Credits for courses completed at another ABA-accredited law school are evaluated by an academic dean on an individual basis. Only courses completed with a grade of “C” or better are transferable for academic credit at Florida Coastal. All credits must have been obtained within two academic years prior to enrollment at Florida Coastal. An academic dean will determine whether specific courses cover the material necessary to meet a graduation requirement at Florida Coastal.

Any student transferring to Florida Coastal from 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. Transfer students are subject to the academic probation and academic alert provisions upon completion of their first semester at Florida Coastal.

## **I. Advanced Standing Policy**

Florida Coastal School of Law may grant an admitted J.D. applicant who holds a foreign law degree advanced standing consistent with Section 507 of the American Bar Association’s *Standards for Approval of Law Schools*. To be considered as an advanced standing student, the applicant must have obtained an in residence law degree from another country.

Applicants requesting one year advanced standing must apply to the J.D. program through our transfer application process (instead of the regular J.D. application process) along with students who have completed the first year in another law school in the U.S. Advanced standing students may receive up to 30 credit hours of transfer credit from their prior degree. The amount of transfer credits will be determined by the Academic Dean.

Florida Coastal admits transfer students to the full-time and part-time programs. As a prerequisite to enrollment, all applicants are required to have earned a baccalaureate degree or its foreign equivalent from a college or university that is accredited by an agency recognized by the US Department of Education or foreign equivalent. A final, official transcript evidencing conferral of the degree must be submitted to Florida Coastal School of Law before enrolling. In no event will anyone who has yet to receive a baccalaureate degree or foreign equivalent be permitted to enroll.

### **Application Requirements:**

Completed online application. The application will include the applicant's:

1. Resume
2. Personal Statement
3. Completed Credential Assembly Service Report from LSAC. This requires the following items:
  - a. Law School Admissions Test (LSAT) score
  - b. Transcripts. All transcripts from any post-secondary schooling completed in and outside of the US. The candidate will be required to submit a translation and/or analysis of his or her transcript, and must pay for that service. The College of Law will endeavor to provide the J.D. candidate with a foreign law degree with an analysis of the credits that will or will not transfer before the deadline for the candidate to accept the College of Law's offer of admissions.
  - c. Two (2) letters of recommendation from professors or employers.
  - d. Applicants whose native language is not English and who have not completed an undergraduate degree at an English-speaking institution must submit a TOEFL score of at least 100 on the Internet-based test. TOEFL scores are valid for three years. For TOEFL information, visit www.ets.org. Fluency in English may also be established by alternative assessment such as scoring at least a 7 in IELTS. For more information, visit www.ielts.org.

TOEFL Paper-Based Test: 600  
TOEFL Internet-Based Test: 100  
IELTS: 7.0

### **J. Students Visiting Elsewhere**

1. A student who, at the time of application, has a minimum cumulative GPA of 2.60, 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 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.

**2. Courses required by Florida Coastal may not be taken at another institution.**

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 sixty (60) credits at Florida Coastal to earn a Florida Coastal degree.

**3. Visiting Elsewhere in the Last Semester Prior to Graduation.** Students who plan to take the Florida Bar Exam may not visit elsewhere in their last semester prior to graduation. In a student's last semester prior to graduation, a student may only visit at another institution that is located in the state in which the student plans to take the bar exam.

**K. Dual Degree Program**

Students in the J.D. Program at Florida Coastal School of Law may also earn an M.B.A., M.P.P. or other graduate degree through an approved cooperative program with Jacksonville University.

**1. Reduction in Overall Credit Requirement**

The dual degree program was developed based on the assumption that there is complementary intellectual benefit from studying law and certain other professions in a coordinated program. A student enrolled in the dual degree program may earn both degrees in less time and with a lower overall credit requirement than a student enrolled in each school or program independently.

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 Dual Degree Program**

Applicants interested in the dual degree program must submit separate admission applications to Florida Coastal and to the other approved degree program. 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 dual degree are strongly encouraged to apply to both programs at the same time and in their first year of law school. However, it may be possible for a law student to apply to the dual degree (and thus be eligible to earn a dual degree) any time prior to completion of his/her law degree. Students wishing to enroll in a dual degree after their first semester must be in good standing and have a cumulative GPA of 2.3 or higher at the time of application. Students who enroll after their first year should seek the advice of an academic dean.

### **3. Enrollment in the Dual Degree Program and Approval of Courses**

A student who has been admitted to both the J.D. and another approved degree program and who wishes to pursue a dual degree must file a Dual Degree Enrollment Form with Florida Coastal School of Law. Students are not considered to be in the dual degree program until the Dual Degree Enrollment form is completed and approved by an academic dean. Once this form has been approved, 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 Dual Degree Course Selection Form. This form must list the courses the student will be taking in the upcoming semester and must be filled out to ensure financial aid is awarded correctly.

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

The standard course load for dual degree students is thirteen (13) to sixteen (16) 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 to non-JD courses when the student completes the Dual Degree Course Selection Form to determine the semester course load when either schools' semester or session start or end dates differ. Students must remain enrolled full-time to participate in a dual degree program. Likewise, students may not accelerate the completion of the J.D. degree while enrolled in a dual degree program.

Dual degree students are eligible for federal financial aid while enrolled in the 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 dual degree 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.

### **5. J.D./M.B.A Program Requirements**

Students enrolled in the J.D./M.B.A. program may count up to 9 credit hours of law school class work towards fulfilling the 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 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.

To earn academic credit towards the J.D. degree for course work completed in the M.B.A. program: (1) the courses selected must be listed on the Dual Degree Course Selection Form and be approved by an academic dean and the J.D./M.B.A. program advisor; (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 J.D. program: (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 courses pre-approved an academic dean and the M.B.A. Program Advisor.

## **6. J.D./M.P.P. Program Requirements**

Students enrolled in the J.D./M.P.P. program may count up to 12 credit hours of law school class work towards fulfilling the credit-hour requirement of the M.P.P. degree, and may count up to 12 credit hours of M.P.P. class work towards fulfilling the 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.P.P. degree awarded by the Jacksonville University's Public Policy Institute.

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

To earn academic credit towards the M.P.P. degree for coursework completed in the J.D. program: (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 twelve credits must come from courses pre-approved by an academic dean and the M.P.P. Program Advisor.

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

## **L. Honors**

A candidate for the J.D. degree or an approved dual 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:

##### 1. First Year Required Courses:

- a. **Students who matriculated prior to Spring 2016:** Civil Procedure; Contracts I and II; Criminal Law; Lawyering Process: Research and Objective Legal Writing; Legal Methods; Property I and II; and Torts I and II.
- b. **Students matriculating from Spring 2016 to Summer 2017:** Civil Procedure I, Contracts I and II, Criminal Law, Legal Research & Analysis, Writing for Law Practice, Property I and II, and Torts I and II.
- c. **Students matriculating in Fall 2017 and thereafter:** Contracts I and II, Criminal Law, Criminal Procedure, Legal Research & Analysis, Writing for Law Practice, Property I and II, and Torts I and II.

##### 2. Upper Division Required Courses:

- a. **Students who matriculated prior to Fall 2013:**
  - i. Constitutional Law I and II; Criminal Procedure; Evidence; and Professional Responsibility;
  - ii. Two (2) of the following three (3) courses: Business Associations, Family Law, Trusts and Estates; and
  - iii. Eight (8) credit hours of Skills requirement and the Advanced Legal Writing Requirement.
- b. **Students who matriculated in Fall 2013, Spring 2014, and Summer 2014:**
  - i. Constitutional Law I and II; Criminal Procedure; Evidence; and Professional Responsibility;
  - ii. Two (2) of the following three (3) courses: Business Associations, Family Law, Trusts and Estates;
  - iii. Six (6) credits of experiential learning;
  - iv. Lawyering Process for Litigation Practice, Lawyering Process for Transactional Drafting, and Financial Literacy for Lawyers;
  - v. One (1) the following: Administrative Law, American Legal Process, Health Law, Environmental Law, or Federal Income Tax; and
  - vi. A minimum of three (3) credit hours of Bar preparation courses.
- c. **Students who matriculated in Fall 2014, Spring 2015, Summer 2015, and Fall 2015:**
  - i. Constitutional Law I and II, Criminal Procedure, Evidence, and Professional Responsibility, and Lawyering Process for Litigation Practice;
  - ii. Two (2) of the following three (3) courses: Business Associations, Family Law, Trusts and Estates;

- iii. Six (6) credits of experiential learning;
  - iv. Six (6) credits of Bar preparation-designated courses; and
  - v. One (1) the following: Administrative Law, American Legal Process, Health Law, Environmental Law, or Federal Income Tax.
- d. Students matriculating in Spring 2016, Summer 2016, Fall 2016, Spring 2017, and Summer 2017:**
- i. Civil Procedure II, Constitutional Law I and II, Criminal Procedure, Evidence, Professional Responsibility, Business Associations, Family Law, and Trusts and Estates;
  - ii. One (1) of the following: Pretrial Litigation Drafting or Transactional Drafting Practice;
  - iii. Six (6) credits of experiential learning; and
  - iv. Six (6) credits of Bar preparation-designated courses.
- e. Students matriculating in Fall 2017 and thereafter:**
- i. Civil Procedure I and II, Constitutional Law I and II, Evidence, Professional Responsibility, Business Associations, Family Law, and Trusts and Estates;
  - ii. One (1) of the following: Pretrial Litigation Drafting or Transactional Drafting Practice;
  - iii. Six (6) credits of experiential learning; and
  - iv. Six (6) credits of Bar preparation-designated courses.

**Strongly Recommended Courses:** Florida Practice and Procedure; Florida Constitutional Law; and Remedies. 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 online at <https://www.fcsl.edu/academics-courses-and-schedules.html>.

All students must take the three (3) credit National Law Survey course that covers all seven MBE topics during their final semester of law school and one three (3) credit state specific bar course as follows:

- California Law Survey only offered in the spring term asynchronously
- Florida Law Survey offered live every fall and spring
- Georgia Law Survey only offered in the spring term
- Uniform Law Survey (all UBE jurisdictions) only offered in the spring term live

Students who wish to graduate at the end of a fall term and who will not take the Florida Bar Exam may take their state-specific bar examination review course during their final spring term.

Students should review the course sequences prior to registering for classes.

**B. Advanced Legal Writing Requirement (ALWR)  
(applicable only to those students who matriculated prior to Fall 2013)**

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 matriculate in the Fall 2011 or later whose LP I and LP II grades are in the bottom quartile of their 1L class will be required to complete their ALWR requirement in a course designed to provide intensive writing assistance. Recognizing that effective writing is vital to success in law school, FCSL strongly recommends that these students complete the ALWR in their 2L year. Courses which may be taken to satisfy the ALWR include the following when offered as an ALWR option: Ethical and Professional Legal Writing, Persuasive Writing, Judicial Writing, or Appellate Advocacy.

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.fcsl.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, practitioner clinics, externships, judicial externships, classroom components of all clinics, externships, teaching assistant or research assistant positions, Law Review, Moot Court, and Mock Trial. Only fifteen (15) non-course credits may be applied 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**

1. 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 one (1) in-house clinic 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, as well as many corporate in-house legal departments. 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 Business 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.

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 forty-five (45) hours per credit hour. Hours spent in class and preparing for class count toward the overall time requirement. 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 (2) 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.

For externship placements, the Experiential Learning department approves the number of credits that may be earned in each placement. For externships there is a three credit minimum. For approval of fewer than three credits, students must petition the Experiential Learning department. Approval of an externship does not constitute a waiver of any other academic requirements.

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 fifteen (15) credit hours.

The in-house clinic, 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 Florida Coastal website.

## **2. Florida Bar Character and Fitness Application**

### **a. Required**

In order to ensure that all of our students have the maximum access to Experiential Learning opportunities, all Florida Coastal School of Law students are required to complete and file a Student Application for Florida Bar Character and Fitness Clearance within 180 days of their matriculation to Law School. The Florida Bar requires students participating in many types of clinical and

externship programs to be Florida Bar Certified Legal Interns, which requires the student to have a Character and Fitness Clearance Certificate from the Florida Bar. Applying for and receiving the Clearance Certificate is required even if a student ultimately does not apply to be a member of the Florida Bar.

Students who file their Student Application within 180 days of matriculation also take advantage of the lower application fee offered for first semester filers. It is highly recommended that students begin their Florida Bar application as soon as possible and begin assembling the documents required to be submitted with the application (go to [www.floridabarexam.org](http://www.floridabarexam.org)). Resources and information about the application process are on the Library and Technology Center (LTC)'s Homepage under LibGuide, as well as under the heading Bar Character and Fitness Clearance.

#### **b. Extensions or Waivers**

Extensions or waivers to this requirement will only be granted upon a finding by the CPD of exceptional circumstances. All applications must be submitted to the CPD within 120 days of Matriculation to Coastal Law. The decision of the CPD is final.

Failure to file a Student Application to the Florida Bar within 180 days of matriculation or apply for an extension or waiver within 120 days will result in a hold on the student's account.

Students may apply for an extension or waiver of this requirement with the CPD under the following circumstances:

- i. **Waivers:** Students may apply for a waiver if they have verifiable concerns about issues in their background that may prove problematic for achieving the background clearance or if they can adequately establish that they have no intention of ever talking the Florida Bar. Students must articulate an alternative plan for obtaining the recommended 400 hours of legal work experience in order to qualify for this waiver.
- ii. **Extensions:** Students may apply for an extension if they cannot file their character and fitness application in a timely manner due to exceptional circumstances. The application must explain in detail the exceptional circumstances which would prevent completion of filing of the character and fitness application prior to the deadline. A limited waiver may be granted once if exceptional circumstances are found to exist. The decision of the CPD is final. Students must articulate a comprehensive plan for obtaining the recommended 400 hours of legal work experience in order to qualify for this waiver.

## **F. Practitioner Clinics**

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 practitioner clinics. A practitioner clinic is a course, usually offered for 1-2 credits, in which students work closely on pro bono cases with a professor who is a Florida Bar licensed full-time or adjunct faculty member. Some practitioner clinics follow a prior doctrinal course in the subject area. For instance, students who successfully completed the doctrinal Trusts and Estates and Professional Responsibility courses in a prior semester are eligible to register for the Trusts and Estates Practitioner Clinic. The practitioner clinic consists of both classroom and practice components.

Each semester, the practitioner clinic coordinator will hold an informational meeting about the practitioner clinic. Any student who wishes to participate in a practitioner clinic in a future semester must attend one of these informational meetings.

Enrollment in a practitioner clinic is limited to eight (8) students. Decisions for placements will be based upon the following considerations: credits and prerequisites the student has successfully completed; preference will be given to students who have not already earned credit in an in-house clinic, an externship, or another practitioner clinic at Coastal Law; the student's goals and objectives in seeking the placement; the student's grade point average; requirements imposed by the supervising professor; and other qualifications as determined by the practitioner clinic professor or coordinator.

Students will be required to work a total of 25 hours per credit hour. Time spent outside of class, in addition to time spent in class sessions, will count toward the total number of hours. Students must keep a time sheet documenting time spent and submit this to the professor at regular intervals as directed by the professor or at the end of the semester if no other times are designated.

Students will be assigned one of the following grades for the practitioner clinic: "High Pass," "Pass," "Low Pass" or Fail." Those students receiving the grade of "Fail" will earn no course credit or skills credit for the course. Students earning "High Pass," or "Pass," or "Low Pass" grades will be awarded the credits for which they registered.

The credits awarded for practitioner clinics will count towards the non-course credit limit set forth in Section VI (D) of the Student Handbook. A student may not enroll in more than one practitioner clinic, clinic, or externship placement program during a semester or summer term. While a student may participate in more than one practitioner clinic, clinic, or externship placement during law school, the total number of credit hours from such that may be applied toward the graduation requirement is limited to twelve (12) credit hours. Credit hours earned in practitioner clinic shall count towards the skills course credit requirement set forth in Section V (E) of the Student Handbook.

## G. 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.

## H. Teaching Assistants and/or Research Assistants

### Guidelines

Compensation for serving as a Teaching Assistant (TA) / Research Assistant (RA) Positions  
TAs and RAs may accept a position for credit. A student may earn only one TA/RA credit per semester.

### Paid Position Guidelines

- TA's may work up to a maximum of 100 hours over the semester per position.
- RA's may work up to a maximum of 150 hours over the semester per position.
- In accordance with the ABA guidelines, a full-time student may not be employed more than 20 hours per week.
- The student may not begin work until completing the necessary employment paperwork with HR.
- The student must submit a time sheet each week through the ADP online payroll system.
- The professor must approve the time worked through the ADP online payroll system.

*The School reserves the right to limit the number of hours approved for each student according to the available budget.*

- **A student may not earn more than 15 non-course credits while in law school** (includes TA, RA, Clinics, Internships, Law Review, Moot Court and Mock Trial credits). Non-course credits consist of live-client clinics, externships, judicial internships, classroom components of all clinics, etc.
- 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 student (13-16 hours).

## **Credit Position Guidelines**

- The student must work at least 60 hours during the semester.
- The student must submit timesheets to the Professor to ensure the minimum hour requirement is met.
- Students earning credit will not be paid for hours worked in excess of 60 hours per semester.
- The predominant function of a RA who receives credit must be scholarly research.
- The Professor will submit a Pass/Fail grade to the Registrar at the end of the semester.

## **Copying Privileges**

Copy and/or printing privileges for TAs and RAs are available in the Law Library. A student may utilize the “instructor card” to make copies for TA or RA duties. In addition, the IT Department has made available a printer for TAs and RAs (located near the circulation desk in the office next to the Reference Librarians).

## **How do I add the credit to my schedule?**

Once you have been selected by a faculty member, they will submit your information to the Registrar’s Office.

## **Research Assistant Training Requirement**

**Mandatory training for RA positions:** All students serving in a RA position must attend a one-hour research workshop as part of their minimum sixty (60) hours work requirement. A reference librarian serving as the RA Coordinator will conduct the workshop. The workshop will review the research process and solutions to potential search problems for professor-requested material. The workshop will provide in-depth instruction on using library resources, including the library catalog, subscription databases for general and legal resources (with some special features of Lexis and Westlaw) and inter-library loan. This training does not need to be repeated if the same student serves as an RA in future semesters.

## **Copying Privileges**

Copy and/or printing privileges for TAs and RAs are available in the Law Library. A student may utilize the “instructor card” to make copies for TA or RA duties. In addition, the IT Department has made available a printer for TAs and RAs (located near the circulation desk in the office next to the Reference Librarians).

## **I. Academic Support**

1. **New Student Orientation.** Florida Coastal’s New Student Orientation, under the leadership of our Academic Programs Directors, is a faculty-taught, academically rigorous, introduction to pertinent critical reading, analytical, and organizational

(IRAC) skills with mock classes for each corresponding first year class. In those first year first semester classes, students will work on close and effective reading, case briefing, rule breakdown, and legal analysis. Students attend four mock classes – one for each doctrinal class taught by their assigned doctrinal professor. Each doctrinal professor teaches a different lawyering skill in their one-hour class. Students also attend four additional classes taught by the Academic Programs/Legal Writing Professors on close and effective reading, case briefing, rule breakdown, and legal analysis. The orientation is held the week before classes begin and concludes with a formal convocation ceremony attended by the entire faculty and administration.

**2. Academic Advising.** Academic Advising is provided to all students through Academic Onboarding and Academic Advising Registration Fairs. Each fall term, Florida Coastal holds cohort academic onboarding sessions to serve as an opportunity for students at all phases of their law school journey to receive important and relevant information tailored to their needs. Each session will be tailored to provide each cohort with pertinent information about:

- Academic Programs
- Accommodations
- Administration
- Bar Prep
- Career Placements
- Experiential Learning (Clinics, Externships & Pro Bono)
- Faculty
- Financial Aid
- Professionalism and Social Media
- Registrar
- Student Affairs

Each semester Florida Coastal hosts a school wide Academic Advising and Registration Fair to provide students information about all the available curricular and co-curricular opportunities from academic programs, certificates, experiential learning clinics and externships, bar prep and career placement.

**3. Studying the Law I & II.** The Academic Programs Directors facilitate and teach the Studying the Law lab for our first-year students every Friday. Some of the labs are also taught by the first-year doctrinal professors and one lab each semester is a panel discussion with all four first-year doctrinal faculty to discuss the importance of IRAC on essay exam assessments before midterms. Studying the Law is voluntary to foster a student culture of personal accountability and engagement; but many of the covered skills and assignments tie directly back to a doctrinal course, with some of the lab assignments having a graded component for the first-year classes. The Studying the Law labs focus on the four critical first-year skill competencies: issue spotting, IRAC, case reading & briefing, and statutory analysis.

Additionally, Academic Programs Directors are available to meet with students

five days a week either through pop-in meetings or by appointment and all faculty have a mandatory five hours of office hours per week. First year faculty require graded mid-terms to provide early feedback to students about their progress and to encourage students to seek out help when they need help beyond the offered review sessions in the Studying the Law workshops.

Additional sessions and topics can be added to both Studying the Law I and II based on student and faculty feedback responsive to the academic needs of each cohort.

- 4. Individual Counseling After First-Semester Midterms.** The Academic Programs Directors schedule individual meetings with any first-semester first year student who is identified as at risk of failing or underperforming based on any of their four doctrinal midterm grades. The first-year doctrinal faculty provide this midterm information to the Academic Programs directors with additional details about the student's essay, IRAC, and multiple-choice midterms scores to identify if students are struggling with doctrine, writing, application, IRAC, close reading, or any combination thereof. The Academic Programs Directors also take into consideration the student's performance in their Legal Research and Analysis course when providing student feedback.

## 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**

### **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 of Internal Affairs and a Vice President of External Affairs, 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 may 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 (3) academic credits from participation on Law Review.

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

The Florida Coastal Mock Trial Team is a co-curricular organization that allows students to practice their trial advocacy skills in competitive state, regional, 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 enroll in a Trial Practice for Mock Trial class for two (2) credits taught by the Director of Mock Trial. After the student's first semester on the mock trial team, students may also earn one (1) course credit for their participation per semester when the student participates in a designated position within the Mock Trial Team. Students may not earn more than a total of four (4) credits during their law school career for participation on the Mock Trial Team.

# ATTACHMENT #1

## COASTAL LAW ACADEMIC HONOR CODE Revised August, 2018

### A. Introduction

Students at Florida Coastal School of Law (Coastal 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 Academic Honor Code (Honor Code or Code) shall be interpreted in accordance with these underlying fundamental purposes.

This Honor Code details prohibited conduct, outlines the jurisdiction and establishes the procedures to be followed when a violation of the Code is alleged. 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. Faculty and staff members should follow the principles of academic integrity in their own work and conduct.

The objectives of the Honor Code procedures are to:

1. Create a process in which to determine violations of the Honor Code;
2. Ensure involvement of students, faculty, and administration in enforcement;
3. Maintain confidence that the system will work, that violators will be held accountable, and that any accused student will be treated fairly.

Investigations may be initiated or continued after a student has graduated, or after the student has completed the course or program, if the academic misconduct occurred while the individual was enrolled at Coastal Law or in a program sponsored or co-sponsored by Coastal Law. If an Honor Code matter is pending when a student is scheduled to graduate, the student's degree may be withheld at least until the matter is resolved. Student status continues until it is terminated upon the occurrence of one or more of the following events:

1. Graduation or completion of a Coastal Law-sponsored bar preparatory program.
2. Documented completion of the academic program by the Registrar or program administrator.
3. Voluntary dematriculation of the student from all courses of academic instruction.
4. Involuntary dismissal from all programs and activities of the school, and the exhaustion of all internal procedures to redress the dismissal or withdrawal (if applicable).

5. Unauthorized absence from the school for one or more semesters.

## **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 in any of its programs. This Code is published in the Coastal Law Student Handbook. Any suggestions for amendments to the provisions of this Honor Code shall be made by the Office of Student Affairs in collaboration with the Academic Integrity Officer. 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. Definitions**

1. The terms “school” or “Coastal Law” mean Florida Coastal School of Law.
2. The term “student” means an individual:
  - a. Who has been accepted for enrollment in one or more classes offered by this school, or in any qualifying program at Coastal Law, and
  - b. Who has registered for one or more classes of academic instruction to be given at the school or sponsored by the school.
3. “Academic Integrity Officer” refers to a member of the full-time faculty who will be appointed by the Dean. The Academic Integrity Officer has the authority to recommend that certain decisions and sanctions imposed by the Investigator be amended or referred to the Dean for resolution.
4. “Class” and “Course” refer to any class or course at Coastal Law. The terms should be construed broadly, and include graded and non-graded courses, courses offered for credit and not for credit, and courses offered on or off the law school campus. The terms specifically include clinics, internships, summer abroad programs, and academic competitions.
5. “Honor Code” or “Code” refers to the Coastal Law Academic Honor Code
6. “Day” means any regular business day of Coastal Law, and does not include weekends, holidays, or any day on which Coastal Law is not open to conduct regular business.
7. “Dean” refers to the Dean of Coastal Law, or that person’s designee.
8. “Investigator” refers to the person charged with gathering facts and information about a referral under this Code, and with imposing sanctions.
  - a. The Investigator typically will be a member of full-time faculty or an administrator.

- b. The Dean reserves the right to appoint another person, including a person who is not a full-time employee of Coastal Law, as Investigator. If the Dean appoints a person who is not a full-time employee of Coastal Law, the Dean will enter into an agreement with that individual indicating that the individual will abide by the relevant Coastal Law policies and procedures.
  - c. The Dean also reserves the right to appoint multiple Investigators to a matter. The Investigator may be assisted by others in work under the Code.
  - d. The Investigator under this Code is distinct from the Conduct Code Investigator, who is the person charged with gathering facts and information about a referral under the Conduct Code.
9. “Notice” means written notice and includes e-mail messages.
10. “Writing” includes an e-mail message sent to a student’s Coastal Law e-mail account.

#### **D. 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 Investigator does not have to find 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 Coastal 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, words, thoughts or ideas 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, mock trial 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

- d. Unauthorized assistance or collaboration; giving or receiving aid on an assignment, examination or other academic assignment without the express prior approval of the professor
  - e. Inappropriate use of others' work; using words, thoughts, or ideas without attribution so that they seem as if they are your own
  - f. Failing to report advance knowledge of any question on an examination not yet given
  - g. Continuing to write a test or examination when the time allotted has elapsed.
3. **Facilitating academic dishonesty** - helping someone else commit an act of academic dishonesty. This includes but is not limited to giving someone work product to copy or allowing someone to cheat from an examination or assignment
  4. **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.
  5. **Misappropriation of, or damage to, academic materials** – Damaging, misappropriating or disabling academic resources so that others cannot use them.
  6. **Multiple submissions** - Submitting work you have done in previous classes as if it were new and original work without permission from the instructor
  7. **Deception and misrepresentation** – Lying about or intentionally misrepresenting work, academic records, credentials, or other academic matters or information. May include, but not limited to, forging signatures or letters of recommendation, falsifying documents pertaining to internships, clinics, pro bono or resume.
  8. **Electronic Dishonesty** – Using network or computer access, or any Webcast or portion thereof, inappropriately in a way that affects and/or disrupts a class or other students' academic work and/or learning environment.
  9. **Obstruction of Justice** - Failing to reveal fully any knowledge or evidence concerning a filed referral on proper request of a member of the Investigator or an Administrator
  10. **Perjury** - Knowingly misstating a material fact in a statement presented to an Investigator or an Administrator gathering facts about the issue at hand
  11. **Contempt** - Willfully failing or refusing to comply with any request of the Investigator or Administrator in a matter related to this Code.
  12. **Confidentiality of Code Violation Proceedings** - Violating any duty of confidentiality imposed by this Code

13. **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.
14. **Other Conduct** - Engaging in academic conduct, not otherwise covered by any other provision of this Code directly related to activities or programs related to the law school, which adversely reflect upon fitness to remain a student at the law school.

## **E. Procedures**

### **1. Referrals**

- a. Method of referral - Members of the Coastal Law community may refer possible violations of this Code to the Office of Student Affairs. To determine whether an investigation or intervention is necessary, it is helpful for the person to provide names, dates, locations, and descriptions of the possible academic misconduct. It may be within a faculty member's discretion to refer an incident under this Code. Faculty may choose to resolve issues as outlined in their course policies and/or syllabus.
- b. If the Dean of Student Affairs believes a possible violation of the Honor Code has occurred, he or she should urge the individual to move forward with a written referral. Templates for referrals are available in the Office of Student Affairs. The Dean of Student Affairs should alert a reporting student to the fact that failure to report an Honor Code violation is in itself an offense under the Code. If the Dean of Student Affairs does not believe a violation has occurred, he or she shall inform the student, faculty or staff member that he or she is not obliged to take any further action in the matter. However, if despite the consultation with the Dean of Student Affairs, the student, faculty or staff member decides to make a referral, the Dean of Student Affairs should remind him or her that the Honor Code equally sanctions the students who knowingly make a false report of an Honor Code violation. Staff or faculty would be referred to Administration.
- c. Additional referrals - If the Investigator finds information that suggests the student or another person may have violated other provisions of the Honor Code or Code of Conduct, the Investigator may treat this information as an additional referral or may refer the additional matter to a Conduct Code Investigator.
- d. No anonymous referrals will be accepted. Making a timely referral is of the utmost importance. Referrals are considered timely if they are made within 30 days upon notice of the incident.

### **2. Interim Action**

- a. After receiving a referral, the Investigator or an Administrator may recommend to the Dean or designee that a student be suspended, restricted from classes or other activities,

or prohibited from having contact with one or more individuals for an interim period.

- b. A recommendation for interim action must be based on a reasonable belief that serious academic misconduct occurred and that the continued presence of the student on the campus poses a threat to the academic integrity of the institution.
- c. The decision to impose an interim action will be communicated in writing to the student, and will become effective immediately.
- d. A student who receives an interim action will be provided with an opportunity to meet with the Investigator to respond to the allegations of misconduct no later than seven (7) days following the effective date of the interim action.
- e. The interim action will remain in effect until a final decision has been made on the pending referral or until the Investigator determines that the reasons for imposing the interim action no longer exist.
- f. The Dean or his/her designee have the right to impose any readmission requirement necessary, based on an individualized assessment, to demonstrate the health, well-being, and overall fitness of the student to continue in law school before allowing readmission.

### **3. Investigation and Decision**

- a. After receiving a referral, the Investigator:
  - i. will determine whether the referral states a sufficient basis to believe that a violation of the Honor Code may have occurred;
  - ii. will determine whether the referral primarily reflects academic or nonacademic misconduct and will request the Dean of Student Affairs to reassign the matter if it represents nonacademic misconduct;
  - iii. may interview the person making the referral and other persons with information, and may seek additional information regarding the referral.
- b. If the Investigator determines that the Code has not been violated or that a violation cannot be substantiated, the investigation will end and the Investigator will follow the reporting and record-keeping provisions noted below in Section J.
- c. Even if the Investigator determines that a matter should not be pursued under the Honor Code, the Investigator may recommend that an educational conference be held with the student so that the conduct at issue is not repeated, or so that the student may better understand the effects and consequences of the actions.
  - i. During this educational conference, the Investigator may require the student enter into an academic conduct contract. That contract may outline conduct or

actions that the student must avoid, or may impose affirmative obligations on the student.

- ii. A violation of the contract may be considered as a violation of this Honor Code.
- d. The referral will be considered an accusation under this Code only after the Investigator determines that a sufficient basis exists to believe that the Honor Code may have been violated.
- e. If the Investigator believes that a violation of the Code may have occurred, then the Investigator will promptly notify the student in writing of the alleged violation, will set a time to meet with the student, and will gather any other information needed to resolve the matter.
- f. At the meeting the student will be provided with the following:
  - i. an explanation of any Honor Code sections at issue and the nature of the conduct that is the basis for invoking those Code sections;  
  
a summary of the information gathered
  - ii. a reasonable opportunity to respond; and
  - iii. an explanation of the applicable disciplinary procedures in relation to the Honor Code.
- g. The student may be assisted by an advisor of their own choice and at their own expense. The role of the advisor is limited to consultation. Advisors may not speak on behalf of a student. Because the purpose of this process is to provide a fair review of the alleged violations of the Honor Code rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted. Advisors may not appear in lieu of the student; however, an advisor may consult with the student during a meeting and may assist with the preparation for the meeting. Students who choose an attorney as their advisor shall notify the Dean of Student Affairs of the attorney's name and contact information at least five (5) business days prior to the meeting.
- h. During the meeting with the student, both the Investigator and the student may have witnesses available, but the witnesses need not be in the same room as the student. The student, while having the right to understand the witnesses' positions, does not have a right to examine the witnesses. The Investigator may choose to audiotape the meeting.
- i. A student who fails to attend a scheduled meeting with the Investigator will forfeit the right to respond regarding the alleged violation, unless excused by the Investigator. If the student fails to attend the meeting, the Investigator may proceed to impose a sanction.

- j. After carefully considering the information gathered, the Investigator will determine whether there is clear and convincing evidence that a violation of the Honor Code has occurred and, if so, the appropriate sanction or sanctions to apply.
- k. The Investigator will notify the Dean of Student Affairs of the decision and sanction, if any.
- l. Then, the Investigator will inform the student of the decision, in writing. The written decision will describe the violation, the determination, and the sanction. When feasible, the Investigator also should communicate the decision and sanction to the student in a face-to-face meeting or via video or telephone.
- m. Following a decision, the student has the right to file an appeal based on the procedures outline in Section I.

## **F. Sanctions**

1. The following sanctions and may be imposed upon any student found to have violated the Honor Code:
  - a. Warning—Notice, orally or in writing, that continuation or repetition of prohibited conduct will be cause for additional disciplinary action.
  - b. Reprimand - A written or oral reprimand specifying the violation for which the student is held responsible.
  - c. Academic Disciplinary Probation - A form of probation that is distinct from probation that may be imposed as a result of academic performance. The term refers to the period prescribed by the Investigator during which certain conditions imposed as sanctions must be met or during which the student's behavior will be monitored. If the student fails to fulfill the conditions during the probationary period, the Investigator, after giving the student notice and a reasonable opportunity to respond, may determine that the student has violated the probation and may impose new or additional sanctions. The conditions of academic disciplinary probation may be varied, depending on the circumstances.
  - d. Restrictions or Loss of Privileges and/or Benefits - Denial, exclusion, or restriction of certain privileges, events, activities, or benefit for a designated period of time. An 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.
  - e. Discretionary Sanction - Work assignments, service to the school, local community, civic organizations, or other related discretionary assignments.
  - f. Counseling - This may be for substance abuse, anger management, or other purposes depending on the incident and associated circumstances. The student will be required to

provide documentation of completion of the required counseling by a qualified professional. The student will be responsible for all costs associated with the counseling.

- g. 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. Duration of suspension will be determined as part of the disciplinary process.
  - h. 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 Honor Code violation notwithstanding any other provision in the Honor Code or Student Handbook. If a student is expelled from the school for any Honor Code violation, the student is not entitled to any reimbursement of tuition, book expenses, or other fees associated with the school and/or enrollment.
  - i. Revocation of Degree - Rescinding a student's degree awarded by the school.
  - j. Other Sanctions - Other sanctions or actions may be imposed instead of or in addition to those specified in this section.
- 2. Multiple sanctions may be imposed by the Investigator.
  - 3. A student may not be considered in good standing while an Honor Code investigation is pending; to include the appeal process and completion of assigned sanctions.

## **G. Implementation of Sanctions**

Sanctions are effective immediately, unless stayed or otherwise set by the Investigator. If a student initiates an appeal, sanctions will not begin until the appeal process is exhausted. The Dean or designee may impose sanctions during the appeal process to ensure the safety and wellbeing 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.

## **H. Mitigating and Aggravating Factors**

In determining the sanction, the Investigator may consider mitigating and aggravating factors. A non-exhaustive list of factors that may be considered include the following:

- 1. Pre-referral admission - When a student voluntarily admits misconduct before learning that someone has referred the matter or is about to refer the matter, the Investigator may consider the admission as a mitigating factor. A student who has the courage and integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making such an admission should contact the Office of Student Affairs.
- 2. Other admissions - Even an admission made after a referral may have some mitigating value. This type of admission shows acknowledgment of the inappropriate nature of the student's

conduct. However, a post-referral admission is not as strong a mitigating factor as a pre-referral admission.

3. Cooperation - The Investigator may consider how cooperative, or uncooperative, the student was during the process, including whether the student responded timely to inquiries and requests for meetings, provided requested information, and dealt honestly and civilly with the investigator and others involved with the process.
4. Intent - Conduct falls on an intent continuum that ranges from malicious, willful, intentional, reckless, and grossly negligent conduct on the more serious end, to merely negligent, careless, and accidental conduct on the less serious end. Where conduct falls on this continuum may be considered when determining sanctions. Conduct that is malicious, willful, intentional, reckless, or grossly negligent may justify a more serious sanction. Less intentional conduct may be a mitigating factor.
5. Degree of harm or seriousness of offense - The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.
6. Prior violations educational conferences - Prior violations of, or educational conferences about, the Honor Code or Conduct Code may be considered as aggravating factors.
7. Nexus to professional standards - The nexus between the student's conduct and the question of character and fitness of the student to practice law is a relevant factor in determining sanctions.
8. Discriminatory motive - If a student, in engaging in conduct prohibited under the Honor Code, is also found to have intentionally directed the conduct toward a person or group because of the race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, marital, or parental status of the targeted person or group, that discriminatory motive may be an aggravating factor in determining sanctions.

## **I. Appeals**

A student may appeal the sanctions imposed under this Code. Appeals should be made in writing to the Dean of the school within five (5) days of the date of communication of the decision reached in the meeting with the Investigator. An appeal must be based on one or more of the following:

1. Availability of new evidence sufficient to alter the decision that was not available prior to the original decision.
2. A procedural defect that was prejudicial.
3. Sanctions found to be grossly disproportionate to the offense.

The appeal will be reviewed and considered by a Review Committee comprised of the Dean or his/her designee, an academic dean, and another administrator or faculty selected by the Dean or his/her designee.

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

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

1. The decision will be placed in the student's file in the Office of the Registrar, and a confidential file on the matter also will be maintained in the Office of Student Affairs. Any finding of an Honor Code violation may be reported by the Dean or his/her designee to any board of bar examiners or similar organization for any bar to which the student applies. Students should be aware that most bar applications will require the student to report any sanctions imposed on the student by an educational institution, regardless of whether the sanctions were for academic misconduct suggesting unfitness for the practice of law. Students also should be aware that Coastal Law routinely responds to inquiries regarding student character and fitness from boards of bar examiners and similar organizations.
2. If the Investigator determines that the initial referral cannot be substantiated, the Investigator may prepare a summary of the matter; that summary will be maintained in a confidential file in the Office of Student Affairs. Information in the file will be used only to respond to specific inquiries about that matter received from the student whose conduct was at issue or from a board of bar examiners or similar organization to which the student has applied.

#### **K. Confidentiality**

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

#### **L. Publication of Results**

At least once a year, the department head of the Office of Student Affairs should compile a list of all referrals in which issued violation of the Code was substantiated. This list, which should not contain names, but which should list the violation and any sanction issued, should be shared with the Coastal Law Community at the discretion of the Dean or his/her designee.

*Attribution:* Portions of this Code were derived from Stetson University College of Law's Academic Honor Code.

**ATTACHMENT #2**  
**COASTAL LAW**  
**STUDENT CODE OF CONDUCT**  
**Revised August, 2018**

**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.

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

**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, and who has been accepted for enrollment in one or more classes offered by this school, or in any qualifying program at Coastal Law, and
  - b. Who has registered for one or more classes of academic instruction to be given at the school or sponsored by the school.
3. The terms "class" or "course" refer to any class or course at Coastal Law. The terms should be construed broadly, and include graded and non-graded courses, courses offered for credit and not for credit, and courses offered on or off the law school campuses. The terms specifically include clinics, internships, summer abroad programs, and advocacy competitions.
4. Student status continues until it is terminated upon the occurrence of one or more of the following events:
  - a. Graduation or completion of a Coastal-Law sponsored bar preparatory program.
  - b. Documented completion of the academic program by the Registrar or program administrator.
  - c. Voluntary dematriculation of the student from all courses of academic instruction.
  - d. Involuntary dismissal from all programs and activities of the school, and the exhaustion of all internal procedures to redress the dismissal or withdrawal (if applicable).

- e. Unauthorized absence from the school for one or more semesters.
- 5. The term “Conduct Code” or “Code” means the Student Code of Conduct.
- 6. The term “school official” includes any person employed by Coastal Law and serving the school in an official capacity.
- 7. The term “Dean” refers to the Dean of Coastal Law or that person’s designee.
- 8. 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.
- 9. The term “school premises” includes all land, building, facilities, and other property in the possession of, used, or controlled by Coastal Law.
- 10. The term “organization” means any Coastal Law student organization or organization sponsored by the school.
- 11. For the purpose of determining deadlines, “day” means any regular business day of the Coastal Law, and does not include weekends, college holidays, or any day on which the school is not open to conduct regular business. References to a number of “days” prior to or after occurrence of an event shall not include the day of the event.
- 12. The term “notice” means written notice and includes e-mail messages.
- 13. The term “property” includes physical property, intellectual property, and computing and communication files and resources.
- 14. The term “writing” includes an e-mail message sent to a student’s Coastal Law e-mail account.
- 15. The term “Investigator” refers to the person charged with gathering facts and information about a referral under this Code, and with imposing sanctions.
  - a. The Investigator typically will be a professional employee of the Office of Student Affairs but may be another Coastal Law employee appointed by the Dean.
  - b. The Dean reserves the right to appoint another person, including a person who is not a full-time employee of Coastal Law, as Investigator. If the Dean appoints a person who is not a full-time employee of Coastal Law, the Dean will enter into an agreement with that individual indicating that the individual will abide by the relevant Coastal Law policies and procedures.
  - c. The Dean also reserves the right to appoint multiple Investigators to a matter. When multiple investigators are appointed, those people will collaborate in the fulfillment of investigator duties and actions.
  - d. The Investigator may be assisted by others in work under the Code.
  - e. The Investigator under this Code is distinct from the person charged with gathering facts and information about a referral under the Honor Code.
  - f. Upon appointment, the Investigator will notify the Dean of any conflict of interest, allowing the Dean to appoint a different Investigator. A student may challenge the involvement of an Investigator on the grounds of demonstrable bias through prompt written communication to the Dean after initial contact is made by the Investigator.

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

Ultimate authority for student discipline is vested in the Dean of Coastal Law. 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 department head for the Office of Student Affairs is the person designated by the Dean to be responsible for the administration and enforcement of the Conduct Code. This person may delegate responsibility under this code to another professional in

the Office of Student Affairs. Discipline authority may be delegated to specific school officials as deemed appropriate by the Dean or designee.

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

Generally, the school will take action for conduct that occurs on school premises or at school events, whether held on or off-campus. However, the school may take action for other off-campus behavior that adversely affects the school, the school community, and/or the school's reputation, the pursuit of its mission, or objectives. Coastal Law has an interest in the character of its students and may regard off-campus behavior as a reflection of a student's character and his or her fitness to continue as a member of the student body. 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. The Conduct Code shall apply to a student's conduct even if the student dematriculates or is dismissed from the school while a disciplinary matter is pending, as long as the conduct occurred prior to the student's dematriculation or dismissal. If a Conduct Code investigation or meeting is pending when a student is scheduled to graduate, the student's degree may be withheld until the matter is resolved, and the student may be denied the privilege of participating in graduation programs, receptions, elections, or honors banquets at the discretion of the Dean or designee. 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 Coastal Law 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 department head of the Office of Academic Affairs will be consulted to determine the appropriate course of action. A matter need not be handled under the Conduct Code if appropriate action is taken under other Coastal Law procedures (e.g., Library policies and rules). The Conduct Code is not a contract, and it is not to be construed as a contract between students or student organizations and Coastal Law.

#### **E. Educational Process**

This Code provides an educational and non-adversarial process designed to resolve matters concerning student professionalism or conduct. It is not designed to be a legal or judicial process. Accordingly, it is not appropriate for counsel to attend or participate in meetings and other proceedings initiated under this Code.

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

A referral may be registered 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. Actions 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 department head of the

Office of Student Affairs within seven (7) days of the date of arrest. Failure to comply with this reporting provision constitutes misconduct under the Conduct Code.

## **G. 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. 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 wear or display the school-provided personal identification (ID) card on campus grounds. Failure to adhere to the Campus ID Card Policy covering the school-provided personal identification card. Failure to pursue or receive a campus ID card.
- e. Failure to register vehicle or any subsequent vehicle changes with the campus Security Department.
- f. 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).
- g. Improper use of a computer in a classroom or in any school-sponsored presentation, on or off-campus.
- h. Recording a lecture or other classroom interaction without permission of the professor.
- i. Videotaping, audio taping, or photographing members of the school community without permission, and the distribution or public display of the same.
- j. Sharing, editing, altering, or distributing authorized or unauthorized recordings from class with other students or individuals or websites outside the school.

- k. Signing in another student to class or the solicitation of the same act by another student.
- l. Selling class notes or being paid for taking class notes except when authorized by the Office of Student Affairs.
- m. Failure to report any arrest or legal/disciplinary charges to the Office Student Affairs within seven (7) days of the said incident.
- n. 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.
  - vi. Misuse or unauthorized use and/or possession of school or school-sponsored organizational funds, checking account, credit card, or debit card.
- o. Violation of published school policies, rules, regulations, or requirements including, but not limited to, Student Handbook policies, Student Organization Bylaws, Policy for Sexual Misconduct and Relationship Violence (Title IX), Coastal Law Library policies, Information Technology network and computer policies, Alcohol Policies, Weapons Policy, Smoke and Tobacco Policy, Non-Discrimination Policy, Security Policy, Campus ID Policy, parking and traffic regulations, vehicle registration requirements, policies governing student organizations, and other school policies.
- p. Unauthorized use of the school's name, logo, or symbols.
- q. Unauthorized soliciting or canvassing by an individual group, or organization.
- r. Violating the terms of any disciplinary sanction imposed in accordance with the Conduct Code.
- s. Tampering with the normal activity of service animals.
- t. Failure to complete requirements associated with clinics, internships, or other off-campus courses that can affect Coastal Law's reputation and ability to place students into those programs in the future.
- u. Any incident of intoxication and/or misconduct at any event or activity associated with the school (i.e. graduation or commencement ceremonies) is subject to disciplinary action to include immediate disqualification to participate in the ceremony.

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

- a. Domestic violence, dating violence, stalking, and sexual misconduct, including but not limited to sexual battery, sexual assault, rape, and sex-based

harassment. These offenses are subject to the additional procedural requirements outlined in the Policy for Sexual Misconduct and Relationship Violence (Title IX).

- b. Physical or verbal abuse, harassment, threats, stalking, intimidation, bullying, coercion and other conduct which threatens or endangers the health or safety of any person, or which causes reasonable apprehension of such harm.
- c. 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.
- d. 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.
- e. The use or display of profane, indecent, degrading, threatening, or otherwise inappropriate images, gestures, or written/verbal communications on school premises or off-campus at school-sponsored activities, events, or experiential learning activities.
- f. Clothing which displays profane messages or images 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 school-sponsored organization or property of a member of the school community. Unauthorized possession of any school property or property of a member of the school community.
- b. Destroying, defacing, erasing, altering, hiding, limiting access to, possessing, accessing, entering, or using without authority, the property of Coastal Law or the property of others located on the premises of Coastal Law or related to a Coastal Law activity.
- c. Unauthorized use or possession of school money, credit card, or debit card. Unauthorized use or possession of money, credit card, or debit card belonging to a school-sponsored organization.
- d. 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.
- e. Unauthorized possession, duplication, or use of keys to any school premises or unauthorized entry into or use of school premises.
- f. 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, use, or storage of firearms, explosives, incendiary devices, weapons, or dangerous chemicals on school premises or at school-sponsored activities occurring off campus, including in the subject's vehicle in the parking facilities.
- 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 or causing any false report, warning, or threat of fire, explosion, or other emergency.
- k. Misusing or tampering with fire extinguishers, alarms, smoke detectors, defibrillators, or any other safety or security equipment.
- l. Failure to immediately vacate a school building when a fire alarm has sounded.
- m. Smoking in unauthorized locations on school premises.
- n. Violations of federal, state or local law on school premises or at school-sponsored or school-supervised activities.
- o. 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.
- p. Loitering on campus grounds or facilities outside of open building hours.

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

- a. Failure to appear at a disciplinary meeting when directed to do so.
- b. Falsifying, distorting, misrepresenting, or failing to disclose material facts in a disciplinary investigation, meeting, 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, intimidation or retaliation of, or threats of retaliation to, a complainant, witness, respondent, or other participant in a disciplinary meeting.
- d. Harassment, intimidation, or retaliation of, or threats of retaliation to, a school official or member of a disciplinary committee, including the Honor Council, or 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 sanctions, actions, or terms imposed under the Conduct Code or Honor Code processes.

## **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.
- c. Engaging in conduct that would, if students were a member of The Florida Bar, violate the Rules of Professional Conduct of The Florida Bar.
- d. Engaging in the inappropriate use of Social Media (Facebook, Twitter, Instagram, Snapchat, etc.), emails or text to conduct disparaging activities that diminishes the reputation of the institution.

## **H. Organizational Responsibility**

This Code also applies to student groups and organizations at Coastal Law, regardless of whether they are formally recognized by Coastal Law or receive funding, directly or indirectly, from the school.

- a. Student organizations are expected to adhere to all applicable institutional policies and standards. Failure to do so may result in action being initiated against the group; consequently, this Code applies to student organizations collectively. Student groups may be held responsible when any of the following situations exist:
  - i. Members of the group act in concert to violate Coastal Law community standards.
  - ii. A violation arises out of a group-sponsored, -financed, or -endorsed event.
  - iii. A group leader has knowledge of the act or incident before or while it occurs and fails to take corrective action.
  - iv. The incident occurs at an off-campus facility that is leased, rented, or used by the group.
  - v. A pattern of individual violations is found to have existed without proper or appropriate group control, remedy, or sanction.
  - vi. Members of the group attempt to cover up or fail to report improper conduct to the appropriate Coastal Law officials.
- b. One officer of the student group should be designated to represent the organization when a referral against that group is made under the Conduct Code. If the group does not designate an officer, the president or president-equivalent will be deemed the representative.

## **I. Procedures**

### **1. Referrals**

- a. Method of referral — Members of the Coastal Law community may refer possible conduct issues to the Office of Student Affairs. To determine whether an investigation or intervention is necessary, it is helpful for the person to provide names, dates, locations, and descriptions of the possible misconduct.
- b. Additional referrals — If the Investigator finds information that suggests the student or another person may have violated other provisions of the Conduct Code or the Honor Code, the Investigator may treat this information as an additional referral or may refer the additional matter to an Honor Code Investigator.
- c. Faculty advisor notification — When a referral is made against a student group or organization, the Faculty Advisor should be notified of that referral.

### **2. Interim Action**

- a. After receiving a referral, the Investigator may recommend to the Dean that a student be suspended, restricted from classes or other activities, or prohibited from having contact with one or more individuals for an interim period.
- b. A recommendation for interim action must be based on a reasonable belief that serious misconduct occurred and that the continued presence of the student on campus poses a threat to an individual, property, or college function.
- c. The decision to impose an interim action will be communicated in writing to the student, and will become effective immediately.

- d. A student who receives an interim action will be provided with an opportunity to meet with the Investigator to respond to the allegations of misconduct no later than seven (7) days following the effective date of the interim action.
- e. The interim action will remain in effect until a final decision has been made on the pending referral or until the Investigator determines that the reasons for imposing the interim action no longer exist.
- f. The Dean or his/her designee have the right to impose any readmission requirement necessary, based on an individualized assessment, to demonstrate the health, well-being, and overall fitness of the student to continue in law school before allowing readmission.

### **3. Investigation and Decision**

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

- iii. A reasonable opportunity to respond; and
  - iv. An explanation of the applicable disciplinary procedures in relation to the Conduct Code.
- g. The student may be assisted by an advisor of their own choice and at their own expense. The role of the advisor is limited to consultation. Advisors may not speak on behalf of a student. Because the purpose of this disciplinary process is to provide a fair review of the alleged violations of the Conduct Code rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted. Advisors may not appear in lieu of the student; however, an advisor may consult with the student during a meeting and may assist with the preparation for the meeting. Students who choose an attorney as their advisor shall notify the department head of the Office of Student Affairs of the attorney's name and contact information at least five (5) days prior to the meeting.
  - h. During the meeting with the student or student-group representative, both the Investigator and the student or student representative may have witnesses available, but the witnesses need not be in the same room as the student or representative, and the student or representative, while having the right to understand the witnesses' positions, does not have a right to examine the witnesses. The Investigator may choose to audiotape the meeting.
  - i. A student or student-group representative who fails to attend a scheduled meeting with the Investigator will forfeit the right to respond regarding the alleged violation, unless excused by the Investigator. If the student or representative fails to attend the meeting, the Investigator may proceed to impose a sanction.
  - j. After carefully considering the information gathered, the Investigator will determine whether it is more likely than not that a violation of the Conduct Code has occurred and, if so, the appropriate sanction or sanctions to apply.
  - k. The Investigator will notify the Dean of the decision and sanction, if any.
  - l. Then, the Investigator will inform the student or student-group representative of the decision, in writing. The written decision will describe the violation, the determination, and the sanction. When feasible, the Investigator also should communicate the decision and sanction to the student or student-group representative in a face-to-face meeting via video or telephone.
  - m. Following a decision, the student or student group has the right to file an appeal based on the procedures outline in Section M.

## **J. Sanctions**

1. The following sanctions and may be imposed upon any student found to have violated the Conduct Code:
  - a. Warning—Notice, orally or in writing, that continuation or repetition of prohibited conduct will be cause for additional disciplinary action.
  - b. Reprimand—A written or oral reprimand specifying the violation for which the student is held responsible.
  - c. Disciplinary Probation—A form of probation that is distinct from probation that may be imposed as a result of academic performance. The term refers to the period prescribed by the Investigator during which certain conditions imposed as sanctions must be met or during which the student's behavior will be monitored. If

the student fails to fulfill the conditions during the probationary period, the Investigator, after giving the student notice and a reasonable opportunity to respond, may determine that the student has violated the probation and may impose new or additional sanctions. The conditions of disciplinary probation may be varied, depending on the circumstances. Examples of conditions might include obtaining drug or alcohol counseling or treatment, obtaining a psychiatric evaluation, refraining from certain activities or contact with certain persons, redoing assignments, and attending programs.

- d. Restrictions or Loss of Privileges and/or Benefits—Denial, exclusion, or restriction of certain privileges, events, activities, 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.
  - e. Contact Restriction—A written notice that further contact between specified students is prohibited. Conditions and duration of restrictions may be specified.
  - f. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - g. Discretionary Sanction—Work assignments, service to the school, local community, civic organizations, or other related discretionary assignments.
  - h. Counseling—This may be for substance abuse, anger management, or other purposes depending on the incident and associated circumstances. The student will be required to provide documentation of completion of the required off-campus counseling by a qualified professional. The student will be responsible for all costs associated with the counseling.
  - i. 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. Duration of suspension will be determined as part of the disciplinary process.
  - j. 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.
  - k. Revocation of Degree—Rescinding a student’s degree awarded by the school.
  - l. Other Sanctions — Other sanctions or actions may be imposed instead of or in addition to those specified in parts (a) through (k) of this section.
2. The following sanctions may be imposed on any organization or group of students found in violation of the Conduct Code.
- a. Any of the sanctions listed in Section 1 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. Multiple sanctions may be imposed in connection with any violation.
4. A student may not be considered in good standing while a Conduct Code investigation is pending; to include the appeal process and completion of assigned sanctions.

## **K. Implementation of Sanctions**

Sanctions are effective immediately, unless stayed or otherwise set by the Investigator. If a student initiates an appeal, sanctions will not begin until the appeal process is exhausted.

The Dean or designee may impose sanctions during the appeal process to ensure the safety and wellbeing 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.

## **L. Mitigating and Aggravating Factors**

In determining the sanction, the Investigator may consider mitigating and aggravating factors.

A non-exhaustive list of factors that may be considered include the following:

1. Pre-referral admission — When a student voluntarily admits misconduct before learning that someone has referred the matter or is about to refer the matter, the Investigator may consider the admission as a mitigating factor. A student who has the courage and integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making such an admission should contact the head of the Office of Student Affairs.
2. Other admissions — Even an admission made after a referral may have some mitigating value. This type of admission shows acknowledgment of the inappropriate nature of the student's conduct. However, a post-referral admission is not as strong a mitigating factor as a pre-referral admission.
3. Cooperation — The Investigator may consider how cooperative, or uncooperative, the student was during the process, including whether the student responded timely to inquiries and requests for meetings, provided requested information, and dealt honestly and civilly with the investigator and others involved with the process.
4. Intent — Conduct falls on an intent continuum that ranges from malicious, willful, intentional, reckless, and grossly negligent conduct on the more serious end, to merely negligent, careless, and accidental conduct on the less serious end. Where conduct falls on this continuum may be considered when determining sanctions. Conduct that is malicious, willful, intentional, reckless, or grossly negligent may justify a more serious sanction. Less intentional conduct may be a mitigating factor.
5. Degree of harm or seriousness of offense — The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.
6. Prior violations educational conferences — Prior violations of or educational conferences about, the Conduct Code or the Honor Code may be considered as aggravating factors.
7. Nexus to professional standards — The nexus between the student's conduct and the question of character and fitness of the student to practice law is a relevant factor in determining sanctions.
8. Willingness to make restitution — A student's willingness to make restitution may be considered as a mitigating factor in appropriate cases. Restitution refers to compensation for loss, damage, or injury; compensation may take the form of appropriate service and/or monetary or material replacement.

9. Discriminatory motive — If a student, in engaging in conduct prohibited under the Conduct Code or Honor Code, is also found to have intentionally directed the conduct toward a person or group because of the race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, marital, or parental status of the targeted person or group, that discriminatory motive may be an aggravating factor in determining sanctions.

## **M. Appeals**

A student may appeal the sanctions imposed under this Code. Appeals should be made in writing to the Dean of the school within five (5) days of the date of communication of the decision reached in the meeting with the Investigator. An appeal must be based on one or more of the following:

- a. Availability of new evidence sufficient to alter the decision that was not available prior to the original decision.
- b. A procedural defect that was prejudicial.
- c. Sanctions found to be grossly disproportionate to the offense.

The appeal will be reviewed and considered by a Review Committee comprised of the Dean or his/her designee, an academic dean, and another administrator or faculty selected by the Dean or his/her designee.

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

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

### **1. Individual students:**

- a. In the case of an individual student, the decision will be placed in the student's file in the Registrar's Office, and a confidential file on the matter also will be maintained in the Office of Student Affairs. Any finding of a Conduct Code violation may be reported by the Dean or his/her designee to any board of bar examiners or similar organization for any bar to which the student applies. Students should be aware that most bar applications will require the student to report any sanctions imposed on the student by an educational institution, regardless of whether the sanctions were for conduct suggesting unfitness for the practice of law. Students also should be aware that Coastal Law routinely responds to inquiries regarding student character and fitness from boards of bar examiners and similar organizations.
- b. If the Investigator determines that the initial referral cannot be substantiated, the Investigator may prepare a summary of the matter; that summary will be maintained in a confidential file in the Office of Student Affairs. Information in the file will be used only to respond to specific inquiries about that matter received

from the student whose conduct was at issue or from a board of bar examiners or similar organization to which the student has applied.

c. Report to board of bar examiners.

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

## **O. Confidentiality**

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

## **P. Publication of Results**

At least once a year, the department head of the Office of Student Affairs should compile a list of all referrals in which issued violation of the Code was substantiated. This list, which should not contain names, but which should list the violation and any sanction issued, should be shared with the Coastal Law Community at the discretion of the Dean or his/her designee.

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

The Student Code of Conduct shall be reviewed semi-annually under the direction of the department head of the Office of Student Affairs. In addition, specific Coastal Law personnel selected by the Dean or designee shall periodically conduct a 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 department head of the 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 School of Law (Coastal Law) 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, Coastal Law will take reasonable steps to ensure 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, or designee, may grant exceptions to this policy for special occasions.

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

1. Coastal 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 Coastal 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 Office 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 in section E below.
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 and the organization's plan for risk management. 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.

### **E. Requirements for any School-Sponsored Event Involving Alcohol**

At all events involving alcohol funding and/or alcohol use for all events, whether they are on or off- campus, and even when the students purchase their own alcohol, the following conditional requirements must be accepted and adhered to by the sponsoring organization(s) for the duration of the event:

1. 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.
2. 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.
3. Alcoholic beverages served on campus are restricted to beer and wine.
4. Bartenders/servers who are licensed, insured, and professionally-trained must serve the alcohol.
5. Organizations must limit the amount of alcoholic beverages served to individuals.
6. Two non-drinking representatives of the organization must be present where the alcohol is being served at all times.
7. Competitions and contests that involve alcoholic beverages are strictly prohibited.
8. Alcoholic beverages shall not be used as prizes or awards for any student event.
9. Attendance at events is limited to Coastal Law students, faculty, staff and their escorted guests with proper identification. The sponsoring organization shall be responsible for the behavior of all admitted guests.
10. A list of the names of officers of the sponsoring group and their non-drinking representatives must be provided to the Office of 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.

11. No person under the age of 21 may be served alcoholic beverages.
12. Appropriate steps must be taken for event advertisement (see Advertising).
13. 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 12:00 a.m. at any off-campus event when the venue is rented by the school.
14. The sponsoring group is responsible for cleanup of the area.
15. The sponsoring group and its officers will be held responsible for damages to physical facilities incurred as a result of the event.
16. The sponsoring group is responsible for preventing participants from taking alcoholic beverages to or from the event.
17. 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 Office of Student Affairs.
18. 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.

## **F. 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 offense 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 offense outside of the law school have an affirmative duty to disclose this information to the school in a timely fashion. Specifically, the disclosure of any legal offense must be made to the Office of Student

Affairs within seven (7) 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, as outlined in the Conduct Code.

## **ATTACHMENT #4**

### **COASTAL LAW SMOKE AND TOBACCO POLICY**

Florida Coastal is a tobacco free environment. Smoking is not permitted in the building. Electronic cigarettes, personal vaporizers, and smokeless tobacco are 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

**Purpose:** Coastal Law is committed to the safety and well-being of its students, faculty, staff, and visitors. In accordance with applicable laws, regulations, and policies that govern emergency preparedness and response, Coastal Law has established an Emergency Response Plan (ERP) to address major emergencies that may threaten the health and safety of the Coastal Law community and/or its neighbors, affect Coastal Law facilities and resources, or disrupt Coastal Law operations. The purpose of this planning document is to set forth preparation procedures and designate responsibilities.

**Distribution:** The ERP has been distributed to all members of the Coastal Law community.

An electronic version of the ERP has been posted to the general website at [www.fcsl.edu](http://www.fcsl.edu) under the Student Experience tab on the Safety and Security page.

**Discussion:** Any emergency situation or pending/actual disaster can challenge even the best prepared and rehearsed organization. Academic institutions are no exception. Therefore, it is incumbent upon Coastal Law to continually refine planning to respond to natural or man-made threats to our campus, and for recovery operations to return the campus to normal operations in the shortest time feasible. Clearly, the number one priority is protection of human life and prevention of injury to personnel. Protection of Coastal Law assets (buildings, equipment, supplies, etc.) is also very important and will ensure the school will return to normal operations as quickly as possible following a threat or disaster.

**General Responsibility:** The responsibility to assist students/alumni/visitors and protect Coastal Law facilities rests with school representatives (administration, staff and faculty). Specific responsibilities are outlined later in the plan.

## EMERGENCIES

### Emergency Response Team

The direction and execution of preparing and responding at Coastal Law, or in the surrounding community if called upon by the city, will be the responsibility of the Emergency Response Team (ERT). The Emergency Response Team consists of the following members in order of authority:

- President
- Dean
- Dean of Academic Affairs
- Director of Security & Facilities
- Associate Dean of Library and Technology

- Network/System Architect, Information Technology
- Director of Marketing and Communications
- Human Resources Manager
- Assistant Dean of Student Services

## Emergency Activation Levels

- **Level 1 Emergency:** When a situation appears likely to occur at some point in the near future that may pose a threat to life, safety, or security on campus. Typically affecting only campus property. Emergency Response Team may activate. If activated, ERT will determine if the Emergency Coordination Center (ECC) will be activated.

- **Level 2 Emergency:** When an imminent or already occurring situation poses an immediate threat to life, safety, or security on campus. Typically affecting only campus property. Emergency Response Team will activate and determine if the ECC needs to be activated. ERT will work with external emergency resources to mitigate the threat on campus.

- **Level 3 Emergency:** When an imminent or already occurring situation poses an immediate threat to life, safety, or security on campus and extends into the surrounding community. External emergency resources will assume command of the emergency response effort. Emergency Response Team will activate. The Emergency Coordination Center will also be activated.

## COMMUNICATIONS

Communication should be handled and delivered through the appropriate members of the Emergency Response Team. External communication issued by Coastal Law will be made by the Dean, or designee, providing both general and specific information about a campus emergency.

### Policy Statement

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the life, safety, or security of the community occurring on campus, Florida Coastal School of Law will take into account the safety of the community, determine the content of emergency notification messages and initiate the notification system, unless issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

### Communication Tools

The following tools may be requested for use by Authorized Officials to disseminate information during an emergency situation. Please note that the tools chosen for use may differ depending on the situation (methods range from smallest to largest population).

- E2Campus Alerts
- Email Notification
- Social Media

- The School's Website
- The FCSL Main Line, 680-7700

### **Social Media**

Coastal Law uses various social media websites, including Facebook and Twitter, to notify members of the campus community about events occurring on campus, both emergency and non-emergency related.

### **Website**

In the event of an emergency, a news story will be placed on the website and held in the top position under the 'News & Noteworthy' section. In that space, Marketing & Communications will provide updates to the story as needed.

The school does have the ability to replace the main content portion of the current homepage with just the text of an emergency. However, only in extreme cases, including encountering problems with the other emergency communications platforms should this tactic be used.

### **Press Relations**

In accordance with Florida Coastal School of Law's media policy, reporter inquiries regarding school policies, procedures, or any other proprietary information are to be directed by Coastal Law's Director of Marketing and Communications. Typically, the President and Dean are the only staff authorized to speak to policies, procedures and proprietary business information about the School.

### **E2Campus Pre-Scripted Notification Messages**

The following emergency notification message frameworks are approved for use as immediate notifications. Additional information may be added as needed. Please note that SMS messages are limited to 160 characters, but should be kept below 130 characters, if possible, because of cell phone carrier restrictions. All students, staff and faculty are encouraged to sign up for E2Campus alerts. Information on signing up can be found at <https://www.fcsl.edu/tools-technology-resources-e-2-campus-alerts.html>.

### **Planning Assumptions**

Emergency planning requires a commonly accepted set of assumed operational conditions that provide a foundation for establishing protocols and procedures. The following assumptions provide the basis for emergency notification at Florida Coastal School of Law.

- With the exception of certain weather situations, most emergencies requiring emergency notification will arise with little to no notice and may present an immediate threat to life, safety, or security.
- As emergencies arise, the school will balance confirming the threat with the need to provide emergency notification quickly.

- Because many situations may require an immediate response, there likely will not be time for extended consultation before issuing a notification.
- A single notification system may not reach members of the campus community in a timely manner; therefore, a multilayered approach to emergency notification may be needed, using a number of communication tools depending on the situation.
- Members of the campus community will seek additional information once notified of a dangerous situation.
- It is probable that speculation will occur in the absence of information; therefore, notification messages should be clear and provide as much accurate information as possible.
- Basic services, such as electricity, may be interrupted during an emergency situation, limiting some communications.

### **Authorized Officials**

During or in the lead up to an emergency that threatens life, safety, or security, it will be necessary for notification to be provided to the Florida Coastal School of Law community with speed and accuracy.

For this reason, Coastal Law has designated the Emergency Response Team (ERT) to serve as Authorized Officials who are empowered to authorize the issuance of emergency notifications. Each Emergency Response Team member is expected to act within his/her realm of responsibility as defined by department mission and authorize emergency notification when experience and prudence indicate that emergency conditions warrant such actions be taken.

### **Status Update**

If new information is received that could further impact the life, safety, and security of the campus community, an ERT member may issue a status update message using the process noted above for immediate notifications. Messages should contain at a minimum the following information:

- Date and time of incident or threat
- Current situation status
- Continued actions(s) that should be taken by affected or potentially affected populations
- Sources for additional information regarding the incident or threat

### **All Clear**

When the situation has been contained and the life, safety, and security of the campus community is no longer at risk, an ERT member will issue an “All Clear” message.

Messages should contain at a minimum the following information:

- Date and time of “All Clear” message
- Actions required to resume normal campus operations
- Explanation of the resolution/conclusion of the incident or threat

- Sources for additional information regarding the incident or threat

### **Communication with the Larger Community**

Information will also be disseminated to individuals and/or organizations outside of the campus community. Information provided to the larger community is developed and disseminated as appropriate by the Director of Communications and Marketing in collaboration with campus security and/or the President/Dean. Various methods may be employed to disseminate information, including the website and/or communications directly with the media the local media.

### **Reporting an Emergency**

Students, staff, faculty, and visitors should call 911 to report an emergency such as a fire, medical emergency, act of violence, etc. 911 may be dialed directly from any campus phone.

Report all emergencies to 911 first. Then contact campus Security at (904) 680-7777.

Be prepared to provide the following information:

- Type of emergency (e.g. medical, fire, accident, active shooter, hazardous materials spill)
- Location of the emergency, including the physical address, floor and room number
- Brief description of the situation, such as what happened, how large the fire is, number of victims, etc.
- In the event of a shooter or other act of violence, the last known location and description of the perpetrator(s)
- Your name, phone number and location

## **REPORTING EMERGENCIES**

Students, staff, faculty, and visitors should call 911 to report an emergency such as a fire, medical emergency, act of violence, etc. 911 may be dialed directly from any campus phone.

Report all emergencies to 911 first. Then contact campus Security at (904) 680-7777.

Be prepared to provide the following information:

- Type of emergency (e.g. medical, fire, accident, active shooter, hazardous materials spill)
- Location of the emergency, including the physical address, floor and room number
- Brief description of the situation, such as what happened, how large the fire is, number of victims, etc.
- In the event of a shooter or other act of violence, the last known location and description of the perpetrator(s)
- Your name, phone number and location

# EMERGENCY PROCEDURES

## Preparing for Emergencies

Emergencies can happen at any time. All staff, faculty, and students should take personal responsibility for themselves and prepare for emergency situations before they happen.

- Review emergency procedures and guides
- Identify primary and secondary evacuation routes from the building
- Know the locations of designated shelter areas on campus
- Know the location of fire extinguishers and Automated External Defibrillators (AEDs)
- Sign up for E2Campus emergency notifications and alerts

## Building Evacuation

When the building fire alarm sounds, or when directed by a School official to evacuate, **all** occupants will leave the building through the nearest exit. Designated Public Safety/Security or Facilities personnel may remain behind for the purpose of assisting other occupants or emergency responders.

- Treat fire alarms as actual emergencies and not drills
- Quickly gather only necessary personal belongings such as purses, phones and car keys
- Leave the building immediately in a calm, orderly manner through the closest stairwell and available exit
- Do **NOT** use elevators
- If there is no one behind you, close doors as you leave
- Listen for and follow instructions
- Stay together in a group with your class or work section if possible. Instructors must account for all students. Supervisors must account for all employees in their work sections.
- Do not attempt to leave campus
- Move and remain at least 150 feet away from the building
- WAIT for the ALL CLEAR from Security. Do not return to the building or move to another side of the building unless told to do so by emergency personnel.

## Faculty and Staff Responsibilities

- If possible, keep students together in a group during the evacuation and stay with them
- Faculty – Account for all students present upon reaching the evacuation point
- Provide assistance to individuals with functional impairments who may need help evacuating
- **Immediately** report any students you believe to be missing to Security or local law enforcement or fire department.

### **Directed Building Evacuation (Non-Fire Emergency)**

Directed Evacuation is used to get occupants out of the building by a route designed to avoid contact with a potential threat, such as a suspicious package or a hazardous material spill, or if usual evacuation routes are blocked.

Directed evacuation procedures are the same as general evacuation procedures. Instructions for a directed evacuation will be provided via the public address system or other appropriate communication.

### **Building Evacuation for People with Disabilities**

People with disabilities or mobility impairments should plan for emergencies by developing an evacuation strategy and sharing it with staff, faculty, and fellow students who can assist them with evacuation. People with service animals should practice evacuating so that their service animal becomes familiar with both primary and alternate evacuation routes.

Some individuals with mobility impairments utilize special equipment such as wheelchairs, braces or crutches to move around the campus. Others whose impairments are less visible may have decreased coordination or stamina and may need to move at a slower pace or rest frequently.

During an emergency situation, those persons requiring assistance should be consulted regarding their needs prior to assisting them. The suggestions listed below may vary depending on the emergency situation and the needs of the person requiring assistance.

All individuals with mobility impairments should head to the nearest stairwell. Security and emergency responders will sweep the stairwells for individuals needing assistance.

To evacuate people with mobility impairments:

- Assist and accompany to evacuation site if possible
- Use a sturdy chair (or one with wheels) to move the person
- Help carry individual to safety if possible
- If unable to assist a person with mobility impairment, notify Security or emergency responders

### **Shelter**

Building occupants may be directed to shelter for situations such as severe weather or an outside hazardous material spill. The nature and location of the incident will determine the extent of shelter-in-place actions.

In all instances, be prepared to evacuate the building or relocate to another area within the building. Listen for instructions via the public address systems, and follow the direction of School or first responder personnel.

## **General Shelter Procedures**

*For severe weather:*

- If safe to do so, close blinds and curtains on exterior windows
- Move away from exterior windows
- If possible, seek shelter in a lower-level interior room with no windows (student kitchen, gym locker rooms, first floor restrooms, or the bottom of the stairwells on the north and south of the building)

*For incidents involving hazardous materials outside the building:*

- Close doors and windows
- Seal doors and windows with tape if available

## **Lockdown**

A lockdown may be ordered for a human threat such as an active shooter. In a lockdown situation, all exterior doors to a building are secured and occupants are expected to remain inside.

- Stay calm
- Remain in classroom or office
- If in a common area, stay away from windows and doors
- Lock doors and barricade them if possible
- Do not allow anyone access once the doors are locked, as this may compromise the safety of those inside
- Do not allow anyone to talk their way inside, as he/she may be the suspect or may be coerced by the suspect outside of your view
- Wait for further instructions and do not allow anyone to leave until given the “All Clear” signal or message
- If you are unable to find a secure room, consider self-evacuation from the building

Individuals who may be on the outside of buildings during a lockdown should move away from the affected area.

## **Lockout**

A lockout moves people into a building from the outside or keeps people in the building away from a threat outside of a Campus. A lockout may be ordered in the event of a threat such as police chase in the area or wild animal that poses potential danger.

## **Campus Evacuation**

A campus evacuation is used to get students, faculty and staff off campus due to a serious emergency in the area.

When leaving campus, drive with caution, be courteous, and follow directions from emergency personnel. Do not block access/egress for emergency vehicles.

**ATTACHMENT #6**  
**POLICY FOR CIVIL RIGHTS EQUITY RESOLUTION FOR ALL FACULTY,  
STUDENTS AND EMPLOYEES TO INCLUDE  
SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE**  
**Title IX**  
**Revised June 2018**

Use and adaptation of this model with citation to the NCHERM Group,  
LLC/ATIXA is permitted through a license  
To Florida Coastal School of Law  
All Other Rights Reserved

As used in this document, the term “reporting party” refers to the person impacted by alleged discrimination. The term “responding party” refers to the person who has allegedly engaged in discrimination.

**A. Applicable Scope**

Florida Coastal School of Law (referred to as “Coastal” or “School”) affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the School Equity Resolution Process (ERP), as detailed below. When the responding party is a member of the School community, the ERP is applicable regardless of the status of the reporting party who may be a member or non-member of the campus community, including students, student organization, faculty, administrators, staff, guest, visitors, vendors etc.

**B. Title IX Coordinator**

Karen Eubanks – Manager of Institutional Effectiveness, serves as the Title IX Coordinator and oversees implementation of the School’s Equal Opportunity Plan and the School’s policy on equal opportunity, harassment and nondiscrimination. The Title IX Coordinator acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the School’s Dean, Scott DeVito at 904.516.8781. To raise concerns regarding a potential conflict of interest with any other administrator involved in the ERP, please contact the Title IX Coordinator.

Inquiries about the reports regarding this policy and procedure may be made internally to:

Karen Eubanks – Manager of Institutional Effectiveness, is the School’s Title IX Coordinator and can be reached in person in Room 374, by telephone at 904.516.8749, or by email at [keubanks@fcsl.edu](mailto:keubanks@fcsl.edu).

Jennifer Reiber, Dean of Academics, is the School’s Deputy Title IX Coordinator and can be reached in person in Room 380, by telephone at 904.516.8748, or by email at [jreiber@fcsl.edu](mailto:jreiber@fcsl.edu).

Inquires may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline: 800-421-3481  
Facsimile: 202-453-6012  
TDD: 877-521-2172  
Email: OCR@ed.gov  
Web: <http://www.ed.gov/ocr>

All reports are acted upon promptly while every effort is made by the School to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided. Additionally, all employees of the School are designated as mandated reporters and will share a report with the Title IX Coordinator promptly. Confidentiality and mandated reporting is addressed more specifically below. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the School Dean Scott DeVito at 904.516.8781.

### **C. Reporting Discrimination**

Reports of discrimination, harassment and/or retaliation may be made using any of the following options. There is no time limitation on the filing of allegations. However, if the responding party is no longer subject to the School jurisdiction, the ability to investigate, respond and provide remedies may be more limited:

1. Report directly to the Title IX Coordinator (or deputy)

Karen Eubanks – Manager of Institutional Effectiveness, is the School’s Title IX Coordinator and can be reached in person in Room 374, by telephone at 904.516.8749, or by email at [keubanks@fcsl.edu](mailto:keubanks@fcsl.edu).

Jennifer Reiber, Dean of Academics, is the School’s Deputy Title IX Coordinator and can be reached in person in Room 380, by telephone at 904.516.8748, or by email at [jreiber@fcsl.edu](mailto:jreiber@fcsl.edu).

2. Report online, using the report form posted at <https://www.fcsl.edu/incidentbehavior-report-form.html>.

### **D. Jurisdiction**

This policy applies to behaviors that take place on the campus, at Schools’ sponsored events and may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus conduct affects a substantial School interest. A substantial School interest is defined to include:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to single or repeat violations of any local, state or federal law;
2. Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;

3. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and or
4. Any situation that is detrimental to the educational interests of the School.

### **E. Florida Coastal Policy on Nondiscrimination**

Coastal adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. The School will not discriminate against any person 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 shall 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. Coastal is an equal opportunity institution of higher education, conforms to all applicable law prohibiting discrimination and affirms its commitment to equal employment opportunity.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive or limit the educational or employment access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the School's policy on nondiscrimination. When brought to the attention of the School, any such discrimination will be appropriately addressed and remedied by the School according to the Equity Resolution Process described below. Nonmembers of the campus community who engage in discriminatory actions within the School's programs or on School's property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with School's programs as the result of their misconduct. All vendors serving the School through third-party contracts are subject by those contracts to the policies and procedures, or to these policies and procedures, to which their employer has agreed to be bound.

The policy on accommodation of disabilities and the complaint process can be located at <https://www.fcsl.edu/content/ada-accommodations>.

### **F. Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Coastal's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under the School policy.

#### **1. Discriminatory and Bias-Related Harassment**

Harassment constitutes a form of discrimination that is prohibited by the School policy as well as the law. Coastal condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. Coastal will remedy all forms of harassment when reported, whether or not the harassment

rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, the School may impose sanctions on the harasser through application of the Equity Resolution Process. The School's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent/pervasive, and objectively offensive such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

The School reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing such behaviors may not result in the imposition of discipline under the School policy, but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact Shelly Powers in Human Resources, and students should contact Dr. James Artley in Student Affairs.

## **2. Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Florida regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Coastal has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consist not only of employer and employees, but of students as well. Sexual harassment is:

- Unwelcome,
- Sexual, sex-based and/or gender-based
- Verbal, written, online and/or physical conduct

Anyone experiencing sexual harassment in any School program is encouraged to report it immediately to the Title IX Coordinator or Deputy. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it take the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment. A hostile environment is created when sexual harassment is:

- Severe, or
- Persistent or pervasive, and
- Objectively offensive, such that it  
Unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the School's education or employment opportunities.

### *Quid Pro Quo* Sexual Harassment:

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

Some examples of possible Sexual Harassment include:

- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

### **G. Policy Expectations with Respect to Consensual Relationships**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). As per the Staff Handbook: "Under no circumstances may an employee of Florida Coastal School of Law engage in a romantic relationship with a Florida Coastal School of Law student. If there is a pre-existing relationship with a student, the employee must notify Human Resources immediately or upon hire."

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical and prohibited as per the Staff Handbook, page 29.

### **H. Sexual Misconduct**

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, the School has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Coastal considers Nonconsensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, Coastal reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved.

Violations include:

**1. Sexual Harassment (as defined in Section 2 above)**

**2. Non-Consensual Sexual Intercourse**

Defined as:

- Any sexual intercourse
- However slight
- With any object
- By a person upon another person
- That is without consent and/or by force

Sexual Intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

**3. Non-Consensual Sexual Contact**

Defined as:

- Any intentional sexual touching
- However slight
- With any object
- By a person upon another person
- That is without consent and/or by force

Sexual touching includes:

- Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

**4. Sexual Exploitation**

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- Invasion of sexual privacy
- Taking pictures or videos or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe

- sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Prostitution
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed)
- Exposing one's genitals in non-consensual circumstances
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

## 5. Force and Consent

**Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**NOTE:** Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition nonconsensual, but non-consensual sexual activity is not by definition forced.

**Consent:** Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or action that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidence.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other

drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

In Florida, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act.

### **I. Other Civil Rights Offenses**

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party’s actual or perceived membership in a protected class.

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person with the School community, when related to admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying, defined as
  - Repeated and/or severe
  - Aggressive behavior
  - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
  - That is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment

#### **1. Intimate Partner Violence (IPV)**

Intimate Partner Violence, defined as violence or abuse between those in an intimate interaction and/or relationship to each other. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Examples:

- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence Policy.
- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance.

## **2. Stalking**

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or suffer substantial emotional distress. A course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. This definition includes a person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person.

- Stalking 1
  - A course of conduct
  - Directed at a specific person
  - On the basis of actual or perceived membership in a protected class
  - That is unwelcome, AND
  - Would cause a reasonable person to feel fear
- Stalking 2
  - Repetitive and Menacing
  - Pursuit, following, harassing and/or interfering with the peace and/or safety of another

### **J. Retaliation**

Retaliation is defined as an adverse action taken against a person participating in a protect activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, support a party bring an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of the School's policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Coastal is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

### **K. Remedial Action**

Upon notice of alleged discrimination, the School will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact directives (orders), providing counseling and/or academic support, schedule adjustments, providing a campus escort, academic

or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

The School will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

The School will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the School's ability to provide the accommodations or protective measures.

Procedures for handling reported incidents are fully described below.

### **L. Confidentiality and Reporting of Offenses under this Policy**

All School employees (faculty, staff administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality-meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials-thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the reporting options at the School.

#### **1. Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- Some campus resources are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Professional, licensed counselors who provide mental health counseling to members of the school community are not required to report any information about an incident to the Title IX coordinator without a victim's consent. Exceptions to maintaining confidentiality are generally set by law; exceptions to this may involve mandatory reporting of abuse of a child or vulnerable adult, or if someone presents as a direct threat to themselves or others. SCHOOL offers the following professional counseling resource:

*Coastal Law Counseling and Wellness Center*  
Room 151, 904.516.8745

- Other off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with SCHOOL unless the victim requests the disclosure and signs a consent or waiver form. Other resources and referrals can be found on the Student Affairs webpage.

*National Domestic Violence Hotline*

<http://www.thehotline.org/>

1-800-799-7233 FREE | 1-800-787-3224 FREE (TTY)

*Women's Center of Jacksonville and Rape Recovery Team*

5644 Colcord Avenue, Jacksonville, Florida 32211

904.722.3000 | Rape Crisis Hotline: 904.721.7273

<http://www.womenscenterofjax.org/>

*Jacksonville Sheriff's Office Victim Services Coordinator*

Police Memorial Building

501 E. Bay Street, Jacksonville, FL 32202

*Florida Council Against Sexual Violence*

<http://www.fcasv.org/>

*Rape Crisis Hotline*

1-888-956-RAPE (7273)

*Hubbard House in Jacksonville*

904-354-3114

<http://www.hubbardhouse.org/>

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Our campus counselor is available to help free of charge and can be seen on an emergency basis during normal business hours. Coastal's counselor will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client.

## **2. Formal Reporting Options**

All Coastal employees have a duty to report, unless they fall under the "Confidential Reporting" section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal College action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that the School's ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity

## Resolution Process.

In case indicating pattern, predation, threat, weapons and/or violence, the School will likely be unable to honor a request for confidentiality. In cases where the reporting party request confidentiality and the circumstances allow the School to honor the request, the School will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have allegations taken seriously by the School when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Title IX Coordinator, Deputy Title IX Coordinator and Campus Security. Information will be shared as necessary investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of School policy and can be subject to disciplinary action for failure to comply.

### **M. Federal Timely Warning Obligations**

Parties reporting sexual misconduct should be aware that under the Clery Act, the School administrators must issue timely warning for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The School will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **N. False Allegations**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

### **O. Amnesty for Reporting Party and Witnesses**

The School's community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to School officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, the School pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

**Students:** Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to campus security). The School pursues a policy of amnesty for students who offer help to others in need. (While policy violations cannot be overlooked, the School will provide educational options, rather than punishment, to those who offer their

assistance to others in need).

### **P. Federal Statistical Reporting Obligations**

Certain campus officials-Those deemed Campus Security Authorities-have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to security regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This reports helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reports include: student affairs, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **Q. Equity Resolution Process for Allegations of Harassment, Sexual Misconduct and other forms of Discrimination**

The School will act on any formal or informal allegations or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct related to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty and staff handbooks.

### **Overview**

Upon notice to the Title IX Coordinator, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the School will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determines whether the nondiscrimination policy has been violated. If so, the School will promptly implement effective remedies designed to end the discrimination, prevent its recurrence and address its effects.

#### **1. Equity Resolution Process (ERP)**

Allegations under the policy on nondiscrimination are resolved using the ERP. Members of the ERP pool are announced in an annual distribution of this policy to campus, prospective students, their parents and prospective employees. Members of the ERP pool are trained in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator.

- To provide sensitive intake for and initial advice pertaining to allegations
- To serve in a mediation or restorative justice role in conflict resolution
- To investigate allegations

- To act as process advisors/advocates to those involved in the Equity Resolution Process
- To serve on appeal panels for allegations

ERP pool members also recommend proactive policies, and serve in an educative role for the community. The Dean, in consultation with the Title IX Coordinator, appoints the pool, which reports to the Title IX Coordinator. ERP pool members receive annual training organized by the Title IX Coordinator, including a review of the School policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety and promote accountability. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of harassment and discrimination allegations; the School's Discrimination and Harassment Policies and Procedures (Including Sexual Misconduct); confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance. All ERP pool members are required to attend this annual training to be eligible to serve.

The Equity Resolution Process pool includes:

- 2 Co-chairs; one representative from HR and one from Student Affairs, who are *ex officio* members and who respectively Chair resolution panel hearings for allegations involving student and employee responding parties
- At least three members of the administration/staff

ERP pool members are usually appointed to three-year terms. Appointments to the pool should be made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving in the pool are encouraged to contact the Title IX Coordinator.

## 2. Reporting Misconduct

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX Coordinator.

It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. Any member of the community, including visitors, may contact Security to make a report. These individuals will in turn notify the Title IX Coordinator. The School's website also includes a report form at <https://www.fcsl.edu/form/2011/09/23/incidentbehavior-report-form> which may serve to initiate a resolution process.

All employees receiving reports of a potential violation of the School's policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the School's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, the School will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

### 3. Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Title IX Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. The preliminary inquiry is typically 1-3 days in duration. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidence, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the School reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed or the School determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of the processes discussed briefly here and in greater detail below:

- Conflict Resolution-typically used for less serious offenses and only when both parties agree to conflict resolution
- Administrative Resolution-resolution by a trained administrator

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Conflict Resolution may only occur if selected by all parties, otherwise the Administrative Resolution Process applies.

If conflict resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the responding party at an appropriate time during the investigation. The notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in office School records; or emailed to the parties' School issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The reporting party is typically copied on such correspondence. The School aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. The decision lies in the sole discretion of the Title IX Coordinator.

#### **4. Interim Remedies/Actions**

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation i.e., to redress harm to the reporting party and the community and to prevent further violations. These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Human Resources
- Education to the community
- Altering work arrangements for employees
- Providing campus escorts
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The School may interim suspend a student, employee or organization pending the completion of ERP investigations and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implement. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to School's campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other School activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

#### **5. Investigation**

Once the decision is made to commence a formal investigation, the Title IX Coordinator appoints ERP pool members to conduct the investigation usually within two (2) days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within ten (10) days, though some investigations take weeks or even months, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

The School may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The School will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. The School action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

The investigators will typically take the following steps, if not already completed (not necessarily in order):

- In coordination with campus partners (e.g.: Title IX Coordinator), initiate or assist with any necessary remedial actions;
- Determining the identity and contact information of the reporting party;
- Identify all policies allegedly violated
- Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy
  - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Prepare the notice of allegation [charges] on the basis of the preliminary inquiry;
- Meet with the reporting party to finalize their statement, if necessary;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of a ERP pool member or other advisor of their choosing present for all meetings attended by the advisee;
- Provide reporting party and responding party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- Prior to the conclusion of the investigation, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address the evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate;
- Make, or recommend to the Title IX Coordinator, a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Investigators and/or the Title IX Coordinator finalize and present the findings to the parties, without undue delay between notifications.

At any point during the investigation, if it is determined there is no reasonable cause to believe that the School policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the School's investigation and the Equity Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

## **6. Advisors**

Each party is allowed to have an advisor of their choice present with them for all ERP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually otherwise not involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community. The parties may choose their advisor from the ERP pool, choose a non-trained advisor from outside the pool, if preferred, or proceed without an advisor.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The School cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the School is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the School an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated,

may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The School expects that the parties will wish to share documentation related to the allegations with their advisors. The School provides a consent form that authorizes such sharing. The parties must complete this form before the School is able to share records with an advisor, though parties may share the information directly with their advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the School. The School may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the School's privacy expectations.

The School expects an advisor to adjust their schedule to allow them to attend School meetings when scheduled. The School does not typically change scheduled meetings to accommodate an advisor's inability to attend. The School will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties may provide timely notice to investigators if they change advisors at any time.

## **7. Resolution**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with School policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

### **a. Conflict Resolution**

Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Mediation will not be used in cases of sexual violence. It is not necessary to pursue conflict resolution first in order to pursue Administrative

Resolution, and any party participating in conflict resolution can stop that process at any time and request a shift to Administrative Resolution.

#### **b. Administrative Resolution**

Administrative Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process.

In Administrative Resolution, the Resolution Administrator has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment and Nondiscrimination. Accordingly, investigations should be conducted with as wide a scope as necessary.

Administrative Resolution relies on the evidence, information and recommended findings within the investigation report to render a determination. Upon completion of the investigation, the investigator will provide the Resolution Administrator with a written report summarizing the evidence gathered and examined, including an assessment of credibility of the parties and witnesses, an analysis of the information and a recommended finding and sanction (if applicable). The Resolution Administrator will conduct any additional necessary inquiry and then finalize a determination in accordance with the procedures below. The Resolution Administrators will consider, but is not bound by, the recommendations of the investigation.

Any evidence that the Resolution Administrator believes is relevant and credible may be considered, including history and pattern evidence. The Resolution Administrator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Resolution Administrator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply the Resolution Administrator with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Neither the Resolution Administrator nor investigators will meet with character witnesses, but investigators will accept up to two (2) letters supporting the character of each of the parties.

The Resolution Administrator will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the responding party violated policy as alleged.

The responding party may choose to admit responsibility for all or part of the alleged policy violations at any point during the investigation or Administrative Resolution process. If the responding party admits responsibility, the Title IX Coordinator will render a determination that the individual is in violation of the School policy.

If the responding party admits the violation, or is found in violation, the Resolution Administrator, in consultation with the Title IX Coordinator and others as appropriate, will determine an appropriate sanction or responsive action, will implement it, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct.

The Resolution Administrator will inform the parties of the final determination within three (3) days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official School records; or email to the parties School-issued email account. Once mailed, emailed and/or received in person, notice will be presumptively delivered. The notification of the outcome will specify the finding on each alleged policy violation, any sanctions that may result which the School is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the School is permitted to share under state or federal law. The notice will also include information on when the results are considered by the School to be final, any changes that occur prior to finalization, and any appeals options that are available.

### **c. Sanctions**

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the hearing panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

### **i. Student Sanctions (Examples)**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any School policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of the Code of Student Conduct providing the more severe disciplinary sanction in the event that the student or organization is found in violation of any School policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.

- *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the School. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend School-sponsored events. This sanction will be noted as a Conduct on the student's official transcript.
- *Withholding Diploma*: The School may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The School reserves the right to revoke a degree awarded from the School for fraud, misrepresentation or other violation of School policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organization Sanctions*: Deactivation, de-recognition, loss of all privileges (including School registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the School may assign any other sanctions as deemed appropriate.

## ii. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include:

- Warning-Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of any Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the School may assign any other sanctions as deemed appropriate.

## d. Dematriculation or Resignation While Charges Pending

**Students:** The School does not permit a student to dematriculate if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the School unless all sanctions have been satisfied. The student will not have access to an

academic transcript until the allegations have been resolved.

**Employees:** Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator and Human Resource Offices will reflect that status, and any School responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

#### **e. Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the written finding of the Title IX Coordinator. Any party may appeal the findings and/or sanctions only under the grounds described, below

A three-member appeals panel chosen from the ERP pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the School has designated for this offense and the cumulative record of the responding party.

The appeals panel will review the appeal request(s). The original finding and sanction/ responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party request an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. These response or appeal requests will be shared with each party.

Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the

Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.

- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days of the resolution of the appeal or remand.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand.
- All parties will be informed in writing within three (3) days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural (or substantive) error cannot be cured by the original investigator(s) and/or Resolution Administrator (as in cases of bias), the appeals panel may recommend a new investigation and/or Administrative Resolution process, including a new Resolution Administrator. The results of a remand cannot be appealed. The results of a new Administrative Resolution process can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the School or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### **f. Long-Term Remedies/Actions**

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling
- Referral to the Employee Assistance Program
- Education to the Community
- Permanently altering work arrangements for employees
- Providing campus escorts
- Climate surveys
- Policy modification
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

**g. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the School and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

**h. Records**

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely.

**i. Statement of the Rights of the Parties**

Statement of the Reporting Party's rights:

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to the School officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to be treated with respect by School officials;
- The right to have School policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by School officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by School officials of options to notify proper law enforcement authorities, including on-campus security and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus security and other campus officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening,

- harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available).

Accommodations may include:

- Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options.
- The right to have the School maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
  - The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
  - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
  - The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
  - The right not to have irrelevant prior sexual history admitted as evidence;
  - The right to regular updates on the status of the investigation and/or resolution;
  - The right to have reports addressed by investigators and Resolution Administrators who have received [at least eight hours of] annual sexual misconduct training;
  - The right to preservation of privacy, to the extent possible and permitted by law;
  - The right to meetings and/or interviews that are closed to the public;
  - The right to petition that any School representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
  - The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
  - The right to have the School compel the participation of student, faculty and staff witnesses, and the opportunity (if desired) to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence;
  - The right to submit an impact statement in writing to the Resolution Administrator following determination of responsibility, but prior to sanctioning;
  - The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
  - The right to be informed in writing of when a decision by the School is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the

right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the School.

Statement of the Responding Party's rights:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to the School administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by School officials;
- The right to have School policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for counseling and advisory services;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding by the Resolution Administrator;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators and Resolution Administrators who have received [at least 8 hours of] annual training;
- The right to petition that any School representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- The right to meetings and interviews that are closed to the public;
- [The right to have the School compel the participation of student, faculty and staff witnesses, and the opportunity to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence];
- The right to have an advisor of their choice to accompany and assist throughout the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to provide an impact statement in writing to the Resolution Administrator following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision of the School is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the School.

## **8. Disability Accommodation in the Equity Resolution Process**

The School is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process. Anyone needing such accommodations or support should contact the Associate Director of Student Affairs, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

## **9. Revision**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The School reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations changed in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

This policy and procedure was implemented in September 2016 and revised in September 2017.

## 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 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 discrimination, FCSL prohibits discrimination against any 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 any, 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 any discriminatory 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 Dean of Academics.

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.

1. Student: A student may file a complaint with the Dean of Academics. If the complaint alleges discrimination by the Dean of Academics, then the complaint should be submitted to the Dean of the Law School.

2. **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.
  3. **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 law school official." The investigating law school official will conduct a fair and impartial investigation of the allegations of discrimination. The investigating law school official will interview the complainant at the complainant's request. The complainant may present evidence and witnesses to the investigating law school official. The investigating law 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 law 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 law school official, a meeting will be conducted with the complainant and the investigating law 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 law 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 law school official will inform the complainant of the status of the investigation. The complainant shall be notified of the investigating school official's decision may be sent to the complainant, the Dean of the Law School, the Assistant 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 Dean of the Law School within fourteen (14) days of the resolution of the complaint. The 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, investigating law 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 Assistant Dean of Student Affairs in a confidential file.

**ATTACHMENT #8**  
**COASTAL LAW**  
**COMPLAINT PROCEDURES IN CASES**  
**IMPLICATING COMPLIANCE WITH ABA STANDARDS**

As an ABA-accredited law school, Florida Coastal School of Law is subject to the ABA Standards for Approval of Law Schools. The ABA Standards may be found at [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html).

As outlined in ABA Standard 512, any student at the law school who wishes to bring a formal complaint to the administration of the law school of a significant problem **that directly implicates the school's program of legal education and its compliance with the ABA Standards** should do the following:

- A. Submit the complaint in writing to the Dean of Academics or the Assistant Dean of Student Affairs. The writing may consist of e-mail, U.S. mail, or fax.
- B. The writing should indicate that this is an ABA Standard 512 complaint and describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the law school's program of legal education and its compliance with a specific, identified ABA Standard(s).
- C. The writing must provide the name, official law school e-mail address, and a street address of the complaining student, for further communication about the complaint.
- D. The administrator to whom the complaint is submitted will acknowledge the complaint within three business days of receipt of the written complaint. Acknowledgment may be made by e-mail, U.S. mail, or by personal delivery, at the option of the administrator.
- E. Within two weeks of acknowledgment of the complaint, the administrator, or the administrator's designee, shall either meet with the complaining student, or respond to the substance of the complaint in writing. In this meeting or in this writing, the student should either receive a substantive response to the complaint, or information about what steps are being taken by the law school to address the complaint or further investigate the complaint. If further investigation is needed, when the investigation is completed, the student shall be provided either a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint within two weeks after completion of the investigation.

**F.** Appeals regarding decisions on complaints may be taken to the Dean of the law school.

**G.** Any decision made on appeal by the Dean shall be final.

**H.** A copy of the complaint and a summary of the process and resolution of the complaint shall be kept by the administration in the Deans' Suite for a period of eight years from the date of final resolution of the complaint.

## ATTACHMENT #9

### EXAM ROOM POLICIES

The following items will apply to each exam administration, including exams administered for accommodated and deferred exams.

1. Students should not schedule any events, flights, activities, etc. during the entire exam period. An exam date may change due to unforeseen circumstances.
2. Students are responsible for their own laptops. If a student's computer fails during an exam, for any reason, the student must complete the examination by handwriting.
3. Students should become familiar with using SofTest (Examsoft) before sitting for an exam where SofTest (Examsoft) will be used. Students are responsible for downloading their own exams for use in SofTest (Examsoft). Instructions for downloading exams can be found on the FCSL website.  
<http://www.fcsl.edu/tools-technology-resources-examsoft-information.html>
4. Courses that are offered via distance education will take their exams using SofTest (Examsoft).
5. Students who plan to use SofTest (Examsoft) for non-distance education courses must be in the room at least twenty minutes prior to the scheduled exam to boot their computers into the exam. Extra time will not be given to students who do not have ExamSoft ready by the start of the exam. If ExamSoft fails at any time, or the student does not have the exam properly downloaded, the student must handwrite the exam. Those computers not in use will be closed and moved to the front of the room.
6. During a closed book exam, no study materials of any kind shall be permitted in the examination area with the exception of writing utensils or your computer if applicable. Students taking limited open book examinations shall be permitted to bring only those materials specifically authorized by the professor. This would include pens, pencils, computers, etc. as authorized by the professor for exam taking purposes.
  - **Only a jacket/sweater, writing utensils, money, keys, foam earplugs, clear bottle with water (no labels), and an ID badge are authorized to be taken into the examination room.**
  - **Purses, book bags, and/or backpacks must be placed in the front of the examination room or any other location in the examination room as designated by the proctor.**
    - **All cell phones must be turned off and placed in your purses, book bags, and/or backpacks.**
    - **If your cell phone rings during the exam while in a purse, book bag, and/or backpack, the proctor will confiscate the phone to turn it off and return it to you at the conclusion of the exam.**
    - **If you keep your cell phone on your person during an exam you will fail that exam.**

- **If there is any reason why you need to keep your cell phone turned on during an exam (e.g.. pregnant partner, sick/ill child or immediate family member) then you must give your cell phone placed on vibrate to the proctor to hold during the exam.**

The following items are prohibited on your person and must be secured in your purses, book bags, and/or backpacks in the examination room and failure to abide by these rules will result in an automatic grade of “F”:

- Hats and headgear (other than those worn for religious purposes)
- Notes, books, paper
- Food or liquids with the exception of water in clear bottle with no label
- Any wireless communication device
- Headphones
- Wristwatches, palm pilots, handheld computers, or any other electronic device
- Dark, shaded, or mirrored eyeglasses, or eyewear that obscures eyes from the view of the proctor are not permitted to be worn during the examination

**7.** The student shall retrieve the examination packet (which includes the examination booklet, sealed answer booklets, scantron, and/or scrap paper) as directed by the proctor. All materials must remain closed until instructed by the proctor or professor. All testing materials, including scrap paper, must be returned to the proctor at the end of the examination, whether used or unused, in the provided envelope. Students should write their grading numbers and break the seal only on answer booklets they use during the examination. Failure to return all of the examination materials in the provided envelope will result in a grade penalty, up to and including a failing grade.

**8.** To preserve the anonymity in the examination process, students shall not identify themselves to the professor in any manner in or on the examination booklet or answer booklet(s).

**9.** Students shall not remove pages or portions thereof from the examination questions, the answer booklets, or any supplemental materials handed out by the proctor.

**10.** Students may leave the examination room to use the restroom only on the same floor as the examination room in which the student is taking the examination. All materials must be placed face down and computer screen must be closed before leaving the room. Students are not permitted to visit any other areas of the building for any other reason during the examination.

**11.** No students, including those who have completed the examination, will be permitted to leave the room during the last ten (10) minutes of the examination. Students must remain seated until called forward by the proctor.

**12.** Once the proctor or professor announces that the examination has ended, all remaining students must stop writing or typing and remain seated. The proctor will then inform the students when they may approach the desk to submit their examination materials and collect their personal belongings.

**13.** Once the proctor announces the commencement of the examination, no student shall speak, communicate, share any materials, or provide any assistance in any way with anyone, other than the

proctor, about the examination until the grades for the examination have been posted in the Student Portal. Students must protect their answers, including their scantron sheets, from view of other examinees.

**14.** Upon completion of the examination and acceptance of the exam by the proctor or professor, the student shall immediately depart the examination room and not return until the examination process has been completed by the proctor and the room is cleared of all examinees and exam materials.

**15.** In the event of an emergency, the following instructions shall apply:

- A. Upon the sound of the fire alarm or other indication of an emergency requiring evacuation of the building;
  - Put down all any writing utensils and stop any typing. (The Proctor will record the time of departure so the time can be added back to the allotted exam time)
  - Do not to stop for personal belongings or use the elevators.
  - Evacuate a safe distance away to the designated meeting area, and remain clear of emergency personnel/operations.
  - Do not return until authorized personnel has communicated that it is safe.
  - Upon return to the exam, the Proctor will inform students of the remaining time to complete the exam based on the time that was recorded upon exiting the building. The time that was missed should be added back to the exam time and the countdown clock will be adjusted accordingly.
- B. Power failure
  - The Proctor will note the time the power went out.
  - Discontinue writing or typing.
  - Turn papers over on the desk and sit quietly until the proctor consults with the academic dean to determine the appropriate course of action.
  - Do not leave the room at this time.
  - The Proctor will be notified by administration of next steps.

Upon the restart of the exam, the Proctor will inform students of the remaining time to complete the exam based on the time that was recorded at the time of the power failure. The time that was missed should be added back to the exam time and the countdown clock will be adjusted accordingly.

**16.** A student's failure to comply with these policies may result in sanctions up to and including the student receiving no credit for the exam, a failing grade in the course, an Honor Code investigation, and/or a Student Code of Conduct investigation. In accordance with the serious nature of these sanctions, students should make a concerted effort to avoid even the appearance of impropriety with respect to any of the above exam policies.