



**LL.M. (Master's) in U.S. Law for  
International Lawyers**

**STUDENT HANDBOOK**

2019-20

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## INTRODUCTION

Please read this Handbook and its attachments carefully. It contains the rules and regulations of the Florida Coastal School of Law (“Florida Coastal”), 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 are 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. For information about matters not covered in this Handbook, including the Florida Coastal School of Law’s “Policy for Civil Rights Equity Resolution for all Faculty, Students and Employees to include Sexual Misconduct and Relationship Violence Title IX” (Attachment #1) and the “Policies and Procedures for Students with Disabilities” (Attachment #2), students should visit the Florida Coastal website at <http://www.fcsl.edu/academics/student-handbook> and review the attached exhibits.

The “Coastal Law Honor Code” (Attachment #3) and the “Coastal Law Student Code of Conduct” (Attachment #4) are incorporated in this Student Handbook by this reference. 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.

## DISCLAIMER

The rules, regulations, policies and procedures governing Florida Coastal are subject to amendment; any such amendments take effect immediately. Amendments may affect program requirements, degree status, tuition fees, and financial aid, and any other aspect of enrollment at Florida Coastal. Florida Coastal 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 or term, through correspondence sent to student portals, or through email to Florida Coastal email accounts.

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

## **RIGHTS RESERVED**

Florida Coastal 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.

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 <http://www.fcsl.edu/registrar/ferpa-know-your-rights>

## **SECTION I**

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

#### **Academic Affairs**

The Dean is responsible for the day-to-day administration of the program. S/he will be the primary contact for students as to academic matters.

#### **Bar Admission Information**

A student intending to practice law should directly contact the admitting authority in the jurisdiction where the student intends to seek to qualify to sit for the bar examination or for admission to practice law. Florida Coastal cannot determine eligibility or guarantee eligibility for bar exams. The Dean of Florida Coastal, in conjunction with the Registrar, completes bar certificates and character recommendation forms.

Students should be advised that each state has “character and fitness requirements” in terms of sitting for and admission to the bar. Each student, both before and after enrollment in the LL.M. Program, should review the state bar requirements for any 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 a student’s ability to sit for a bar exam 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 applications to the bar early in their law school education. Students should contact the Board of Bar Examiners in any state in which they may be interested in practicing for further information.

#### **The Online Classroom and Technical Support**

All of the courses in Florida Coastal’s LL.M. (Master’s) in U.S. Law for International Lawyers degree will be offered on-line. Course content will be accessible to students only during the term in which the student is registered in the course. Students will not have access to course content after the term has ended.

In order to participate in the program, students are required to have a computer and access to a high-speed, broadband Internet connection. Students may also need to purchase a headset. Florida Coastal reserves the right to require students to purchase a webcam. Students will receive user

names and passwords that will enable them to access the on-line classroom. Degree-seeking students will also receive usernames and passwords that will enable them to access LexisNexis and Westlaw - two legal research databases.

Florida Coastal will provide technical support for students in the event they have problems accessing the classes. Students are encouraged to contact COASTAL SYNC by email at [sync@fcsl.edu](mailto:sync@fcsl.edu) or by phone at (904) 515-6715 with any technical problems relating to passwords and access to the courses, email accounts, student portal, classroom technology, D2L, and library access. If live sessions are held, they will, typically, be archived and available for student view the same day after they are offered live. Students may either attend the live sessions or view the archived versions at their convenience. For purposes of grading and attendance requirements, Florida Coastal does not make any distinction between students who view live sessions and those who view archived sessions. If students do not participate in live sessions or for asynchronous classes, students may view recorded lectures at any time during the term, but should take care to review the syllabus and check with their professors for attendance verification requirements, any assignments, and key deadlines.

### **Duty to Update Admission Application**

On the application for admission to Florida Coastal, students were required to disclose any history of criminal offenses or academic, work-related, or military disciplinary actions, whether those matters appear on the student's 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 LL.M. Admissions Counselor in writing within fourteen (14) 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.

Although some acts may not be serious enough to keep a student from being admitted to practice law in any jurisdiction, 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.

### **Tuition and Billing**

The tuition for degree-seeking students in the LL.M. (Master's) in U.S. Law Program for International Lawyers ("LL.M. in U.S. Law" or "Program") is \$765 per credit hour. The tuition for non-degree seeking students who enrolled in the LL.M. in U.S. Law is \$765 per credit.

Any LL.M. in U.S. Law graduates who are returning to enroll in supplemental courses for the Washington State Bar will be charged the per credit tuition rate for degree-seeking students. Thus, tuition for LL.M. in U.S. Law graduates is \$765 per credit hour.

Students must pay tuition when registering for courses. Students will have a Drop period of up to five business days from registration to drop a course for a refund. Students should direct questions related to tuition payment to Law Student Online.

### **Student Identification**

To be enrolled in the program, students must provide their names, home addresses, work addresses (if applicable), phone numbers (two numbers if applicable), email addresses, and photocopies of government-issued identifying documents (i.e. passport profile page, driver's license, birth certificate). Florida Coastal reserves the right to ask students to present these documents, either in person, via webcam, or through electronic submission, prior to examinations in order to verify identity.

### **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, and research workshops. Additional information and access to the library's collection begins at the webpage: <http://www.fcsl.edu/ltc>. LL.M students are encouraged to submit requests for reference and research support from the Library through [RefDesk@fcsl.edu](mailto:RefDesk@fcsl.edu) or by phone at (904) 516-8704.

### **Notices to Students**

It is important for students to check their 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. E-mails will be sent to the students' Florida Coastal e-mail accounts.

### **Registrar's Office**

The Registrar's Office provides official verifications of enrollment; prepares official transcripts; provides graduation audits; supports students with the registration and drop process; confirms graduation requirements (including designation of Latin Honors); and, maintains student records. Students should direct any questions about these services to the Registrar at

[registraroffice@fcsl.edu](mailto:registraroffice@fcsl.edu). Students should notify the Registrar immediately, related to any change to their name, addresses, or telephone numbers.

### **Student Grading Numbers**

Students are provided with a new Student Grading Number (“SGN”) for each term of enrollment in the LL.M. program. Students may access their SGNs on the Student Portal that is accessible online at <http://www.fcsl.edu> under “Tools.” SGNs are not disclosed to faculty or other students. Students should not disclose SGNs to any other person. A student may request that his/her SGN number be reassigned only if he/she believes it has been revealed to a faculty member or another student. In such case, a new SGN number will be issued on an exception basis only. Questions about SGNs should be directed to the Academic Dean.

### **Student Affairs**

The Dean, in conjunction with the Associate Dean for Student Affairs, will provide support and advice to individual students and act as the liaison between students, faculty, the administration, and the alumni board, when appropriate. Students with disabilities and students needing assistance are a high priority in this office. Please visit our website at <http://www.fcsl.edu/content/office-student-affairs> for more information.

### **Disabilities and Accommodations**

Reasonable accommodations, supported by the documentation of the disability presented to the Associate Dean of Student Affairs in 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. Additional information may be found in Attachment #2 “Policies and Procedures for Students with Disabilities” and by visiting the Office of Student Affairs website at <http://www.fcsl.edu/content/office-student-affairs> . Questions about disabilities and accommodations should be directed to the Associate Dean of Student Affairs.

### **Social Networking for LL.M. Students**

Students are encouraged to interact with one another inside and outside of class. Students may set up their own social networking sites provided that such sites do not make use of the Florida Coastal School of Law logo and contain a statement on their home page that the sites are not owned or operated by Florida Coastal or its employees.

## **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

### ACADEMIC RULES AND REGULATIONS

#### A. Degree Requirements

**General Requirements.** A candidate for graduation must have: (i) attained a cumulative grade point average of at least 2.30 in the required twenty-six (26) credit hours of course work; (ii) successfully completed all course requirements (including successful re-enrollment and completion of any courses in which a student received an Incomplete); (iii) conducted himself or herself as a fit candidate for admission to the bar; and (iv) satisfied all outstanding account balances owed to the school. Requests for waivers of academic rules, regulations and/or policies relating to graduation requirements must be submitted in writing to the Academic Dean who shall forward such requests to the committee having jurisdiction over the matter. A waiver will only be granted under documented “exceptional circumstances.” The student will be notified of the decision in writing. The decision of the committee is final.

- 1. Credit Hour Requirement.** Credit hours are awarded for courses in which the candidate for the degree has earned a grade of “C” or better, or in the case of a course that is graded pass/fail, a “P.” Students may obtain a grade of “P” in no more than two (2) courses. The “Pass/Fail” election for each course must be made, in writing, to the Academic Dean before the student takes the Final Exam. The Academic Dean will, then, review the student’s request and their academic records and make a final decision regarding the pass-fail election. The student will be provided written notice of the Academic Dean’s decision.
- 2.** A student who downloads a final exam but fails to complete and upload the exam in D2L by the required deadline, shall receive an “F” even if they have been approved for a pass/fail grade. This “F” will be factored into the G.P.A. calculation.
- 3.** In addition, any student who would, otherwise, have receive a grade of “F” based on their exam and course performance will receive a grade of “F” even if the pass/fail election has been made and approved. Thus, the pass/fail election simply allows a student to get a “pass” grade for what would otherwise have been a letter grade of “A”, “B”, “C”, or “D.” A grade of “F” would still be an “F” even under the pass/fail election since the student would have received a failing grade.

4. A student who receives a grade of “D” or “F” in a required course is not deemed to have completed the course. He or she must repeat that course, pay the tuition for repeating the course, and obtain a passing grade in order to obtain credit. If a student receives an “F” in a course and repeats the course, both the “F” and the subsequent grade will be factored into the student’s cumulative GPA.
5. **Limitations of Time.** The maximum period for a full-time law student to complete requirements for an LL.M. degree is two (2) years from the date of matriculation.

## B. Course Load

**1. Credits Required for Graduation.** Students must successfully complete twenty-six (26) credit hours to obtain the LL.M. (Master’s) in U.S. Law degree.

**2. Required Courses (Effective June 2019).** Students who begin the program in June 2019 or later are required to successfully complete 26 or 28 credits as described herein. Courses will be offered in an asynchronous (recorded) format. Students will have significant opportunities to interact with the professor.

- a. Students are required to successfully complete the following 18 credits of courses before taking the courses listed in Section B.2.b below.
  - Civil Procedure (3 credits)
  - Constitutional Law (3 credits)
  - Contracts and Sales (3 credits)
  - Criminal Law and Criminal Procedure (3 credits)
  - Evidence (2 credits)
  - Real Property (2 credits)
  - Torts (2 credits)
- b. Students are required to successfully complete the following 8 credits after successfully completing the courses listed in Section 2.B.a above.
  - Professional Responsibility (2 credits)
  - Extended Bar Prep (3 credits)
  - Either
    - California Law Survey (3 credits), or
    - Uniform Law Survey (3 credits)
- c. Students seeking to take the Washington State bar examination are required to take Legal Research and Writing (2 credits).
- d. In addition to the requirements outlined in Sections B.2.a & b, students may, but are not required to take the following electives. These electives are encouraged for students taking the California Bar Examination.
  - Business Associations (2 credits)
  - Wills (2 credits)

**3. Courses (Pre-Fall 2015).** Students who began the program on or before the Summer 2015 term are required to successfully complete twenty-six (26) credit hours out of the following courses, with no more than two (2) of the twenty-six (26) credits from the designated “Logistics and Transportation” elective courses:

- Introduction to U.S. Constitution and Legal System (1 credit)
- Constitutional Law (2 or 3 credits)
- Constitutional Law II (1 credit) (prerequisite: Constitutional Law – 2 credits)\*
- Criminal Law (1-2 credits) \*
- Criminal Procedure (1-2 credits) \*
- Criminal Law and Procedure (3 credits) (Students may not take this course if they have previously taken Criminal Law or Criminal Procedure) \*
- Contracts & Sales (3 credits)
- Real Property (2 credits)
- Torts (2 credits)
- Evidence (2 credits)
- Business Organizations (2 credits)
- Civil Procedure (2 or 3 credits)
- Civil Procedure II (1 credit) (prerequisite: Civil Procedure – 2 credits)
- Professional Responsibility (2 credits)
- Wills, Trusts, and Succession (2 credits)
- Remedies (2 credits)
- Legal Analysis, Reasoning, and Communication (2 credits)

**Logistics and Transportation Electives (maximum two credits permitted):**

- Customs Regulation
- U.S. Immigration Law for Transportation Professionals
- International Business Transactions for Transportation Professionals
- Maritime Law for Transportation Professionals

**C. Class Attendance and Verification**

Regular attendance and preparation are required in all courses. Students must attend eighty percent (80%) of the classes for a given course to receive credit for that course. Attendance of each student will be monitored electronically by the professor of the course.

The attendance requirement must be met no later than seven (7) days before the scheduled start of the final examination period. It is the responsibility of the student to log and record attendance in the manner prescribed by the Professor. Any student who fails to meet this requirement will be automatically un-enrolled from the course during the seven days preceding the final exam period and will not be permitted to take the final examination. The student shall receive an Incomplete (“I”) for the

course and shall be required to re-enroll, pay for the course again, and take the course prior to the expiration of two years from the date of the student's matriculation. If the course is no longer a part of the curriculum, the student shall receive a Withdrawal ("W") and he or she must enroll in one of the other LL.M. courses. Students shall not have the option of taking make-up examinations for any Incomplete or Withdrawal LL.M. courses. Students who began the program in June 2019 or later cannot repeat a course more than two (2) times. Thus, any student who receives an "F" or "I" the first time the student registers in the course has only one opportunity to re-register, repeat, and successfully complete the course.

#### **D. Live and Archived Lectures**

1. Students in online courses may participate in live, interactive online sessions, when offered, or may view archived webcasts of the sessions. Archived sessions will be made available to students after the live session is finished, typically that same day.
2. For asynchronous online classes or if students view archived webcasts of live sessions, students will be able to interact with the professor via email, office hours, and discussion board postings during the period of time in which the course is scheduled. Student course access will end four months after commencing the course.

#### **E. 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, assigned readings, learning outcomes, assessments, and an explanation of the testing and grading requirements for the course.

##### **2. Anonymous Grading**

- a. Written examinations are graded without the grader knowing the identity of the test taker. Student Grading Numbers (SGNs) are confidential. Each student is assigned a unique SGN, each term, for use on examinations and other written projects. Faculty members or other individuals engaged in grading student work do not have access to SGNs. Faculty should not question students about their SGNs. Students who reveal their identity may be subject to sanctions by the administration or the professor, including, but not limited to, substantial grade reductions. Students with questions concerning SGNs should consult the Academic Dean.
- b. Faculty may incorporate into final grades non-anonymous factors such as participation in discussion board posts. If so, each factor and its percentage of the final grade must be identified in the course syllabus. Students are responsible for reviewing the syllabus promptly to determine deadlines for any such assignments.

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

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

**F. Final Exam Policies**

1. A student who remains enrolled in a course after the Drop/Add period shall receive an Incomplete (“I”) if he/she does not meet the Attendance Requirements outlined in Section III (C) and/or fails to sit for the final examination. The student shall receive an Incomplete (“I”) for the course and shall be required to re-enroll, pay for the course again, and take the course prior to the expiration of two years from the date of the student’s matriculation. If the course is no longer a part of the curriculum, the student shall receive a Withdrawal (“W”) and he or she must enroll in one of the other LL.M. courses. Students shall not have the option of taking make-up examinations for any Incomplete or Withdrawal LL.M. courses. Students who begin the program in June 2019 or later cannot take a course more than two (2) times. Thus, any student who receives an “F” or an “I” the first time the student registers in the course has only one opportunity to re-register, repeat, and successfully complete the course.
2. In the event that a student is unable to take the examination because of an error caused by Florida Coastal (e.g. the student is not given access to the examination) or by a software program used in the LL.M. program (e.g. a system-wide failure of D2L), then the student will be able to take the examination within one week after the last date of the exam administration period (or later with approval of the Academic Dean). In such an instance, the student will be graded on the normal scale.
3. A student may request, in writing to the Academic Dean, an extension of the exam administration period only based on demonstration of “exceptional circumstances” beyond the student’s control to explain the inability to take the exam during the regularly scheduled exam period. The term “exceptional circumstances” beyond the student’s control used herein includes but is not limited to a death in the family, health emergency or immediate family emergency. A computer malfunction is not considered “exceptional circumstances.” Students are strongly encouraged to plan ahead and take their final exams as early as possible during the final examination period. Any request for an extension must be accompanied by documentation of the

basis for the request. The Academic Dean will review the student request and supporting documentation and make a final determination. The student will receive written notice of the Academic Dean's final determination.

## **G. Finality of Grades**

1. Grades are deemed final when posted in the student's academic record.
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) days after the grade has been posted in the student's academic record.
  - i. A faculty member may change a grade only if there has been a mathematical or clerical error in calculating the grade. If a student believes that a mathematical or clerical error occurred, she/he must resolve the matter with the faculty member. If the faculty member determines that there is a mathematical or clerical error, the faculty member must complete a grade change form and submit it to the Dean. The decision of the faculty member is final, subject to the approval of the Dean.
  - ii. If a student believes a grade was motivated by animus or given arbitrarily, she/he may submit a written petition to the Dean setting forth all information which the student deems relevant. The Dean will review the written petition and provide a copy of the petition to the faculty member. The Dean, will then, forward the petition for the grade appeal, and any supporting documentation, to the committee having jurisdiction over the matter. Where appropriate, the Dean and/or the Committee may convene a meeting between the student and the faculty member to resolve the dispute. The decision of the Committee shall be final.

## **H. Examinations**

### **1. Procedures.**

- a. The Academic Dean establishes final examination schedules, procedures, and policies for administering examinations. Students are responsible for adhering to examination schedules, procedures, and policies. Failure to comply with exam-taking policies and procedures may subject a student to disciplinary action, including dismissal from the program.
- b. Students will need to purchase any and all software and hardware that is necessary to take the examination. Students may need to purchase webcams so that Florida Coastal can verify their identity prior to and during examinations. In the event that Florida Coastal requires webcams, it will provide reasonable advance notice to students.
- c. Florida Coastal, its partners, employees, officers, directors, or affiliates are not liable

for any damages to computers arising from the use of exam software, including any loss of exam answers or any effect it may have on any students' grade for this course.

- d. Students have a duty to ensure that computers are in proper working condition before the exams, including Microsoft Windows updates, Java updates, updates to web browsers, anti-virus software, and that all installation instructions are followed.
- e. In the event that the exam software malfunctions during the examination, students will be allotted additional time to finish the examination in proportion to the length of the software malfunction. In the event that the student's hardware malfunctions during the examination such that the student is prevented from taking the examination, the student will be required to submit a handwritten exam during the same time-period. Florida Coastal is not responsible for hardware malfunctions during examinations.

## **2. Schedule.**

Students will be responsible for scheduling their exam within one week of completing their coursework. If a student completes multiple courses on the same day the student will need to reach out to the Program Coordinator to schedule their exams. Students will complete their exams through D2L. Students who do not take the examination during this period shall receive an Incomplete ("I") for the course and shall be required to re-enroll, pay for the course again, and take the course prior to the expiration of two years from the date of the student's matriculation. If the course is no longer a part of the curriculum, the student shall receive a Withdrawal ("W") and he or she must enroll in one of the other LL.M. courses. Students shall not have the option of taking make-up examinations for any Incomplete or Withdrawal LL.M. courses. Students who begin the program in June 2019 or later cannot repeat a course more than two (2) times. Thus, any student who receives an "F" or an "I" the first time the student registers in the course has only one opportunity to re-register, repeat, and successfully complete the course.

## **I. Academic Probation and Dismissal**

The following rules regarding academic probation and dismissal apply to all students without regard to full-time or part-time status.

1. To receive the LL.M. degree, the student must complete the required 26 credit hours of coursework and receive a cumulative minimum of a 2.30 GPA.
2. Students are academically dismissed if their cumulative GPA falls below a 2.3 at any time after they have completed 13 credits.
3. A student who has been academically dismissed may file a request for a waiver of the academic policies by submitting an appeal of academic dismissal, in writing via email, to the Academic Dean.

4. The appeal must be submitted within fourteen (14) calendar days of the dismissal decision.
5. The appeal and supporting documentation must demonstrate “exceptional circumstances” beyond the student’s control that significantly and temporarily adversely impacted academic performance. The reasons discussed in the appeal statement can be supported with dated documentation; this is not returnable but will be held in confidence.
6. Consideration of the appeal will be possible only after the written appeal has been received, as well as the receipt of any supporting documentation indicated in the appeal.
7. The Academic Dean will, forward the petition for the appeal, and any supporting documentation, to the committee having jurisdiction over the matter. The decision of the Committee shall be final. The student will receive written notice of the Committee’s final determination.
8. In exceptional cases, the student appeal may be granted and the student may be allowed to resume their studies in the Program. In such cases, a student must subsequently achieve a cumulative GPA of 2.30 or higher. If the student does not, then the student will be academically dismissed.

#### **J. Withdrawal from a Course**

Students may drop (subject to enrollment restrictions) a course without consequence within five (5) business days of commencing the course. 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 must drop courses through the student web portal and also email drop/add requests to the Academic Dean.

Students are liable for tuition upon registering for courses. Students will have a Drop period of up to five business days from registration to drop a course for a refund. Transfer to another school does not relieve a student of financial liability for courses for which he/she is registered at Florida Coastal unless such courses are dropped during the Drop period. Students who withdraw from a course after the Drop period shall receive an Incomplete “I” and shall be required to re- enroll, pay for the course again, and take the course prior to the expiration of two years from the date of the student’s matriculation. Students who begin the program in June 2019 or later cannot repeat a course more than two (2) times. Thus, any student who receives an “I” the first time the student registers in the course has only one opportunity to re-register, repeat, and successfully complete the course. If the course is no longer a part of the curriculum, he or she must enroll in one of the other LL.M. courses. Students shall not have the option of taking make-up examinations for any LL.M. courses.

#### **K. Leave of Absence**

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

student may leave and return to Florida Coastal.

- 1. Leave of Absence.** A student may take a leave of absence from Florida Coastal for up to six (6) months for any reason. Students who take a leave of absence should notify the Academic Dean no later than two weeks after the beginning of their courses. Students requesting a leave of absence should also complete a Change of Status Form.
- 2. Return to Florida Coastal.** A student who has taken a Leave of Absence must provide at least seven (7) days advance written notice of his/her intent to re-enter the program to the Academic Dean. E-mail suffices as written notice. The Academic Dean will, then, forward an email communication to the Registrar and other departments to have the student's status reinstated to "Active."

### **3. Honor Code or Conduct Code.**

If a student takes a leave of absence when an honor code or student conduct code investigation or proceeding is pending, the Associate Dean for Student Affairs may place a memo in the student's academic file outlining the charges and the status of the proceeding. An honor court or student code of conduct proceeding may continue even after the student has taken a leave of absence. Additional information is available by reviewing Attachment #3 "Coastal Law Honor Code" and visiting the Office of Student Affairs website at <http://www.fcsl.edu/content/office-student-affairs>.

### **4. Two-Year Requirement.**

- a. To receive an LL.M. degree, students must complete the program within two years of enrollment and have a cumulative GPA of 2.3 or higher.
- b. Students must assume primary responsibility for ensuring that they will meet all requirements for graduation within two years of their initial enrollment. While the Academic Dean will advise students concerning how their leave of absence may affect their ability to complete the program, Florida Coastal is not responsible in the event that a student's failure to complete all requirements for graduation within this time frame prevents him or her from graduating.

## **L. Waiver of Academic Rules**

- 1. General.** Requests for waiver of any Florida Coastal rule, regulation, or policy must be submitted in writing to the Academic Dean who shall forward such requests to the committee having jurisdiction over the matter. If no committee has jurisdiction over the issue(s) raised, then, the 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 committee is final.
  - a. A student who has been academically dismissed may file a request for a waiver of the academic policies by submitting an appeal of academic dismissal, in writing via email, to the Academic Dean.

- b. The appeal must be submitted within fourteen (14) calendar days of the dismissal decision.
- c. The appeal and supporting documentation must demonstrate “exceptional circumstances” beyond the student’s control that significantly and temporarily adversely impacted academic performance. The reasons discussed in the appeal statement can be supported with dated documentation; this is not returnable but will be held in confidence.
- d. Consideration of the appeal will be possible only after the written appeal has been received, as well as the receipt of any supporting documentation indicated in the appeal.
- e. The Academic Dean will, forward the petition for the appeal, and any supporting documentation, to the committee having jurisdiction over the matter. The decision of the Committee shall be final. The student will receive written notice of the Committee’s final determination.
- f. In exceptional cases, the student appeal may be granted and the student may be allowed to resume their studies in the Program. In such cases, a student must subsequently achieve a cumulative GPA of 2.30 or higher. If the student does not, then the student will be academically dismissed.

**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 Dean who shall forward such requests to the committee having jurisdiction over the matter. If no committee has jurisdiction over the issue(s) raised, then, the 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 committee is final.

**M. Honors**

A candidate for the LL.M. degree may be recommended for honors if the student’s cumulative grade point average for all course work at Florida Coastal meets the following standards:

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

**N. Transfer Credit**

At the discretion of the Dean or the Dean’s designee, a candidate for the LL.M. degree may be allowed to transfer credit for courses taken at another institution if:

- (1) The courses were taken as graduate courses at a law school accredited by the Section of Legal Education of the American Bar Association or an equivalent non-U.S. school,
- (2) The courses were taken after the candidate received his or her first degree in law,

- (3) The courses were completed with a grade of 3.0 or higher (on a 4.0 scale), and
- (4) Credit for these courses was not used toward any other degree.

Grades for which transfer credit is given are not used in computing grade point averages in the Florida Coastal LL.M. degree.

Every candidate must complete at least 16 credits hours in the Florida Coastal LL.M. program in order to qualify for the LL.M. degree.

Subject to the foregoing limitations, transfer credit can be obtained for work done either before or after a student's initial matriculation at Florida Coastal. If a currently enrolled student intends to take a course at another school for transfer credit, the student should consult with the Dean or the Dean's Designee about his or her plans before registering for the course.

## ATTACHMENT #1

### **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,  
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To Florida Coastal School of Law  
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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](mailto: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 takes 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 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 ethnically, 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 #2 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

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Student Signature

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Date

## ATTACHMENT#3

### 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 withdrawal 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 inappropriately in a way that affects a class or other students' academic work.
  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 #4**  
**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 withdrawal 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 withdraws or is dismissed from the school while a disciplinary matter is pending, as long as the conduct occurred prior to the student's withdrawal 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 authorized or unauthorized recordings from class with other students or people 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 Civil Rights Equity Resolution for All Faculty, Students and Employees to include Sexual Misconduct and Relationship Violence (Title IX).
- 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.
- b. Discriminatory harassment, including harassment based on one of the protected classes in the school's non-discrimination policy. Any discriminatory act including, but not limited to, hate speech/symbols/gestures or any violation of the school's non-discrimination policy.
- c. Any participation or role in activities involving hazing. Hazing includes, but is not limited to, any mental or physical requirement, request, or obligation placed upon a person that could cause injury, pain, fright, disgrace, or which is personally degrading. A person's consent to hazing is not an excuse.
- d. The use or display of profane, indecent, 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.
- e. 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.