

MIAMI**LAW**

STUDENT HANDBOOK
AND HONOR CODE

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MIAMI LAW STUDENT HANDBOOK

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1. STUDENT RIGHTS AND RESPONSIBILITIES

The Mission of the School of Law

The Faculty has adopted this mission statement for the School of Law:

-To foster the intellectual discipline, creativity, and critical skills that will prepare its graduates for the highest standards of professional competence in the practice of law in a global environment subject to continual—and not always predictable—transformation. The School of Law seeks to achieve this mission through a rich and demanding curriculum, including intensive instruction in legal communication and research, a wide variety of opportunities for professional skills training, and support for its students and alumni in planning and achieving rewarding professional careers.

-To cultivate a broad range of legal and interdisciplinary scholarship that, working at the cutting edge of its field, enhances the development of law and legal doctrine, and deepens society's understanding of law and its role in society. The School of Law seeks to achieve this mission through support for a wide range of research, writing, and other scholarly activities, and through maintenance and continued improvement of a law library suited to the demands of an excellent research institution.

-To fulfill the legal profession's historic duty to promote the interests of justice. The School of Law seeks to achieve this mission by pursuing its educational and scholarly aims in the context of a diverse faculty and student body; by enhancing representation in the national and local bar of communities that have historically been disadvantaged for reasons such as race, ethnicity, disability, culture, or economic status; and by instilling in its graduates rigorous professional ethics.

SCHOOL OF LAW STATEMENT ON PERSONAL RESPONSIBILITIES

General

Members of the Law School community are expected to conduct themselves in ways that will reflect credit upon themselves, the School of Law, the University, and the legal profession. Students aspiring to the Bar

are required to behave appropriately, to respect the rights and privileges of others, and to abide by the law and by the regulations of the University and the School of Law.

Students whose conduct does not violate the Honor Code but nevertheless interferes with the academic environment, casts serious doubt on the judgment or maturity of a student, or subjects the School to potential embarrassment will be counseled by the Dean of Students, who may issue a private written reprimand. Students may also be issued a private written reprimand by the Dean of Students in cases where the Honor Council determines that the conduct constitutes a de minimis violation of the Honor Code. Students who damage, deface, or remove Law School or University property are financially responsible for their actions and may also be subject to sanctions under the Honor Code. Written record of the private reprimand shall remain in the student's file while the student is in school. Except as the Dean may separately provide, a private reprimand may be considered if the student faces any other disciplinary charges or is found to have violated the Honor Code subsequent to the private reprimand.

Students should assist in keeping the buildings and grounds in presentable condition. The reputation of the School suffers when litter, smoking debris, and graffiti deface the campus.

The Honor Code

For many years, the School of Law has operated under an Honor Code. The principal purpose of the Code is to instill and perpetuate a high standard of ethics and professional demeanor among students.

The law is a learned profession, which demands standards of honesty and integrity from its members that are far higher than those imposed on society as a whole. A dishonest attorney is a menace to society and to the profession. Since there is no reason to believe that dishonest students will become honest attorneys, the School of Law must insist that its students maintain the highest ethical standards.

The Honor Code is designed to ensure that each student can be evaluated on his or her merits, free from the unfairness of competing with students who attempt to enhance their grades by cheating or plagiarism. It also seeks to protect the learning

environment from unreasonable disruption or physical abuse.

The Honor Code prohibits, among other things, the giving and receiving of assistance on examinations or assignments except as authorized by the instructor, the appropriation of another's words or ideas and representing them as one's own, falsification of a student's credentials, accomplishments or other material information on applications, financial aid forms or resumes, the hiding, defacing, or unauthorized use or removal of library resources, and engaging in conduct which casts serious doubt on the student's honesty, integrity, or fitness to be an attorney.

Students and administrators who become aware of an apparent violation of the Honor Code are urged to bring the matter to the attention of the Office of the Dean of Students, which will perform a preliminary inquiry. The Office will then bring an Honor Council complaint, counsel the student or take other appropriate action. Students and faculty members may alternatively bring complaints directly before the Council.

The Honor Code is a part of this publication. The Student Handbook and Honor Code are made available to students at the beginning of each academic year on the School of Law website. Students are bound by the Code and any amendments thereto, and are subject to severe sanctions for violations, including permanent dismissal from the School of Law. Students are urged to become familiar with the substantive and procedural provisions and the confidentiality and ex parte contact requirements of the Code. Students may consult with the Dean of Students if they have questions about the Honor Code.

Upon a finding of guilt resulting in suspension or expulsion from the School of Law, the nature of the offense and the sanction imposed will be made a permanent part of the student's academic record, and reported to any Bar to which the person may subsequently apply. Less severe sanctions, as well as reprimands by the Dean of Students, may or may not be noted on the student's academic record at the discretion of the Dean or Dean of Students respectively. These may be reported to the Bar, particularly if there has been a pattern of violations and/or inappropriate behavior.

Temporary Suspension

The Dean, Vice Dean, or Dean of Students may temporarily suspend a student from one or more classes if he or she reasonably believes such action is necessary to protect members of the Law School community, visitors, or school property or to avoid serious interference with the educational mission of the School of Law.

A student who has been temporarily suspended will be notified by the most rapid means available. An oral notification will be confirmed in writing, either by email, hand delivery or by certified letter to the student's last known address. Notification shall include a brief description of the reasons for the temporary suspension and the conditions for lifting the suspension. A student may elect to have the temporary suspension reviewed by the Dean. To do so, within ten business days of the student's receipt of the written temporary suspension decision, the student must notify the Dean's office, in writing, of his/her intention to have the decision reviewed. In conjunction with the request for review by the Dean, the student may submit to the Dean any information which s/he believes is relevant and supportive of the request to review the temporary suspension decision. The Dean may uphold, amend, rescind, or revise the temporary suspension and the conditions for return. Decisions made by the Dean after a request for review are final.

A student who has been temporarily suspended may not attend classes from which the student has been suspended, and if suspended from all classes, may not remain on the premises, or participate in any activity of the School of Law, unless the Dean who imposed the temporary suspension otherwise directs in writing.

Alternatively, the Dean of Students may refer the matter to the University's Dean of Students for review and recommendation as to possible action(s) pursuant to the University's Health and Safety Policy, as set forth in the University's Student Rights and Responsibilities Handbook. In the event of such a referral, the Dean of Students may accept, amend, rescind, or revise the recommendation made by the University's Student Assessment Committee pursuant to the University's Health and Safety Policy. Students temporarily suspended or withdrawn from the School of Law after a referral to the University's Student Assessment Committee may have such a decision

reviewed by the Dean of the School of Law in accordance with the procedure set forth above.

Involuntary Removal from Programs or Facilities

Following consultation with the Dean of Students, the Director of Financial Aid, the Director of the Career Development, the Librarian, or the Registrar, may prohibit students from utilizing the programs and facilities under their supervision or limit their access for violating published or posted rules.

FINANCING INFORMATION

The School of Law Office of Financial Aid provides services to assist students in financing their legal careers. The Office counsels and assists students regarding financial aid eligibility and application processes. The University's Office of Student Account Services assists students with issues regarding account billing, disbursement of aid, refunds and direct deposit.

FINANCING RESPONSIBILITIES

Financial Eligibility

Students must file a Free Application for Federal Student Aid (FAFSA) for each academic year. The FAFSA is reviewed by the Office of Financial Aid to determine eligibility for federal financial aid. Students must also maintain Satisfactory Academic Progress (SAP) in order to receive federal financial aid. We encourage all students to familiarize themselves with the SAP Policy. SAP is separate from academic standing, and academic probation or oversight. Therefore, meeting academic standards does not guarantee eligibility for financial aid.

Financial Registration

Financial registration is an important aspect of registering for law school, and it is considered complete only when all charges are paid or when the Office of Student Account Services has approved, in writing, deferred payment arrangements. Students who plan to use financial aid funds to complete registration must make sure that they will cover the entire balance.

If a student is not financially registered, none of his or her financial aid including Scholarships, Grants, or Federal Loan funds can be disbursed. The Financial Aid Office cannot request that the loan funds be sent

to the school until payment arrangements have been made and financial registration is complete. This can be a time-consuming process, and during that time the student does not have access to any of the funds earmarked for living expenses.

One last step to complete in order to be considered financially registered is Entrance Loan Counseling. First time Federal Stafford Loan borrowers at the University of Miami School of Law are not considered financially registered until they have completed Entrance Loan Counseling and the Life Skills modules. The entrance counseling requirement may be satisfied online while completing the Stafford Master Promissory Note at StudentLoans.gov. Students may refer to the Office of Financial Aid website for information regarding completing the required online Life Skills module.

Overage Checks/Funds

Students who are receiving financial aid in excess of that owed to the University will receive the overage within one week of the funds being disbursed to the student account. The Office of Student Account Services will release overage funds either by check or Direct Deposit. Funds are released, at the earliest, on the first scheduled day of each semester. Therefore, students must be prepared to meet their costs prior to and between semesters.

Return of Title IV Funds (Withdrawals)

The University is required by the Higher Education Act of 1965, as amended in 1998, to determine the amount of financial aid that a student "earned" for an academic semester when the student does not complete at least one course within that semester. When the "earned" aid is less than the disbursed aid, the institution and student are responsible for returning the "unearned" disbursed funds to the appropriate agency. The Office of Student Account Services is responsible for calculating the Title IV refund. Students may contact their office by phone at 305-284-6430, Option #5, or by email at saccounts@miami.edu for further information or questions.

Tuition Refund Schedule and Policy

The tuition refund schedule and policy is posted before the start of each semester and can be reviewed online

at the Office of Student Account Services. This schedule displays refund percentages contingent upon the date of withdrawal. This calculation is separate from the Return to Title IV Fund for federal aid recipients mentioned above.

CLASSROOM RESPONSIBILITIES

Attendance, Preparation, and Class Participation

In keeping with the American Bar Association's ("ABA") standards of accreditation, the Bar certification requirements of many states, and sound educational policy, the School of Law requires regular and prompt class attendance. Students are also expected to prepare for class, to participate in class discussions including but not limited to Socratic dialogue, and to comply with classroom policies established by the instructor. A student who is not in regular attendance is not in compliance with ABA standards and may not be certified by the Dean to the Bar.

Student participation in extracurricular activities or outside employment does not justify absences from regular courses.

A student who is absent from class for good reason must complete an [absence form](#), which is forwarded to the instructors of the classes missed. Notice must be given before the absence, or if not known in advance, immediately thereafter. However, this notice in no way alters the attendance policy of each instructor in his or her class. Students are responsible for knowing and complying with each instructor's written attendance policies.

Whenever absences become excessive, the regular attendance requirement of the ABA is not satisfied and may lead to involuntary withdrawal from the course. Absences for more than five days should be reported in person or by phone to the Dean of Students prior to returning to class. Upon the recommendation of an instructor, the Dean of Students is authorized to withdraw a student involuntarily from a course or other academic program for failure to adhere to these policies. A student who is not permitted to continue under these circumstances will receive a "W" on the transcript or in appropriate cases, a failing grade. In lieu of dropping a student, an instructor may lower a

student's final grade because of poor attendance or inadequate classroom performance. No warning need be provided before poor attendance or classroom performance in violation of a professor's written requirements is used to withdraw the student or lower the grade.

Involuntary Removal from Class

Upon the recommendation of a faculty member, the Dean of Students may withdraw a student from a course for disruption or other misconduct in class or towards the faculty member or other member of the class.

Work While Attending Law School

Consistent with the standards of the ABA, the School of Law requires students enrolled in the full-time division to devote substantially all of their working hours to the study of law.

Students may not accept any employment during their first year with the exception of serving as a faculty research assistant in the spring semester. Students seeking exceptions to this policy should see the Dean of Students.

Second and third-year students often benefit enormously from employment as law clerks, not only in terms of their finances, but also by adding practical experience to their school education and strengthening their resumes for future employment. However, full-time students must limit their outside employment in accordance with ABA standards. Second and third-year students enrolled full-time must limit their employment to a maximum of 20 hours per week, in accordance with the School of Law policy and ABA standards.

Those who have problems regarding the 20-hour limitation are encouraged to seek counsel from the Dean of Students, who can facilitate a reduction in course load to avoid hardship. The maximum amount of time a student may work can be reduced if the student has a cumulative grade point average ("cumulative GPA") of 2.500 or below.

Due Dates for Written Work

Papers or other assigned written work must be completed and given to the instructor by the designated due date. Only the instructor may grant an extension.

In no circumstance will a student be allowed to receive a degree or receive a Certificate of Dean if written work necessary for graduation has not been completed and a grade submitted. Students intending to graduate should realize that an extension of the due date for written work may delay graduation or prevent them from sitting for the bar examination. For more information, see “Graduation and Admission to the Bar,” *infra*.

Taping Class Lectures

Except as expressly authorized by the Office of Disability Services as essential for compliance with the Americans with Disabilities Act or when a student must miss class due to religious observance or serious extenuating circumstances, taping or recording class sessions and reproducing them is not permitted without the express prior approval of the instructor. The reproduction of a class session is limited to a student’s personal use and may not be copied and passed on to anyone else without the express written permission of the instructor.

STUDENT RIGHTS

Student Access to Files

The School of Law complies with the federal Family Educational Rights and Privacy Act that gives students access to their individual files and protects the confidentiality of such files by restricting some forms of third-party scrutiny.

The following procedures govern student access to the student’s own file:

1. The student should present a written request for access to the Dean of Students.
2. Upon submitting a request, the student may examine his or her file with the Dean of Students at a time mutually convenient to the Dean and the student.

3. The student may obtain a photocopy of all relevant material in the file, except that a student may not copy a transcript in violation of the policies of the University of Miami that prohibit the copying of official transcripts and their release to third parties.

4. Documents may not be removed from a file.

5. If a student has waived his or her right to see recommendations prepared by third parties, the student may not have access to them.

The School of Law assures the privacy of student files by allowing the disclosure of educational records only to individuals who, pursuant to the federal legislation, are deemed to have a legitimate educational interest in the files. Because prospective employers frequently ask for verification of information given to them by students, upper-class and graduate law students may sign a waiver form whereby they waive their right of privacy with respect to their academic records in certain specified situations. The waiver permits certain administrators to review a student’s academic record for the purpose of verifying information such as class rank and grade-point average given to the employer by the student. Signing of the waiver is optional. If a student chooses not to sign the optional waiver, an employer who calls to request verification will be advised that the School of Law is unable to verify the student’s record.

Students with Disabilities

The School of Law seeks to ensure equal access to quality education for its diverse population. Any student who believes that he or she may have a disability that would affect classroom participation, mobility within the School, ability to take examinations, participate in overseas programs or otherwise limit full involvement in student life should contact the Office of Disability Services (ODS). ODS concerns should be brought to Iris Morera, Coordinator, Student Services at imorera@law.miami.edu.

The Americans with Disabilities Act (ADA) defines an individual with a disability as a person who (a) has a physical or mental impairment which substantially limits one or more of the person’s major life activities; (b) has a record of such an impairment or, (c) is regarded as having such an impairment.

A student requesting classroom accommodations must submit documentation of his or her disability to the ODS at least two weeks prior to the first class or other activity for which accommodation is sought. Requests for note-taking assistance must be submitted no later than two weeks after the commencement of classes. Because every course has different requirements, accommodations must be requested each semester, including summer sessions and study abroad. The standards for documentation and other policies and procedures of ODS are set forth at <http://www.law.miami.edu/disabilityservices/>

Appropriate documentation includes test results and/or letters from qualified experts verifying the nature of the disability and the need for accommodations. A list of accommodations received previously at a college, university, or workplace, and any accommodations received for the LSAT, if any, will be helpful to the ODS in planning for future accommodation needs, but is not dispositive of the decision that the School of Law will make.

Students who are dissatisfied with the decision regarding a request for accommodation or a claim of discrimination based on a disability may file an appeal. The appeal should be directed to Dean Lennon. Retroactive accommodations are not available.

The School of Law has adopted a grievance procedure providing for prompt resolution of all complaints by students who believe they have been subjected to discrimination on the basis of disability. All complaints of disability discrimination will be addressed in accordance with Section 504 of the Rehabilitation Act, Title III of the Americans with Disabilities Act, and any other applicable laws. Click [here](#) to view the procedure. If you need assistance accessing the website, please contact Iris Morera at imorera@law.miami.edu or at 305-284-9907.

Student Sexual Harassment Policy

Students enrolled at the School of Law are bound by policies of the University of Miami, which are intended for all members of the student body.

It is the policy of the University of Miami that sexual harassment of or by any administrator, faculty member, employee, or student is prohibited. A violation of the sexual harassment policy shall constitute grounds for disciplinary action up to and including dismissal from

the University. The University reaffirms its commitment to the concept of nondiscrimination and to providing a work environment and an educational forum free of sexual harassment.

Sexual harassment includes, but is not limited to, physical, or verbal abuse of a sexual nature including remarks used to describe an individual, or unwelcome propositions and physical advances of a sexual nature. Sexual harassment also includes the threat or insinuation that sexual submission, or the lack thereof, will be used as a basis for employment or education decisions affecting or interfering with an individual's salary, academic standing, or other conditions of employment, academic, or career development.

Students are encouraged to first discuss any complaint with the Dean of Students. A student who is not satisfied with any effort at informal resolution may file a formal complaint with the Dean of the School of Law.

Student Concerns

Students are invited to share concerns about Miami Law's program of legal education, particularly any issues that directly implicate the school's compliance with the ABA's Accreditation Standards. Students should submit such concerns, in writing, to the Dean of Students who shall work with the appropriate administrators to address the issue. When a resolution has been reached, the Dean of Students will provide the student with an explanation of the investigation and the complaint's resolution.

The student may then appeal to the Dean, unless the Dean has been involved in the merits of the complaint, in which case students may appeal to the Vice Dean. The decision made on appeal is final and will be delivered in writing to the student and the Dean of Students. The Dean of Students shall keep a record of all submissions and their resolutions for eight (8) years from the date of final resolution of the complaint.

Information Sources, Official Notices, and Responsibilities of Students

Members of the School of Law community must be familiar with policies and other notices that may affect them. The School of Law disseminates information on its policies through a number of means and provides individual notice to students as appropriate. Students

are urged to check the information sources listed below on a frequent basis.

Information Sources

MyUM System

Students may obtain information on their academic record through the University's password-protected MyUM system. Course registration, class schedules, grades, official transcript orders, and contact information such as addresses are a few of the types of information found on MyUM.

Official Notices and Responsibilities of Students

Students are required to provide updated contact information via [MyUM](#). Any notices to or correspondence with a student that are provided by e-mail will be provided to the student's official School of Law e-mail account.

Official Notices

Students are deemed to have received notice of any ruling, decision, policy change, rule, requirement, schedules of classes and examinations and any other official decision if the notice is sent to the student's official School of Law e-mail account.

ADDITIONAL STUDENT RESPONSIBILITIES

Health Insurance

All domestic law students enrolled in six or more credit hours per semester are required to obtain adequate health insurance. The annual premium for the health insurance plan [offered through the Student Health Service](#) is added to each student's fees. Domestic students with adequate alternative coverage may request cancellation of the insurance fee via MyUM by selecting the "Life at UM" tab. Students with limited out of area coverage or otherwise inadequate coverage are urged to carefully review their options before waiving the University's sponsored insurance plan. Deadlines to waive the insurance are July 25th for the Fall semester, January 25th for the Spring semester, April 25th for Summer I and June 25th for Summer II. All international students are required to enroll in the University sponsored health

insurance program. Insurance cancellation requests must be renewed each academic year via the MyUM system. Call 305-284-9100 for more information.

Immunization

All students are required to provide proof of immunization against measles, mumps, and rubella and must also provide proof of immunization against hepatitis B and meningococcal meningitis or sign a waiver declining these immunizations. An immunization form must be completed and returned to the Student Health Service prior to arrival on campus. All international students must also be screened for risk of tuberculosis by completing page two of the immunization form found at the website above. Failure to comply with these immunization requirements prior to the beginning of your first semester will interfere with registration and a \$50.00 late processing fee will be charged for any form received after the start of the semester. Click on the link to obtain an [Immunization Compliance form](#). For further information, call the Immunization Help Desk at 305-284-5933.

2. DEGREE REQUIREMENTS

General

The School of Law provides instruction in all the traditional subjects basic to an understanding of the law and required for admission to state bars throughout the nation. The School believes, however, that its educational program should extend well beyond the basics. It therefore offers several ambitious programs designed to teach students the craft as well as the theory of the law, to develop the research and writing and communication skills critical to the legal profession, and to expose students to other skills, such as client counseling and fact investigation, necessary for effective professional service.

The School's curriculum is also designed to address the problems of a changing society by offering courses emphasizing the economic, sociological, psychological, and international aspects of the law.

Juris Doctor (J.D.) Requirements

To qualify for the J.D. degree, a student must successfully complete a **minimum of 88 academic credits**, and complete all course distribution requirements. All requirements for the J.D. must be completed within five years of initial enrollment.

Students usually complete the degree requirements in three years by taking approximately 15 credits each semester. Students are required to register for 16 credits each semester of their first year, and a minimum of 11 credits each semester thereafter. A student may drop to part-time enrollment status in his or her final semester of law school provided that the student can meet all necessary requirements to graduate.

The grading scale is described in detail in Chapter 5. The minimum grade requirements to remain in good standing are described in detail in Chapter 6

The First Year

All first-year students are required to take the courses listed below, plus one elective.

Civil Procedure I
Contracts
Criminal Procedure
Elements

Property
Torts
U.S. Constitutional Law I
Legal Communication and Research Skills

Summer Session

The Summer Session offers upper-class courses in a variety of subjects.

A maximum of seven credits may be taken in any summer session. Students taking seven credits in the summer are considered full-time students for the purposes of the 20-hour limitation on working (see "Classroom Responsibilities, Work While Attending Law School," *infra*). However, students taking an intensive Litigation Skills summer program [6 credits] may take up to thirteen credits.

Course Load for Upper-Level Students

Ordinarily, full-time students must enroll for a minimum of 11 credits and a maximum of 16 credits (unless in their last semester they require fewer credits to graduate.) Students otherwise seeking to enroll in fewer than 11 credits or more than 17 credits must consult with the Registrar [Course Load for Upper-Level Students](#).

Students with interests in particular fields of the law or types of practice should consult faculty members with specialized knowledge of those topics or practice areas.

Upper Class Requirements

Professional Responsibility Requirement

All candidates for the J.D. degree must successfully complete one Professional Responsibility course. (Numbered 400-499).

Skills Requirement

Each student must take at least one course from an [approved list of courses on the Registrar's website](#) that encompass some substantial skills training.

Writing Requirement

Students graduating after May 2012 must also complete two (2) substantial writing courses. There are a number of ways to meet the substantial writing course

requirement, including through enrolling in designated courses and through faculty supervised independent writing credit. For a list of designated courses and a description of the independent writing credit program please visit

http://www.law.miami.edu/currentstudents/degree_requirements/jd_afterMay2012_requirements.php

No single course may satisfy more than one of the three distribution requirements. Select courses and clinics may satisfy either the skills or the writing requirement and the student will need to select which requirement is satisfied at the beginning of the semester. For more details, click here

http://www.law.miami.edu/currentstudents/pdf/2012/Miami_Law_Clinics_Skills_Writing.pdf

Externships

A maximum of nine (9) externship credits may be counted towards the minimum 88 credits required for graduation. Students seeking an exception should contact the Associate Dean of Academic Affairs.

3. ADDING AND DROPPING COURSES

First-year students are permitted to drop a required course only if there are compelling medical or other similarly serious circumstances, which have been thoroughly documented. The Associate Dean of Academic Affairs reviews and acts upon requests for such reductions.

During the fall and spring semesters, a 2L or 3L student may drop or add a course as follows:

- For courses meeting once a week, within two weeks of the first day of classes.
- For courses meeting more than once a week, within one week of the first day of classes.
- For short courses, a student may drop the course no later than the second day after the short course has begun.

Additional time may be allowed where classes have been added, cancelled, or the School of Law makes other changes. To make the change official, a student must access the network-based registration system except for those courses requiring that an add/drop form be submitted to the Office of the Registrar during the applicable add/drop period and the form must be submitted. Giving notice to an instructor or failing to attend class sessions is not considered official notice to drop a course and may result in the student receiving a failing grade.

A student will not be permitted to add or drop a course after the applicable drop/add period specified above has elapsed. This rule applies regardless of what the My UM system may permit. Exceptions can be made only in compelling circumstances. A student who wishes to drop a course after the applicable time period must seek permission by submitting to the Associate Dean of Academic Affairs a request in writing which sets forth the compelling circumstances that warrant approval of the request.

Students should also review the “Classroom Responsibilities” section *infra* for rules on involuntary withdrawal.

It is important that students realize that registration changes that place them below full-time status may unfavorably affect financial aid, scholarships, veteran’s rights, foreign student visas, and other benefits and

requirements. The student is responsible for any changes in his or her registration, which may adversely affect such matters. The Office of the Registrar does not monitor the effects of routine processing of drop/add requests. Students should also be aware that some changes may increase their bill for tuition and/or fees.

4. EXAMINATIONS

Taking Final Examinations

All examinations are graded on an anonymous basis; students can find their anonymous grading number (“AGN”) by logging into MyUM. The AGN will appear at the top of the student’s course schedule. An AGN will be issued each semester in advance of the examination period and must be used on all examinations (whether by Exam4, BlueBook or Scantron forms). Students may not use their name, C number, Social Security number, or any other identifying information on their examinations. Click [here](#) for more information.

Some examinations are given in-class and others are take-home. This is solely at the discretion of the faculty member. All take-home exams must be accessed and submitted through the Exam4 website. For more information, click [here](#).

Examination Accommodations

Students with disabilities who require special accommodations for their examinations should meet with Iris Morera, Coordinator, Student Services, early in the semester to discuss which examinations will require such accommodations. Requests for exam accommodations, including the submission of documentation, must be filed no later than three weeks prior to the last day of classes for the Fall and Spring semesters, two weeks prior to the last class in a Summer session and one week prior to an in-class quiz. Please note that all deadlines are set to allow for appropriate review of documentation and a determination of accommodations, if granted. Questions should be directed to imorera@law.miami.edu.

Rescheduling a Final Examination

Each semester, after drop-add period ends, the Registrar will review petitions for rescheduling of Final Examinations as a result of schedule conflicts. The petition must be submitted through the [Form for Rescheduling Exams Due to Conflict](#) at least four weeks prior to the end of classes. Contact with the professor to seek rescheduling is strictly forbidden, as it may compromise the anonymity afforded to students by the anonymous grading system. Rescheduling will

be arranged only in circumstances that clearly satisfy the criteria set forth below.

Examination schedule conflicts are defined as follows: two exams in one day, three examinations in three consecutive days, four examinations in five consecutive days, or a take-home exam that is administered at a set time which overlaps with, or ends immediately before or within two hours of, an in-class examination.

In general, it is the policy of the School of Law that examinations are not given before the scheduled times. Neither scheduled examinations nor take home examinations may be given during the reading period.

In all other circumstances, a student will be granted an adjustment in his or her examination schedule only in the event of a personal illness requiring the care of a physician, death or serious illness in the student’s immediate family or household, or because of religious prohibitions certified by an appropriate religious professional. In such an event, the examination in question will be rescheduled as early as is consistent with the cause of the excused absence as determined by the Dean of Students. See [Form for Rescheduling Final Exam - Excused Absence](#)

Failure to Take a Final Examination

A student will receive a failing grade in any course in which the student fails to take the final examination without being previously excused.

A student who is ill or has an emergency prior to the beginning of a final examination must notify the Dean of Students prior to the start of an examination, provide supporting documentary or other evidence, and request to be excused. If the student is excused, the student will receive an Incomplete (“I”) if he or she does not take the exam. However, a student who is excused from an examination but decides nonetheless to begin or continue the examination is precluded thereafter from receiving an Incomplete (“I”) in the course on the ground that a failing or low grade was caused by physical or emotional illness or other emergency.

A student who becomes ill or has an emergency during an examination and is unable to continue should immediately notify the examination proctor and the Dean of Students, and request to be excused. All cases caused by medical emergency must be documented by

competent medical personnel in writing or in a direct telephone conversation between the physician and the Dean of Students. If the student is excused, and does not in fact complete the exam, the student will receive an Incomplete (“I”).

A student who requests to be excused after failure to take an examination must submit a written request to the Dean of Students. Approval will be granted only in unusual circumstances for compelling reasons that justify failure to request in advance that the examination be rescheduled. Such reasons include serious personal illness requiring the care of a physician and death or serious illness in the student’s immediate family or household, such that a request to be excused prior to the exam could not have been submitted. A student who is excused from an examination will be given a grade of “I” (Incomplete).

Professors are not obliged to give special make-up examinations at the end of the semester in which the student missed an examination. If the student is unable to take the examination during the proscribed examination period, the student must take the examination administered at the end of the next regular semester in which the course is offered. However, if a student who has been excused from an examination for compelling reasons is able to take the examination before the examination period is completed, the Dean of Students believes that the anonymous grading process will not be compromised, and the professor is willing to allow the student to take the examination, an exception may be granted.

If the course is next offered during the regular academic year by a faculty member other than the faculty member in whose course the student was enrolled, and the faculty member who taught the student is scheduled to teach the course during the following semester, the student may petition the Dean of Students for permission to take the examination at the end of the semester in which the course will be taught by the faculty member in whose course the student was enrolled.

A student who is excused from an examination for compelling reasons and who is scheduled to graduate at the end of the examination period will be evaluated on a case-by-case basis. The School of Law does not permit special make-up examinations in other situations.

A student who has been denied the opportunity to take an examination because of a pending Honor Council proceeding and whose case was subsequently determined by the Honor Council not to have probable cause would normally be permitted to take a special make-up examination. A student for whom probable cause was found, but who is subsequently found not guilty in an Honor Council proceeding, would also be permitted to take the examination if the elapsed time makes this feasible. Otherwise, the general rules set forth above apply.

Lost Examinations

In the unlikely event that an examination has been lost, destroyed, or stolen after it has been placed in the control of the administration or of the faculty member, the School of Law shall be allowed a reasonable amount of time to recover the exam. After such a period, the Vice Dean, in consultation with the student, will determine an appropriate remedy.

5. GRADING

Grading Scale

As of Summer 2011, the following system applies:

A	-	4.00
A-	-	3.70
B+	-	3.30
B	-	3.00
B-	-	2.70
C+	-	2.30
C	-	2.00
C-	-	1.70
D	-	1.00
F	-	0.00

First-Year Grade Distribution

Students in first-year courses are graded in accordance with the following grade distribution.

1. The combined total number of “A,” “A-” and “B+” grades awarded in each course shall equal or exceed 20 percent of the number of students graded in that course; and
2. The combined total number of grades of B or higher awarded in each course shall equal or exceed 45 percent of the number of students graded in that course.

The sum of “C-,” “D,” and “F” grades in first-year courses shall not be less than 5 percent nor more than 15 percent of the number of students graded in that course, (subject to waiver for a particular course in unusual circumstances by vote of the Faculty or by the Dean prior to the submission of grades).

It is the responsibility of the Vice Dean to interpret the proper implementation of the First-Year Grade Distribution.

Grade of Incomplete

If a student receives authorization to miss an examination or not to complete work in a course within the prescribed time, he or she will be given a grade of Incomplete (“I”).

A student can remove the grade of Incomplete from his or her record by taking the examination the next

time the course is offered or by completing the required work within the time period specified by the instructor, which shall not extend beyond the last day of the next regular semester. However, if the student fails to remove the grade of Incomplete within the prescribed time, the grade of Incomplete will remain on the student’s transcript.

Students attending a class to make up an incomplete should not re-register for the course when satisfying a grade of “I.” Such students must inform the instructor that they are making up an incomplete and conform with any requirements the instructor may impose on students enrolled in the class, including rules regarding class attendance or assignments.

Graduating students who carried incompletes into their last semester should review Chapter 12 – “Graduation and Admission to the Bar”.

Honors-Pass-Fail Grading Program

The School of Law has a limited honors-pass-fail grading program. To obtain a grade of “Pass” under this program, a student must earn a grade of “C” or higher; **the grade of “C-” or below is the equivalent of a failing grade.** To receive a grade of “Honors” under this program, a student must earn a grade of “A.” Students awarded honors designations will receive a 4.0 in the applicable courses for purposes of calculating their grade point averages.

Honors-pass-fail credits may be earned in the ways described below:

1. Second-year and third-year students may take those courses designated by the faculty as exclusively pass-fail courses, or honors-pass-fail courses. Such courses do not count against the limit outlined below, but students should be aware that having more than 25 percent of all courses without traditional letter grades will render them ineligible for Order of the Coif.
2. With respect to all other courses, each faculty member shall designate in advance of the release of the course schedule to students whether a particular course is eligible for the elective honors-pass-fail grading program.
3. Students may elect to take up to two courses, regardless of the number of credits the courses are

worth, on an honors-pass-fail basis in graded courses. It is strongly recommended that students do not exercise the honors-pass-fail option during the last semester of study, as a failing grade ("C-" or below) may adversely affect one's graduation, the final grade-point average, or the award of honors.

4. Students have until the end of the eighth week of classes to register to take a course on an honors-pass-fail basis. For summer session, students must register by the first business day following the completion of the second week of classes. Registration to take a course for honors-pass-fail credits is irreversible once the periods specified in this paragraph have passed.

5. Course credits earned by students for courses taken at other law schools, (whether in summer sessions or during the year), are recorded as pass-fail credits by the University of Miami School of Law, for purposes of GPA calculations. However, the grade actually earned will appear on the University of Miami transcript. A student must have earned a grade of "C" or better, or its equivalent at the other institution, to transfer such credits.

Mandatory Honors-Pass-Fail for Designated Courses

Select courses at the School of Law are graded only on a system of Honors- Pass-Fail. These courses are not covered by the limitation on the number of Honors-Pass-Fail courses set out above nor are they subject to election by the student.

Repetition of Offering

No course in which a student has received a failing grade, or credits from that course, may be used to satisfy any degree requirement.

When a failed course is repeated, the grade received each time the course is taken will be reflected on the student's transcript and included in the student's cumulative grade-point average.

A student who has received a failing grade in a required first-year course must repeat and successfully complete that course, with a different instructor if possible.

No course in which a student received a final passing grade may be repeated for credit.

Audit of Courses

A student who has enrolled in a course as an auditor may not thereafter receive credit and a grade for that offering by taking the examination or submitting other required work. Auditors do not take examinations, and no grade or academic credits will be recorded for their work.

Law students may audit a class with the written permission of the instructor.

Submission of Grades

Faculty must submit grades in a timely manner according to policies established by the Dean of the School of Law. Faculty are subject to fines if they do not comply with the established deadlines.

Dissemination of Grades

The School of Law disseminates grades in a manner that ensures privacy and accuracy. Students obtain their grades from MyUM. Students are reminded that it is a violation of the Honor Code to disclose to another person information that a student knows or reasonably should know is confidential, including another student's social security number, anonymous grading number, or grades.

Privacy considerations also require that the Office of the Registrar not respond to individual requests posed by regular telephone for information on grades, class rank, honors, and similar matters.

Feedback on Grades

Any student has the right to examine his or her examination if the student so requests provided a proper request is made within one semester of the completion of the examination. In complying with this requirement, faculty members may establish any reasonable procedure they deem appropriate.

First year students who are still enrolled in the semester following an examination are required to meet with faculty to discuss any examination that received the grade of C-, D or F to review the examination and receive recommendations for academic support. These

meetings should occur not later than the following dates:

Fall Semester Grades -- thirty days after the distribution of Fall Semester grades, or thirty days after the start of the Spring Semester, whichever is later;

Spring Semester Grades -- thirty days after the first day of classes in the Fall Semester of the following year.

Change of Grades

A final grade submitted to the Registrar cannot be changed by a faculty member, or anyone else, to reflect a re-evaluation of the student's examination answers or other work. If, however, an arithmetic or transmitting error is discovered, the error will be corrected. No change of grade takes effect without the approval of the Vice Dean. Requests to have such errors corrected must be made by the instructor, and the Vice Dean's decision communicated to the Registrar before the end of the semester immediately following the semester or summer session in which the error was made.

There are no grade appeals and no reevaluation exists.

Academic Awards¹

Honors

Class rank and honors (including Order of the Coif) will be determined by the cumulative grade-point average. The Law Registrar determines class rank after all grades are received for the Fall and Spring semesters. The first ranking of the 1L class is after the Spring semester; there is no ranking of the 1L class after the Fall Semester.

For those students entering in Fall 2008 and thereafter, the class rank shall be reported as follows:

All students whose cumulative grade-point average falls within the top 20% of the class will receive an individual numerical ranking. All students whose cumulative grade-point average falls within the top 33% or top 50% will be so notified that they fall within this percentage band. The balance of the class will not be ranked.

¹ Click [here](#) for a list of awards given by student organizations

Degree Honors

The J.D. degree will be awarded with honors under the following circumstances: summa cum laude—final cumulative grade-point average of 3.800 or higher; magna cum laude— 3.500 or higher; cum laude—3.200 or higher.

For those students in entering classes subsequent to 2009-2010, the School reserves the right to set separate grade-point averages and/or class standing requirements for the award of these honors.

The designations at the Commencement Ceremony are based on the cumulative grade-point average at the end of the previous semester and are only preliminary. The award of honors is determined exclusively by the final cumulative grade-point average.

Order of the Coif

Students who graduate in the top 10% of the class (Summer, Fall, and Spring, graduating classes combined) and who meet other requirements of the Order may be elected to the prestigious Order of the Coif. Students should be aware that having more than 25 percent of all courses without traditional letter grades will render them ineligible for Order of the Coif. For this purpose, "courses without traditional letter grades" includes all courses taken outside the School of Law (including but not limited to first-year courses taken by a transfer student at another law school).

Dean's List

Full-time students who complete nine or more graded credits will be awarded a Dean's List certificate for any semester in which their grade-point average for the semester's work is in the top 20 percent of their class.

Awards for Outstanding Performance

The School of Law participates in two award programs.

The CALI Excellence for the Future Award recognizes academic excellence and may be awarded to a student in each course who has exhibited excellence in class performance, attendance, and final grade.

The Dean's Certificate of Achievement award is a certificate that may be presented to the top one or two students in each course that is taught by a member of the regular faculty or a full-time instructor at the University of Miami School of Law.

6. ACADEMIC STANDARDS, PROBATION, AND DISMISSAL

Candidates for the J.D. degree are expected to satisfy minimum performance standards as described below. Students must maintain a **cumulative GPA** of 2.000 or better to be in good academic standing.

Academic Probation

In the First Year:

First Semester

Students whose grade-point average is below 2.000 at the end of the first semester are automatically placed on academic probation. Students on academic probation after the fall semester of the first year of J.D. study will take only 13 credits and will not be allowed to take the first year elective course required of other second semester students.

Second Semester

A *student on academic probation after the first semester* who raises his or her **cumulative GPA** to at least 2.000 at the end of the second semester will be taken off probation. If the student's **cumulative GPA** is below 2.500, he or she will be subject to Academic Oversight and the rules pertaining to Academic Oversight registration.

A student *on academic probation after the first semester* whose **cumulative GPA** falls below 2.000 at the end of the second semester will be dismissed. However, a student who was on academic probation after the first semester, whose grade-point average in the second semester was at least 2.500 and whose **cumulative GPA** is at least 1.800 may register for a third semester. Such a student remains on academic probation.

A *student not on academic probation* at the end of the first semester, whose **cumulative GPA** falls below 2.000 but is at least 1.800 at the end of the second semester, will be placed on academic probation for the third semester.

A *student not on academic probation* at the end of the first semester, whose **cumulative GPA** falls below 1.800 at the end of the second semester will be automatically dismissed.

After the First Year

A *student on academic probation* who raises his or her **cumulative GPA** to at least 2.000 at the end of the following fall or spring semester (but not summer session) will be taken off probation. If the student's **cumulative GPA** is below 2.500, he or she will be subject to Academic Oversight and the rules pertaining to Academic Oversight registration.

After the first year, a student, **whether or not on academic probation** will be automatically dismissed at the end of any semester or summer session in which his or her **cumulative GPA** falls *below 1.800*.

A *student on academic probation* will be automatically dismissed at the end of the following *fall or spring semester* (but not summer session) in which his or her **cumulative GPA** falls below 2.000.

A student *who has never been on academic probation* will be automatically placed on academic probation at the end of any fall or spring semester in which his or her **cumulative GPA** falls below 2.000 but is at least 1.800.

A student *not currently on academic probation, but who has previously been on academic probation*, will be automatically dismissed at the end of any fall or spring semester in which his or her **cumulative GPA** falls below 2.000.

Academic Probation Program

A student placed on academic probation may not enroll in a Summer Abroad Program.

A student placed on academic probation (including those who are placed on academic probation after they register but before the beginning of classes) must have his or her class schedule approved by the Director of the Academic Achievement Program prior to registration, or may be required to add-and-drop to conform to any requirements placed by the Director of the Academic Achievement Program in consultation with the Associate Dean of Academic Affairs.

Students on probation are subject to any additional conditions or requirements determined by the Director of the Academic Achievement Program in consultation with the Associate Dean of Academic Affairs.

Conditions of probation may include, but are not limited to:

- A student on academic probation must receive written permission from the Dean of Students in consultation with the Director of the Academic Achievement Program in order to serve in a leadership role in a law school organization, notwithstanding the student's election to that leadership position while in academic good standing.
- Limitations may also be placed on extra-curricular activities or off-campus employment.
- A student on academic probation may be required to enroll in certain courses or participate in Academic Achievement Program academic support offerings, including workshops and seminars.
- A student on academic probation must complete a written Individual Achievement Plan (IAP), in consultation with the Director of the Academic Achievement Program.

Please note: Federal regulations governing student financial assistance programs stipulate that in order to continue to be eligible for federal (Title IV) funds students must maintain Satisfactory Academic Progress toward a degree. This is a separate policy for receipt of federal aid. As part of this policy, a copy of the Individual Achievement Plan (IAP) may be required by the Financial Aid Office. You may refer to the [Satisfactory Academic Progress Policy](#) on the Office of Financial Aid's website for further information.

Effect of Dismissal on Summer Enrollment

A student who enrolls in a summer course and is notified during the course that he or she is dismissed may not complete the course, may not take examinations, and will not receive a grade. A refund will be processed for tuition paid.

Academic Oversight

A student is subject to Academic Oversight if he or she has a **cumulative GPA** or a semester grade point average below 2.500. Oversight is not a form of probation, and a student on Academic Oversight is considered to be in good standing.

Academic Oversight Program

The Director of the Academic Achievement Program is responsible for all students on Academic Oversight. Selection of courses and registration must be approved by the Director of the Academic Achievement Program in consultation with the Associate Dean of Academic Affairs.

Please note: Registration will generally not require approval and Academic Oversight students may register via MyUM, so long as course selection conforms to the guidelines established for Academic Oversight registration. However, students on Academic Oversight who wish to drop and add courses following the initial registration period must obtain the approval of the Director of the Academic Achievement Program or the Associate Dean for Academic Affairs, to ensure that course selection continues to conform to the guidelines.

For information about Oversight registration, please visit http://www.law.miami.edu/registrar/oversight_registration.php

Students on Academic Oversight may be subject to additional conditions or requirements determined by the Director of the Academic Achievement Program in consultation with the Associate Dean of Academic Affairs.

A student on Academic Oversight who has a cumulative GPA of 2.300 or below or a semester GPA of 2.300 or below may be subject to any of the following additional conditions:

- A student may be required to receive written permission from the Dean of Students in consultation with the Director of the

Academic Achievement Program in order to serve in a leadership role in a law school organization, notwithstanding the student's election to that leadership position.

- Limitations may also be placed on extra-curricular activities or off-campus employment.
- A student may be required to enroll in certain courses or participate in Academic Achievement Program academic support offerings, including workshops and seminars.
- A student may be required to complete a written Individual Achievement Plan (IAP), in consultation with the Director of the Academic Achievement Program or the student's Academic Support Advisor.
- Additional course requirements or registration guidance may be required.

Notification

The Associate Dean of Academic Affairs will send notice of academic probation or dismissal by registered mail to the last address given by the student to the School of Law.

Academic Relief

Right to Petition for Reinstatement

A student (other than a student on probation as a result of a prior reinstatement) who has been dismissed for academic reasons may petition the Associate Dean of Academic Affairs for reinstatement. The student may be reinstated only if the student "sits out" (i.e., is not enrolled for any classes) at least one regular semester.

Timing of Petition

All petitions for reinstatement must be submitted by the first Monday following the Fall Break for students requesting reinstatement for the Spring semester, and by the first Monday after the Spring Break for those students requesting reinstatement for the Summer or Fall Semesters.

Reinstatement Committee

Petitions will be reviewed by a Reinstatement Committee that is comprised of the Dean, the Vice Dean, and the Chair of the Academic Standards Committee.

Rights of Petitioners

A student who petitions has a right to appear in person before the Reinstatement Committee to present his or her case and to answer questions. If the student desires, an advisor may accompany him or her. The Committee may restrict the amount of time allotted for the petitioner's presentation. The pendency of a petition does not give the petitioner any right to attend classes or to register.

7. CERTIFICATE, JOINT DEGREE, AND EXCHANGE PROGRAMS

Certificate Programs

The School of Law has approved Certificate Programs in:

(1) Business and Financial Law

http://www.law.miami.edu/about_us/business_financial_certificate_program.php?op=1

(2) Employment, Labor and Immigration Law

http://www.law.miami.edu/about_us/employment_labor_immigration_certificate_program.php?op=1

and

(3) International Law

http://www.law.miami.edu/about_us/international_law_certificate.php?op=1. These programs are intended to help students focus their curricular choices as well as increase marketability. The faculty may consider and approve additional Certificate Programs from time to time.

Each of these Certificate Programs requires a registration form that can be obtained in the Office of the Law Registrar. Students must complete 92 credits towards their J.D. degree (four more than our typical requirement of 88 credits) and a grade point average of 3.0 in the courses, seminars, workshops, or paper requirements that will count towards the Certificate Program.

Joint Degree Programs

Students at the School of Law have the opportunity to combine their J.D. degrees with the following master's degrees:

Business Administration (M.B.A.)

http://www.law.miami.edu/about_us/jd_mba.php?

Public Health (M.P.H.)

http://www.law.miami.edu/about_us/jd_mph.php?

Music Business and Entertainment Industries (M.M.)

http://www.law.miami.edu/about_us/jd_music.php?

Marine Affairs (M.A.)

http://www.law.miami.edu/about_us/jd_mps.php?

Journalism (M.A.) hyperlink

http://www.law.miami.edu/about_us/pdf/lawcomm_journalism.pdf

Public Relations (M.A.)

http://www.law.miami.edu/about_us/pdf/lawcomm_pr.pdf

Communication Studies (M.A.)

http://www.law.miami.edu/about_us/pdf/lawcomm_studies.pdf

MD/JD program:

http://www.law.miami.edu/about_us/jd_md.php?op=1

Public Administration (M.A.)

http://www.law.miami.edu/about_us/jd_mpa.php?op=1

Additionally, students who have an undergraduate business major may pursue a triple degree:

JD/MBA/LLM in Tax or Real Property.

http://www.law.miami.edu/about_us/jd_triple_business.php?op=1

Joint degree programs are designed to make it possible for students to earn two degrees in a shorter amount of time than would be required for each degree separately. Students may apply for joint degree status either before entering law school or during the first year or second year. For specific details regarding the structure of each program and the application procedures, please check the relevant program descriptions on the website.

Students who are not in joint degree programs may take up to 6 credits of U.M. graduate-level courses or intermediate-or-above language courses outside of the School of Law and receive J.D. credit for these courses.

Exchange Programs

For students interested in transnational legal practice, or looking to learn more about foreign legal systems, the School of Law offers several opportunities to earn credit through a tangible international law experience.

Miami Law has entered into a number of formal student exchange agreements with some of the top law schools around the world. These agreements make it possible for upper level Miami Law students to spend one semester on campus at the host school and receive law credits towards their UM degree. In many cases Miami Law students will be able to take classes in English as well as in the local language. For further information regarding each program and the application process, please check the relevant website.

These semester programs include:

The Freie Universität Berlin Department of Law – Germany

http://www.law.miami.edu/about_us/berlin_exchange.php

University College Dublin (UCD) – Ireland

http://www.law.miami.edu/about_us/dublin_exchange.php

Bucerius Law School, Hamburg – Germany

http://www.law.miami.edu/about_us/bucerius.php?op=6

University of Haifa – Israel

http://www.law.miami.edu/about_us/haifa_exchange.php

Fundação Getulio Vargas (FGV) School of Law, Rio de Janeiro – Brazil

http://www.law.miami.edu/about_us/rio_exchange.php?op=6

University of Versailles – France

http://www.law.miami.edu/about_us/versailles_exchange.php?op=6

Instituto Empresa -- Spain

http://www.law.miami.edu/about_us/madrid_segovia_exchange.php?op=6

Peking University of Transnational Law – China

http://www.law.miami.edu/about_us/shenzhen_exchange.php?op=6

Ghent University – Belgium

http://www.law.miami.edu/about_us/ghent_exchange.php

University Paris Descartes - France

http://www.law.miami.edu/about_us/paris_exchange.php?op=6

Short Programs

University of Leipzig –Germany

http://www.law.miami.edu/about_us/leipzig_seminar.php?op=6

Students and teachers from both schools meet twice a year (January in Miami and May in Leipzig) to discuss one of ten preselected topics of controversy or major difference in perspective between the U.S. and Europe.

University of Zurich – Switzerland

http://www.law.miami.edu/about_us/zurich_exchange_program.php?op=6

The Zurich program focuses on international law and comparative law issues in international business. In this program, a small group of selected Miami students has the opportunity to spend a week in Zurich with students and professors from the University of Zurich. These students then spend one week at Miami Law hosting visiting students from the Swiss university.

8. GRADUATE PROGRAMS

General Information

The graduate programs of the School of Law provide opportunities for advanced study, individual research, and specialization leading to the degrees of Master of Laws (LL.M.) in taxation, estate planning, real property development, international law, and ocean and coastal law. Within the International Law LL.M., the School offers four specializations: U.S. and Transnational Law for Foreign Lawyers, International Arbitration, International Law, and Inter-American Law.

The number of credits and years required to earn a graduate degree depend upon the particular course of study. Graduate degrees are conferred upon qualified students who have earned the required units of credit with a cumulative average of “C+” or better within the specified time for the particular program.

Admission

Detailed program and admissions information for each graduate program may be obtained by contacting the appropriate program office.

Graduate Program in Taxation LL.M in Taxation

The LL.M. Graduate Program in Taxation is designed for the law graduate or attorney who wishes to acquire a high level of professional expertise in federal taxation. A broad introduction, which consists of required courses in corporate transactions, partnerships, wealth transfer taxation, and international taxation is provided in the fall semester. A broad range of elective courses in the spring allows students to enrich their tax knowledge with concentrated expertise in diverse specialties, including international tax.

Students who wish to specialize in **international tax**, and who successfully complete a total of seven credit hours in that field with a grade average of “B” or higher for those courses, will have the designation of international taxation specialization noted on their transcript.

For detailed information concerning the LL.M. Graduate Program in Taxation and courses offered please visit <http://www.law.miami.edu/tax/>

Seven Semester Joint J.D./LL.M. Program In Taxation

A student admitted to the joint degree program may complete both the J.D. degree and the LL.M. program in seven semesters. The fall semester curriculum of the Graduate Program in Taxation will satisfy requirements for both degrees. The spring semester curriculum will complete the LL.M. in Tax.

The seven-semester joint degree option is available to students from the University of Miami School of Law who have earned a minimum G.P.A. of 2.800 and at least a “B” in Federal Income Tax and to students from other law schools who have earned a minimum G.P.A. of 3.000 and at least a “B” in Federal Income Tax. Students from other schools will earn their J.D. from their home schools and their LL.M. in Tax from the University of Miami School of Law.

Students seeking admission to the seven-semester joint degree program should apply during the spring semester of their second semester of law school.

Program details and application instructions may be found

http://www.law.miami.edu/about_us/jd_tax.php?op=1

Students interested in this seven-semester joint degree program should contact the Program Coordinator in the office of the Graduate Program in Taxation before applying.

LL.M. program in taxation: Contact the University of Miami School of Law, Attention: Coordinator of the Graduate Program in Taxation, P.O. Box 248087, Coral Gables, FL 33124.

Tel: 305-284-5567. Fax: 305-284-9107.

E-mail: taxllm@law.miami.edu.

Graduate Program in Estate Planning

The LL.M. graduate program in estate planning is a concentrated program of specialty training designed for the law graduate or attorney committed to the practice of estate planning. Students explore the subjects necessary to the development of a competent estate planner, including income and wealth transfer tax laws, planning strategies, fiduciary administration, drafting, and ethics.

As an educational experience, the program is unique. The program begins with a traditional fall semester of core conceptual courses. The spring semester consists of one-week modular courses that integrate or build on the core courses and cover a different topic each week. The spring modules are taught by visiting faculty from around the nation who are recognized as leading experts in the field. The spring curriculum also includes a semester-long drafting course that culminates in the preparation of an estate plan under the direct supervision of a practicing estate planning attorney.

As changes are made in the curriculum from year to year, the number of credit hours required to obtain the degree varies between 30 and 32. All courses are required.

For detailed information concerning the LL.M Graduate Program in Estate Planning and courses offered please visit <http://www.law.miami.edu/estateplanning/>

Robert Traurig-Greenberg Traurig LL.M in Real Property Development

The LL.M. graduate program in real property development (RPD) is designed for law graduates and attorneys who (1) are committed to the practice of law as it relates to planning, structuring, and financing real estate projects and counseling real estate professionals, and (2) need to acquire or upgrade their knowledge of the area, which includes land acquisition, finance, regulation, tax law, construction law, residential and commercial development, leasing, closings, negotiation, planning strategies, drafting, and professional ethics.

The program includes nine months of intensive study and experience in real estate law and practice. The program has four components: regular courses, concentrated courses, internships, and project studies/site visits.

Distance Learning Program

The LL.M. graduate program in real property development offers a part-time Distance Learning option. The Distance learning Program offers a quality educational experience to a geographically diverse group of students potentially worldwide where classes are delivered to the students' desk top within twenty four hours of "live" presentation. The

program is part-time and must be completed in no more than five years. Students in this program are required to be on campus, in Miami, for approximately two weeks each semester.

For detailed information concerning the LL.M Graduate Program in Real Estate Development and courses offered please visit <http://www.law.miami.edu/rpd/>

Seven Semester Joint J.D./LL.M. in Real Property Development

The Joint J.D./LL.M. Program offers students an opportunity to earn both degrees in seven semesters. Students take graduate level real estate courses during their third year with 12 LL.M. credit hours counting toward both degrees.

The Joint J.D./LL.M. option is available to students from the University of Miami School of Law who have earned a minimum grade-point average of 2.800. Students seeking admission to the joint degree program should apply no later than the end of the spring semester of their second year of law school. Students may apply earlier than spring semester of their second year, with acceptance being conditioned upon grade-point average and other requirements being satisfied.

Students interested in this seven-semester joint degree program should contact the Director of the Graduate Program in Real Estate Development before applying.

International Graduate Law Programs

The School offers two Masters of Law degrees with an international orientation: The International Law LL.M. and the Ocean and Coastal Law LL.M. Within the International Law LL.M., the School offers four specializations: U.S. and Transnational Law for Foreign Lawyers, International Arbitration, International Law and Inter-American Law. These degrees generally may be earned in one academic year of full-time study or approximately two years of part-time study. The course of study for each degree is determined in consultation with the director of the program in light of the student's background and interests

LL.M in International Law

The International Law program provides students with the specialized background and training necessary to recognize, understand, and manage problems arising in the international legal order, including those relating to international trade, investment, business, environmental problems, and the protection of human rights. Within the International Law LL.M., the School offers four specializations: U.S. and Transnational Law for Foreign Lawyers, International Arbitration, International Law, and Inter-American Law.

1. The **U.S. and Transnational Law for Foreign Lawyers** specialization is open exclusively to foreign attorneys.

Students must complete 24 credits, with a cumulative average of “C+” (2.5/4.0) or better for this degree program.

2. The **Inter-American Law** specialization

Students typically have conversational facility in Spanish or Portuguese. Students must complete 24 credits with a cumulative average of “C+” (2.5/4.0) or better.

3. The **International Law** specialization

Students must complete 24 credits with a cumulative average of “C+” (2.5/4.0) or better.

4. The **International Arbitration** specialization

Candidates must complete 24 credits with a minimum grade point average of C+ (2.5/4.0) or better of which 12 credits must be within the International Arbitration Specialization.

For detailed information concerning the International Law LL.M International Arbitration specialization and courses offered please visit http://www.law.miami.edu/iglp/international_arbitration

LL.M in Ocean and Coastal Law

This program prepares the attorney to be a specialist in the legal problems of the ocean environment. Candidates are required to complete 24 credits with a cumulative average of “C+” (2.5/4.0) or better.

For detailed information concerning the LL.M Graduate Program in International Law and Ocean &

Coastal Law and courses offered please visit http://www.law.miami.edu/iglp/ocean_coastal_law/

Seven Semester Joint J.D./LL.M. in International Law (specializations in Inter-American Law or International Law), or Ocean & Coastal Law

A student admitted to the joint degree program may complete both the J.D. degree and the LL.M. program in seven semesters. J.D. students who have earned a minimum G.P.A. of 3.00 in their first year of law school are eligible to apply for admission to the seven semester joint J.D./LL.M. program in International Law (specializations in Inter-American Law or International) or the LL.M. Program in Ocean & Coastal Law during the Fall semester of their second year.

J.D./LL.M. Candidates must complete a minimum of 100 credits with a cumulative average of “B” (3.0/4.0) or better. For details on the application process and other graduation requirements.

Students interested in this seven-semester joint degree program should contact the Director of International Graduate Law Programs before applying.

9. COURSES TAKEN OUTSIDE OF THE UNIVERSITY OF MIAMI SCHOOL OF LAW

Policies Applicable to All Students

The rules set forth in this section apply to students who are permitted by the School of Law to take courses at another law school or elsewhere in the University of Miami. Please note that courses at the School of Law's Summer Abroad Programs are considered to have been earned at the University of Miami School of Law. These rules also apply to students admitted to the School of Law as transfer students.

- No credit toward the degree will be given for any course taken at another law school or elsewhere in the University of Miami in which the grade received is less than a "C."
- The transcript will identify the law school or department where the course was taken and the grade received, regardless of whether credit toward the J.D. is granted.
- No quality points will be awarded for such grades; this means that such credits will apply toward the University of Miami School of Law J.D. degree on a pass-fail basis. Accordingly, any courses taken outside of Miami Law will not be factored in the student's Grade Point Average.
- Students should be aware that if they take a course outside the School of Law in their final semester, and fail to earn a "C" or higher, no credits will be granted toward the J.D. degree for that course, and they may fall short of the 88 credits required to graduate.

Students may receive credit for work at another law school only upon the receipt of an official transcript from the other school by the Miami Law Registrar. The School of Law will not request the transcript; it is the student's responsibility to do so.

1. Law Courses Taken at Another Law School

In limited circumstances, the School of Law permits students to receive credit towards their J.D. requirements for courses taken at another law school. In all cases, students must follow proper procedures for obtaining advance permission. Otherwise, no credit will be granted toward the J.D. requirements. Under no circumstances will permission be granted retroactively.

a. Miami Law Exchange Agreements with Foreign Law Schools

Miami Law has established student exchange agreements with a number of foreign law schools. For information on the schools and the application process, see http://www.law.miami.edu/about_us/international_opportunities.php?op=6.

The grades received from the foreign law school will not appear on the transcript but will count towards the total number of credits needed for graduation.

b. Visiting Away at Another U.S. Law School

Petitions for permission to visit away for a Summer, Fall or Spring semester must be submitted to the Associate Dean of Academic Affairs **prior to applying to the other law school.**² The Associate Dean of Academic Affairs will consider the petition in light of the best interests of the student and the School of Law. Click here to view the form (insert link).

Miami Law students who wish to take up to 6 credits of law courses at or through another ABA law school must petition for permission to visit away by the first Monday after spring break. In considering such petitions, the Associate Dean of Academic Affairs will take into account the academic merit of the program, the students' objective, and the soundness of the student's overall academic trajectory.

Miami Law students who wish to visit away at another ABA approved law school for a semester or a year must be third year students. Such permission is granted only in the rare cases when there are compelling personal circumstances. Miami Law students visiting away in the third year must comply with all Miami Law graduation requirements.

c. Abroad Programs Through Another U.S. Law School

The same rules govern as detailed in "Visiting Away", *supra*.

² Such permission is not required for students wishing to participate in the University of Miami School of Law's Summer Abroad programs.

Non-Law Courses Taken Within the University of Miami

Law students gain new insights into the practice of law when they are exposed to the methods, assumptions, and expertise of other disciplines. The School of Law supports and values the importance of interdisciplinary opportunities.

Students who are not in joint J.D. programs have six (6) credits of non-law courses available to them that count towards their graduation requirement.

Students who have at least a 3.0 Law School Grade Point Average and have completed their first year curriculum may register for graduate level courses (500-level or above) at the University of Miami outside of the School of Law. However, Miami Law students who have visited away may, at the discretion of the Associate Dean of Academic Affairs, be precluded from exercising this option. The student should contact the professor to determine if there are any prerequisite requirements and to let the professor know of the law student's interest in the subject. Some undergraduate level courses, including 200-level and above language courses, may also be taken, but these courses should be reviewed by the Executive Liaison for Interdisciplinary Programs and Initiatives prior to registration.

10. LEAVING SCHOOL

Students who discontinue their studies at the School of Law **without** providing written notice to the Dean of Students are withdrawn with prejudice and normally will not be considered for readmission. Students who leave the School of Law for any reason must contact the Office of Financial Aid for counseling if they have been recipients of any student financial aid.

Leave of Absence

At any time after completing the first semester, a student in good academic standing may apply for a leave of absence of up to two semesters. The leave must be requested in writing, stating the reasons for the request and providing documentation as appropriate. The request must be approved by the Associate Dean of Academic Affairs. Students returning from a leave of absence must submit a written notice of resumption of studies to the Associate Dean of Academic Affairs.

Withdrawal from The University of Miami School of Law

A student may withdraw voluntarily from the School of Law before the start of his or her first examination in any term, provided formal written notice is given to the Dean of Students. Readmission following withdrawal is subject to the following conditions:

1. There is no right to automatic readmission.
2. A request for readmission will be considered on the basis of the admission standards prevailing at the time readmission is sought. The student must comply with any new admission requirements even if such requirements differ from those existing at the time he or she was originally admitted to the School of Law. A request for readmission may be made by sending a letter to the Office of Admissions.
3. If a student who has withdrawn is readmitted, law school credits earned five or more years prior to the date of reenrollment will not be recognized. **All requirements for the J.D. must be completed within five years of initial enrollment.**
4. A first-year student who withdraws before completing all the requirements of the first semester will, if he or she is subsequently granted readmission,

be required to reenroll as a beginning first-year student.

5. If a student has less than a 2.000 cumulative GPA or is on academic probation when he or she withdraws for any reason, the student may be readmitted only with the approval of, and subject to conditions set by, the Academic Standards Committee.

6. The dismissal, suspension, or withdrawal of a student while a formal complaint (as defined in the Honor Code) against that student is pending before the Honor Council does not deprive the Council of jurisdiction. However, at its discretion, the Council may suspend action until a student who withdrew or was dismissed requests readmission or, in the case of suspension of a student, until the suspension is lifted.

Unless the Dean of Students provides otherwise, no student who withdraws or is dismissed while any action on the complaint is pending before the Council will be eligible for consideration for readmission if the application for readmission is made more than one year after the effective date of the student's withdrawal or dismissal. If application is timely made, the student normally will be eligible to be considered for readmission only after the complaint has proceeded to ultimate disposition through Honor Code procedures. If a student withdraws from the School of Law while an accusation is pending and then applies to another law school, that law school will be notified that the student withdrew leaving a disciplinary matter unresolved, and a letter of good standing will not be issued by the Associate Dean of Academic Affairs on behalf of that student.

Transfer to Another Law School

A student who wishes to apply for transfer to another law school is required to submit an electronic form http://www.law.miami.edu/admissions/pdf/application_instructions_transfers.pdf to the Associate Dean of Academic Affairs in order to obtain a letter of good standing. Letters of good standing are forwarded along with an unofficial copy of grades to the school, pursuant to a request made by the student. Up to three letters of good standing and unofficial grades may be provided to the student at no charge and \$25 charged for each subsequent request.

It is a student's responsibility to be familiar with any relevant deadlines at the other school.

Students are required to notify the Associate Dean of Academic Affairs as soon as the student has decided to accept an offer to transfer. Students are also required to notify the Registrar, the Office of Financial Aid, and any other relevant person or group with whom they have made commitments for the next academic year.

11. VISITING STUDENTS FROM OTHER LAW SCHOOLS

Each year the University of Miami School of Law is pleased to admit a limited number of visiting students from other ABA-accredited schools who are in good academic standing at their home law school and who have the permission of their home school to study at the University of Miami School of Law.

Visiting students are expected to adhere (1) to the requirements and standards of their home institution; and (2) to the academic and other standards specified in the Student Handbook and Honor Code, and other official documents of the University of Miami School of Law.

Students requiring financial assistance should contact the Financial Aid Office at their home schools and/or the Office of Financial Aid at the University of Miami, School of Law for assistance and application materials.

Students who have been approved for visiting status at Miami Law should consult the Registrar's office to complete registration.

Visiting students are expected to return to their home institution. Exceptions can be made only in extraordinarily well-merited cases where the student has performed well above average at Miami Law, and where returning would involve a hardship. In addition, students seeking a change from visiting to transfer status must meet the standards for transfer students.

12. TRANSFER STUDENTS TO THE UNIVERSITY OF MIAMI SCHOOL OF LAW

Credit of two semesters (up to 32 academic credits,) may be given for work at another law school. Students who have completed more than one full year of law study will be limited to a maximum of two semesters credit for work at any other law school. The Grade Point Averages of transfer students are not included in the class ranking. However, transfer students are eligible for the Dean's List and included in the determination of graduation honors.

13. GRADUATION AND ADMISSION TO THE BAR

Application for Graduation

Students must submit an Application for Graduation at the beginning of their final semester at the School of Law. An announcement regarding the deadline for submission of graduation applications (and for ordering regalia and invitations) will be posted online. The names of students who fail to adhere to announced deadlines may not appear in the program for graduation; these students' graduation dates also may be delayed. A new Application for Graduation must be submitted if the degree was not awarded pursuant to the original application.

Students must complete all the requirements on the Graduation Checklist, including the requirement to complete exit interviews with the Office of Financial Aid and complete the Career Development Office's questionnaire before they will be allowed to obtain announcements and regalia for the Commencement Ceremony.

Students should be aware that if they turn in work later than the first day of the semester or summer session following the semester or session in which they expect to graduate, the date of their graduation may be delayed.

Commencement Ceremony

Unless the Dean of the School of Law otherwise provides, a student sanctioned for any violation of the Honor Code at any time during his or her course of study will not be permitted to participate in the Commencement Ceremony. The Dean of the School of Law determines whether any other student will be denied the opportunity to participate.

Admission to the Bar³

The student should make a timely inquiry concerning requirements for admission to the Bar including character and fitness qualifications. Failure to follow proper procedure and to adhere to announced deadlines may result in considerable delay in approving an application for admission to the Bar. All credits and

graduation requirements must be completed (with a grade recorded or certification by the faculty member to the Registrar) before an applicant may sit for the Bar Examination.

Applications for admission to the Florida Bar are available on-line. Careful attention must be given to the completion of the application. Students may seek advice concerning Bar requirements from the Office of the Assistant Dean for Professional Development

It is the responsibility of every third-year student to request in writing that the Certificate of Dean (and for states other than Florida, an official transcript) be forwarded to the Bar upon completion of all graduation requirements. These documents are not automatically sent without a formal request.

It is important for students with disabilities to note that Bar applications requesting accommodations should be prepared and submitted earlier than the posted deadlines. Please see Iris Morera, Coordinator, Student Services, for assistance in completing these applications.

All coursework must be completed by the end of the grading period in order to ensure that the Registrar can certify graduation and eligibility to the Bar. Students with incompletes from previous semesters should be aware that their coursework is not considered completed until a grade has been recorded by the Office of the Registrar.

The Registrar cannot make certification of graduation unless all requirements have been completed by the deadline of the jurisdiction to which the student is applying. For instance, students taking summer courses cannot be certified for the Florida Bar that summer unless they have otherwise already met the graduation requirements.

Accordingly, graduating students must ensure that all graduation requirements have been met by the end of the semester and not later than two weeks prior to the Bar Examination in the case of the Florida Bar. Other jurisdictions have varying deadlines. Students are expected to familiarize themselves with the requirements of the Bar to which they have applied.

³ Click [here](#) for information regarding the Florida Student Practice Rule.

14. INTERPRETATION OF RULES

Waiver of Rules

To seek a waiver of any rule, policy, or procedure in the School of Law Student Handbook and Honor Code, or any other official document, to the extent those matters are subject to waiver, a student should submit a written petition to the Dean of Students for decision according to regular and established policy of the School of Law. If the petition deals with a subject that is not within her jurisdiction, the Dean of Students will refer the petition to the appropriate official, committee, or body for action. Students seeking to appeal a decision of the Dean of Students with respect to such a petition may submit written appeals to the Office of the Vice Dean.

Change of Rules

The School of Law reserves the right to change with immediate effect any rule, policy, or procedure set forth in the School of Law Student Handbook and Honor Code, or any other official document.

UNIVERSITY OF MIAMI
SCHOOL OF LAW

STUDENT HONOR CODE

Academic Year
2012-2013



**Honor Code
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The Honor Code

Preamble

The law is a learned profession, which demands standards of honesty and integrity from its members which are far higher than those imposed on society as a whole. A dishonest attorney is a menace to society and to the profession. Since there is no reason to believe that dishonest students will become honest attorneys, insistence on the highest ethical standards must begin in law school. This Honor Code is dedicated to that end.

In addition, this Code is designed to assure that each student can be evaluated on his or her merits, free from the unfairness of competing with students who attempt to enhance their grades by cheating or plagiarism.

A university should be an intellectual sanctuary where scholarship and honest debate take place in an atmosphere of tolerance and freedom. This is especially important in the field of law, which commonly addresses controversial topics touching on the fundamental beliefs and values of individuals and society. This Code seeks to protect that environment from unreasonable disruption or physical abuse.

Because the honesty and intellectual integrity of the Law School is a matter of special concern to the student body, and because important fairness and educational benefits accrue from giving student leaders a vital role in disciplinary matters, this Code places much of the responsibility for its implementation on an Honor Council composed exclusively of elected students.

Fairness to all and the well-being of the Law School community demand that the substantive standards be reasonable, and that the procedures utilized be fair and expeditious. However, the system established by this Code is not intended as a copy of the criminal justice system. In carrying out its functions under this Code, the Honor Council is engaged in a process of administrative decision making analogous to disciplinary investigations of The Florida Bar.

It is inappropriate to attempt to utilize the Code and its procedures to deal with disputes within or between student organizations, or disputes between students that are of a civil character.

ARTICLE I

Standards of Conduct

Section 1.01

Purposes and Objectives

- a. Instilling and perpetuating high standards of ethics and professional conduct among students of the University of Miami School of Law;
- b. Protecting each student's right to study in an environment free from unfair and dishonest competition;
- c. Guarding the School's academic and professional integrity; and
- d. Assuring the community of the ethical qualifications of the School's graduates.

Section 1.02

Authority and Guidance

- a. The standards of this Honor Code are promulgated under the authority vested in the Dean of the School of Law.
- b. A student should be guided by the purposes of this Code, and by common sense. In cases of doubt, students should seek clarification from the Dean of Students as to what constitutes proper conduct under the Code. Such inquiries may not be directed to the Honor Council, its officers or members.
- c. This Code is binding on the students of the University of Miami School of Law and, with respect to Section 1.03(g), on those persons applying to the School for admission or financial aid.

Section 1.03

Standards of Conduct

Conduct described in paragraphs (a) through (q) below violates this Code, subjecting the violator to sanctions imposed by the Dean.

- a. Cheating (acquiring, obtaining, giving or receiving assistance or information on

examinations or assignments, except as authorized by the professor).

- b. Plagiarizing (knowingly appropriating another's words or ideas and representing them as one's own).
- c. Utilizing unauthorized materials, possessing such materials where they could be utilized, or otherwise breaching, in any manner, the instructions of a professor regarding examinations or assignments, or of an administrator or proctor regarding examinations.
- d. Materially damaging School or University property or the property of a student, faculty member, guest, or employee of the School or the University, or any act constituting common law battery directed against the same.
- e. Defacing, damaging, hiding, intentionally mis-shelving, or using or removing without authorization any library materials.
- f. Engaging in any act that materially disrupts a class, meeting, or other function of the School, or that unreasonably interferes with the rights of other students in the pursuit of their education.
- g. Materially misrepresenting, by act or omission, a student's academic or professional qualifications, conduct, class attendance, class or section standing, grades, honors, activities, or financial need on any document or in any oral statement, including but not limited to applications for admissions to this or any law school or to any state bar, financial aid applications, and resumes.
- h. Making a bad faith allegation that a student has violated this Code.
- i. Failing to bring information concerning a violation of this Code to the attention of the Dean of Students or the Honor Council, where a student has a substantial basis to believe that a violation of this Code has occurred.

j. Disclosing without proper authorization any information that is required by federal or state law or by this Code to be held in confidence, or which a student knows or reasonably should know is confidential. Confidential information includes, but is not limited to, another student's social security number, blind grading number, grades, the fact that a formal complaint has been submitted involving a student, or any other details of Honor Council proceedings, except to the extent authorized by this Code.

k. Violating the ex parte contact provisions of Section 1.07 of this Code.

l. Failing or refusing to cooperate in Honor Council proceedings, as required by this Code.

m. Engaging in conduct that is inconsistent with and could result in disciplinary proceedings under the Florida Rules of Professional Conduct, if done by an attorney.

n. Engaging in conduct which would constitute a felony in the State of Florida or under the laws of the United States.

o. Utilizing computer information systems for non-law school related activities (such as employment outside of law school) without authorization, or for assignments, projects or coursework where utilization of such systems is prohibited.

p. Engaging in conduct which casts serious doubt on the student's honesty, integrity, or fitness to be an attorney, or is otherwise incompatible with the purposes and objectives stated in Section 1.01 of this Code.

q. Conspiring, soliciting, attempting, or agreeing to commit, assist in or facilitate the commission of any violation of this Code.

Section 1.04 Cooperation in Honor Council Proceedings

a. Every member of the Law School community has an affirmative duty to cooperate with the Council when asked to

testify to a possible Honor Code violation. Notwithstanding this requirement, no student shall be compelled to testify against himself or herself at a hearing, nor may an alleged violator be required to provide statements to the Investigators under Section 3.03.

b. Should any party to a Council proceeding experience difficulty obtaining the cooperation of an alleged violator, a complainant or a witness, that party may ask the President or the Presiding Officer as appropriate to send a letter to the recalcitrant individual outlining the individual's duty to cooperate and specifying the consequences of non-cooperation.

Section 1.05 Closure of Meetings and Hearings; Confidentiality

a. All meetings of the Council except those which are wholly social or ceremonial, all meetings of Screening Panels and Probable Cause Panels under Sections 3.02 and 3.05, all discovery conferences and pre-hearing conferences held under Sections 4.04 and 4.05, and all hearings held pursuant to Section 4.07 shall be closed. This requirement may not be waived.

b. All information dealing with complaints and their handling and disposition, including the identity of the alleged violator, the complainant, and witnesses is confidential. No person other than the Dean may, without explicit authorization, reveal any information concerning an Honor Council proceeding, except to the extent allowed by this Code.

c. Consultations with the Faculty Advisor to the Honor Council, a temporary faculty advisor, or the Student Honor Code Advisor are closed, confidential, not subject to discovery, and cannot be used in any Honor Council proceeding.

d. Provided that the name of the complainant is not revealed and cannot be discerned from the facts, paragraph (b) of this section does not prohibit the alleged violator and his or her representative from revealing:

1. the alleged violator's name, the fact that a complaint has been brought, and the names of other witness, if doing so is unavoidable when interviewing actual or prospective witnesses, or when seeking advice;

2. the alleged violators name and the fact that the Honor Council dismissed the complaint under Sections 3.02(e), (f) or (g), 3.05(d) or (f), or 6.02(a); or

3. the final disposition of a matter by the Dean.

e. The duty to maintain confidentiality is ongoing and does not end with the termination of the proceedings.

f. The duty to maintain confidentiality shall neither excuse nor prevent the disclosure to bar examiners of the accused's involvement in Council proceedings.

Section 1.06

Consultation with the Faculty Advisor to the Honor Council

a. The Dean may appoint a member of the regular faculty to serve as Faculty Advisor to the Honor Council.

b. The President, the Chief Presiding Officer, and the Vice President may consult with the Dean, other administrators specified by the Dean, or the Faculty Advisor at any time.

c. The Presiding Officer in a particular matter may consult with the Faculty Advisor at any time.

d. The Faculty Advisor shall have no responsibility for the activities of the Honor Council except to serve as an advisor when requested in accordance with this section.

e. The Faculty Advisor may consult with the Dean or other administrators at any time, or perform any other function requested by the Dean.

Section 1.07

Consultation with the Student Honor Code Advisor

a. The Dean may appoint a member of the regular faculty to serve as Student Honor Code Advisor.

b. Any student, other than a member of the Council or a person appointed pursuant to Section 2.06 (b), who is an alleged violator of the Code under Article III, or an accused under Article IV, may consult with the Student Honor Code Advisor. Except as provided in this section, no person may consult with the Student Honor Code Advisor concerning the Code or Honor Council proceedings.

c. The Student Honor Code Advisor is not an advocate or representative of an accused. The Advisor will neither assist in case preparation, nor participate in any Council function, except for those which are purely ceremonial or social. Rather, the Student Honor Code Advisor is available to provide information on the requirements of the Code, its procedures, and the consequences of various actions.

d. The Student Honor Code Advisor does not provide advice on whether a future course of conduct would be consistent with the requirements of Section 1.03. (See Section 1.02 (b)).

e. The Student Honor Code Advisor may hold discussions with the Faculty Advisor to the Honor Council or with the Dean, so long as the identity of the alleged violator or accused is not thereby revealed.

Section 1.08

Temporary Faculty Advisors

Upon the request of the alleged violator or an accused, or for other good reason, the President may request that the Dean appoint one or more members of the regular faculty as additional temporary faculty advisors for utilization by Investigators appointed pursuant to Section 3.03(a), School Advocates

appointed pursuant to Section 4.03, or Student Advocates appointed pursuant to Section 4.01(a), (d), or (e). A temporary faculty advisor appointed under this paragraph is not an advocate or representative of an accused, and is limited to the provision of advice concerning the Code, its interpretation, and the practices of the Council.

**Section 1.09
Ex Parte Contacts**

a. After the filing of a complaint as described in Section 3.01(a), neither the complainant, nor an alleged violator, nor an accused, nor any other member of the Law School community may engage in any prohibited ex parte communication with Investigators, School Advocates, Student Advocates, panel members, presiding officers, other Honor Council members, the Faculty Advisor or the Dean. Such persons have an affirmative duty to refuse to engage in such prohibited ex parte communications, and shall report all such contacts to the President or the Dean as appropriate.

b. In exceptional cases, the Investigators, School Advocates or Student Advocates may meet ex parte with the Faculty Advisor, or with a temporary faculty advisor appointed pursuant to Section 1.08, but only after timely written notice has been given to the President or the Presiding Officer as appropriate, and in the case of proposed meetings by School Advocates or Student Advocates, to the other side.

c. The following do not constitute prohibited ex parte communications for the purposes of this section:

1. Filing of written requests or motions, with service on the other party.
2. Communications between a Student Advocate and a witness identified in accordance with Section 4.04(c), or between a School Advocate and a witness identified in accordance with Section 4.04(b).

3. Any communication with the President or the Presiding Officer seeking information, or for other administrative or procedural purposes, which purposes shall specifically not include making requests or motions.

4. Any communication explicitly authorized by this Code, or any communication not related to a matter before the Council.

**Section 1.10
Appeals; Non-intervention**

a. Except as provided in Section 6.04, no appeal may be made to the Dean for any form of interlocutory relief.

b. All alleged irregularities in the procedures and deliberations under this Code, and all assertions of error in law or fact are automatically preserved for the final review of the case by the Dean under Section 5.01.

c. Except as expressly provided in this Code, an alleged violator or accused may not seek the intervention of the Dean, the Honor Council Faculty Advisor, any other faculty member, or any administrator prior to, during or following Honor Council proceedings.

ARTICLE II

The Honor Council

**Section 2.01
Duties and Powers**

The duties and powers of the Honor Council are limited to the following:

- a. to promote awareness of the Honor Code among students;
- b. to investigate written complaints which, on their face, indicate that a violation of the Code may have occurred;
- c. to hear evidence and argument and determine the merits of any complaint in

accordance with the procedures provided for herein;

d. to have its President, following consultations with the Presiding Officer, comment on matters in mitigation or aggravation of an offense when a student is found to have violated the Code;

e. to maintain the confidentiality of Council proceedings;

f. to carry out any other responsibilities specified in this Code;

g. upon written request, to assist other officially recognized Law School organizations in conducting their elections; and

h. to carry out any other tasks requested by the Dean, or authorized by the Bylaws.

Section 2.02 Membership

a. The Honor Council shall consist of fourteen second-year and fourteen third-year students.

b. Each member shall serve a maximum of two academic years.

c. The term of members who change from one division to the other shall be set in the Bylaws of the Council.

Section 2.03 Election of Members

a. Election of members shall be held annually in the spring semester, and conducted in accordance with the Bylaws of the Council.

b. All first-year students who meet the eligibility requirements of the Bylaws may become candidates. Only first-year students may vote. The Council shall, in its Bylaws, determine which students constitute first year students for the purposes of this section.

c. The fourteen candidates receiving the greatest number of votes shall become

members of the Council. In the case of a tie for the final place or places, the successful candidates shall be selected by the outgoing Council.

d. Newly elected members shall assume the offices of second-year Honor Council members on the day after the last day of classes in the spring semester.

Section 2.04 Recusal and Exclusion of Members

a. Any member who has an interest in the outcome of a proceeding, cannot be fair and impartial, is likely to become a party or a witness, or is related by blood or marriage to a party or witness, may not participate in any way in that case, and has an affirmative duty to recuse himself or herself promptly. Such recusal may take place at any point in Honor Council proceedings.

b. Following a determination of probable cause, an accused may move to exclude a member from further participation in any aspect of a matter, at any time, by submitting to the Presiding Officer a written motion stating the grounds therefore. If a majority of the Council members present and eligible to vote under this paragraph and Section 2.11(a) vote to approve the motion, the member may not participate further in the proceedings. No member shall vote on the motion for his or her own removal.

c. In the event of recusal or exclusion from participation of a member, the President shall appoint another member to fill the temporary vacancy, pursuant to Section 2.06(b).

Section 2.05 Removal of Members from the Council

Members may be removed from the Council for good cause by vote of the student body or by vote of the Honor Council.

a. A student vote for removal shall be held only after the Council receives a request for removal signed by fifty second- and/or third-year students. The request shall state the

grounds for removal. The recall election shall not be held until at least 14 days after the petition is received. The ballot shall contain the name of the person whose removal is sought and “Retain []yes [] no.” Only second- and third-year students are eligible to vote on the question of removal. The recall election shall not be valid unless at least twenty five percent of the second- and third-year students participate. A member shall be removed upon the affirmative vote of two-thirds of all students voting on the question.

b. A member may be removed for good cause at the written request of a member of the Council upon a three-quarters vote of the full body of the Council, not including those recused or excluded from participation under Section 2.04 or excused from attendance by the President. The vote shall not be taken until at least ten days after a copy of the written request is given to the member whose removal is sought. The member whose removal has been proposed may not vote on the question.

c. Following a determination of probable cause under Section 3.05, any member of the Council accused of a violation of the Code is automatically suspended from taking any part in the judicial activities of the Council until the matter is disposed of. The participation of an accused member in other Council functions shall be allowed to the extent authorized by the Bylaws. The President may select an alternate member utilizing the procedure in Section 2.06(b).

Section 2.06 Filling of Vacancies and Selection of Alternates

a. If a permanent vacancy occurs on the Council for any reason, the vacancy shall normally be filled by the unsuccessful candidate who received the highest number of votes in the election and in the same division from which the former member was elected to the Council. If the individual is unwilling to serve, or is not confirmed by the Council, then the unsuccessful candidate with the next highest number of votes in that division shall

normally be selected. To become a member of the Council, such a candidate must receive the confirming vote of one half of the full body of the Council. If the candidate fails to receive one half of the votes, or if there are no unsuccessful candidates willing to serve, the Council may, by a three-quarters vote, elect any otherwise qualified student in good standing.

b. In the event of a temporary vacancy due to the recusal, exclusion from participation or temporary absence of a member, or where extraordinary circumstances require the addition of a member or members (as when all or nearly all of the members of the Council must seek recusal in a matter), the President or Presiding Officer as appropriate may appoint one or more alternates to serve as panel members, Investigators, School Advocates or Student Advocates. The President or Presiding Officer may appoint any of the following students to those positions, under this paragraph:

1. SBA Senators
2. Members of the SBA Executive Board
3. Chairpersons of SBA academic committees
4. Members of Bar and Gavel
5. Members of the Executive Board of the *University of Miami Law Review*
6. Members of the Executive Board of the *Inter-American Law Review*

c. Hearings with alternate members on the Hearing Panel shall be conducted in accordance with Article IV, except that the accused shall have the right to remove no more than two such alternate panel members, with or without cause, following a brief voir dire of the non-Council members.

Section 2.07 The Honor Council President

a. No later than three weeks before the end of the academic year, the membership of the Council, including the President, shall elect a President for the following year from among those students who will be beginning their second year on the Council. The new President shall be elected for a one-year term by a majority of those eligible to vote under Section 2.11(a), and shall assume office immediately following the last day of classes of the spring semester.

b. The President is the Chief Executive Officer of the Council. Powers and duties of the President include

1. conducting the meetings of the Council, and representing the Council in Law School functions;
2. directing the business of the Council and serving as the point of coordination with the Law School administration to assure the Council has office space, rooms in which to meet, and audio-visual, computer, and secretarial support;
3. appointing and, where appropriate, supervising Investigators, School Advocates, Screening Panels, and Probable Cause Panels, and upon the request of an accused, Student Advocates;
4. coordinating the activities of the Council, as necessary, with the Chief Presiding Officer, and advising the Chief Presiding Officer as to the availability of members for appointment to Hearing Panels;
5. ensuring compliance with the notice provisions of Sections 3.06, 4.11 and 6.01;
6. assuring that Presiding Officers have adequate logistical support for the conduct of hearings and pre-hearing and discovery conferences;
7. supervising the activities of the Vice President;

8. commenting to the Dean on matters in mitigation or aggravation of an offense when a student is found to have violated the Code; and

9. carrying out any other assignment specified by the Dean.

c. In addition to the provisions of Section 2.09, the President may appoint a member to carry out any other duties where the President is absent or cannot otherwise perform his or her duties.

d. Except where a tie vote exists, the President shall not vote on the questions of whether to investigate an alleged violation, or the existence of probable cause.

Section 2.08 Chief Presiding Officer

a. Following the election of the President, the Council shall elect a Chief Presiding Officer utilizing the procedure specified for the election of the President in Section 2.07(a).

b. The powers and duties of the Chief Presiding Officer include:

1. presiding at discovery and pre-hearing conferences and ruling on pre-hearing questions;
2. following consultation with the President, appointing members to serve on Hearing Panels;
3. appointing a member to serve as Bailiff at a hearing, who shall assist in the orderly conduct of the hearing. The Bailiff shall also attend the deliberations of the Hearing Panel and take notes concerning its decisions, provided that the Bailiff may not express any views on the merits, nor any opinion as to the meaning of the Code or past precedent;
4. presiding over Hearing Panels; and
5. informing the President of the decision of a Hearing Panel for the purposes of

Section 4.11, and of any matters in aggravation or mitigation for the purposes of Section 2.07(b)(8).

c. The Chief Presiding Officer will take no part in any aspect of a case, and will not be provided any information concerning it, until informed by the President that probable cause has been found in a matter pursuant to Section 3.05.

d. The Chief Presiding Officer may not instruct a Hearing Panel on the meaning of Code Provisions or applicable law except to the extent expressly provided in this Code, but may bring applicable provisions to the Hearing Panel's attention.

Section 2.09 Temporary Presiding Officer

a. If the Chief Presiding Officer is unable to preside over a matter in which probable cause has been found because of recusal or exclusion under Section 2.04, or if the Chief Presiding Officer informs the President that the workload on other cases would make presiding over a case burdensome, the President shall appoint a third-year member to act as Presiding Officer for that matter. If no third year member is available, the President may appoint a third year student to be the Presiding Officer from the positions listed in Section 2.06(b).

b. A Presiding Officer appointed under this section shall perform all the functions of the Chief Presiding Officer with respect to the designated matter, including appointment of the Hearing Panel and Bailiff, ruling on pre-hearing matters, presiding over discovery and pre-hearing conferences, and presiding at hearings.

c. Following a decision by a Hearing Panel, a temporary Presiding Officer appointed under this section may not perform any role under the Code in any subsequent matter concerning the same accused, except as provided in Section 5.01(c).

Section 2.10

The Honor Council Vice President

a. Following the election of the President and Chief Presiding Officer, the Council shall elect a Vice President utilizing the procedure specified for the election of the President in Section 2.07(a).

b. The powers and duties of the Vice President include:

1. carrying out the functions of the President when the President is unable to perform his or her duties, and has not appointed another member to perform them in accordance with Section 2.07(c) or Section 2.09;

2. acting as Chief Administrative Officer of the Council, as specified in the Council's Bylaws; and

3. carrying out any other assignment specified by the Dean.

c. Except when acting as President, the Vice President may vote on any matter to the same extent as any Member other than the Presiding Officer in that matter and the President.

Section 2.11 Voting; Quorum Requirements

a. All votes authorized in this Code, except for those required to be taken by a Panel, shall occur at meetings of the Honor Council. Meetings of the Council shall be called by the President as deemed necessary. No formal business of the Council shall be conducted unless a quorum is present. A quorum at meetings shall consist of at least one half of the members of the Council who are eligible to vote, but in any event, not fewer than five members. Unless otherwise provided by this Code, resolutions or decisions of the Council shall become effective upon the affirmative vote of a majority of those present.

b. Except as provided in Sections 2.04 and 2.05, no member may abstain from voting on any matter on which he or she is eligible to vote.

c. Panels must include the number of members specified in Sections 3.02(a), 3.05(a) and 4.06(a).

Section 2.12 Jurisdiction

The Honor Council has jurisdiction over all conduct throughout a student's tenure at the University of Miami School of Law. To the extent relevant under Section 1.03, the council's jurisdiction extends to conduct which occurs off campus. For a period of one year from a student's graduation, withdrawal, or dismissal from the School, the Honor Council retains jurisdiction with respect to events occurring during such tenure in which the student participated, or to which the student was a witness. For the purposes of allegations of materially misleading statements in applications and financial aid requests under Section 1.03(g), the Council acquires jurisdiction upon a student's matriculation.

Section 2.13 Bylaws

The Honor Council shall prepare Bylaws, which shall govern internal Honor Council organization, standards of conduct and discipline, eligibility for and conduct of elections, and shall specify the detailed procedures whereby the Council's judicial functions are carried out. These Bylaws, and any amendments which may be made from time-to-time, shall become binding on the Honor Council and anyone having business before the Council upon the approval of the Dean. In the event of a conflict between the Bylaws and the Code, the provisions of the Code shall be controlling.

ARTICLE III

Code Violations: Preliminary Procedure

Section 3.01 Complaints

a. Any person believing that there has been a violation of the Honor Code is encouraged to

bring the matter to the attention of the Dean of students, who may conduct a preliminary inquiry, and where appropriate, file a formal complaint. A person may alternatively file a formal complaint directly with the President.

b. Complaints must be in writing and include the name (if known) of the alleged violator, a specific description of the alleged misconduct, and the printed or typed name and address or telephone number of the complainant. It shall also contain the following statement, or words having the same meaning:

"The statements I have made are true to the best of my knowledge, and have been made in good faith."

A complaint by a student must add the following or words having the same meaning:

"I understand that making a bad faith allegation that a student has violated the Code is itself a violation of the Honor Code."

The President shall return deficient complaints for modification.

c. Except for referrals pursuant to Sections 3.05 (g), 4.02 (e), or 4.10 (b), neither the Council nor any of its members may consider, comment on, perform any investigation of, or take any other action concerning a potential violation until the President has received a formal complaint. Such referrals obviate the need for a formal complaint.

d. Upon receipt of a complaint, the President shall open a file utilizing the style "In RE: [Name]," which shall be retained in confidence in perpetuity.

e. A student will not be considered "an accused" until

1. a Probable Cause Panel makes a positive determination of probable cause; or
2. prior to that determination, the student pleads guilty to the violation of one or more provisions of the Code.

f. Once submitted, a complaint may not be withdrawn. It must proceed as outlined in this Code for ultimate disposition.

**Section 3.02
Initial Screening**

a. Upon receipt of a complete complaint, the President shall appoint a Screening Panel consisting of five members of the Council, at least two of whom shall be second-year members.

b. The President shall convene and preside at a meeting of the Screening Panel within the time limits in Section 6.02.

c. The facts as stated in the complaint shall be made known to the Screening Panel, but the name of the alleged violator, the complainant, and any other parties or principals shall not be disclosed.

d. After consideration of the allegation(s) contained in the complaint, the Screening Panel shall first determine whether the allegation(s), if true, and without regard to possible affirmative defenses, would constitute a violation of any provision of the Honor Code. This determination requires a vote of a majority of the Screening Panel. The President may not vote or express an opinion on the merits, but may bring relevant provision of the Code or the Bylaws, and any precedent and interpretations of the Code contained in the Honor Council Reporter to the Screening Panel's attention.

e. If the Screening Panel determines that even if the facts as alleged are true, it would not constitute a violation of the Code, the matter is dismissed.

f. If the Screening Panel determines that a violation of the Code could have taken place, and the violation is of provisions of the Code other than Sections 1.03 (a), (n), or (p), the Screening Panel shall next determine whether the conduct, if true as alleged, would constitute an inconsequential violation. If so, the matter is dismissed, but the President shall prepare a report to the Dean of Students for

use in counseling the student or for such other actions as the Dean of Students may deem appropriate.

g. If the Screening Panel determines that an alleged violation of a provision other than Section 1.03 (a), (b), (c) or (n) is predominately a dispute within or between Law School organizations, or is a civil dispute between students over matters not directly involving the School, it may, at its discretion, dismiss the matter, and may then refer it to the Dean of Students office for counseling or other appropriate action.

h. A dismissal under paragraphs (e), (f) or (g) shall bar the complainant from bringing a new or revised complaint against the same alleged violator for the same incident or occurrence, unless the Dean remands the matter for further consideration. However, such a dismissal shall not constitute res judicata if a separate allegation concerning the same incident or occurrence is brought by a different complainant against the alleged violator. If possible, any such subsequent complaint shall be heard by the same Screening Panel.

**Section 3.03
Investigation**

a. If the Screening Panel determines that a violation of the Code may have taken place, and that the violation is not dismissed under paragraphs (f) or (g) of Section 3.02, the President shall appoint members of the Council to conduct an investigation. Screening Panel members may be appointed as Investigators. The investigating team shall normally consist of at least one second-year member and one third-year member. A third member shall be appointed if appropriate. During the course of the investigation, the names of the complainant and the alleged violator shall be known only to the President and the Investigators.

b. Any statement made to the Investigators by the alleged violator may be used in evidence before a Probable Cause Panel and before a Hearing Panel. Investigators have no duty to

notify an alleged violator that statements can be used for that purpose, but may not misrepresent that fact or the student's right not to testify under Section 1.04(a).

Section 3.04 Duties of the Investigators

a. Within the time provisions of Section 6.02, the Investigators shall:

1. contact and interview in person the complainant;
2. contact the alleged violator, and accord him or her the opportunity to tell the Investigators the facts and circumstances; and
3. contact, or make a reasonable attempt to contact, all witnesses or other persons believed to have information relevant to the complaint.

b. Investigators shall conduct investigations in good faith. They shall contact only necessary witnesses. During the course of the investigation, the Investigators shall not discuss or otherwise share with other members of the Council any information required to be held in confidence, or any other information acquired in the course of the investigation that may bear on the truthfulness of assertions, or the facts concerning the conduct being investigated.

c. In no case in which he or she has been an Investigator may a member:

1. serve on a Probable Cause Panel; or
2. serve on a Hearing Panel.

Section 3.05 Determination of Probable Cause

a. Upon completion of their investigation, the Investigators will notify the President, who will appoint a Probable Cause Panel consisting of five members of the Council, none of whom has served as an Investigator or as a member of the Screening Panel in the same matter.

b. Within the time period allowed in Section 6.02, the President shall convene a meeting of the Probable Cause Panel, at which the Investigators shall present the results of their investigation. The President shall preside at the meeting, but may not vote or present an opinion as to the merits of the matter. The President may, however, bring relevant provisions of the Code or the Bylaws, and any precedent and interpretations of the Code contained in the Honor Council Reporter to the Panel's attention.

c. A majority of the Panel shall then determine, on the basis of the facts presented, whether probable cause exists. The criteria for determining probable cause shall be

1. whether the commission of the alleged acts, if true, would constitute a violation of the provisions of the Code proposed by the Investigators to be charged, or a violation of any other provision of the Code; and
2. if so, whether the investigation has revealed sufficient, apparently trustworthy information which, if substantiated at a hearing, could support a finding by the Panel that it is more likely than not that the alleged violator has committed the alleged acts.

d. Except as provided in this paragraph or in Section 4.02, following a finding of probable cause, all accusations must go to a hearing before a Hearing Panel appointed under Section 4.06. However, if upon a motion to dismiss, the Chief Presiding Officer determines that there is "new evidence" which is sufficiently relevant and sufficiently non-frivolous, then the eligible members of the Council may dismiss a matter by:

1. simple majority, if there is new evidence which was not discovered by the Investigators prior to the probable cause vote, and the Investigators concur that the matter should be dismissed; OR

2. two-thirds vote without concurrence of the Investigators, but only in extraordinary circumstances where there is clear and convincing evidence that a hearing is no longer necessary or appropriate.

The eligible members of the Council, for the purposes of this paragraph, are all Council members excluding the Chief Presiding Officer, the Investigators, the School and Student Advocates, members designated to serve on the Hearing Panel, and any members recused under Section 2.04.

e. If probable cause is found, the President may reveal the names of the accused and the accuser to those members with a need to know. If probable cause is not found, the names shall not be disclosed.

f. If probable cause is not found, the proceedings shall be dismissed. A dismissal under this paragraph shall bar the complainant from bringing a new or revised complaint against the same alleged violator for the same incident or occurrence, unless the Dean remands the matter for further consideration. However, such a dismissal shall not constitute res judicata if a separate allegation concerning the same incident or occurrence is brought by a different complainant against the alleged violator. If possible, any such subsequent complaint shall be heard by the same Probable Cause Panel.

g. If, during the course of its activities, the Probable Cause Panel determines that another student may have committed a violation, the matter shall be reported to the President, who shall refer the matter to a Screening Panel under Section 3.02.

**Section 3.06
Notice to the Parties**

a. Notice of the Screening Panel’s decision to investigate a potential violation shall be sent to the alleged violator, the complainant, the Dean and such administrators the Dean may designate. Notice shall include

1. a general description of the violation charged;
2. the names of the Investigators;
3. a statement of the alleged violator’s right to be represented in accordance with Section 4.01; and
4. a statement that the President, in confidence, is available for guidance in the selection of representation and for clarification of procedures under this Code.

b. If the Probable Cause Panel determines that the results of the investigation do not indicate probable cause that the alleged violator has violated the Code, the President shall notify the persons specified in paragraph (a) that the matter has been dismissed.

c. If probable cause is found to exist, the President shall notify the persons specified in paragraph (a) of that fact. Notice of the finding of probable cause shall include

1. a concise description of the violation charged, including the circumstances of the alleged conduct;
2. an explanation of the change in the student’s status under the Code from “an alleged violator” to “an accused”;
3. a statement of the accused’s right to be represented in accordance with Section 4.01;
4. a statement of the accused’s right to confront and cross examine the accuser(s) and any witnesses against him or her and to present witnesses and evidence;
5. a statement of the accused’s right to discover the names of witnesses or evidence in the possession of the Investigators or School Advocates; and
6. the name of the Chief Presiding Officer or the temporary Presiding Officer who will henceforth preside over the matter.

ARTICLE IV

Code Violations: Hearing Procedure

Section 4.01 Representation

- a. Up to two students, other than Honor Council members who have served as Investigators in the same matter, who are in good standing, enrolled in the School of Law, and authorized to do so by the accused, may appear as Student Advocates. Individuals so appearing shall furnish the Presiding Officer with a written notice of appearance, which indicates their current name, address, and telephone number. After a notice of appearance is filed, the advocate shall be sent copies of all communications and documents which are sent to the accused, who shall be sent all original communications.
- b. Nothing in this Code prohibits an accused from retaining counsel to assist the Student Advocates. Attorneys so retained may be present as silent observers at hearings or discovery or pre-hearing conferences.
- c. Except as provided in paragraph (b), attorneys may take no role in the proceedings in any manner whatsoever.
- d. Following a determination of probable cause, and at the request of the accused, the President shall appoint members of the Council, other than members who have served as Investigators in the same matter, to act as one or both of the Student Advocates. Such representatives may not vote on any issue or serve in any other capacity with respect to the case.
- e. The accused has the option of utilizing one advocate selected in accordance with paragraph (a), and one appointed in accordance with paragraph (d).
- f. Student Advocates appointed pursuant to any paragraph of this section have a duty of zealous advocacy.

Section 4.02 Admissions of Guilt

- a. The accused shall have the option of admitting guilt as charged without submitting to a hearing. The accused shall stipulate in writing that he or she committed the alleged acts, that the commission of the acts constitutes a violation of the Code and that the accused is waiving the right to a formal hearing.
- b. Upon the concurrence of the President, and the Investigators or School Advocates, the accused may admit to the commission of one or more offenses other than as charged, in which case no hearing on them will be held, and one or more original charges may be dismissed.
- c. No representation that a specific sanction will be recommended or imposed will be made in exchange for an admission of guilt under paragraphs (a) or (b) of this section.
- d. Following an admission of guilt, the President shall inquire into any mitigating or aggravating factors, and make a report to the Dean, pursuant to Section 2.07(b)(8).
- e. If, during the course of discussions with an accused concerning an admission of guilt, the President determines that another student may have committed a violation, the President shall refer the matter to a Screening Panel under Section 3.02.

Section 4.03 School Advocates

- a. Upon a determination of probable cause, the President shall appoint two Council members in the same manner as required in Section 3.03(a), to serve as School Advocates and to prosecute the case. Such School Advocates have a duty of zealous advocacy.
- b. No person who has acted as Investigator pursuant to Section 3.04 and has interviewed the alleged violator may serve as a School Advocate in the same matter. Such an Investigator may be called as a witness by

either side, and the Investigator's notes are subject to discovery under Section 4.04. The Investigator may be required to give evidence before the Hearing Panel pursuant to Section 4.09.

c. No Investigator may serve as a witness in any stage of proceedings under this Code, nor may an Investigator's notes be subject to discovery under Section 4.04 or used in evidence under Section 4.09 except as provided in paragraph (b).

d. Except as provided in paragraph (b), the Investigators in the case may be appointed as School Advocates.

Section 4.04 Discovery

No discovery shall be permitted in Honor Council proceedings except as provided in this Code.

a. After probable cause has been found, and before the hearing, the accused may request that the Presiding Officer convene a discovery conference. The Presiding Officer, the School Advocates, the accused, the Student Advocates, and the Bailiff may attend the conference. A record of the discovery conference or conferences shall be made by audio and/or video recording, as determined by the Presiding Officer.

b. At the conference, the School Advocates shall disclose the results of the prior investigation, including the identities of witnesses and the substance of their testimony, and shall produce all relevant documents for inspection and copying.

c. If the accused intends to call witnesses or rely on documents at the hearing, he or she must request a discovery conference and disclose the identity of those witnesses and the substance of their testimony, and must produce any documents for inspection and copying.

d. If the accused, the Student Advocates, or the School Advocates wish to speak with the

witnesses identified by the other side, such questioning shall be done only at the discovery conference, or, as necessary, at a subsequent discovery conference convened for that purpose.

Section 4.05 Pre-Hearing Conference

a. The Presiding Officer shall schedule and preside over a pre-hearing conference with the School Advocates and the accused and/or the Student Advocates to discuss procedural and evidentiary matters.

b. The Presiding Officer shall have the authority to determine procedure and rule on evidence questions presented at the pre-hearing conference.

c. A record of the pre-hearing conference shall be made by audio and/or video recording, as determined by the Presiding Officer.

Section 4.06 The Hearing Panel

a. A six-person panel shall be established by the Presiding Officer to sit at each hearing. The Presiding Officer should endeavor to appoint a balance of second-year and third-year members to the panel. No person may serve on a Hearing Panel who has served on a Screening Panel or a Probable Cause Panel involving the same complaint.

b. Except as provided in Section 2.06(c), no voir dire or discovery shall be allowed with respect to the Hearing Panel.

Section 4.07 Hearing Procedure

a. Hearings shall be informal and rules of procedure shall not apply.

b. The Presiding Officer shall preside at the hearing and shall establish the order of calling witnesses, the presentation of evidence, and the order and length of oral argument.

c. A record of each hearing shall be made by audio and/or video recording, as determined by the Presiding Officer.

d. Prior decisions of the Honor Council are not binding precedent, but may be cited as persuasive authority. The moving party shall have the burden of establishing the existence of such authority.

e. Except where the legality of the conduct has been placed at issue, or the existence of legal privileges is asserted, neither federal nor state case law may be cited at any point in any proceeding before the Council.

f. The Presiding Officer may not instruct a Hearing Panel on the meaning of Code Provisions or applicable law except to the extent expressly provided in this Code, as those are matters for the Hearing Panel to decide. However, the Presiding Officer may bring relevant provision of the Code or the Bylaws, and any precedent and interpretations of the Code contained in the Honor Council Reporter to the Hearing Panel's attention if the School or Student Advocates have not already done so.

Section 4.08 Burden of Proof

The School Advocates have the burden of proving, by clear and convincing evidence, each violation of the Code charged.

Section 4.09 Evidence

a. Oral evidence shall be taken only on oath or affirmation, administered by the Presiding Officer.

b. Each party shall have the right to give an opening statement, to present evidence relevant to the issues, to cross-examine opposing witnesses, to impeach any witness regardless of which party first called the witness, to rebut evidence presented by the other party, and to give closing statements. Where appropriate, rebuttal statements may be authorized by the Presiding Officer.

c. Any relevant evidence shall be admitted if it is the type of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Hearsay evidence may be used to supplement or explain other evidence, if relevant and probative. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions in the State of Florida.

d. Formal rules of evidence shall not apply.

e. Irrelevant, inflammatory, or unduly repetitious evidence shall be excluded, and the amount of relevant but marginally probative evidence may be limited.

f. Character witnesses or evidence are not permitted, in any form, in any proceeding under this Code.

g. Any evidence relating to polygraph examinations or their results is inadmissible, in any form, in any proceeding under this Code.

Section 4.10 Decision by the Hearing Panel

a. Immediately after all evidence has been presented and all arguments have been made, the Hearing Panel shall meet, with no one present except the Panel members and the Bailiff, to determine whether the accused has committed the violation or violations with which he or she has been charged. All decisions shall be by a two-thirds vote. A decision that a violation has occurred must be based upon the evidence presented at the hearing.

b. If, during the course of its deliberations, the Hearing Panel determines that the accused may have committed a violation different from or in addition to that charged, or that another student may have committed a violation, either the Bailiff or the Presiding Officer shall report the matter to the President, who shall refer the matter to a Screening Panel under Section 3.02.

**Section 4.11
Notice of Hearing Panel Decision**

- a. The Presiding Officer shall notify the President, the accused, the accuser, and the Dean of the Hearing Panel's decision pursuant to Section 6.01.
- b. The notice shall include
 - 1. specific findings of fact; and
 - 2. dissenting statement(s), if any.
- c. The notice to the accused and the Dean shall also include the President's comments as to mitigating or aggravating factors, if any.

ARTICLE V

Final Review and Sanction

**Section 5.01
Final Review by the Dean**

- a. No decision of the Hearing Panel is final until the Dean has approved the findings of fact and decided which sanctions, if any, should be imposed. The accused may submit written material documenting mitigating circumstances, and may request a meeting with the Dean, limited to matters in mitigation.
- b. The Student Advocates or the School Advocates may also submit written objections to any aspect of the proceedings before the Council, including allegations of newly discovered evidence which could not have been discovered through due diligence at the time of the hearing. Any such objection must be filed within 10 days of the date of notification to the accused of the Hearing Panel's decision. The President shall be served with these submissions and shall have 10 days from receipt of the submissions to file a written response. After reviewing these submissions, the Dean will decide whether a meeting addressing the merits of such objections, if requested, should be held. If not, the Dean's decision will be based on the record.

c. The Dean will review the Hearing Panel's findings and determine if they were arrived at utilizing procedures that did not breach fundamental notions of fairness. The Dean may enter a final decision or remand the case with written instructions. If the matter is remanded, the Hearing Panel that heard the case shall reconvene to reconsider the case, unless the Dean directs that a different panel hear the case.

**Section 5.02
Sanctions**

- a. The imposition of sanctions for violations of the Honor Code is within the sole discretion of the Dean. Specific sanctions may include but are not limited to one or more of the following:
 - 1. informal or formal warning;
 - 2. private reprimand, including a letter for the student's permanent school file, and/or notice to student organizations for the purpose of invoking paragraph (c);
 - 3. public reprimand;
 - 4. public or University service;
 - 5. disciplinary probation;
 - 6. a failing grade in any course in which cheating, plagiarizing, disruptive behavior or violation of examination rules took place;
 - 7. suspension or loss of specific Law School benefits, privileges, memberships, and or honors, including financial aid and scholarships;
 - 8. suspension from the School of Law with or without a refund of tuition; and
 - 9. expulsion from the School of Law with or without a refund of tuition, and with or without the right to apply for re-admission at a later date.

b. No record or indication of a student's involvement as an accused in Council proceedings shall be made a part of the student's permanent file unless and until the Dean accepts the Hearing Panel's decision.

c. Notwithstanding the provisions of paragraph (a), any official student organization may suspend, expel, expel with retroactive effect, or terminate any honors accorded a member found to have violated this Code.

ARTICLE VI

Miscellaneous Provisions

Section 6.01 Notice in General

a. The President has an affirmative duty to ensure that adequate notice of Council actions is given to concerned parties.

b. Notice to the alleged violators shall be accomplished by one of the following means:

1. verbally, with confirmation in writing provided by the President by hand, or with written confirmation sent by regular mail; or

2. by certified mail.

Any notice or confirmation sent by mail shall be prominently marked "PERSONAL AND CONFIDENTIAL" on the envelope.

c. Notice shall be sent to all interested parties listed in Section 3.06(a) within 72 hours of:

1. a decision to investigate a complaint;

2. a finding of probable cause;

3. a decision to dismiss or otherwise terminate action on a complaint or accusation; or

4. a Hearing Panel decision.

Section 6.02 Timeliness of Proceedings

a. The Council shall dispose of all matters brought before it in a timely manner. Except as specified in Section 6.03, and provided the alleged violator or accused has not caused substantial delay, if the following time limits are exceeded without consent of the alleged violator or accused, the Student Advocates may, by written motion filed with the Council, request the charges be dismissed. If the Council finds, by a simple majority, that the time limits have been exceeded without justification, the case shall be dismissed. If the matter is not dismissed, the Dean shall take such delay into account as a mitigating circumstance when imposing sanctions.

1. Within two weeks of receiving a written complaint, a Screening Panel shall determine whether the matter should be dismissed or investigated.

2. Within three weeks of voting to investigate the complaint, the investigation shall be concluded and a Probable Cause Panel Council shall determine whether there exists probable cause to believe that the Code has been violated.

3. Within four weeks of determining the existence of probable cause, a hearing shall be held.

4. Within three weeks of remand, either the original or a new Hearing Panel shall reconvene to consider the case, as determined by the Dean.

b. The alleged violator or accused may waive the time periods under paragraphs (2), (3), and (4) of paragraph (a).

Section 6.03 Tolling Provisions

a. Upon the affirmative vote of two-thirds of the Council members present, the time limits set forth in Section 6.02 may be extended because of exceptional circumstances. The extension must be approved before expiration

of the Section 6.02 time frames. The tolling provisions of this paragraph shall not be available if the delay is attributable to the acts or absence of diligent effort by the Council, faculty, or administration.

b. Non-cooperation or waiver of the time requirements by the alleged violator or accused are a basis for suspension of the time frames of Section 6.02.

c. Except for good cause shown or as otherwise directed by the Dean, the time frames of Section 6.02 shall be suspended during reading, examination, and recess periods, and the summer session.

**Section 6.04
Suspension of the Code**

a. The Dean retains the authority to withdraw a matter from the Council's jurisdiction where the Council cannot act because of recusals, where disposition or initial consideration of the matter by a University-wide adjudicatory body or by state or federal courts is more appropriate, or for other good cause.

b. The Dean may suspend or modify any provision of the Code with respect to any matter before the Council.

c. Where the Dean exercises authority under (a) or (b) of this section, he or she will provide notification to the Council and all affected parties in writing, including a brief statement of the reasons for doing so.

**Section 6.05
Ratification and Revision**

a. This Honor Code is effective when approved by the Dean, who retains the power to make such revisions as he or she deems appropriate.

b. The Associate Dean, the Honor Council Faculty Advisor, the President, or a majority of the members of the Council may propose revisions of the Code to the Dean. Students are encouraged to submit proposed changes in writing to the Honor Council for its consideration.

c. The Honor Council Reporter containing certain past decisions of the Dean and the Honor Council is available to any party upon written request to the President



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