

V. DISCIPLINARY REGULATIONS GOVERNING ALL STUDENTS IN THE SCHOOL OF LAW

NOTE: School of Law students also are subject to the Boston University Code of Student Responsibilities, available at www.bu.edu/lifebook/university-policies/policies-code.html.

Article I. School of Law Disciplinary Action

1. **Jurisdiction over disciplinary cases.** Students at the School of Law are subject both to these Disciplinary Regulations and to the Code of Student Responsibilities of Boston University. The School of Law and the University may agree under which rules and regulations any disciplinary case is to be brought. The School of Law ordinarily will not bring any separate action with respect to a charge that is the subject of disciplinary proceedings initiated by the University.
2. **Scope of disciplinary action by the School of Law.** Disciplinary action by the School of Law is governed by these Regulations. Such action extends to the following conduct:
 - a. *Conduct in violation of School of Law rules or regulations.* Such conduct is defined in Article II, below.
 - b. *Other conduct, including but not limited to conduct in violation of Boston University rules or public law, when such conduct is not commensurate with professional standards of conduct required of lawyers.* Such conduct is defined in Article III, below.

An individual shall assume student status, for purposes of these Regulations, upon his or her formal enrollment in the School, and such status shall continue until his or her permanent severance from the School by graduation, expulsion, completed withdrawal, or other like event. Misconduct in connection with an application for admission, however, shall be deemed to continue in effect through enrollment. An individual whose student status has terminated for any reason other than graduation shall remain subject to discipline under these Regulations with respect to his or her conduct while in student status. In any case, the disciplinary sanctions of expulsion and suspension shall be deemed respectively to effect permanent or temporary disqualification for readmission to the School. The Faculty retains its inherent power to take appropriate action, after such reasonable process as it may prescribe, with respect to a graduate's conduct while in student status.

Article II. Violations of School of Law Rules and Regulations

1. **General rule.** Any student who violates the School's rules may be subject to disciplinary action. The examples contained in section 2 below are not intended to be exhaustive.
2. **Specific examples.** The following are examples of School rules, the violation of which may be subject to disciplinary action.
 - a. *School of Law Academic Regulations and rules and procedures of the Law Library.* Students are expected to comply with the School of Law Academic Regulations, with any academic regulations adopted by an applicable LL.M. program, and with the rules and procedures established for the use of the Law Library. Willful or repeated failure to comply with such regulations, rules or procedures may be subject to disciplinary action.
 - b. *Classroom rules.* Students are required to comply with the rules established by members of the Faculty and other instructors at the School of Law for the conduct of their classes. An example of a rule that has been adopted and promulgated by some Faculty members for the conduct of their classes is the exclusion from class of students who arrive late or are unprepared. Should an instructor announce such a rule to students in the instructor's classes, willful or repeated failure by a student in such a class to comply with the instructor's rule may be subject to disciplinary action.

c. *Disruption of School of Law activities or operations.* Conduct that disrupts or impairs School of Law activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.

d. *Damage to or abuse of School of Law property, facilities or services.* Students are expected to make responsible and appropriate use of School of Law property and facilities, and of the services provided by the School of Law. Conduct that damages or abuses School of Law property, facilities, or services, including, for example willful damage to Law Library materials, or to furniture, classrooms, or offices, and unauthorized use of photo-copying or secretarial services, may be subject to disciplinary action.

e. *Plagiarism.* Plagiarism is the use, without adequate attribution, of the ideas, expressions, or work, of another. All written work, whether in preliminary or final form, submitted by a student in the course of law study, in the course of employment, or in the course of other activities, including but not limited to moot court and law journal work, whether or not related to the study or profession of law, is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed. The use of the exact language of another without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may be subject to disciplinary action, including suspension or expulsion. Use of the work of another without proper attribution constitutes plagiarism whether or not the writer acts with an intent to mislead or deceive. However, such intent, or the lack of it, may be considered in determining the proper sanction if a violation is established.

f. *Multiple submission of written work without prior permission.* Students may not submit the same paper, or a substantial part of any paper, to more than one BU Law course without prior written permission from each instructor and the Associate Dean for Academic Affairs. Further, students must obtain the instructor's permission, after full disclosure, to submit written work if a substantial part of that work was produced either at another academic unit or in the course of employment.

g. *Examinations.* Students must comply with all rules established for examinations, whether established by the School of Law or by the instructor giving the examination. School of Law rules for the conduct of JD students' examinations are set out in Article VII, section 5, of the Academic Regulations. Violation of the rules set for any examination, including "take-home" examinations, may be subject to disciplinary action.

h. *Sales or purchase of class notes.* The sale, offering for sale, or purchase, directly or indirectly, of lecture notes, class notes, case abstracts, or similar material, acquired through attendance at the School of Law, by any student or group of students or their agents, is prohibited and may be subject to disciplinary action.

i. *Recording devices.* Recording devices are prohibited in the classroom except with the permission of the Dean and of the instructor. The use of such devices in the classroom without such permission may be subject to disciplinary action.

j. *Rules of the Career Development Office.* Students are required to comply with the rules established by the School of Law Career Development Office. In particular, no student who has accepted an offer of employment shall use the facilities of the Office to secure interviews for employment to a conflicting position. No student who has accepted an offer of employment in a law-related position shall rescind that acceptance or accept an offer for employment to a conflicting position without first notifying the Office and discussing the matter with a representative of that Office. Willful or repeated violation of the requirements of this paragraph may be subject to disciplinary action.

Article III. Unprofessional Conduct

1. **General rule.** Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to Boston University, may be subject to disciplinary action pursuant to these Regulations.
2. **Definition.** Unprofessional conduct includes:
 - a. illegal conduct involving moral turpitude;
 - b. conduct that involves dishonesty, fraud, or deceit; or
 - c. conduct that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar.
3. **Specific examples.** Subject to the standard defined in section 2 above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations:
 - a. *Failure to comply with University rules relating to student conduct and discipline.* Students are required to comply with the rules established by Boston University relating to student conduct and discipline. For example, students are expected to comply with the University Policy on Sexual Harassment. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.
 - b. *Violations of public law.* Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations whether or not such conduct is also subject to criminal or other sanctions.
 - c. *False statement.* Making a false statement in any document or record related to the study or practice of law may be the basis for disciplinary action, whether the statement is made on a document submitted to the School of Law, Boston University, or to a third party. Included within this category would be any false statement on an application for admission to the School of Law or other academic institution, on an application or other document submitted for financial aid, or on a resume submitted to a potential employer or agent for a potential employer.
 - d. *Other conduct.* Conduct defined as unprofessional conduct under section 2, above, may be subject to disciplinary action pursuant to these Regulations whether or not such conduct is related to the academic process at Boston University, and whether or not such conduct is also subject to other sanctions. These examples of unprofessional conduct are not intended to be exhaustive.

Article IV. Investigation and Presentation of Charges

1. **Investigation of reported student misconduct.** All reports and all complaints of student misconduct, including reports and complaints involving LL.M. students, shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, an Associate Dean or other delegate of the Dean shall offer the student the opportunity to discuss the matter at the earliest opportunity and in the case of students in an LL.M. program consult with the appropriate Director. If the student elects to have such a meeting, the student shall be informed of the right to counsel and the right to remain silent, and shall be warned that anything the student may say may be used against the student. The student shall be requested to sign a statement to the effect that he or she has been informed of the above rights and has received the above warning.
2. **Informal disposition.** If, in the judgment of the Dean, the report or complaint is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's permanent record or upon the student's transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.

3. **Presentation of charges.** If, in the judgment of the Dean, the report or complaint appears to warrant disciplinary action, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to a Judicial Committee. An Associate Dean or other delegate of the Dean shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Judicial Committee convened to hear the charges pursuant to Article V, below. Charges may be amended in writing at any time prior to completion of the hearing by the Judicial Committee, but any amendment must be made within a reasonable time after the discovery of evidence supporting the amendment. Any such amendment shall be allowed if it refers to the same or a similar transaction that was the subject of the initial charge. The student shall have a reasonable time to prepare to respond to any amendment.

4. **Interim Sanction.** The Dean may withhold credit for a course or seminar, withhold the award of any honors or other academic privileges, delay the award of a degree, or suspend the student involved pending completion of an investigation and hearing of alleged student misconduct. In determining whether to withhold, delay, or suspend, the Dean shall consider the gravity of the charge and the apparent strength of the case against the student, and the feasibility of avoiding interim sanctions by expediting the disciplinary proceedings.

Article V. The Judicial Committee

1. **Convening the Judicial Committee.** When the Dean determines that charges against any student shall be referred to a Judicial Committee, the Dean shall convene the Committee in accordance with the provisions of this Article. Except in the case of joint hearings as provided in section 2, below, a separate Judicial Committee shall be convened to hear the case of each student against whom charges are brought.

2. **Joint hearings.** Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Judicial Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in section 4, below, the Faculty members of the single Committee constituted pursuant to this section shall constitute the Judicial Committee in the case of such student or students and shall hold a separate hearing or hearings as required.

3. **Composition of the Judicial Committee.** Except as provided in section 4, below, each Judicial Committee convened to hear charges brought against a student or students pursuant to these Regulations shall consist of one student and two members of the Faculty of the School of Law selected as provided in this Article. If the Chair of the Faculty Judicial Panel does not serve on a Judicial Committee, [t]he Faculty members selected for the Committee shall elect one of their numbers to serve as Chair of the Committee.

4. **Election of a Judicial Committee consisting solely of Faculty members.** Any student against whom charges are brought pursuant to these Regulations may elect to have the Judicial Committee convened to hear the student's case consist solely of three members of the Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges.

5. **Selection of Faculty members of a Judicial Committee.** Except as provided in section 6 below, the Faculty members of each Judicial Committee shall be two members of the Faculty Judicial Panel selected by lot or, should a student elect a Judicial Committee consisting solely of faculty members pursuant to section 4 above, the three members of the Faculty Judicial Panel.

6. **Composition of the Faculty Judicial Panel.** The Faculty Judicial Panel consists of three members of the Faculty of the School of Law appointed by the Dean to serve for staggered terms of three years. At the beginning of each academic year, the Dean shall appoint one member of the Faculty Judicial Panel to serve as Chair and shall appoint ten alternate members of the Faculty Judicial Panel. Should it be necessary to convene more than one Judicial Committee at any given time, the Chair of the Faculty Judicial Panel may request the Dean to select one or more alternate members to serve on a Judicial Committee. If the Dean determines that the selection of alternate members is warranted, alternates shall be selected by lot from the

full list of alternates. Every Judicial Committee, however, shall have at least one member who is a full member of the Faculty Judicial Panel. Faculty members then serving as Associate Dean or Assistant Dean shall not be eligible for appointment to the Faculty Judicial Panel as full members or alternates. Vacancies shall be filled as they occur by the Dean from among the eligible members of the Faculty.

7. **Selection of the student member of a Judicial Committee.** The student member of each Judicial Committee shall be selected by lot from among the eligible members of the Student Judicial Panel established pursuant to section 8, below. A student who is then serving or has served on a Judicial Committee shall not be selected for service on a second Judicial Committee in the same academic year unless there is no other eligible student who has not also served on a Judicial Committee in that academic year.

8. **Composition of the Student Judicial Panel.** The Student Judicial Panel shall consist of twenty-five students selected by lot from among the eligible members of the second-year class during the spring semester of each year to serve for one year beginning on Commencement Day immediately following their selection and ending on Commencement Day the following year. Students who have been in good academic standing throughout their course of study at the School of Law shall be eligible to serve on the Student Judicial Panel, except that students who have been found to have violated a rule of the School of Law or to have engaged in unprofessional conduct, and students who have been in residence at the School of Law for less than one full academic year, shall not be eligible to serve on the Panel. Students selected to serve on the Panel shall have a period of one week within which to accept appointment to the Student Judicial Panel in writing. Vacancies occurring as a result of failures to accept appointments, or otherwise, shall be filled as they occur by selection by lot from among the eligible members of the third-year class in the same manner as provided for the initial establishment of the Panel.

9. **Resignation and replacement of Judicial Committee members.** The student whose case is to be heard by a Judicial Committee may bring to the attention of the Committee any facts or circumstances that would compromise or would appear to compromise the impartiality of a member of the Committee. Any member of a Judicial Committee, who knows of any such facts or circumstances, whether or not presented by the student, shall resign from the Committee. Vacancies on a Judicial Committee resulting from resignations, or from failure to serve, or otherwise, shall be filled as they occur in the same manner as provided for the initial establishment of the Committee, if such vacancies occur prior to the day set for the hearing in accordance with Article VI, section 2, below. Vacancies occurring after such date may be filled in said manner at the discretion of the Dean, provided, however, that the failure to fill such vacancies shall not prevent the Committee from taking action as provided for in these Regulations.

Article VI. Judicial Committee Procedure and the Rights of the Student

1. **Hearing date.** Upon presentation of charges against a student as provided in Article IV, above, the Judicial Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation by the student of the student's defense to the charges brought before the Committee.

2. **Notice to the student.** The Judicial Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:

- a. a copy of the charges made and referred to the Committee,
- b. copies of all supporting documents submitted to the Committee, and
- c. a copy of these Regulations.

3. **Presentation of the case.** An Associate Dean, or other delegate of the Dean, shall prepare the case and present the facts in the proceeding before the Judicial Committee. The person presenting the case shall have the right to be assisted by counsel.

4. **Student's right to counsel.** The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Judicial Committee.

Members of the Faculty or Staff of the School of Law may agree in their discretion to serve as such advisors at the request of the student. The student, however, shall sign all papers and pleadings that are introduced on his or her behalf and that assert facts within the student's knowledge.

5. **Witnesses and evidence at the hearing.** Both the student and the person presenting the case have the right to call witnesses and to introduce evidence at the hearing. Each party has the right to cross-examine any witness who testifies against that party at the hearing. The student and the person presenting the case have the right to cross-examine witnesses who testify at the hearing.

6. **The right to remain silent.** The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain silent at the hearing.

7. **Rules of evidence and procedure.** The rules of evidence and procedure applicable to criminal and civil trials do not govern hearings before a Judicial Committee. Except as otherwise provided in this Article, and subject to disapproval by vote of the Committee, the Chair of the Judicial Committee may make such rulings as to procedure and the admissibility of evidence as in the judgment of the Chair will expedite the hearing and ensure due process.

8. **Judicial Committee hearings.** The place of the hearing before a Judicial Committee shall be determined by the Committee. Hearings are normally closed to all but the parties and their advisors and counsel. When requested by the student, the student's hearing shall be opened to students and members of the Faculty at the School of Law in numbers consistent with the maintenance of a suitable atmosphere for the hearing. The Committee may make such exceptions to this rule as in their judgments are necessary to maintain order and to ensure due process.

9. **Tape recordings.** Judicial Committee hearings shall be recorded in full on tape, which shall be held in the Files of the School of Law and made available to the student, or the student's authorized representatives, for review or copying as required.

10. **Rules of procedure.** Except as otherwise provided in this Article, the Judicial Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.

11. **Dean's recommendation.** The Dean or Associate Dean or other Dean's designate may recommend a sanction in the event the Judicial Committee finds that disciplinary action is warranted. The Judicial Committee may consider such recommendation in deciding which sanction, if any, to impose. No recommendation from the Dean or Associate Dean or other Dean's designate, however, shall bind the Judicial Committee. If the student and the Dean or Associate Dean or other Dean's designate propose to the Committee a resolution of the matter that involves a stipulation or admission by the student, and the Committee does not adopt the recommended resolution, the student shall be permitted to withdraw the stipulation or admission and proceed to a hearing of the matter. In such a case, the Committee, in conducting the hearing, shall draw no inference from the fact that a stipulation or admission was offered by the student.

12. **Effect of procedural error.** If, in the judgment of the Judicial Committee, any representative of the Dean's Office has failed to comply with the obligations of the Dean's Office under this Code or has otherwise acted in a manner that unduly prejudices the student, appropriate corrective measures may be directed at any stage of the proceedings. Corrective measures shall be within the discretion of the Committee, but procedural error need not require exclusion of evidence or otherwise invalidate the proceeding or disposition of the case. The proceedings of the Judicial Committee shall not ordinarily be invalid by reason of a defective mechanical recording of the proceeding.

13. **Petition for reconsideration.** A student who has been found to have violated a disciplinary regulation may, on the discovery of new evidence, petition the Dean's Office for a rehearing based on such evidence. The petition shall set forth the nature of the new evidence and the circumstances under which it was discovered. On receipt of a petition for reconsideration, the Dean may either order a new Judicial Committee to hear the case or may deny the petition. The decision of the Dean on a petition for reconsideration shall be final.

VII. Judicial Committee Decisions

1. **Judicial Committee deliberations private.** After the hearing's close, the Judicial Committee will deliberate in private.
2. **Majority vote required.** The Judicial Committee's decisions shall be reached by majority vote of the Committee members present and voting.
3. **Acquittal.** If a majority of the Judicial Committee does not decide that a rule violation or unprofessional conduct has been established (see section 4 below), then the student shall be deemed acquitted. The charges shall be dismissed, and no record shall be made of the matter in the student's permanent record or upon the student's transcript.
4. **Rule violation or unprofessional conduct established.** If the Judicial Committee decides that by clear and convincing evidence a rule violation or unprofessional conduct has been established as charged, then the Committee shall determine whether disciplinary action is warranted. If the Committee determines that no such action is warranted, then no action shall be taken, and no record shall be made of the matter in the student's permanent record or upon the student's transcript.
5. **Disciplinary action found warranted.** If the Judicial Committee decides that disciplinary action is warranted, then it shall prescribe the specific disciplinary consequences, setting forth its decision promptly in a written confidential report to the Dean. The report shall include the Committee's findings of fact as well as its disciplinary conclusions. The student shall be given a copy of the Judicial Committee's report promptly, with notice of the right to review by a Disciplinary Review Panel.
6. **Forms of disciplinary action.** Subject to review by a Disciplinary Review Panel convened under Article VIII, the following forms of disciplinary action may be taken pursuant to a Judicial Committee's decision:
 - a. *Reprimand.* The student may receive a reprimand. The reprimand will be part of the student's permanent record but will not be recorded upon the student's transcript.
 - b. *Censure.* The student may receive a censure. The censure will be part of the student's permanent record and will be recorded upon the student's transcript.
 - c. *Suspension.* The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension will be part of the student's permanent record and will be recorded upon the student's transcript. A suspension may be stayed subject to the proviso that the stay shall terminate if, during such stay, the student is found to have violated these Regulations.
 - d. *Expulsion.* The student may be expelled. Expulsion terminates the student's studies at the School of Law. The expulsion will be part of the student's permanent record and will be recorded upon the student's transcript.

The Judicial Committee may impose such other conditions as it deems appropriate. These may include, but are not limited to, notification of disciplinary action to third parties and restitution to the School of Law or other parties.

7. **Disqualification from honors.** If the Judicial Committee determines that disciplinary action is warranted, it shall determine also whether the student should be disqualified from consideration for honors upon graduation. Such determination shall be made a part of its report.
8. **Notification to student.** The Judicial Committee shall transmit its decision to the office of the Dean. The Dean shall transmit the decision to the student and, in the event that the Judicial Committee has determined that disciplinary action is warranted, the Dean shall inform the student of the right to submit a statement to the Disciplinary Review Panel.
9. **Notification to faculty member.** If the Judicial Committee determines that disciplinary action is warranted for misconduct related to any work in a course or seminar, and if that determination is not set

aside by a Disciplinary Review Panel, then any faculty member responsible for grading such course or seminar will be notified and will receive a copy of the relevant disciplinary decisions. The faculty member may alter the grade of the student to take account of the disciplinary violation.

10. **Summary of decisions published.** If a Judicial Committee has determined that a student is guilty of a rule violation or unprofessional conduct, and if that determination has not been set aside by a Disciplinary Review Panel, then a brief summary of the disciplinary action shall be published within the School of Law unless the Dean determines otherwise. The summary shall not identify the student.

Article VIII. Review of Judicial Committee Decisions

1. **Composition of the Disciplinary Review Panel.** The Disciplinary Review Panel consists of three members and an alternate, appointed by the Dean, all of whom must be full-time members of the Faculty. On the Dean's appointment, one of the Panel members will serve as Chair. Faculty members serving on the Judicial Committee, or as Associate Dean, may not be Panel members.

2. **Procedure before the Disciplinary Review Panel.** A student found guilty of a disciplinary violation may appeal to the Disciplinary Review Panel, provided that the student notifies the Dean's Office no later than 10 calendar days after the Judicial Committee's decision. A student who chooses to appeal must submit a written statement to the Dean's Office, setting forth grounds for relief from the Judicial Committee's decision. The statement must be submitted within 30 days after the student has filed notice of intent to appeal; otherwise, the appeal will be deemed to have been abandoned. If the student files a statement, the Dean may direct a response.

3. **Standard of review for the Disciplinary Review Panel.** The Panel will review the student's statement and any response, together with the record of the Judicial Committee's proceedings. The Panel's review is not limited to issues raised by the student, but absent exceptional circumstances, the Panel may not consider evidence that the student failed to present to the Judicial Committee. The Disciplinary Review Panel shall affirm the Judicial Committee's decision unless it finds the decision either clearly erroneous or fundamentally unfair.

4. **Challenges to the composition of the Disciplinary Review Panel.** Before determination of the appeal, the student should bring to the Panel's attention, with notice to the Dean, any facts or circumstances that would compromise or appear to compromise the impartiality of a Panel member. Any Panel member who knows of any such facts or circumstances, whether or not presented by the student, should refuse himself or herself from the Panel's deliberations. If any Panel member is disqualified, then the alternate member of the Panel will serve.

5. **Disciplinary Review Panel procedure.** The Panel will deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.

6. **Disciplinary Review Panel action.** Taking into account the standard of review described in section 3 above, the Disciplinary Review Panel may:

- a. Adopt both the Judicial Committee's finding of a violation and the disciplinary action it imposed.
- b. Adopt the Committee's finding of a violation, but determine that a lesser disciplinary action should be imposed.
- c. Set aside, in whole or in part, the Committee's decision, either (1) dismissing all charges or (2) remanding to the Committee for rehearing as to the charges that should not be dismissed. On rehearing, the Judicial Committee may not impose more severe disciplinary action than it imposed.

7. **Finality.** The Panel's decision is final and not subject to further review.

8. **Notification to student.** The Disciplinary Review Panel shall transmit its decision to the Dean's Office. That Office will notify the student.