

## CODE OF CONDUCT

### Disciplinary Code, Rules and Procedures

#### PREAMBLE:

Students are expected to adhere to the highest ethical and professional standards in all of their conduct within the law school and legal communities. Students who violate these standards may be subject to disciplinary action.

**Reporting Possible Violations:** All Cardozo personnel and students are expected to report, and to cooperate in the investigation and hearing of, possible violations of the Code. Any person may report a possible violation by bringing the matter to the attention of either the Vice Dean or the Dean of Students, preferably in writing.

#### Article I: Academic Integrity

- A. The submission by a student of any examination, course assignment, or degree requirement is assumed to warrant that the thoughts and expressions therein not expressly credited to another are the student's own.
- B. Student conduct for which disciplinary action may be taken shall include, but not be limited to, commission of any of the following acts:
  - 1. Law School Examinations. Engaging in prohibited conduct with respect to a law school examination. Prohibited conduct includes, but is not limited to:
    - a. Obtaining unauthorized information about an examination prior to its administration.
    - b. Communicating by any means whatsoever, including, without limitation, orally, in writing, by telephone (cell or otherwise), or through any electronic medium, with another person, except a representative of the Office of Student Services, during an in-school examination.
    - c. Conversing with another person in the same course with respect to an examination that one conversant has taken and the other has not.
    - d. Using unauthorized materials during an examination.
    - e. Using a cell phone during an in-school exam, whether or not the student is in the exam room.
    - f. Leaving an examination room during an in-school examination without the prior permission of the proctor or otherwise in accordance with applicable procedures established with respect to that examination.
    - g. Retaining examination questions after the administration of an in-school exam.

- h. Failing to adhere to stated time limits for an examination.
  - i. Engaging in collaboration on a take-home examination without the prior express permission of the instructor.
  - j. Consulting outside sources or another person on a take-home examination without the prior express permission of the instructor.
  - k. Using artificial intelligence tools, such as ChatGPT or other similar tools, during an exam, unless specifically authorized on the exam.
2. Other Academic Work. Plagiarizing the work of another person or entity or engaging in unauthorized collaboration in any area of a student's work, including but not limited to, papers, journal notes, writing or oral competitions, legal writing assignments, research projects, and competitions sponsored either by the law school or an outside organization, business or agency. Plagiarism includes, but is not limited to:
- a. Representing work completed by or with the assistance of another person as the student's own work.
  - b. Failing to attribute to its source any quotation, paraphrase, particular facts or information, or ideas taken from that source.

The use of the output of an artificial intelligence tool (such as ChatGPT or other similar tools) without attribution is plagiarism, just as it is for human-authored works. Thus, plagiarism also includes, but is not limited to:

- a. Representing the output of an artificial intelligence tool as the student's own work.
  - b. Failing to attribute to the use of an artificial intelligence tool any quotation, paraphrase, particular facts or information, or ideas taken from the output of that tool.
3. Submitting the same, or substantially the same, written work for more than one academic enterprise without obtaining prior express permission from the faculty member in charge of each enterprise as outlined in the "Writing Requirement and Paper Limitations" section of the Handbook.

## Article II: Non-Academic Misconduct

- A. In addition to conduct of an academic nature, student conduct for which disciplinary action may be taken shall include, but not be limited to, commission of any of the following acts:
- 1. Misappropriating notes, books, property, or services from other students or from the Law School.
  - 2. Unless a student obtains the prior express consent of another student, either i) knowingly obtaining confidential information concerning that other student; or ii) disseminating any confidential information concerning that other student (regardless of the source of that information) to any other person. Confidential information concerning a student includes without limitation his or her social security number, grades, grade point average, and other information about that student's academic performance. Yeshiva University's complete FERPA policy can be viewed [here](#).
  - 3. Intentionally or recklessly damaging the property of fellow students or the law school or injuring or attempting to injure members of the Law School community.
  - 4. Wrongfully depriving members of the Law School community of books, materials, or services otherwise available.

5. Wrongfully interfering with or disrupting any of the Law School's educational programs, events, or academic exercises. Entering without permission any office of a faculty or staff member. Remaining in any office, building or facility after being directed to leave by any law school or university faculty or staff member.
6. Making misrepresentations – either before or after admission to the Law School – to law school personnel, to potential employers, or to persons responsible for admission to the bar, with respect to any academic, financial, or employment-related matter.
7. Making or disseminating a recording in violation of the Recording Policy without a privileged purpose for doing so.
8. Engaging in conduct or speech in violation of the Freedom of Expression Policy.
9. Engaging in other reprehensible conduct with respect to the law school, including, without limitation, harassment of anyone in the Law School community, including faculty, administration, staff or students.
  - a. "Harassment" means physical contact, verbal conduct, written communication (including electronic communications on social media, group chats, or individual texts), and/or nonverbal conduct such as gestures or facial expressions that is:
    - i. directed at, or about, an individual or specific individuals, and
    - ii. derogatory or demeaning.
  - b. Reprehensible conduct includes, without limitation, the posting of a fellow student's image or identifying information on social media (or any similar broadly available medium) in a manner or context likely to subject that individual to harassment.
  - c. Conduct that a reasonable person would consider as petty slights or trivial inconveniences does not rise to the level of harassment under this Code.

### Article III: Jurisdiction

- A. Academic Misconduct. Initial jurisdiction over alleged academic misconduct, including but not limited to the conduct described in Article I, shall lie with the Academic Standards Committee ("the Committee"). In the event the Committee decides to refer a matter for a hearing, jurisdiction of the matter will move to the Hearing Panel, which shall be comprised of members of the Judicial Board. Decisions of the Hearing Panel will be appealable to the Dean, under the procedures described in Article V.
  1. The Committee shall be annually appointed by the Dean and shall consist of no fewer than five full-time members of the faculty. The Committee shall act by the affirmative vote of a simple majority of the then current and active members. The Chair shall establish the procedures for the Committee's actions which need not require a formal meeting but can be made in any reasonable manner including by consent given in writing, telephonically or electronically.
  2. The Judicial Board shall be annually appointed by the Dean and shall consist of five or more full-time members of the faculty. In the event a hearing is necessary under the procedures in Article V below, the Hearing Panel shall consist of three faculty members, appointed by the Vice Dean from the members of the Judicial Board.

- B. Non-Academic Misconduct. Jurisdiction over alleged non-academic misconduct, including but not limited to conduct described in Article II, shall lie with the Office of the Dean, unless the Dean chooses to delegate jurisdiction of the matter to the Committee.
- C. Faculty Discretion. Nothing in these rules shall limit the authority of an individual full-time, non-visiting faculty member to set requirements for individual courses taught by that faculty member (including class attendance, satisfactory class preparation, and timely and satisfactory completion of course requirements). For failure to meet those requirements, a faculty member may impose sanctions relating to the course, including failure in the course or reduction of grade for the course.

## Article IV: Preliminary Investigation of Alleged Academic Misconduct

### A. Commencement of Action, Academic Misconduct.

1. Initiation of Investigation: If, upon receiving a report of a possible violation, the Vice Dean or the Dean of Students determines that the matter is of an academic nature and warrants further investigation, the Vice Dean or Dean of Students shall refer the matter to the Chair (the "Chair") of the Committee. If the matter is of a non-academic nature, the Dean, or if the Dean so designates, the Vice Dean, will determine whether the Dean's office should retain jurisdiction over the matter, which will be pursued under the procedures described in Article VII, or whether it should be referred to the Committee for further action under the procedures of this Article IV and Article V.
2. Upon referral by the Vice Dean or Dean of Students, the Chair may conduct a preliminary investigation of the matter, or appoint, from among the Committee's faculty members, a Factfinder to conduct a preliminary investigation. The Chair or Factfinder may meet with the reporting party, the Student, or any other person (preserving, if possible, the anonymity of all parties), and report to the Committee.

### B. Preliminary Consideration. After receiving a report of a possible violation, and considering the report of the preliminary investigation, if any, the Committee may:

1. Decide to dismiss the matter, with or without prejudice to reconsideration,
2. Propose to the student a disposition without a hearing, with suggested sanctions, or
3. Proceed to the provisions of Article V.

If the Student elects to accept a proposed disposition, there will be no hearing, and the disposition will be treated as final. If accepted, the disposition shall be set forth in writing, signed by the student, and filed with the Registrar, and it shall become a part of the student's record to be made available to relevant Bar committees, unless otherwise specifically described in the disposition. A copy of the signed disposition shall be given to the Student and the Dean of Students.

## Article V: Hearings (Academic Misconduct)

### A. Issuance of Charge.

1. In the event a matter is not resolved under the procedures described in Parts B1 and B2 of Article IV, the Committee may vote to issue a charge and proceed to refer the matter for a Hearing if it is satisfied that such action is warranted.
2. The Committee shall provide to the student prompt written notification of any such charge in the same manner set forth below.

3. It is possible that an investigation will result in no Charge being issued. The Committee may also annul any Charge at any point.
  4. If following the issuance of a charge, the matter is not otherwise resolved, the matter shall proceed to a hearing.
- B. All notices required by these rules shall be delivered by (1) personal delivery, or (2) email to the YU email address of the Student.
- C. Establishment of Hearing Panel.
1. If the Committee votes to issue a charge, and the matter is not otherwise resolved, the Chair shall refer the matter to the Vice Dean, who shall appoint from the members of the Judicial Board three faculty members to conduct the Hearing (the "Panel"). The Vice Dean shall appoint a Head of the Panel from the faculty members of the Panel.
  2. Following creation of the Panel, the Chair of the Committee shall act as "Manager" of the matter or shall appoint another member of the Committee to act in that role. The Manager shall present the Committee's findings to the Panel and participate in the hearing under the procedures established below.
  3. If the alleged conduct by the student relates to a particular course, then the faculty member teaching that course should not act as a member of the Panel or as Manager.
  4. The Head of the Panel shall send notice of the hearing to the Student, containing the following information:
    - a. A copy of the charge.
    - b. The proposed date and time for the hearing. The Head of the Panel may consult the Chair and the Student or the Student's Advisor and members of the Panel to find a mutually convenient meeting time, but the Head may set any reasonable time not less than seven calendar days from the time notice is issued, unless the Student and the Head agree to an earlier date.
    - c. The right of the student to have an Advisor present under the rules below.
    - d. The range of possible sanctions, including but not limited to the following: expulsion, suspension, disciplinary probation (with or without conditions), deprivation of course credit, downward adjustment of a grade, restitution, reduction or loss of scholarship, and reprimand.
    - e. The fact that the Panel may consider prior conduct of the student reported to the Committee that either resulted in dismissal without prejudice or disciplinary probation.
  5. Pre-Hearing Disclosure of Information: The Manager and the Student shall make every reasonable effort to disclose to each other, at least 48 hours before the Hearing, the names of all witnesses they intend to call, all documents that they anticipate presenting at the Hearing, and, in the case of the Student, whether an Advisor (discussed below) shall attend the meeting.

D. Conduct of the Hearing.

1. At the Hearing, the Manager and the Student may present evidence and call or question witnesses, and may require testimony from any student, faculty member, or law school staff member, subject to the discretion of the Head of the Panel to set reasonable limits.
2. The Hearing shall be closed. The Dean of Students (or, if the Dean of Students is unavailable or has a conflict of interest, a substitute designated by the Dean) may attend the meeting. A representative of the University's General Counsel's office, or its outside counsel, may attend the meeting upon the request of the Chair, the Dean or the University's General Counsel.
3. The Student's Role: The Student may decline to attend the hearing. The Panel may draw such adverse inferences as it deems appropriate from the Student's refusal to attend or to answer questions.
4. The Advisor: The Student shall be entitled to the assistance of any one person as an Advisor, at the student's sole expense. The Advisor may accompany the Student to the Hearing and may question witnesses on the Student's behalf, but may not testify as to facts unless invited to do so by the Panel.
5. Rules of Evidence: Formal rules of evidence shall not apply, and the Head of the Panel may disallow questions and set reasonable limitations upon the number of witnesses and the amount of time allowed for statements and for questioning.
6. Prior Conduct: If the Committee has previously considered conduct of the student resulting in either dismissal without prejudice or disciplinary probation, whether or not there was a hearing, the Panel may consider such prior conduct in its deliberations and report.

E. Disposition Prior to Conclusion of the Hearing. At any time during the Hearing, the Panel may propose to the Student and the Manager suggested sanctions in settlement of the case. If accepted, the settlement shall be signed by the Student and the Manager and filed with the Registrar, together with a statement of the charges, and it shall become a part of the student's record to be made available to relevant Bar committees. A copy of the signed settlement shall be given to the Student and the Dean of Students.

F. Panel Deliberations and Sanctions. Following the Hearing the Panel shall conduct its deliberations in private. If a majority of the Panel concludes that the Student has taken actions warranting disciplinary sanction, the Panel shall impose sanctions including but not limited to the following: expulsion, suspension, disciplinary probation (with or without conditions), deprivation of course credit, downward adjustment of a grade, restitution, reduction or loss of scholarship, and reprimand. Disciplinary probation is a decision that the underlying conduct will be revisited for a sanction (or a harsher sanction) if the Student is found culpable of another infraction under these rules during the remainder of their time in school or if the Student fails to abide by conditions the Panel imposes as part of its sanction.

G. Report. The Panel shall prepare a report setting forth the charges, findings of fact, the determination that a violation of disciplinary rules has or has not occurred, the sanctions imposed, and the reasons for imposing the sanctions. Individual members of the Panel may submit separate written statements if they desire. The Panel's report shall be filed with the Registrar and shall become a part of the student's record to be made available to relevant Bar committees. A copy of the Panel's report shall be given to the Dean of Students. A copy of the Panel's report shall be served on the Student in the same manner as provided in the rules for service of notice under Article V.B.

- H. Appeal. The Student may appeal an adverse decision by the Hearing Panel to the Dean, by filing notice of appeal with the Vice Dean not later than 10 days after receiving service of the Panel's decision. The Panel shall deliver to the Dean the entire record of the hearing no later than 10 days following the Vice Dean's receipt of the notice of appeal. The Manager and the Student may make written submissions to the Dean. In reviewing the matter, the Dean shall defer to the decision of the Panel unless they find the Panel's findings of fact are clearly erroneous, or the sanctions represent an abuse of discretion. Following consideration of the matter the Dean may affirm the Panel's decision, reverse it, or reverse it and remand the matter to the Panel for further proceedings. If the Dean affirms the Panel's decision, the Dean may reduce but may not increase the sanction imposed by the Panel. The decision of the Dean shall be final.

## Article VI: Annual Summary Report to Dean of Students

Before the beginning of the next academic year, the Chair shall prepare a summary report to the Dean of Students setting forth, briefly, the name of each student charged by the Committee during the current academic year, the nature of any charges, and how the charges were resolved. Such summary report shall also be kept confidentially and shall be used by the Dean of Students only to keep track of activities of the Committee and for purposes of finding precedents to guide future Committees. In addition to covering students charged with disciplinary violations, the report shall also cover the activities of the Committee with respect to petitions for readmission by persons who have been dismissed from Cardozo (or who withdrew under circumstances that would have permitted or required dismissal) because of their academic performance. The contents of the report will not be disclosed, except as required by law. The Chair shall also deliver to the Dean of Students the files for all student Committee matters for the year.

## Article VII: Procedures (Non-Academic Misconduct)

### A. Conduct Involved.

1. Enumerated Actions: Article II of these rules lists multiple types of misconduct which are not or may not be essentially academic in nature. Conduct described in that Article will be subject to the rules described in this Article, unless the Dean chooses to delegate consideration of the matter to the Committee, in which case the provisions of Articles IV and V will govern.
2. Nothing in these rules will limit the Dean's authority to enforce the financial or academic rules of the School, and other principles of appropriate conduct, or to deal with an emergency.

### B. Procedures.

1. If the Dean of Students or the Vice Dean becomes aware of an alleged violation by a student (the "Student") of the principles of appropriate conduct that in their discretion are judged to be substantially non-academic in nature, the Dean of Students or their designee will investigate the alleged violation.
  - a. Investigation: The Dean of Students will meet with the Student and may interview other persons with information about the alleged conduct, including the person, if any, who reported the alleged conduct. If the Dean of Students determines there is reason to believe that a violation has been committed, they will inform the Vice Dean.

- b. Consultation with Academic Standards Committee: To the extent reasonably practical prior to taking further action, the Dean of Students or Vice Dean shall consult with the Chair of the Academic Standards Committee as to whether the matter is primarily academic in nature and should be referred to that Committee.
- c. Notice: The Vice Dean will notify the Student, under the method described in Article V, of the following information: a description of the matter under consideration, possible sanctions, and a proposed date and time, not less than seven days and not more than 14 calendar days (absent compelling circumstances) in advance, for a Conference with the Dean and/or Vice Dean.

2. Conference.

- a. Attendees: The Dean and/or the Vice Dean will attend the Conference. The Student must attend, and the Student shall be entitled to the assistance of any one person as an Advisor, at their sole expense, who may accompany the Student to the Conference. In addition, the Dean of Students may attend the Conference. Additional attendees are subject to the approval of the Dean or Vice Dean.
- b. Conference: At the Conference the Dean or Vice Dean shall have the opportunity to question the student regarding the alleged conduct, and the student shall be given the opportunity to rebut the allegations. Either may present such evidence as the Dean determines relevant.
- c. Determination: The Dean or Vice Dean shall consider the matter and determine an appropriate sanction, if any, including but not limited to expulsion, suspension, disciplinary probation, deprivation of course credit, downward adjustment of a grade, restitution, reduction or loss of scholarship, and reprimand. The Dean or Vice Dean will notify the Student of their decision in writing. Copies of the decision will be filed in the Office of the Dean of Students, and if appropriate, the Office of the Registrar.

- 3. Appeal. The decision of the Dean shall be final. If the decision is rendered by the Vice Dean, the Student may seek review of the decision by the Dean. Review may be obtained by filing a written petition with the Dean within ten (10) business days after the date of the issuance to the Student of the Vice Dean's decision. The Dean shall sustain the Vice Dean's decision unless they determine that it represents an abuse of discretion.
- 4. Summary Disposition. At any time before or during the Conference, the Student may be offered suggested sanctions in settlement. If accepted, the settlement will be signed by the Student and filed in the Office of the Registrar and/or the Dean of Students, as appropriate. At any time before, during, or after a Conference, the Dean or Vice Dean may decide to dismiss or not further pursue the matter, with or without prejudice to reconsideration.