

RULE XIII-1: CONDUCT CODE

A. Introduction

1. PREAMBLE

UNH Franklin Pierce School of Law (UNH Law) is devoted to education and research, functioning through a self-governing community of people voluntarily associated for those purposes. The members of this community are entitled and expected to exercise the rights and judgment of responsible adults and future professionals.

These rules of conduct are minimum standards designed to protect the functions of the community. They cannot, and are not intended to, replace the much higher standards of respect, consideration, honesty, and civility which should govern our behavior. This is not a comprehensive code of ethics. In a small community, public scrutiny, free speech, and free association often offer the best correctives of behavior that one considers inappropriate, offensive, or wrong, and similarly good incentives for admirable conduct.

All members of the UNH Law community are encouraged to report acts of academic and unprofessional misconduct.

2. PURPOSE OF THE CODE OF CONDUCT

- a. To preserve the academic integrity of teaching and learning, and the evaluation of those results.
- b. To preserve and assure professional conduct amongst members of the UNH Law community.
- c. To preserve the peace and property of UNH Law, its members, and visitors.
- d. To carry out the professional responsibilities of UNH Law in its capacity as a legal services corporation (NH RSA 292:1-a) and those of its members who have undertaken representation of others in connection with their study.
- e. To permit disassociation from the UNH Law community of those who have breached professional duties and responsibilities.

3. APPLICABILITY TO STUDENTS; VARYING PROCEDURES, ROUTING FOR COMPLAINTS

- a. "Student" is any person reported by the Registrar as taking one or more courses at UNH Law. It includes:
 - i. Anyone enrolled in full-time and part-time degree, certificate or credit bearing programs;
 - ii. Non-university personnel living in University owned housing;
 - iii. Persons who have matriculated for a UNH Law degree or are taking courses for UNH Law credit or for transfer credit;
 - iv. Students in internships and legal residencies;
 - v. Persons who are not officially enrolled in credit bearing studies for a particular term but who may have a continuing student relationship with UNH Law including persons who are interim suspended, withdrawn, separated or otherwise have a reasonable expectation of resuming enrollment in courses are considered "students."
 - vi. Students who have completed the course work to receive a degree but who remain on campus.
- b. The substantive rules of UNH Law Conduct Code and the University of New Hampshire's Students Rights, Rules & Responsibilities handbook apply to students at UNH Law.

- c. Except for Title IX complaints, academic and disciplinary misconduct complaints will follow the policies and procedures outlined in this Code of Conduct.
 - i. Procedures for Title IX matters in **Procedures for Responding to Sexual Violence, Sexual Harassment, and Related Offenses**, of the **Additional Provisions** article within the **Code of Conduct** section of Article VI: Sexual Misconduct and Sexual Exploitation apply to students of UNH Law.
 - ii. Title IX complaints will be reported to the Civil Rights and Equity Office and will follow the University of New Hampshire's Title IX process as identified above in subsection A.3.c.

4. OBLIGATION TO KNOW THE RULES, MENTAL STATES

- a. Every student is obliged to conform to these rules and to seek timely guidance if they fail to understand them. Ignorance or misunderstanding of one or more rules is not a defense to a charge, although it may be considered in mitigation.
- b. Unless a stricter mental state is specified as an element of a particular violation, a person may be found in violation of this Code if their failure to act in accord with it was merely negligent. Negligence in this respect means ordinary (as opposed to criminal) negligence and includes failure to act with the care and attention of a reasonable person similarly situated and informed, acting in good faith. Violations may also be charged as having been committed recklessly, knowingly or purposefully, which, in cases of doubt, shall have the same meanings as under the Model Penal Code.

B. Prohibited Conduct

1. ACADEMIC CONDUCT

a. Plagiarism

- i. Submitting as one's own, for academic credit or evaluation, quotations, paraphrasing or distinctive ideas of another without sufficient citation to identify the source and scope of the borrowing is a violation, even if merely negligent.
- ii. Knowing or purposeful publication of language taken from the work of another without attribution in the course of work connected to UNH Law activities is a violation, except where, as in the case of form books, formulae, etc., it is commonly understood in the field that use is to be made without citation.
- iii. Other provisions of this Code may also apply to plagiarism as well as to other forms of misuse of another's work.

b. Cheating

Any reckless, knowing, or purposeful act in connection with any course or activity for academic credit which violates the rules for performance and evaluation of that activity is a violation.

These include, but are not limited to, the following:

- i. Providing or receiving assistance in a prohibited manner.
- ii. Discussing an exam or quiz under circumstances where members of the class have not taken it and may discover its content.
- iii. Acquiring, using, or providing prohibited sources.
- iv. Multiple submission of written work without prior permission from each instructor.

- v. Collaboration on any course work beyond the degree of collaboration authorized by a course instructor.

c. Misrepresentation of Grades, Evaluations, Recommendations or Other Academic Records

It is a violation to misrepresent recklessly, knowingly, or purposefully one's academic records. These include but are not limited to UNH Law grades, grade averages, credits, class rank, evaluations, recommendations, organization membership, employment, applications, courses taken, degrees awarded or any other academic record of oneself or another.

d. Impeding the academic work of others

- e. No student shall steal, destroy, or obstruct another student's academic work. This includes theft, concealment, defacement, or mutilation of common academic resources or of another students' books, class notes, outlines, study materials or computer.

f. Community disruption

- g. A UNH Law student shall not engage in conduct involving moral turpitude or other conduct which would disrupt or impair the operation or mission of UNH Law. 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 reasonable would have known would occur. Examples of conduct that could be considered a community disruption include, but are not limited to, the following:

- i. Unreasonable failure to conform to rules or instructions for any course, examination, or UNH Law activity is a violation.
- ii. Continuing, after protest or reminder by any person, in any course of conduct during a class, examination or in the library or general campus, which is reasonably likely to distract a person of ordinary sensibilities from the business of the class or the taking or administration of an exam.
- iii. Failing to leave a class, campus, examination room or the library when requested to do so by the instructor, the Dean, the Dean's designate or the person in charge of the library or campus.
- iv. Willfully damaging, removing, or destroying any property of another person or entity within UNH Law.
- v. Misappropriating funds from law school activities or student organizations.

2. UNPROFESSIONAL CONDUCT

Unprofessional conduct consists of illegal conduct; conduct that involves dishonesty, fraud or deceit; or 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.

Examples of unprofessional conduct include, but are not limited to, the following:

a. False Statements

It is a violation to recklessly, knowingly or purposely give any materially false information:

- i. To any person properly involved in admissions, financial aid, career counseling, academic standing evaluations and proceedings, academic counseling, Conduct Code investigations and proceedings, or to custodians of other educational records;
- ii. To any member of the faculty or staff making a direct inquiry regarding the reasons for the student's absence or lack of preparation during the current term or regarding outside employment status;
- iii. Under any circumstances involving the procedures, affairs, reputation or property of UNH Law when the student should reasonably foresee that UNH Law or any other person would receive an otherwise unjustified benefit or that UNH Law or any other person would suffer an otherwise unjustified detriment;
- iv. Which claims or creates the appearance of having authority to speak or act on behalf of UNH Law.

b. Concealment

It is a violation to knowingly or purposefully do any act to conceal material information from:

- i. Any person properly involved in admissions, financial aid, career counseling, academic standing evaluations and proceedings, academic counseling, Conduct Code investigations and proceedings, or custodians of other education records;
- ii. Any member of the faculty or staff investigating the reasons for the student's absence or lack of preparation during the current term or regarding outside employment status; or
- iii. Under any circumstances involving the procedures, affairs, reputation or property of UNH Law when the student should reasonably foresee that UNH Law or any other person would receive an otherwise unjustified benefit, or that UNH Law or any other person would suffer unjustified detriment.

c. Refusal to Give Information

- i. Unless (and only to the extent) such cooperation would require statements, which could be reasonably understood to expose the person questioned to criminal charges, all members of the community, including a respondent, have a duty to cooperate in UNH Law inquiries. Unless (and only to the extent) such cooperation would require statements, which could be reasonably understood to expose the person questioned to criminal charges, it is a violation to refuse to give material information about oneself, or non-privileged material information about another, in the course of academic standing evaluations and proceedings, and UNH Law Conduct Code investigations and proceedings.

d. Deliberate obstruction

- i. No student shall deliberately obstruct an investigation of any act of academic or unprofessional conduct.
- ii. No student shall make a deliberate false accusation under this code of any act or academic or unprofessional conduct.
- iii. To purposefully, knowingly or recklessly solicit or aid in commission or concealment of a violation of these rules is itself a violation

e. Confidentiality

- i. It is a violation to breach the confidentiality of any information or proceeding made confidential by written rules of UNH Law, by the applicable rules of professional responsibility, or by state or federal statutes relating to

the confidentiality of education records including, but not limited to, admissions, financial aid, grades, exam numbers, academic standing evaluations and proceedings, and UNH Law Conduct Code investigations and proceedings.

f. Professional Responsibilities

- i. Students directly or indirectly engaged or assisting in legal representation of others are responsible for ascertaining the scope of their legal and ethical obligations, including court rules and applicable rules of professional responsibility. Any failure to carry out such obligations in connection with their studies or work at UNH Law is a violation of this Conduct Code.

g. Violations of public law

Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to this Code whether or not such conduct is also subject to criminal or other sanctions. Violations of public law may include, but are not limited to, the following:

i. Crimes Against Persons

Any offense against another person which would be at least a misdemeanor under New Hampshire or United States law is also a violation if:

- a. It is committed on property used or rented by UNH Law for nonresidential purposes; or
- b. It is committed during an activity sponsored or funded by UNH Law or while the respondent is expressly acting as a representative of UNH Law.

ii. Property Crimes

Any offense involving theft, misappropriation or damage of property which would be at least a misdemeanor under New Hampshire or United States law is also a violation if:

- a. It is directed to property of UNH Law; or
- b. It at least partially occurs on property used or rented by UNH Law for nonresidential purposes.
- c. Any knowing or purposeful act of disloyalty in a fiduciary capacity.