

# QUINNIPIAC SCHOOL OF LAW HONOR CODE

## I. Statement of Purpose

Quinnipiac University School of Law operates under an Honor Code.<sup>1</sup> The legal profession is responsible for enforcing its own standards of conduct, and the School of Law operates accordingly. Law students are preparing for entry into a profession that requires ethical conduct and integrity of its members. In order for graduates to enter the profession, the school must certify that they are of good moral character. Accordingly, students at the School of Law are expected to abide by the standards of conduct contained in this Honor Code in their dealings with members of the School of Law community and in their personal affairs.

Each law student shall be responsible for the Honor Code's implementation. Students are therefore obligated not only to follow these standards of conduct, but also to take an active role in encouraging other students to respect them. As with the American Bar Association's *Model Rules of Professional Conduct*, the keystone of our Honor Code is self-regulation.

The Honor Code Committee will be responsible for administration of the Code. If in doubt as to whether past conduct triggers a duty to report under this code, students are encouraged to make appropriate inquiries of either the committee or a faculty member designated as a "confidential adviser" for purposes of this code and obligated to keep all information pertaining to an alleged violation confidential, except as otherwise provided in subsection IV.E(3). If in doubt as to whether future conduct would constitute a violation of this code, students are encouraged to make appropriate inquiries of their professors or, if necessary, the committee. This responsibility to inquire is analogous to the one that students will have in the future, as members of the bar, to make inquiries of the appropriate bar officials if in doubt as to whether particular conduct violates applicable rules of professional conduct.

The Honor Code is based on a common law approach rather than a statutory one. That is, behavior that is impermissible is not defined in exhaustive detail. Instead, broad categories are stated, followed by examples. The broad categories of acceptable behavior refer to standards of the academic world as well as to rules and regulations of the profession and of everyday life.

## II. Jurisdiction

### A. Persons Subject to this Code

This Honor Code applies to every student enrolled or matriculated in the School of Law, except as provided in subsection IV.AA of this Code ("Administration of Code After Graduation or Other Separation").

### B. Matters Subject to this Code

(1) This Honor Code applies to *all academic matters*, including, but not limited to:

(a) Any work performed for a course, writing program, or seminar, such as an examination, research, or other assignment;

(b) Any work performed in connection with participation in an activity for which credit may be given, such as law review, moot court, or clinics and externships;

(c) Any work performed in connection with participation in law-related competitions; and

(d) Any written or oral representation made with respect to academic achievement, such as a transcript, resume, educational record, or statement about grade point average or academic honors.

(2) This Honor Code applies to *non-academic matters* to the extent that they fall within the scope of Rule 8.4 of the ABA Model Rules of Professional Conduct.

## C. Broad Construction; Overlapping Jurisdiction

This Honor Code shall be construed broadly in accordance with its Statement of Purpose. Any acts, whether undertaken within the School of Law, on university property, or elsewhere, are subject to all other applicable policies, procedures, rules, sanctions, and conditions of the School of Law and university. Thus, the institution of proceedings and results reached under this Honor Code shall not limit the authority of the School of Law or university, or its faculty or administrators, from enforcing all other applicable policies, procedures, rules, sanctions, and conditions. For example, nothing in this Honor Code shall limit the authority of: (a) the School of Law or university from acting administratively to protect public safety and the educational mission of the School of Law or university; (b) the School of Law from enforcing the Student Conduct Code; (c) the School of Law Admissions Committee from acting on any misrepresentation made in a student's application for admission; (d) School of Law faculty from lowering a student's grade or requiring the student to retake an examination; or (e) School of Law and university administrators from enforcing the law school's Sexual Harassment Policy. Likewise, enforcement of applicable policies, procedures, rules, sanctions, and conditions by the School of Law or university, or its faculty or administrators, shall not preclude the institution of proceedings or limit the results reached under this Honor Code.

## D. Relationship to Rules of Bar Examining Committees and Similar Organizations

The disclosures and reporting obligations required by this Code (for example, the "Duty to Disclose" and the "Duty to Report" under subsections III.C and IV.E(1) of this Code, respectively) are independent of the disclosures required of students, staff, and faculty by any bar examining committee or similar organization. Nothing in this Code shall expand, limit, or otherwise control the disclosures and reporting obligations required by any bar examining committee or similar organization. For example, a student's disclosure of a criminal conviction to the dean of the School of Law ("dean") pursuant to this code does not obviate the need for the student to disclose that conviction to a bar examining committee requesting such information. Similarly, nothing in this code shall prevent the dean from making any disclosures that may be required by a bar examining committee or similar organization.

## III. Standards of Conduct

### A. Honesty in Use of Ideas and Information

(1) *Inappropriate use of others' work.* In contexts in which citation is expected, a student may not use the words, thoughts, or ideas of another without attribution consistent with standard legal citation manuals (e.g., *ALWD Citation Manual* or *Bluebook*), so that they seem as if they are the student's own. This type of misconduct can take many forms. The most flagrant forms include a student's copying someone else's work word-for-word or turning in a paper written by another with the student's name as the author. Other examples include, but are not limited to, rewriting

someone else's work with only minor changes, summarizing another's work, or taking another person's ideas without acknowledging the source through proper attribution and citation.

Evidence that a student has inappropriately used the work of others includes, but is not limited to:

- (a) when significant sections of the paper match other sources and no attribution is given to those sources;
- (b) when any portion of the paper borrows heavily from a particular source, including the Internet — whether verbatim or paraphrased — and the source is not acknowledged; and
- (c) when a student fails to follow conventions for indicating direct quotations (e.g., when a paraphrase is too close to the original or when an actual direct quotation is not indicated). Failure to identify direct quotations is evidence of inappropriate usage regardless of whether the source is actually cited.

Students sometimes make minor mistakes in completing academic assignments. While one missing citation in a paper will, in most instances, be considered a careless mistake rather than inappropriate use of another's work, multiple instances of failing to provide proper attribution through quotation marks or citations are evidence that a student has inappropriately used the work of others. If in doubt as to whether citation is expected or what constitutes inappropriate use of others' work, a student should consult with the professor.

(2) *Cheating.* A student may not use or attempt to use prohibited materials or sources in connection with any academic matter. If in doubt as to what materials or sources are prohibited, a student should consult with the professor.

(3) *Prohibited assistance or collaboration.* A student may not give or receive prohibited aid on any academic matter. If in doubt as to what aid is prohibited, a student should consult with the professor.

(4) *Multiple submissions.* Except as provided below, a student may not submit work that the student has done in connection with any previous academic matter as if it were new and original work, nor may a student submit the same work in contemporaneous academic matters. Although professors occasionally may be willing to let students use previous work as the basis for new work, professors expect students to do new work for each class. A student seeking to submit a piece of work for more than one class must have the express prior approval of both professors. If in doubt as to what may constitute a multiple submission, a student should consult with both professors.

## B. Honesty with Respect to Academic Achievement

A student may not lie about or misrepresent the student's work, academic records, credentials, or other academic matters or information. Examples of deception and misrepresentation include, but are not limited to, forging signatures, forging letters of recommendation, forging a transcript, falsifying internship or clinic documentation, falsifying pro bono records, and falsifying information in an application or on a resume.

## C. Duty to Disclose

(1) *Failing to make timely disclosure of factual irregularities, discrepancies, and material omissions in admissions application.* A student has a continuing responsibility to ensure the completeness and correctness of the student's admissions application to the School of Law by disclosing to the associate dean for academic affairs any factual irregularities, discrepancies, or material omissions in the student's application from the

time the student submits the application to the School of Law until the time the student graduates. Disclosure must be made within thirty (30) business days of when the student actually or constructively knows of the irregularity, discrepancy, or omission.

(2) *Failure to make timely disclosure of charges, arrests, convictions, and formal accusations.* A student has an obligation to disclose any conviction on the student's admissions application to the School of Law. Furthermore, from the time the student submits an admissions application to the School of Law until the time the student graduates, a student has a continuing obligation to disclose to the associate dean for academic affairs any charge, arrest, or conviction, and any formal accusation that the student engaged in conduct involving dishonesty, fraud, deceit, harassment, or misrepresentation. When events requiring disclosure occur after submission of an admissions application, disclosure must be made within thirty (30) business days of such charge, arrest, conviction, or formal accusation.

## D. Respect for Standards of Conduct

(1) *Failure to cooperate with administration of code.* Failure to cooperate with the administration of this code as set forth in Section IV ("Administration of Honor Code") is, itself, a violation of this code. Failure to cooperate with the administration of this code includes, but is not limited to, failing to report conduct that a student knows is a violation of this code or making an accusation with no reasonable grounds for believing that the accused student has violated this code.

(2) *Attempting to violate or facilitating a violation of code.* A student may not attempt to violate, or knowingly help someone else violate or attempt to violate, this Honor Code. Facilitating a violation includes, but is not limited to, giving someone work product to submit as their own or allowing someone to cheat from one's examination, research, or assignment.

## E. Fair and Equal Access to the Education Process

(1) *Misappropriation of and damage to academic materials.* A student may not damage, misappropriate, or disable academic resources so that others cannot use them. This includes, but is not limited to, removing pages from books, stealing books or articles, and deleting or damaging computer files intended for others' use.

(2) *Inappropriate use of technology.* A student may not use network or computer access inappropriately. Examples include, but are not limited to: tampering with another student's account so that the student cannot complete or submit an assignment; stealing a student's work through electronic means; knowingly spreading a computer virus; or misusing a Westlaw or Lexis account.

(3) *Compromising examination security.* A student may not invade the security maintained for the preparation or storage of examinations, tamper with exam-making or exam-taking software, identify oneself on an exam without the express prior approval of the professor, or discuss any part of an examination with a student who has not yet taken that examination but is scheduled to do so.

(4) *Unfair Advantage.* A student may not commit any act that the student knows may give the student or another student an unfair advantage or may interfere with the education process. Examples of violations of this subsection include, but are not limited to: (a) falsification of hours on a project where the number of hours is a requisite for credit; (b) use of materials in a research project which are prohibited by the written assignment instructions; (c) use of unauthorized materials in the course of preparing for or taking an exam; (d) intentional dishonesty

in oral arguments for Moot Court, Trial Practice courses, or other scholastic competitions; (e) obtaining an unauthorized copy of or unauthorized information about an examination or other assignment prior to its distribution or facilitating another's attempt to do so; (f) continuing to write, edit, or otherwise work on an examination or other assignment when the time allotted has elapsed; and (g) misappropriating examinations or other assignments for any purpose after they are completed. If in doubt as to what may constitute an unfair advantage, a student should consult with the professor.

## F. Compliance with Model Rules of Professional Conduct

As a prospective lawyer, a student must comply with Rule 8.4 of the ABA Model Rules of Professional Conduct. Any conduct that would bring sanctions under Rule 8.4 of the Model Rules violates the Honor Code. This includes, but is not limited to, engaging in conduct involving dishonesty, fraud, deceit, harassment, or misrepresentation; or committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects. Relationship to fitness shall be construed in accordance with the Model Rules and relevant case law. Generally speaking, offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice reflect adversely on one's fitness as a lawyer. A pattern of repeated offenses, even ones of minor significance when considered separately, can also reflect adversely on one's fitness as a lawyer.

## IV. Administration of Honor Code

### A. Notice of Honor Code; Honor Code Affirmation

Notice of this Honor Code shall be provided to each student upon his or her acceptance to the School of Law. Each student who enrolls at the School of Law must affirm as follows, both verbally and in a signed writing, and before beginning classes:

*"I [state name], as a student entering Quinnipiac University School of Law, understand that I am joining an academic community and am embarking on a professional career. The School of Law and the legal profession share important values that are reflected in the School of Law's Honor Code. I have read this Code and will conduct my academic, professional, and personal life to honor the values reflected therein."*

### B. The Honor Code Pledge

Although the Honor Code applies generally to all students' actions, the submission of examinations presents a unique opportunity to reinforce its importance. Therefore, all students shall sign the following Honor Code Pledge, using their examination number.

*"On my honor, I pledge that I will follow the Honor Code regarding this examination. Specifically, I pledge that I have not given or received, and will not give or receive, prohibited assistance on this examination, and that I will neither work on nor retain this examination after the time allotted has elapsed. I understand that it is my duty to report any conduct that I know constitutes a violation of the Honor Code."*

### C. Honor Code Committee

The Honor Code Committee shall consist of four (4) faculty members appointed by the dean at the beginning of each academic year, and eight (8) students chosen by the Student Bar Association ("SBA"), in any manner the SBA deems suitable, at the beginning of each academic year. The dean shall designate one faculty member as committee chair.

At the beginning of the semester, the dean shall designate one (1) additional faculty member as an alternate faculty member. The alternate faculty member will serve on the committee if a faculty member on the committee becomes unable to serve for any reason. The SBA shall likewise designate one (1) alternate student to serve on the committee if a student on the committee becomes unable to serve for any reason.

## D. Questions Regarding Future Conduct

If in doubt as to whether future conduct would constitute a violation of this code (e.g., whether a proposed act would constitute an unfair advantage), a student is encouraged to make appropriate inquiries of their professors or, if necessary, the committee.

## E. Reporting Violations

(1) *Duty to Report.* A person who knows that a student has violated the Honor Code must report the alleged violation within a reasonable time to the associate dean for academic affairs or to any member of the Honor Code Committee. Any person who does not know – but has reasonable grounds for believing – that a student has violated the Honor Code may report the possible violation within a reasonable time to the associate dean for academic affairs or to any member of the Honor Code Committee. The associate dean or committee member (other than the Honor Code committee chair) shall not conduct an inquiry into the alleged violation but shall instead notify the Honor Code committee chair.

(2) *Inquiries of Suspected Violator Encouraged.* A student who observes or learns of an apparent violation is encouraged to make inquiries of the suspected violator. If an explanation is given that clears up the matter, i.e., the witnessing student believes there was no violation, this should end the matter.

(3) *Inquiries of "Confidential Adviser" or Honor Code Committee Members Encouraged.* A student who is uncertain whether past conduct triggers a duty to report under this code is encouraged to make appropriate inquiries of a faculty member who is designated as a "confidential adviser" for purposes of this code. A confidential adviser is obligated to keep all information pertaining to an alleged violation confidential, except that confidentiality is waived if: (a) an accused student invokes the confidential adviser's advice as a defense to an alleged violation; or (b) the alleged violation constitutes criminal conduct or a threat to public safety. At the beginning of each academic year, the dean shall designate two (2) faculty members who are not Honor Code committee members as "confidential advisers."

A student who is uncertain whether past conduct triggers a duty to report under this code may also make appropriate inquiries of the committee. Members of the committee are not confidential advisers; they have a duty under this code to report conduct they know constitutes a violation of the code.

## F. Preliminary Inquiry/Reasonable Grounds Determination

Upon receipt pursuant to Section IV.E(1) of a report of an alleged Honor Code violation, the Honor Code committee chair shall conduct a preliminary inquiry to determine whether reasonable grounds exist to support the conclusion that the alleged or possible violation occurred. If the committee chair so concludes, the committee chair shall refer the matter as soon as possible to an Advocate Team, pursuant to Section IV.G. If the committee chair concludes that there are not reasonable grounds for concluding that the alleged violation occurred, the committee chair shall deem the matter concluded.

In conducting the preliminary inquiry required by this subsection IV.F, the Honor Code committee chair shall consult with the associate dean of academic affairs.

On a periodic basis, the Honor Code committee chair shall report to the Honor Code Committee on any recent matters that the chair deemed concluded after the chair’s preliminary inquiry revealed no reasonable grounds for concluding that an alleged Honor Code violation had occurred.

### G. Advocate Team and Faculty Adviser

The Advocate Team shall consist of two (2) students from the Honor Code Committee, both appointed by the committee chair in rotation. The Team shall be responsible for investigating alleged violations of the Honor Code; deciding whether to bring charges against the accused student; preparing and presenting the case against the accused student before a Hearing Panel; and structuring and conducting negotiations with the accused student, or with the student, private attorney, or other person assisting the accused student, after charges have been brought.

The committee chair shall also appoint a faculty member on the committee to serve as a faculty adviser to the Advocate Team. Under no circumstances shall the faculty adviser present the case against the accused student – that responsibility belongs to the Advocate Team alone.

### H. Investigation and Charging Decision

The Advocate Team may investigate in any reasonable manner, including meeting with the accused student.

(1) *Request for Meeting and Advisement of Rights.* Before meeting with the accused student, the Advocate Team shall give the student the following Request for Meeting and Advisement of Rights, in writing:

QUINNIPIAC UNIVERSITY SCHOOL OF LAW  
HONOR CODE ADVOCATE TEAM  
REQUEST FOR MEETING AND ADVISEMENT OF RIGHTS

As members of the Quinnipiac School of Law Honor Code Advocate Team, we are conducting an investigation into allegations that you violated the Honor Code. This is an investigation only, and no charges have been brought against you. As part of our investigation, we would like to speak with you about the alleged violations of the Honor Code.

You have the right to choose not to meet with us. If you choose not to meet with us, or if you choose to meet with us but refuse to answer questions, a Hearing Panel may treat your failure to cooperate as a basis for drawing adverse inferences.

You also have the right to have someone present at the meeting to assist you. In accordance with the Honor Code, you may secure assistance from any student, private attorney, or other individual you choose, provided that the person has familiarized himself or herself with the Honor Code. A law school faculty member, however, may not represent a student in an Honor Code matter.

If we decide to bring charges against you, anything you say at such a meeting may be used against you at an Honor Code Hearing. For the sake of convenience, we will record our meeting (if you agree to such a meeting), on a laptop.

Please complete the following and return to us no later than *[date]*. The failure to respond to this Request for Meeting in the time allotted

constitutes a failure to cooperate with administration of the Honor Code and is therefore, itself, a violation of the Code. If you have any questions about this Request, please contact us immediately.

\*\*\*\*

I, *[name]*, have read and understand the QUSL Honor Code Advocate Team Request for Meeting and Advisement of Rights.

Check the appropriate box(es):

# I do not wish to meet with the Honor Code Advocate Team.

#I wish to meet with the Honor Code Advocate Team, and

# I do not wish to be represented at the meeting; or

# I wish to have the following person represent me at the meeting: *[name and contact information]*.

*[sign name][date]*

(2) *Consultation with Faculty Adviser.* Before bringing or declining to bring charges against the accused student, the Advocate Team shall consult with the faculty adviser. In the event that the faculty adviser and Advocate Team cannot agree on a course of conduct, the Advocate Team shall consult with the Honor Code committee chair, whose decision shall govern. If the chair determines that charges should be brought, the chair shall not serve on the Hearing Panel.

(3) *Decision to Bring Charges.* When the investigation discloses insufficient evidence of a violation, the Advocate Team shall promptly inform the Honor Code committee chair, in which case no charges shall be brought.

The Advocate Team may, in some circumstances and for good cause consistent with the interest of the School of Law community, decline to bring charges notwithstanding sufficient evidence of a violation. In such circumstances, the student’s record shall reflect that disposition, including the Advocate Team’s reasons for exercising its discretion to decline to bring charges. Factors that the Advocate Team may consider in exercising its discretion include, but are not limited to:

- (a) the severity of the violation and extent of the harm caused by the violation;
- (b) possible improper motives of the person who reported the alleged violation;
- (c) reluctance of the person who reported the alleged violation to testify;
- (d) self-reporting by the accused student;
- (e) remedial action taken by or negotiated with the accused student;
- (f) availability and likelihood of: (1) the institution of criminal proceedings against the accused student under state or federal law; or (2) the enforcement of other applicable policies, procedures, rules, sanctions, and conditions against the accused student by the School of Law or University, or its faculty or administrators; and
- (g) the likelihood that the Hearing Panel will not find that the accused student violated the Honor Code.

(4) *Advocate Team’s Disclosure Materials.* As soon as possible after deciding to bring charges, the Advocate Team shall prepare and give to the chair of the Honor Code Committee its disclosure materials. These materials shall consist of: a list of the witnesses who will be called

to testify against the accused student; brief (one- or two-sentence) summaries of the substance of their expected testimony; and copies of any documents to be offered in evidence against the accused student. The Advocate Team's disclosure materials shall also include a memo listing and offering to make available for examination by the accused student at a time and location to be agreed on by the parties any tangible objects to be offered in evidence, as well as any evidence known to the Advocate Team that tends to exonerate the accused student or mitigate the degree of culpability.

### **I. Honor Code Hearing Panel**

If the Advocate Team decides to bring charges, the team shall promptly inform the Honor Code committee chair, who shall appoint an Honor Code Hearing Panel to hear and determine the matter. A Hearing Panel shall consist of one (1) faculty member from the committee and four (4) students from the committee, each appointed by the committee chair in rotation.

### **J. Assistance with Defense**

Any student, private attorney, or other individual may – at the request of the accused student – assist the student in defense of the charges, provided that the person has familiarized themselves with the Honor Code. A law school faculty member, however, may not represent a student in an Honor Code matter. Moreover, any student who is not yet licensed to practice law cannot serve as the accused student's "attorney" in connection with an Honor Code matter. Any assisting student provides such assistance as part of the educational mission of the law school and not as the practice of law. All conversations between the accused student and the person assisting the accused are confidential.

### **K. Information Furnished to Accused Student**

As soon as possible after receiving the Advocate Team's disclosure materials and notice that the Advocate Team has chosen to charge the accused student, the Honor Code committee chair shall give the accused student:

- (1) a Written Notice of Charges, setting forth the name of the accused student, the name of the accuser or accusers, the Honor Code provision(s) allegedly violated, and the nature of the charges with sufficient particularity to enable the accused student to answer them;
- (2) the Advocate Team's disclosure materials; and
- (3) a copy of the Honor Code.

The committee chair shall give these materials to the accused student in the manner most likely to provide the student with prompt notice.

### **L. Information Furnished to Advocate Team**

The Written Notice of Charges shall require the accused student to file with the committee chair:

- (1) A written Answer admitting, denying, or admitting in part and denying in part the charges. An Answer should contain specific admissions or denials for each allegation of fact in the charge, and shall not contain only general denials;
- (2) Disclosure materials similar to that given to the accused student – i.e., a list of the witnesses who will be called to testify on behalf of the accused student; brief (one- or two-sentence) summaries of the substance of their expected testimony; copies of any documents to be offered in evidence in support of the accused student; and a memo listing and offering to make available for examination by the Advocate Team at

a time and location to be agreed on by the parties any tangible objects to be offered in evidence; and

- (3) A Written Statement of Accused responding to every allegation of fact in the charge that the accused student has denied in the Answer, and about which the accused student has any information.

The Advocate Team may enter the answer, the accused student's disclosure materials, and, if applicable, the Written Statement of Accused into evidence at an Honor Code Hearing. The chair shall specify in the Written Notice of Charges a date on which these documents shall be due, but in no event shall the due date be less than ten (10) business days from the issuance of the Written Notice of Charges. The chair, upon request of the accused student and for good cause shown, may extend the time for filing these documents.

### **M. Continuing Duty to Disclose**

If either the Advocate Team or the accused student intends to call a witness not already disclosed or offer into evidence documents or tangible objects not already disclosed, the Advocate Team or accused student will promptly make such disclosure to the other party consistent with subsections IV.H(4) ("Advocate Team's Disclosure Materials") and IV.L(2) ("Information Furnished to Advocate Team") of this Code. Likewise, the accused student and the Advocate Team shall correct or supplement any disclosure that either side learns to be false or incomplete.

There shall be no process prior to the hearing for ruling on disputes relating to this disclosure process. The Hearing Panel may, however, treat a failure to disclose or cooperate as a basis for excluding testimony or evidence, or for drawing adverse inferences.

### **N. Hearing**

As soon as possible following the issuance of the Written Notice of Charges, but no earlier than ten (10) business days thereafter, the Honor Code Committee Chair shall schedule a hearing date. The chair shall provide the accused with notice of the date, place, and time of the Hearing. A record of the Hearing shall be made by audio or videotape recording, or stenographic means, as determined by the chair. The Hearing shall be completed no later than the end of the semester after the one in which the violation was reported, unless the chair, upon request of the accused student or Advocate Team and for good cause shown, grants a continuance. The hearing shall be open or closed at the election of the accused student, subject to the School of Law's need to maintain order. An accused student wishing a continuance, an open hearing, or both shall notify the committee in writing at least two (2) business days prior to the hearing date.

### **O. Rights of Accused Student**

At the hearing, the accused student shall have the following rights:

- (1) To be assisted by a student, a private attorney retained by the accused, or other individual; provided, however, that a law school faculty member may not represent an accused student in an Honor Code matter.
- (2) In person or through his or her representative, to summon and present witnesses and other evidence on his or her behalf;
- (3) In person or through his or her representative, to confront and cross-examine the accuser and all other witnesses;

(4) To refuse to testify on his or her own behalf. If an accused student refuses to testify, or chooses to testify but refuses to answer questions, the Hearing Panel may draw a negative inference from the refusal.

(5) To bring to the attention of the Hearing Panel any facts or circumstances that would or would appear to compromise the impartiality of a member of the Panel. Any member of the panel who knows of such circumstances, whether or not presented by the student, shall recuse himself or herself. If a panel member declines to recuse themselves upon request by the accused or another panel member, the dean shall make the final decision. Any recused member shall be replaced in the same manner as the member was originally appointed.

## P. Evidence

Formal rules of evidence shall not apply to the Honor Code Hearing. Any oral or documentary evidence may be received, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Hearing Panel will designate one member of the panel to rule on evidentiary matters at the Hearing. When a hearing will be expedited and the interests of the School of Law or the student will not be prejudiced substantially, evidence may be received in the form of copies and excerpts if the original is not readily available. The Hearing Panel may take notice of the records and written policies of the School of Law and of the university. The parties shall be informed of the materials the panel notices, and shall have an opportunity to contest those materials.

## Q. Negotiated Settlement

After bringing charges, the Advocate Team may enter into a settlement with the accused student. Any negotiated settlement between the Advocate Team and the accused shall be subject to approval by the Hearing Panel. In the absence of an admission of an Honor Code violation by the accused, the panel may impose *conditions* pursuant to a negotiated settlement, but not *sanctions*.

## R. Burden of Proof; Panel Decision

After a contested hearing, the Hearing Panel shall reach a decision regarding the existence of an Honor Code violation and the appropriate sanction or condition for any violation. The decision shall be upon a majority vote of the panel, based upon clear and convincing evidence, and communicated in writing to the student within ten (10) business days after the decision is made.

## S. Summary of Adverse Decision

If the decision is adverse to the student, the panel shall, within twenty (20) business days of mailing the decision, prepare a written summary of the evidence and its findings. A copy of the summary and a record of the hearing shall be mailed to the student and given to the dean. If no appeal is taken by the student within the time limit prescribed below, the dean shall implement the sanction or condition imposed by the Hearing Panel.

## T. Appeal

(1) *Timing and Content of Appeal.* The student may, within ten (10) business days after receipt of the written Summary of Adverse Decision, appeal to the dean who may affirm, reverse or remand the decision, or reduce the sanction or condition. The student must specify in writing the basis of the appeal. The dean may request a response in writing from the Hearing Panel. No new evidence shall be presented by either the student or the Hearing Panel.

(2) *Standard of Review on Appeal.* Appeals alleging factual errors shall be governed by a clearly-erroneous standard. Appeals alleging procedural

errors or erroneous interpretation of the code shall be reviewed for prejudicial error.

(3) *Final Disposition.* The dean shall specify in writing the reason for any reversal, remand, or reduction. The dean's disposition of the appeal shall be final and no further appeal of the Hearing Panel's decision may be taken. This subsection represents the extent of appeal rights under this Code – there are no additional School of Law or university appeal rights under this code.

## U. Petition for Rehearing

A student who has received a sanction or condition may petition the Honor Code Committee for a rehearing on the grounds of newly discovered evidence. Upon receipt of the petition, the Honor Code committee chair shall appoint an Advocate Team to consider whether the petition has merit and whether justice requires a rehearing. If the petition has merit and justice so requires, the Advocate Team shall promptly inform the Honor Code committee chair, who shall appoint an Honor Code Hearing Panel. The panel shall convene a hearing to consider the new evidence and reconsider the findings in light of the new evidence. Following such a hearing, the Hearing Panel shall enter an order affirming, modifying, or reversing its original decision and shall notify the petitioner and dean of its decision.

## V. Student Witnesses

A student's refusal to give a statement or attend and testify truthfully at any Hearing upon summons by either the Advocate Team or the accused student shall constitute a violation of this code.

## W. Confidentiality

(1) *General Rule.* Except as provided below, all Honor Code proceedings and accompanying information, including Advocate Team investigations, shall remain confidential to the maximum extent possible.

(2) *Exceptions to General Rule.*

(a) Confidentiality is waived if the accused student elects a public hearing or breaches this code's confidentiality provision.

(b) The Honor Code Committee shall issue Public Reports as described in subsection IV.X of this Code ("Public Reports"). Under no circumstances shall the names of any students appear in the Public Reports mandated by this code, except that the accused student may elect to have their own name appear in such reports.

(3) *Breach of Confidentiality.* Any breach of this confidentiality provision by any student shall be a violation of this code.

## X. Public Reports

The Honor Code Committee shall issue periodic Public Reports, to be posted in the School of Law, summarizing the matters resolved by the committee in the reported period. Such Public Reports shall omit the names of all students except as provided in subsection IV.W(2)(b) ("Exceptions to General Rule" of Confidentiality). The Public Reports shall also – to the greatest extent possible – omit details about the reported matters that would risk revealing the identity of the student(s) involved.

Copies of all Public Reports shall be kept on file with the associate dean for academic affairs.

## Y. Sanctions and Conditions

Sanctions and conditions that may be imposed by the Hearing Panel or dean include, but are not limited to, one or more of the following:

- (1) Expulsion from the School of Law or revocation of School of Law diploma, as the case may be;
- (2) Suspension from the School of Law, or any course or other School of Law–related activity, for one or more semesters, or for the balance of any semester;
- (3) Withdrawal of credit in a course;
- (4) Academic probation;
- (5) A written reprimand;
- (6) An oral admonition;
- (7) Restitution;
- (8) Conditions, such as mediation, referral of the accused student to the University Counseling Center, or a letter of apology or explanation of conduct.

## Z. Record-Keeping

The following dispositions shall be noted in an accused student's permanent file:

- (1) The Advocate Team's decision not to bring charges despite the presence of sufficient evidence of a violation and the reason for that decision, as set forth in subsection IV.H(3) ("Decision to Bring Charges");
- (2) An approval of settlement by the Hearing Panel as set forth in subsection IV.Q ("Negotiated Settlement"), including any admission of an Honor Code violation by the accused student and any sanction or condition imposed;
- (3) The Hearing Panel's dismissal of charges against an accused student;
- (4) After the expiration of the appeal period, the Hearing Panel's determination of an Honor Code violation, and the sanction or condition imposed; and
- (5) The Dean's affirmance, reversal, or remand of the Hearing Panel's determination of an Honor Code violation on appeal, and any sanction or condition imposed.

## AA. Administration of Code After Graduation or Other Separation

Proceedings may be initiated or continued after the student has graduated or otherwise separated from the School of Law, provided that the alleged violation occurred while the student was enrolled or matriculated in the School of Law. If an Honor Code matter is pending when a student is scheduled to graduate from the School of Law, the student's degree may be withheld at least until the matter is resolved.

## V. Periodic Review; Effective Date; No Retroactivity

The Honor Code Committee shall review this code periodically and recommend any amendments it deems necessary to ensure that this code remains consistent with the Statement of Purpose set forth in Section I of this code.

This code shall become effective on the date specified by the faculty at the time of adoption. This code, and any amendment to this code from time to time, shall be deemed to apply only to conduct occurring on or after the effective date of this code or such amendment, as the case may be.

<sup>1</sup> Initial version adopted by the faculty on May 2, 2012, with an effective date of September 1, 2012. Revised version adopted by the faculty with an effective date of February 14, 2018.