

Appendix A:
Tulane University
Law School
Honor Code

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PREAMBLE:

The Tulane University Law School Honor Code is a code of ethics and academic honesty and professional conduct created, and administered by Tulane Law students. The fair assessment and ranking of each student's academic achievement depends on honest behavior by every student. Toleration of unethical or dishonest or unprofessional behavior harms the integrity of the law school and violates the rights of all students. Our responsibility to fellow students, the legal profession, and the public therefore requires all students to comply with certain ethical and professional norms.

The Honor Code is intended to protect the integrity of the law school and the legal profession; to ensure the fairness and impartiality of honor board proceedings; and to protect the rights of students. These general principles, the ethics standards provided by the current American Bar Association model code of ethics, and accepted legal principles shall provide the basis for understanding and construing the requirements of the Honor Code.

ARTICLE 1: GENERAL PROVISIONS

Section 1. Presumption of Innocence, Standard of Proof, Burden of Proof.

All students who are investigated for, or charged with violations of, this Honor Code are presumed to be innocent of any wrongdoing. Any student who is formally charged with one or more violations of this Honor Code shall not be found guilty of a violation unless there is evidence beyond a reasonable doubt of such a violation.

At no time will the burden of proof be on an accused student, and no accused student will be required to offer any evidence at any time during a hearing. However, prior to the filing of formal charges, all students, including students who are the subject of an investigation, have a duty to cooperate with an investigation, as set forth in Article 3 of this Code.

Section 2. Right to Counsel.

Any student being investigated for a violation of this Honor Code shall have the right to be represented and advised only and exclusively by a counsel who is a Tulane Law School student in good standing. If a student who is being investigated is unable to find such counsel, upon request made by the accused to the Chief Justice of the Honor Board (hereinafter the Chief Justice), the Chief Justice shall appoint a member of the Honor Board who has not otherwise participated in the investigation of the charges to act as counsel for the accused.

Section 3. Recusal.

A member of the Honor Board must recuse himself or herself from any investigation or hearing panel if he or she has any first-hand knowledge of the facts, or any possible bias with regard to the accused or any of the witnesses who may be called at a hearing. A student who is being investigated shall have the right to move the Chief Justice for the recusal of an investigator. This motion, which must be made in writing and set forth specific grounds for the recusal, must be heard promptly by all members of the Honor Board except the person whose recusal is sought. If a simple majority of all members of the Honor Board vote for such a recusal, it shall be granted.

Any Honor Board member, hearing panel member, or the accused may move for the recusal of any member(s) of a hearing panel prior to the commencement of a hearing. Such motion shall be made in writing and shall set forth the specific grounds upon which it is based. The motion will be heard prior to the hearing by all members of the hearing panel except the person(s) sought to be recused. If a simple majority of the hearing panel members vote for such recusal, it shall be granted.

Section 4. Deliberations; Voting.

All deliberations conducted by any hearing panel shall be secret, and all votes taken by any hearing panel shall be both anonymous and secret.

Section 5. Amendment of this Honor Code.

Any student may initiate a revision of the Honor Code by presenting the Chief Justice with a petition including the text of the amendment and signed by five percent of the entire law school student body, including graduate students. Any member of the Honor Board may initiate a revision by presenting a written amendment that is supported by two-thirds of all Honor Board members. Any amendment or revision so supported shall be presented to the entire student body in a special election, and shall take effect if it is supported by two-thirds of all students voting in that election. Prior to the date of such an election, students shall have the right to a public hearing, presided over by the Chief Justice, where any student may be heard regarding the proposed amendments.

Section 6. Delegation of Powers; Revocation of Delegation.

The Dean of the Law School delegates the authority to administer the Honor Code to the student Honor Board, which is established both to investigate allegations of unethical and dishonest behavior and to promote the best practices of ethics. Accordingly, the decisions of the Honor Board are subject to the approval of the Dean and the Tulane University Senate Committee for Academic Freedom and Responsibility of Students.

The Dean of the Law School has determined that the authority delegated to the Honor Board may be revoked only after sixty days' notice to the Honor Board that a majority of the law faculty, voting after normal procedures, has determined that the delegation of authority should be revoked.

Section 7. Computing Time

The following rules apply in computing any time period specified in the Honor Code:

- a. When the period is stated in days:
 1. exclude the day of the event that triggers the period
 2. count every day, including intermediate Saturdays, Sundays, and holidays or breaks specified in the academic calendar (other than breaks between semesters)
 3. include the last day of the period, but if the last day is a Saturday, Sunday, or a holiday or break specified in the academic calendar (other than breaks between semesters), the period continues to run until the end of the next day that is not a Saturday, Sunday, holiday, or break.
- b. When the period is stated in hours:
 1. begin counting immediately on the occurrence of the event that triggers the period;
 2. count every hour, including hours during intermediate Saturdays, Sundays, and holidays or breaks specified in the academic calendar (other than breaks between semesters)
 3. if the period were to end on a Saturday, Sunday, or a holiday or break specified in the academic calendar (other than breaks between semesters), the period continues to run until the same time on the next day that is not a Saturday, Sunday, holiday or break.

When an act must be done within a specified time, the Chief Justice may, upon a showing good cause, extend the time.

ARTICLE 2: THE STRUCTURE OF THE HONOR BOARD

Section 1. Composition.

Four Honor Board Justices shall be elected from each of the first year, rising second year, and rising third year Law School classes. One Honor Board Justice shall be elected from the graduate studies program. One of the third year Honor Board Justices will then be appointed to the position of Chief Justice, as per Article 2, Section 2.

Section 2. Chief Justice.

The Chief Justice shall be a third-year Honor Board Justice elected by a majority vote of both the outgoing and incoming Honor Board Justices not wishing to be the Chief Justice. If all third-year Honor Board Justices wish to be Chief Justice, the Chief Justice shall be elected by a

consensus of two thirds of the outgoing and incoming Honor Board Justices not wishing to be Chief Justice.

Section 3. Duration of Term.

- a. The graduate studies and first-year Honor Board Justices shall serve one-year terms. Their election shall take place during the fall semester of their first year. The term of the graduate studies Honor Board Justice and first-year Honor Board Justices shall begin immediately upon the posting of the fall semester election results and shall end immediately upon the posting of the election results of the following spring.
- b. The rising second year class shall elect two Honor Board Justices to serve one-year terms and two Honor Board Justices to serve two-year terms. The two candidates receiving the two highest numbers of votes shall be elected to the two-year terms, and the two candidates receiving the next two highest numbers of votes shall be elected to the one year terms. These elections shall be held in the spring of their first academic year. The rising third-year class shall elect two Honor Board Justices to serve one-year terms. Their election will be held at the same time as the elections for the rising second-year class.
- c. The term of second-year and third-year Honor Board Justices shall begin immediately upon the posting of the spring semester election results and shall end immediately upon the posting of the spring semester election results of the applicable year, as set forth above.
- d. The Chief Justice may, between semesters or during the summer semester, call upon an available Honor Board Justice from the previous year who is still a student of the Law School to investigate a complaint, or sit on a probable cause or hearing panel.
- e. An Honor Board Justice must be enrolled at Tulane Law School.

Section 4. Faculty Advisor or Advisors.

A Faculty Advisor or Advisors shall be appointed by the Dean of the Law School or his or her designee. The Faculty Advisor or Advisors shall assist with questions or issues that may arise regarding any matters before the Honor Board. The Faculty Advisor or Advisors shall also assist in conducting the Training and Orientation Session. The Faculty Advisor or Advisors shall not serve on a probable cause or hearing panel.

Section 5. Training and Orientation Session.

There shall be a Training and Orientation Session for all Honor Board members after the election of the first-year class Justices.

ARTICLE 3: THE HONOR CODE; VIOLATIONS OF THE HONOR CODE

The following shall be a violation of this Honor Code:

- a. Knowingly giving or knowingly receiving assistance or information during any law school examination;
- b. Knowingly giving or knowingly receiving assistance or information relating to any paper, legal research and writing assignment, or other written assignment for academic credit when specifically prohibited by professor, instructor, or administrator;
- c. Knowingly giving or knowingly receiving assistance or information relating to any journal write-on competition or moot court competition when specifically prohibited by professor, instructor, administrator, or competition rules;
- d. Plagiarizing in the sense of knowingly and intentionally using the work of another, and representing it to be the student's own work, with the intent to deceive the professor;
- e. Plagiarizing in the sense of recklessly failing to provide proper attribution;
 - i. "Recklessness" is the conscious disregard of a substantial and unjustifiable risk that the student's actions would compromise the academic integrity of Tulane Law School;
 - ii. "Proper Attribution" is attributing every use of someone else's language, ideas, or other original (not common-knowledge) material to the correct source.
- f. Utilizing or referring to any material in any location or at any time the use of which has been specifically forbidden by the professor, administrator, or student(s) in charge;
- g. Breaching the printed and available instructions or rules in any law school course or academic competition so as to give the violator an unfair advantage over those who adhere to such instructions or rules, including, but not limited to, (i) knowingly undertaking all or part of an examination in a room not designated for such purpose, (ii) knowingly commencing an examination before the stipulated time or knowingly continuing an examination after the stipulated time for concluding it, or (iii) knowingly failing to submit any of the materials required to be submitted at the conclusion of an examination;
- h. Knowingly compromising an anonymous grading system;
- i. Obtaining, giving, or knowing receiving any unauthorized information concerning the substance of an exam prior to the receiving student's taking of the exam;
- j. Knowingly misrepresenting one's own attendance on an attendance sheet or misrepresenting another student's attendance by signing another student's name on an attendance sheet;
- k. Submitting for academic credit any written work which is the same or substantially the same as any written work for which the student has previously received or will receive academic credit, excluding journal articles where the professor has expressly granted permission¹;

¹ Please note that the Tulane Law School Faculty Handbook states:

No student shall receive academic credit for any paper, comment, note or written work which is the same or substantially the same as a paper, comment, or note or other written work for which the student has previously received academic credit or will in the future receive academic credit in the law school. While the submitting of previously graded journal articles for credit would not be considered an Honor Board violation, it may still be a violation of the Faculty Handbook. The

- l. Engaging in any act with the specific intent to materially interfere with other students in the pursuit of their education, including but not limited to:
 - i. Defacing, removing, or otherwise improperly using any library material, including failing properly to reshelve any library material, with the intent to preclude other persons from access to that material; or
 - ii. Knowingly taking any property not one's own from Law School premises with the intent to deprive another of such property or knowingly taking any property belonging to another student with the intent to harm that student if that property is directly related to that student's academic studies wherever such property is located;
- m. Knowingly and materially misrepresenting, by act or omission, on any document or by oral statement, including but not limited to, financial aid applications and resumes, a student's academic or professional qualifications, conduct, class attendance, class standing, grades, honors, and activities;
- n. Conspiring to commit a violation of this Code; attempting to commit a violation of this Code; soliciting another to commit a violation of this Code; and assisting in, or facilitating the commission of any violation of this Code;
- o. Failing to cooperate in the enforcement of this Code as follows:
 - i. Intentionally failing to report a violation of this Code;
 - ii. Filing a complaint under this Code in bad faith and/or with the intent to harass or injure another person;
 - iii. Knowingly giving false information to an investigator appointed pursuant to this Code or failing to cooperate with an Honor Board investigation;
 - iv. Intentionally failing to appear when called to testify before an Honor Board hearing panel;
 - v. Testifying falsely at a hearing held pursuant to the provisions of this Code; and
 - vi. Knowingly compromising the integrity of proceedings held pursuant to the provisions of this Code, including, but not limited to, disclosure of investigations and/or proceedings to any third party.
- p.
 - i. Embezzling, stealing, purloining, or knowingly converting to personal or third-party use, or without authority, selling, conveying or disposing of any property, money, or thing of value of the law school or of any student organization thereof in violation of any rules or regulations regarding such property; or
 - ii. Receiving, concealing, or retaining the same with intent to convert it to personal use or gain, knowing it to have been embezzled, stolen, purloined or converted.

Any willful neglect or refusal to make and file proper accountings or reports concerning such money or property as required by the law school, Student Bar Association, or any student organization of the law school shall be taken to be sufficient evidence prima facie of such embezzlement or misappropriation.

ARTICLE 4: DUTY TO REPORT MISCONDUCT AND ALLEGED VIOLATIONS

Section 1. Duty to Report Violations.

Every Tulane Law School student, every Tulane Law School faculty member, and every employee of Tulane Law School is charged with knowledge of this Honor Code. Any such student, faculty member, or employee who observes, or who otherwise reasonably believes that a student has violated this Honor Code has an affirmative obligation to take all necessary steps to report and end such conduct. All law school faculty members and employees will report alleged violations to the Vice Dean of the Law School. The Vice Dean will then contact the Chief Justice regarding the alleged violation. Students must submit written notification of conduct that may constitute a violation to any Honor Board Justice, the Dean of the Law School, or the Dean of Students.

This notification of misconduct shall contain the following information:

1. The name of the accused, if known, or a description of the accused, if the name of the accused is not known;
2. The nature of the alleged violation;
3. The facts supporting the reasonable belief that the Honor Code has been violated, including the time, date, place of the suspected violation;
4. The names of other witnesses to the violation, if any;
5. The name of the person reporting the alleged violation, with their local residential address, telephone numbers, and e-mail addresses.

Section 2. Time for Reporting Violations.

All reports of suspected violations of the Honor Code must be made within thirty days of the suspected misconduct, or within thirty days of when the person reporting the suspected misconduct first learns of it, whichever comes last. Failure to meet this time limitation shall serve as an absolute bar to any proceedings under the Honor Code, one which may be raised by the accused at any time during the proceedings.

ARTICLE 5: INVESTIGATIONS

Section 1. Commencing an Investigation.

Upon receiving a report of an alleged violation, the Chief Justice of the Honor Board shall, within 72 hours, assign the matter for investigation to another member of the Honor Board. This principal investigator may be aided during the course of their investigation by one other

member of the Honor Board, but will at all times have responsibility for the timely completion of the investigation.

The principal investigator shall promptly conduct a thorough and impartial investigation of the alleged violation. This investigation will include, but is not limited to: (1) interviewing the person or persons suspected of the violation(s), who shall be informed of the nature of the allegations against him/her/them before the interview; (2) interviewing alleged witnesses to the suspected violation; and (3) gathering documentary or other tangible evidence.

The investigation shall be treated as a confidential matter at all times, and no information regarding the investigation shall be divulged to anyone at this stage of the proceedings, including the person(s) accused of violations.

All interviews shall be recorded, and all persons who are interviewed must be informed that the interview is being recorded. All persons who are interviewed must also be given written notice of their obligation to preserve the confidential nature of the investigation.

Section 2. Time Limits for Investigations.

The investigation of all alleged violations must be completed within 21 days of the date on which the matter was first assigned to the principal investigator, unless one of the following applies:

1. The principal investigator becomes ill, or is otherwise unable to perform his or her duties, or is recused from the investigation; or
2. The report of the alleged violation is made at a time when less than 21 days remain in the regularly scheduled school term, including exams; or the report is made at a time when the regularly scheduled fall and spring classes are not in session.

In these cases, the investigation must be completed within 21 days of the date upon which a new principal investigator is appointed, or regularly scheduled classes resume.

ARTICLE 6: THE FORMAL CHARGES; ANSWER

Section 1. Probable Cause Finding.

Within seven days of the time the investigation is completed, the principal investigator shall report the results and findings of his or her investigation to a three-person panel, consisting of the Chief Justice of the Honor Board, another member of the Honor Board who has not participated in the investigation, and a member of the faculty. This panel shall be responsible for determining whether it is more probable than not that a violation of the Honor Code has occurred. The investigator shall not participate in the deliberations of the panel. The failure to timely convene such a probable cause panel shall give the accused grounds to seek the dismissal

of any charges that were subsequently brought against him or her, unless good cause existed for the delay in convening such a panel.

If a majority of the three-person panel finds that no such probable cause exists, the investigation shall be concluded, and the person(s) suspected of violations shall be notified within 72 hours that: (1) the investigation has been concluded, and (2) that no probable cause was found.

Section 2. Faculty Service on Probable Cause Panels.

When a probable cause panel is required, one member of the full-time law faculty who is not on sabbatical or on leave, other than the Dean and the faculty advisor or advisors for the Honor Board, shall be picked at random from a list of all such faculty members for service on the pane. Absent good cause shown to the Dean, or recusal, no faculty member may be excused from such service.

Once a faculty member has served on a probable cause panel, he or she will be excused from such further service until all eligible faculty members have served on such a panel.

Section 3. The Formal Charges.

If a majority of the panel finds that probable cause does exist, within 72 hours the panel shall draft the formal charges against the accused. These charges shall be brought in the name of the Honor Board, and shall consist of a plain, concise and definite statement of the essential facts constituting the violations charged, together with concrete references to the specific section(s) of the Honor Code that allegedly have been violated.

These charges shall immediately be served on the accused either by personal service, e-mail (with read-receipt), or by registered mail. In addition, a hard copy, sealed within an envelope marked confidential, shall be placed in the students mail folder in the law school for the accused student to retrieve.

Section 4. The Answer to the Formal Charges.

Within 20 days of actual service of the formal charges by any of the above three methods, the accused, either acting pro se, or through his student counsel, shall file an answer to the charge(s). In this answer, the accused must either deny the charge(s) and request a hearing on the question of culpability, or admit the charge(s) and request a hearing limited to the issue of the appropriate sanctions for the violation(s) that have been admitted. If there is more than one charge, and the accused denies having committed one or more violations, but admits others, the culpability hearing on the charges that have been denied will be held first, and will be immediately followed by the hearing on the question of sanctions.

ARTICLE 7: PRE-HEARING PROCEDURES

Section 1. Setting the Hearing.

At such time as an answer is received from the accused, the Honor Board shall set the matter for hearing. This hearing shall be no earlier than 15 days from the date the answer is filed by the accused, and no more than 30 days from that date, unless additional time is requested by the accused, or good cause is shown for a delay.

Section 2. The Production of Evidence by the Honor Board.

Within 5 days of receiving an answer from the accused, regardless of whether the answer admits or denies culpability, the Honor Board shall transmit to the accused copies of all evidence gathered during the investigation, including recordings of witness interviews, copies of documents, and any other tangible objects or items gathered during the course of the investigation. In addition, the Honor Board must provide the accused with a list of the witnesses it intends to call at the hearing.

Section 3. The Production of Evidence by the Accused.

At least 5 days before the hearing, the accused shall provide the Honor Board with copies of any books, papers, documents, data, photographs, or other tangible objects that he or she intends to offer at the hearing.

Section 4. The Right of the Accused Student to Call Witnesses.

At least 5 days before the hearing, the accused must provide the Honor Board with a list of the witnesses he or she intends to call at the hearing. An accused student may compel the testimony of any other Tulane Law School student at their hearing, except one who is also accused of violations of this Honor Code. To obtain the testimony of another student, the accused student must file a request with the Honor Board at least 5 days before the hearing. Upon receiving such a request, the Honor Board shall immediately notify that student that he or she must appear at the Honor Board hearing, and provide them with the date, time, and place of the hearing.

Section 5. Pre-hearing Motions.

Subsequent to filing an answer, but not later than 5 days before the hearing, the accused may file any motions or pleadings that he or she believes to be relevant to the proceedings. All such

motions and pleadings will be heard, recorded, and ruled upon by the Chief Justice of the Honor Board on the date of the hearing, before any evidence is taken at that hearing.

ARTICLE 8: HEARINGS

Section 1. The Hearing Panel.

All hearings will be conducted before a panel consisting of three members of the Honor Board other than the Chief Justice of the Honor Board, none of whom shall have any prior knowledge of the proceedings, and two members of the law faculty. Where feasible, at least one member of the Honor Board other than the Chief Justice should be from the same class as the accused student(s). The Chief Justice of the Honor Board shall preside over the hearing, but will have no vote.

Section 2. The Burden of Proof; Voting.

All students accused of violations of the Honor Code are presumed to be innocent. A student will be found guilty of a violation of the Code only upon proof beyond a reasonable doubt of a violation. Four of the five members of the hearing panel must concur in such a finding before a student will be adjudged guilty.

Section 3. The Rules of Evidence.

At a hearing to determine the culpability of an accused, all evidence relevant to the formal charges is admissible, including hearsay. At a hearing to determine the appropriate sanctions for a student who has been found guilty of a violation, or who has admitted a violation, the accused may offer evidence in mitigation of punishment.

Upon objection by the accused, the Chief Justice may exclude evidence that would otherwise be relevant if its probative value is outweighed by its potential prejudicial effect.

Section 4. The Hearing.

The Chief Justice will be responsible for: ruling on pre-hearing motions; determining the order of the witnesses; ruling on objections by the accused to improper questions or evidence; and otherwise preserving the orderliness and dignity of the proceedings.

The Chief Justice will call the witnesses for the Honor Board first. These witnesses will be questioned first by the panel members, excluding the Chief Justice, and then by the accused.

Thereafter, the witnesses may be questioned again by the panel members; and, in the discretion of the Chief Justice, by the accused. Leading questions may be asked of any witness at any time.

At such time as all witnesses called by the Honor Board have been questioned, the accused has the right to move for a dismissal of all charges, on the grounds that the evidence offered does not establish his or her culpability by clear and convincing evidence. This motion must be considered, and ruled upon immediately by the five members of the panel (not the Chief Justice) by means of a secret ballot. If three members of the panel vote to grant the motion, the accused shall be declared not guilty, and the hearing shall be concluded. If the motion is denied, the accused shall have the right to call witnesses in his or her defense.

At the conclusion of all the evidence relating to culpability, the five members of the panel shall, by secret ballot, in closed deliberations, vote on each of the charges against each accused. This vote shall be either guilty, or not guilty. If an accused is found not guilty of all charges, the hearing shall be concluded.

If an accused is found guilty of any charge, he or she shall be given the opportunity to present evidence in mitigation of punishment and to make a statement to the panel before punishment is imposed. After hearing such evidence, the panel shall retire to deliberate, in secret, to determine the appropriate sanctions, in accordance with this Honor Code.

The accused student shall not be excused from the hearing until such time as the panel has determined the appropriate sanctions. These sanctions will be announced to the student by the Chief Justice, in the presence of the entire panel.

Section 5. Faculty Service on Hearing Panels.

When a hearing is required, two members of the full-time law faculty who are not on sabbatical or on leave, other than the Dean and the faculty advisor or advisors for the Honor Board, shall be picked at random from a list of all such faculty members for service on the panel for that hearing. Absent good cause shown to the Dean, or recusal, no faculty member may be excused from such service. Once a faculty member has served on a hearing panel, he or she will be excused from such further service until all eligible faculty members have served on such a panel.

ARTICLE 9: PROCEDURE FOR GRADUATING STUDENTS

- a. All complaints against any student known to be in the last semester of his or her degree program must be filed within 72 hours of the alleged violation. The Honor Board will assign an investigator within 24 hours of receiving the complaint.
- b. Whenever possible The Honor Board should conduct a preliminary hearing prior to the deadline for certifying the student for his or her degree. If such a hearing is not possible, the student should be allowed to graduate but a “hold” should be placed on his or her

transcript.

- c. In all circumstances, the Honor Board should complete all proceedings before the deadline for the release of official transcripts; or 21 days following graduation, whichever comes first. In such cases, the student will be advised that the award of his or her degree is provisional, and can be revoked subject to the findings of the Honor Board. If deadlines in this article prove impracticable, the aforementioned deadlines in this Code shall apply.
- d. The School of Law and the Honor Board would retain jurisdiction over students even after graduation if there are outstanding, and unresolved complaints. Proceedings in absentia against a graduated student are only permissible if a student fails to cooperate with the Honor Board. The Chief Justice needs the written consent of the Dean of the Law School before conducting a hearing in absentia.

ARTICLE 10: SANCTIONS

- a. In the event of a finding of an Honor Code violation, the Honor Board may recommend one or more of the following sanctions:
 - i. Permanent placement in the student's file of a letter prepared by the Chief Justice as to the findings of the hearing panel;
 - ii. Removal from or denial of eligibility for any offices of Law Review, Moot Court Board, Moot Court Team, Law Journals, Student Bar Association, or similar Law School activity;
 - iii. Suspension from the Law School for a specified time;
 - iv. Permanent expulsion from the Law School;
 - v. For course-related violations only, penalties may also include:
 - 1. Withdrawal of academic credit in the course (entry of a "W" for the course in which the violation occurred, with a notation on the transcript);
 - 2. Reduction of grade in the course by one grade;
 - 3. Entry of a failing grade in the course;
 - vi. Any other sanctions that the hearing panel deems just and fair under the circumstances.
- b. In recommending sanctions under this section, the Honor Board shall consider the following:
 - i. The premeditation of the student in committing the violation;
 - ii. The student's cooperation with the Honor Board regarding the violation;
 - iii. The flagrancy or severity of the violation;
 - iv. Prior history of violations, if any;
 - v. The actual or potential injury caused by the student's conduct; and
 - vi. The student's apparent acceptance or lack of acceptance of responsibility for committing the violation.
- c. In recommending sanctions under this section, the Honor Board shall consider the recommended sanctions schedule attached as Exhibit "B".

ARTICLE 11: APPEAL AND REVIEW

Section 1. Automatic Review by the Dean.

Unless the student found guilty waives, the right to appeal, all findings of guilt, and all sanctions imposed by the Honor Board must be reviewed by the Dean of the Law School. The findings of a hearing panel, all evidence introduced, and recordings of hearings shall be transmitted to the Dean by the Chief Justice within 72 hours of the conclusion of any hearing. A redacted copy of all materials transmitted to the Dean will also be kept by the Honor Board for purposes of establishing precedent.

The Dean may set aside a finding of guilt only upon a determination that the finding of the hearing panel was manifestly erroneous. The Dean may reduce any sanctions imposed by the hearing panel if the Dean finds the sanctions to be excessive, but may not increase any sanctions imposed by the hearing panel.

The review by the Dean shall be made within 15 days of receiving the record of the proceeding from the Chief Justice of the Honor Board, and the student shall receive written notice of the results of that review.

Section 2. Review by the Senate Committee for Academic Freedoms and Responsibility by Students.

If, after receiving the results of the review by the Dean, the student desires further review by the Senate Committee for Academic Freedoms and Responsibility by Students, that student must, within ten days, file an appeal to that Senate Committee, subject to all the appellate procedures of that committee.

Section 3. Preservation of Tapes of Hearings, Transcripts of Hearings.

The Honor Board shall preserve all recordings of hearings for five (5) years from the date of the hearing. During that five year period, a student who was the subject of a disciplinary proceeding may, at his or her own expense, arrange to have a certified court reporter make a transcript of the proceedings. The recording of the hearing shall be delivered by the Chief Justice of the Honor Board directly to the certified court reporter, who shall be responsible for its safekeeping, and who shall return it at such time as the transcript has been prepared for the student.

ARTICLE 12. ANNUAL REPORT AND HONOR BOARD FILE

Section 1: Honor Board Files and Precedent

The Chief Justice of the Honor Board shall maintain a file that includes a record of all complaints, findings, recommendations, appeals, and final determinations.

Section 2: Annual Report

The Chief Justice shall submit an annual overview of Honor Code proceedings for the past calendar year to the student body. The Annual Report shall include a summary of the violations that occurred over the past calendar year as well as non-case related activities undertaken by the Honor Board. No student names or other personally identifiable information may be included in the report.

APPENDIX “A”: TIMETABLE FOR PROCEEDINGS UNDER THIS CODE

Reporting a suspected violation: Within 30 days of the suspected violation, or within 30 days of when the person reporting the suspected violation first learns of it, whichever comes last. (Article 4, Section 2)

Commencing an investigation: Within 72 hours of when the suspected violation is first reported. (Article 5, Section 1)

Duty to complete an investigation: Within 21 days of the date the matter is first assigned to the principal investigator. (Article 5, Section 2)

Duty to determine whether probable cause exists: Within 7 days of the completion of the investigation. (Article 6, Section 1)

Duty to file formal charges: Within 72 hours of the probable cause finding. (Article 6, Section 3)
Time for the filing of an answer by the accused: Within 20 days of service of the formal charges (Article 6, Section 4)

Time for the filing of pre-hearing motions: Not later than 5 days before the hearing. (Article 7)
Time for the accused to request Not later than 5 days before the hearing. (Article 7, notices to witnesses: Section 1)

Time for the hearing: Not earlier than 15 days nor later than 30 days after the filing of an answer by the accused. (Article 7, Section 1)

Time for automatic appeal to the Dean: Within 72 hours. (Article 11, Section 1)

Time for findings by the Dean: Within 15 days of receiving the record. (Article 11, Section 1)

Time for Appeal to the Senate: Within 10 days after the Dean’s review is complete. (Article 11, Section 2)

APPENDIX “B”: RECOMMENDED SANCTIONS FOR VIOLATIONS OF ARTICLE 3, HONOR CODE

The following sanctions are recommended for each of the violations enumerated in Article 3. These sanctions are merely advisory; the Honor Board Hearing Panel may depart from the recommended sanctions pursuant to the factors set forth in Article 10.b.

- a. Knowingly giving or knowingly receiving assistance or information during any law school examination (Recommended sanctions: 10.a. ii, iv., v.2, v.3);
- b. Knowingly giving or knowingly receiving assistance or information relating to any paper, legal research and writing assignment, or other written assignment for academic credit when specifically prohibited by professor, instructor, or administrator (Recommended sanctions: 10.a. ii, iv., v.2, v.3);
- c. Knowingly giving or knowingly receiving assistance or information relating to any journal write-on competition or moot court competition when specifically prohibited by professor, instructor, administrator, or competition rules (Recommended sanctions: 10.a. i., ii., iii);
- d. Plagiarizing in the sense of knowingly and intentionally using the work of another, and representing it to be the student’s own work, with the intent to deceive the professor (Recommended sanctions: 10.a. iv., v.1, v.2, v.3);
- e. Plagiarizing in the sense of negligently failing to provide proper attribution (Recommended sanctions: 10.a i, v.2);
- f. Utilizing or referring to any material in any location or at any time the use of which has been specifically forbidden by the professor, administrator, or student(s) in charge (Recommended sanctions: 10.a. i., ii., iv, v2, v3);
- g. Breaching the printed and available instructions or rules in any law school course or academic competition so as to give the violator an unfair advantage over those who adhere to such instructions or rules, including, but not limited to, (i) knowingly undertaking all or part of an examination in a room not designated for such purpose, (ii) knowingly commencing an examination before the stipulated time or knowingly continuing an examination after the stipulated time for concluding it, or (iii) knowingly failing to submit any of the materials required to be submitted at the conclusion of an examination (Recommended sanctions: any);
- h. Knowingly compromising an anonymous grading system (Recommended sanctions: 10.a. v.);
- i. Obtaining, r giving, or knowing receiving any unauthorized information concerning the substance of an exam prior to the receiving student’s taking of the exam (Recommended sanctions: 10.a. iv., v2, v3);
- j. Knowingly misrepresenting one’s own attendance on an attendance sheet or misrepresenting another student’s attendance by signing another student’s name on an attendance sheet (Recommended sanctions: 10.a. ii., v);
- k. Submitting for academic credit any written work which is the same or substantially the same as any written work for which the student has previously received or will receive academic credit, excluding journal articles where the professor has expressly granted permission (Recommended sanctions: 10.a. v.);

- l. Engaging in any act with the specific intent to materially interfere with other students in the pursuit of their education, including but not limited to: (Recommended sanctions: 10.a. i., ii., iv., v)
- i. Defacing, removing, or otherwise improperly using any library material, including failing properly to reshel any library material, with the intent to preclude other persons from access to that material; or (Recommended sanctions: 10.a. i., v.)
- ii. Knowingly taking any property not one's own from Law School premises with the intent to deprive another of such property or knowingly taking any property belonging to another student with the intent to harm that student if that property is directly related to that student's academic studies wherever such property is located (Recommended sanctions: 10.a. i., ii., iv, v);
- m. Knowingly and materially misrepresenting , by act or omission, on any document or by oral statement, including but not limited to, financial aid applications and resumes, a student's academic or professional qualifications, conduct, class attendance, class standing, grades, honors, and activities (Recommended sanctions 10.a. i., ii);
- n. Conspiring to commit a violation of this Code; attempting to commit a violation of this Code; soliciting another to commit a violation of this Code; and assisting in, or facilitating the commission of any violation of this Code (Recommended sanctions 10.a.i., ii);
- o. Failing to cooperate in the enforcement of this Code as follows (Recommended sanctions: 10.a i, ii, iii, vi):
 - i. Intentionally failing to report a violation of this Code;
 - ii. Filing a complaint under this Code in bad faith and/or with the intent to harass or injure another person;
 - iii. Knowingly giving false information to an investigator appointed pursuant to this Code or failing to cooperate with an Honor Board investigation;
 - iv. Intentionally failing to appear when called to testify before an Honor Board hearing panel;
 - v. Testifying falsely at a hearing held pursuant to the provisions of this Code; and
 - vi. Knowingly compromising the integrity of proceedings held pursuant to the provisions of this Code, including, but not limited to, disclosure of investigations and/or proceedings to any third party.