

**Southern Illinois University  
School of Law**

**Honor Code**

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## INTRODUCTION

The Southern Illinois University School of Law operates under a strict Honor Code (“the Code” or “this Code”). The Code is taken seriously by both students and faculty. The ethical standards set forth in the Code are a precursor to the standards which must be met in the legal profession. Law students are expected to uphold the standards of professional conduct that are reflected in this Code, which includes obligations to be honest, to act in a manner that is civil toward others and, when engaged in activities that would be governed by the applicable rules of professional conduct if engaged in by licensed attorneys, to comply with those rules.

The Code consists of three parts. Article I sets out definitions applicable to each section of this Code. Article II identifies the misconduct covered by the Code, as well as the presumptive sanctions that may be imposed for such misconduct. Article III covers the procedures to be followed when there is an allegation of misconduct.

### ARTICLE I - DEFINITIONS [added 12/7/12]

- A. **General Rule.** Except as provided in this Article, words used in this Code will have the same meaning as contained in the School of Law Rules Article I - Definitions and General Provisions.
- B. **Specific Definitions**

Unless the context otherwise requires, in these Rules the following terms shall have the following meanings, whether or not capitalized, and regardless of tense:

“Collaboration” is joint preparation of course work which is to be submitted to the instructor in which more than one person prepares portions of the material or supplies the substantive concepts or ideas for the course work. Unless explicitly prohibited by the instructor, collaboration does not include discussing course work; sharing and discussing ideas, authorities, and concepts; nor reading and critiquing another student’s course work. [amended and moved from former I.B.1.e]

“Examination” means any graded assessment that constitutes a significant portion of the grade in a course, as determined by the course’s instructor, which may include pass/fail assessments. [added 12/7/12]

“Plagiarize” means to pass off another’s ideas, words, or work as one’s own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author’s work with quotation marks, footnotes, or other appropriate designation in such a way as

to make clear the true author of the work. [amended and moved from former I.B.1.c]

“Student” means any student matriculated at the School of Law, regardless of degree being sought, including J.D. or LL.M. students who take courses in other departments or at other academic institutions while that student is matriculated in the Law School. [added 12/7/12]

## ARTICLE II - TYPES OF MISCONDUCT—SANCTIONS

### A. Academic Misconduct—First Degree

1. Acts Constituting. Any student who commits the following acts shall be guilty of Academic Misconduct—First Degree:
  - a. Consults books, papers, the examination of any other student, or notes of any kind, or any other source of any kind, during an examination, except as authorized by the instructor. [amended 12/7/12]
  - b. Takes an examination in whole or in part for another student or knowingly permits the student’s own examination in whole or in part to be taken by another person. [amended 12/7/12]
  - c. Steals or attempts to steal an examination in whole or in part in advance of the examination. [amended 12/7/12]
  - d. Offers or attempts to offer anything of material value to any other person, including an instructor, staff member, or other student, for the purpose of gaining an academic benefit or advantage. Provided, however, that this provision shall not prohibit any *bona fide* tutoring or tutoring program.
  - e. Coerces, extorts, or attempts to coerce or extort any person, including any instructor, staff member, or other student, with the purpose of gaining an academic benefit or advantage.
  - f. Forges or alters any document, record or instrument for the purpose of gaining a benefit or advantage within the School of Law.
  - g. Knowingly aids, abets, or assists another person in committing an act of Academic Misconduct—First Degree. [amended 12/7/12]
2. Presumptive Sanction. The presumptive sanction for Academic

Misconduct—First Degree is a grade of 0.0 in the course and permanent separation from the School of Law.

**B. Academic Misconduct—Second Degree**

1. Acts Constituting. Any student who, with the purpose of gaining an academic advantage or benefit for any person, commits the following acts shall be guilty of Academic Misconduct—Second Degree:
  - a. Gives, secures, or exchanges any information about the contents of an examination during the examination period, except as authorized by the instructor.
  - b. Obtains or attempts to obtain information about specific questions on an examination in advance of the examination from any faculty member, staff member, or student or by accessing any media used for preparation or retention of the examination, or by obtaining the examination or any parts thereof which have been discarded. [amended 11/13/08]
  - c. Submits plagiarized work in any course, competition, Law Journal activity, or Moot Court brief with the purpose of representing as the student's own work that of another. [amended 12/7/12]
  - d. Offers for credit any work previously submitted for credit in any other course in the School of Law, except as authorized by the instructor.
  - e. Offers for credit any work prepared in collaboration with another person, unless such collaboration is explicitly stated in the work and is authorized by the instructor. [amended 12/7/12]
  - f. Knowingly aids, abets, or assists another person in committing an act of Academic Misconduct—Second Degree. [amended 12/7/12]
2. Presumptive Sanction. The presumptive sanction for Academic Misconduct—Second Degree is a grade of 0.0 in the course and either permanent separation from the School of Law or suspension from the School of Law for two regular (fall and spring) academic semesters.

**C. Academic Misconduct—Third Degree**

1. Acts Constituting. Any student who, with the purpose of gaining an academic advantage or benefit for any person, commits the following acts shall be guilty of Academic Misconduct—Third Degree:

- a. Having taken an examination, discusses its contents with another student who the student knows will take that same examination at a later time during the same semester.
  - b. Offers for credit any work previously submitted for credit in any other course outside the School of Law, except as authorized by the instructor. [amended 12/7/12]
  - c. Steals or damages or attempts to steal or damage any property belonging to the Law Library, School of Law, or University.
  - d. Batters or assaults any person within any building where the School of Law conducts any of its activities, or steals or damages, or attempts to steal or damage, the property of another in any such building. [amended 11/13/08]
  - e. Retains a copy of any examination for the purpose of preserving questions for use by other students, except as authorized by the instructor.
  - f. Takes notes during an examination for the purpose of preserving questions for use by another student, except as authorized by the instructor.
  - g. Submits plagiarized work in any course, competition, Law Journal activity, or Moot Court brief. [amended 12/7/12]
  - h. Talks during an examination, except to, or at the direction of, a faculty member or other individual administering the examination.
  - i. Hides, conceals or intentionally misplaces any material belonging to the Law Library or School of Law or assigned for any class in the School of Law with the purpose of making such material unavailable to another person.
  - j. Knowingly aids, abets, or assists another person in the commission of an act of Academic Misconduct—Third Degree.
2. Material Misrepresentation in Pursuit of Employment. Any student who, with the purpose of gaining advantage or benefit, makes any material misrepresentation respecting the student’s academic record or standing in pursuit of employment shall be guilty of Academic Misconduct—Third Degree.
3. Presumptive Sanction. The presumptive sanction for Academic Misconduct—Third Degree shall be a grade of 0.0 in the course and either



suspension from the School of Law for not less than one, nor more than two, regular (fall and spring) semesters or a written reprimand.

**D. Academic Misconduct—Fourth Degree**

1. Acts Constituting. Any student who, with the purpose of gaining any academic advantage or benefit for any person, commits the following acts shall be guilty of Academic Misconduct—Fourth Degree:
  - a. Fails to stop writing an examination when the time allotted for writing the examination has elapsed.
  - b. Uses, during an examination, any equipment with a memory, communication, or reproduction capacity, except as allowed by the instructor or with the advance approval of the instructor. Provided however, if such equipment's use also constitutes a more serious degree of academic misconduct, the student shall be guilty of the more serious offense. [amended 11/13/08]
  - c. Submits any work in which the references are so presented as to purposefully misrepresent the true author, even though the true author is cited and referred to within the work.
  - d. Signs another's name to an attendance sheet for a class the other did not attend, except as authorized by the instructor.
  - e. Signs the student's name to an attendance sheet for a class the student did not attend, except as authorized by the instructor.
  - f. Authorizes, directs, or permits another to sign the student's name to an attendance sheet for a class the student did not attend, except as authorized by the instructor.
  - g. Intentionally breaches the anonymity of an exam, by such things as deliberately revealing the student's examination number or another's examination number to an instructor before that instructor turns in the grades for the course, or otherwise deliberately providing identifying information about an examination response. In courses with multiple examinations, there is no breach if the instructor has already graded a particular examination and the student provides the instructor with the student's number to facilitate review of that graded examination, if there is no risk of jeopardizing anonymity for future examinations, for example in courses in which temporary examination numbers are used. [added

12/7/12]

2. Presumptive Sanction. The presumptive sanction for Academic Misconduct—Fourth Degree shall be a grade of 0.0 in the course or a written reprimand or withdrawal from the class, or any combination of these sanctions.

**E. Honor Code Violations**

1. Acts Constituting. Any student who commits the following acts shall be guilty of an Honor Code Violation:
  - a. Makes any material misrepresentation to a faculty member or staff regarding the student's academic record or otherwise concerning activities in the School of Law with the purpose of gaining an academic advantage or benefit for any person.
  - b. Allows admission to any building in which the School of Law conducts any of its activities, or to any room within any such building, to any unauthorized person at a time when access to such building or room is limited and when such student consciously disregards the substantial and unjustified risk that the unauthorized person desired entry to the building or any room within the building for the purpose of violating criminal statutes or this Code. Provided, however, that if such conduct constitutes aiding or abetting a more serious offense, the student shall be guilty of the more serious offense. [amended 11/13/08]
  - c. Refuses to respond to a request for nonincriminating information from the Examiner or hearing officer investigating any alleged violation of the Code, knowingly provides false information to such person, or purposefully destroys evidence material to the investigation of any violation of this Code. Provided, however, nothing in this provision overrides the rights of a student charged with misconduct as set out in the notice sent to that student under Section III.C. [amended 11/13/08; 12/7/12]
  - d. Brings books, papers, or notes of any kind into a room where an examination is being administered, except as authorized by the instructor.
  - e. Steals or damages or attempts to steal or damage any property belonging to the Law Library, School of Law, or University. [added 12/7/12]
  - f. Batters or assaults any person within any building where the School of Law conducts any of its activities, or steals or damages, or attempts to

steal or damage, the property of another in any such building. [added 12/7/12]

- g. Accesses, creates or disseminates audio or visual recordings of a class session or assigned course-related activity (including but not limited to required study group activities) when the instructor has prohibited such recordings or limited their access or dissemination. This rule applies regardless of the manner by which the audio or visual recording is made. [added 12/7/12]
  - h. Uses LexisNexis, Westlaw, or other library services for unauthorized work or activities. [moved from former Section I.D 12/7/12]
2. Presumptive Sanction. The presumptive sanction for an Honor Code Violation shall be suspension from the School of Law for one regular semester (spring or fall) or a written reprimand.

#### **F. Criminal Misconduct**

1. Acts Constituting. Any student shall be guilty of Criminal Misconduct if the student is convicted of:
- a. any felony; or
  - b. any lesser crime a necessary element of which involves the interference with the administration of justice, false swearing, misrepresentation, fraud, willful extortion, misappropriation, theft, the sale or distribution of a controlled substance, or an attempt or a conspiracy or solicitation of another to commit such a crime. [amended 11/13/08]
2. Sanction. The sanction for Criminal Misconduct shall be proportionate to the nature of the underlying criminal misconduct, and may include any sanction authorized by this Code.

#### **G. Violations of Rules Governing the Professional Conduct of Attorneys**

1. Acts Constituting. It shall be a violation of this Code, if within the Clinical Program of the School of Law, any externship for which academic credit is awarded, or in any position doing law-related work for a law firm, legal organization, or legal department, the student is guilty of conduct which, if committed by an attorney, would violate the rules governing the professional conduct of attorneys applicable in the jurisdiction where the conduct occurred. [amended 11/13/08; 12/7/12]

2. Presumptive Sanction. The presumptive sanction for engaging in conduct which violates the rules governing the professional conduct of attorneys, but which does not otherwise violate this Code, shall conform to the American Bar Association Standards for Imposing Lawyer Sanctions. For any conduct which would subject an attorney to disbarment, the presumptive sanction shall be permanent separation from the School of Law. For any conduct which would subject an attorney to suspension, the presumptive sanction shall be suspension for not less than one, nor more than two, regular (fall and spring) semesters from the School of Law.
- H. Presumptive Sanctions.** The presumptive sanction is the penalty which is to be imposed in the typical case. The Dean may, however, mitigate or aggravate the sanction based on the individual circumstances of each case; provided, however, that the stress inherent in law school shall *not* be a basis for mitigation. The Dean shall consider as an aggravating circumstance a student's previous violation of the Code. In the event the presumptive sanction is not imposed, the Dean shall state in writing the specific basis for mitigation or aggravation and such basis for mitigation or aggravation shall be included in the reports specified in Section III.L. [amended 11/13/08]
- I. Substance Abuse.** Substance abuse is not a defense to any violation of this Code. However, if the hearing officer finds by clear and convincing evidence that the misconduct has occurred as a direct result of substance abuse, the student shall be adjudged guilty, and the Dean *may* stay the presumptive sanction if the student withdraws from school and undergoes a *bona fide* program of drug or alcohol rehabilitation. If such a program is successfully completed by the student, the student may be readmitted following completion of such a program. If, however, the student is subsequently adjudged guilty of any Code violation, the student shall be permanently separated from the School of Law.
- J. Permanent Separation.** If a student is permanently separated from the School of Law, the student shall immediately be dismissed from classes and not permitted to enroll in any further classes in the School of Law unless and until the student reapplies for admission in the same manner as any other prospective student. It is anticipated that such student will generally *not* be readmitted; however, if the student is readmitted, all academic credit for previous work completed will be forfeited, and the student must retake all previous required courses. If any student who is permanently separated from the School of Law seeks admission elsewhere, the Registrar shall inform any other law school to which the student seeks admission of the circumstances of the student's dismissal from the School of Law. [amended 11/13/08]
- K. Suspension.** A student may be suspended for not less than one, nor more than two, regular (fall or spring) semesters. If the violation occurs during the examination period, the student shall receive academic credit for all courses passed, but shall be suspended from the succeeding semester. If the violation occurs prior to the examination period, the

student shall be suspended immediately and forfeit all class work for that semester, provided, however, that the suspension may be made retroactively to the beginning of that semester if so designated in the document stating the suspension. [amended 11/13/08]

- L. Reprimand.** A written reprimand is a written statement prepared by the Dean which summarizes the misconduct committed by the student and the sanction imposed. Such statement shall be part of the student's permanent record. [amended 11/13/08]
- M. Restitution.** In any case in which the student has been adjudged guilty of misconduct which involves the theft, loss, or damage to property, the student shall be required to pay restitution for such damage or loss, in addition to the sanction specified in this Code.
- N. Graduated Students.** In any case where misconduct under this Code occurs while a student was matriculated in the Law School but was not discovered or the charge not resolved until after the student graduated, and the presumptive sanction would have included suspension or permanent separation from the Law School, the presumptive sanction for the graduated student's misconduct includes holding that student's degree for a period equivalent to a presumptive suspension period or rescinding that student's degree. [added 12/7/12]
- O. SIUC Student Conduct Code.** In addition to this Honor Code, law students are also subject to the provisions of the Student Conduct Code for Southern Illinois University Carbondale.<sup>1</sup> [moved from former Section II.R 12/7/12]

### ARTICLE III - PROCEDURES

#### A. Officials

1. Examiners. The faculty shall elect two members of the faculty, one to act as Examiner and one to act as a Special Examiner in all disciplinary matters. The Examiner and Special Examiner shall be elected no later than September 1 of each school year. If the Examiner is the complaining party or the teacher of the course in which the alleged misconduct took place, the Special Examiner shall serve for that case and, in that event, all references in this Code to "Examiner" shall refer to

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1. The Student Conduct Code for Southern Illinois University Carbondale was approved in May 1991. It was subsequently amended on October 3, 1997, May 22, 2001, August 15, 2003, August 10, 2008, and April 25, 2011. The full text of the Code is available at <http://policies.siu.edu/documents/StudentConductCodeFINALMay32011.pdf>. For further information, contact the Office of Student Rights and Responsibilities, 900 S. Normal Avenue, Mail Code 4718, Woody Hall A302, Carbondale, IL 62901; (618) 536-2338; [studentrights@siu.edu](mailto:studentrights@siu.edu); <http://srr.siu.edu>.

the Special Examiner. [amended 11/13/08; 12/7/12]

2. Advocates. The Student Bar Association (“SBA”) shall appoint a Student Advocate and a Special Student Advocate who may represent and advise any student who has been charged with a violation of this Code. A student who has been charged with a violation of this Code may elect not to be represented or advised by the Student Advocate. The student charged with a violation may obtain other representation of the student’s own choosing. The Student Advocate may be a member of the faculty or any other individual that the SBA feels is qualified to act as Student Advocate. The Student Advocate and Special Student Advocate shall be appointed no later than September 1 of each school year. If the Student Advocate is the complaining party or the teacher of the course in which the alleged academic misconduct took place, the Special Student Advocate shall serve for that case and, in that event, all references in this Code to “Student Advocate” shall refer to the Special Student Advocate. [amended 11/13/08; 12/7/12]
3. Compensation and Expenses. Neither the Examiner nor the Student Advocate, nor their alternates, shall be compensated from University funds for their services, but shall be reimbursed for their reasonable expenses. [amended 11/13/08; 12/7/12]
4. Hearing Officer. The Hearing Officer shall not be a member of the School of Law faculty but shall be an attorney. The Hearing Officer shall be chosen by the following procedure: A selection committee consisting of a faculty member elected by the faculty and a representative of the students selected by the SBA, shall select before September 1 of each year three attorneys willing to serve as potential hearing officers and rank order the list. The Dean will then select, by rank order and availability, one of the potential hearing officers to serve as the hearing officer in the case. Should none of the potential hearing officers be able to serve, the selection committee shall submit three additional names of potential hearing officers to the Dean, and the Dean shall choose by lot.
5. Ethics Appeal Board. The Ethics Appeal Board shall consist of three full-time faculty members of the School of Law. The faculty shall elect two members and an alternate each year before September 1. The third faculty member of the Ethics Appeal Board, and an alternate, shall be elected by the SBA before September 1. The SBA will post the name of the elected faculty member and the alternate, and will transmit the results to the Dean. [amended 12/7/12]

**B. Allegations of Misconduct.** Any person may invoke this Code by providing the Examiner with a written allegation of misconduct, stating specific acts constituting the misconduct and all known information in support of the allegations, including the names of any known witnesses, statements, and other data. The allegation of misconduct must be provided to the Examiner no later than 120 days after the date of the alleged misconduct

or, in the case of an allegation of a violation of Sections II.B.1(c), (d), or (e) or Sections II.C.1(b) or (g) made by a faculty member, no later than 120 days after the date of discovery of the alleged violation by the faculty member. In unusual circumstances, the Examiner may undertake an investigation without a written allegation of misconduct if the Examiner determines that there is reasonable suspicion to believe that a violation has occurred and, if the investigation produces credible evidence of a violation, the Examiner may, within ten working days of initiating the investigation, make a written allegation of misconduct, which shall have the same content and effect as an allegation of misconduct provided by another person. [amended 11/13/08; 12/7/12]

**C. Notice** [reorganized 12/7/12]

1. Timing. Within five working days of receipt of the allegations the Examiner shall give written notice to each individual student accused of misconduct. However, if the allegation of academic misconduct is made during the fall examination period and the student is not scheduled to graduate that semester, the Examiner may give such notice to the student no later than the third day of classes in the following spring semester.
2. Content. The notice shall advise the student of: (a) the specific allegations into which the Examiner will inquire and about which the Examiner will assemble relevant evidence and information; (b) the student's right to remain silent; (c) the student's right not to respond to the notice or, if the student decides to respond, the student's right to submit a statement or other relevant information or data concerning the allegations within five consecutive days from the date of notice; and (d) the student's right to counsel.

**D. Examiner's Decision on Probable Cause** [added 11/13/08]

1. Investigation and Probable Cause Finding. After the Examiner has considered all available relevant information, including all materials submitted by the accused student and such action as may have been taken by the faculty member involved, the Examiner shall either: (1) file a written complaint based on a finding of probable cause that a violation of this Code has been committed; or (2) file a written finding that there is no probable cause that a violation of this Code has been committed. The Examiner shall deliver the complaint or the finding of no probable cause to the accused student, the complaining party, and the Dean.
2. Timing. The Examiner must file the complaint or finding of no probable cause no later than 12 working days after receipt of the allegation of misconduct from the complaining party; provided, however, when the allegation of misconduct is received during the fall examination period and the accused student is not scheduled to graduate that semester, the Examiner must file the complaint or

finding of no probable cause no later than the tenth day of classes in the succeeding spring semester.

3. Consequences. If the Examiner files a complaint, a hearing will be convened unless an agreement under Section III.E.1 has been approved by the student, the Examiner, and the Dean, in which case no hearing will be conducted. If the Examiner finds that no probable cause exists, no further proceedings against the accused student under this Code shall be conducted.

**E. Agreed Disposition and Sanction.** If the Examiner has filed a complaint, the Examiner may initiate discussions with the accused student or, if the student is represented, with the student's representative, for the purpose of reaching an agreed disposition of the charge. If the Examiner and the student agree to a finding that the student violated this Code and to a sanction for such violation, the Examiner shall advise the complaining party of such agreement. The Examiner and the student shall then forward their agreement, in writing, to the Dean. If the Dean approves the agreement, the Dean shall impose the agreed-upon sanction and the finding of a violation shall have the same effect as a finding of a violation after a hearing affirmed by the Dean, except that no appeal under Section III.J may be taken from a sanction imposed by the Dean pursuant to the agreement. If the Dean does not approve the agreement, neither the agreement nor any admission of a violation by the student in discussions leading to the agreement shall be admissible in any subsequent hearing on the claim of misconduct. [added 11/13/08; amended and reorganized 12/7/12]

**F. Hearing** [amended 11/13/08; amended and reorganized 12/7/12]

1. Timing. If the Examiner files a complaint, the Dean shall, within five working days after receipt of the Examiner's complaint, appoint a Hearing Officer who has no prior involvement with the case pursuant to the procedures set out in Section III.A.4. The Hearing Officer shall promptly fix the time and place for the hearing and give written notice to the accused student and the Examiner. The hearing shall be scheduled no earlier than five working days, and no later than 15 working days, after the Hearing Officer's notice.
2. Content of Notice. The notice must advise the accused student of the allegations to be considered, the student's right to appear in person and be represented by anyone of the student's choice, the student's right to examine witnesses and other evidence that will be considered by the Hearing Officer, and the student's right to make a statement and present evidence in the student's behalf.

**G. Hearing Procedures** [amended 11/13/08; amended and reorganized 12/7/12]

1. Procedures. The rules of evidence do not apply, but the Hearing Officer should



exercise care to assure the relevancy and reasonable safeguards for truth in all matters considered. The testimony of witnesses shall be given under oath or affirmation. The Hearing Officer shall assure that the student is accorded the rights set out above and receives fundamental fairness in the proceedings. A recording of the hearing shall be made and preserved in accordance with Section III.K. The Hearing Officer has authority to consider any procedural issues that arise in regard to a charge brought under this Article.

2. Burden of Proof. The Examiner has the burden of proving a violation by clear and convincing evidence.

**H. Findings and Determination.** The Hearing Officer shall make written findings of fact, based on clear and convincing evidence, and shall make written conclusions as to which, if any, violations were committed. [amended 12/7/12]

**I. Objection and Final Action** [amended 11/13/08; reorganized 12/7/12]

1. Notice; Right to Object. The Hearing Officer's findings and conclusions will be forwarded to the Dean, the Examiner, the complaining party, and the student within five working days of the hearing. The student or the Examiner may object. The objector has five working days from receipt of the Hearing Officer's findings to file an objection with the Dean and the opposing party. The opposing party may file a response with the Dean and the objecting party within three working days after receipt of the objection.
2. Dean's Final Action. The Dean will consider the case on the record and, within ten working days after receipt of the last objection or response, take such action as considered appropriate: to affirm the action of the Hearing Officer; to grant the objection and disapprove the action of the Hearing Officer; or to grant the objection in part and substitute a lesser finding and conclusions. If no objections are filed, the Dean will review the record and take final action. The Dean shall affirm the action of the Hearing Officer if supported by substantial evidence in the record; the Dean may reject the Hearing Officer's findings only if they are not supported by substantial evidence in the record. The Dean shall report this determination to the Examiner, the complaining party, and the accused student. Sanctions, if any, shall be imposed by the Dean.

**J. Appeal** [amended 11/13/08; reorganized 12/7/12]

1. Right to Appeal; Content of Notice. Either the Examiner or the accused student may appeal the Dean's disposition of the matter by filing a written notice of appeal with the Ethics Appeal Board ("the Board") and the opposing party within five calendar days after the receipt of the Dean's final action. The notice of appeal

shall include a reasonable expression of the appellant's desire to appeal the Dean's determination and the basis therefor.

2. Ethics Board Procedure. Upon receipt of the appeal, the Board shall notify the Dean that an appeal has been filed. The opposing party may submit a response to the appeal within three working days after receipt of the notice of appeal. A record of the proceedings will be made available to the Board. After considering the appeal, the Board will take action within seven calendar days which may include: affirming the Dean's final action; reversing the Dean's final action; or modifying the Dean's final action. A factual finding made by the Hearing Officer may be rejected by the Board only upon a determination that it lacks substantial evidentiary support in the record. The sanction may be modified only upon a finding that it is outside the presumptive range of sanctions for the offense or that special circumstances affecting the severity of the offense justify modification of the sanction. The Board's decision is final and no further review may be had in the School of Law.

**K. Records [amended 11/13/08]**

1. Complaints. The Examiner must assign a number to all complaints submitted under this Code, which number must include the academic year.
2. Retention Where Student Found Guilty. In the event an accused student is found to have violated this Code, the Dean shall retain in the student's permanent file: (a) the numbered complaint; (b) any agreed disposition and sanction approved by the Dean; and (c) in the event a hearing is held, any recording of the hearing, findings of the Hearing Officer, physical evidence presented at the hearing, and any action by the Ethics Appeal Board. The Dean shall prepare and retain in the student's permanent file a written summary of the misconduct committed by the student and the sanction imposed. The student may prepare a written response, which shall also be made part of the student's permanent file.
3. Retention Where Student Found Not Guilty or Where No Probable Cause Is Found. In the event an accused student is found not to have violated this Code after the Examiner has given notice to the accused student under Section III.C, the Dean shall prepare and deliver to the student a written summary of the misconduct alleged to have been committed by the student and the resolution of the allegation, which summary shall be retained in the student's permanent file.

**L. Reports by Examiner [added 11/13/08]**

1. Report to Student Body. Upon resolution of any complaint under this Code, the Examiner shall prepare a written summary of the allegations and the resolution,

including the complaint number assigned by the Examiner, and make such summary available to the student body, with a written copy to the Dean. The written summary must not include the name of the accused student, the complaining party, or any witnesses.

2. Report to Faculty. Upon resolution of any complaint under this Code, the Examiner shall report to the faculty at the next regularly scheduled faculty meeting the facts of the disciplinary matter, the resolution, and the sanction imposed, if any, but the Examiner shall not disclose the name of the accused student or of any student witnesses.
3. Availability of Examiner's Report to Students or Faculty Members. The Dean shall retain the Examiner's written summary to the student body prepared under Section III.L.1 and shall make all such summaries available to any student or faculty member for the purpose of facilitating the fair and equitable operation of this Code.

**M. Faculty Authority [Reorganized 12/7/12]**

1. Faculty Member's Academic Judgment. Nothing in this Code affects a faculty member's authority to make academic judgments about the quality of a student's academic performance, including a determination that the material submitted by the student is poor or inadequate because it lacks originality. Nor does anything in this Code affect the student's right to appeal a faculty member's academic judgment through the appropriate review process.
2. Faculty Member's Decision Not Reviewable. Action by the faculty member as to the quality of the student's work in a case of alleged violation of the Honor Code does not bar further consideration by the Examiner and the Hearing Officer, but a faculty member's judgment as to the academic quality of the student's performance shall not be reviewable under these procedures.

**N. Delegation.** In the absence of the Dean, the Associate Dean may act as the Dean when necessary to meet the deadlines for action imposed by this Code. When the Examiner and Special Examiner are unable to serve, the Dean may appoint a substitute Examiner to act when necessary to meet the deadlines for action imposed by this Code. If the accused student waives, in writing, the student's right to have these deadlines met, no substitute may act in place of the Dean until the expiration of 30 days past a deadline specified in Section III.I.2.

**O. Tolling and Extensions of Time Under this Code [amended and reorganized 12/7/12]**

1. Tolling for Agreed Disposition. The initiation of discussions between the

Examiner and the student (or the student's representative) for an agreed disposition under Article III.E shall toll the time limitations regarding the selection of a Hearing Officer, the scheduling of a hearing, and subsequent events under this Article III, until such time as the Dean shall approve or disapprove the agreement or the Examiner determines to terminate the discussions without an agreement. [moved from former II.E.2]

2. Tolling for other Pending Proceedings. The time periods under this Article shall also be tolled if other proceedings have been initiated against the student that would result in sanctions, including but not limited to proceedings under the University's Student Code of Conduct, and in the Examiner's judgment, those proceedings should be resolved before proceeding further under this Code. [added 12/7/12]
3. Extensions of Time in General. For good cause shown, or by agreement of all affected parties, the Hearing Officer, the Dean, or the Ethics Appeal Board may grant extensions of any of the times set forth in this Code; provided that time may not be extended beyond three working days without the consent of the student and, provided further, that the limitations in this Section II.O.3 shall not apply to the tolling of time periods pursuant to Sections III.O.1 and III.O.2. [amended 11/13/08]

**P. Faculty Determination** [reorganized 12/7/12]

1. Right to Make Determination; Notice. For violations constituting Academic Misconduct of the Second Degree under Section II.B.1 (d), (e), and (f), and all violations constituting Academic Misconduct of the Third and Fourth Degree, the faculty member in whose class the violation occurred may, after notifying the student and giving the student an opportunity to be heard, make a determination that a violation has occurred and impose an academic sanction within the authority of the faculty member—e.g., a grade sanction, withdrawal from the course, revision or rewriting. A report on the matter shall be submitted to the Dean and the student for their information.
2. Student's Right to Invoke Code's Procedures. A student who contests the faculty member's formal determination that a violation has occurred may invoke the procedures in this Code for adjudicating a violation by submitting a request for processing the matter under this Code to the Examiner within five working days of notice of the faculty member's action. In a student-initiated proceeding, no presumption of correctness attaches to the faculty member's action, and the burden of proof remains on the Examiner.
3. Grades. Anything to the contrary notwithstanding, no jurisdiction shall exist under

this Code for a student's contesting any grade, unless the faculty member in that course has clearly stated that the grade is being assigned as a sanction for a violation of this Code.

**Q. Advisory Opinions.** [amended 11/13/08; amended and reorganized 12/7/12]

1. Requests. A student may request an advisory ethical opinion from the Examiner. Such student shall make a written request for an advisory opinion to the Examiner and the request shall demonstrate to the satisfaction of the Examiner that the student is likely to be faced with an ethical dilemma if certain events occur in the future. The request shall contain sufficient facts to allow the Examiner to apply this Code to those facts. The decision whether to issue an advisory opinion is solely within the discretion of the Examiner and shall be subject to no further review and the Examiner shall advise the requesting student of such decision.
2. Faculty Review. If the Examiner determines that the issuance of an advisory opinion is desirable, the Examiner shall distribute a draft of such opinion (with the requesting student's name deleted) to the faculty within fifteen (15) working days of the written request. If no faculty member objects in writing to the opinion within five (5) working days of its distribution, the Examiner shall issue such opinion to the student. If any faculty member objects in writing to the opinion within this time, the Dean shall place the matter before the faculty at the next-scheduled faculty meeting. The faculty shall then vote to adopt, reject or modify the opinion by majority vote. If the opinion is adopted (with or without modification), the Examiner shall then issue such opinion to the student.
3. Effect of Opinion. The inquiring student shall not be charged with a violation of this Code for conduct which the advisory opinion concludes is not a violation of this Code.
4. Access to Opinions. All advisory opinions issued by the Examiner (with references to the requesting student's name deleted) shall be placed on file in the Law Library for the information of other students.
5. Informal Advice. Nothing herein shall preclude any student from seeking informal advice about this Code from the Examiner.