

Southern Illinois University Simmons Law School

2025 Honor Code

A Complete Revision Replacing All Prior Versions of the Honor Code

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The SIU Simmons Law School Honor Code and Honor Code Principles

Honor Code

As a member of the SIU Simmons Law School community, I will not lie, cheat, steal, misrepresent any aspect of my academic or professional life, or tolerate such behavior by others. I will always demonstrate integrity, respect for others, inclusiveness, and adherence to the rules and ethical standards expected of members of the Law School Community and the legal profession.

Honor Code Principles

- As part of orientation, each student will formally pledge to follow the Honor Code in the presence of their fellow students. This pledge will remain applicable throughout their tenure as a member of the SIU Simmons Law School community.
- All faculty and staff members will also read and sign the Honor Code, either when it is approved by the faculty or as part of their onboarding process, acknowledging their role in exemplifying its principles and fairly and consistently administering it to students.
- During orientation, incoming students will receive a briefing from the Ethics Examiners. This briefing will cover the following topics:
 - Honor Code Definitions;
 - Honor Code Offenses; and
 - Honor Code Procedures, including
 - Reporting Requirements;
 - Investigations;
 - Informal Resolution Procedures;
 - Formal Hearings; and
 - Disciplinary Consequences
- Each member of the faculty is expected to provide clear instructions and guidance for students, including in course syllabi and written and verbal assignment instructions. Faculty members will use the same definitions for unauthorized conduct as are provided in the Definitions section of this document. Students are responsible for reading and complying with assignment instructions and the expectations of professors.
- Turning in a graded assignment serves as the student's certification of compliance with the Honor Code and will be treated as such. Instructors may also require electronic acknowledgment of the

Honor Code on assignments and quizzes turned in using the university online learning management software.

- Each student is responsible for their own conduct and is expected to lead others by example.
- Students, faculty, and staff are required to address suspected Honor Code violations in accordance with the Procedures section of this document. Anyone may seek confidential guidance from the Faculty Ethics Examiner if they are unclear about procedures.
- Students have an ongoing duty to disclose to the Law School administration any arrests, charges, guilty or *nolo contendere* pleas, or verdicts against them, related to any violation of the criminal laws of any federal, state, or local jurisdiction other than a minor traffic violation. Minor traffic violation is defined as any violation of the vehicle code that does not rise to the level of a misdemeanor or a felony. Failure to disclose such events in a timely manner is a violation of the Honor Code and is subject to discipline.

Definitions

Assessment is a systematic process of gathering, analyzing, and interpreting evidence to determine how well student performance matches educational expectations, learning outcomes, and standards of professional competence. The assessment process typically occurs in the form of assignments and examinations given to students by instructors. There are two main categories of assessments, each of which is covered by the Honor Code:

- **Formative assessment:** Ongoing evaluation that provides feedback during the learning process, allowing students to identify strengths and weaknesses before summative evaluation.
- **Summative assessment:** Evaluation at the conclusion of a learning period that determines achievement of learning outcomes and often results in grades or credentials.

Assignment is a structured academic task or project that students must complete for assessment by the instructor as part of their coursework. Assignments are designed to develop essential legal skills, reinforce classroom learning, and assess students' understanding of legal concepts and their application. Types of law school assignments include, but are not limited to:

- **Legal Research Assignments:** Tasks requiring students to locate, analyze, and synthesize relevant case law, statutes, regulations, and secondary sources using legal databases like Westlaw, LexisNexis, or Bloomberg Law.
- **Legal Writing Assignments:** Written tasks including case briefs, legal memoranda, appellate briefs, judicial opinions, client letters, contract drafting, and other assignments that develop professional writing skills.
- **Problem-Based Assignments:** Hypothetical scenarios or fact patterns that require students to identify legal issues, apply relevant law, and develop reasoned arguments or solutions.
- **Oral Advocacy Assignments:** Moot court exercises, mock negotiations, or client counseling simulations that develop verbal communication and advocacy skills.
- **Doctrinal Analysis Assignments:** Tasks focusing on understanding and applying specific areas of law, often requiring students to analyze how legal principles would apply to novel situations.
- **Clinical Assignments:** Work performed in law school clinics involving real clients and cases under faculty supervision.

Cheating is any dishonest behavior or action that violates established rules, policies, or ethical standards to gain an unfair advantage in academic work or assessments. Examples of cheating include:

- **Unauthorized assistance:** Using prohibited resources, materials, or help from others during examinations or when completing assignments.
- **Plagiarism:** Presenting someone else's work, ideas, or words as one's own without proper attribution or citation.
- **Fabrication:** Inventing or falsifying information, data, sources, or research findings.

- **Contract Cheating/Impersonation:** Having another person complete an exam, assignment, or other academic work on one's behalf.
- **Unauthorized collaboration:** Working with others on individually assigned tasks when such collaboration is prohibited.
- **Technology misuse:** Using electronic devices, software, generative AI, or internet resources in unauthorized ways during assessments or to complete assignments.
- **Prior work submission:** Submitting the same work for credit in multiple courses without permission (self-plagiarism).
- **Exam misconduct:** Copying from other students, using unauthorized notes, communicating with others, or extending time limits during tests.
- **Interference:** Deliberately preventing others from completing their work or sabotaging their academic efforts.

Collaboration is the joint preparation of course work which is to be submitted to the instructor for either formative or summative assessment in which more than one person prepares portions of the material or supplies the substantive concepts or ideas for the course work. Collaboration includes sharing and discussing ideas, authorities, and concepts, as well as reading and critiquing another student's course work or showing one's course work to another student. Unless expressly permitted or required by an instructor, collaboration on assessments is forbidden.

Examination is a formal assessment used to evaluate student knowledge, understanding, skills, and competencies in educational and professional contexts. The term "examination" includes quizzes, midterms, and final examinations that are submitted for a graded or ungraded assessment.

Generative AI refers to artificial intelligence systems capable of producing new content (text, images, code, etc.) based on patterns learned from training data. In the law school context, "Generative AI" includes technologies that can create novel content, analyze legal documents, simulate legal reasoning, and assist in legal research by generating responses based on patterns learned from legal texts, case law, statutes, and scholarly works. "Generative AI" also includes programs such as Grammarly that function as digital writing assistants. Unless explicitly permitted by an instructor, the use of Generative AI for assessments, including assignments and examinations as defined above, is prohibited.

Induce is defined as "to motivate, persuade, incentivize, or pressure others to engage in academic misconduct." This includes:

- Offering payment or other benefits to someone to complete academic work.
- Pressuring classmates to share their work for copying purposes.
- Convincing teaching assistants (including Taylor Mattis Fellows) or tutors to provide unauthorized levels of assistance.
- Creating systems or opportunities that tempt others to violate academic integrity.
- Using manipulation, coercion, or social pressure to encourage others to participate in cheating.

Model Rules of Professional Conduct (MRPC) is a normative code of conduct adopted by the American Bar Association in 1983 and amended several times since then. Most states, including Illinois, have modeled their own codes of professional conduct on the provisions of the MRPC.

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.

Solicit means to actively request, ask for, or seek out unauthorized assistance, materials, or advantages. This includes:

- Asking another student to provide answers during an exam
- Requesting that someone else complete an assignment on one's behalf
- Seeking out unauthorized test materials or prior exam questions
- Attempting to obtain confidential assessment information from instructors or staff
- Posting requests for prohibited help on online forums or social media

Student means any student matriculated at the Simmons Law School, including students who take courses in other departments or at other academic institutions while that student is matriculated in the Law School.

Committee Notes

The definitions in this section were derived from multiple sources: the 2008 Honor Code and its revisions, independent definitions written by committee members, and definitions produced with the assistance of generative AI and modified by the committee.

Honor Code Offenses

Rules of Reason

The Honor Code Offenses, including definitions referenced therein, are rules of reason rather than a comprehensive punitive disciplinary code. They should be interpreted with reference to principles of academic and personal integrity, honor, and the ethical standards of the legal profession. As with the rules of professional conduct, compliance with the Honor Code “depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings.”¹

Jurisdiction

The Honor Code applies to all law students at the Simmons Law School from matriculation through graduation, regardless of their physical location. The Honor Code is independent of University conduct codes and local, state, or federal law. Accordingly, even where a student’s actions or behavior lead to consequences from external disciplinary or legal authorities, the student may face Honor Code sanctions if such behavior violates the Honor Code.

Article I. Violations of Law School and Classroom Rules and Procedures

Actions that violate specific procedural requirements or administrative rules established for academic activities, assessments, or law school operations. These violations involve failure to follow established rules, protocols, or requirements, even when not necessarily intended to gain unfair advantage. They represent breaches of the norms and procedures in an academic setting that ensure fairness, proper assessment, and institutional integrity.

Article II. Academic Dishonesty and Integrity Violations

Conduct, whether completed or attempted, that compromises the fundamental principles of academic integrity through deception, misrepresentation, unauthorized assistance, or inducement or solicitation of others to participate in such conduct. All forms of unauthorized collaboration, cheating, unauthorized use of Generative AI, and academic dishonesty as defined earlier in the Code are covered by this article. Such violations undermine the core values of academic honesty and the fair assessment of student achievement.

Article III. Harmful or Disruptive Conduct Toward Persons or Property

Behavior, whether completed or attempted, that causes or threatens harm to other individuals, interferes with their rights or activities, or damages institutional or personal property. This includes physical misconduct, intimidation, harassment, unlawful discrimination within the meaning of MRPC 8.4(g) and Illinois Rule of Professional Conduct 8.4(j), theft, property damage, or any action that creates an unsafe or hostile environment within the law school community. Such conduct violates the basic expectations of professionalism, respect, and civic responsibility required of future legal professionals. In addition to violating the Honor Code, conduct covered by this article may also independently violate the Southern Illinois University Carbondale Student Conduct Code and/or local, state, or federal law. No allegations or charges will be brought under this Article absent prior coordination with the University Office of Student Rights and Responsibilities.

¹ Illinois Rules of Professional Conduct of 2010, Preamble, Scope, [16].

Article IV. Violations of the Rules of Professional Conduct

Conduct that—if committed by an attorney—would subject a person to discipline under the Illinois Rules of Professional Conduct may form the basis for disciplinary proceedings under the Code.

Article V. Noncooperation or Interference with or Abuse of Honor Code Procedures

Conduct, including the inducement or solicitation of others, in which a student refuses to cooperate with, interferes with, or obstructs the administration of the Honor Code. This includes refusal to respond to a request for nonincriminating information in an investigation or hearing; knowingly providing false information to faculty, investigators, or hearing officers; and/or purposefully destroying evidence material to the investigation of any violation of this Code. It is also an Honor Code offense to make deliberately false allegations or to use the Honor Code investigations process as a means of harassing or intimidating other students. 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.

Committee Notes

The offenses in this section were derived from the list of offenses in the 2008 Honor Code and its revisions, with the aid of generative AI analysis of the offenses by categories developed by the Committee.

Honor Code Procedures

I. Purpose and Administration.

- A. Purpose. These Honor Code procedures are intended to resolve allegations of Honor Code violations quickly, fairly, and in accordance with the principles of the Honor Code and the Rules of Professional Conduct.
- B. Honor Code Administration. The responsibility for administering all aspects of the Honor Code belongs solely to the faculty.

II. Personnel.

A. Ethics Examiners.

1. The faculty shall elect two members of the faculty, one to act as Faculty Examiner and one to act as Alternate Faculty Examiner in all disciplinary matters. The Faculty Examiner and Alternate Faculty Examiner shall be elected no later than September 1 of each school year. If the Faculty Examiner is the complaining party or the teacher of the course in which the alleged misconduct took place, the Alternate Faculty Examiner shall serve for that case and, in that event, all references in this Code to “Examiner” shall refer to the Alternate Faculty Examiner.
2. All references to Examiners throughout this Code include both the Ethics Examiner and Alternate Faculty Examiners, unless otherwise so indicated.

B. Advocates.

1. The Student Bar Association (“SBA”) shall appoint a Student Advocate and Alternate Student Advocate who may advise any student who has been charged with a violation of this Code and represent them in Honor Code investigations and hearings. The Student Advocate must be a member of the faculty that the SBA feels is qualified to act as Student Advocate. The Student Advocate and Alternate 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 Alternate Student Advocate shall serve for that case and, in that event, all references in this Code to “Student Advocate” shall refer to the Alternate Student Advocate.
2. There is no attorney-client relationship between a Student Advocate and a student subject to Honor Code Procedures.
3. 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.
4. Before speaking to the Student Advocate, a student must first sign a university-approved form that (1) acknowledges the absence of an attorney-client relationship; and (2) specifically authorizes the Student Advocate to obtain information pertaining to the

student under the Family Educational Rights Privacy Act (FERPA). A copy of this document shall be provided to the Ethics Examiner and the Dean.

5. Before advising a student, the Student Advocate must sign a university-approved non-disclosure agreement. A copy of this document shall be provided to the Ethics Examiner and the Dean.

C. Compensation and Expenses. Neither the Examiners nor the Student Advocate, nor their alternates, shall be compensated from University or Law School funds for their services, but shall be reimbursed for their reasonable expenses.

D. Neutrals. Neutrals are selected and appointed by the Examiners to attend meetings held under the Faculty Determination Procedure. Their purpose is to ensure that both parties treat each other with respect and that each is able fully to be heard on the matter.

E. Hearing Officer. By September 1 of each academic year, the faculty shall recommend and the Dean shall appoint a member of the faculty and an alternate to serve as Hearing Officer. .

F. Ethics Appeal Board. The Ethics Appeal Board shall consist of three faculty members nominated by the faculty and appointed by the Dean. Should alternates be needed because of conflicts of interest, the Dean will designate a faculty member or members to serve as alternates.

G. Law School Dean. After any hearings or appeals have concluded, or if the Ethics Examiners and student have entered into an Agreed Disposition, the Law School Dean is the final approval authority for disciplinary measures to be imposed. The Dean's final decision in these matters is not subject to appeal.

III. Allegations of Misconduct and Requests for Investigation.

A. Initiation of Investigation by Allegation of Misconduct. Any person may invoke the Honor Code Procedures by providing the Faculty Examiner with a written or oral allegation of misconduct or request for an investigation, stating specific acts constituting the alleged 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 Faculty Examiner no later than 120 days after the discovery of the alleged misconduct.

B. Faculty Examiner Authority to Initiate Investigation. The Faculty Examiner may initiate an investigation without a written or oral allegation of misconduct if the Faculty Examiner determines that there is reasonable suspicion to believe that a violation has occurred. If the investigation produces credible evidence of a violation, the Faculty 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. The Faculty Examiner may not initiate an investigation under this section into misconduct occurring in a class taught by the Faculty Examiner; in all such cases, the matter shall be referred to the Alternate Faculty Examiner using the procedures in section III.A.

IV. Faculty Determination Procedure.

A. Scope. When a faculty member discovers a minor violation of Article I. Violations of Law School and Classroom Rules and Procedures, or Article II. Academic Dishonesty and

Integrity Violations in one of their classes, that faculty member may invoke the Faculty Determination Procedure.

B. Procedure. The faculty member will notify the student and the Ethics Examiner of their intention to use the Faculty Determination Procedure. The faculty member will give the student an opportunity to be heard at a meeting, the time and place for which will be set by the faculty member. The Ethics Examiner will arrange for one or more Neutrals to attend the meeting, but the Ethics Examiner will not attend the meeting. If the faculty member determines a violation has occurred, the faculty member may impose an academic sanction within the authority of the faculty member—e.g., a grade sanction such as a 0 on the assignment, revision, rewriting, or an alternate assignment. A report on the matter shall be submitted to the Dean, the Ethics Examiner, and the student for their information. The report will be placed in the student's permanent Law School educational file. If the faculty member determines there has been no violation (such as in the case of a misunderstanding of assignment instructions or a truthful, yet innocent explanation for the apparent violation), no sanctions may be imposed, and the faculty member must so notify the Ethic Examiners and the student in writing.

C. Student's Right to Invoke Code's Procedures. A student who contests the faculty member's written 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 the Honor Code Procedures to the Faculty 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. No information developed during the meeting may be used in any subsequent procedures, and any Neutrals present may not be called to testify by either the Examiners or the student.

D. Faculty Member's Right to Invoke Code Procedures. If the faculty member determines that the matter is more serious than originally thought, or that the student is violating Article V. Noncooperation or Interference with or Abuse of Honor Code Procedures, the faculty member may refer the matter to the Faculty Ethics Examiner for further action under the Honor Code Procedures. Such action will immediately end the Faculty Determination Procedure into the matter.

E. Grades. No jurisdiction shall exist under this Code for a student's contesting any grade in the course, 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 under the Faculty Determination Procedure.

V. Ethics Examiner Investigation Procedures.

A. Notice.

1. Timing. Within five working days of receipt of the allegations the Examiners shall give written notice to each individual student accused of misconduct, the Student Advocate, and, where appropriate, the Professor of the class (collectively, "Parties") in which the alleged misconduct arose.

2. Content. The notice shall advise the Parties 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. The notice shall also advise the Parties whether the matter is subject to the Initial Informal Process.

B. Initial Informal Process

1. Scope. The Initial Informal Process shall apply only to violations of Article I. Violations of Law School and Classroom Rules and Procedures, Article II. Academic Dishonesty and Integrity Violations, or Article IV. Violations of the Rules of Professional Conduct that do not entail allegations of a student's conduct directed at other persons or obstruction or abuse of Honor Code investigations or procedures.

2. Timing. Within five working days of receipt of the written notice, the Parties shall confer in any manner they deem appropriate concerning the substance of the allegations. At such time, any of the Parties may decline participation in the Initial Informal Process.

3. Process. The Parties participating in the Initial Informal Process shall seek to reach an agreed disposition of the allegations or charge(s) and such disposition shall require the unanimous consent of the participating Parties. Upon unanimous consent to the disposition, the Examiners shall advise the complaining party of such resolution. The Examiners and the student shall then forward their agreement, in writing, to the Dean for final approval. If the Dean approves the agreement, the agreed-upon sanctions will be imposed. 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. Failure to reach the unanimous consent of the participating parties or to obtain final approval of any agreement by the Dean shall cause the termination of the Initial Informal Process.

C. Examiner's Decision on Probable Cause

1. Investigation and Probable Cause Finding. If a matter falls outside the jurisdiction of the Initial Informal Process, or upon the unsuccessful conclusion of the Initial Informal Process, and 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, an Honor Code Hearing will be convened unless an agreement under Article VI 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.

VI. Agreed Disposition and Sanction.

- A. 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 VIII may be taken from a sanction imposed by the Dean pursuant to the agreement.
- B. 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.

VII. Hearings.

A. Notice of Hearing

1. Timing. If the Examiner files a complaint, the Dean shall, within five working days after receipt of the complaint, refer the matter to the Hearing Officer. 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.

B. Hearing Procedures.

1. Rules of Procedure and Evidence. 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. Procedures shall be loosely patterned after an adversary trial, with both parties permitted to give opening statements, examine and cross-examine witnesses, introduce documentary and other forms of evidence, and give closing arguments. The Hearing Officer shall assure that the student is accorded the rights set out above and receives fundamental fairness in the proceedings.
2. Recording. A recording of the hearing shall be made and preserved.

3. **Procedural Issues.** The Hearing Officer has authority to consider any procedural issues that arise in regard to a charge brought under this Article.
4. **Burden of Proof.** The Examiner has the burden of proving a violation by clear and convincing evidence.
5. **Findings and Determination of Sanction.** 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. The Hearing Officer shall also make a written decision as to disciplinary sanctions, including both aggravating and mitigating factors.

VIII. Appeals.

- A. **Notice of Appeal.** The accused student may appeal the Hearing Officer's decision 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 Hearing Officer's decision. The notice of appeal shall include a reasonable expression of the appellant's desire to appeal the Board's decision and the basis therefor.
- B. **Actions of Ethics Appeal Board.** Upon receipt of the appeal, the Ethics Appeal Board shall notify all parties that an appeal has been filed. The Examiner 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 Ethics Appeal Board. After considering the appeal, the Ethics Appeal Board will act within seven calendar days which may include:
 1. Affirming the Hearing Officer's decision;
 2. Reversing the Hearing Officer's decision; or
 3. Modifying the Hearing Officer's decision.
- C. **Scope of Review.** A factual finding made by the Hearing Officer may be rejected by the Ethics Appeal 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 unreasonable because of special circumstances in mitigation that justify modification of the sanction. The Ethics Appeal Board's decision is final, and no further review may be had in the School of Law or elsewhere.
- D.

IX. Records.

- A. **Complaints.** The Examiner must assign a number to all complaints submitted under this Code, which number must include the academic year.
- B. **Retention Where Student Found Guilty.**
 1. 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.

2. 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.

C. 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 V, 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.

D. Confidentiality of Records. Records of all Honor Code matters are confidential student records protected by the Family Educational Rights Privacy Act (FERPA) and may not be disclosed except as authorized or required by law.

X. Faculty Authority.

A. 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.

B. 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 Examiners and the Hearing Board, but a faculty member's judgment as to the academic quality of the student's performance shall not be reviewable under these procedures.

XI. 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 Alternate Examiner are unable to serve, the Dean may appoint a substitute Faculty Examiner to act when necessary to meet the deadlines for action imposed by this Cod. 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 any deadline specified in these rules

XII. Tolling and Extensions of Time Under this Code.

A. 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 VI shall toll the time limitations regarding the selection of a Hearing Board, the scheduling of a hearing, and subsequent events under this section, until such time as the Dean shall approve or disapprove the agreement or the Examiner determines to terminate the discussions without an agreement.

B. 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.

C. Extensions of Time in General. For good cause shown, or by agreement of all affected parties, the Hearing Board, 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.

Honor Code Sanctions

The following sanctions are available for violations of the SIU Simmons Law School Honor Code. As modified for an academic environment, the Ethics Examiners, Student Representatives, Hearing Board, and Dean will follow the principles of Rule 10, Sanctions, of the ABA Model Rules for Lawyer Disciplinary Enforcement. There are no presumptive sanctions for any violation of the Honor Code; rather, the parties will consider relevant circumstances, impacts of the misconduct, and aggravating and mitigating circumstances in determining an appropriate sanction.

- **Assignment Grade Adjustment.** An assignment grade adjustment may be imposed under the Faculty Determination Procedure for relatively minor violations of Articles I and II. In the discretion of the faculty member, a student may receive a grade of 0 on the assignment upon which the violation occurred, or any other appropriate reduction in the assignment or course grade given the circumstances. A professor may not give a final grade of F (0.0) in the course based solely on misconduct that was the subject of a Faculty Determination Procedure. However, an assignment grade reduction combined with the student's academic performance in the class may result in the student receiving a final grade of F (0.0) in the course.
- **Final Grade of F (0.0) in a Course.** Upon approval of the Dean following the Informal Initial Process, Agreed Disposition, or Honor Code Board hearing, a student may receive a final grade of F (0.0) in the course based on the misconduct, without regard to the student's academic performance in the course.
- **Course Withdrawal.** Upon approval of the Dean following the Informal Initial Process, Agreed Disposition, or Honor Code Board hearing, a student may be withdrawn from a course.
- **Reprimand.** A written reprimand is a written statement signed by the Dean which summarizes the misconduct committed by the student and any other sanctions imposed. A reprimand informs the student of the gravity of the misconduct and its impact on other students, the Law School, and the legal profession. Such a statement shall be part of the student's permanent record.
- **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.
- **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.

- **Remediation.** Remediation refers to a structured educational and developmental process using corrective measures that focus on understanding, personal growth, and ethical development rather than solely on punishment. Remediation may include educational assignments, ethics seminars, mentoring relationships, counseling, community service, reflective writing, or other activities specifically tailored to help the student understand the nature and impact of their violation, develop stronger ethical decision-making skills, and reintegrate into the law school community as a responsible member committed to upholding the highest standards of professional conduct. The primary goal of remediation is to transform misconduct into an opportunity for learning that prepares students for the ethical demands of legal practice.
- **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 permanently rescinding that student's degree.

The following factors, adapted from the commentary to Rule 10 of the ABA Model Rules for Lawyer Disciplinary Enforcement, may be considered in aggravation or mitigation:

- **Aggravating factors:** prior disciplinary offenses; dishonest or selfish motive; a pattern of misconduct; multiple offenses; bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; submission of false evidence, false statements or other deceptive practices during disciplinary process; refusal to acknowledge wrongful nature of conduct; vulnerability of victim; and indifference to making restitution.
- **Mitigating factors:** absence of prior disciplinary record, absence of dishonest or selfish motive; personal or emotional problems; timely good faith effort to make restitution or to rectify consequences of misconduct; full and free disclosure to disciplinary board or cooperative attitude toward proceedings; good character or reputation; physical or mental disability or impairment; delay in disciplinary proceedings; interim rehabilitation; imposition of other penalties or sanctions; remorse; and remoteness of prior offenses. The stress of law school may not be considered as a mitigating factor. Substance abuse is not a defense to any violation of this Code.

Committee Notes

The Committee did away with presumptive sanctions for Honor Code offenses. The sanctions in this section are authorized for any case, depending on aggravating and mitigating circumstances.