

UNIVERSITY OF MINNESOTA LAW SCHOOL HONOR CODE

(Adopted by the Faculty on
April 14, 1987; amended May 2, 1990,
September 8, 1992, and February 3, 1993)

ARTICLE ONE: STATEMENT OF PURPOSE

The purpose of this Honor Code is to establish the rules by which the faculty and students of the University of Minnesota Law School govern their conduct with respect to any academic matter.

Comment: The Honor Code is the vehicle for student and faculty governance of student conduct in academic matters. While the faculty are ultimately responsible for evaluating academic performance and assuring academic integrity, both students and faculty have a vital stake in the evaluation and certification of student performance. In recognition of this joint interest, the faculty delegates a significant role to students in defining and enforcing academic integrity. The Comment accompanying each Rule explains and illustrates the meaning and purpose of the Rule. The Comments are intended as guides to interpretation, but the text of each Rule is authoritative.

ARTICLE TWO: SCOPE

§2.01 Applies to academic matters

The Honor Code applies to any academic matter pertaining to the University of Minnesota Law School. "Academic matter" means any activity which may affect a grade or in any way contribute toward the satisfaction of the requirements for graduation, without reference to the geographical locus of the activity. Academic matter also includes any misrepresentations made with respect to academic achievement by way of transcript, resume, oral statement or the like. Academic matters include, but are not necessarily limited to, the following:

- (a) Any examination;
- (b) Any research or other assignment for a course, writing program or seminar to be done outside of class;
- (c) Any work which is in whole or partial satisfaction of requirements to receive credit for participation in any activity for which credit is given such as law review, moot court participation, or clinical supervision.
- (d) Any written or oral misrepresentations made with respect to academic achievement, such as by transcript, resume, or oral statement including, but not limited to, the submission of false records of academic achievement, misrepresentations of grade point averages or academic honors, or altering, forging, or misusing a University Academic record.

Comment: The Honor Code is limited to the educational relationship among students and between students and faculty. While students and faculty find stealing, vandalism, and other forms of misconduct objectionable, these problems are dealt with by other University disciplinary bodies. Therefore, the Honor Code does not govern such misconduct.

ARTICLE THREE: VIOLATIONS

§3.01 Examination Violations

It is a violation of this Honor Code to engage in any of the following acts in connection with any examination:

- (a) To discuss the examination during the examination with anyone except the instructor or the instructor's substitute unless specifically permitted to do so by the written or oral examination instructions;
- (b) To give, receive, or solicit aid during any examination, take-home examination, or make-up examination or to give, receive, or solicit aid in connection with any make-up examination after the regularly scheduled examination has been administered. "Aid" means any form of information or assistance except that which is specifically permitted by the written examination instructions;

- (c) To use any materials in any examination except those which are specifically permitted by the written examination instructions. In the absence of specific written instructions to the contrary, no materials are permitted;
- (d) To exchange materials with another student during the examination unless specifically permitted to do so by the written examination instructions;
- (e) To continue writing any examination answer when the examination time has expired. Any writing after an examination is ended is presumed to be a violation.
 - (1) A one (1) minute warning shall be given. The examination time shall be deemed to have expired when the instructor or the instructor's substitute makes an announcement that the examination has ended. In the case of an examination where a time variance has been granted, there will be no one minute warning given.
 - (2) In any other situation the examination shall conclude at the time which is posted in the classroom or, if none is posted, at the end of the time period which is allowed by the written examination instructions;
- (f) To retain an examination beyond the time when examinations have been collected at the conclusion of the examination;
- (g) To write an examination in any place other than the designated locations for taking the examination as specified by the written examination instructions, exam variance form, or the examination schedule.
- (h) To begin reading any part of an examination other than the cover page containing the examination instructions prior to the start of the examination;
- (i) To engage in any other improper conduct in the preparing for or taking of an examination which gives a student an unfair advantage.
- (j) To remove the exam from the examination room except for the purposes of transporting it to another designated examination room (e.g., overflow or typing room) unless removal of the exam is specifically allowed by the written examination instructions.

Comment: §3.01 prohibits those types of conduct which give a student an unfair advantage over his or her colleagues during an examination. While the section recognizes the right of the course instructor to set the examination ground rules, it is believed that the best means of insuring that these ground rules are uniformly communicated to the students is to incorporate them in course syllabi at the beginning of the course and in the examinations' written instructions. It is the responsibility of the instructor to specify the circumstances under which student performance will be evaluated and to communicate those conditions to the student in writing in a timely manner. This includes a description of any materials that are required, permitted, or prohibited and any other specific limitations and inclusions.

Written examination instructions coupled with the provisions in §3.01 provide the boundaries for permissible student conduct during exams. While it is the responsibility of faculty members to be clear and explicit with regard to permitted and prohibited materials in examinations, it is ultimately the responsibility of students to affirmatively inform themselves of the rules under which an examination is conducted and to seek clarification of any ambiguities in instructions.

Section 3.01(e) prohibits a student from writing after the expiration of the authorized examination time. It is the instructor or the instructor's substitute's responsibility to signify the end of the examination in a clear and unequivocal manner. Students should fill out their examination cards and enter the numbers on their examinations before the examination begins.

Section 3.01(f) makes it a per se violation for a student to retain an examination after the examinations have been collected, regardless of whether there is any further writing in violation of §3.01(e). The Dean may exercise some limited discretion in the case of very minor, technical violations and for good cause.

It is the student's responsibility to ascertain that the proper examination papers have been submitted at the conclusion of the examination and on time. Any violations of this provision shall be noted by the office on the face of the examination when it is submitted and promptly reported pursuant to §4.03.

Section 3.01(g) requires students to write the examination in the locations designated for the taking of the examination. While students may leave the examination places from time to time, their actual written performance must take place in the assigned location.

Section 3.01(l) prohibits students from engaging in any other conduct in connection with the examination process that gives a student an unfair advantage. It is intended to confer a general jurisdiction to deal with various forms of academic dishonesty in the examination process not subsumed in §3.01(a) - (h).

Section 3.01(j) prohibits students from removing the exam from the examination room except for the purposes of transporting it to another designated examination room (e.g., overflow or typing room) unless removal of the exam is specifically allowed by the written examination instructions.

The current practice of putting an Honor Code notice at the beginning and end of exams shall be continued. The following notice shall be placed on each examination or other written assignment advising students that the examination is being conducted under the terms of the Honor Code:

NOTICE: If you are aware of any possible violations which occurred during the course of this examination or other written assignment, it is your duty to contact the Dean of Students or the Honor Code Investigator. Failure to do so is a violation of this Honor Code. Among its other provisions, the Honor Code prohibits you from writing or retaining your written answer after the exam has ended, or writing your examination in any place other than the locations designated for the exam.

END OF THE EXAM

NOTICE: You are reminded at this time that the Honor Code has been ratified by a vote of the student body and that you are bound by its terms. If you are aware of any possible violations which occurred during the course of this examination or other written assignment, please contact the Dean of Students or the Honor Code Investigator. If you wish to review the provisions of the Honor Code, a copy is posted on the student bulletin board and also is available at the information desk.

§3.02 Research Assignments Violations

It is a violation of this Honor Code to engage in any of the following acts in connection with any research assignment or writing project:

- (a) To engage in any act specifically prohibited by the written instructions governing the assignment;
- (b) To submit as one's own any written assignment partially or totally written by another unless specifically permitted to do so by the written instructions governing the assignment;
- (c) To collaborate with another student in violation of either subsection (a) or subsection (b) of this section;
- (d) To submit a research assignment or writing project after the time specified without explicitly noting the lateness thereof. The grade penalty for lateness will be specified by the instructor, at the instructor's sole discretion; or
- (e) Intentionally to make research resources unavailable to other students working on a common research or writing assignment, including, but not limited to, hiding sources, misshelving them or replacing them in a place other than their assigned location, secreting them without signing them out, excising opinions from reporters, and the like.

Comment: As in the case of examinations, it is recognized that the instructor may set any ground rules which he or she deems desirable. The instructor shall specify with written instructions the circumstances under which student research assignments or writing projects are to be completed and evaluated and to communicate those conditions to the student in a timely fashion.

It is expected that in the usual course of preparing a research paper students will do their own writing. Consequently §3.02(b) codifies this expectation by requiring that the written instructions specifically permit joint efforts in the writing of the paper for such conduct to be legitimate.

On the other hand, students ordinarily discuss the research problem and the issues raised by the problem among themselves. It is recognized that there may be situations in which the instructor believes that the educational objective of the assignment will be best served by prohibiting any discussion of the problem among students. Section 3.02(a) places the burden of communicating this prohibition to the students on the instructor. In the absence of a specific prohibition it will be presumed that discussion is permitted. Section 3.02(a) also requires students to observe any other specific prohibition set forth in the written instructions governing the assignment.

Section 3.02(c) is directed toward the student who assists another student in violation of §3.02(a) or §3.02(b). As an illustration, a student who copied another's memorandum would have violated §3.02(b) unless the written instructions specifically permitted such conduct. The student who provided the memo and allowed copying would have violated §3.02(c).

Section 3.02(d) is directed at those research assignments and writing projects which are conducted under time limits. It is an Honor Code violation to submit a research assignment or writing project after the time specified without explicitly noting the lateness of the paper. Failure to note that a research assignment or writing project was not submitted within the time deadline when other students are required to adhere to that same deadline provides an unfair advantage. If an instructor has specifically provided grade penalties for late assignments, those sanctions are controlling and exclusive, and late submissions whose lateness are noted on the face of the paper are not a violation of §3.02(d). See also, the Scholastic Requirements Rules §§ 7 (B) and (C) governing faculty grading of late papers.

Section 3.02 (e) is directed toward research assignments in which a body of materials or readily identifiable sources will be used in common by all of the students to whom the research problem has been assigned. Violations of this provision include intentionally hiding sources by misshelving them or replacing them in a place other than their assigned location, secreting them without signing them out, or excising opinions from reporters, thereby making them unavailable to other students working on the same project.

§3.03 Dishonest Conduct in Other Academic Matters

Any dishonest conduct in connection with any other academic matter not specified in §§3.01 and 3.02 which, if successful, would provide a student with an unfair advantage or which interferes with the evaluation process is prohibited.

Comment: Not every dishonest act which students might commit in connection with an academic matter can be enumerated. Consequently, this section attempts to prohibit any dishonest act which gives a student an unfair advantage over others in academic matters.

Pursuant to Article Four, a determination may be made that other kinds of conduct not specifically prohibited in other sections of the Honor Code constitute dishonesty in an academic matter. The power may only be exercised in situations where the conduct is related to an academic matter.

Some examples of violations of this section might include: (1) falsification of hours on a project where the number of hours is a requisite for credit; (2) use of materials in a research project which are specifically forbidden by the written assignment instructions; (3) intentional dishonesty in oral arguments for Appellate Advocacy or Trial Practice courses; (4) obtaining a copy of or information about an examination or assignment prior to its distribution; or (5) taking examinations or papers after they are completed in order to prevent their being graded.

§3.04 Obligation to Report Violations

Violations or suspected violations of the Honor Code shall be reported to the Dean of Students or the Honor Code Investigator. It is a violation of the Honor Code for any student to knowingly fail to report any violation of the Honor Code, or any conduct which leads him or her to believe that there has been a violation of the Honor Code.

Comment: An effective Honor Code requires full student commitment to such a code. The primary purpose of this section is to serve as an expression of the values of the student body and to reinforce these values in the individual student. Self-regulation in academic matters is a precursor to the self-regulation expected in the legal profession. The Code of Professional Responsibility requires lawyers to assist in maintaining the integrity

and competence of the legal profession. It is anticipated that any faculty or staff member observing a violation will be guided by this principle as well.

§3.05 Misrepresentations with Respect to Academic Achievement

It is a violation of this Honor Code for any student to make any written or oral misrepresentation with respect to academic achievement, such as by transcript, resume, or oral statement including, but not limited to, the submission of false records of academic achievement, misrepresentations of grade point averages or academic honors, or altering, forging, or misusing a University academic record.

ARTICLE FOUR: HONOR CODE ADMINISTRATION

§4.01 The Honor Code Council

- (1) While the faculty retains ultimate responsibility for evaluating academic performance and assuring academic integrity, the administration of the Honor Code is vested in the Honor Code Council. The Honor Code Council shall consist, in full, of 12 members: 9 student members, three from each year, appointed by the Law School Council, and three members of the Law School faculty appointed by the Dean. The Dean shall designate a chair. In making appointments, the Law School Council should give preference to returning student members. Each student member shall serve until the member resigns, a successor is appointed, or the member ceases to be a student. In the event a student chair ceases to be a student, the Council may by majority vote designate an acting chair until the Dean designates a chair.
- (2) The adoption of rules of procedure and their amendments requires the concurrence of both the Law School Council and the faculty.
- (3) The judicial function is vested in the Honor Code Hearing Panels and the Appellate Review Committee.

Comment: While the faculty is ultimately responsible for evaluating academic performance and assuring academic integrity, both students and faculty have a vital stake in collectively defining and enforcing academic integrity. Responsibility for the administration of the Honor Code is vested in the Honor Code Council. The Law School Council should appoint returning Honor Code Council members in the Spring in order to provide administrative continuity.

§4.02 Administration by the Honor Code Council

- (1) The Honor Code Council shall:
 - (a) Cooperate with the Dean to distribute copies of the Honor Code to all students;
 - (b) Ensure that a current copy of the Honor Code is permanently posted on the student bulletin board and available at the information desk;
 - (c) Maintain two files of previous cases and past decisions which shall be retained in the administrative offices of the law school. One file (the "nonpublic file") shall contain copies of the "nonpublic" version of the Hearing Panel's reports, as defined in §4.06(c). The other file (the "public file") shall contain copies of the "public" version of the Hearing Panel's reports, as defined in §4.06(c). Only the file containing the public versions shall be available to accused students who are preparing for their hearings. Access to the nonpublic file shall be limited to school officials or members of the Honor Code Council with a legitimate reason for having access to the nonpublic information contained in those reports;
 - (d) Periodically disseminate Honor Code information to the student body including the identity of the Honor Code Investigator;
 - (e) Appoint from its members, panels to sit as Honor Code Hearing Panels;
 - (f) Receive reports of Honor Code Hearing Panel actions and transmit such reports to the Dean, the involved parties, the faculty and the students;
 - (g) Recommend procedures for Honor Code Hearing Panels to the Law School Council and the Faculty;

- (h) Receive proposals and recommend amendments to this Honor Code to the Law School Council and the Faculty;
 - (i) Perform such other functions necessary and proper to ensure efficient administration of the Honor Code.
- (2) The Honor Code Council shall remain in force unless repealed.
- (a) The Honor Code Council shall conduct a referendum on the question of repeal whenever it is presented with a petition for repeal signed by at least ten (10) percent of the student body. If a majority of the ballots cast in the referendum are in favor of appeal, provided at least sixty (60) percent of the student body cast a ballot, then all delegated power vested in the Code will revert back to the Faculty and the Code of Scholastic Conduct of November 25, 1986, will automatically take effect.
 - (b) Proposed amendments shall be voted on in a referendum conducted by the Honor Code Council in the first full month of the semester following their proposal. Proposed amendments shall become effective upon the affirmative action vote of a majority of the students casting ballots, provided at least forty (40) percent of the student body cast a ballot. If a repeal referendum is conducted simultaneously, then the questions shall be presented separately, provided that a student may make a vote concerning repeal conditional on the outcome of one or more amendment questions.

§4.03 Investigation and Filing of Complaints by Honor Code Investigator

- (1) The Dean, with the approval of the Law School Council and the faculty, shall name an Honor Code Investigator who shall be an assistant or associate dean of the law school or other qualified person. The Honor Code Investigator shall serve until a successor is appointed. All reports of possible Honor Code violations shall be referred to the Honor Code Investigator who shall promptly investigate all allegations.
- (a) The Honor Code Investigator shall determine if there is probable cause to conclude that a violation has occurred. The Honor Code Investigator shall promptly notify the Honor Code Council and the Dean in writing of any finding of probable cause and intent to issue a complaint. The Investigator's written report should include summaries of the evidence considered, copies of any documents reviewed, summaries of statements of witnesses, and the like. The investigator will maintain files of all violations investigated.
 - (b) If the Investigator concludes that there is not probable cause to believe that a violation has occurred, the Investigator shall notify the original complainant. The complainant may review the Investigator's file for completeness and provide any additional information, statements or documents. At the complainant's request, the Investigator's file, as supplemented, shall be submitted to an Honor Code Hearing Panel for its review and determination of the presence of probable cause. The determination on the issue of probable cause by the hearing panel will be final unless newly discovered evidence justifies reopening the investigation.
- (2) Upon a finding of probable cause and after reporting this finding to the Honor Code Council and the Dean, the Honor Code Investigator may file a written complaint with the Honor Code Council. The complaint shall state the nature of the charge against the accused, give a full and complete summary of the evidence in support of the charge. As soon as possible after filing the complaint with the Honor Code Council, the Honor Code Investigator shall deliver a copy of the complaint to the accused.

Comment: This provision vests the investigative and prosecutive responsibilities in a member of the law school administration or other qualified person. Since there is a faculty as well as student interest in the proper administration of this office, the Law School Council and the faculty must both approve of the person the Dean names to fill the office. When reviewing the Investigator's file at the request of a complainant, a hearing panel's determination that there is not probable cause is neither a final determination on the merits subject to appeal, nor a bar to further investigation. Whether or not the investigator's finding is appealed to a hearing panel, the investigator may continue the investigation and newly discovered evidence may provide the basis for filing a complaint.

§4.04 The Honor Code Council and Hearing Panels

- (1) Honor Code Hearing Panels shall consist of three (3) student members and two (2) faculty members. In the event of the resignation of one or more of the members, the remaining members of the panel may elect to continue and decide the matter with less than a full panel.
- (2) The Honor Code Council may, at its option, appoint alternate members.
- (3) Normally, Honor Code Hearing Panels shall be appointed from the membership of the Honor Code Council. However, in cases of special need, the Honor Code Council may appoint as panel members students and faculty who are not members of the Honor Code Council.

§4.05 Function of the Honor Code Hearing Panel

The Honor Code Hearing Panel shall:

- (a) Elect its own chairperson who shall preside at its meetings;
- (b) Hear and consider all complaints brought before it in order to determine guilt or innocence and recommend sanctions in appropriate cases.

§4.06 Procedures

An Honor Code Hearing Panel shall conduct its hearings in accord with the following procedures:

- (a) The following preliminary procedures shall be followed:
 - (1) A hearing shall be held only on a written complaint presented by the Honor Code Investigator and served on the accused at least fifteen (15) school days before the hearing. A hearing shall be held within twenty-five (25) school days of the issuance of the complaint, unless an extension is granted by the Honor Code Hearing Panel upon written motion by either party, or upon the Panel's own initiative, and for good cause shown.
 - (2) At least ten (10) school days before the hearing, the Honor Code Investigator and the accused shall submit to each other and to the Hearing Panel a list of persons having information pertinent to the accusation before the Panel and copies of any other documents or evidence which will be introduced at the hearing. Five (5) school days prior to the hearing, the accused shall file a response to the allegations contained in the complaint with particularity, admitting or denying any facts alleged.
 - (3) The Panel shall hear and rule upon preliminary motions on all issues that can be resolved on the basis of the complaint, response, and other documents submitted. The Panel shall have the power to issue discovery orders whenever appropriate and necessary to the proceedings.
 - (4) The Panel shall summon all such persons to appear at the hearing at the time the Panel specifies. All members of the law school community who are summoned to a hearing have a duty to appear and give testimony.
 - (5) A final decision may be rendered only by those panel members who attended all hearings and heard all of the evidence.
- (b) The following procedures shall be followed in conducting the hearing:
 - (1) The Honor Code Investigator shall present the evidence and witnesses, who may include the accused, and shall have the right to question any other witnesses presented at the hearing.
 - (2) The accused shall have the right to cross-examine witnesses against him or her and shall have the right to present witnesses and evidence on his or her behalf.
 - (3) The accused may appear with representation. Such representation will not be provided by the Honor Code Council. The accused shall file notice of representation after the filing of an Honor Code Complaint and the initiation of formal proceedings.

- (4) The hearing shall not be open to the public unless the Hearing Panel opens the proceeding, or any part of it, upon written request by the accused. The accused's written request shall state with particularity the scope of the accused's waiver of the right to privacy.
The results of the proceeding shall be reported in such a manner as to protect the identity of the accused, except that all results shall be made public on the request of the accused. The Hearing Panel shall report the results of the proceeding in accordance with §4.06(c).
- (5) The rules of evidence applicable in courts do not apply to Panel hearings. Panels may admit all evidence which possesses probative value including hearsay. The Chair shall, upon objection by a party or upon his or her own motion, rule on all questions of admissibility of evidence, which ruling is appealable to the Panel.
- (6) A complete record of the proceedings shall be kept and made available to all of the parties.
- (7) The Hearing Panel shall attempt to achieve consensus through deliberation. If consensus cannot be obtained after diligent efforts, the Panel shall reach a decision by majority vote. No accused may be found guilty except by clear and convincing evidence.
- (8) Upon a finding of guilt the Honor Code Hearing Panel shall impose a sanction by majority vote. Sanctions may include, but are not limited to loss of credit for the assignment or the course, recalculation of the grade, reprimand, probation, suspension, and expulsion.

(c) At the conclusion of the hearing, the Honor Code Hearing Panel shall:

- (1) Promptly draft a report describing the particular conduct involved, whether the allegations in the complaint were sustained, and the sanction recommended, while preserving the anonymity of the accused. To preserve the anonymity of the accused, the Hearing Panel shall remove all identifying material from its report including the identity of the accused, the class or seminar involved, names of faculty members or school officials, names of witnesses, and the like.

The Hearing Panel shall draft two versions of its report. One version ("the nonpublic report") will be complete and shall contain the identity of the accused. The second version ("the public report") will preserve the anonymity of the accused as set forth in the foregoing paragraph. The same restrictions shall apply to reports prepared by the Appellate Review Committee.

- (2) Transmit a copy of its nonpublic report to the accused, the Honor Code Investigator, and the Dean. The Hearing Panel shall transmit a copy of its public report to the Faculty, and the students.

Comment: This section provides a framework for the establishment of procedures by the Honor Code Council, and the Faculty. The procedures should afford the accused all the rights that are recognized by the courts in bar disciplinary proceedings.

The list of potential penalties is intended to be illustrative rather than exhaustive and the Panel may fashion other sanctions as appropriate.

§4.07 Faculty Member Notified of Hearing Panel Proceedings

In any proceeding in which either the specific penalty sought in the complaint (§4.03(2)) involves a faculty member's evaluation of a student's performance, or it appears from the factual allegations of the complaint that the possible penalties which the Hearing Panel may recommend involve a faculty member's evaluation of a student's performance, including, but not limited to, recalculation of a grade, completion of a substitute assignment, or retaking of an examination, the faculty member shall be notified of the pendency of Hearing Panel proceedings and permitted to attend. No penalty which requires the cooperation of the faculty member in the evaluation of a student's performance may be imposed without the express agreement of the faculty member.

Comment: One of the most difficult aspects of the Hearing Panel's jurisdiction is resolving the overlapping interests of the student body and faculty in adjudicating and sanctioning academic dishonesty and the responsibility of faculty members to evaluate student performance. Under this provision, if it appears that the Hearing Panel's disposition may involve a faculty member's evaluation of a student's performance, the faculty member must be notified and may attend the proceedings. A disposition of a case which involves a faculty member's evaluation of a student's performance or which requires the faculty member's participation

in re-reading an examination or paper, providing a new examination or assignment, re-examining a student the next time an examination is given in the course, recalculating a grade, or the like, may only be imposed with the express agreement of the faculty member.

The ultimate responsibility for evaluating student performance rests with the faculty. An Honor Code violation may or may not implicate a faculty member's evaluation of a student. To the extent that it does or the proposed disposition requires faculty cooperation, under this provision, the faculty member must be informed and agree to cooperate. If the faculty member declines to cooperate, only a disposition that does not involve the evaluation of a student's performance is appropriate.

ARTICLE FIVE: APPELLATE PROCEDURES

§5.01 Definitions

As used throughout this document:

- (a) "Appeal" means any action to modify or reverse either the finding of guilt or innocence or the recommended sanction or both.
- (b) "Appellate Review Committee" shall consist of three faculty members appointed by the Dean, three students members appointed by the Law School Council, and the Assistant Dean of Students. The Assistant Dean votes only in case of a tie vote.
- (c) "Expulsion" means a sanction which prohibits enrollment in the Law School for any period in excess of one academic year, but does not include other sanctions which may have the operative effect of invoking Scholastic Requirements Rules which may result in termination of enrollment.
- (d) "Grounds for Appeal" means any of those which are listed in §5.02.
- (e) "Record" means the recording of the proceedings before the Hearing Panel or a transcript thereof, any documents introduced into evidence at the Hearing, the complaint served upon the accused, any other pleadings filed with the Hearing Panel, and a copy of the report of the Hearing Panel issued at the conclusion of its proceedings.
- (f) "School Days" means weekdays except during Law School examination periods and except school holidays but not excepting the summer vacation period.
- (g) "Suspension" means a sanction which prohibits enrollment in the Law School for any period of one academic year or less but does not include any sanctions which may have the operative effect of invoking Scholastic Requirements Rules which may result in termination of enrollment.

§5.02 Grounds for Appeal and Standards for Review

Either the Investigator or the accused shall have one appeal as a matter of right from the final judgment of the Hearing Panel. The following shall constitute the grounds for appeal:

- (a) The finding of guilt or innocence is based on findings of fact which are clearly erroneous;
- (b) The finding of guilt or innocence is based on an erroneous interpretation of the Honor Code, thereby resulting in prejudicial error;
- (c) The recommended sanction is too severe or too mild in light of the offense committed;
- (d) The failure to observe procedural provisions which are embodied in this Honor Code thereby resulting in prejudicial error.

Comment: This section allows one appeal as a matter of right to review alleged errors of law and fact. In addition, either the Investigator or the accused may appeal the severity of the recommended sanction. In appeals alleging procedural irregularities, either party must show that the irregularities were prejudicial. In determining the merits of such an appeal the appellate body may consider waiver of procedural rights or failure to raise objections before the Hearing Panel. Either party may raise more than one of the grounds for appeal, but all objections should be consolidated into one appeal. Either party may plead alternatively in

order to meet this requirement. It is intended to eliminate numerous time-consuming appeals, while still affording either party an opportunity to present all objections to the Hearing Panel decision.

§5.03 Time for Initial Appeal

Either party shall have ten (10) school days following receipt of written notice of the Hearing Panel's disposition of the case in which to deliver to the Honor Code Council written notice of intent to appeal and the grounds for the appeal. The Honor Code Council will forward the appeal and its record of the proceedings to the Appellate Review Committee.

Comment: The day of receipt of written notice shall not count as one of the ten (10) school days. In delineating the grounds for appeal either party need only cite to any of the enumerated grounds for appeal as provided in §5.02. However, either party must cite to all of the grounds delineated in §5.02 on which the appeal will be based.

§5.04 Effect of No Appeal

If no appeal is taken by either party from the Hearing Panel's disposition of the case within the time limit prescribed by §5.03, then the Dean shall implement the sanction recommended by the Hearing Panel. The Dean may neither increase nor decrease the recommended sanction.

§5.05 Review by the Appellate Review Committee

If a timely appeal from the Hearing Panel's disposition of the case is taken, the Appellate Review Committee shall review the case. Review by the Committee will be governed by the following:

- (a) Review will be on the record;
- (b) The Appellate Review Committee may either affirm, modify, or reverse interpretations of these rules or the finding of guilt or innocence or remand for further proceedings;
- (c) The Appellate Review Committee may either affirm, reduce, or increase, the sanction recommended by the Hearing Panel;
- (d) Upon completion of review, the Appellate Review Committee shall promptly deliver written notice of its decision to the Dean, the parties, the Honor Code Council, and the Law School Council. Any such notice shall adhere to the guidelines for written reports set forth in §4.06(c);
- (e) In all cases where the recommended sanction after the Appellate Review Committee review is either expulsion or suspension, the accused shall have the right to appeal to the full faculty. In all other cases, there shall be no further appeal and the Appellate Review Committee's disposition of the appeal shall be final;
- (f) In all cases where the Appellate Review Committee's disposition of the appeal is final and in all cases in which the accused has a right to appeal to the full faculty but fails to file timely notice of intent to appeal, the Dean shall implement the sanction recommended by the Committee.

Comment: At the conclusion of appellate review, either by the Appellate Review Committee or by the faculty where appropriate, a student may have an additional right to an all-University appellate review process as well. Nothing in these rules is intended to deny a student such additional review as is provided by the University.

§5.06 Faculty Review

Where an appeal to the full faculty is proper because suspension or expulsion is recommended, faculty review will be governed by the following:

- (a) The accused shall have five (5) school days after receipt of written notice of the Appellate Review Committee's disposition of the case in which to deliver to the Dean written notice of intent to appeal to the full faculty;

- (b) The accused shall have at least five (5) school days after delivery to the Dean of the notice of intent to appeal in which to prepare the appeal;
- (c) The accused may raise only those grounds for appeal which were raised before the Appellate Review Committee;
- (d) Faculty review will be on the record, provided that the "record" will include in addition to those items enumerated in §5.01(e), the written report of the Appellate Review Committee;
- (e) The Faculty may either affirm or reverse the finding of guilt;
- (f) The Faculty may either affirm, increase, or reduce the sanction recommended by the Appellate Review Committee;
- (g) Upon completion of Faculty review the Dean shall implement the sanction imposed by the Faculty.

Comment: Faculty review powers are similar to those exercised by the Appellate Review Committee. The Faculty may either affirm or reverse the finding of guilt and it can either affirm, increase, or reduce the penalty recommended by the Appellate Review Committee after review of the case.

§5.07 Appearances

Any party to the proceedings shall have the right to appear and make a presentation before the Appellate Review Committee or the Faculty prior to the performance of any function vested in either body by this Honor Code.

§5.08 Reversal, Remand, and Empaneling a New Honor Code Hearing Panel

In any instance in which the Appellate Review Committee or the Faculty remands a case to the Honor Code Hearing Panel for further proceedings, a new Hearing Panel may be empaneled to conduct the hearing, pursuant to §4.02(1)(e).