

§7.1 SCHOOL OF LAW HONOR CODE

PREAMBLE

The Honor Code of Chapman University School of Law calls for a commitment by students to adhere to the highest ideals of professional integrity. Paramount among those ideals is the concept of honor, which fosters an environment of trust to be carried into the larger professional community after our students have left the law school. Each student who joins the law school community affirms, by the student's acceptance of a position in the community, this commitment to integrity, honor, and trust. Every student is presumed not to have violated this commitment unless and until proven otherwise. Each student of Chapman University School of Law is to understand this Honor Code as a system of duty. Key to this system is self-regulation, which requires the cooperation of each member of the Law School community.

Article I

Scope of the Honor Code

This Honor Code applies to each student of Chapman University School of Law and shall be the Law School's exclusive policy for dealing with ethical violations as defined by Article II of this code.

Administration of the Honor Code

(A) The Dean and the Honor Council shall have the exclusive responsibility for taking all action in connection with or relating to any suspected violations, except for the revocation of a previously granted degree, which shall be within the exclusive authority of the Board of Trustees of Chapman University.

(B) Each law student shall be responsible for the Code's implementation. The Council will be responsible for the administration of the Code as well as the adopted policies and procedures. As law students will inquire of the bar association in their future capacity as bar members, all students have the responsibility to inquire of the Council as to whether their conduct constitutes a Code violation.

Article II

General Provisions

(A) No proceedings may be initiated under this Code if more than one year has elapsed since the date when the ethical violations were or reasonably should have been discovered.

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(B) All substantive definitions in this Code shall be broadly construed to ensure fairness to the suspected violator.

Violations of the Honor Code

(A) As used in this Code, the term "ethical violation" includes the following acts, where such acts affect the School's operations, academic integrity, educational environment, or reputation in the academic or legal community:

- (1) Lying;
- (2) Cheating;
- (3) Stealing;
- (4) Plagiarism;
- (5) Harassment based on gender, sexual orientation, race, color, creed, religion, ethnicity or national origin;
- (6) Actions of a criminal nature committed on the campus of either Chapman

University or the Chapman University School of Law;

(7) Obstruction of an investigation;

(8) Misdemeanor or felony crimes committed after admission to the law school and while off campus of Chapman University or Chapman University School of Law, where a final judgment has been rendered by a competent court. A final judgment shall include a conviction or acceptance of a guilty plea or a plea of *nolo contendere*.

(9) Failing to report a misdemeanor or felony crime as required under Article IV of this Code.

Violations Defined

(B) As used in this Code, “willfully” means intentionally or purposefully, but not accidentally, mistakenly, or negligently. As used in this Code, “recklessly” means that with respect to a material element of an offense, he or she consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his or her conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor’s conduct and circumstances known to him or her, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor’s situation.

(C) Lying means willfully or recklessly misrepresenting or willfully or recklessly failing to disclose a material fact that a reasonable person would consider relevant under the circumstances. Examples of lying include, but are not limited to, the following:

(1) Misrepresenting or failing to disclose facts relevant to admission to the School;

(2) Misrepresenting or failing to disclose facts relevant to class attendance;

(3) Misrepresenting or failing to disclose facts relevant to compliance with course requirements;

(4) Misrepresenting or failing to disclose facts relevant to financial aid, work study or scholarships;

(5) Misrepresenting or failing to disclose facts relevant to the employment search process;

(6) Misrepresenting or failing to disclose facts relevant to co-curricular

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activities for which credit is granted;

(7) Misrepresenting or failing to disclose facts in a misconduct report;

(8) Misrepresenting or failing to disclose facts in any Honor Code proceedings.

(D) Cheating means willfully or recklessly giving, receiving, taking or using, or attempting to give, receive, take or use, any unauthorized advantage that is specifically prohibited by school policies or procedures or by the student’s professor, adjunct professor or instructor in connection with any course work or curricular activity for which credit is granted. Cheating includes, but is not limited to, the following:

(1) Any prohibited aid, assistance or cooperation in connection with an examination;

(2) Any prohibited aid, assistance or cooperation in connection with a paper, report, brief or other assignment;

(3) Commencing an examination before the stipulated time, including reading

the contents of the examination or writing any notes or outlines, or continuing to write after the time for taking the examination has expired;

- (4) Possession, use or reference to prohibited materials during an examination;
- (5) Depriving other students for an unreasonable length of time of access to library materials or other information that either is needed for the timely completion of course work or is helpful to preparation for a class or an examination with the intent to disadvantage other students;
- (6) Obtaining knowledge or possession of unreleased examination questions, answers or information, or retaining copies of an examination or other materials contrary to a professor's instructions;
- (7) Any copying or use without permission of the original of another student's personal work product, including briefs, notes, tapes, computer software or data, outlines, written assignments or other materials;
- (8) Failing to disclose to a professor the submission for credit of work that was wholly or substantially done outside the course for which credit is being sought.

(E) Stealing means willfully or recklessly taking any services or property of another without authorization or by fraud of any kind with the intent to permanently or substantially deprive. Stealing includes, but is not limited to, the following:

- (1) Taking any personal property on School premises, or taking any School property on or off School premises;
- (2) Taking briefs, books, notes, tapes, computer software or data, or outlines belonging to a faculty member or another student, on or off School premises;
- (3) Taking any items from student mail files or faculty mailboxes or reading electronic mail meant for other recipients without authorization;
- (4) Taking School computer time, computer software or computer access;
- (5) Taking School photocopy services;
- (6) Taking School library materials.

(F) Plagiarism means willfully or recklessly misrepresenting all or part of another's work as one's own, either for credit or for publication. Plagiarism includes, but is not limited to, the following:

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- (1) Verbatim presentation of another's work without acknowledgment;
- (2) Paraphrasing or restating another's work without acknowledgment;
- (3) Partial but significantly incomplete acknowledgment of another's work.

(G) Harassment based on gender, sexual orientation, race, color, creed, religion, ethnicity, or national origin means any willful or reckless verbal or physical conduct, directed towards an individual or members of a class, which unreasonably interferes with a student, faculty, or staff member's work or academic performance, or creates an intimidating, hostile, or offensive working or academic environment. Harassment based on gender includes, but is not limited to:

- (1) Any willful or reckless sexual touching that is offensive or unwelcome;
- (2) Unwelcome sexual advances;
- (3) Requests for sexual favors;
- (4) Other physical or verbal conduct of a sexual nature.

(H) Obstruction means interference with the enforcement of the Honor Code or Honor Council investigation. Obstruction includes:

(1) Intimidating or harassing a person who has made a complaint, regarding an alleged ethical violation;

(2) Willfully or recklessly failing to cooperate in a timely manner with lawful requests made by the Dean of the Law School, his or her designate, the Board of Trustees of Chapman University, the Honor Council, or the suspected violator in connection with any Honor Code procedures.

(I) Obstruction does not include, nor shall Section II of the Honor Code Policies and Procedures apply to confidential information that is protected by a legal privilege, disclosed to the Office of Student Assistance, or disclosed to any student retained to assist an accused violator in any Honor Code proceedings.

Article III

Sanctions for Violations of the Honor Code

Appropriate sanctions shall include any one or more of the following:

(1) A public or private reprimand;

(2) Reduction of the grade to "F" in the course in which the violation occurred, if the professor who taught that course concurs;

(3) Loss of library privileges, including Westlaw and Lexis accounts;

(4) Restitution;

(5) Disciplinary probation, with or without conditions, until graduation;

(6) Suspension for up to two calendar years, with or without conditions;

(7) Notation on the violator's transcript;

(8) Permanent dismissal from the School;

(9) A recommendation to the Board of Trustees of Chapman University that the Board permanently revoke a previously granted degree, where the penalty would have been permanent dismissal, had the violation been discovered while the violator was still in school; or

(10) Any sanction determined by informal resolution under Section IV.

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Article IV

Mandatory Reporting of Criminal Misdemeanors or Felonies

(A) Any student who has been found to have committed a misdemeanor or felony crime after admission to the law school and while off campus of Chapman University or Chapman University School of Law, where a final judgment has been rendered by a competent court, has committed an Honor Code violation. A final judgment shall include a conviction or acceptance of a guilty plea or a plea of *nolo contendere*. The student shall, within thirty (30) calendar days of judgment being entered a competent court, report the crime to the Office of Student Assistance as described in Section II subsection (A), or may alternatively report the crime to the Chair of the Honor Council Committee (the "Chair").

(B) For matters involving a student self-reporting a criminal misdemeanor or felony as required under Article IV(A), the student may request that the Chair appoint a second faculty investigator in lieu of a student investigator to perform all necessary procedures as defined in Section III. Further, the self-reporting student may also request that any adjudicative board considering the self-reported criminal

misdeemeanor or felony be comprised only of faculty members of the Honor Council Committee and any additional faculty members necessary to comprise an adjudicative board of five members as required under Sections IV, V, and/or VI. Any additional faculty members shall be appointed on an ad hoc basis by the Dean as described under Section VIII(F). The option for a student to exclude student members of the Honor Council from serving as investigators or as part of an adjudicative board shall only be available when the student self-reports a criminal misdemeanor or felony and in no other circumstance.

Policies and Procedures

Section I - General Provisions

All procedural definitions in this Code shall be broadly construed to ensure fairness to the suspected violator.

(A) The Honor Council is composed of three branches: The Office of the Law School Advocate, The Office of Student Assistance, and the Honor Council Committee.

(B) The Office of the Law School Advocate shall serve as the School's representative in any formal action under Section V or any appeal under Section VI. The Office shall consist of three students appointed by the Student Bar Association Board of Directors. One member of the Office of the Law School Advocate and one faculty member of the Honor Council Committee shall be selected by the Chair to jointly represent the School in each matter.

(C) The Office of Student Assistance shall be available to counsel students regarding Honor Code violations and procedures. The Office shall consist of three students appointed by the Student Bar Association Board of Directors.

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(D) The Honor Council Committee shall serve as the ultimate adjudicatory body in all Honor Code proceedings. The Honor Council Committee shall consist of four fulltime faculty members appointed by the Dean and three students appointed by the Student Bar Association Board of Directors. The Chair shall be a faculty member appointed by the Dean.

(E) The qualifications, terms of service and conditions for removal, if any, of the members of the Office of Law School Advocate, Office of Student Assistance, and student members of the Honor Council Committee shall be determined by the Student Bar Association Board of Directors.

(F) A suspected violator may retain counsel at his or her own expense, or may be represented by another person of his or her choice, including another student. Any representative of a suspected violator shall file an appearance with the Dean, the Honor Council Committee and the Office of the Law School Advocate. No professor, adjunct professor, instructor, administrator or staff member shall represent a suspected violator.

Section II - Reporting Procedures

(A) If a student becomes aware of facts establishing reasonable grounds to believe that a violation of the Honor Code, as defined in Article II or IV, may have occurred, he or she shall report the violation to the Office of Student Assistance. If the violator selfreports a violation (an "admission") prior to a report being filed with the Office of Student Assistance, it shall be considered a mitigating circumstance in determining the appropriate sanction to be imposed.

(B) The Office of Student Assistance shall provide students with a form to use in reporting suspected violations. The report shall include a full written description of the suspected violation, including the place and the approximate date and time it occurred. The report shall also include the name of the suspected violator or, if the violator's name is not known, all relevant identifying information. The report shall be signed by the reporting student and filed with the Chair.

(C) No professor, adjunct professor, instructor, staff member or employee shall individually resolve or attempt to resolve matters of suspected violations. Any professor, adjunct professor, instructor, staff member or employee who has reasonable grounds to believe that an Honor Code violation has occurred shall promptly report it pursuant to the procedures described in Subsections (a) and (b). This reporting requirement shall not apply to information disclosed in confidence by a student making a good faith effort to ascertain his or her other responsibilities under the Honor Code. Any professor, adjunct professor, instructor or student who reports a suspected violation shall be disqualified from serving in any capacity other than that of a witness in connection with the matter in which the report is filed.

(D) The identities of the reporting student/individual and any witness shall not be disclosed until a complaint has been served in anticipation of formal action as set forth in Section V.

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Section III – Investigating Suspected Violations

As soon as practicable after receiving a report under Section II, the Chair shall appoint one faculty member of the Honor Council Committee and one student member of the Office of the Law School Advocate to serve as Investigators (the "Investigators"). The faculty member serving as an Investigator shall not thereafter act as a member of the Honor Council Committee with regard to the matter under investigation.

(A) The Investigators shall meet to conduct a preliminary review to determine whether investigation of the matter described in the statement is warranted or, alternatively, is unwarranted. If the Investigators determine an investigation is warranted, the Investigators will conduct the investigation. As used in this Section, "unwarranted" means the report has no reasonable basis in law or fact.

(B) If, after the preliminary review under subsection (B) of this Section, the Investigators decide a report is unwarranted, the Chair shall notify the person who made the report in writing that it is not sufficient to warrant further action. The Chair shall have the discretion to reopen an investigation within the statute of limitations period defined in Article II, but only if new evidence indicates further investigation is appropriate. The Chair shall also send a copy of the report to the suspected violator. The report shall be redacted so as to not identify the reporting student/individual or any witnesses. The Chair's transmittal letter shall advise the suspected violator that:

- (1) Any intimidation or harassment of the person who made the report shall be grounds for instituting proceedings under the Honor Code and;
- (2) He or she has the right to provide a written statement responding to the report for inclusion in the files of the Honor Council.

(C) If the Investigators, after the preliminary review, decide a report is warranted, the Investigators shall serve a copy of the report on the suspected violator. The report shall be redacted so as not to identify the reporting student/individual or any

witnesses. The Investigators' cover letter shall notify the suspected violator that:

(1) He or she must submit a signed written response fully and fairly disclosing all of the facts and circumstances surrounding the suspected violation that he or she is aware of within fifteen (15) working days after the date the report is served;

(2) A failure to respond within the time permitted is itself a violation under Article II of the Honor Code;

(3) The student may refuse to respond if the information required could lead to criminal prosecution under (F) of this Section;

(4) Any intimidation or harassment of the person who made the report shall be grounds for instituting proceedings under this Honor Code pursuant to Article II of the Code and;

(5) The Office of Student Assistance is available to counsel accused violators regarding Honor Code violations and procedures.

(D) After the suspected violator has filed a response, or the time for filing a response has expired, the Investigators shall promptly conduct whatever further investigation they deem appropriate. When all investigation is complete, the Investigators shall decide

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whether there are reasonable grounds to believe that an ethical violation occurred.

(E) The suspected violator may refuse to submit a response based on the Fifth Amendment privilege against compelled self-incrimination if the information required could lead to criminal prosecution. If the suspected violator refuses to respond on this ground, the Investigators may decide whether valid grounds for refusing to respond exist, or may refer the matter to the Honor Council Committee for a hearing on the claim of privilege. At that point, the Chair will select at random two of the three student members of the Honor Council Committee. The two students selected, together with three faculty members of the Honor Council Committee, shall perform all adjudicatory functions associated with this matter.

(F) If the Investigators decide reasonable grounds do exist, they may either pursue informal resolution of the matter pursuant to Section IV, or pursue formal action pursuant to Section V.

(G) If the Investigators decide reasonable grounds do not exist, they shall notify the Chair in writing of their intention to dismiss the report. The Investigators' notification shall include a copy of the report, the suspected violator's response and a summary of the facts discovered during the Investigators' investigation. At this point, if an adjudicative body has not already been composed under subsection (F) of this Section, the Chair will select at random two of the three student members of the Honor Council Committee. The two students selected, together with three faculty members of the Honor Council Committee, shall perform all adjudicatory functions associated with the matter. Unless the appointed Committee concludes that dismissal is clearly erroneous within twenty (20) days after the date the notification was delivered, the report shall be dismissed. If the appointed Committee concludes dismissal is clearly erroneous, the report shall be referred back to Investigators for informal resolution pursuant to Section IV or formal action pursuant to Section V. After referral back, if either Investigator withdraws, the Chair shall designate a faculty member of the Honor Council Committee or a member of the Office of the

Law School Advocate, as appropriate, to serve as a substitute.

Section IV– Informal Resolution

(A) The Investigators shall have the authority to accept a suspected violator's admission (“admission”) or plea of *nolo contendere* (“plea”) regarding an ethical violation. All admissions or pleas shall be in writing and signed by the violator.

(B) After the Investigators have accepted a suspected violator’s admission or plea, the violator shall have ten (10) working days to submit in writing any mitigating circumstances he or she believes should be considered in determining the appropriate sanction.

(C) Sanctions set forth in Article III of the Honor Code shall be appropriate sanctions under this Section.

(D) The Investigators shall notify the Chair in writing of their proposed sanction. The Investigators’ notification shall include a copy of the report, the violator’s response, a summary of the facts developed during the investigation, the violator’s signed admission or plea, the violator’s mitigation statement and a statement of reasons explaining the proposed sanction. At this point, if an adjudicative body has not

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already been composed under Section III, the Chair will select at random two of the three student members of the Honor Council Committee. The two students selected, together with three faculty members of the Honor Council Committee, shall perform all adjudicatory functions associated with the matter. Unless the appointed Committee concludes the Investigators’ proposed sanction is clearly erroneous within ten (10) working days after the date the notification is delivered to the Chair, the proposed sanction shall become effective. The Investigators shall then notify the violator in writing of the sanction. If the sanction imposed is suspension, permanent dismissal from the School or a recommendation that a previously granted degree be revoked, the Investigators’ letter shall inform the violator that he or she has the right to appeal the sanction to the full Honor Council Committee pursuant to the provisions of Section VI.

(E) If the appointed Committee concludes the Investigators’ proposed sanction is clearly erroneous, the matter shall be referred to the Office of the Law School Advocate for a sanctions hearing before the Honor Council Committee pursuant to the sanctions procedures described in Section V. The appointed Committee may impose any sanction authorized by this Code.

Section V – Formal Resolution

(A) In any matter not dismissed by the Honor Council Committee pursuant to Section III subsection (H) or resolved through informal resolution under Section IV, the Investigators shall prepare a written complaint setting forth the facts of the alleged violation and the specific sections of the Code that are alleged to have been violated, and shall serve a copy of the complaint on the suspected violator within fifteen (15) working days of the filing of that complaint. The Investigators’ complaint shall inform the suspected violator that he or she must submit a signed written answer to the complaint within fifteen (15) working days after the date the complaint was served, and that a failure to respond within the time permitted will be treated as a default. The Investigators’ complaint shall include the names of the reporting student/individual and any witnesses. The Investigators shall file a copy of the

complaint and any answer with the Chair. At this point, if an adjudicative body has not already been composed under Section III or IV, the Chair will select at random two of the three student members of the Honor Council Committee. The two students selected, together with three faculty members of the Honor Council Committee, shall perform all adjudicatory functions associated with the matter. The appointed Committee may set aside default, for good cause shown.

(B) The appointed Committee may permit the Investigators to amend the complaint at any time unless the proposed amendment would unfairly surprise or prejudice the suspected violator. Likewise, the appointed Committee may permit the suspected violator to amend his or her answer.

(C) During the pendency of any formal action, the Investigators may conduct such further investigation, as they deem appropriate. The Investigators may dismiss a complaint that has been filed, pursuant to the procedures for dismissing a report described in Section III subsection (H), or may pursue informal resolution of the matter pursuant to the same rules set forth in Section IV for informal resolution.

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(D) If the matter is not informally resolved, then the Investigators shall notify the Chair that a formal hearing will be necessary. The hearing panel in a contested matter shall consist of the five appointed members of the Honor Council Committee designated to adjudicate the pending matter. The Chair shall notify the Investigators and the suspected violator of the identities of the members of the appointed Committee, the date, time and place for the hearing at least fifteen (15) working days in advance of the hearing. Both sides shall exchange witness lists no later than five (5) working days before the hearing date.

(E) The suspected violator may challenge any member of the appointed Committee for cause. Challenges for cause shall be filed in writing no later than five (5) working days before the hearing, and shall be decided by the Chair. A challenge for cause of the Chair shall be decided by the Dean.

(F) Hearings shall be closed. The Chair shall serve as the presiding judge. The reporting student and suspected violator shall personally appear and shall be subject to cross-examination. The suspected violator shall have the right to be represented in accordance with the provisions of Section I subsection (G). The appointed Committee shall cause testimony to be taken under oath, and a court reporter or recorder shall be present to make a record of the hearing. The Investigators shall present the School's case against the suspected violator, and the burden of proof shall be on the School to establish the alleged violation by clear and convincing evidence.

(G) The appointed Committee shall issue a written decision containing the Committee's findings of fact and conclusions of law within ten (10) working days after the conclusion of the hearing. A majority vote of the appointed Committee members is sufficient to find the violation alleged in the complaint has been established. A copy of the appointed Committee's decision shall be served on the violator. If the Committee has determined a violation occurred, the Committee's decision letter shall inform the violator that he or she has ten (10) working days from the date the decision was served to submit in writing any mitigating circumstances he or she believes should be considered in determining the appropriate sanction. The violator

shall serve a copy of the mitigation statement on the Investigators and the Investigators shall have ten (10) working days to file a written response.

(H) After the violator's mitigation statement and the Investigators' response have been filed, or the time for filing the statement and the response has expired, and before imposing any sanction, the previously appointed Committee shall hold a sanctions hearing, and shall give the violator and the Investigators a reasonable opportunity to personally address the Honor Council Committee regarding sanctions. A court reporter or recorder shall be present to make a record of this proceeding. The appointed Committee shall give the violator and the Investigators ten (10) working days notice of the date when the sanctions hearing will be held.

(I) The appointed Committee shall issue a written judgment of sanction(s) within five (5) working days after the sanctions hearing or the time for the sanctions hearing has expired. A majority vote by the appointed Committee members is sufficient to impose any sanction authorized by this Code. A copy of the judgment of sanction(s)

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shall be served on the violator and the Investigators. If the sanction imposed is suspension, permanent dismissal from the School or recommended revocation of a previously granted degree, the Committee's written judgment shall inform the violator he or she has the right to appeal the Committee's decision or judgment pursuant to Section VI. A copy of the appointed Committee's decision and judgment shall be filed with the Honor Council Committee.

Section VI - Appeals

(A) Matters resolved by way of informal resolution pursuant to Section IV shall not be appealable by right or by leave. In any matters resolved by way of formal action pursuant to Section V in which the sanction of suspension, permanent dismissal or recommended revocation of a previously granted degree has been imposed, the violator shall have an appeal by right from the hearing panel's decision or judgment to the full faculty. The appellant shall have ten (10) working days from the date the judgment was served to commence an appeal by right by filing a notice of appeal with the Dean. The failure to file a timely notice of appeal shall constitute a waiver of the right to appeal.

(B) Upon the filing of a notice of appeal, the Dean shall order that a transcript of the proceedings, if any, be prepared at the School's expense. Copies of the transcript shall be served on the appellant, the Investigators, and the Chair. The transcript, together with all the written documents previously filed or served pursuant to this Code, shall constitute the original record for the appeal.

(C) The appellant shall have fifteen (15) working days from the date the transcript is served, or if there is no transcript, from the date appellant is served with notice that no transcript exists, to file a written brief. A copy of any brief filed shall be served on the appellee and the Investigators. The appellee shall have twelve (12) working days to file a written response, a copy of which shall be served on the appellant.

(D) Appeals to the full faculty shall be heard on the original record. Oral arguments shall be limited to thirty (30) minutes per side. Where the resolution of an issue depends on the credibility of witnesses, the full faculty shall give the decision or judgment being appealed substantial deference. The faculty shall not reverse an Honor Council Committee decision that a violation of the Honor Code occurred or

modify the sanction imposed unless a majority of the participating faculty members conclude, after voting by written ballot, that the decision or sanction is clearly erroneous. If the faculty concludes that the sanction imposed by the panel is clearly erroneous, it may impose any sanction authorized by this Code.

(E) In any matter that is not appealable by right under subsection (A) of this Section, or in any matter that was appealable by right but no timely notice of appeal was filed, an application for leave to appeal may be filed with the Dean listing the reasons why leave should be granted. The application must be filed no later than twenty-five (25) working days from the date the hearing panel's judgment was served. A copy of the application shall be served on the opposing party, who shall then have ten (10) working days to respond. Leave shall only be granted in extraordinary circumstances when the failure to grant leave would cause material and substantial

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injustice. If the full faculty grants leave, the appeal shall proceed according to the procedures for appeals by right outlined in subsections (C) and (D).

(F) The faculty shall issue a written order or opinion setting forth its decision in all appeals by right, and all appeals by leave in which leave is granted. Leave to appeal may be granted or denied without oral argument. Copies of the faculty's orders or opinions shall be served on the violator, the Investigators and the Chair.

(G) No decisions or judgments in individual matters may be appealed to the President or the Board of Trustees of Chapman University.

Section VII - Records and Confidentiality

(A) The Honor Council Committee shall maintain records of all matters in which a report was filed. Except as provided in subsections (B) and (C) of this Section, or as required by other sections of this Code, all Honor Council records, information and proceedings shall be strictly confidential. This confidentiality requirement shall extend to the Office of Student Assistance, the Office of Law School Advocate, the Honor Council Committee, the Dean or his or her designate, the reporting student, the suspected violator, all potential witnesses and all School employees having knowledge of or access to any such records, information or proceedings. Any breach of confidentiality shall be referred to the Dean for possible disciplinary action.

(B) The Honor Council Committee shall conspicuously publish summaries of all matters that result in admission, plea or a finding that an ethical violation occurred. The summaries shall include the sanction imposed, but shall not identify the reporting student, the violator or any other person involved in the matter. The Honor Council Committee shall annually compile the summaries, and copies of the compiled summaries shall be kept in the library for reference purposes.

(C) In any matter in which there is an admission, plea or a finding that a Honor Code violation occurred, a summary of the matter, including the sanction imposed, shall be made a permanent part of the violator's student file. If any other law school or bar association to which the violator has applied for admission requests information about the violator, a copy of the summary and any other information the Dean believes appropriate shall be included in the School's response. The Dean shall have the discretion to disclose such information even in the absence of a request, and shall have the discretion to disclose such information to other outside entities when

appropriate. All disclosures under this Section shall be made in accordance with any applicable state or federal limitations on the disclosure of student education records. (D) In any matter in which there is no admission, plea or finding that an Honor Code violation occurred, no record of any Honor Council proceedings shall be included in the student's file or transmitted to any outside entity. Three years after the student graduates, the Honor Council Committee shall destroy all records relating to the matter.

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Section VIII - Miscellaneous Provisions

All first-semester and transfer students shall be provided with a copy of the Honor Code, and shall be required to attend an orientation lecture presented by the Honor Council explaining the Code's provisions. They shall also be required to sign an acknowledgment that they have read, understand and agree to abide by the Honor Code. These acknowledgments shall be made a permanent part of each student's file. Any student who knowingly and deliberately fails to sign the acknowledgment shall be dismissed from the School.

(A) In any case involving a graduating student, the Dean shall expedite the preliminary investigation, and all other time periods for action required by this Code may be shortened, unless the suspected violator objects.

(B) As used throughout this Code, the term "working days" means all days except Saturday, Sundays, holidays when the School is not in session and days during semester breaks. For good cause shown, the time periods for action required by this Code may be extended.

(C) Joinder of cases is mandatory where the cases involve common proof. No severance shall be granted unless the moving party proves that a severance is necessary to avoid substantial prejudice.

(D) Service of any written document or notification required or permitted by this Code shall be accomplished either by personal service or, if personal service is not practicable, by certified or electronic mail, return receipt requested. Where service is accomplished by mail, it is effective as of the date of delivery. If service cannot be accomplished, and there are reasonable grounds to believe that evidence may be lost due to delay, a deposition or other means may be used to preserve the evidence.

(E) If any member of the Honor Council Committee is in any way associated with an alleged violation as a potential violator or witness, that member shall be excluded from any proceedings related to the violation in question. If this exclusion results in fewer than five members being available to hear a particular case, the Chair shall appoint students and/or faculty on an ad hoc basis as necessary in order to preserve the balance of three faculty and two students on the adjudicating Honor Council Committee.