§7

APPENDICES

§7.1 FOWLER SCHOOL OF LAW HONOR CODE

PREAMBLE

The Honor Code of Chapman University Fowler 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 Fowler 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 Fowler 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.

(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) Actions of a criminal nature committed on the campus of either Chapman University, the Chapman University Fowler School of Law or any University or law school affiliated event;
(6) Obstruction of an investigation;
(7) Misdemeanor or felony crimes committed after admission to the law school and while off campus of Chapman University or Chapman University Fowler 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 contendre*.
(8) Failing to report a misdemeanor or felony crime as required under Article IV of this Code.

Violations Defined

(A) 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.

(B) 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 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.

(C) 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.

(D) 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.

(E) 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:

(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.

(F) Obstruction means interference with the enforcement of the Honor Code, the University Student Conduct 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, any University Conduct Board or investigator, or the suspected violator in connection with any Honor Code procedures.

(G) Obstruction does not include, nor shall Section IIB 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 in the course in which the violation occurred including but not limited to changing the student's grade to an "F" (with professor approval);
(3) Loss of library privileges, including Westlaw and Lexis accounts;
(4) Restitution;
(5) Loss of scholarship;
(6) Disciplinary probation, with or without conditions, until graduation;
(7) Suspension for up to two calendar years, with or without conditions;
(8) Notation on the violator's transcript;
(9) Permanent dismissal from the School;
(10) 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
(11) Any other sanction determined by informal resolution under Section IV.

Article IV

Mandatory Reporting of Criminal Misdemeanors, Felonies or Restraining Orders

(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 Fowler 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 contendre*. The student shall, within thirty (30) calendar days of judgment being entered a competent court, report the crime to the Office of Student Assistance or may alternatively report the crime to the Faculty 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 misdemeanor 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.

(C) Although the issuance of a restraining order does not constitute a violation of the Honor Code, any student against whom a restraining order of any type is issued must report the issuance of the order to the Assistant Dean for Student Affairs within five (5) business days after the issuance of the order.

Article V

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 five 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.

(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 full-time 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 A—Student Representation on the Honor Council

Student Chair of the Honor Council Committee (1 Position) The Student Chair of the Honor Council serves as the liaison between the Honor Council and the Faculty Chair of the Honor Council Committee. Together with the Faculty Chair, the Student Chair oversees the student-led activities of the Honor Council. In formal proceedings, the Student Chair will also serve as a member of the Honor Council adjudicative body.

Honor Council Committee (2 Positions) The Honor Council Committee members along with the Student Chair perform the ultimate adjudicative functions of the Honor Council proceedings. Student members, along with appointed faculty, hear and decide on the investigative efforts brought forth by the Office of the Law School Advocate and faculty members of the Honor Council Committee.

Office of the Law School Advocate (5 Positions) Members of the Office of the Law School Advocate ("OLSA") will serve as the School's representative in any formal action, including the investigation and prosecution of Honor Code violations. One student member of the OLSA and one faculty member of the Honor Council Committee shall be selected by the Faculty Chair to jointly represent the School in each case.

Office of Student Assistance (3 Positions) The Office of Student Assistance ("OSA") shall be available to counsel students regarding Honor Code violations and procedures. OSA members also assist students in reporting violations.

Section IIB- 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 or the Faculty Chair of the Honor Council Committee. If the violator self-reports a violation (an "admission") prior to a report being filed with the Office of Student Assistance or the Faculty Chair, 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) of this Section. 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.

Section III – Investigating Suspected Violations

As soon as practicable after receiving a report under Section II, the Faculty 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 (A) of this Section, the Investigators decide a report is unwarranted, the Faculty Chair shall notify the person who made the report in writing that it is not sufficient to warrant further action. The Faculty 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 Faculty 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 Faculty 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) Each suspected violator must submit an independent 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;

(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 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 of Article V.

(G) If the Investigators decide reasonable grounds do not exist, they shall notify the Faculty 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 (E) 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 of Article V. After referral back, if either Investigator withdraws, the Faculty 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 contendre* ("plea") regarding Honor Code violation. All admissions or pleas shall be in writing, include the proposed sanction, and be signed by the violator. If the sanction proposed in the plea requires affirmative action by the violator, e.g., submission of a paper or participation in an anger management program, a date by which this must be completed shall be stated in the agreement.

(B) The suspected 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 to be included in the proposed informal resolutions.

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

(D) The Investigators shall notify the Faculty Chair in writing of the 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 already been composed under Section III of this Article, the Faculty 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 fourteen (14) 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 and a copy of that writing shall be sent to the Law Registrar for inclusion in the student's file.

(E) If the appointed adjudicative body concludes the Investigators' proposed sanction is clearly erroneous, the student may at his/her sole option, (1) withdraw the plea of no contest and proceed to formal resolution pursuant to Section V of this Article, or (2) 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 of this Article. The appointed Committee may impose any sanction authorized by this Code.

(F) If a violator does not comply with the terms of the plea agreement in any way, the Faculty chair shall appoint a committee to determine whether (1) the plea agreement shall be set aside and the matter shall proceed to formal resolution pursuant to Section V, or (2) the Investigators may negotiate a new plea agreement with the violator, which if such negotiations are unsuccessful, the matter shall proceed to formal resolution pursuant to Section V of this Article. The committee shall be comprised of two faculty members appointed to the Honor Council and one student member of the Honor Council Committee. This committee shall have (10) working days upon receipt of the notice that the violator has not complied with the terms of the plea agreement to notify the violator of their decision.

Section V – Formal Resolution

(A) In any matter not dismissed by the Honor Council Committee pursuant to Section III subsection (G) 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(s) and any witnesses. The Investigators shall file a copy of the complaint and any answer with the Faculty Chair. At this point, if an adjudicative body has not already been composed under Section III or IV of this Article, the Faculty 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 a 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 Article V, Section III, subsection (G), or may pursue informal resolution of the matter pursuant to the same rules set forth in Section IV for informal resolution.

(D) If the matter is not informally resolved, the Investigators shall notify the Faculty 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 (2 students and 3 faculty members). The Chair shall notify the Investigators and the suspected violator of the identities of the members of the appointed Committee ,as well as 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 more than five (5) working days before the hearing, and shall be decided by the Faculty Chair. A challenge for cause of the Faculty Chair shall be decided by the Dean.

(F) Hearings shall be closed. The Faculty 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 (F). 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 at least 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) 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 Faculty Chair of 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 of this Article 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 no more than 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 Faculty 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 no more than 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 with the Dean. A copy of any brief filed shall be served on the appellee and the Investigators. The appellee shall have no more than twelve (12) working days to file a written response, a copy of which shall be served on the Investigators and the Dean.

(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 to the full faculty may be filed with the Dean listing the reasons why leave should be granted. The application must be filed no more 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 no more than ten (10) working days to respond. Leave shall only be granted in extraordinary circumstances when the full faculty determines that failure to grant leave would cause material and substantial 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) of this Section.

(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 Faculty 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 portions 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 student and faculty members of the Honor Council Committee, the Dean or his or her designate, the reporting student(s), 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 any reporting student, violator or other person involved in the matter. The Honor

Council Committee shall annually compile the summaries, and copies of the compiled summaries shall be maintained 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 state bar 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.

Section VIII - Miscellaneous Provisions

All first-semester and transfer students shall be provided with a copy of the Honor Code. 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 become 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 severance is necessary to avoid substantial prejudice.

(D) Service of any written document or notification required or permitted by this Code shall be accomplished by personal service, certified mail return receipt requested or

Chapman email. 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, the Investigators may take a deposition recorded by a certified recorder or reporter or use other means 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

fewer than five members being available to hear a particular case, the Faculty 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.

§7.2 UNIVERSITY STUDENT CONDUCT CODE

Chapman University has standards of behavior that apply to all students and student organizations associated with the University. These standards are set forth as policies in this Student Conduct Code ("the Code"). The Code is a system established to ensure a fair process to people who believe that the behavior standards have been violated, as well as to students and organizations that have allegedly violated the Code. These established standards, which are upheld through an educational disciplinary process, support the University's academic mission.

The Code also governs community conduct in order to protect and promote the University community's pursuit of its educational goals. The purpose of an educational disciplinary process is to maintain a safe, healthy, and educational community for all students, staff, and faculty.

Expression, civility, and freedom of speech are especially important values within an academic community and Chapman's desire to offer a personalized education. Thus, all topics are appropriate for discussion and debate within the framework of academic inquiry and self-expression. Students and student organizations are free to examine and discuss all questions of interest to them, and to express opinions publicly and privately. They are always free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. At the same time, it is clear to the academic and the larger community that students or student organizations speak only for themselves.

As an institution of higher learning, Chapman strives to maintain an environment in which its students, employees, and guests feel challenged and supported. As a diverse population, we must be able to live, work and learn in a climate of tolerance, civility and respect for the rights, property and sensibilities of others.

The newest, most updated version of the University Conduct Code may be found on the following webpage: https://www.chapman.edu/students/policies-forms/student-conduct/index.aspx. The University Conduct Code as well as its various related policies and procedures apply to each Chapman University student, including students attending the Fowler School of Law and, therefore, is incorporated herein in its entirety by this reference. All law students should review the University Conduct Code and conform their behavior to the terms contained in that Code.

§7.3 PLAGIARISM

A PRIMER ON PLAGIARISM

Law school honor codes and disciplinary rules normally forbid submitting the work of another as one's own work in any academic pursuit, whether or not with the consent of the author of the work. Plagiarism violates this rule.

Types of Plagiarism

1. Quoting the words of another without attribution.
2. Paraphrasing the words of another without attribution.
3. Using the ideas of another without attribution.

The underlying rule is simple: Do not use the words or ideas of another and represent them as your own. Give credit where credit is due. Avoid plagiarism by including a citation to the source.

How Plagiarism Applies to Memos, Briefs, and Other Law School Projects

1. Quotations. When you quote, give a citation to the source.
2. Paraphrasing. If you take another's sentence and change a few words, you still must give a citation. If you paraphrase, do not use quotations, but use a signal, usually see. There is a gray area between paraphrasing and putting something in your own words. You must decide whether or not a citation is necessary. Err on the side of caution. Usually you will want to include a citation, because a citation to authority increases the persuasiveness of what you are saying.
3. Original Ideas. Closely following the structure of another person's written work falls into this category. For example, taking a few pages from a law review article or treatise and rewriting them in your own words constitutes plagiarism. Debatable cases arise when the structure of another's argument is not particularly original. Again, err on the side of giving credit. A citation increases persuasiveness.
4. Legal Work Outside Law School. There, the rules are much looser with regard to paraphrasing and using original ideas. Nonetheless, ignoring one's sources or relying on them too heavily may evidence poor lawyering. In law school, writing legal documents is an academic endeavor, and students must give attribution to sources.

5. A Sense of Proportion. You need not place a citation after every sentence you write. Excessive cites are unattractive and break the flow of the sentences and your argument. They also suggest that you have avoided thinking and instead have pasted together the words of others. This sort of cut-and-paste product rarely is effective. In deciding when to cite, use your common sense. If you have questions, ask them before your deadline for submission. Avoid putting yourself and others in an embarrassing position.

ILLUSTRATION

The first paragraph is an excerpt from a fictitious law review article. The second paragraph is a plagiarized version.

> The classic cases on the law of lost and found property are worthless guides for a principled court. Authorities frequently cite Armorie v. Delamirie as the major finder's case. The case, however, is about the rights of a finder against those of a subsequent possessor who wrongfully converted the property. The court's brief discussion of the comparative rights of the finder and true owner is dictum. In South Staffordshire Water Company v. Sharman, workers found gold rings on their employer's property. The court announced a rule accurate as a generality - the owner of a locus in quo presumptively possesses items on the land - when it could have relied on an uncontroversial rule - employees who find things in the course of their employment act as agents of their employers. In reaching it's holding, the court entirely misread Bridges v. Hawkesworth, another traditional case. In Hannah v. Peel, the court offered a thorough discussion of the law and then ignored it to reach a curious result.
>
> The classic cases on the law of lost and found property are worthless guides for a principled court. Authorities frequently cite Armorie v. Delamirie as the major finder's case. The court's brief discussion of the comparative rights of the finder and true owner is dictum. The case really is about the rights of a finder against those of a subsequent possessor who wrongfully converted the property. South Staffordshire Water Company v. Sharman concerns workers who found gold rings on their employer's property. Though the court could have rested its opinion on an uncontroversial rule - employees who, in the course of their employment, find personal property act on behalf of their employers - it chose to rely on a rule that is accurate only as a generality - the owner of a locus in quo presumptively possesses items on the land in question. The court betrayed its lack of understanding by misreading Bridges v. Hawkesworth, another standard case. The court in Hannah v. Peel reached a curious conclusion after offering a thorough discussion of the law and then ignoring it.

COMMENT ON THE ILLUSTRATION

The first two sentences in the right-hand column are the clearest examples of plagiarism. The writer copied them verbatim without quotation marks and without citation. The next

two sentences are virtually verbatim, but in reverse order, perhaps to mislead the reader who is familiar with the original article. In the remaining sentences, the writer has rearranged parts of sentences and changed a few words here and there. Throughout, the writer has employed the organizational structure and substantive ideas of another without giving credit.

By failing to give proper attribution, the writer has reduced the persuasiveness of the argument. Citations to the article would have demonstrated that a published authority shared the writer's view and thus made the argument stronger.

© 1988, Louis J. Sirico, Jr., Villanova Law School

§7.4 COMMITMENT TO SERVICE AWARD PROGRAM FOR PRO BONO LEGAL WORK

§7.4.1 POLICY & REQUIREMENTS

"I don't know what your destiny will be, but the one thing I know; the only ones among you who will really be happy are those who will have sought and found how to serve…"
-Albert Schweitzer, doctor, philosopher and Nobel Prize winner

I. Purpose

a. Albert Schweitzer's quote speaks to one of society's greatest human values: to serve and empower those who are unable to do so for themselves. This sentiment has been echoed by many of the great humanitarians of our time.
b. In an effort to acknowledge and encourage students to form a habit of providing pro bono legal services, Chapman University Fowler School of Law, in partnership with the Public Interest Law Foundation and Externship Program, has created the "Commitment to Service" award to recognize the public interest work of Chapman law students.
c. The importance of using our law skills to provide for the underprivileged is articulated in ABA Rule 6.1, which states, "every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of *pro bono publico* legal services per year."

II. Criteria for Award

a. Students must complete 50 hours of pro bono legal service.
b. Work may be completed at non-profit organizations or governmental entities other than courts.
c. Students may complete hours at multiple locations.
d. The award will be given annually during the Spring Semester. However hours will "roll over" to successive years until 50 hours are completed.
e. Students will not receive hours for existing for-credit externships, clinic courses, or paid internships, but students may elect to complete extra hours at an appropriate externship/internship, with supervisor approval, to earn hours for the award.
f. Summer pro bono legal hours will be credited for toward the award. Hours completed in the summer will be counted toward the following year's award.

g. The award will be administered by Chapman University Fowler School of Law, through the Externship Director, and with support from the Chapman chapter of the Public Interest Law Foundation.

III. Paperwork Required

a. Students must complete and sign a timesheet (available at http://www.chapman.edu/law/externships/pro-bono-program.aspx. or from the Externship Director), verifying that they have worked 50 hours.
b. Multiple timesheets may be used.
c. The timesheet must be signed by the supervisor(s) of their work.
d. Additionally, students and supervisor may be asked to complete an evaluation/survey.

IV. Pre-Approved Organizations

a. Students should work with an organization from the pre-approved list compiled and updated by the Externship Director (available at http://www.chapman.edu/law/externships/pro-bono-program.aspx. or from the Externship Director).
b. Students wishing to work with another organization or pro bono legal opportunity should seek pre-approval from Externship Director. If pre-approval is not sought, there is no guarantee that the hours a student works will be counted toward the award.

V. Types of Awards

a. Students who complete the majority of the 50 hours of *pro bono* legal work with an appropriate non-profit organization will be recognized for their work in *Public Interest*.
b. Students who complete the majority of the 50 hours of *pro bono* legal work with an appropriate governmental entity will be recognized for their work in *Government Service*.

§7.5 ABA STANDARD 310 COMPLAINCE POLICY (May, 2017)

In 2014, the American Bar Association adopted the federal definition of a credit hour as required by the Department of Education. Pursuant to ABA Standard 310, a credit hour must reasonably approximate "not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per 15 weeks, or the equivalent amount of work over a different amount of time." Academic activities such as field placement, clinical, and co- curricular courses must entail "at least an equivalent amount of work." For purposes of this Standard, 50 minutes suffices for one hour of classroom or direct faculty instruction. An "hour" for out-of-class student work is 60 minutes. At a minimum, students must complete 42.5 hours for one unit of credit; 85 hours for two units of credit; 127.5 hours for three units of credit; and 170 hours for four (4) units of credit.

PART I: Revised Credit Hour Policy

Credit Hour Requirements

Under the Fowler School of Law's semester system, one credit hour is granted for 50 minutes of classroom or direct faculty instructional time per week, multiplied by 15, and at least 120 minutes of additional out-of-class student work each week, or an equivalent amount of work for other courses and activities, multiplied by 15. The standard course extends over a 14-week semester, followed by a two-week final examination period. Courses or other credit-bearing activities that occur over a different time period must incorporate the same total amount of instructional time and additional assigned work per credit hour as a standard course. At a minimum, students must complete 42.5 hours for one unit of credit, 85 hours for two units of credit, 127.5 hours for three units of credit, and 170 hours for four units of credit.

J.D. credit is earned if a student receives a grade of 0.7 or above or a Pass/HiPass grade.

PART II: Determination of Credit Hours

The Fowler School of Law maintains a 14-week semester followed by a two-week exam period. Summer term consists of a seven-week term followed by a one-week exam period. At a minimum, students must complete 42.5 hours for one unit of credit, 85 hours for two units of credit, 127.5 hours for three units of credit, and 170 hours for four units of credit.

1. Courses that require a written final exam (in class or take home) are scheduled for 50 minutes per credit hour multiplied by 14, regardless of the length of term. Instructors assign at least 120 minutes per credit hour, multiplied by 15, of out-of-class work for students to complete over the course of the term. All in-class final exams are scheduled for a minimum of 120 minutes and a maximum of 210 minutes. Take home examinations that are scheduled during an exam period shall be scheduled for a minimum of eight hours (480 minutes). Time dedicated to a final examination can count towards the total required hours of instructional time.

2. Legal Analysis, Writing, and Research I and II are scheduled for at least 45 minutes of classroom instruction or direct faculty instruction via individual conferences, multiplied by 12, and a minimum of 155 minutes of out-of-class work per credit hour per week, multiplied by 13, including research, completion of drafts of writing projects, and preparation for oral argument. The combined time per credit hour equals at least 42.5 hours of instructional time and student work over the course of the term.

3. Courses not requiring a final exam (other than LAWR I & II and clinical courses) are scheduled for 50 minutes per credit hour multiplied by 14. Instructors assign at least 135 minutes per credit hour per week, multiplied by 14, of out-of-class work for students to complete over the course of the term. The combined time per credit hour equals at least 42.5 hours of instructional time and student work over the course of the term.

4. Credit for Clinical Courses may be awarded for 50 minutes of classroom or direct faculty instructional time or for 60 minutes of out-of-class student work preparing for and performing clinic work, preparing for class, and completing class assignments or other academic work related to the course assigned by the supervising faculty member. Clinical faculty members can determine the overall number of hours of each type of work required for each unit of credit for their clinical courses but they must include a classroom component as per ABA Standard 304. At a minimum, students must complete a total of 42.5 hours for one unit of credit, 85 hours for two units of credit, and127.5 hours for three units of credit.

   a. Students enrolled in clinical courses must complete required hours and submit time keeping records in accordance with clinic practices. Credit may be withheld for any student who fails to comply.

5. Students may receive credit to the extent allowed by ABA Standards for distance learning courses that are in compliance with ABA Standards. Distance learning courses for which the Fowler School of Law students receive credit, whether offered in synchronous or asynchronous format, or a combination, shall require at least 42.5 hours of instructional time and student work per unit of credit per week over a fifteen-week period.

6. Students may receive credit for approved externship placements. To satisfy Standard 310, students must complete at least 42.5 hours of fieldwork for each credit. Students must complete and submit daily time-reporting logs, regular progress reports, and final reports to the field supervisor and Director of Externships, in accordance with established externship policies. Credit may be withheld for any student who fails to comply.

7. Students may receive credit for approved competitions. At a minimum, students must complete 85 hours for two units of credit or 127.5 hours for three units of credit. Credit is granted for engaging in practice sessions, preparation alone and with teammates, research, preparing briefs and other material for the competition, and participating in actual competition(s).

8. All participants in competitions who seek credit must register for credit through the Competitions course.

9. Students seeking such credit shall submit detailed timesheets to the designated supervising faculty member. Credit may be withheld for any student who fails to comply.

10. Students may receive credit for serving on approved journals per the Student Handbook. Students shall submit detailed timesheets to the journal's Faculty Advisor every two weeks. For each unit of credit, students must complete a minimum of 42.5 hours of journal-related work. Credit may be withheld for any student who fails to comply.

11. Students may receive credit for Directed Research for up to three credits. For each unit of credit, students must complete a minimum of 42.5 hours of research and writing work. Students shall submit detailed timesheets to their supervising faculty member every two weeks. Credit may be withheld for any student who fails to comply.

PART III: Procedures for Determination of Hours of Out-of-Class Student Work

1. For classes that require attendance in regularly scheduled classroom sessions or direct faculty instruction, course instructors shall require outside student work that reasonably approximates a minimum of 120 minutes per course credit hour per week, multiplied by 15. That outside work may include, but is not limited to: reading assignments, case briefing, written assignments, solving problem sets, participating in out-of-class simulations and role-playing exercises that help students develop lawyering competencies, research assignments, posting to an online discussion board, court or other observations, conferences with the instructor, and other work that assists in comprehension of course content such as outlining and studying for quizzes, midterms and final examinations.

    a. Academic literature indicates that a skilled adult reads an average of 5-40 casebook pages per hour, depending on the density of the text, the difficulty of the material (number of new concepts), and the competency expected (to skim, understand or engage).[1] These reading time estimates do not include additional work expected of the student, including but not limited to rereading material for comprehension, briefing cases, additional reading of treatises and course-related material, outlining, practice questions and examinations, CALI exercises, and participation in study groups and review sessions. All expected out-of-classroom work should be considered when measuring the amount of time necessary per credit hour.

    b. Readings and other assignments shall be indicated on the course syllabus.

2. Initial Review Process: All faculty members are required to fill out the ABA Standard 310 Compliance form for each course and to append it to their syllabi for submission to the Associate Dean of Academic Affairs in the 2017-2018 academic year. Courses not offered in the 2017-2018 academic year will undergo initial review the next time they are offered.

3. Periodic Review Process: After the initial review process, all course instructors shall submit their course syllabi consistent with university policy. In so doing, a course

[1] See, e.g., Rice Center for Teaching Excellence, *How Much Should We Assign? Estimating Out of Class Workload*, available at http://cte.rice.edu/blogarchive/2016/07/11/workload. See also the Course Load Estimator tool, available at http://cte.rice.edu/workload.

instructor certifies that outside work for the course meets the requirements of Standard 310(b)(1).

a. The Associate Dean for Academic Affairs shall keep all course syllabi on file and review them on a regular basis to determine whether assignments of outside work comply with Standard 310(b)(1).

PART IV: New Course Approval Process

All new courses will utilize the New Course Proposal Application form. This form requires proponents to justify the amount of credit requested, including a description of both classroom hours and the estimated out-of-classroom work. The curriculum committee must assess this information when determining how many credit hours should be granted for the course or other academic activity.

APPENDIX

Credit Hour Time Requirements

Number of Credits	**Classroom or Direct Faculty Instruction (including time spent taking examinations)**	**Out-of-Class Hours (50 minute hours)**
1	12.5	30
2	25	60
3	37.5	90
4	50	120

*Not all courses are required to have this amount of "seat time," but all courses must meet the overall total hours required for credit granted.