

# NASHVILLE SCHOOL OF LAW



## HONOR CODE

[Effective August 1, 2018]

# **PREAMBLE**

The School is committed to promoting an environment that supports its educational mission and preserves the health, safety, and integrity of its students. The purpose of this Honor Code is to promote and secure academic, extracurricular, and professional opportunities in an atmosphere of dignity, civility, and respect. Consistent with the Rules of Professional Conduct in Tenn. Sup. Ct. R. 8, the keystone of our system is self-regulation, which requires the cooperation of each member of the law school community. All law school endeavors should be undertaken within the spirit and the letter of the Code.

## **1. Scope of the Honor Code**

1.01 The Honor Code applies to all students enrolled in Nashville School of Law. The Code's jurisdiction extends to all school-related endeavors undertaken by students in or from the School, notwithstanding whether these endeavors occur at the School or elsewhere.

## **2. Administration of the Honor Code**

2.01 Each member of the School's community, including students, faculty, and staff, shall be responsible for the Honor Code's implementation. The Honor Council will be responsible for the administration of the Honor Code. As students will inquire of the Tennessee Board of Law Examiners or other bar licensing authorities in their future capacity as members of the bar, all students have the responsibility to inquire of the Honor Council as to whether their conduct or anticipated conduct constitutes a violation of the Honor Code.

## **3. The Honor Council**

### 3.01 Duties of the Honor Council

The duties of the Honor Council are:

(a) To administer the Honor Code in the law school, including:

(1) effectively communicating to the student body, prospective students, faculty, and administration the philosophy, substance, and operation of the Honor Code;

(2) conducting investigations, holding hearings, and preparing written reports for alleged Honor Code violations;

(3) rendering advisory opinions regarding the interpretation of the Honor Code upon written request by any member of the School community;

(4) recommending to the Dean and the Board of Trust procedures that enforce and supplement the Honor Code; and

(5) making recommendations to the Dean regarding policy statements that interpret the Honor Code.

(b) To serve as the election commission in the election of Honor Council members and to resolve all disputes and questions arising from these elections; and

(c) To provide timely responses when the Dean refers any matter to the Honor Council for consideration.

### 3.02 Selection of the Honor Council

(a) Each class at the School shall have three representatives on the Honor Council. Each class shall elect its representatives in the following manner:

(1) During the first four weeks of a new school term, the members of the first-year class shall elect one of their classmates to a two-year term and two of their classmates to a one-year term. An Honor Council member appointed by the President or President Pro Tem of the Honor Council shall conduct the election of these Honor Council members.

(2) During the first three weeks of a new school term, the members of the second-year and third-year classes shall separately elect one of their classmates to a two-year term and one of their classmates to a one-year term. These elections shall be conducted by the member of the respective classes who was elected to a two-year term during the preceding school year. If that student is no longer attending the School, the President or President Pro Tem of the Honor Council shall appoint another Honor Council member to conduct the election.

(3) During the first three weeks of a new school term, the members of the fourth-year class shall elect two of their classmates to a one-year term. This election shall be conducted by the member of the fourth-year class who was elected to a two-year term during the preceding school year. If that student is no longer attending the School, the President or President Pro Tem of the Honor Council shall appoint another Honor Council member to conduct the election.

(4) These elections shall commence with nominations from the floor, and students desiring to serve on the Honor Council may nominate themselves. Votes shall be cast by secret ballot, and the Honor Council members shall be selected by plurality vote. The person receiving the most votes in the elections conducted by the first, second, or third year classes shall be elected to the two-year term, and the two persons receiving the next two highest number of votes shall be elected to a one-year term. The two persons receiving the most votes in the election conducted by the fourth-year class shall be elected to a one-year

term.

(5) The members of the Honor Council, except for the fourth-year students, shall continue to serve until their successors are duly elected. The terms of the members of the fourth-year class end upon their graduation unless they are serving on a hearing panel convened prior to graduation. In that event, their term ends when the proceeding is completed.

(6) Vacancies on the Honor Council shall be filled in accordance with the procedure provided for herein. The election should be conducted as soon as possible but in no event later than fifteen (15) calendar days after the vacancy occurs.

(b) Following their election, each member of the Honor Council shall take the following oath:

*“I do solemnly promise to uphold the Honor Code and its Procedures and to perform the duties of my office to the best of my ability and integrity. Furthermore, I do solemnly promise to keep the substance of Honor Council proceedings and identities of accused students absolutely confidential, except where disclosure is required by the Honor Code.”*

### 3.03 Officers and Meetings of the Honor Council

(a) The Honor Council shall be organized at its first meeting in the fall following the election of all its members. The Honor Council’s officers shall consist of a President, a Vice President, and a Secretary. These officers shall be elected by the members of the Honor Council. The Dean, or the Dean’s designee, shall conduct the election for President. The President shall, in turn, conduct the elections for Vice President and Secretary.

(b) Should the Honor Council be required to meet during the summer session prior to its organization in the fall, the officers who were elected during the preceding academic year may continue in office as long as they remain students in good standing. If officer vacancies exist, the members of the Honor Council shall elect officers pro tem who shall hold office until their replacements are duly elected. These elections, if required, shall be conducted by the Dean or the Dean’s designee.

(c) The President of the Honor Council shall preside at all meetings of the Honor Council and shall be responsible for reporting all actions taken by the Honor Council to the Dean. The Vice President shall preside at the Honor Council’s meetings when the President is absent. In addition, the Vice President shall assist the President on request and may chair or serve on any committee created by the Honor Council. The Secretary shall keep minutes of all the Honor Council’s meetings, hearings, and

other proceedings. For all matters that are not confidential, the Secretary reports shall be placed in the Honor Council's records, shall be provided to the Dean, and shall be made available to the students.

(d) The Honor Council shall meet at 6:00 p.m., as needed, on the second Tuesday of each month during the regular school year. Special meetings may be called by the President or by any three members of the Honor Council, upon reasonable notice to the Honor Council members. The call for a special meeting shall include the subject matter to be discussed at the meeting. All members are expected to attend the Honor Council meetings and other proceedings. Members who are unable to attend a meeting must inform the President prior to the meeting of the reason for their absence. Absences without advance notice are not excused.

(e) The Honor Council's meetings shall be closed unless the Honor Council decides that a meeting should be open. The Honor Council may invite guests to participate in a closed meeting. If the Honor Council decides to hold an open meeting, it should request the School's assistance in providing notice to the students.

### 3.04 Removal of Honor Council Members

(a) The Dean may remove any member of the Honor Council for cause.

(b) Any member of the Honor Council may be impeached upon petition of ten percent of the student body or by a three-fourths vote of the seated members of the Honor Council. The impeached member may then be removed from office by a two-thirds vote at a referendum in which at least fifty percent of the student body participates. A public hearing on the impeachment charges shall precede any such referendum. The President of the Honor Council shall preside at the hearing, unless he or she is the subject of impeachment. In that event, the Vice President of the Honor Council shall preside.

(c) It shall be the duty of each member of the Honor Council to attend all Honor Council meetings. Members who are absent from two meetings without valid excuse or who have not regularly attended classes for three months or more shall be deemed to have resigned from the Honor Council. Members who are unable to attend a meeting must inform the President prior to the meeting of the reason for their absence. Absences without prior notice to the President will not be deemed excused.

## 4. Pledge

Although the Honor Code applies generally to all students' actions, the submission of written work presents a unique opportunity to reinforce its importance. Therefore, all students shall pledge work for which they receive an anonymous student identification number through the registrar, as well as any other materials requested by a professor or organization, as follows:

*“On my honor, I pledge that I have neither given nor received unauthorized help on this work, and that I have followed and will continue to observe the Honor Code regarding it.”*

## **5. Affirmative Duties and Standards of Conduct**

5.01 All students and faculty have an affirmative duty to report promptly to the Dean, the Assistant Dean for Administration, or the Registrar all conduct they reasonably believe constitutes a violation of the Honor Code. Knowing breach of this duty shall be a violation of the Honor Code.

5.02 It is the duty of every student and faculty member to give testimony or other evidence relevant to any alleged violation of the Honor Code if requested by a student facing a disciplinary charge, the Honor Council member appointed by the President as prosecutor, or a member of the hearing panel. A person may decline to answer a question or questions to avoid incrimination in a violation of the Honor Code or of a public penal law. The Dean, the Dean’s designee, or the hearing panel may excuse anyone from testifying for good cause.

5.03 Students, as present members of the School’s academic community and future members of a self-regulated profession, are expected to conduct themselves with the highest degree of honesty, professionalism, integrity, and trustworthiness in their academic, personal, and professional activities. “Academic activities” include all conduct and relationships with the School from application for admission through graduation. “Personal activities” include all conduct, whether on or off-campus, that touches or affects the School or any member or guest of the School. “Professional activities” include all conduct, whether on or off-campus, while functioning in a lawyer-like capacity at any time between admission and graduation.

5.04 Without regard to motive, intentional student conduct that is dishonest, that evidences lack of integrity or trustworthiness, or that may unfairly infringe upon the rights or privileges of other students, faculty, staff, or guests of the School is prohibited. The fact that conduct is negligent or motivated by a benign purpose does not preclude the conduct from being intentional, as long as the student intended the act upon which the charge is based. Unintentional acts that nevertheless result in unfairness do not come within the scope of this standard but will be addressed by the School.

## **6. Violations of the Honor Code**

6.01 Examples of conduct prohibited by the Honor Code include, but are not necessarily limited to:

(a) Plagiarism. Because plagiarism is a concept with which all graduate students should be familiar, it is presumed that students will know when they have incorporated another’s work into their own. Therefore, once it has been established

that a student has incorporated a substantially similar portion of another's work without adequately indicating the source, it will be presumed that the student did so knowingly and willfully. The student may rebut this presumption by establishing by a preponderance of the evidence that the act was not done knowingly and willfully.

(b) Cheating or assisting another student to cheat in connection with an examination or assignment.

(c) Unauthorized breaching of anonymity in connection with an anonymously graded examination or assignment.

(d) Possessing or using unauthorized materials in connection with an examination or assignment.

(e) Engaging in improper examination conduct. Improper examination conduct includes, but is not limited to, the following:

(1) Taking an examination for another student or permitting another student to take an examination for oneself.

(2) Failing to follow instructions given by the persons administering an examination before, during, or after the examination.

(3) Commencing or continuing to work on an examination before or after the time period permitted for the examination, except as directed by the professor.

(4) Discussing the contents of an examination already taken with another student who has not yet taken the same examination.

(5) Copying another student's answers on an exam or permitting another student to copy one's own answers. Students must be sufficiently aware of their surroundings during an exam to notice when another student is or could be copying or attempting to copy their work.

(f) Receiving, providing, requesting, or offering to provide unauthorized information concerning a deferred examination or assignment.

(g) Unauthorized use of another student's work.

(h) Unauthorized use of a student's own work for multiple academic purposes (e.g., submitting work done for one course for credit in another course).

(i) Unauthorized use, concealment, or removal of library books or other property of the School.

(j) Neglect or abuse of a client in the context of a clinic or Tenn. Sup. Ct. R. 7 internship.

(k) Misrepresentation in connection with an application for admission to the School or for financial aid or a scholarship.

(l) Misrepresentation in connection with a course, assignment, or competition, including any misrepresentation regarding class attendance.

(m) Misrepresentation on a transcript or in connection with an application for employment or bar admission.

(n) Misrepresentation of facts to the Honor Council or to any Honor Council member, either in filing a complaint or during the Honor Council proceedings.

(o) Misrepresentation of facts to a member of the faculty or staff.

(p) Conduct that may be independently illegal, to the extent that the conduct interferes with the rights and privileges of the members of the School's community or calls into question the student's ability to practice law.

(q) Intentionally threatening to report conduct as a violation of the Honor Code when the student knew or should have known that the conduct did not violate the Honor Code.

(r) Intentionally misrepresenting the substance or requirements of the Honor Code.

(s) Intentionally interfering with or obstructing an inquiry or investigation conducted by the School, the student prosecutor, or the hearing panel, including destroying relevant evidence or coercing or attempting to coerce or exerting or attempting to exert undue influence on persons known to be involved in an inquiry, investigation or other proceeding.

(t) Failing to maintain confidentiality in connection with a disciplinary proceeding.

(u) Failing to comply with a disciplinary punishment.

(v) Attempting or conspiring to commit a prohibited act or acts that a student reasonably should have known would assist another student in committing a prohibited act.

## **7. Reporting, Investigating, and Adjudicating Honor Code Violations**

### 7.01 Reporting Procedure

(a) Any student, professor, or staff member who has a reasonable basis to believe that a violation of the Honor Code has occurred has an affirmative duty to report the violation promptly to the Dean, the Assistant Dean for Administration, or the Registrar.

(b) The person(s) reporting such conduct shall do so in a signed written or electronic communication that contains a reasonably detailed statement of the alleged violation of the Honor Code and the names of the person(s) involved.

## 7.02 Preliminary Inquiry

(a) A report's failure to comply with Section 7.01(b) may affect its weight and credibility and may provide a basis for its summary dismissal. However, this failure will not prevent the School from exercising its discretion to commence or conduct a preliminary inquiry under Section 7.02(c) or to refer the report to the Honor Council after determining that a substantive basis for the report exists in accordance with Section 7.04(a).

(b) Upon receipt of the report, the Dean or the Dean's designee shall provide a copy of the report to the student(s) named in the report and shall inform the student(s) of their rights under Section 8. If the person reporting an alleged Honor Code violation desires to remain anonymous, the Dean or the Dean's designee will honor the request during the preliminary inquiry by redacting the report to remove the reporting person's identity. However, if a formal hearing is convened, the reporting person's identity must be revealed to the student prosecutor, and the student prosecutor or others involved in the hearing process may be required to reveal the identity of the reporting person's identity to the accused student.

(c) The Dean or the Dean's designee shall conduct a preliminary inquiry to determine whether the report of the violation has a substantive basis. This inquiry may include, but is not limited to, interviewing the person(s) who filed the report, the student(s) named in the report and others who may have knowledge of the conduct described in the report. The student(s) named in the report have a right to refuse to answer inculpatory questions and may decline to meet with the Dean or the Dean's designee during the preliminary inquiry. Refusing to answer inculpatory questions or declining to meet with the Dean or the Dean's designee will not be considered an admission of guilt.

## 7.03 Agreed Resolution

(a) During the preliminary inquiry, an accused student may inform the Dean or the Dean's designee that he or she desires to forego a formal hearing and to make an admission of an Honor Code violation.

(b) In this circumstance, the Dean and an accused student(s) may enter into an agreed resolution of the complaint. This resolution may include (1) any of the sanctions for violating the Honor Code listed in Section 9, (2) withdrawal from school, or (3) any other remedial action agreed to by the Dean and the student. A

complaint may be resolved only if the School and the accused student agree to the resolution. If there is not unanimous agreement between an accused student and the School, the matter will proceed to a formal hearing. The Dean shall notify the Honor Council of any report of an Honor Code violation resolved by agreement under this section. (c) When a student is alleged to have violated the Honor Code jointly or in concert with other students, the Dean may enter into an agreed resolution of an Honor Code violation without the knowledge or consent of the other accused student(s).

(d) An agreed resolution under this section is not available once a matter has been referred to the Honor Council for a formal hearing. Individual students may utilize the process in this section only once in the same proceeding.

#### 7.04 Formal Hearing

(a) Upon determining that a substantive basis for the report of an Honor Code violation exists and if the matter has not been resolved by agreement, the Dean or the Dean's designee shall refer the report to the President of the Honor Council and shall designate a member of the faculty or staff to provide legal assistance to the Honor Council and the hearing panel.

(b) Upon a determination that a substantive basis for the report of a violation of the Honor Code exists, the student(s) subject to the report shall not receive grades, be eligible for graduation, or serve as a member of the Honor Council.

(c) Upon receipt of a report from the School, the President of the Honor Council shall appoint a hearing panel. The President shall chair the hearing panel and shall appoint one Honor Council member from each class to serve on the hearing panel. Any member of the hearing panel may be challenged for cause prior to the hearing. If the President sustains the challenge, the President shall replace the panel member with another member of the Honor Council. If the President is challenged for bias, the other members of the hearing panel shall determine whether the President should be replaced and, if so, the Vice President of the Honor Council shall preside at the hearing.

(d) The President of the Honor Council shall also appoint a member of the Honor Council who has not been previously involved in the matter to act as the prosecutor on behalf of the student body. The student prosecutor may request the appointment of an assistant prosecutor who is also a member of the Honor Council not previously involved in the matter. The student prosecutor must be either a third- or fourth-year student. The Dean shall appoint a member of the faculty or staff who is not already assisting the Honor Council to provide legal assistance to the student prosecutor.

(e) The role of the student prosecutor is to fully investigate the reported Honor Code violation and to present this evidence at the hearing. Based on the information obtained during this investigation, the student prosecutor has the authority to negotiate a settlement of the matter or to recommend that the matter be dismissed. A proposed settlement or dismissal at this stage of the process shall not be effective until approved by the hearing panel and the Dean.

(f) During the process of selecting the student prosecutor or assistant prosecutor, the President of the Honor Council may discuss the proceeding with the Honor Council members being considered for appointment. Following his or her appointment, the student prosecutor or assistant prosecutor shall have no *ex parte* communications concerning the case with the President of the Honor Council or other Honor Council members.

(g) A single formal hearing should be conducted when students have been alleged to have violated the Honor Code jointly or in concert with other students. For good cause shown, the President of the Honor Council may direct that the hearings be severed.

(h) After appointing the student prosecutor, the President of the Honor Council shall convene a prehearing conference with the accused student(s), the student's counsel or advisor (if any), and the student prosecutor. The purposes of this conference are (1) to set the date, time, and place of the hearing; (2) to compile a list of names of all persons having information pertinent to the alleged Honor Code violation; (3) to identify any other preliminary matters to be addressed before the formal hearing commences; and (4) to determine whether the hearings should be severed.

(i) The hearing should be held within twenty (20) business days after the President receives the report from the School, unless this time is extended by the Dean or the Dean's designee for good cause.

(j) At least four (4) business days before the time set for the hearing, the President shall give written notice to the accused student(s), the student's counsel or advisor (if any), and the student prosecutor of the schedule for the hearing and the names of the Honor Council members serving on the hearing panel. Challenges to any member of the hearing panel must be filed with the President no later than two (2) business days before the time set for the hearing. The President shall also inform the members of the hearing panel of the nature of the alleged Honor Code violation.

(k) At least two (2) business days before the time set for the hearing, the student prosecutor shall provide the accused student(s) with (1) a list of all witnesses the prosecutor intends to call at the hearing; (2) copies of all documents the prosecutor intends to offer at the hearing; and (3) any evidence in the possession or control of the prosecutor that tends to exonerate the accused student or to mitigate the seriousness of the offense.

(l) At least two (2) business days before the time set for the hearing, the accused student(s) shall provide the student prosecutor (1) a list of all witnesses the student intends to call at the hearing and (2) copies of all documents the student intends to offer at the hearing.

(m) Failure to timely comply with the disclosure requirements in 7.04(k) or 7.04(l) may result, in the discretion of the hearing panel, in an adjournment of the proceeding or in the exclusion of evidence or witnesses not timely disclosed. The

hearing panel may grant such other relief as it deems appropriate in the exercise of its discretion.

(n) Upon the reasonable request by either the accused student(s) or the student prosecutor received at least 72 hours before the time set for the hearing, the President may request the Dean or the Dean's designee to issue subpoenas requiring students to attend and to testify before the hearing panel. Failure to appear in response to a subpoena without just cause, as determined by the Dean or the Dean's designee, is a violation of the Honor Code.

(o) The President of the Honor Council shall preside at the hearing and shall conduct all proceedings in a fair and impartial manner. While unnecessary formality should be avoided, the proceeding should be conducted in an orderly and respectful atmosphere.

(p) All members of the hearing panel must be present at the hearing. The President has the power to appoint an alternate if a hearing panel member cannot attend.

(q) Subject to reasonable time limits, the hearing may include opening statements. Thereafter, the hearing should continue in the following order:

- (1) Introduction of evidence establishing the alleged Honor Code violation and appropriate cross-examination;
- (2) Introduction of evidence by or on behalf of the student(s) alleged to have violated the Honor Code and appropriate cross-examination;
- (3) Closing argument by the student prosecutor;
- (4) Closing argument by or on behalf of the accused student(s).

(r) The student prosecutor, the accused student(s) or the student's counsel or advisor may call, question, or cross-examine any witness. The hearing panel members may also call, question, or cross-examine any witness and may, consistent with an accused student's right to decline to testify in Section 8.01(f), question the accused student(s).

(s) Evidentiary and procedural rulings shall be made by the President of the Honor Council, subject to reversal by a majority vote of the other members of the hearing panel.

(t) The formal rules of evidence do not apply at the hearing. Evidence not otherwise admissible in court may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The President may exclude evidence which, in his or her judgment, is irrelevant, immaterial, or unduly repetitious.

(u) The President of the Honor Council, with the School's assistance, shall arrange for an audio record of the hearing at the School's expense. The recording shall remain the property of the School. Both the accused student(s) and the student prosecutor are entitled to a copy of the audio record without cost.

#### 7.05 Deliberations, Report and Recommendations, and Final Decision

(a) At the conclusion of the parties' presentations, the hearing panel shall deliberate in private. The hearing panel shall determine whether the proof presented, considered in its entirety, establishes by clear and convincing evidence that the student(s) violated the Honor Code. Four of the five members of the hearing panel must find that a violation of the Honor Code occurred before the student or students can be found guilty. If the hearing panel determines that a student has violated the Honor Code, the panel shall recommend the appropriate sanction(s) to the Dean. These sanctions shall include the sanctions contained in Section 9 and may include any other remedial action appropriate to the violation.

(b) Following its deliberations, the hearing panel shall promptly prepare a written report containing its findings of fact. If the hearing panel determines that the Honor Code has been violated, it shall also recommend the appropriate sanction(s). The report should include a numerical tabulation of the votes. If the vote was not unanimous, the members of the hearing panel who did not concur with either the panel's findings of fact or recommended sanction may file a separate report.

(c) Upon completion of the written report, the President of the Honor Council shall provide a copy to the Dean, the accused student(s), and to the student prosecutor.

(d) Upon receipt of the hearing panel's report, the Dean shall provide the accused student(s) with a reasonable opportunity to submit a written response to the report before rendering a final written decision.

(e) After reviewing the hearing panel's report and the student's response, if any, the Dean shall render a final written decision or direct the hearing panel to reconsider its findings and recommendations.

(f) The Dean shall provide a copy of the final decision or reconsideration order to the affected student(s), the student prosecutor, the members of the hearing panel, and the other Honor Council members not serving on the hearing panel. This document is subject to the confidentiality requirements in Section 11.

(g) The Dean's decision is final and not subject to review or appeal.

## **8. Rights of Students**

8.01 Students who have been charged with violating the Honor Code have the

following rights:

(a) The right to counsel. In lieu of counsel, the student has a right to choose as an advisor any student currently enrolled in the School who is not otherwise involved in the proceeding.

(b) The right to a fair, speedy hearing.

(c) The right to attend and participate in any hearing. However, if the accused student refuses or fails to appear without good cause, the hearing panel may proceed to hear and determine the matter.

(d) The right to see all prosecution evidence, including the results of the Honor Council's investigation, within a reasonable time before the hearing.

(e) The right to confront and cross-examine all prosecution witnesses at trial.

(f) The right to testify or to decline to testify, but if the accused student declines to testify, that fact shall not be considered as evidence in support of any charge.

(g) The right to plead not guilty without being charged with a separate violation of the Code if subsequently found guilty of the original violation.

(h) The right not to be retried for the same violation of the Honor Code once acquitted.

## **9. Sanctions for Violating the Honor Code**

9.01 The following sanctions are available under this Honor Code:

(a) an oral admonition regarding the student's conduct [Not reported to the bar licensing authorities];

(b) a written warning regarding the student's conduct [Not reported to the bar licensing authorities];

(c) a written reprimand that will become part of the student's record [Reported to the bar licensing authorities];

(d) loss of credit or reduction in a grade for the particular academic endeavor (i.e., quiz, examination, or other assignment) involved [Reported to the bar licensing authorities];

(e) loss of credit or reduction in a grade in the course for which the academic work involved was prepared [Reported to the bar licensing authorities];

(f) suspension from the School [Reported to the bar licensing authorities];

(g) expulsion from the School [Reported to the bar licensing authorities];

(h) probationary measures [Reported to the bar licensing authorities]. If the hearing panel recommends probationary measures, it shall define the terms and duration of these measures. If the Dean places the student on probation in accordance with the hearing panel's recommendation, the Honor Council shall be responsible for determining whether the student has met the terms of his or her probation.

9.02 The School does not make contemporaneous reports of violations of the Honor Code to the Tennessee Board of Law Examiners or other bar licensing authorities. It provides this information in accordance with Section 12.04 when it receives a request from a bar licensing authority accompanied by the student's written authorization permitting the licensing authority to inspect or to receive copies of his or her record.

## **10. Considerations for Determining the Appropriate Sanctions**

10.01 In determining the sanction(s) to be imposed, the Honor Council and the Dean shall consider all the facts and circumstances, including but not limited to the following mitigating or aggravating factors:

(a) the flagrancy of the violation;

(b) the degree of premeditation; and

(c) whether the violation was self-reported.

## **11. Confidentiality**

11.01 Except as otherwise required by this Honor Code, court order, law, or the School's administration, all proceedings under this Honor Code shall be confidential and shall be disclosed only to those who have the authority to know.

11.02 A person who reports an alleged violation of the Honor Code must make reasonable efforts to prevent any dissemination of information about the report.

11.03 The School's staff and faculty, the members of the Honor Council, the student prosecutor, and the members of the hearing panel must make reasonable efforts to prevent widespread dissemination of any alleged violation of the Honor Code and any investigation, proceeding, or resolution of the alleged violation.

11.04 These confidentiality rules do not preclude (1) reasonable inquiries or investigations undertaken by the School, the student prosecutor, or members of the hearing panel, (2) informing the person who filed the report of the status or results of

the proceeding, (3) providing students who are the subjects of a report alleging joint or concerted violations of the Honor Code with unredacted copies of the report in accordance with Section 7.02(a) and unredacted copies of all documents the student prosecutor intends to offer at the hearing in accordance with Section 7.04(h)(2), or (4) conducting a single formal hearing involving more than one student as permitted by Section 7.04(g).

11.05 A violation of the confidentiality of any proceeding, other than by the person alleged to have violated the Honor Code or with the express consent of that person, will be considered an Honor Code violation.

## **12. Entry on the Student's Record**

12.01 No notation shall be made in a student's record if the accusation of an Honor Code violation is dismissed or if the Honor Council finds that the record does not contain clear and convincing evidence that the student violated the Honor Code. Any notation placed in a student's record regarding an accusation that has either been dismissed or for which the hearing panel has found that the record does not contain clear and convincing evidence that the student violated the Honor Code shall be expunged from the student's record.

12.02 A notation will be made in the student's record if the student withdraws from school before the receipt of the Dean's final written decision.

12.03 If the Dean imposes one of the sanctions enumerated in Section 9.01(c) through (h), copies of the hearing panel's report and the Dean's final written decision shall be included in the student's record. Within fifteen (15) calendar days following the date of the Dean's final written decision, the student may submit a written statement regarding the Honor Code violation and related proceeding. Copies of the hearing panel's report, the Dean's final written decision, and the student's written statement, if any, shall be disclosed to bar licensing authorities upon receipt of a proper request.

12.04 The School shall disclose disciplinary information contained in a student's record only in response to a lawful order of a court of competent jurisdiction or to authorized parties. An authorized party is a party to whom a student grants written authorization to inspect or receive copies of his or her record.

## **13. Publication of Honor Code Activities**

13.01 Following the conclusion of the academic year, the School shall prepare a report regarding all Honor Code actions occurring during the academic year. This report shall include: (a) the number of reports of alleged Honor Code violations received; (b) the number of reports dismissed with no action taken and the reasons for the dismissal; (c) the number of preliminary inquiries conducted by the School; (d) the number of reports resolved by agreement under Sections 7.03 and 7.04(e); (e) the number of reports referred to the Honor Council for a formal hearing; (f) the number of formal hearings conducted; and (g) the number of reports for which the Dean has rendered a final decision or ordered a reconsideration.

13.02 The School shall also prepare a summary of all reported violations concluded by the student's withdrawal, an agreed resolution under Sections 7.03 or 7.04(e), or final action of the Dean. For each reported violation, the summary shall include: (a) the month and year when the report was filed and concluded; (b) a factual summary containing sufficient detail to inform the reader about the nature of the matters at issue; (c) a summary of the Hearing Panel's findings and recommended sanction; (d) the Dean's final decision; and (e) whether the matter will be reported to a bar licensing authority. These summaries should not identify the persons alleged to have violated the Honor Code and should, to the extent reasonably possible, avoid references to facts and information that would permit the violator to be easily identified.

13.03 The report required by Section 13.01 and the summaries required by Section 13.02 shall be provided to the members of the Honor Council and shall be placed in a binder in the School's office available to members of the School's community who desire to examine these reports.

#### **14. Distribution of the Honor Code**

14.01 Each new law school student shall receive a copy of the Honor Code. The Honor Code and the names of the members of the Honor Council shall be posted on the School's website and shall be available to the School's community at the office. The Honor Council shall be available to answer students' questions regarding the Honor Code. All students shall receive timely notice of any amendments or revisions to the Honor Code.

#### **15. Revisions to the Honor Code**

15.01 The Honor Council or any group comprising five percent of the School's current students may submit proposed amendments or revisions to the Honor Code for the Dean's consideration. Upon determining that the amendment or revision has merit, the Dean shall submit the proposal to the Board of Trust for its approval. The Board of Trust may, on its own motion, amend the Honor Code without receiving a request to do so. All revisions to the Honor Code must be approved by majority vote of the Board of Trust.