

The University of Mississippi School of Law Honor Code

The purpose of the Honor Code is to encourage professional and academic integrity at The University of Mississippi School of Law. Integrity itself maintains the legal profession. Academic integrity fosters common respect and accountability and is best implemented through rehabilitative efforts and enforcement. The nature and purpose of The University of Mississippi School of Law Honor Code is to allow students the greatest possible freedom in the pursuit of their studies without the necessity of supervision or proctoring by the faculty. It further purports to develop the highest possible professional standards of honesty, dependability, and absolute integrity in the student body in all matters pertaining to the law and to legal studies. Enrollment in The University of Mississippi School of Law constitutes a student's pledge that they will in all matters conduct themselves in accordance with the provisions herein stated.

I. Definitions

- 1.1 "Dean" refers to the Dean of The University of Mississippi School of Law, or that person's designee.
- 1.2 "Honor Code" refers to The University of Mississippi School of Law Honor Code.
- 1.3 "Law School" or "School of Law" refers to The University of Mississippi School of Law.
- 1.4 "Notice" refers to written notice and includes e-mail messages.
- 1.5 "Probable Cause" refers to the existence of substantial evidence to suspect that an accused student has committed or is committing a violation of the Honor Code as determined by the Investigation Committee pursuant to Section 6.7 of this Honor Code.
- 1.6 "Proceedings" include all communications, correspondence, evidence, witness statements, testimonies, verdicts, and voting counts from the time the violation is presented to the Honor Council to the time it is closed.
- 1.7 "Writing" includes, but is not limited to, written correspondence mailed to a student or electronic messages sent to or from accounts associated with the student.
- 1.8 "Chancellor" refers to the Chancellor of The University of Mississippi, or that person's designee.
- 1.9 "Student" means any person who has accepted admission to the School of Law and has neither graduated, transferred to another institution or field of study, withdrawn, nor been expelled.

II. Honor Code: Generally

- 2.1 Duty of Students Under the Honor Code. Each individual student undertakes the responsibility to understand the Honor Code's rules and procedures upon their matriculation. When engaged in any conduct that is governed by the Honor Code, a student shall abide by their duties under the Honor Code and when in doubt shall clarify such duties with the relevant department, professor, or organization.
- 2.2 Conduct Subject to Honor Code. A student must comply with the Honor Code when engaged in any conduct related to the Law School or the academic program. Such conduct includes, but is not limited to:
 - (a) Examinations;
 - (b) Course assignments;
 - (c) Course attendance or other course responsibilities;
 - (d) Written assignments and other written work;
 - (e) Research papers and other research work;
 - (f) Work outside the Law School for academic credit or otherwise connected with a course;

- (g) Special projects;
- (h) Communication with other members of the academic community;
- (i) Web postings;
- (j) Law Journals and Reviews;
- (k) Moot Court and Advocacy Boards; and,
- (l) Student Organizations.

Such conduct also includes all student behavior involving academic use of the Law School premises, including the library, computers and electronic resources, and Internet resources.

2.3 When The Honor Code Applies. The Honor Code applies to all students admitted to the Law School. It governs all behavior during a student's tenure at the Law School. The Honor Code remains in full force and effect during the summer and intersession periods, in addition to visits to other law schools for academic purposes.

2.4 Changing or Amending the Honor Code. This Section shall govern the procedures for amending and revising this Honor Code. Any amendment to this Honor Code shall apply prospectively from the date such amendment is adopted. These procedures afford any Law Student the opportunity to initiate an amendment to this Honor Code, pursuant to the procedures outlined below.

2.4(a) Proposing Amendments. Any Law Student initiating an amendment to this Honor Code must be enrolled in the Law School at the time such amendment is proposed and voted on.

1. The Honor Council Chair and Attorney General may propose amendments to this Honor Code pursuant Section 2.4(c). Members of the Honor Council may propose amendments to this Honor Code pursuant to Sections 2.4(b).
2. Any other student or students who wish to propose an Amendment to this Honor Code may present such an amendment to the Honor Council Chair, Attorney General, or a member of the Honor Council for the amendment to be sponsored. If the amendment is sponsored, it shall be proposed by the Sponsor pursuant to the applicable procedures in this Section.
3. Any proposed amendment to this Honor Code must be written with the name, signature, and Class of the Law Student(s) proposing the amendment appearing directly following the text of the proposed amendment.
4. Any proposed amendment to this Honor Code must include as an attachment thereto the reason(s) or justification(s) for the adoption of the proposed amendment. The attachment must also bear the name, Class, and signature of the student(s) proposing the amendment.

2.4(b) Grammatical and Technical Changes. Grammatical and technical changes to the Honor Code shall be made by majority vote of the Honor Council. Grammatical or technical changes that are substantive shall be governed by Section 2.4(c).

1. Grammatical changes are changes which affect the word choice and usage within the Honor Code. Grammatical changes do not affect the substance of the Honor Code.
2. Technical changes are changes resolving or concerning ambiguities, or organization of the text of the Honor Code.

2.4(c) Affirmation/Ratification of Amendments. All proposed amendments or changes that constitute substantive changes to the Honor Code shall be made by referendum vote of the student body per the process outlined below.

1. Substantive changes are changes which modify, expand, or limit the nature or scope of the Honor Code. The Honor Council Chair, Attorney General, and Faculty Advisor shall designate proposed amendments or changes as substantive pursuant to this Section.
2. After a proposed Amendment has been found to constitute a substantive change, the Honor Council Chair shall submit the proposed Amendment to the Election Commission who shall, in compliance with Article IV of the University of Mississippi School of Law SBA Constitution, set a date for the Proposed Amendment to be voted on by the Student Body.
3. A copy of the proposed Amendment and any attachments shall be published to all Law Students at least three (3) days before the scheduled vote.
4. For a proposed substantive Amendment to be adopted and incorporated into this Honor Code, two-thirds (2/3) of the voting Student Body must vote to ratify/affirm it.

2.4(d) The faculty also has the authority to create binding addendums to the Honor Code in the form of a faculty resolution.

2.4(e) If any changes or amendments are made to the Honor Code under the foregoing procedures, the Honor Council Chair must either e-mail an electronic copy or disperse printed copies of the amended Honor Code or amended provision to the student body within 30 days of the vote to pass such changes or amendments.

III. Honor Code Violations & Penalties

A. Violations

3.1 Expectation of Honesty and Fairness. Students shall maintain honesty and fairness in all activities relating to academic and professional conduct. Any action, which is contrary to these standards, is subject to academic discipline. Advertent and inadvertent violations of the Honor Code are subject to academic discipline. Sections 3.1 through 3.6 outline, but do not limit, conduct which is clearly in violation of standards of honesty and fairness or which purposefully damages the academic environment.

3.2 Categories of Conduct Subject to Academic Discipline. Student conduct, as governed and outlined by this Honor Code in Section 2.2, shall constitute a violation of this Honor Code and may be subject to academic discipline when such conduct includes, but is not limited to, the following categories of behavior:

3.2(a) Plagiarism. "Plagiarism" means a student's presentation of another's work or ideas, published or unpublished, as the student's own. A student who plagiarizes is subject to academic discipline. This provision is not limited to published material, material in the public domain, or material that is academic in content.

(1) A student commits plagiarism if the student does one or more of the following:

- (i) Uses another's words verbatim and without using quotation marks,
- (ii) Uses another's words without quotation marks and without significantly rephrasing the passage in the student's own words, or
- (iii) Uses another's ideas in a dishonest or misleading manner.

(A) This includes but is not limited to: paraphrasing without explicitly citing the original source of the material, paraphrasing the work of another student, or copying answers to test questions.

(2) A student commits "self plagiarism" and is subject to academic discipline under this Section if the student reuses their own work that was previously published or submitted for another course. Self-plagiarism includes a student re-submitting a previous paper or reusing passages from a previous paper.

(3) A student does not commit plagiarism if:

- (i) The student uses words or ideas that constitute common knowledge, either generally in the legal community or for the specific audience to whom the student presents those words or ideas,
- (ii) On a closed-book exam, the student uses words or ideas presented during the same course, or
- (iii) In a clinical or externship setting, the student uses forms or standardized pleadings, with the supervising attorney's permission, in conformity with best legal practices, and in a manner that upholds applicable standards of professional ethics.

(4) Each professor may provide written guidance (either for that professor's given assignment, exam, or entire course) altering the application of the standards for plagiarism described in this statement. For an assignment other than a closed-book exam, the professor should give consideration to whether the rules, analysis and ideas presented in class constitute common knowledge.

(5) This provision provides a general definition for plagiarism. The facts and circumstances surrounding each class, assignment, or academic venture will necessarily be unique in nature. Whether an act constitutes plagiarism under this provision will be dependent on the policies established, guidelines provided, and expectations held by the relevant department, professor, or organization. The nature of an assignment, the instructions given, and the extent and manner of reliance on the ideas or work will all be taken into consideration. When in doubt, students are responsible for consulting applicable policy statements, professors, faculty, and organization leaders to clarify whether particular conduct constitutes plagiarism.

3.2(b) Misrepresentation. A student who improperly presents information or work of another as their own is subject to academic discipline. This includes, but is not limited to: engaging another person to take a test or complete an assignment in their stead, inaccurately representing that functions or classes were attended, altering answers to test questions, altering grade report forms or class rolls, knowingly or recklessly compromising the integrity of the blind grading system, signing a document for a class, clinic, etc., on behalf of another student, or altering, falsifying, or misusing any law school documents in any way. A student who improperly presents information or misrepresents themselves is also subject to academic discipline under this provision.

3.2(c) Unauthorized Assistance or Collaboration. A student who gives or receives assistance on an examination, course work, or other academic exercise without the express prior authorization of the relevant instructor is subject to academic discipline. Students are responsible for knowing when collaboration is permissible. When in doubt, students are responsible for consulting applicable policy statements, professors, faculty, and organization leaders to clarify whether particular conduct constitutes unauthorized assistance or collaboration.

(1) Although the procedures for collaborative work may differ for each academic activity, there are frequent limitations to the extent that students may share information. Faculty members are encouraged to be as clear as possible about when collaboration is permitted and about what work must be completed independently. It is beneficial when these expectations are communicated in writing, especially in the course syllabus or when requested by students.

(2) A student commits unauthorized collaboration under Section 3.2(c) when, with prior knowledge, the student receives an academic benefit from another student and does not attempt to prevent the benefit, which is not permitted by the professor, clinic director, instructor, et cetera.

(3) A student commits unauthorized collaboration under Section 3.2(c) when, with knowledge after the fact, the student receives an academic benefit from another student and does not attempt to correct or rectify the benefit, which is not permitted by the professor, clinic director, instructor, etc.

3.2(d) Cheating. A student that uses unauthorized sources or material is subject to academic discipline. This includes, but is not limited to, the use of unauthorized electronic sources or exam

software in connection with an examination or other academic assignment, accessing prohibited materials during an examination, and the use of “Bluebooks,” in which information has previously been entered, during a “closed book” examination. Students who engage in misrepresentation, prohibited collaboration, or plagiarism during a Law School organization competition are also subject to academic discipline. This list is not exhaustive and a course professor or organization may impose broader prohibitions or define these limitations in greater detail.

(i) Conspiracy to cheat, engage in misrepresentation, plagiarize, or improperly collaborate also constitutes cheating under this provision.

(ii) Other violations include, but are not limited to, accessing computer files, breaking or entering a locked or unoccupied office; using reference materials which have not been allowed by the instructor; using handwritten or printed notes during a “closed book” or “closed notes” test, quiz, or assignment; stealing or hiding books or other materials from or in the library or other facilities; removing pages from library books or journals; and/or employing bribery, intimidation or harassment in an attempt to gain unfair advantage. Students may use study supplements such as hornbooks, “E & Es,” treatises, etc. while studying in an effort to understand the course and/or prepare for a course’s examination, unless the professor specifically prohibits using a certain study supplement in writing to all students enrolled in the course.

3.3 Disorderly Behavior. Because it disrupts the academic environment, disruptive and disorderly behavior violates the standard of fair access to the academic experience. Students shall not engage in disruptive and disorderly behavior in violation of the Honor Code. Disruptive behavior includes, but is not limited to, the following categories of behavior:

3.3(a) Purposeful acts. Purposeful acts include, but are not limited to, repeatedly shouting to, and inappropriately interrupting a seminar or visited speaker, purposely voting in a voting election ballot that the student knows does not correspond with his or her fall semester classification.

3.3(b) Harassment. Harassment includes, but is not limited to, physically or verbally harassing an instructor, speaker, or fellow student, or engaging in any type of disruptive behavior in the classroom setting that interferes with the ability of the professor to teach or other students to learn.

3.3(c) Facilities. A student who purposefully harms the facilities that support the academic environment shall be subject to academic discipline. Damage to books, equipment, computers and other facilities violates the standard of fair access to the academic experience. This also includes making copies of academic materials when restricted or seizing materials without necessary approval or compliance with standard procedure.

3.4 Violations Are Not Limited to the Areas and Categories Given. The academic discipline procedures may be invoked whenever the principles of honesty and fairness are violated and/or the facilities that support the academic environment harmed. The categories in Sections 3.2 and 3.3 are illustrative only (it is impossible to delineate or cite every possible violation), and any act, which violates the principles of honesty and fairness or harms the academic environment, may be subjected to academic discipline. For example, some acts, such as sabotage of another student's work or sabotage of an instructor's record, may not fall neatly into any one (1) of the areas listed above but are subject to academic discipline if they adversely affect the Law School’s academic environment.

3.5 Parties in Violation of the Honor Code.

3.5(a) Students Who Knowingly Allow Someone Else to Represent His or Her Work as His or Her Own. The violations described in the preceding Sections apply to students who knowingly allow someone else to represent his or her work as his or her own, this includes:

(1) A person who does the work and the person who improperly represents that work as his or her own.

(2) A person who knowingly assists another person in improperly representing work is also subject to academic discipline.

(3) A person who knowingly collaborates with or assists another where such collaborations or assistance is impermissible.

3.5(b) Students Who Gain or Attempt to Gain an Unfair Advantage. Students who violate the Law School's standards of honesty as listed in Sections 3.1, 3.2, and 3.6 include cheating in any form, including but not limited to, possession of, or an attempt to gain possession of, a test prior to it being given. This does not imply that one must be successful in obtaining a copy of the test or assignment to be in violation of this Subsection.

3.6 Duty to Report Violation. When a student has a good reason to believe another student has violated the Honor Code, they shall inform the Honor Council Chair. Failure to inform the Honor Council Chair of a potential Honor Code violation is a violation of the Honor Code. Students shall report such violations pursuant to Sections 6.1.

3.6(a) The failure to report any occurrence of academic dishonesty in a reasonably timely manner is a violation of the Honor Code. The phrase "reasonably timely manner" shall not be further defined by any specific time limitation or specific legal expectation or definition. Instead, the expectation and definition of the phrase "reasonably timely manner" shall be solely construed by the Honor Council in a case-by-case determination, fully considering and incorporating the specific facts of each and every individual reported violation.

B. Penalties

3.7 Rehabilitation. The Honor Council's goal in administering penalties is to rehabilitate the Law School's students to prepare them for admission to a Bar and to the legal profession.

3.8 Grades. The Honor Council shall have no authority to set grades. Grades shall be the exclusive domain of the faculty, and review of grades shall be made via the grade appeal procedure in effect at the time. Students should be aware that assignment of an accused student's grade would generally be delayed until disposition of an Honor Council proceeding. The Dean of Students will submit the accused student's name and course in question to the Law School's Registrar.

3.9 Penalties. Upon finding a student guilty of violating the Honor Code, or upon entering into an Alternative Agreement with a student, the Hearing Panel shall impose an appropriate penalty, which may include expulsion, suspension, or penalties of a lesser nature. Determination of such penalties shall be based on a tiered system, which ranks the severity of violations and imposes sanctions approved by the Dean under each level.

3.9(a) Penalties imposed by the Honor Council are completely separate from penalties imposed by a professor or organization of the Law School.

3.9(b) Consistent with the Law School's responsibility to the legal profession and to the community, all sanctions resulting from Honor Code violations shall be noted on the official transcript of the student sanctioned and shall be made available to Bar officials.

3.10 The Tiered System. The tiered system is defined below by dividing penalties into categories of primary and secondary penalties. The tiered system's guidelines are advisory, and the Honor Council is authorized to depart from these guidelines when appropriate. The Honor Council shall take into consideration the quantity of offenses or type of offense when calculating appropriate penalty.

3.10(a) Primary or Maximum Penalties. Primary or Maximum Penalties include and apply, but are not limited to, the mentioned offenses:

- (1) Expulsion is applicable to acts such as plagiarism, improper collaboration, misrepresentation, and various forms of cheating; or
- (2) Suspension for one (1) or more semesters.

3.10(b) Secondary or Minimum Penalties. Secondary or Minimum Penalties may apply to any conduct that violates the Honor Code and include, but are not limited to:

- (1) Letter placed in student's file;
- (2) Private reprimand;

- (3) Report by the law school to all Bars in which the offender will be sitting; or
- (4) Recommendation by the Law School to the appropriate Bar Association(s) to delay the offender's right to practice after he or she passes the Bar.

3.10(c) Aggravating and Mitigating Factors. In determining sanctions, the Hearing Panel may consider mitigating and aggravating factors, including but not limited to the following:

- (1) Pre-referral Admission. When a student voluntarily admits misconduct before learning that someone has reported the matter or is about to report the matter, the Hearing Panel may consider the admission as a mitigating factor. A student who has the courage and integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making such an admission should contact the Honor Council Chair.
- (2) Other Admissions. Even an admission made after a report may have some mitigating value. This type of admission shows acknowledgment of the inappropriate nature of the student's conduct. However, a post-referral admission is not as strong a mitigating factor as a pre-referral admission.
- (3) Cooperation. The Hearing Panel may consider how cooperative, or uncooperative, the student was during the process, including whether the student responded timely to inquiries and requests for meetings, provided requested information, and dealt honestly and civilly with the Attorney General, Honor Council Chair, and others involved with the process.
- (4) Intent. Conduct falls on an intent continuum that ranges from purposeful, knowing, reckless, and grossly negligent conduct on the more serious end, to merely negligent, careless, and accidental conduct on the less serious end. Where conduct falls on this continuum may be considered when determining sanctions. Conduct that is purposeful, knowing, reckless, or grossly negligent may justify a more serious sanction. Less intentional conduct may be a mitigating factor.
- (5) Degree of Harm or Seriousness of Offense. The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.
- (6) Prior Violations. Prior violations of the Honor Code, or lack thereof, may be considered.
- (7) Nexus to Professional Standards. The nexus between the student's conduct and the question of character and fitness of the student to practice law is a relevant factor in determining sanctions.
- (8) Strength of the Evidence. The strength of the evidence of a violation may be considered. Evidence that supports exoneration may be considered in mitigation of any sanction.

IV. Honor Council

A. Composition

4.1 Duties of the Honor Council. The Honor Council shall implement the Honor Code, serve as the Judicial Branch of the Student Bar Association (SBA) and shall perform such other duties as are, or may be set forth in this and other Sections of this Code as amended from time to time.

- 4.1(a) Such other duties include rendering judicial opinions to act as binding authority under Section 7.2 of this Honor Code and reviewing amendments to the SBA Constitution.

4.2 Honor Council Members. The Honor Council shall be composed of the Honor Council Chair and nine (9) student members, plus a Faculty Advisor approved by the Honor Council upon agreement or majority vote.

4.3 Honor Council Chair. The Honor Council Chair, who must be from the rising Third Year class, shall be elected by the entire student body at the end of the spring semester each year by following election procedures delineated by the SBA. The Honor Council Chair shall serve a term of one (1) year or until they cease to be a regular student, if such event occurs before expiration of one (1) year. The Honor Council

Chair shall be in good standing. In order to be in “good standing” for this purpose, a student must not be on academic probation and must not be the subject of any previous Honor Code sanction.

4.4 Duties of the Honor Council Chair. The Honor Council Chair shall uphold and enforce the Honor Code without bias. The Honor Council Chair shall perform such other duties as are or may be set forth in this and other Sections of this Honor Code as amended from time to time. Such other duties shall include, but are not limited to:

4.4(a) First Year Orientation. The Honor Council Chair or a representative shall speak during orientation to each incoming First Year class regarding the Honor Code. This discussion will occur both at the First Year orientation for the summer semester and again at the First Year orientation for fall semester.

(i) Each individual student undertakes the responsibility to understand the Honor Code’s rules and procedures after receiving the information set forth by the Honor Council Chair or representative during the Honor Code discussion at orientation.

4.4(b) Reporting Violation Data. When deemed appropriate, the Honor Council Chair shall send a report or e-mail to the student body and faculty of the amount of reported violations and the type of violation. Due to the circumstances regarding certain violations, like giving those who are guilty time to develop a strategy or destroy evidence may impair investigations, the report will not be submitted until after a probable cause investigation has taken place, or potentially after a Hearing has been completed.

4.4(c) Transitioning Positions. The outgoing Honor Council Chair shall properly transition the incoming Honor Council Chair before the upcoming fall semester.

4.5 Class Representatives. Three (3) students in good standing shall be elected from the First Year class at the beginning of the fall semester each year; three (3) students in good standing from the rising Second Year classes and; three (3) students in good standing from the rising Third Year class shall be elected during the spring semester each year. These Honor Council class representative elections shall follow the election procedures delineated by the SBA. All nine (9) Honor Council representatives shall serve for the fall and spring semesters or until he or she ceases to be a regular student, if such an event occurs before expiration of the term of office. In order to be in “good standing” for this purpose, a student must not be on academic probation and must not be the subject of any previous Honor Code sanction.

4.5(a) Appointment List. An Appointment List will be formed each year. The Appointment List shall comprise a list of students in “good standing” who shall serve as Replacement Members on the Honor Council in the event of an elected member’s recusal pursuant to Section 4.12. In order to be in “good standing” for this purpose, a student must not be on academic probation and must not be the subject of any previous Honor Code sanction. The Appointment List shall be formed each year according to the following procedures.

(1) A student who ran for an elected position pursuant to Article IV of the SBA Constitution and received the requisite number of signatures on their petition may designate whether they would like to serve on the Appointment List. A student who is elected for an Honor Council or Student Advocacy Corps position shall not serve on the Appointment List.

(2) Students from the rising First Year and Second Year classes shall be selected to serve on the Appointment List in the spring semester following elections. Students from the incoming First Year class shall be selected to serve on the Appointment List in the fall semester following elections.

(3) All Replacement Members shall serve on the Appointment List for the fall and spring semesters or until they ceases to be a regular student, if such an event occurs before expiration of the term.

(4) Students who serve as Replacement Members on the Appointment List shall sign an oath, kept by the Honor Council Chair, which states that the members will act in a manner of complete impartiality and confidentiality in their Honor Council duties.

(5) In the event of an elected member's recusal, the Honor Council Chair may request a Recusal List from each Replacement member, which shall include a list of relationships within the law school that would require their own recusal.

(6) A student will serve as the Replacement Member from the Appointment List once approved by unanimous agreement of the Honor Council Chair, Attorney General, and Faculty Advisor, and a majority vote from the Honor Council.

(7) In the event that the Appointment List is insufficient, the Honor Council Chair, Attorney General, and Faculty Advisor shall determine the process to fill the recused Honor Council member's seat. This process must consider a student's "good standing," discretion, and impartiality.

4.6 Faculty Advisor. The Faculty Advisor of the Honor Council shall be appointed at the discretion of the Honor Council and shall serve for the entire school year until a new Honor Council and Honor Council Chair are elected. The Honor Council will nominate faculty members and select a Faculty Advisor by majority vote or by agreement amongst the Honor Council. After selecting a Faculty Advisor, the Honor Council Chair will present the Honor Council's decision to the individual faculty member. The faculty member may either accept or decline the Honor Council's request. If the member declines, the Honor Council will select another faculty member.

4.6(a) Except as noted to the contrary in the Honor Code, the Honor Council's Faculty Advisor, shall be present in the proceedings and deliberations of the Honor Council's Hearing Panel but shall not have voting power, pursuant to Section 6.18(d). In the event that the Faculty Advisor is disqualified from participation in a particular proceeding under Section 4.13(d), the Honor Council shall choose a substitute Faculty Advisor. The Honor Council shall confer with the Dean in regards to the substituted Faculty Advisor, to serve in place of the disqualified Faculty Advisor for purposes of such proceeding.

4.7 Member Vacancies. Should a permanent vacancy in the Honor Council occur, the unexpired term shall be filled by a special election held within thirty (30) days of the vacancy. The special election shall follow the same guidelines and procedures as the regular election.

B. Investigation Committee

4.8 Purpose of the Investigation Committee. The Investigation Committee acts as the investigative body in the procedures that follow a report of an Honor Code violation. Upon receiving a report of an alleged Honor Code violation, the Investigation Committee will conduct an investigation as described in Sections 6.1-6.7.

4.8(a) When A Violation May Be Investigated. Investigations may commence at any time, beginning with a student's matriculation and continuing until a student graduates or after the student finishes a course or program if the conduct at issue occurs before the student graduates. If an Honor Code investigation is pending when a student is scheduled to graduate, the student's degree may be withheld until the matter is resolved.

4.9 Investigation Committee Members. The Honor Council Chair shall designate three (3) members of the Honor Council, prior to, or at the beginning of the fall and the summer term: one (1) from the Third Year class, and one (1) from the Second Year class, and one (1) member from the First Year class after the First Year members are elected when the fall semester commences to serve as the Honor Council Investigation Committee for the entire school year. The names of the members and year and contact information shall be posted on the Law School's Web site and in the Honor Council office. The Investigation Committee designated for the summer term shall continue to serve until a new Investigation Committee is designated for the fall and spring semesters.

4.9(a) Three (3) Honor Council members are required to comprise the Investigation Committee. Since the First Year Honor Council members are not elected until the start of the fall semester, the process for selecting a short-term representative for the summer term shall follow the procedures set forth in Section 4.13.

4.9(b) The Honor Council Chair shall appoint a Second Year or Third Year class member as the Investigation Committee Chair. The Investigation Committee Chair shall also act as the representative from his or her class.

4.9(c) Each member of the Investigation Committee shall sign an oath, kept by the Honor Council Chair, which states that the members will act in a manner of complete impartiality and confidentiality in their Honor Council duties.

C. Hearing Panel

4.10 Purpose of the Hearing Panel. The Hearing Panel acts as the voting body in the procedures that follow a finding of probable cause. The Hearing Panel's role and responsibilities are not to be confused with the role and responsibilities of the Faculty Hearing Panel Review Committee.

4.11 Hearing Panel Members. The Hearing Panel shall consist of the Honor Council Chair and those Honor Council members not serving on the Investigation Committee. The Attorney General shall present the case to the Hearing Panel at the Evidentiary Hearing.

4.11(a) Each member of the Hearing Panel is required to sign an oath, kept by the Honor Council Chair, which states that the members will act in a manner of complete impartiality and confidentiality in their Honor Council duties.

4.11(b) If a Hearing Panel member is not eligible to vote, or is unavailable to vote, due to conflicts of interest or other pertinent reasons, a replacement will be selected by following the process delineated in Section 4.13.

D. Honor Council Member Recusal

4.12 Recusal due to Partiality. A member of the Honor Council shall recuse themselves, or be recused by the Honor Council Chair, in a proceeding in which their impartiality might reasonably be questioned, including but not limited to, instances where:

4.12(a) They have a personal bias or prejudice concerning the accused, or personal knowledge of disputed evidentiary facts concerning the proceeding; or

4.12(b) The Honor Council Member, the member's spouse, or a person within the third degree of relationship (calculated according to the civil law system) of the Honor Council member:

(1) is the accused;

(2) is acting as a lawyer or representative in the proceeding;

(3) is known by the member to have an interest:

(i) that could be substantially affected by the outcome of the proceeding; or

(ii) is to the member's knowledge likely to be a material witness in the proceeding.

4.13 Proceedings After Recusal. A recused member shall not participate in proceedings after such recusal and shall not vote on findings of probable cause or guilt.

4.13(a) Investigation Committee Member Recusal. In the event of recusal of a member of the Investigation Committee, a member of Hearing Panel shall temporarily replace the Investigation Committee member, and the Hearing Panel member shall be replaced by a Replacement Member from the Appointment List pursuant to Section 4.5(a).

(1) In the event of a recusal of multiple members of the Investigation Committee, one Hearing Panel member shall temporarily replace a member of the Investigation Committee, and all other recusals shall be temporarily replaced by an Appointment List Representative pursuant to Section 4.5(a).

4.13(b) Hearing Panel Member Recusal. In the event of the recusal of a Hearing Panel Member, the Honor Council Chair shall appoint a Replacement Member, as outlined in Section 4.5(a), to vote in place of said absent Hearing Panel member.

4.13(c) Honor Council Chair Recusal. In the event of the recusal of the Honor Council Chair, the Vice President of the SBA shall temporarily assume all Honor Council Chair duties. If the Vice President is unable to fulfill such duties, the Honor Council Chair shall appoint their Replacement, which must be a student in "good standing." In order to be in "good standing" for

this purpose, a student must not be on academic probation and must not be the subject of any previous Honor Code sanction. This Replacement shall be approved by the Faculty Advisor, Attorney General, and by majority vote of the Honor Council members.

4.13(d) Faculty Advisor Recusal. In the event of recusal of the Faculty Advisor, a new Faculty Advisor shall be chosen by a majority vote of the Honor Council based on the procedure in Section 4.6.

V. Attorney General and The Student Advocacy Corps

A. Attorney General

5.1 The Attorney General. The Attorney General shall be elected by the entire student body at the end of the spring semester each year by following election procedures delineated by the SBA. The Attorney General shall serve a term of one (1) year or until they cease to be a regular student, if such event occurs before expiration of one (1) year. The Attorney General shall be in good standing. In order to be in "good standing" for this purpose, a student must not be on academic probation and must not be the subject of any previous Honor Code sanction.

5.1(a) First Year Orientation. The Attorney General shall speak during orientation to each incoming First Year class regarding the Honor Code. This discussion will occur both at the First Year orientation for the summer semester and again at the First Year orientation for fall semester.

5.2 Oath. The Attorney General shall sign an oath, kept by the Honor Council Chair, which states that they will act in a manner of complete impartiality and confidentiality in their Attorney General duties.

5.3 Duties of the Attorney General. The Attorney General shall uphold and enforce the Honor Code without bias and shall serve as the liaison between the Executive Board of the Student Bar Association and the Honor Council. Upon request, the Attorney General shall give advisory opinions to the President of the Student Bar Association and Senate in matters regarding the SBA Constitution, the Elections Code, and the Honor Code. The Attorney General shall prosecute violations of the Honor Code pursuant to the procedures of the Honor Code. The Attorney General shall perform such other duties as are or may be set forth in this and other Sections of this Honor Code as amended from time to time.

5.4 Attorney General Recusal. In the event of the recusal of the Attorney General, the Attorney General shall appoint their Replacement, which must be a student in "good standing." In order to be in "good standing" for this purpose, a student must not be on academic probation and must not be the subject of any previous Honor Code sanction. This Replacement shall be approved by the Faculty Advisor and the Honor Council Chair.

5.5 Transitioning Positions. The outgoing Attorney General shall properly transition the incoming Attorney General before the upcoming fall semester.

B. The Student Advocacy Corps

5.6 Purpose of the Student Advocacy Corps. The members of the Student Advocacy Corps, the Student Advocates, act as the public defenders for students accused of Honor Code violations in the procedures that follow a finding of probable cause.

5.7 Student Advocacy Corps Composition. Three (3) students in good standing shall be elected from the First Year class at the beginning of the fall semester each year; three (3) students in good standing from the rising Second Year class and three (3) students in good standing from the rising Third Year class shall be elected during the spring semester each year. These Student Advocate elections shall follow the election procedures delineated by the SBA. All nine (9) Student Advocates shall serve for the fall and spring semesters or until they cease to be a regular student, if such an event occurs before expiration of the term of office. In order to be in "good standing" for this purpose, a student must not be on academic probation and must not be the subject of any previous Honor Code sanction.

5.8 Oath. Each Member of the Student Advocacy Corps shall sign an oath, kept by the Honor Council Chair, which states that they will act in a manner of complete impartiality and confidentiality in their Student Advocacy Corps duties.

5.9 Designation of Student Advocacy Corps Representation. A member of the Student Advocacy Corps shall become the Student Advocate for an accused student in the proceedings that follow a finding of probable cause according to the process outlined below.

(1) When the Honor Council Chair sends the accused the Notice Of Probable Cause, the Honor Council Chair will also give the accused student the option to receive representation in the proceedings that follow. The Honor Council Chair shall send the accused student the list of Student Advocates on the Student Advocacy Corps with each Advocate's class designation.

(2) An accused student may choose to proceed without a Student Advocate and shall notify the Honor Council Chair in writing of this decision within a reasonable time.

(3) An accused student may choose to proceed with a Student Advocate and may select one (1) member of the Student Advocacy Corps to serve as their Student Advocate in the proceedings that follow. An accused student shall notify the Honor Council Chair in writing of this decision and the name of the Student Advocate they select within a reasonable time.

(i) Upon receipt of the accused student's decision and designation of their Student Advocate, the Honor Council Chair shall communicate to the accused and their Student Advocate that representation has commenced.

5.10 Duties of Student Advocates. Upon their designation as an accused student's Student Advocate, the Student Advocate shall communicate with the accused regarding the alleged Honor Code violation(s), may review the evidence that the Investigation Committee considered, and may assist the accused in determining whether to pursue an Alternative Agreement or an Evidentiary Hearing. A Student Advocate shall counsel the accused as to the merits of the case, but the accused shall make the final decision to pursue an Alternative Agreement or an Evidentiary Hearing.

5.10(a) Representative for An Alternative Agreement. If the accused decides to pursue an Alternative Agreement, the Student Advocate shall assist and counsel the accused in writing and submitting their formal statement to the Honor Council Chair and Attorney General admitting guilt of the alleged Honor Code violation(s). The accused may limit the assistance and council provided by the Student Advocate at any time and the Student Advocate shall only provide such assistance and council as permitted by the accused.

5.10(b) Representation for An Evidentiary Hearing. If the accused decides to pursue an Evidentiary Hearing, the Student Advocate shall assist and counsel the accused in preparing for the Hearing and presenting their defenses at the Hearing. During the Evidentiary Hearing, a Student Advocate may make opening and closing statements and present oral arguments on behalf of the accused. A Student Advocate may call witnesses and examine them, as well as cross-examine witnesses called by the Attorney General. The accused may limit the assistance and council provided by the Student Advocate at any time and the Student Advocate shall only provide such assistance and council as permitted by the accused.

5.11 Private Discussions. A student's private discussions with their Student Advocate shall be confidential.

VI. The Process

A. Reporting a Violation

6.1 Report. Any individual who observes or becomes aware of facts establishing reasonable grounds to believe that a student has violated this Honor Code shall report the alleged violation to the Honor Council Chair. Detailed instructions on how to file an Honor Code Violation Report may be accessed through the Law School's website.

6.1(a) In submitting a Honor Code Violation Form, an accuser stipulates that they undertook reasonable efforts to form their belief that the alleged violation of the Honor Code occurred.

6.1(b) Upon receiving the Honor Code Violation Form, the Honor Council Chair shall do their due diligence to ensure the alleged behavior constitutes a Honor Code violation. The Honor Council Chair shall not have the power to dismiss violation reports.

6.2 Student Anonymity. A student who reports a violation shall remain anonymous to the accused throughout the entirety of the Investigation Committee process. In the event that proceedings follow the determination for probable cause, the student who reported the violation shall testify.

6.3 Multiple Accused Students. In the event that multiple students are reported on the same factual circumstances, the Investigation Committee shall conduct separate investigations for each student.

6.4 Commencement of the Investigation. Absent unusual circumstances, as outlined in Section 6.7(a), the Investigation Committee shall initiate an investigation into the alleged violation or offense within three (3) business days of receiving the Honor Code Violation Form. An investigation is initiated when the Investigation Committee sends a Notice of Investigation to the Accused.

6.5 Notice of Investigation. The Investigation Committee shall initiate an investigation into the alleged violation or offense. The Investigation Committee shall, in writing, notify the student accused of a violation that an investigation is being conducted. This Notice of Investigation shall inform the accused student that the investigation will be conducted with the utmost discretion and confidentiality, and will include a general statement of the accusation, but the Notice of Investigation shall not state any specific details of the alleged violation, the Violation Report, or reference to whom reported the violation.

6.5(a) The Investigation Committee may inform the Attorney General and Student Advocacy Corps that an investigation is being conducted, but shall not disclose any details of the alleged violation or the identities of the involved parties.

6.6 Investigation Proceedings. The Investigation Committee shall conduct all investigations with utmost confidentiality and impartiality. In conducting an investigation, the Investigation Committee:

- (1) will notify and consult with any affected law faculty;
- (2) will determine whether the report states a substantial likelihood to believe that the accused violated the Honor Code;
- (3) will interview the person making the report and other persons with information, including the student or students suspected of violating the Honor Code, and
- (4) may seek additional information regarding the report.

6.6(a) The Investigation Committee shall retain detailed records of all investigations.

(1) The Investigation Committee shall record all interviews conducted in their investigation.

(2) The Investigation Committee shall retain originals or copies of all physical evidence that is considered in the course of an investigation.

6.6(b) The Honor Council Chair shall be present at all deliberations conducted by the Investigation Committee and may be present for any interviews conducted by the Investigation Committee. The Honor Council Chair shall not have any voting power during these deliberations.

6.7 Determining Probable Cause. Upon completion of the investigation, the members of the Investigation Committee and the Honor Council Chair shall meet in private to evaluate the information they have gathered and determine whether there is substantial likelihood to believe that a violation of the Honor Code occurred. All information used for purposes of determining probable cause must be relevant and credible. The finding of probable cause shall be based upon a majority vote of the Investigation Committee members that probable cause exists. The Honor Council Chair shall not be a voting member for findings of probable cause. In determining whether there is probable cause, the Investigation Committee should consider a variety of factors, including, but not limited to:

- (1) whether the report represents a fair and proportionate application of the Honor Code;
- (2) whether the accuser undertook an informal investigation prior to making the report;
- (3) whether the evidence of the alleged violation consists of only the accuser's report or if there is additional supporting evidence; and,
- (4) whether the evidence is sufficient to establish a significant likelihood of a finding of guilt beyond a reasonable doubt at an Evidentiary Hearing.

6.7(a) The Investigation Committee Chair shall submit the Investigation Committee's decision to the Honor Council Chair. Absent unusual circumstances, the Investigation Committee shall determine whether probable cause exists within two (2) weeks of the Notice of Investigation.

"Unusual circumstances" includes, but is not limited to:

- (1) in the situation where a violation is brought within fourteen (14) days before winter or summer break,
- (2) in the situation where a violation is brought within seven (7) days before fall or spring break,
- (3) in the situation where a large number of witnesses are necessary to interview, or
- (4) in the situation an individual involved in the investigation experiences:
 - (i) a death in the family, or
 - (ii) a medical emergency, or
- (5) in the situation where a member of the Investigation Committee is unavailable.

6.7(b) The accused shall not be informed of the details of the allegations until the case is closed due to lack of probable cause, or until receiving notice that probable cause was found. A copy of the Notice of Charges shall be given to the Honor Council Chair, the Faculty Advisor, and the Dean. The Honor Council Chair shall place a copy of the Notice of Charges in the accused's Honor Council file. No one except for the Honor Council Chair and the Dean shall have access to the individual's stored files once the case is closed. This Section shall be read in accordance to Sections 6.24 and 6.25.

6.8 Procedures Following the Investigation Committee's Decision. Upon determining whether probable cause exists, the Investigation Committee shall submit the Investigation Committee's decision to the Honor Council Chair.

6.8(a) Finding of Probable Cause. Following the Investigation Committee's finding of probable cause, the Investigation Committee Chair is required to draft and submit an Investigation Report to the Dean, the Faculty Advisor, and the Honor Council Chair, explaining why probable cause was found within two (2) weeks of the Notice of Investigation. The Investigation Committee Chair, pursuant to their discretion, may provide additional explanation or request a certain cause of action in regards to the Investigation Committee's decision. The violated Honor Code provision(s) shall be included in the Investigation Report. The Investigation Committee Chair does not have the authority to discuss the details of the Investigation Committee's session(s) or the contents of the Investigation Report with the accused, or, if designated, their Student Advocate. The Investigation Committee's duties are dispelled upon finding probable cause. This provision also acts in accordance with Sections 6.9 and 6.12.

6.8(b) Finding A Lack of Probable Cause. Following the Investigation Committee finding a lack of probable cause, the Investigation Committee Chair is required to draft and submit an Investigation Report to the Dean, the Faculty Advisor, and the Honor Council Chair, explaining why there was a lack of probable cause within two (2) weeks of the Notice of Investigation. The Honor Code provision(s) that the accused was suspected of violating shall be included in the Investigation Report. The Investigation Committee Chair does not have the authority to discuss the details of the Investigation Committee's session(s) or the contents of the Investigation Report with the accused, or, if designated, their Student Advocate. The Investigation Committee's duties are dispelled upon finding lack of probable cause. This provision also acts in accordance with Section 6.9 and 6.12.

6.9 Notification of the Investigation Committee's Decision. Upon receiving the Investigation Committee's Probable Cause decision, the Honor Council Chair shall notify the accused student(s) of this decision.

6.9(a) Notice of Probable Cause. The Honor Council Chair shall promptly notify, in writing, the accused student, the Dean, the Attorney General, and the Faculty Advisor that probable cause was found.

(i) Content of the Notice. In this correspondence, the Honor Council Chair shall also provide:

1. The Investigation Report and supporting evidence explaining why probable cause was found

2. The accused student the option to receive representation in the proceedings that follow and shall include a list of Student Advocates from the Student Advocacy Corps, pursuant to Section 5.9.

(ii) Attorney General. Following Notice of Probable Cause, the case will be turned over to the Attorney General.

6.9(b) Notice of No Probable Cause. The Honor Council shall promptly notify, in writing, the accused student, the Dean, and the Faculty Advisor that no probable cause was found to suspect that a violation of the Honor Code occurred.

6.10 Confidentiality. Neither the Honor Council nor the Attorney General shall disclose any of the matters which transpired before them, and they shall conduct their affairs with the utmost discretion and confidentiality.

6.11 Dismissal. Upon reviewing the Investigation Report and supporting evidence, the Attorney General may seek to dismiss the case for a lack of merit. No accused student shall petition the Attorney General requesting the dismissal of their case. To dismiss a case, the Attorney General shall adhere to the following procedure:

6.11(a) In order for the Attorney General to dismiss a case, they must present the reasons for dismissal to the Honor Council Chair and the Faculty Advisor. For a case to be dismissed, the Honor Council Chair and the Faculty Advisor must both approve the Attorney General's request for dismissal of the case.

6.11(b) In the event that both the Honor Council Chair and Faculty Advisor approve the Attorney General's request for dismissal of the case, the Honor Council Chair will offer the accused student the opportunity to write and submit a Motion to Dismiss to the Honor Council.

6.11(c) The Motion to Dismiss and the Investigation Report will then be submitted to the Hearing Panel for a final determination. The case shall be dismissed by a majority vote of the Hearing Panel.

6.11(d) The accused student shall be notified, in writing, of the Honor Council's determination on the case's dismissal.

B. Notice to the Accused

6.12 Notice of Charges. The Honor Council Chair shall notify the accused, and, if designated, their Student Advocate, of their rights, and of the date, time, and place for the Evidentiary Hearing. The Hearing shall take place no less than ten (10) business days from the date the accused receives Notice of Charges. The Honor Council Chair, upon reasonable request from the accused, shall grant a continuance and shall reschedule the Hearing for a mutually convenient time to occur no more than twenty (20) business days from the date the accused receives notice.

6.12(a) Notice Content. Notice of Charges to the accused shall contain a statement of the specific charge(s) and the grounds, which, if proven, would justify penalty under the Honor Code system. The Honor Council Chair shall present to the accused any statements of the interested parties and witnesses submitted by the Attorney General.

C. Evidentiary Hearing

6.13 Multiple Accused. In the event that probable cause has been found on the same facts for two (2) or more accused and they proceed with Evidentiary Hearings, their Evidentiary Hearings should be conducted together in a single hearing unless the Honor Council Chair, upon request of an accused, finds that a single hearing would be unfair.

6.14 Closed Hearing. On the day designated by the Honor Council Chair, the Hearing Panel shall conduct an Evidentiary Hearing presided over by the Honor Council Chair. The Evidentiary Hearing shall be closed unless the accused requests in writing for it to be open.

6.15 Rules of Evidence. Formal rules of process, procedure, and/or technical rules of evidence such as those applied in United States criminal or civil courts, except where otherwise mandated by law, are not applicable during the Evidentiary Hearing.

6.16 Testimonies and Oral Arguments. During the Evidentiary Hearing, the accused and witnesses shall be called to testify and shall be questioned by the Hearing Panel and the Attorney General. Similarly, the accused or, if designated, their Student Advocate may call witnesses and examine them, as well as cross-examine witnesses called by the Attorney General. The accused or, if designated, their Student Advocate and the Attorney General have the right to make opening and closing statements and to present oral arguments.

6.17 Optional Representation. The accused may, at their own expense, be represented by an attorney or another representative during the Evidentiary Hearing before the Hearing Panel and throughout the academic disciplinary process, including appeals. The role of the attorney or representative under this Section is advisory only; they will not be permitted to make opening and closing statements, present arguments, question witnesses, or otherwise speak on behalf of, or advocate for, the accused. Neither the accused nor their attorney or representative shall have any right to be present during deliberations by the Investigation Committee, Hearing Panel, or other body. A representative under this Section does not include a Student Advocate should one be designated by the accused pursuant to Section 5.9. This provision shall comply with the specific filing and record destruction standards provided in Sections 6.24 and 6.25.

6.18 Closed Vote by the Hearing Panel. Upon completion of the Evidentiary Hearing before the Hearing Panel, the Hearing Panel shall retire in closed sessions to consider the innocence or guilt of the accused. The Attorney General shall not be present, participate, or vote in these deliberations. The Honor Council shall then vote in an en banc proceeding with all initial voting student members or those appointed to serve as voting members according to Section 4.11.

6.18(a) The burden of proof shall be clear and convincing evidence. This burden shall rest with the Attorney General and shall not shift to the accused at any time.

6.18(b) A guilty verdict shall be found by the six (6) voting members (six student voting members) of the Hearing Panel upon a vote of at least four (4) to two (2).

6.18(c) In the event of a tie amongst Hearing Panel members, the Honor Council Chair shall participate in the vote as a tiebreaker.

6.18(d) The Honor Council's Faculty Advisor is required to be present in all Hearing Panel deliberations that result from an Evidentiary Hearing, but they shall not vote.

6.19 Hearing Panel Findings. The accused shall be notified of the Hearing Panel's findings after the Hearing Panel reaches the decision(s) of innocence or guilt and the penalty or penalties under Sections 6.20 and 6.23. In the interest of justice, the Hearing Panel may, of its own accord, grant a new Hearing.

6.19(a) A written decision shall be given to the accused student within four (4) academic days of the completion of the Evidentiary Hearing. The written decision shall contain findings of fact, conclusions, and an explanation of the Hearing Panel's basis for action(s), including the Hearing Panel's penalty or sanction. A copy of the written decision shall be given to the Dean and to the instructor for the course in which the violation occurred, as well as to the accused student.

6.19(b) The written decision may be further published into the judicial opinions of the Hearing Panel in accordance with Section 7.2.

(i) The Honor Council reserves the right to render a judicial opinion on the particular issue, excluding the specific party's name, in order to establish precedent or guidance for similar situations. Every case may be an opportunity to establish governing law, especially in accordance with policy concerns of the student body.

6.20 Evidentiary Hearing Penalties. Should a guilty verdict be rendered after a full Evidentiary Hearing, the Hearing Panel shall then determine the appropriate penalty or penalties based upon a majority vote of the Hearing Panel members. The latitude of penalty or penalties will be determined on a factual basis according to Honor Council precedent and administrative procedures. Section 3.10 provides the tiered

system of penalties. In determining a penalty or penalties, the Honor Council may consider the aggravating and mitigating factors in Section 3.10(c).

D. Alternative Agreement

6.21 Alternative Agreement. The Alternative Agreement process is a substitute to the Evidentiary Hearing for accused students who acknowledge responsibility for the alleged violations against them.

6.22 Process. If the Investigation Committee finds probable cause of an Honor Code violation, the accused may petition the Honor Council Chair and the Attorney General for the opportunity to enter an Alternative Agreement. If such a request is granted, the need for a full Evidentiary Hearing is eliminated.

6.22(a) Whether the accused is eligible to enter an Alternative Agreement shall be at the discretion of the Honor Council Chair, Attorney General, and Faculty Advisor.

(1) The Honor Council Chair, Attorney General, and Faculty Advisor, in determining, whether to grant the Alternative Agreement, shall consult the Investigation Committee Chair and faculty member(s) with any role in the Honor Code violation process, including but not limited to the professor of the subject class and the faculty member who is the accuser.

(2) The Honor Council Chair, Attorney General, and Faculty Advisor may consider the egregiousness of the violation when determining whether the accused is eligible to enter an Alternative Agreement.

6.22(b) If the accused is granted an Alternative Agreement, the accused shall:

(1) Admit guilt of the alleged Honor Code violation(s) by submitting a formal written statement to the Honor Council Chair and Attorney General. This statement shall be put in the accused's Honor Council file, as well as their student file maintained by the Law School.

(2) Agree to and sign a written Alternative Agreement outlining the penalties and rehabilitative procedure determined according to Section 6.23.

6.22(c) If the accused is not allowed to proceed with the Alternative Agreement, they shall proceed to the Evidentiary Hearing process, as outlined in Section 6.13 through 6.20.

6.23 Determining Alternative Agreement Penalties. Should the accused admit guilt through the Alternative Agreement process, the Hearing Panel shall then determine the appropriate penalty or penalties based upon a majority vote of the Hearing Panel members. The latitude of penalty or penalties will be determined on a factual basis according to Honor Council precedent and administrative procedures. Section 3.10 provides the tiered system of penalties. In determining a penalty or penalties, the Honor Council may consider the aggravating and mitigating factors in Section 3.10(c).

E. Records

6.24 Destruction of Records if Found Innocent. Should the accused be found innocent, the tape(s) and any transcript(s) of the Evidentiary Hearing shall be destroyed at the completion of the Hearing. The Law School's Dean of Students will ensure and enforce record destruction.

6.25 Storage of Records if Found Guilty. Should the accused be found guilty, the Honor Council Chair shall seal and deliver the tape(s) and any transcript(s) of the Evidentiary Hearing to the Dean's office. The tape(s) and any transcript(s) shall not be opened, except in the event of a rehearing or for necessary examination by the Dean in the event of an appeal to the Dean by the accused. The tape(s) and any transcript(s) may be opened for reproduction by the accused in the event that he or she appeals the Hearing Panel's decision to the Dean and the Faculty Hearing Panel Review Committee. Similarly, the accused may, at his or her expense, have a transcript of the Evidentiary Hearing prepared from the tape(s) or other record(s) of the Hearing.

F. Appeals

6.26 Faculty Hearing Panel Review Committee. The accused may appeal the decision of the Hearing Panel to the Dean for review by the Faculty Hearing Panel Review Committee. The Faculty Hearing Panel Review Committee should be comprised of three (3) faculty members appointed by the Dean and one recommended by the student members of the Honor Council, and approved by the Dean. The Dean shall publish the list of Faculty Hearing Panel Review Committee members to the Honor Council at the beginning of every fall semester.

6.26(a) The entire Honor Council by majority vote shall submit a recommendation for one individual faculty member to serve on the Faculty Hearing Panel Review Committee.

6.26(b) Any appeal must be filed with the Dean within ten (10) working days of the accused's receipt of the Hearing Panel's written decision. This appeal is on the record. It is not a de novo proceeding and the accused or, if designated, their Student Advocate, but not his or her counsel or representative, may present oral arguments to the Dean and the Faculty Hearing Panel Review Committee, or may present in writing, the specific reasons for appeal if he or she does not wish to make oral arguments.

6.27 Appeals Process. In the event of an appeal by the accused, the Dean shall promptly have the Faculty Hearing Panel Review Committee assess the record of the Hearing Panel's Evidentiary Hearing and render a written decision affirming, modifying, or reversing the Hearing Panel's action, including the Hearing Panel's recommendation of the penalty or sanction. The Faculty Hearing Panel Review Committee also has the authority to remand the matter to the Hearing Panel for a rehearing or for additional proceedings. The Dean shall adopt the Faculty Hearing Panel Review Committee's decision. (See Section 6.26).

6.28 Appealing the Faculty Hearing Panel Review Committee Decision. The decision of the Faculty Hearing Panel Review Committee and the Dean is final except in cases in which the penalty is expulsion or suspension. In those cases, the accused may, in writing, seek review from the Chancellor within five (5) working days of his or her receipt of the Faculty Hearing Panel Review Committee's written decision. If the accused desires to appeal the Chancellor's decision in cases involving dismissal or suspension, he or she may request a review of his or her case by the Mississippi Board of Trustees of State Institutions of Higher Learning by submitting a written application for review to the Board within thirty (30) days of his or her receipt of the Chancellor's written decision. Such appeal will be in accordance with the rules and regulations of the Board.

G. Timing

6.29 Reasonably Expedient and Timely Manner. The Honor Council shall resolve charges brought in a reasonably expedient and timely manner. A reasonably expedient and timely manner shall not require the Hearing Panel to assemble, meet or deliberate during the break following fall semester or any vacation period during the regular school year. This Section may act in accordance with Section 4.9.

VII. Constitutional Question

7.1 Jurisdiction. The Honor Council shall have jurisdiction over any dispute arising under this Honor Code.

7.2 Judicial Opinions. The Honor Council may offer judicial opinions regarding interpretation of the Honor Code in order to resolve any ambiguities the Honor Council feels are significant. These opinions shall act as a common law body of precedent and serve as an interpretive guide for future decisions of the Honor Council.

7.2(a) Judicial opinions shall not make substantive changes, as defined under Section 2.4(c), to the Honor Code.

7.2(b) The Honor Council shall document its judicial opinions and make the opinions available to the student body. All judicial opinions will be available online as well as distributed to the student body via email.

7.2(c) Opinions may be issued upon the completion of an investigation, probable cause determination, or evidentiary hearing. It is within the discretion of the Honor Council Chair as to

when such opinions will be rendered. The judicial opinions shall protect the confidentiality of all parties involved.

The foregoing Amended Honor Code - 2021 has been approved and sponsored by:

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