

**The University of Mississippi School of Law's Code
Governing Student Academic and Nonacademic Conduct
(Effective May 30, 2023)**

I. Preamble

This code serves the following central purposes: (1) to inspire high standards of professional conduct; (2) to foster integrity and honor relevant to the practice of law; (3) to protect the integrity of the law school's academic program; (4) to help ensure that students will be eligible to be granted bar membership in a U.S. jurisdiction upon graduation; and (5) to protect the law school community.

Law school represents the beginning of a student's professional career, and law students should conduct themselves accordingly. From application for admission to the law school and continuing until the law school's conferral of a juris doctor degree, each student is expected to observe the highest ethical standards of the profession. Therefore, each student is required to read and observe the Code. Law students will be subject to the procedures of this Code in any controversy governed by its provisions. To the extent that the circumstances require modification of the procedures, those modification shall be made in a manner that provides fairness to the process

A law school should strive to ensure that each student will be eligible to become a member of the bar in any U.S. jurisdiction upon graduation. Moreover, a law school needs a professional atmosphere in which a student's responsibilities are explicit and the procedures for the protection of the individual and the profession are clearly communicated. This Code is designed to reflect the ethical norms and requirements that are relevant to a student's eligibility for admission to practice law in a U.S. jurisdiction. All procedures provided in this Code are set forth with the intention of creating viable candidates for bar admission, consistent with the ethical rules promulgated by the ABA and the legal community that it supports.

This Code also serves to protect our community. Under this Code, when students engage in misconduct in violation of this Code, the Law School can take appropriate steps to protect the personal safety and property of all members of the Law School community (faculty, staff and students) and the academic integrity of its program of study.

II. Standards for Misconduct

A law student shall not engage in the following misconduct. Unless otherwise indicated, no finding of a violation of the Code shall result without a showing of at least recklessness on the part of the accused student.

1. Cheating: Cheating means giving or receiving unpermitted aid in any course or assignment. Law students should assume that no aid is permitted from other persons or materials of any kind unless specifically authorized by the professor. A student may not use artificial intelligence tools (AI) to complete an assessment (1) without attribution to the AI assistance and (2) without instructor permission to use the AI assistance.

2. Plagiarism: Plagiarism means falsely representing words or thoughts as one's original work. This includes replicating, paraphrasing, or otherwise presenting materials from another source, including student's own separate work, without crediting the source.
3. Lying: Lying means knowingly communicating, in any form, information known to be false or willfully omitting a material fact necessary to avoid a misrepresentation of the truth. A student's knowledge of a statement's falsity may be inferred from relevant circumstances.
4. Interfering with academic pursuits: Interference with academic pursuits is any intentional conduct that makes it difficult or impossible for other law students to perform academic work.
5. Forging, altering, or using school documents, records, or identification cards with the intent to defraud.
6. Intentionally disrupting the classroom, the library, or the business of the law school.
7. Committing theft at the law school or at any other site.
8. Interfering with the appropriate use of the library or the legal clinic by other members of the law school or university community, including but not limited to, the following misconduct:
 - (a) Hiding or damaging law school materials or property;
 - (b) The unauthorized removal of materials or property from the law school;
 - (c) The fraudulent use of law school or legal clinic equipment or facilities;
 - (d) The intentional damaging of library, legal clinic, or student computer software or hardware, such as by adding a virus or deleting a file; or
 - (e) Violating other library rules to the detriment of another library user.
 - (f) Violating the Law School Clinic's Oath of Confidentiality or Clinical Digital Files Policy.
9. Intentionally or recklessly damaging or defacing property of the law school or university or of any member of the law school or university community.
10. Engaging in sexual misconduct in violation of University of Mississippi policy ACA.EO.100.022. (The University's policies concerning interpersonal violence and sexual misconduct can be found here: <https://umsafe.olemiss.edu/wp-content/uploads/sites/48/2020/08/IVSM-Policy-2020.pdf> and <https://eorc.olemiss.edu/wp-content/uploads/sites/99/2020/04/UM-Title-IX-Policy.pdf>)

11. Engaging in conduct that threatens or endangers the health or safety of any person on school premises, or at school-sponsored or school-supervised functions at any place.¹
12. Intentionally interfering with the work performance of a member of the law school or university community.
13. Engaging in unlawful discrimination on the basis of sex, race, color, religion, creed, national or ethnic origin, age, disability or veteran status, or discrimination on the basis of sexual orientation, including as a member of any group funded by the law school, Law School Student Body, or other entity recognized by the University.
14. Interfering with the enforcement of this Code. Conduct in violation of this rule includes, but is not limited to the following:
 - (a) Accusing another student of a violation of this Code knowing that the accusation is false;
 - (b) Intimidating, restraining, retaliating against, coercing, or bribing another student with respect to reporting an alleged violation of this Code or participating in a Conduct Board proceeding;
 - (c) Refusing reasonable cooperation in an investigation of an alleged violation of this Code;
 - (d) Failing, without a reasonable excuse, to appear and give testimony before the Conduct Board;
 - (e) Misrepresenting or failing to disclose material facts to the investigators, or the Conduct Board;
 - (f) Failing to comply with an order issued under this Code, unless an appeal from that order is pending;
 - (g) Tampering with evidence relevant to a Code charge.
15. Attempting or conspiring to violate this Code.
16. Engaging in any conduct that, under the laws of the United States or the state where such conduct occurred, constitutes a crime punishable by incarceration, whether or not the student is charged in a criminal court and whether or not the punishment of incarceration is actually imposed. If such conduct occurs in a foreign nation, it is misconduct under this Code if it constitutes a crime punishable by incarceration both (1) in that foreign nation and (2) under the laws of the United States or any state.
17. Failing to disclose on their law school application information responsive to specific and detailed questions related to their character and fitness to practice law including the following:
 - a) if they have ever been expelled, suspended, or dismissed from any college or university for any reason;

¹ When a student engages in behavior, including threats, aberrant or strange behavior, violent or perceived violent behavior, repeated threats of suicide or violence against others, the Dean or the Dean's representative shall notify the University of Mississippi's Behavioral Intervention Team. (<https://umatter.olemiss.edu/bit/>)

- b) if they have ever been subject to disciplinary action for academic or other reasons in any of the colleges, universities, or professional schools that they attended, or by any licensing body or professional society;
- c) if there are any disciplinary charges (academic or other) currently pending or expected to be brought against them by any college, university, or professional school, licensing body, or professional society;
- d) if their education in college, university, or professional school was interrupted for one term or more for any reason;
- e) if they have ever been charged with, arrested for, convicted of, or pleaded guilty or nolo contendere to a violation of any law. This includes minor traffic violations (but not parking tickets), charges of driving under the influence, or any other drug- or alcohol-related offenses and any expunged offenses. They also must disclose offenses which resulted in purged, sealed, obliterated, dismissed or destroyed records, regardless of whether they have been told that they need not disclose any such event.
- f) if they have ever been a party to any civil litigation.

Failure to fully disclose this information constitutes misconduct under this Code.

18. Failing to supplement their answer to the questions in paragraph 17
- a) Before matriculation, students must amend their law school application with relevant information.
 - b) After matriculation, students must fully disclose any conduct that they have not previously reported.
 - c) If students engage in conduct covered by the admissions application after they start law school, they must fully disclose that conduct within 10 school days of any new developments.

Failure to comply with these reporting requirements (including untimely disclosures) constitutes misconduct under this Code.

19. Engaging in conduct that reflects adversely on a law student's honesty, trustworthiness or fitness as a lawyer or law student, including conduct involving fraud, deceit, or misrepresentation.
20. Engaging in any other conduct that would render a student unfit to practice law, including violations of any state's rules of professional responsibility while acting under student practice rules in that state.

III. Reporting misconduct:

A law student, knowing of facts from which a reasonable person would conclude that another student has committed a violation of the Code that raises a substantial question concerning the student's honesty, trustworthiness, or fitness to practice law, shall promptly report it to the Associate Dean, and failure to do so shall constitute misconduct. This reporting obligation does not apply to information that is confidential under the applicable rules of professional conduct.

IV. Procedures for Violations of this Code

A. The Conduct Board

The Law School's Conduct Board has jurisdiction to hear and review cases involving alleged violations of this Code. This extends to conduct that occurred while the individual was enrolled at the Law School even if the individual has graduated or otherwise left the Law School. Complaints involving allegations of sexual assault, sexual harassment, or relationship violence must be referred to the University's Title IX coordinator in the Office of Equal Opportunity and Regulatory Compliance or his or her designee.

The Conduct Board sits as the primary fact-finding and decision-making body in the University of Mississippi School of Law's conduct system. The Conduct Board consists of three faculty members and four law students (two 2Ls and two 3Ls).

The Dean of the School of Law shall select the three faculty members at the beginning of each academic year and appoint one member as the Chair.

The student body shall elect the student members of the Conduct Board for one-year terms during spring elections.

The student body shall also elect a Student Attorney General or a one-year term who will work with the Associate Dean for Academic Affairs as described below.

Decisions of the Conduct Board are final, subject only to the appeal process described below.

B. Initiation of Conduct Proceedings

All complaints must be submitted to the Associate Dean for Academic Affairs and/or the Student Attorney General in writing (email is acceptable). Complaints should include the date of the alleged violation and facts to support that a violation of the Code has occurred. The Associate Dean for Academic Affairs and/or the Student Attorney General may also initiate complaints against a student based on information received in a police report, court docket or other source.

Upon receipt of a complaint, the Associate Dean for Academic Affairs and the Student Attorney General shall assess the preliminary information and take one of the following actions:

- Refer complaints involving allegations of sexual assault, sexual harassment, or relationship violence to the University's Title IX coordinator in the Office of Equal Opportunity and Regulatory Compliance or his or her designee;
- Determine that the complaint warrants no further action from the Conduct Board and dismiss the complaint; or
- Assign charges to the Respondent identified in the complaint. The determination to assign charges is final and not appealable.

Throughout these proceedings, the role of the Associate Dean for Academic Affairs and the Student Attorney General is to do justice.

C. Initial Notice of Charge(s)

Upon deciding to charge the Respondent, the Associate Dean for Academic Affairs and Student Attorney General shall send the Respondent written notification (email is acceptable) informing the Respondent of the charge(s) and inviting the Respondent to meet for a Case Meeting. This notice will inform the Respondent of the specific policy, rule, or regulation that the Respondent is charged with having violated and any other information deemed pertinent to the specific case.

D. Investigation

The Associate Dean for Academic Affairs and the Student Attorney General shall jointly investigate the charges. They may interview any person, including the Respondent, and review any documents or other information that they believe may assist in determining facts relevant to the alleged violation(s).

E. Case Meetings and Administrative Agreements

At the Case Meeting, the Associate Dean for Academic Affairs and Student Attorney General shall discuss the charges with the Respondent and review the Respondent's rights as set forth in this Code. At the Case Meeting or at any time before a Conduct Board hearing, the Associate Dean, the Student Attorney General, and the Respondent may decide to resolve the matter through an Administrative Agreement. If the Associate Dean for Academic Affairs, the Student Attorney General, and the Respondent agree to resolve the case by Administrative Agreement, the outcome and sanctions assigned in an Administrative Agreement are final, and neither party may appeal.

F. Notice of Hearing

If the case cannot be resolved by Administrative Agreement, the Conduct Board shall issue a Notice of Hearing that informs the Respondent of the date, time, and place of the Conduct Board hearing. Reasonable efforts will be made to accommodate the Respondent's schedule.

G. Conduct Board Hearing Process

The Conduct Board shall preside over the hearing. Conduct Board hearings are closed to the public.

The Conduct Board shall notify all interested parties of the hearing, their rights at the hearing, and distribute copies of all relevant materials to the parties and members of the hearing body before the hearing. At the beginning of the hearing, the Conduct Board shall explain the process that will be followed at the hearing.

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 hearing.

The Conduct Board shall make all procedural and evidentiary determinations, which are final.

The Conduct Board hearing will be recorded on a digital audio file and will be made available to the Respondent for review upon request during the period in which an appeal may be filed or is pending.

The Conduct Board may, in its discretion, consolidate cases arising from a common nucleus of facts or circumstances.

The Associate Dean for Academic Affairs, the Student Attorney General, and the Respondent shall have the right to present information and evidence for the Conduct Board's consideration. The Associate Dean for Academic Affairs and the Student Attorney General are jointly responsible for providing information to the Conduct Board to support the charges against the Respondent, and the Respondent is responsible for providing information to the Conduct Board to support his or her defense.

The Respondent has a right to have an advisor attend the hearing; however, advisors are not permitted to speak or participate directly in the hearing.

The Associate Dean for Academic Affairs, the Student Attorney General, and the Respondent may ask the Conduct Board to present witnesses and the Board may, in its discretion, permit witnesses to testify.

As the Associate Dean for Academic Affairs, the Student Attorney General, and the Respondent present information for the Board's consideration, members of the Board may ask questions of them and other witnesses concerning the information presented or other information pertinent to the charge. The Associate Dean, Student Attorney General, and the Respondent are also permitted to make inquiries of the same nature.

Refusal to respond to questions posed during a hearing may lead to an adverse inference by the Board concerning the subject matter of the question posed, and the Board may consider this adverse inference in making its final decision.

The Associate Dean for Academic Affairs, the Student Attorney General, and the Respondent shall have the opportunity to make a final statement prior to the conclusion of the hearing.

At the conclusion of the hearing, the Conduct Board shall deliberate in private and shall determine by a simple majority vote whether, by clear and convincing evidence, the Respondent violated the Code. In determining whether the Respondent is responsible for violations of the Code, the Conduct Board may consider information upon which law schools normally make academic, professional, and business judgments, including but not limited to pertinent records, exhibits, and oral and written statements.

The Conduct Board may utilize a Respondent's criminal conviction by any trial court of competent jurisdiction as a final, factual determination that the Respondent violated the Conduct Code.

If the Respondent is found responsible for misconduct, the Conduct Board shall determine by simple majority the appropriate sanction(s). In determining the penalty to be recommended and applied, the Conduct Board shall include in their consideration the seriousness of the violation, the degree of willfulness and premeditation, and the truthfulness of the Respondent throughout the Hearing and conduct process.

Sanctions may include a failing grade in the course, a written reprimand, the loss of privileges to participate in extracurricular activities, community service, completion of relevant courses (in drug and alcohol education; anger management; decisionmaking, etc.), suspension or expulsion from the School of Law.

Once it reaches a determination, the Conduct Board shall promptly notify the Associate Dean for Academic Affairs, the Student Attorney General, and the Respondent of the outcome.

H. Failure to Appear

If the Respondent fails to attend his or her scheduled Conduct Board hearing, the hearing may be held in the party's absence. In its discretion, the Conduct Board may choose to reschedule the hearing.

I. Appeal

The Dean of the School of Law shall select the three faculty members at the beginning of each academic year to serve as the Faculty Hearing Panel Review Committee. That committee shall have jurisdiction over all appeals from Conduct Board hearings.

The Respondent may appeal the outcome of a Conduct Board determination. The Respondent must submit a written (email is sufficient) notice of appeal to the Conduct Board, the Associate Dean for Academic Affairs and the Attorney General within ten (10) business days of the Conduct Board's determination, unless a longer period of time is specified in writing by the Conduct Board.

Upon receiving a notice of appeal, the Conduct Board shall deliver all case materials, including all written statements, the written request for appellate consideration, the case file, and the audio recording of the hearing to the Faculty Hearing Panel Review Committee.

This appeal is on the record and is not a de novo proceeding. The Associate Dean for Academic Affairs, Student Attorney General, and the Respondent may present written and oral arguments to the Faculty Hearing Panel Review Committee. The Faculty Hearing Panel Review Committee (by simple majority) shall promptly decide the matter and render a written decision affirming, modifying, or reversing the Conduct Board's actions related to a finding of a violation of the

Code and/or the sanction. The Faculty Hearing Panel Review Committee's determination should be based on the following:

- Whether the Board followed its own procedures;
- Whether the decision reached by the Board was clear error;
- Whether the sanction(s) imposed by the Board was appropriate for the violation that the Respondent was found to have committed; and
- Whether new evidence exists that was not considered at the original hearing and was not known by the respondent at the time of the hearing and that is sufficient to alter the original decision.

The Faculty Hearing Panel Review Committee shall promptly deliver its written decision to the Associate Dean for Academic Affairs, Student Attorney General, and the Respondent. The decision of the Faculty Hearing Panel Review Committee is final and there shall be no further appeals.

J. Determination Notice in Students' File

Pursuant to its obligation to report relevant information to state bar authorities, the Dean's Office shall keep appropriate records in the students' educational files reflecting the final determination regarding this student and this Code.

V. Annual Reporting

The Conduct Board Chair shall make an annual report of cases decided. The information shall be published on the Law School website and is to be reported in a way that maintains the anonymity of the respondents and the confidentiality of the process.

VI. Students with Disability Accommodations

Law School policy calls for reasonable accommodations to be provided to students with disabilities on an individualized and flexible basis as mandated in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Students with disabilities who require an accommodation in order to complete any part of the Code procedures or sanctions should contact the Assistant Dean for Student Affairs. Students may also contact the Office of Student Disability Services for assistance and referral. More information regarding the Office of Student Disability Services can be found at www.olemiss.edu/depts/sds/ or by visiting the Office of Student Disability Services located at 334 Martindale Student Services Center.