

Summary of Proposed 2018 Revisions to The Law School Honor Code

The first version of the Honor Code that follows shows the incorporated proposals without markup and the second copy shows the redlined proposed changes.

Topic	Change	Reason
Definitions	Delete "Presenter of Facts" Add definition of "Business Day"	Hearing chair serves in this role now
Prohibited conduct	General statement: Adds a statement that students are presumed to have acted without violating the code unless proven otherwise	Clarifies burden of proof.
	Cheating: Clarify that presumption of cheating takes effect when student "possess" not just "accesses" prohibited materials	Definition was unclear
	Misuse of Materials: Update section	Definition was outdated
	Misrepresentation: Edited for consistency with rest of section and delete restrictive language	Update
	Complaint: Revise timeline of notice to student to accommodate winter and summer breaks	Previous timeline was unworkable during school breaks
Proceedings	Investigation: revises timetable for completion of investigation and report requirements	Accommodates difficulty in reaching students and faculty for investigation and getting signed statements
	Review Panel Notice: revises timetable for notice to student of PRP results; adds provision that HB advisor will work with student to find a convenient hearing date	Accommodates difficulty of setting hearing date and selecting members in the same letter as notice from PRP.
	Hearing: permit Honor Board Advisor rather than Dean to excuse hearing committee members	Streamlines the process
Sanctions	Update sanction list	Update to reflect fact that all Honor Code violations are reported to the bar and to delete outdated sanctions.
Appeals	Correct lettering of section	Correct typo
Confidentiality	Include complainant in confidentiality requirement	To prevent rumor mill

This copy of the Honor Code shows how the revisions are incorporated (does not show red lined edits)

This document incorporates
the proposed
revisions without markup

Honor Code proposed revisions Spring 2018

University of
Baltimore
School of Law

School of Law Honor Code

Adopted by the Faculty Council 10/2/13; Approved by Dean 10/2/13; Approved by AG's Office 9/23/13; Approved by Provost 11/21/13; Approved by President 12/1/13; effective date January 2014

Table of Contents

I.	Purpose	2
II.	Notice of Honor Code Provisions	2
III.	Definitions	2
IV.	Prohibited Conduct	2
	A. Plagiarism	2
	B. Cheating	3
	C. Misuse of Materials	3
	D. Communications regarding examinations	4
	E. Misrepresentation	4
	F. Impeding the Honor Code Process	4
V.	Proceedings	5
	A. Complaint	5
	B. Investigation	6
	C. Preliminary Review Panel	7
	D. Hearing	9
	E. Sanctions	11
	F. Appeals	12
	G. Confidentiality	13
	H. Discovery of New Evidence	13
VI.	Reports to Bar Examiners	13
	A. Records retention	13
	B. Bar Applications	13
VII.	Members of the Student Honor Board	14
	A. Selection of Honor Board members	14
	B. Composition of the Honor Board	14
VIII.	Miscellaneous Provisions	14

I. Purpose

The University of Baltimore School of Law prides itself on maintaining high standards of academic and professional responsibility. The Honor Code presumes that all students will embody the principles of honesty and personal responsibility during their legal education. The Honor Code sets out specific guidelines that will govern student conduct with regard to academic integrity. The Honor Code creates and defines the administrative structure in which matters of academic dishonesty are addressed by the law school community, and it establishes an Honor Board that is charged with implementing the procedures.

II. Notice of Honor Code Provisions

All students are on notice of this Honor Code and its provisions by virtue of enrollment at the School of Law. Copies will be distributed at orientation, are placed on reserve in the Library, are available at the office of Academic Affairs, and are available online. All students should also be aware that a record of academic dishonesty is an extremely serious obstacle to a student's gaining admission to the practice of law. All students have a duty to promptly report conduct reasonably believed to be a violation of the Honor Code.

III. Definitions

- A. "The Dean" shall mean the Dean of the Law School or the Dean's designee, who may be the Honor Board Advisor.
- B. "Examination" shall include any graded test or assignment, or any work required or performed for academic credit.
- C. "Investigator" shall mean a person(s) who is charged with being a neutral finder of facts of alleged violations.
- D. "Business day" shall mean any weekday on which the School of Law is open for classes, and shall not include holidays, breaks or days closed for inclement weather.

IV. Prohibited Conduct

An honor code violation demonstrates a lapse in professional judgment and may have a serious adverse effect on a student's professional career. In this context, except as otherwise specified below, to be guilty of an honor code violation, a student must have engaged in the prohibited conduct with purpose, knowledge, recklessness or negligence as these terms are defined in the Model Penal Code. Accused students are presumed to have acted without violating the Honor Code unless proven otherwise, or unless the contrary presumption is clearly stated in the code.

It shall be a violation of the Honor Code to engage in any of the following academic misconduct:

- A. **Plagiarism.** Plagiarism is misrepresenting the work of another person as one's own. Examples include—but are not limited to—submission of papers purchased

or downloaded on the internet or supplied by others; paraphrasing or quoting material written by another, published or unpublished, without properly documenting the source; misrepresenting another's analysis, synthesis, organization, or compilation of sources as one's own, whether the source is a fellow student or any other author; or using any Internet sources as one's own without full citation and appropriate use of quotation marks. Plagiarism is a breach of academic honesty and does damage to the student's own education, to the legitimate interests of other students who observe the norms of academic professionalism and to the process of education and scholarship generally. The harms caused by plagiarism are the same whether the conduct is knowing or simply negligent. For this reason, even negligent or inadvertent plagiarism is a violation of this code. Law students are adults, and aspire to membership in a profession that demands integrity and high standards of professional care. They are responsible for ensuring that their academic conduct steers well clear of the line between original work and plagiarism.

- B. **Cheating.** Cheating includes the giving receiving, having or possession of any unauthorized assistance or unfair advantage on any form of academic work. Examples may include, but are not limited to, talking with other students during the administration of an exam, the use of crib sheets or any other materials not expressly authorized by the professor during exams, unauthorized possession of exam materials prior to or after the administration of the exam, and copying from other students' exams, use of unauthorized resources on a research or other writing assignment or in a competition for academic credit when prohibited by the competition's rule, and violating rules provided by a professor or proctor on an examination or assignment.
1. There shall be a presumption, rebuttable by clear and convincing evidence, that any student who is in actual possession of prohibited resource materials during an examination, including, but not limited to, crib sheets, outlines, cellular phone, "smart phone", tablet, mobile device, or any other technological device not specifically authorized by a professor for use during an examination has cheated.
 2. There shall be a presumption, rebuttable by clear and convincing evidence, that any student who violates rules provided by a professor or proctor on an examination or assignment has cheated.
- C. **Misuse of Materials.**
1. Misuse of any law school library, writing center, or law career development office materials. Misuse includes marking, damaging, hiding, or destroying materials; removing materials without authorization or depriving other students of materials meant to be for the use of all students.

2. Use of another student's or professor's books, class notes, or other study materials without that person's consent.
3. Depriving another student, temporarily or permanently, of that student's books, class notes, or other study materials.
4. Intentionally giving another student false or inaccurate information about class assignments, study materials, notes, or other class requirements.

D. Communications regarding examinations.

1. Knowingly discussing an examination that has been taken with another student who has yet to take the examination or with any person in any place where a reasonable person should realize that the conversation could be heard by another student who has not yet taken the examination. Any student who learns, intentionally or accidentally, of any question or answer to an exam not yet taken must report this information immediately to the professor, administrator or staff member responsible for supervising the examination or to the Dean's Office.
2. Knowingly discussing an examination that has not been taken (but is scheduled to be taken) with another student who has already taken the examination.

E. Misrepresentation. Misrepresentation includes but is not limited to:

1. Misrepresenting one's own or another's class attendance or falsifying attendance records;
2. Misrepresentation of one's own credentials, academic record, class standing or extracurricular experience including, but not limited to on a resume, transcript, a job application, or a cover letter.
3. Misrepresentation to any member of the Law School faculty, staff or administration or to any supervising attorney in the case of clinics or internships of any matter pertinent to satisfaction of employment or course requirements, including, but not limited to, the number of hours worked.

F. Impeding the Honor Code Process. A student who engages in the following misconduct shall be considered to be impeding the Honor Code Process:

1. Failing to reveal fully any knowledge or evidence concerning an alleged violation on proper request of an Investigator, the Hearing Committee, or any accused student or his or her representative.
2. Knowingly misstating or misrepresenting a material fact in testimony or a written statement given during an investigation or a hearing of an alleged violation of this Code.
3. Knowingly filing a false complaint of a violation of this Code.
4. Knowingly failing or refusing to comply with any order of an Investigator or the Hearing Committee.

V. Proceedings

Every stage of the proceedings shall be conducted without unnecessary delay. All parties shall act as expeditiously as possible, consistent with the purposes of the Honor Code. Persons who become aware of possible violations of the Honor Code shall report such violations promptly.

A. Complaint

1. Complaints may be made by students, faculty, administrators, staff members or the Dean and shall be reported in writing to the Honor Board Chairperson (hereinafter the Chairperson), or to the Honor Board Advisor (hereinafter the Advisor).
2. The complaint shall describe the incident, shall state the date(s), time(s), place(s), person(s) involved (by name, if known, otherwise by description) and potential witnesses, and shall be signed and dated by the complainant.
3. Upon agreement, the Chairperson and the Advisor, in their discretion, may dismiss immediately a complaint that does not allege academic misconduct or fall within the purview of the Honor Code. They shall send notice of the dismissal to the accused student. The dismissal shall not be reported to the Board of Bar Examiners.
4. For complaints made during the fall or spring semesters, if not dismissed, the Chairperson or Advisor shall send, within ten (10) business days of the filing of a complaint, notice of the complaint to the accused student. For complaints made outside of the fall or spring semesters, if not dismissed, the Chairperson or Advisor shall send notice of the complaint to the accused student within ten (10) business days of the first day of the next semester (fall or spring).

5. Notice of the complaint shall be sent via official University Communication means (University email) and shall include the following:
 - a. A description of the alleged conduct that constituted the charged Honor Code violation;
 - b. Identification of specific Honor Code sections alleged to have been violated;
 - c. Names of the student investigator and members of the Preliminary Review Panel;
 - d. That the accused student is entitled to be represented by counsel or other representative;
 - e. That the accused student is entitled to consult with the designated "Process Aide" for advice about the process and procedure;
 - f. That the accused student is under no obligation to admit or deny the charges or to make any other statement;
 - g. That any statement the accused student makes may be used against him/her;
 - h. That the accused student may concede the alleged action(s) that is the subject of the complaint and waive his/her right to a hearing on the merits and proceed with a hearing on sanctions only.
6. Upon notice of the complaint, the accused student may request the recusal of any investigator or members of the Preliminary Review Panel on the grounds of potential bias.
7. Complaints against graduates:
 - a. Except for § V(A)(7)(b), no complaint may be filed against a student more than six months after that student leaves the University of Baltimore School of Law.
 - b. If a student leaves the University of Baltimore School of Law and either returns or attempts to transfer this law school's credit to another law school, complaints may be filed until six months after that student graduates from law school.

B. Investigation

1. Within a reasonable period of time after the filing of the complaint, the Chairperson or Advisor shall select one member of the Honor Board to serve as Investigator for the matter, and shall select three (3) student members of the Honor Board to serve as the Preliminary Review Panel.

2. Any Honor Board member who could potentially be called as a witness in the matter, or who has a professional or personal relationship with the accused that would create, or give the appearance of creating, an unfair bias, must be recused from all proceedings relating to the matter.
3. The Investigator shall complete the investigation within twenty (20) business days of his/her appointment, unless an extension for good cause is granted by the Chairperson. The accused student shall be notified of any extension of time.
4. The Investigator shall interview all relevant witnesses, the accused student, and any witnesses then proffered by the accused and shall prepare an investigation report. The investigation report shall consist of a written, statement approved by each witness, and any other relevant information collected by the investigator.
5. During the investigation, the accused student shall not have the right to be informed of the name of the complainant, but shall be informed of the name of the complainant if the Preliminary Review Panel finds sufficient evidence to set the matter for a hearing. All witnesses contacted by the Investigator shall be informed of the confidentiality requirement imposed by Section V.(G) .
6. The Investigator shall strive to be a neutral fact finder with respect to the Preliminary Review Panel. The investigator does not participate in the panel's deliberations

C. Preliminary Review Panel

1. Upon completion of the investigation, the Preliminary Review Panel (hereafter the Panel) shall meet to determine whether the Investigator has offered sufficient evidence to support a prima facie case that an Honor Code violation has occurred. The Investigator shall present to the Panel the following materials for its consideration:
 - a. The complaint;
 - b. The investigation report, and
 - c. A written statement submitted by the accused student, if the student chooses to submit a statement.
2. The Advisor shall attend the Panel proceedings for purposes of clarifying procedural matters, but shall not vote in the Panel's deliberations.
3. Sufficient evidence - Prima Facie Case. If a majority of the Panel finds that the investigator has presented sufficient evidence to support a prima facie

case that a violation has occurred, the Panel will prepare and deliver a letter to the Dean outlining the allegation, the investigation, the evidence considered and the Panel's findings. The matter shall proceed to a Hearing.

- a. The Dean shall send, via university email, a letter to the accused student enclosing the Panel's letter, The letter shall include:
 1. Name of the complainant;
 2. A description of the alleged conduct that constituted the charged Honor Code violation;
 3. Identification of the specific Honor Code sections alleged to have been violated;
 4. That the accused student is entitled to be represented by counsel or other representative;
 5. That the accused student is entitled to consult with the designated "Process Aide" for advice about the process and procedure;
 6. That copies of all documentary evidence susceptible to photocopying are available and that the accused student and counsel shall have a reasonable time to examine any evidence not susceptible to photocopying;
 7. The names and available contact information of all persons that may be called as witnesses;
 8. That the accused student is under no obligation to admit or deny the charges or to make any other statement;
 9. That any statement the accused student makes may be used against him or her; and
 10. That the accused student may admit to the conduct at issue and waive the right to a hearing on the merits at any time, in which case the Hearing Committee will hear evidence relating to sanctions.
 - b. The Honor Board Advisor shall work with the accused student or his/her representative to establish a mutually convenient date for the hearing. Once established, the Honor Board advisor will provide the accused student or his/her representative with a list of hearing committee members.
4. Insufficient evidence - No Prima Facie Case. If a majority of the Panel finds that the investigator has presented insufficient evidence to support a prima facie case for an Honor Code violation, the Panel shall prepare and deliver a letter to the Dean outlining the allegation, the investigation, the evidence considered and the Panel's findings, and the matter shall be dismissed. The Dean shall send, via official university communications, a letter to the accused student enclosing the Panel's letter and a notice of dismissal. The matter shall not be reported to the Board of Bar Examiners.

Commented [RB1]: Permits scheduling to be done in coordination with student.

5. If thirty (30) business days pass, without an extension for good cause, from the selection of an investigator without a finding by the Panel or admission by the student to the conduct alleged, the complaint shall be dismissed. Notice of the dismissal shall be sent to the accused student, and shall not be reported to the Board of Bar Examiners.
6. Should exonerating or mitigating evidence or information appear at any point after the Panel has found reasonable grounds of a violation but before the hearing has occurred, such evidence shall be provided to the accused student and introduced at the Hearing by the Presenter of Facts.

D. Hearing

1. Composition of the Hearing Committee. The Hearing Committee shall be composed of four Honor Board student members and two faculty members selected from members of the faculty who are tenured. A Faculty member may be excused from a Hearing Committee by the Honor Board Advisor for hardship or cause. Any Hearing Committee member who may be called as a witness or who has a professional or personal relationship that would create, or has the appearance of creating, an unfair bias shall be recused by the Honor Board Advisor. In cases of related actions, the Honor Board Advisor in consultation with the Dean shall have the discretion to decide whether to consolidate the hearings of several students or of several complaints or to consider them separately. The Hearing Committee shall immediately select a Chair from among the student members.
2. Rights of Accused Students.
 - a. An accused student may represent him/herself or use outside counsel. Current members of the full-time or part-time faculty may not represent students before the Hearing Committee or on an appeal of an Honor Board proceeding.
 - b. The Dean annually shall appoint a full-time, tenured faculty member to serve as accused student's Process Aide. The Process Aide will make himself or herself available to the accused student in order to provide information about proceedings under the Honor Code, including information about the alternatives that are available to the student at each step. The accused student's Process Aide shall not advise the student or represent any student in proceedings related to the Honor Code.
 - c. An accused student need not testify, but an adverse inference may be drawn from a student's refusal to answer questions if, under the circumstances, it would be reasonable to draw that inference.

- d. The accused student may request the recusal of any Hearing Committee member on the grounds of potential bias. Such requests are to be addressed to the Dean who shall have final, non-reviewable authority to determine whether to grant the request. If the request is granted, a new Hearing Committee member will be selected pursuant to the procedures of §V.(D)(1), above.
 - e. An accused student may admit to the alleged conduct by informing the Advisor or the Hearing Committee Chair. The Hearing Committee Chair shall draft a statement of agreed facts and submit it to the accused student for review. Upon agreement, the statement shall be submitted to the Hearing Committee for consideration during sanctions deliberation. If the accused student admits to the alleged conduct, it shall be considered a violation of the Honor Code and the Hearing Committee shall hear evidence relating to and deliberate only about appropriate sanctions, including the factors outlined in Section V.(E)(2).
3. Procedures for the Hearing.
- a. The Hearing shall be a bifurcated hearing in which the matter of sanctions shall be addressed only after the Committee has determined - either based on the evidence presented or upon the admission of the accused student to the conduct alleged - that a violation occurred.
 - b. The Hearing shall be informal, confidential and shall be closed to all except official participants. For all proceedings relating to a complaint, the accused student may be accompanied by counsel. If the Hearing Committee Chair and accused student agree, others may be permitted to attend the Hearing.
 - c. An audio recording shall be made of the Hearing.
 - d. All of the materials reviewed by the Preliminary Review Panel, the Panel's letter to the Dean and new evidence, if any, shall be made available to Hearing Committee members at least one business day prior to the Hearing.
 - e. The accused student and all witnesses will be requested to be present during the hearing, although witnesses shall not be in the hearing room except during their own testimony.
 - f. The Hearing Committee Chair shall call the Hearing to order, summarize the facts of the complaint and then call witnesses.
 - g. The Hearing Committee Chair shall ask the accused student (or representative) to present any witnesses, evidence, and statements in the student's favor.
 - h. The Hearing Committee shall have the right to participate in the questioning of any witness, including the accused student.

4. Deliberations. After all evidence and testimony relating to the alleged conduct has been presented, the Committee shall meet privately to deliberate and make findings. The standard for establishing a violation shall be clear and convincing evidence that a violation has been committed. The Hearing Committee may only find an Honor Code violation if at least 5 members so vote. The Committee shall vote by secret ballot, counted by the Hearing Committee Chair.
 - a. No violation. If the Hearing Committee finds that the accused student did not violate the Honor Code, it shall announce its finding to the accused student right away, dismiss the complaint and prepare its decision, which shall include findings of facts. The Hearing Committee's decision shall be provided to the accused student within seven (7) calendar days of the hearing. The matter shall be reported to the Bar Examiners as "Dismissed after a Hearing."
 - b. Violation. If the Hearing Committee finds that the accused student violated the Honor Code, or if the student has admitted to the alleged conduct as described in the agreed upon statement of facts, the Hearing Committee shall meet privately and vote on an appropriate sanction(s) pursuant to Section V.E. of this Code. The Hearing Committee shall then prepare its decision, outlining the basis for the finding of the violation and the sanctions. The Hearing Committee's decision shall be provided to the accused student within seven (7) business days of the hearing. The matter shall be reported to the Bar Examiners as "Violation."

E. Sanctions

1. Upon a finding of an Honor Code violation or upon an admission by the accused student to the alleged conduct (as set forth in an Agreed Statement of Facts), the Hearing Committee shall, by a secret ballot vote of at least four (4) members, select one or more of the following sanctions
 - a. Written reprimand, to be made part of the student's official record
 - b. Loss of credit for the particular academic endeavor involved;
 - c. Loss of credit for the course for which the academic work involved was prepared;
 - d. Suspension for a stated period;
 - e. Expulsion (or revocation of degree if finding of violation follows the awarding of the degree);
 - f. Probation for a stated period (must include terms of probation);

- g. Reduction of course grade, including failure with Honor Board citation (XF);
 - h. Community Service (to be specified); or
 - i. Any other sanction the Hearing Committee deems appropriate.
- 2. If no sanction receives the support of four (4) members of the hearing Committee, the Hearing Committee shall impose sanction 1.(a) - a written reprimand, to be made part of a student's official record.
- 3. In addition to the evidence presented to the Hearing Committee, the Hearing Committee may consider any or all of the following factors when imposing sanctions:
 - a. Whether the student cooperated with the Honor Board's investigation;
 - b. The nature of the violation;
 - c. The degree of premeditation; and/or
 - d. Whether the student admitted to the alleged conduct.

F. Appeals

- 1. An accused student may appeal either a finding of violation or the imposition of a particular penalty.
- 2. Requests for appeals must be made in writing to the University's Dean of Students within ten calendar days of the mailing of the Hearing Committee's decision to the accused student. Requests for appeals will then be promptly transmitted to either the Provost or the Provost's designee, who will be responsible for deciding the appeal.
- 3. The accused student, the Chair of the Hearing Committee and the Dean shall have the opportunity to submit materials for consideration on appeal.
- 4. The violation or penalty may be reviewed based on whether:
 - a. Findings of a violation are unsupported by substantial evidence in the view of the entire record;
 - b. There was substantial departure from the required procedures which materially affected the fairness or reliability of the decision-making process;
 - c. There is previously unavailable evidence which, if proven accurate, would substantially alter the finding of violation or the appropriateness of the penalty; or
 - d. The sanction imposed is disproportionate to the gravity of the conduct.

5. The accused student, Dean and Chair of the Hearing Committee shall be notified in writing of the result of the appeal.

G. Confidentiality

1. Honor Board members (students and faculty) as well as the complainant(s) student or faculty member shall not engage in any discussion that is not called for by their functions either of a pending case or after a case which does not result in a finding of a violation.
2. The Advisor or Hearing Committee Chair or Honor Board Chair may answer a complainant's reasonable request for information about the procedural status of a case.
3. The Advisor shall publicize to the Law School Community findings of violation of the Honor Code. The Advisor shall determine, in the interest of justice, whether the name of the student shall be included in the notice.

H. Discovery of New Evidence

1. Within twelve months after the imposition of a sanction, the accused student may petition the Dean for reconsideration based on new evidence that could not with reasonable diligence have been discovered prior to the initial evidentiary hearing. The Dean, upon concluding both that the new evidence is relevant and that there were reasonable grounds for the evidence not being brought forth earlier, shall convene a new Hearing Committee to consider the new evidence.
2. The new Hearing Committee shall contain as many members of the original Committee as possible.

VI. Reports to Bar Examiners

A. Records retention.

School of Law Office of Academic Affairs retains records of all charges of academic misconduct issued in accordance with this Honor Code, including decisions from all hearings, as well as the disposition of all such charges.

B. Bar Applications.

The Office of Academic Affairs shall report Honor Code violations and/or dismissal to the Bar Examiners as indicated in this Code. Students are responsible for reporting Honor Code violations and/or dismissals on their applications for the Bar Examination.

VII. Members of the Student Honor Board

A. Selection of Honor Board members

Honor Board membership is open to all University of Baltimore law students whose grade point averages are 2.750 or higher. Members of the Honor Board shall be selected by an application and interview process. The selection committee shall include the current Honor Board Chairperson and the Honor Board Advisor.

B. Composition of the Honor Board

The Honor Board shall be composed of a maximum of 15 students, including the Chairperson. Term of service for new members begins the semester after the applicant is selected to serve on the Honor Board and continues until graduation unless the Honor Board member resigns or is removed. An Honor Board member shall be removed by the Chair or Honor Board Advisor for good cause.

C. Honor Board Chairperson.

The Honor Board Chairperson shall be selected by majority vote of the current Honor Board members, the Honor Board Advisor and the Associate Dean for Academic Affairs. The Honor Board Chairperson shall not serve on the Student Bar Association Board. The Honor Board Chairperson shall:

1. Schedule and preside over monthly Honor Board meetings;
2. Facilitate Honor Code procedures in conjunction with the Honor Board Advisor;
3. Keep and disseminate meeting minutes to members;
4. Report Honor Board general business to the student body and faculty as necessary;
5. Any other responsibilities conferred by the Honor Board.

VIII. Miscellaneous Provisions

- A. This Honor Code shall be publicized to the student body as often as is necessary to ensure student awareness of its provisions.
- B. If any provision of this Code is determined to be invalid, all remaining provisions shall continue in effect.
- C. This Code shall become effective on the first day of the semester following its publication for student review and comment, adoption by the Faculty Council, and its approval for legal sufficiency by the Office of the Attorney General.

This copy of the Honor Code shows the proposed revisions for Spring 2018 in the track-changes feature

REDLINED TEXT

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proposed revisions
Spring 2018

University of
Baltimore
School of Law

School of Law Honor Code

Adopted by the Faculty Council 10/2/13; Approved by Dean 10/2/13; Approved by AG's Office 9/23/13; Approved by Provost 11/21/13; Approved by President 12/1/13; effective date January 2014

Table of Contents

- I. Purpose ~~22~~
- II. Notice of Honor Code Provisions ~~22~~
- III. Definitions ~~22~~
- IV. Prohibited Conduct ~~22~~
 - A. Plagiarism ~~32~~
 - B. Cheating ~~33~~
 - C. Misuse of Materials. ~~33~~
 - D. Communications regarding examinations. ~~44~~
 - E. Misrepresentation. ~~44~~
 - F. Impeding the Honor Code Process. ~~54~~
- V. Proceedings ~~55~~
 - A. Complaint ~~55~~
 - B. Investigation ~~76~~
 - C. Preliminary Review Panel ~~77~~
 - D. Hearing ~~99~~
 - E. Sanctions ~~1241~~
 - F. Appeals ~~1342~~
 - G. Confidentiality ~~1343~~
 - H. Discovery of New Evidence ~~1443~~
- VI. Reports to Bar Examiners ~~1444~~
 - A. Records retention. ~~1444~~
 - B. Bar Applications. ~~1444~~
- VII. Members of the Student Honor Board ~~1444~~
 - A. Selection of Honor Board members ~~1444~~
 - B. Composition of the Honor Board ~~1544~~
- VIII. Miscellaneous Provisions ~~1545~~

I. Purpose

The University of Baltimore School of Law prides itself on maintaining high standards of academic and professional responsibility. The Honor Code presumes that all students will embody the principles of honesty and personal responsibility during their legal education. The Honor Code sets out specific guidelines that will govern student conduct with regard to academic integrity. The Honor Code creates and defines the administrative structure in which matters of academic dishonesty are addressed by the law school community, and it establishes an Honor Board that is charged with implementing the procedures.

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III. Definitions

- A. "The Dean" shall mean the Dean of the Law School or the Dean's designee, who may be the Honor Board Advisor.
- B. "Examination" shall include any graded test or assignment, or any work required or performed for academic credit.
- C. "Investigator" shall mean a person(s) who is charged with being a neutral finder of facts of alleged violations.
- ~~C.D.~~ "Business day" shall mean any weekday on which the School of Law is open for classes, and shall not include holidays, breaks or days closed for inclement weather.
- ~~D.~~ "Presenter of Facts" shall mean the person responsible for presenting the case to the Hearing Committee on behalf of the Honor Board.

IV. Prohibited Conduct

An honor code violation demonstrates a lapse in professional judgment and may have a serious adverse effect on a student's professional career. In this context, except as otherwise specified below, to be guilty of an honor code violation, a student must have engaged in the prohibited conduct with purpose, knowledge, recklessness or negligence as these terms are defined in the Model Penal Code. Accused students are presumed to have acted without violating the Honor Code unless proven otherwise, or unless the contrary presumption is clearly stated in the code.

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It shall be a violation of the Honor Code to engage in any of the following academic misconduct:

- A. **Plagiarism.** Plagiarism is misrepresenting the work of another person as one's own. Examples include—but are not limited to—submission of papers purchased or downloaded on the internet or supplied by others; paraphrasing or quoting material written by another, published or unpublished, without properly documenting the source; misrepresenting another's analysis, synthesis, organization, or compilation of sources as one's own, whether the source is a fellow student or any other author; or using any Internet sources as one's own without full citation and appropriate use of quotation marks. Plagiarism is a breach of academic honesty and does damage to the student's own education, to the legitimate interests of other students who observe the norms of academic professionalism and to the process of education and scholarship generally. The harms caused by plagiarism are the same whether the conduct is knowing or simply negligent. For this reason, even negligent or inadvertent plagiarism is a violation of this code. Law students are adults, and aspire to membership in a profession that demands integrity and high standards of professional care. They are responsible for ensuring that their academic conduct steers well clear of the line between original work and plagiarism.
- B. **Cheating.** Cheating includes the ~~actual-giving or-receiving,~~ having or possession of any unauthorized assistance or unfair advantage on any form of academic work. Examples may include, but are not limited to, talking with other students during the administration of an exam, the use of crib sheets or any other materials not expressly authorized by the professor during exams, unauthorized possession of exam materials prior to or after the administration of the exam, and copying from other students' exams, use of unauthorized resources on a research or other writing assignment or in a competition for academic credit when prohibited by the competition's rule, and violating rules provided by a professor or proctor on an examination or assignment.
1. There shall be a presumption, rebuttable by clear and convincing evidence, that any student who is in actual possession of ~~accesses~~ potential-prohibited resource materials during an examination, including, but not limited to, crib sheets, outlines, cellular phone, "smart phone", tablet, mobile device, or any other technological device not specifically authorized by a professor for use during an examination has cheated.
- ~~1-2.~~ There shall be a presumption, rebuttable by clear and convincing evidence, that any student who violates rules provided by a professor or proctor on an examination or assignment has cheated.
- C. **Misuse of Materials.**
1. Misuse of any law school library, writing center, or law career development office materials. Misuse includes marking, damaging, hiding, or destroying materials; removing materials without authorization

~~or depriving other students of materials meant to be for the use of all students. ; or depriving other students of materials meant to be for the use of all students, such as a failure to reshelve or replace books, multimedia recordings, or other class or resource material.~~

2. Use of another student's or professor's books, class notes, or other study materials without that person's consent.
3. Depriving another student, temporarily or permanently, of that student's books, class notes, or other study materials.
4. Intentionally giving another student false or inaccurate information about class assignments, study materials, notes, or other class requirements.

D. Communications regarding examinations.

1. Knowingly discussing an examination that has been taken with another student who has yet to take the examination or with any person in any place where a reasonable person should realize that the conversation could be heard by another student who has not yet taken the examination. Any student who learns, intentionally or accidentally, of any question or answer to an exam not yet taken must report this information immediately to the professor, administrator or staff member responsible for supervising the examination or to the Dean's Office.
2. Knowingly discussing an examination that has not been taken (but is scheduled to be taken) with another student who has already taken the examination.

E. Misrepresentation. Misrepresentation includes but is not limited to:

1. Misrepresenting one's own or another's class attendance or falsifying attendance records;
2. Misrepresentation of one's own credentials, academic ~~history record~~, class standing or extracurricular experience ~~on any application for any academic position or honor or document submitted for internship, recommendation, employment or reimbursement,~~ including, but not limited to on a resume, transcript, a job application, or a cover letter.
3. ~~Material Mis~~misrepresentation to any member of the Law School faculty, staff or administration or to any supervising attorney in the case of clinics or internships of any matter pertinent to satisfaction of employment or

course requirements, including, but not limited to, the number of hours worked.

- F. **Impeding the Honor Code Process.** A student who engages in the following misconduct shall be considered to be impeding the Honor Code Process:

- ~~1.~~ ~~Failing to make a prompt report of a potential violation of this Code as required by Section V.(A).~~
- ~~2~~1. Failing to reveal fully any knowledge or evidence concerning an alleged violation on proper request of an Investigator, the Hearing Committee, or any accused student or his or her representative.
- ~~3~~2. Knowingly misstating or misrepresenting a material fact in testimony or a written statement given during an investigation or a hearing of an alleged violation of this Code.
- ~~4~~3. Knowingly filing a false complaint of a violation of this Code.
- ~~5~~4. Knowingly failing or refusing to comply with any order of an Investigator or the Hearing Committee.

V. Proceedings

Every stage of the proceedings shall be conducted without unnecessary delay. All parties shall act as expeditiously as possible, consistent with the purposes of the Honor Code. Persons who become aware of possible violations of the Honor Code shall report such violations ~~immediately~~promptly.

A. Complaint

1. Complaints may be made by students, faculty, administrators, staff members or the Dean and shall be reported in writing to the Honor Board Chairperson (hereinafter the Chairperson), or to the Honor Board Advisor (hereinafter the Advisor).
2. The complaint shall describe the incident, shall state the date(s), time(s), place(s), person(s) involved (by name, if known, otherwise by description) and potential witnesses, and shall be signed and dated by the complainant.
3. Upon agreement, the Chairperson and the Advisor, in their discretion, may dismiss immediately a complaint that does not allege academic misconduct or fall within the purview of the Honor Code. They shall send

notice of the dismissal to the accused student. The dismissal shall not be reported to the Board of Bar Examiners.

4. For complaints made during the fall or spring semesters, If not dismissed, the Chairperson or Advisor shall send, within ten (10) business days of the filing of a complaint, notice of the complaint to the accused student- For complaints made outside of the fall or spring semesters, if not dismissed, the Chairperson or Advisor shall send notice of the complaint to the accused student within ten (10) business days of the first day of the next semester (fall or spring).
5. Notice of the complaint shall be sent via official University Communication means (University email) and shall include the following:
 - a. A description of the alleged conduct that constituted the charged Honor Code violation;
 - b. Identification of specific Honor Code sections alleged to have been violated;
 - c. Names of the student investigator and members of the Preliminary Review Panel;
 - d. That the accused student is entitled to be represented by counsel or other representative;
 - e. That the accused student is entitled to consult with the designated "Process Aide" for advice about the process and procedure;
 - f. That the accused student is under no obligation to admit or deny the charges or to make any other statement;
 - g. That any statement the accused student makes may be used against him/her;
 - h. That the accused student may concede the alleged action(s) that is the subject of the complaint and waive his/her right to a hearing on the merits and proceed with a hearing on sanctions only.
6. Upon notice of the complaint, the accused student may request the recusal of any investigator or members of the Preliminary Review Panel on the grounds of potential bias.
7. Complaints against graduates:
 - a. Except for § V(A)(7)(b), no complaint may be filed against a student more than six months after that student leaves the University of Baltimore School of Law.
 - b. If a student leaves the University of Baltimore School of Law and either returns or attempts to transfer this law school's credit to

another law school, complaints may be filed until six months after that student graduates from law school.

B. Investigation

1. Within ~~seven (7) business days~~ a reasonable period of time after the ~~of the~~ filing of the complaint, the Chairperson or Advisor shall select one member of the Honor Board to serve as Investigator for the matter ~~and present a report to the Preliminary Review Panel~~, and shall select three (3) student members of the Honor Board to serve as the Preliminary Review Panel.
2. Any Honor Board member who could potentially be called as a witness in the matter, or who has a professional or personal relationship with the accused that would create, or give the appearance of creating, an unfair bias, must be recused from all proceedings relating to the matter.
3. The Investigator shall complete the investigation within ~~fourteen~~ twenty (20)(14) business days of his/her appointment, unless an extension for good cause is granted by the Chairperson. The accused student shall be notified of any extension of time.
4. The Investigator shall interview all relevant witnesses, the accused student, and any witnesses then proffered by the accused and shall prepare an investigation report. The investigation report shall consist of a written, ~~signed and dated~~ statement ~~from approved by~~ each witness, and any other relevant information collected by the investigator.
5. During the investigation, the accused student shall not have the right to be informed of the name of the complainant, but shall be informed of the name of the complainant if the Preliminary Review Panel finds sufficient evidence to set the matter for a hearing. All witnesses contacted by the Investigator shall be informed of the confidentiality requirement imposed by Section V.(G) .
6. The Investigator shall strive to be a neutral fact finder ~~and presenter of facts to with respect to the~~ Preliminary Review Panel. The investigator does not participate in the panel's deliberations

C. Preliminary Review Panel

1. Upon completion of the investigation, the Preliminary Review Panel (hereafter the Panel) shall meet to determine whether the Investigator has offered sufficient evidence to support a prima facie case that an

Honor Code violation has occurred. The Investigator shall present to the Panel the following materials for its consideration:

- a. The complaint;
 - b. The investigation report, ~~including signed and dated witness statements;~~ and
 - c. A written statement submitted by the accused student, if the student chooses to submit a statement.
2. The Advisor shall attend the Panel proceedings for purposes of clarifying procedural matters, but shall not vote in the Panel's deliberations.

~~3. 3.~~ Sufficient evidence - Prima Facie Case. If a majority of the Panel finds that the investigator has presented sufficient evidence to support a prima face case that a violation has occurred, the Panel will prepare and deliver a letter to the Dean outlining the allegation, the investigation, the evidence considered and the Panel's findings. The matter shall proceed to a Hearing.

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a. The Dean shall send, via university email, a letter to the accused student enclosing the Panel's letter, ~~and shall set a date for a hearing.~~ The letter shall include:

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- 1. a. _____ Name of the complainant;
- b. _____ ~~Names of the six Hearing Committee members;~~
- 2. c. _____ ~~Date, time, and place of the hearing;~~
- 3. d. A description of the alleged conduct that constituted the charged Honor Code violation;
- 4. e. Identification of the specific Honor Code sections alleged to have been violated;
- 5. f. That the accused student is entitled to be represented by counsel or other representative;
- 6. g. _____ That the accused student is entitled to consult with the designated "Process Aide" for advice about the process and procedure;
- 7. h. _____ That copies of all documentary evidence susceptible to photocopying are available and that the accused student and counsel shall have a reasonable time to examine any evidence not susceptible to photocopying;

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ii. i. The names and available contact information of all persons that may be called as witnesses;

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- 1. j. _____ That the accused student is under no obligation to admit or deny the charges or to make any other statement;
- 2. k. _____ That any statement the accused student makes may be used against him or her; and
- 3. l. _____ That the accused student may admit to the conduct at issue and waive the right to a hearing on the merits at any time,

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in which case the Hearing Committee will hear evidence relating to sanctions.

b. The Honor Board Advisor shall work with the accused student or his/her representative to establish a mutually convenient date for the hearing. Once established, the Honor Board advisor will provide the accused student or his/her representative with a list of hearing committee members.

Commented [RB1]: Permits scheduling to be done in coordination with student.

4. Insufficient evidence - No Prima Facie Case. If a majority of the Panel finds that the investigator has presented insufficient evidence to support a prima facie case for an Honor Code violation, the Panel shall prepare and deliver a letter to the Dean outlining the allegation, the investigation, the evidence considered and the Panel's findings, and the matter shall be dismissed. The Dean shall send, via official university communications, a letter to the accused student enclosing the Panel's letter and a notice of dismissal. The matter shall not be reported to the Board of Bar Examiners.
5. If thirty (30) business days pass, without an extension for good cause, from the selection of an investigator without a finding by the Panel or admission by the student to the conduct alleged, the complaint shall be dismissed. Notice of the dismissal shall be sent to the accused student, and shall not be reported to the Board of Bar Examiners.
6. Should exonerating or mitigating evidence or information appear at any point after the Panel has found reasonable grounds of a violation but before the hearing has occurred, such evidence shall be provided to the accused student and introduced at the Hearing by the Presenter of Facts.

D. Hearing

1. Composition of the Hearing Committee. The Hearing Committee shall be composed of four Honor Board student members and two faculty members selected from members of the faculty who are tenured. A Faculty member may be excused from a Hearing Committee by the Honor Board Advisor~~Dean~~ for hardship or cause. Any Hearing Committee member who may be called as a witness or who has a professional or personal relationship that would create, or has the appearance of creating, an unfair bias shall be recused by the ~~Dean~~Honor Board Advisor. In cases of related actions, the ~~Dean~~Honor Board Advisor in consultation with the Dean shall have the discretion to decide whether to consolidate the hearings of several students or of several complaints or to consider them separately. The Hearing Committee shall immediately select a Chair from among the student members.

2. Rights of Accused Students.
 - a. An accused student may represent him/herself or use outside counsel. Current members of the full-time or part-time faculty may not represent students before the Hearing Committee or on an appeal of an Honor Board proceeding.
 - b. The Dean annually shall appoint a full-time, tenured faculty member to serve as accused student's Process Aide. The Process Aide will make himself or herself available to the accused student in order to provide information about proceedings under the Honor Code, including information about the alternatives that are available to the student at each step. The accused student's Process Aide shall not advise the student or represent any student in proceedings related to the Honor Code.
 - c. An accused student need not testify, but an adverse inference may be drawn from a student's refusal to answer questions if, under the circumstances, it would be reasonable to draw that inference.
 - d. The accused student may request the recusal of any Hearing Committee member on the grounds of potential bias. Such requests are to be addressed to the Dean who shall have final, non-reviewable authority to determine whether to grant the request. If the request is granted, a new Hearing Committee member will be selected pursuant to the procedures of §V.(D)(1), above.
 - e. An accused student may admit to the alleged conduct by informing the Advisor or the Hearing Committee Chair. The Hearing Committee Chair shall draft a statement of agreed facts and submit it to the accused student for review. Upon agreement, the statement shall be submitted to the Hearing Committee for consideration during sanctions deliberation. If the accused student admits to the alleged conduct, it shall be considered a violation of the Honor Code and the Hearing Committee shall hear evidence relating to and deliberate only about appropriate sanctions, including the factors outlined in Section V.(E)(2).
3. Procedures for the Hearing.
 - a. The Hearing shall be a bifurcated hearing in which the matter of sanctions shall be addressed only after the Committee has determined - either based on the evidence presented or upon the admission of the accused student to the conduct alleged - that a violation occurred.
 - b. The Hearing shall be informal, confidential and shall be closed to all except official participants. For all proceedings relating to a complaint, the accused student may be accompanied by counsel.

- If the Hearing Committee Chair and accused student agree, others may be permitted to attend the Hearing.
- c. An audio recording shall be made of the Hearing.
 - d. All of the materials reviewed by the Preliminary Review Panel, the Panel's letter to the Dean and new evidence, if any, shall be made available to Hearing Committee members at least one business day prior to the Hearing.
 - e. The accused student and all witnesses will be requested to be present during the hearing, although witnesses shall not be in the hearing room except during their own testimony.
 - f. The Hearing Committee Chair shall call the Hearing to order, ~~summarize the facts of the complaint and then call witnesses, and ask the Presenter of Facts, selected by the Preliminary Review Panel from among its members, to present all information relevant to the allegations in the complaint to the Hearing Committee, including: the written investigation report, Panel findings, any other evidence and call witnesses.~~
 - g. The Hearing Committee Chair shall ask the accused student (or ~~his~~ counsel representative) to present any witnesses, evidence, and statements in the student's favor.
 - h. The Hearing Committee shall have the right to participate in the questioning of any witness, including the accused student.
4. Deliberations. After all evidence and testimony relating to the alleged conduct has been presented, the Committee shall meet privately to deliberate and make findings. The standard for establishing a violation shall be clear and convincing evidence that a violation has been committed. The Hearing Committee may only find an Honor Code violation if at least 5 members so vote. The Committee shall vote by secret ballot, counted by the Hearing Committee Chair.
- a. No violation. If the Hearing Committee finds that the accused student did not violate the Honor Code, it shall announce its finding to the accused student right away, dismiss the complaint and prepare its decision, which shall include findings of facts. The Hearing Committee's decision shall be provided to the accused student within seven (7) ~~calendar~~ business days of the hearing. The matter shall be reported to the Bar Examiners as "Dismissed after a Hearing."
 - b. Violation. If the Hearing Committee finds that the accused student violated the Honor Code, or if the student has admitted to the alleged conduct as described in the agreed upon statement of facts, the Hearing Committee shall meet privately and vote on an appropriate sanction(s) pursuant to Section V.E. of this Code. The Hearing Committee shall then prepare its decision, outlining the

basis for the finding of the violation and the sanctions. The Hearing Committee's decision shall be provided to the accused student within seven (7) calendar days of the hearing. The matter shall be reported to the Bar Examiners as "Violation."

E. Sanctions

1. Upon a finding of an Honor Code violation or upon an admission by the accused student to the alleged conduct (as set forth in an Agreed Statement of Facts), the Hearing Committee shall, by a secret ballot vote of at least four (4) members, select one or more of the following sanctions
 - a. Written reprimand, to be made part of the student's official record;
 - b. Loss of credit for the particular academic endeavor involved;
 - c. Loss of credit for the course for which the academic work involved was prepared;
 - d. Suspension for a stated period;
 - e. Expulsion (or revocation of degree if finding of violation follows the awarding of the degree);
 - f. Probation for a stated period (must include terms of probation);
 - g. Reduction of course grade, including failure with Honor Board citation (XF);
 - ~~h.~~ Monetary restitution;
 - ~~i.~~ Prohibition from use of the services of the Law Career Development Office permanently or for a specified period of time;
~~or~~
 - ~~j.~~ Community Service (to be specified); or
 - i. Any other sanction the Hearing Committee deems appropriate.
2. If no sanction receives the support of four (4) members of the hearing Committee, the Hearing Committee shall impose sanction 1.(a) - a written reprimand, to be made part of a student's official record.
3. In addition to the evidence presented to the Hearing Committee, the Hearing Committee may consider any or all of the following factors when imposing sanctions:
 - a. Whether the student cooperated with the Honor Board's investigation;
 - b. The nature of the violation;
 - c. The degree of premeditation; and/or
 - d. Whether the student admitted to the alleged conduct.

F. Appeals

1. An accused student may appeal either a finding of violation or the imposition of a particular penalty.
2. Requests for appeals must be made in writing to the University's Dean of Students within ten calendar days of the mailing of the Hearing Committee's decision to the accused student. Requests for appeals will then be promptly transmitted to either the Provost or the Provost's designee, who will be responsible for deciding the appeal.
3. The accused student, ~~the Presenter of Facts~~, the Chair of the Hearing Committee and the Dean shall have the opportunity to submit materials for consideration on appeal.
4. The violation or penalty may be reviewed based on whether:
 - a. Findings of a violation are unsupported by substantial evidence in the view of the entire record;
 - b. There was substantial departure from the required procedures which materially affected the fairness or reliability of the decision-making process;
 - c. There is previously unavailable evidence which, if proven accurate, would substantially alter the finding of violation or the appropriateness of the penalty; or
 - d. The sanction imposed is disproportionate to the gravity of the conduct.
5. The accused student, Dean and Chair of the Hearing Committee shall be notified in writing of the result of the appeal.

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G. Confidentiality

1. -Honor Board members (students and faculty) as well as the complainant(s) student or faculty member shall not engage in any discussion that is not called for by their functions either of a pending case or after a case which does not result in a finding of a violation.
2. The Advisor or Hearing Committee Chair or Honor Board Chair may answer a complainant's reasonable request for information about the procedural status of a case.
3. The Advisor shall publicize to the Law School Community findings of violation of the Honor Code. The Advisor shall determine, in the interest

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of justice, whether the name of the student shall be included in the notice.

H. Discovery of New Evidence

1. Within twelve months after the imposition of a sanction, the accused student may petition the Dean for reconsideration based on new evidence that could not with reasonable diligence have been discovered prior to the initial evidentiary hearing. The Dean, upon concluding both that the new evidence is relevant and that there were reasonable grounds for the evidence not being brought forth earlier, shall convene a new Hearing Committee to consider the new evidence.
2. The new Hearing Committee shall contain as many members of the original Committee as possible.

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VI. Reports to Bar Examiners

A. Records retention.

School of Law Office of Academic Affairs retains records of all charges of academic misconduct issued in accordance with this Honor Code, including decisions from all hearings, as well as the disposition of all such charges.

B. Bar Applications.

The Office of Academic Affairs shall report Honor Code violations and/or dismissal to the Bar Examiners as indicated in this Code. Students are responsible for reporting Honor Code violations and/or dismissals on their applications for the Bar Examination.

VII. Members of the Student Honor Board

A. Selection of Honor Board members

Honor Board membership is open to all University of Baltimore law students whose grade point averages are 2.750 or higher. Members of the Honor Board shall be selected by an application and interview process. The selection committee shall include the current Honor Board Chairperson and the Honor Board Advisor.

B. Composition of the Honor Board

The Honor Board shall be composed of a maximum of 15 students, including the Chairperson. Term of service for new members begins ~~the semester after when~~ the applicant is selected to serve on the Honor Board and continues until graduation unless the Honor Board member resigns or is removed. An Honor Board member shall be removed by the Chair or Honor Board Advisor for good cause.

C. Honor Board Chairperson.

The Honor Board Chairperson shall be selected by majority vote of the current Honor Board members, the Honor Board Advisor and the Associate Dean ~~for~~ Academic Affairs. The Honor Board Chairperson shall not serve on the Student Bar Association Board. The Honor Board Chairperson shall:

1. Schedule and preside over monthly Honor Board meetings;
2. Facilitate Honor Code procedures in conjunction with the Honor Board Advisor;
3. Keep and disseminate meeting minutes to members;
4. Report Honor Board general business to the student body and faculty as necessary;
5. -Any other responsibilities conferred by the Honor Board.

VIII. Miscellaneous Provisions

- A. This Honor Code shall be publicized to the student body as often as is necessary to ensure student awareness of its provisions.
- B. If any provision of this Code is determined to be invalid, all remaining provisions shall continue in effect.
- C. This Code shall become effective on the first day of the semester following its publication for student review and comment, adoption by the Faculty Council, and its approval for legal sufficiency by the Office of the Attorney General.