

PREAMBLE

As a community devoted to the study and improvement of the law, we are committed to acting ethically and with integrity. That commitment requires an atmosphere of mutual confidence and trust, reliance on the truth and the personal integrity of each member of the community, and honest and fair dealing in academic enterprises. We recognize that honor and integrity are personal qualities that cannot be legislated. We believe, however, that we have a responsibility to ourselves and to our profession to report any conduct that violates this Code.

It is incumbent upon all students to conduct themselves in a professional and ethical manner while preparing for their professional career. Therefore, in all actions brought before the Academic Conduct Board, it is presumed that the student was fully aware of the Code and its contents. Before engaging in an activity of questionable propriety, the student is expected to seek clarification from a faculty member, supervisor, or administrator. The student who fails to use sound judgment does so at his or her peril.

1.00 STATEMENT OF PURPOSE AND JURISDICTION

- a. The purpose of this Code is to define instances of misconduct and to establish exclusive, uniform, and fair procedures for determining whether violations have occurred and for imposing disciplinary sanctions for misconduct.
- b. This Code applies to Law School students in University courses and University-sponsored academic activities. Other conduct by law students is governed by the Seattle University Code of Student Conduct and other University codes.
- c. This Code does not prohibit students from studying together or engaging in other collaborative activities unless a faculty member, supervisor, or administrator has specifically prohibited such activities.
- d. This Code does not limit or otherwise affect the rights and duties of faculty in the grading process. (See the Academic Standards Code.)
- e. This Code does not limit or otherwise affect the rights of student organizations to discipline conduct that may violate this Code.

2.00 PROHIBITED CONDUCT

Sections 2.00 – 2.40 set out the activities prohibited by this Code and subject to sanction. Activity other than that set out in the following sections will not be subject to sanction under this Code.

2.10 Examinations:

It is a violation of this Code knowingly

- a. to give, seek, or receive information, answers, or solutions to examination questions;
- b. having taken an examination, to divulge questions or answers or to comment upon the substantive nature of the examination under circumstances in which it is reasonable to believe that a person learning of the statements could use the information to improve his or her performance on the same exam;
- c. to use resources not authorized by the faculty member;
- d. without the faculty member's permission, either to discuss a take home exam with another person or to work with another person on a take home exam;
- e. to violate any other rules established to ensure the integrity of the examination; or
- f. except when authorized by a faculty member, to enter a faculty office, secretarial area, or other area with the intent to obtain a copy of an examination.

2.20 Other Course Requirements, Competitions, and Law School Activities:

It is a violation of this Code

- a. to submit the work of another as one's own. A student who puts his or her name or examination number on any work submitted for a course, competition, or other law school activity certifies that the work is his or her own. That certification means that sources have been credited and that no unauthorized aid has been received in connection with the work. A student establishes a defense to this provision by proving, by a preponderance of the evidence, that he or she did not know or have reason to know that the work was not his or her own;
- b. to provide one's own work to another student knowing that the student may submit all or part of that work as his or her own;
- c. to intentionally damage, take, copy without

permission, or hide the work product or other academic materials of another person;

- d. to use unauthorized resources;
- e. to violate rules established for the activity;
- f. to make any material misrepresentation as to work done or hours spent in satisfaction of the requirements for grade or credit in any academic activity or in an activity that is considered in determining membership or standing in a Law School organization; or
- g. to disclose confidential information obtained while participating in the course or activity.

2.30 Library:

It is a violation of this Code knowingly

- a. to mutilate, mark permanently, or otherwise deface, damage, or destroy library materials;
- b. to hide library materials or otherwise secret them from others; or
- c. to violate the rules established by Seattle University's libraries or libraries that cooperate with Seattle University.

2.40 Other Prohibited Conduct:

It is a violation of this Code

- a. to misrepresent law school academic and work experience or achievements with the intent to deceive institutions or potential employers;
- b. for a witness or an accused to fail to appear and testify without justification when properly summoned before the Academic Conduct Board; or
- c. to knowingly present false testimony to the Academic Conduct Board.

3.00 REQUEST FOR INVESTIGATION

3.10 Request for an Investigation

Any student or member of the faculty or administration who has reason to believe that this Code has been violated should file a written and signed request for an investigation with the President of the Academic Conduct Board (President). The request should describe the act or acts that are believed to constitute a violation of the Code and, when possible, it should describe the supporting evidence. When the request is made by a student, the President may, for good cause shown, waive the requirement that the request be signed.

3.20 Process Following Request for Investigation

After receiving a request for an investigation, the President will, within five school days,

- a. open a file on the matter;
- b. appoint an Investigator;
- c. mail or deliver a letter to the named student notifying the student that an investigation has been requested and providing the student with a copy of the request and the name of the Investigator;
- d. appoint four students from the Academic Conduct Board to the Probable Cause Panel and designate one student member as Chair of the Panel; and
- e. notify the faculty member of the Probable Cause Panel.

3.30 Investigation

The Investigator will investigate the request. The Investigator may interview the person requesting the investigation, the student named in the request, and any other persons who the Investigator believes may have relevant information. In addition, the Investigator may collect any other information that he or she determines may be relevant.

3.40 Investigator's Report

Within five school days after being appointed, the Investigator will complete a written report summarizing the interviews and evidence and submit the report to the President. Upon receiving the Investigator's report, the President will mail or deliver to the named student a copy of the Investigator's report, the names of the members of the Probable Cause Panel, and notice of the date and time of the Probable Cause Hearing.

4.00 PROBABLE CAUSE HEARING

Scheduling of Probable Cause Hearing

The President will schedule the Probable Cause Hearing. As a general rule, the Probable Cause Hearing will be held within seven school days after the Investigator's report was mailed or delivered to the named student or after the appointment of a replacement panel member, whichever occurs later.

4.20 Process at Probable Cause Hearing

- a. The named student will not be permitted to attend or speak at the Probable Cause Hearing. If the student has a written statement or materials that he or she wants the Probable Cause Panel to consider, the student must give that statement or materials to the President no later than two hours before the scheduled hearing time. The written statement and all supporting materials will become part of the record in

the case.

- b. The Probable Cause Panel may ask the Investigator to appear before it to answer questions.
- c. As a general rule, the Probable Cause Hearing will be conducted in the following manner:
 1. The Chair will read aloud the request for an investigation.
 2. The Chair will read aloud the Investigator's report.
 3. The Chair will read aloud any written statement and all supporting materials submitted by the named student.
 4. The Probable Cause Panel will discuss the report and statements and materials submitted by the named student. During these discussions, any member of the panel may ask that the Investigator come into the room and answer questions.
 5. The Probable Cause Panel will deliberate. During the deliberations, only members of the Panel may be present.

4.30 Decision by Probable Cause Panel

The Probable Cause Panel may, by a majority vote,

- a. continue the hearing and request that the Investigator produce additional information; or
- b. find that probable cause does not exist that the Code was violated. If the Panel finds that there is no probable cause, the Panel will prepare a report setting out the evidence that it considered and its conclusion that, based on that evidence, there is no probable cause to believe that the Code was violated. The Panel will deliver its report to the President within five school days after the conclusion of the Probable Cause Hearing. Upon receiving the report, the President will mail or deliver copies of the Panel's report to the named student and to the person requesting the investigation; or
- c. find that probable cause does exist that the Code was violated. If the Panel finds that there is probable cause, it will prepare a written charge, charging the named student with a violation of the Code and setting out the facts that support that charge. The Panel will deliver its charge to the President within five school days of the conclusion of the Probable Cause Hearing.

5.0 ADJUDICATION HEARING

5.10 Initiation of Adjudication Hearing and Appointment of Adjudication Panel

Upon receiving the charge, the President will

- a. appoint four students from the Academic Conduct Board to the Adjudication Panel and designate one student member as Chair of the Panel. The student panel members may not have served on the Probable Cause Panel;
- b. notify the faculty member of the Adjudication Panel that a charge has been filed;
- c. mail or deliver to the charged student a copy of the charge and the names of the students and faculty member who will serve on the Adjudication Panel;
- d. mail or deliver a letter to the person requesting the investigation notifying him or her that probable cause was found; and
- e. schedule the Adjudication Hearing. As a general rule the Adjudication Hearing will be held within fifteen school days after a copy of the charge is mailed or delivered to the student.

5.20 Student Admits that He or She Violated the Code

A student who has been charged with a violation may admit that he or she violated the Code. If a charged student admits that he or she violated the Code, he or she must submit to the Adjudication Panel a written statement that (a) sets out the facts that form the basis for the violation, (b) admits the violation, and (c) waives all hearings except for the Sanctions Hearing. The Adjudication Panel may accept or reject the statement. If the Panel accepts the statement, a Sanctions Hearing will be held to determine the appropriate sanction. If the Panel rejects the statement, the Adjudication Hearing will continue. In either situation, the charged student's statement becomes a part of the record.

5.30 Representatives

- a. At the Adjudication and Sanctions Hearings, the Law School will be represented by the Chair of the Probable Cause Panel or a representative appointed by the President (Law School Representative).
- b. At the Adjudication and Sanctions Hearings, the charged student may either represent him- or herself or be represented by an advocate, who may be a licensed attorney.

5.40 Discovery, Summons, and Subpoenas

- a. Each side may request discovery of documents. All requests must be complied with in good faith.
- b. Both the charged student and the Law School Representative may summon witnesses and subpoena documents. Such summons or subpoena must be in writing and be signed. The party issuing the summons or subpoena must serve the document. As a general rule, summons and subpoenas should be served five school days before the applicable Adjudication or Sanctions Hearing.

5.50 Rules Governing the Adjudication Hearing

- a. Adjudication Hearings are closed to the public. Only members of the Adjudication Panel, the charged student, the charged student’s representative, the Law School Representative, and witnesses may attend. Witnesses may be excluded upon a motion by either the charged student or the Law School Representative.
- b. Although formal rules of evidence do not apply, either party may make objections going to the weight and reliability of evidence.
- c. Both the charged student and the Law School Representative have the right to examine and cross-examine witnesses.
- d. Members of the Adjudication Panel may question witnesses.
- e. The charged student may be compelled to testify.
- f. Although the Adjudication Hearing will be recorded, the deliberations will not be recorded.
- g. Unless both the charged student and the Law School Representative waive the requirement, the Adjudication Hearing cannot proceed unless all members of the Adjudication Panel are present. If the parties do not waive the requirement, the Panel Chair will reschedule the Adjudication Hearing.

5.60 Order of Procedure at the Adjudication Hearing

As a general rule, the Adjudication Hearing will be conducted as follows:

- a. The Chair will introduce the Panel members, the charged student, the student’s advocate, and the Law School Representative.
- b. The Chair will read aloud the charge.
- c. The Chair will ask the charged student if he or she has any preliminary motions, for example a motion to dismiss the charge, to limit evidence, or to take

other action. If the charged student has a motion, the Chair will provide each side with the opportunity to speak to the motion. The Chair will then ask the Law School Representative if he or she has any preliminary motions. If the Law School Representative has a motion, the Chair will provide each side with the opportunity to speak to the motion. After both sides have made their motions, the Chair will call a recess, during which the parties and witnesses will be asked to leave the room. During this recess, the Adjudication Panel will discuss and vote on the pretrial motions. The motions will be decided by a majority vote of the Panel. After the Panel has voted on the motions, the Chair will reconvene the Adjudication Hearing and announce the Panel’s decisions on the motions.

- d. The Chair will provide the Law School Representative with five minutes to make an opening statement.
- e. The Chair will provide the charged student or the student’s advocate with five minutes to make an opening statement.
- f. The Chair will provide the Law School Representative with the opportunity to present witnesses and evidence. The Chair may set reasonable time limits and limit the number of witnesses.
- g. The Chair will provide the charged student and his or her advocate with the opportunity to present witnesses and evidence. The Chair may set reasonable time limits and limit the number of witnesses.
- h. The Chair will provide the Law School Representative the opportunity to rebut the evidence presented by the charged student. The Chair may set reasonable time limits.
- i. The Chair will provide the charged student and his or her advocate with the opportunity to rebut the evidence presented by the Law School Representative. The Chair may set reasonable time limits.
- j. The Chair will provide the Law School Representative with five minute to make a closing statement.
- k. The Chair will provide the charged student and his or her advocate with five minutes to make a closing statement.
- l. The Chair will excuse the parties and witnesses so that the Adjudication Panel may begin its deliberations.

5.70 Decision that a Violation Did or Did Not Occur

For the charged student to be found to have violated the Code, four members of the Adjudication Panel must agree that there is clear and cogent evidence supporting a finding that a violation occurred. If four members of the Panel find that a violation

did occur, the Chair will begin the Sanctions Hearing. If four members of the Panel do not find that a violation occurred, the Chair will notify the parties that the Panel has not found that the Code was violated.

6.00 SANCTIONS HEARING:

If the Adjudication Panel finds that the charged student violated the Code, the Chair will convene a Sanctions Hearing, either immediately following the Adjudication Hearing or at a later date. The Adjudication Panel may, by majority vote, decide to hear additional argument or testimony at the Sanctions Hearing.

7.00 IMPOSITION OF SANCTIONS

- a. In deciding the sanction, the Adjudication Panel should consider the sanctions that have been given in like cases and the presence or absence of mitigating factors.
- b. The Panel may, by a vote of the majority, impose one or more of the following sanctions.

Private Reprimand. The student will be advised in writing that he or she has violated the Code. A copy of the reprimand will be placed in the student's record.

Public Reprimand. The student will be advised in writing that he or she has violated the Code. A copy of the reprimand will be posted in a public place in the Law School and a copy will be placed in the student's record.

Education. The student may be required to perform an educational sanction. These may include a formal apology (in writing or in person), a public presentation, or research paper on a designated topic. The student may also be required to receive counseling or attend mandatory workshops.

Disciplinary Probation. The student may be placed on disciplinary probation for a definite period. If the student violates the Code during this period, such a violation will constitute grounds for automatic suspension or expulsion. While on disciplinary probation, the student will not be permitted to represent the Law School in any capacity or hold office in any Law School student organization.

Recommendation to the Provost that the Student be Suspended. The suspension will be for a definite period not to exceed two years, which period may begin during or at the close of a semester. The student may apply for readmission by procedures established by the faculty.

Recommendation to the Provost that the Student be Expelled. This penalty is reserved for a case where a student has engaged in conduct incompatible with his or her later admission to the legal profession.

8.00 ADJUDICATION PANEL'S WRITTEN DECISION

Within five school days after the conclusion of all Hearings, the Panel will deliver a copy of its written decision to the President. Included in the decision will be a summary of the facts; the Panel's determination as to whether a violation has occurred; the Panel's sanction, if any; and the Panel's reasoning in support of its decisions. Within two school days of receiving the Panel's decision, the President will mail or deliver a copy of the decision to the charged student and to the Law School Representative. If not appealed, the Panel's decision is final. When the decision becomes final, the President will post a copy of the decision with names removed unless the sanction included a public reprimand.

9.00 APPEALS

9.10 Who May File an Appeal

Both the charged student and the Law School Representative may file an appeal.

9.20 Decisions that May be Appealed

Either party may appeal the Hearing Panel's decision that a violation did or did not occur and the sanction.

9.30 Time Limits for Filing an Appeal

The Notice of Appeal must be delivered to the Dean of the Law School or his or her representative within seven school days after the Panel's decision was mailed or delivered to the student and to the Law School Representative. The Dean may, in his or her discretion, lengthen the time for appeal.

9.40 Contents of the Notice of Appeal

The Notice of Appeal should identify the party filing the appeal and the decision or decisions that are being appealed. In addition, the party filing the appeal may attach a brief in support of his or her appeal.

Procedure after Notice of Appeal is Filed

- a. Within two school days of receiving the Notice of Appeal, the Dean will mail or deliver a copy of the Notice of Appeal to the other party along with a notice that the other party has seven school days to file a written response. The Dean may within his or her

discretion, lengthen the time for a response.

- b. In deciding the appeal, the Dean will consider the record in the case, the Adjudication Panel's written decision, the brief submitted by the party filing the appeal, and the response filed by the other party. In addition, the Dean may, at his or her option, interview the members of the Adjudication Panel, the charged student, the charged student's advocate, the Law School Representative, and any other individuals who may have information.

9.60 Dean's Decision

Within a reasonable time after receiving the Notice of Appeal, the Dean will decide the appeal and issue a written decision setting out his or her decision and the rationale for that decision. The Dean may take any of the following actions.

- a. Affirm the Adjudication Panel's decision that the student did or did not violate the Code.
- b. Reverse the Panel's decision that the student did or did not violate the Code.
- c. Affirm, increase, reduce, or change the sanction imposed by the Panel.
- d. Remand the case to the Panel for further deliberations, which may include additional evidentiary hearings.

A copy of the Dean's decision will be mailed or delivered to the student, the student's advocate, the Law School Representative, the President, and the members of the Adjudication Panel.

10.0 DEFINITIONS AND PROCEDURES

10.10 School Days

School Days are all days that classes at the law school are officially and regularly held exclusive of weekends, holidays, and make-up classes scheduled on weekends and holidays. This definition is effective throughout this Code unless otherwise stated.

10.20 Multiple Named Students

When a matter involves more than one student, the President may order that the investigation, the Probable Cause Hearing, the Adjudicative Hearing, and the Sanctions Hearing for each student be consolidated. Any of the students or the Law School Representative may request that the President separate the investigations or the hearings. The President's decision is final.

10.30 Summer Proceedings

When any portion of the procedures specified in this Code occur following the last day of school of spring semester and before the first day of school of fall semester

- a. The time limits in this Code do not apply and all time limits will be set by the President.
- b. When Probable Cause or Adjudication Panels are appointed, non-members of the Academic Conduct Board may be appointed by the President if student members are not available; faculty members may be appointed by the Dean of the Law School.

10.40 Disqualification of Investigators and Panel Members – Replacement

- a. Any Academic Conduct Board member who has requested an investigation or is a witness or who believes he or she may be biased in any regard in a matter may not serve as investigator, advocate, or panel member in that matter. If this disqualification rises after an appointment is made, a replacement will be appointed under section 10.40(c).
- b. The charged student may object to the appointment of an investigator, or any member of the Probable Cause or Adjudication Panel on the basis of bias, conflict of interest, knowledge of the case, other good cause. The objection must be in writing and addressed to the President, whose ruling in the matter will be final. Each student may exercise one preemptory challenge to any member of a panel.
- c. The President will appoint any new investigator, advocate, or the new student panel member, and the Dean will appoint any replacement Faculty member.

10.50 Emergency Appointments

If for any reason there are not enough members for a panel, the President may appoint any student to the panel.

10.60 Effect of Untimely Reports, Hearings, and Decisions

The Academic Conduct Board will discharge its functions as expeditiously as possible under all the circumstances. Failure of the Board or its agents to submit the investigator's written report, make the probable cause determination, or announce its finding within the time periods allotted in this document may not be the basis for dismissal of the complaint unless such delay is (a) unreasonable or (b) will unduly prejudice presentation of the accused student's case.

10.70 Records

On April 30 of each year, the President of the Academic Conduct Board will forward to the Dean's office its entire file (except for copies mentioned in 11.00(d)) for all matters that have become final during the previous twelve (12) months.

11.00 ACADEMIC CONDUCT BOARD

11.10 General Provisions

- a. The Academic Conduct Board is the agency of original and exclusive jurisdiction for all cases that arise out of requests for investigation of violations of this Code.
- b. All proceedings will be carried out discreetly and, to the extent possible, the Academic Conduct Board shall protect the identity of a student who is being investigated or who has been charged with a violation.
- c. The Academic Conduct Board will discharge its functions as expeditiously as is possible under the circumstances.
- d. The Academic Conduct Board will maintain a redacted file (with names omitted) of all Panel reports and decisions and the Dean's decisions on appeals.

11.20 Membership

- a. The Academic Conduct Board will have twenty (20) members: seventeen (17) of these members will be students, and three (3) will be faculty members.
- b. The student members will be selected in September of each year by a three-member Selection Committee made up of the Student Body President, the President of the Academic Conduct Board, and the Associate Dean for Student Affairs. The students' terms will begin on October 1 of the year in which they are selected and continue until September 30 of the following year. A student who graduates may continue to serve on the Board until his or her term expires. A student may serve more than one term.
- c. The faculty members will be appointed by the Dean of the Law School. Their terms will begin on October 1 of the year in which they are appointed and end on September 30 of the following year.
- d. In April of each year, the seventeen student members will elect one person to serve as President for the following school year and one person to serve as Vice President. The President and Vice President's term will run from May 1 of the year in which he or she is elected until April 30 of the following year.
- e. Should a student member resign or be unable to complete his or her term, the Selection Committee will appoint a replacement. Should any faculty member

be unable to complete his or her term, the Dean will appoint a replacement.

11.30 President's Duties

The President has the following duties:

- a. to maintain the Academic Conduct Board's records, including records in each case.
- b. to advertise openings on the Academic Conduct Board and to organize and supervise the Selection Committee.
- c. to represent the Academic Conduct Board to the student body and to the Student Bar Association.
- d. to schedule and conduct Academic Conduct Board meetings.
- e. to educate the incoming board members on the function and processes of the Academic Conduct Board;
- f. to maintain the Academic Conduct Board website.

11.40 Vice President's Duties

The Vice President's role is to assist the President in carrying out his or her duties.

11.50 Board's Duties

The Academic Conduct Board will

- a. orient the student body to the spirit and the letter of this Code;
- b. elect a President and a Vice President from among the student members; and
- c. serve as investigators, panel members, and representatives of the law school as appointed by the President.

12.00 PROCEDURE FOR AMENDMENT

- a. Proposals for amendment of the Code of Conduct may be made by
 - 1. any member of the Student Bar Association Governing Council,
 - 2. any member of the faculty; or
 - 3. any member of the Academic Conduct Board.
- b. Proposals for amendment made in conformity with 12.00(a) will be submitted to the Dean, who will refer the proposal(s) to a faculty committee for its consideration. After the committee has considered the proposal(s), it will present the proposal(s) to the faculty with its recommendations to the career faculty

- c. An amendment will become effective upon
 - 1. an affirmative majority vote of the career faculty present and voting at the faculty meeting at which the amendment is presented; and
 - 2. distribution of the amendment to the student body.

13.00 TERMINATION OF THE CODE

The operation of the Code may be terminated by a majority vote of the career faculty present and voting at the faculty meeting at which a motion to terminate the Code is presented.

14.00 ENACTING CLAUSE

This Academic Integrity Code will become effective upon approval by a majority vote of the career faculty present and voting at which the Code is presented for ratification and the distribution of this Code to the student body.

Distributed to the students on Thursday, April 12, 200