

THE HONOR CODE

I. STATEMENT OF PURPOSE

The purpose of this honor code is to establish the rules and standards by which the students of the Loyola University New Orleans School of Law shall govern their conduct with respect to all academic matters. The honor board serves in an advisory capacity to the dean of the law school, and its purpose is to investigate alleged honor code violations, to conduct hearings when appropriate, and to recommend sanctions when a violation has been committed.

II. SCOPE

Jurisdiction under the honor code is restricted to prohibited conduct pursuant to Section IV, whether occurring on or off campus. The honor code is not intended to limit or replace any other disciplinary procedures that may be applicable. A person is subject to the jurisdiction of the honor code upon enrollment in the Loyola University School of Law. Upon enrollment in the law school, all students shall sign a pledge evidencing that they have read the honor code, that they understand the honor code, and that they will comply with the honor code. The honor code pledge shall be in the following form:

HONOR CODE PLEDGE

I, the undersigned, have read the Loyola University School of Law Honor Code and understand what is expected of me as a student, including my obligation to report suspected violations to which I am a witness or of which I am aware. **I have also read and understand the potential sanctions for violations of the honor code.**

Signature

Date

III. DEFINITIONS

The following words or phrases shall have the meanings ascribed to them unless the context clearly indicates otherwise.

- A. **Academic matter** means any activity which may affect a grade or in any way contribute toward the satisfaction of the requirements for graduation, without reference to the focus of such activity. Academic matters also include classroom instruction and other officially recognized academic programs.
- B. **Charged party** means a student of the Loyola University School of Law who has been charged with a violation of the honor code.
- C. **Chief justice** means the junior or senior class student honor board member selected to preside over the administration and activities of the honor board.
- D. **Code** means the honor code of the Loyola University School of Law.
- E. **Dean** means the dean of the law school or the dean's designee.
- F. **Examination** means any work, written or otherwise, submitted to any instructor for partial credit, extra credit, or full credit in any class.
- G. **Hearing panel** means an assembly of no fewer than four honor board members, the

chief justice, and the presenter for the purpose of adjudicating a suspected honor code violation.

- H. **Instructor** means a person who teaches, instructs, directs, supervises, or oversees students regarding academic matters on a full-time, part-time, or visiting basis whether compensated or not. Instructor also includes assistants, student teaching assistants, and guest lecturers.
- I. **Investigation committee** means a committee of three honor board members charged with the responsibility of investigating an alleged honor code violation and making a probable cause determination, headed by the presenter.
- J. **Law school** means the Loyola University School of Law.
- K. **Library** means any library available for use by Loyola law students.
- L. **Permanent record** means a student's file, folder, or record maintained by the Office of Student Records or Office of Law Records which contains any record relating to the student.
- M. **Presenter** means the chair of the investigation committee who prepares and presents a case of any suspected honor code violation to the hearing panel.
- N. **Registrar** means the registrar of the Loyola University School of Law or the registrar's designee, including the director of the Office of Law Records.
- O. **Regular session** means the interval of time between the first day of the fall semester and the last day of the spring semester.
- P. **Summer session** means the interval of time between the last day of the spring semester and the first day of the fall semester.
- Q. **SBA** means the Student Bar Association of the Loyola University School of Law.
- R. **Staff** means any noninstructional employee of the law school or of the university.
- S. **Student** means any person admitted, accepted for admission, seeking admission or readmission, or enrolled to the law school. Student also includes a student from another law school taking a course or participating in a program at the Loyola University School of Law.
- T. **Student body** means the students of the law school.
- U. **Student defense counselor** means a Loyola law student selected by the charged party or appointed by the chief justice to represent the charged party during an honor board investigation and hearing.

IV. PROHIBITED CONDUCT

Except in those cases where an instructor's express authorization would allow the particular actions or conduct in question, the following actions or conduct shall constitute a violation of the honor code.

A. Examination Misconduct

1. No student shall give, seek, receive, or obtain aid of any nature from any source before, during, or after the initial offering of an examination.
2. No student shall discuss an examination with any other student while the examination is in progress. Nor shall any student who has taken an examination knowingly discuss its contents or format with a student who will later take that same examination or make-up examination.
3. No student shall use any materials during an examination unless expressly authorized by the instructor.
4. No student shall take an examination for another student or permit another person to take an examination for the student.
5. No student shall intentionally identify himself/herself in any manner as the taker of an examination or other graded work where such examination or work is to be graded anonymously.

6. No student shall violate examination policies, procedures, rules, or instructions which have been announced or published. This includes reading the contents of an examination prior to authorization, beginning to write prior to authorization, or failure to discontinue writing when the allotted time has elapsed.
7. No student shall invade the administrative security maintained for the preparation and storage of examinations.

B. Plagiarism

It shall be a violation of the honor code to plagiarize the work of another. No student shall claim or submit as his or her own original work the research, ideas, or writings of another without acknowledging and clearly identifying such material in an appropriate manner. Paraphrasing without acknowledgment of authorship is a form of plagiarism.

Paraphrasing is the close restatement of another's idea using approximately the language of the original.

C. Misrepresentation

No student shall forge or improperly alter any law school or university document, record, or instrument of identification, or misrepresent his/her prior education or employment.

D. Unauthorized Assistance

No student shall give, solicit, or receive assistance in the preparation of work to be submitted for credit, or to be submitted in connection with a law school academic activity, from a source not expressly authorized by the instructor or supervisor of the activity. Unless otherwise provided by the instructor, the use of typing assistance, commercially prepared study aids, or computer software to check spelling and grammar does not violate this section. Unless the nature of the course or class indicates otherwise, nothing in this section shall be interpreted to prohibit student study groups or the use of student-prepared and shared outlines.

E. Attendance Falsification

No student shall falsify or participate in the falsification of attendance records. Nor shall any student fail to respond when called upon in class.

F. Misuse of Property or Services

No student shall steal, conceal, damage, deface, destroy, misuse, or in any other manner improperly impede the use of or access to materials, property, or services of the library, law school, university, instructors, staff, students, or members of the law school community.

G. Unauthorized Use of Written Work

No student shall use or submit the same or essentially the same paper or other work product, or a substantial portion thereof, for credit in more than one course without making full disclosure to the instructors involved and obtaining their prior expressed consent.

H. Refusal to Cooperate

No student shall knowingly give false information, refuse to give information, refuse to testify, or otherwise refuse to cooperate in any investigation, proceeding, or hearing involving a violation of the honor code. Nor shall any student harass, threaten, intimidate, or otherwise interfere with any member of the law school community relative to his or her participation or involvement in the honor code process. A charged party, however, shall not be compelled to testify against himself/herself.

I. Failure to Disclose Violations

No student who has reasonable grounds to believe that a violation of the honor code has occurred shall fail to report such violation.

J. False Accusation

No student shall intentionally make a false accusation against another student involving a violation of the honor code.

K. Tape Recording

No student shall tape record a class without the professor's consent.

V. HONOR BOARD

A. Membership

The honor board shall be composed of three members of each day division class and one member of each night division class. A student must be in good academic standing and must not have been determined to have violated the honor code to serve or continue to serve on the honor board. The term of office shall be for one year commencing on the last day of the spring semester. The terms of first-year honor board representatives shall commence upon their election which will be held in conjunction with the SBA fall elections. Graduating senior representatives shall continue to serve until March 31 of the regular session. If an honor board member's term expires during the course of an honor board proceeding, the term shall be extended through the conclusion of such proceeding.

B. Selection

Honor board representatives shall be elected by the student body among their respective divisions and classes. Honor board elections shall be held in conjunction with SBA elections. To qualify as a candidate for election to the honor board, a student must submit his or her name to the chief justice of the honor board by petition signed by at least 10 percent of the students in his or her respective division. The three students receiving the most votes in their respective day division class and the student receiving the most votes in his or her respective night division class shall be elected to the honor board. A runoff election shall be conducted only in the event of a tie.

C. Officers

The honor board shall select a chief justice, co-chair, and secretary at its initial meeting. The chief justice shall be a student who has completed one regular session of law school.

D. Vacancy

Any vacancy on the honor board may be filled through appointment by the chief justice.

E. Faculty Representative/Adviser

The dean shall appoint a nonvoting faculty representative and an alternate to represent the faculty on the honor board and to advise or assist the honor board.

F. Recusal

An honor board member shall recuse himself/herself from any honor board proceeding where there is a conflict of interest or an appearance of impropriety. The faculty adviser shall be recused if the alleged violation relates to or arises out of his or her course of instruction, examination, or other law school related matter involving such faculty adviser. In the event the chief justice must recuse himself/herself or must absent himself/herself from the hearing for any other reason, the co-chair shall assume

the duties of the chief justice and shall be appointed, ad hoc, to fulfill those duties of co-chair. In the event the co-chair must recuse himself/herself or must absent himself/herself from the hearing for any other reason, the chief justice shall appoint a member of the investigation committee, ad hoc, to fulfill the duties of co-chair.

VI. INSTITUTION OF HONOR BOARD PROCEEDINGS

A. Complaint

The honor board shall not institute any proceedings unless a complaint is filed with the honor board.

B. Complainant

Every student, including a member of the honor board, is obligated to file a complaint to report suspected honor code violations. All other members of the law school community may file a complaint to report suspected honor code violations.

C. Form

Any complaint alleging a violation of the honor code shall be in writing, shall be signed by the complainant(s), and shall include as much of the following information as possible:

1. The date, time, and place of the alleged violation.
2. The name(s) of the person(s) involved in the alleged violation, including the name(s) of any witness(es).
3. A statement specifying with reasonable particularity the conduct or actions giving rise to a suspected violation of the honor code.

D. Prescription

A complaint must be filed and delivered to the honor board within 10 official class days of the alleged violation or the discovery thereof. No honor board proceedings shall be conducted during the official law school examination periods or during the summer session. Prescription is suspended during weekends, school holidays, and the summer session. Prescription for suspected violations occurring during examinations or within 10 days prior to an official examination period is suspended until the first day of the following session. Any suspended violation may, at the discretion of the chief justice, be investigated during the summer session.

E. Submission to Chief Justice and Sufficiency of Complaint

All complaints shall be promptly directed to the chief justice who shall examine the complaint for sufficiency and completeness. A complaint is sufficient if it is signed and is capable of being investigated. An incomplete and insufficient complaint shall be returned to the complainant. If returned, the complainant shall, if possible, supplement the complaint and resubmit it. The complainant shall have 10 days from the return date to resubmit a returned complaint.

F. Investigation Committee

The chief justice shall appoint and refer all complaints to an investigation committee. The investigation committee shall be composed of the co-chair and two additional honor board members. The co-chair shall preside over the investigation committee.

G. Investigation of Alleged Violation

Upon receipt of a complaint, the investigation committee shall promptly notify the charged party of the existence of the complaint and the nature of the alleged violation. Notification will be written, delivered in person, or by certified mail. The identity of the complainant shall not be disclosed at this time. The investigation committee

shall conduct its investigation of the complaint as is necessary under the circumstances to substantiate whether probable cause exists. This includes gathering and examining evidence, taking statements, and speaking to any party or with anyone who may possess relevant information. The investigation committee shall conduct its affairs with the utmost discretion and secrecy.

H. Probable Cause

1. At least two members of the investigation committee must concur for a finding of probable cause. Probable cause shall be presumed when the complaint is filed by a member of the faculty.

2. If the investigation committee concludes that probable cause is lacking, the complaint shall be dismissed. The committee shall promptly prepare and file an investigation report with the chief justice. Thereafter, the charged party shall be notified, in writing, of such dismissal and all documents concerning the complaint and investigation shall be destroyed. The complainant shall also be notified of the dismissal.

3. If the investigation committee concludes that probable cause exists, the committee shall promptly prepare and file an investigation report with the chief justice. The investigation report shall detail which provision(s) of the honor code allegedly have been violated and shall describe with reasonable particularity the conduct and circumstances surrounding the alleged violation. The chief justice shall promptly provide the charged party with a copy of the investigation report.

I. Investigation of the Complaint

The investigation of the complaint shall last no longer than 15 days from the filing of the complaint with the chief justice. However, upon unanimous petition to the chief justice by the investigation committee, the chief justice may grant one extension, not to exceed 15 days.

J. Informal Disposition

The investigation committee and the charged party may negotiate a proposed disposition as to merits of the alleged violation and as to the sanction. The proposed disposition is subject to the approval of the hearing panel. If the investigation committee and the charged party agree upon disposition, the co-chair shall prepare a report for the hearing panel outlining the nature of the proposed disposition. The hearing panel may accept, reject, or amend any or all aspects of the proposed disposition. If the proposed disposition is rejected or amended, and the charged party refuses to accept the proposed disposition as amended, the hearing shall proceed.

VII. HONOR BOARD HEARING

A. Composition

The hearing panel shall be composed of the chief justice, the faculty representative, the presenter, and at least four other honor board members. Except for the presenter, members of the investigation committee shall not sit on the hearing panel. The faculty representative and the presenter shall be nonvoting members.

B. Duties

The chief justice shall preside over the hearing, rule on all evidentiary and procedural matters, make all requisite notifications, and prepare or designate someone to prepare the majority opinion. The co-chair shall serve as the presenter. The presenter shall prepare and present the case against the charged party to the hearing panel.

C. Scheduling

Honor board hearings shall be scheduled by the chief justice after consulting with the other members of the hearing panel, the presenter, and the charged party. Hearings shall be held as soon as reasonably practicable following a finding of probable cause. The chief justice shall fix and provide written notice of the time, date, and location of the hearing to all involved parties. If the charged party fails to appear after having received written notice, the hearing may proceed ex parte and a judgment may be rendered.

D. Rights of Charged Party

A student charged with a violation of the honor code has a right to the following:

1. After a determination of probable cause, timely receipt of a copy of the original complaint and the investigation report.
2. Reasonable time to prepare his or her defense.
3. The assistance of a student defense counselor.
4. Timely production for copying and inspection of any tangible evidence that the presenter or hearing panel intends to offer at the hearing.
5. Timely advance notice of the names of all witnesses and of all persons known to have personal knowledge of the events at issue.
6. To present any relevant evidence and to question any witness(es).
7. To waive any right or process provided by the honor code.
8. To the presumption of innocence.
9. To refuse to testify. The hearing panel is entitled to draw reasonable inferences from a charged party's refusal to testify. Such inferences, however, shall not be the sole basis for a finding of guilt.
10. To admit his or her guilt and waive a formal hearing.
11. The right to a copy of any written rules of procedure promulgated by the honor board.

E. Right to Student Counsel

A charged party has the right to be represented at the hearing by a student defense counselor. The charged party may select his or her own student defense counselor or may have one appointed by the chief justice. A charged party may waive the right to a student defense counselor and act in his or her own behalf.

F. Opening and Closing Statements

The presenter and the charged party shall have the right to make opening and closing statements. The presenter shall open and close first, but has a right of rebuttal after the charged party's closing.

G. Rules of Evidence

The hearing shall not be subject to statutory or common law rules of evidence, except that irrelevant or unduly repetitious evidence shall be excluded. The hearing panel shall proceed informally and offer a reasonable opportunity for the full presentation of the case against the charged party and the charged party's defense. Any party giving testimony shall be administered an oath or affirmation by the chief justice to testify truthfully. After the opening statements, the presenter shall offer evidence and testimony of witnesses. The hearing panel and the charged party may question any witness. Once the presenter concludes his/her presentation of the case, the charged party shall have the right to offer evidence, witnesses, and testimony in defense.

H. Witnesses

The presenter and the charged party shall have the right to compel the attendance of witnesses by making a written request to the chief justice at least three days in advance of the scheduled hearing. The chief justice shall notify those witnesses and compel their attendance at the hearing. All witnesses shall be excluded from the hearing when not testifying.

I. Closed Hearing

In order to protect the privacy of the charged party, the hearing shall not be open to the public.

J. Standard of Proof

The standard for determining that a violation of the honor code has been committed shall be clear and convincing evidence.

K. Continuances

The chief justice may grant a continuance or recess for good cause or when essential testimony or evidence is unavailable.

L. Deliberations and Verdict

Following closing arguments, the hearing panel shall deliberate in closed session and shall arrive at a verdict. A majority vote of the voting members present is required for a finding of a violation. A verdict shall be reached by secret ballot. If the charged party is acquitted, the charge shall be dismissed and the entire record, except for the judgment of acquittal, shall be destroyed. If the charged party is found to have committed a violation of the honor code, the hearing panel shall recommend an appropriate sanction to the dean of the law school.

M. Notification of Verdict

The charged party and the complainant shall be notified in writing of the verdict of the hearing panel and any sanction recommended to the dean of the law school. Such notification shall be issued within 24 hours of the conclusion of the hearing panel meeting.

N. Opinions

If there is a finding of a violation of the honor code, the chief justice or his/her designee shall write the majority opinion supporting the hearing panel's decision. Any member of the hearing panel may file dissenting or concurring opinions. All opinions are due within 10 days of the conclusion of the hearing and shall be included in the record of the case. The student found in violation of the honor code is entitled to submit a written statement to be included in the record within the same time frame. The entire record shall then be submitted to the dean by the chief justice. Honor board opinions shall not be used as precedent in subsequent honor board hearings.

O. Confidentiality

Except as necessary to implement the honor code, all matters relating to any honor board proceeding are confidential.

P. Recordation

The honor board hearing shall be recorded on video or audio tape. Deliberations of the hearing panel shall not be recorded. Upon written notification of the charged party's acceptance of the hearing panel's decision or the exhaustion of appeals, all recordings of the hearing shall be destroyed.

Q. Multiple Violations

Multiple alleged honor code violations arising out of the same transaction or occurrence shall be investigated and, if possible, heard together.

R. Graduating Students

Upon a finding of probable cause by the investigation committee against a student otherwise entitled to graduate, every effort shall be made to dispense with the matter prior to graduation. Prior to the conclusion of the honor board proceedings, a student shall not receive a law school degree but may participate in the commencement exercises.

VIII. SANCTIONS

The hearing panel may recommend to the dean the imposition of any of the following sanctions or a combination thereof:

A. Private Reprimand

The student is given a private letter from the honor board or from the dean stating that the student has violated the honor code and that a more severe penalty may be imposed if the student commits a subsequent violation. Although included in the student's file, this reprimand does not become part of the student's permanent record and shall be destroyed upon graduation. A private reprimand is a mandatory sanction for any honor code violation.

B. Formal Reprimand

A formal reprimand is identical to a private reprimand except that it is placed in the student's permanent record and shown on the student's university transcript and may be disclosed to any or all of the following:

1. Any bar association.
2. Prospective or current employers.
3. Faculty members of the law school.
4. Faculty members or law school officials of any law school to which the student applies for admission.

C. Disciplinary Probation

Disciplinary probation imposes disabilities on the student for a specified period of time. The terms of the probation may impose any reasonable condition, including but not limited to, restricting, excluding, or suspending the student's participation in activities such as Moot Court, *Law Review*, teaching assistant, or holding SBA office.

D. Suspension

Suspension is exclusion from any or all classes, exams, and activities of the law school for a specified period of time. The suspension may commence immediately or in the following semester. The effect of immediate suspension is to prevent the student from receiving any course credit for that semester.

E. Expulsion

Expulsion is permanent exclusion from the law school.

F. Grade Reduction

Grade reduction is the lowering of a grade or the issuance of a failing grade in connection with a course or graded assignment from which the complaint arose.

G. Credit Cancellation

Credit cancellation is removal or denial of credit for the course or activity associated with the violation.

H. Restitution

Restitution is an order to repair or replace the damaged or destroyed property or to reimburse the owner of the property for any loss.

I. Other/Combination

The hearing panel may recommend any such other sanction or combination of sanctions that it deems appropriate.

IX. APPEALS

A student shall not appeal any hearing panel decision except to the dean of the law school.

X. RELATED MATTERS

A. Orientation

Each entering student shall be made aware of the honor code at the law school's annual freshmen orientation program and shall be required to sign the honor code pledge.

B. Adoption/Amendment

A majority vote of the faculty and a majority vote of students voting in an election shall be required to adopt or amend the honor code. The honor code may only be adopted or amended when the law school is in regular session.

C. Publication of Honor Board Activities

Upon conclusion of each semester, the chief justice shall publish a report of all honor board activities where any sanction was imposed upon any student. The scope of the report shall be limited to the prohibited conduct of the student and the sanction imposed.

D. Severability

Invalidation of any section of the honor code shall not affect the validity of the remaining parts.

E. Effective Date

This honor code is effective upon adoption or amendment.

F. Contact Information

If you have a question, please contact Honor Board Chief Justice for 2004 – 2005, Paul Moretti, (504) 234-4993 (cell), (504) 277-5539 (home), mycastle@sprint-mail.com, or the faculty adviser for 2004 – 2005, Professor Dane S. Ciolino, (504) 861-5652, dciolino@loyno.edu.