

APPENDIX A

THE NOTRE DAME LAW SCHOOL HONOR CODE

1 STATEMENT OF PURPOSE

This Honor Code is based upon the assumption that students at the Notre Dame Law School do not lie, cheat, or steal; that they aspire to enter an honored profession; and that their character and conduct while attending this Law School at all times will reflect favorably upon their future profession, this school and themselves.

2 AFFIRMATIVE DUTIES AND PROHIBITED CONDUCT

2.1 All law students and law faculty have the duty to report promptly either to the dean or to the president of the Student Bar Association all circumstances that they believe to constitute a clear violation of the code. Intentional breach of this duty shall be a violation of the Honor Code.

2.2 It is the duty of every law student and law faculty member to give testimony or evidence relevant to any alleged violation of the Honor Code if requested by the student facing disciplinary charges, the person appointed to present evidence in support of the charge, or the Honor Council Board. A person may refuse to testify to avoid incrimination in a violation of the Honor Code or of a public penal law. The Honor Council Board may excuse anyone from testifying for just cause.

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

2.3.1 To use materials or to consult with any other person:

2.3.1.1 in an exam, except as expressly authorized by the instructor;

2.3.1.2 in research, class preparation, or other assignment, in any manner expressly forbidden by an instructor.

2.3.2 To submit as one's own work the work of another.

- 2.3.3 To submit written work in satisfaction of a course requirement or for publication in a journal, if that work reflects, in whole or substantial part, work previously prepared for some other purpose, unless the instructor or in the case of a journal, the editor, has approved the use of the previously prepared work.
- 2.3.4 Intentionally to make any material misrepresentation in connection with any Law School class, program or activity.
- 2.3.5 To misappropriate another law student's, the Law School's, the University's, or any faculty member's notes, papers, books, tapes or other materials.
- 2.4 The dean retains jurisdiction over all matters not explicitly covered by this code.

3 ADMINISTRATION OF THE CODE

- 3.1 There shall be an Honor Council composed of three members elected from each class. The members shall be chosen as follows:
 - 3.1.1 Nomination and election shall be in accord with procedures established by the Student Bar Association.
 - 3.1.2 Each ballot shall contain the following statement only: If officially charged with a violation of the Notre Dame Law School Honor Code, I would choose the following members of my class to (1) hear the evidence for and against me; (2) render a fair impartial decision concerning my guilt or innocence; and (3) determine sanction.

First Choice _____
Second Choice _____
Third Choice _____
 - 3.1.3 The three law students in each class receiving the highest number of votes shall be Honor Council representatives.

3.2 London Academic-Year Programme

3.2.1 Students in the London academic-year programme shall elect three students from among the students enrolled in the program. These three students shall perform the functions of the Honor Council for any matter that arises during the London academic year.

3.2.2 Students also shall elect an investigator. For any matter that arises during the London academic year, this student shall perform the functions assigned by this Honor Code to the S.B.A. president.

3.2.3 For any matter arising during the London academic year, the director of the London Programme shall perform the functions assigned by this Honor Code to the dean of the Law School.

3.3 The Honor Council shall elect a chair from among its members.

3.4 Term

The term of the council begins the day after graduation in the spring; the term ends on graduation day the following spring. The outgoing council shall have continuing jurisdiction over any matter that occurred before the end of its term.

3.5 Prehearing Procedures

3.5.1 Any allegations of violations reported to the dean shall be referred to the S.B.A. president.

3.5.2 At the beginning of each academic year, the S.B.A. president shall appoint a prosecutor from among the student body to investigate and prosecute any allegations of Honor Code violations made during that academic year. This student shall not currently hold an elected position within the Law School. This appointed student shall investigate the allegation(s) in any manner he or she sees fit.

3.5.3 If the appointed prosecutor determines that an allegation is without

merit, the matter is closed.

3.5.4 If the appointed prosecutor determines that an allegation has merit, the president shall deliver to the accused and to the chair of the Honor Council a written notice of the specific section(s) of the Honor Code allegedly violated and a written statement of the specific act(s) constituting the alleged violation(s).

3.5.5 After receiving notice from the S.B.A. president, the chair of the Honor Council shall:

3.5.5.1 Appoint three students from the Honor Council and notify the dean to appoint three faculty members. These six people comprise the Honor Council Board for the particular hearing. Members of the board shall disqualify themselves from a hearing if, in their opinion, they are unable to make an impartial decision;

3.5.5.2 Meet with the accused and the appointed prosecutor to compile a list of the names of all persons having information pertinent to the charge, and submit this list of prospective witnesses to the board for service of summons under section 3.6.3; and

3.5.5.3 Set a date, time and place for the hearing. The hearing must occur within two weeks of the date the chair receives notice of the charges from the S.B.A. president. At least 96 hours before the time set, the chair shall give written notice of the schedule for the hearing to the accused, the appointed prosecutor, members of the board and the student presenting evidence in support of the charge.

3.6 Hearing Procedures

3.6.1 The accused student shall select two students and two faculty members from the Honor Code Board to sit in deliberation of the charge. These four people shall constitute the panel to conduct the hearing.

- 3.6.2 During the course of the hearing, the accused shall have the following rights:
 - 3.6.2.1 To select a member of the Law School student body to gather and present evidence in support of the accused;
 - 3.6.2.2 To be present in person during any hearing, provided, however, if the accused refuses to appear or fails to appear without just cause, the board may proceed to hear and determine the matter;
 - 3.6.2.3 To testify or to decline to testify, but if the accused declines to testify, that fact shall not be considered as evidence in support of the charge;
 - 3.6.2.4 To confront and cross-examine witnesses;
 - 3.6.2.5 To present evidence and witnesses;
 - 3.6.2.6 To elect either a closed hearing or an open hearing not subject to closure by the council.
- 3.6.3 At least 48 hours before the hearing, the panel shall issue a written summons to all persons identified under section 3.5.5.2 as potential witnesses. After receiving a summons, failure to appear as a witness without just cause shall be a violation of this Honor Code, as defined in section 2.2.
- 3.6.4 All panel members must be present at the hearing. The chair of the Honor Council shall have the power to appoint an alternate if a panel member cannot attend for just cause.
- 3.6.5 The hearing shall proceed in this order:
 - 3.6.5.1 Evidence in support of the charge;
 - 3.6.5.2 Evidence in rebuttal;

3.6.5.3 Arguments;

3.6.5.4 Decision on whether the accused student has committed the violation charged;

3.6.5.5 If the accused student is found innocent, the matter is closed;

3.6.5.6 If the accused student is found guilty, the panel shall hear evidence in mitigation and aggravation;

3.6.5.7 Arguments on sanction;

3.6.5.8 Decision on sanction, which may be selected from among the following options:

3.6.5.8.1 Oral admonition — an oral statement from the panel that the student has violated the Honor Code;

3.6.5.8.2 Written warning — a written statement from the panel that the student has violated the Honor Code;

3.6.5.8.3 Academic Reprimand — a written statement from the panel that the student has violated the Honor Code, with the statement becoming part of the student's permanent record at the Law School;

3.6.5.8.4 Probation — exclusion from participating in the activities of the Law School or University;

3.6.5.8.5 Restitution — a requirement that the student reimburse for injury caused;

3.6.5.8.6 Fine — a monetary fine, which shall become an obligation to the Law School that must be satisfied in order to receive a degree;

- 3.6.5.8.7 Work sanctions — service to the Law School community, which must be completed within the time set by the panel;
- 3.6.5.8.8 Suspension — exclusion from classes for a semester or more; or
- 3.6.5.8.9 Expulsion — permanent exclusion from the Law School, though the sanction may include provision for readmission under specified circumstances.

3.6.5.1 The chair of the Honor Council shall provide written notice to the accused and to the dean of the outcome.

- 3.6.6 All decisions of the panel shall be made in private deliberations by unanimous vote based upon a standard of reasonable doubt. Decisions shall be based only upon evidence received at the hearing.
- 3.6.7 The dean shall review the decision of the panel. Absent unusual circumstances, the dean will act within 14 days to approve or modify the decision.
- 3.6.8 The panel shall make an audio record of the hearing, which shall be the property of the Law School. A copy of the tape may be made for the accused student.

4 PUBLIC NOTICE OF PROCEEDINGS

- 4.1 All proceedings under the code shall be confidential.
- 4.2 Once an accusation is resolved finally, the chair of the Honor Council shall post in appropriate public places in the law building a notice containing only the following information:
 - 4.2.1 the specific section of the code alleged to have been violated;

4.2.2 the decision of the panel or of the S.B.A. president; and

4.2.3 the final disposition.

4.3 No names of any person involved in any way in a proceeding shall be disclosed.

5 RATIFICATION AND AMENDMENT

5.1 This Honor Code shall be in force after approval by the students and faculty of the Law School. Approval by the students shall be in accord with current voting procedures of the S.B.A. Approval by the faculty shall be in accord with current voting procedures of the faculty.

5.2 Amendments to this code may be proposed by the Honor Council. Amendments shall be approved in the same manner as the code itself, under section 5.1.

5.3 The code, and any subsequent amendments, shall not become effective until the academic year following any vote.