

ACADEMIC HONOR CODE
UNIVERSITY OF CALIFORNIA, IRVINE
SCHOOL OF LAW

PREAMBLE

The purpose of this Academic Honor Code is to promote academic, extracurricular, and professional opportunities in an atmosphere of mutual confidence, trust, and respect for each student at the School of Law of the University of California, Irvine. All our law students are here in order to prepare for a profession which prizes personal integrity, responsibility, honesty, courtesy, and respect for the rights of others. Of course, these are person qualities that cannot be legislated. We believe, however, that we have a responsibility to ourselves and to our profession to conduct ourselves with the highest degree of adherence to these qualities and to report any conduct that violates this Academic Honor Code. This is conduct that is expected of all attorneys as detailed in the Code of Professional Responsibility of the American Bar Association. Thus, our Academic Honor Code is premised on the cooperation of each member of the Law School community. All student endeavors at or related to the School of Law should be undertaken within the spirit and the letter of our Code.

In addition, law students are bound by the University of California rules and the UC Irvine Campus Rules of Student Conduct. Please see the University of California and UCI websites; the following links are not exhaustive:

<http://www.dos.uci.edu/conduct/>

http://dos.uci.edu/conduct/uci_policy.php

<http://www.dos.uci.edu/conduct/students/code-of-student-conduct.php>

ARTICLE I

Scope of the Academic Honor Code

The Academic Honor Code applies to all law school students. Primary responsibility for respecting the appropriate rules rests with each individual student and with the student body as a whole. The Code's jurisdiction extends to all law school related endeavors undertaken by students in or from the law school.

The Law School Hearing Panel has original jurisdiction over all matters governed by the Law School Academic Honor Code. The University of California, Irvine, Office of Student Judicial Affairs has original jurisdiction in all cases of non-academic misconduct involving graduate and professional students.

Administration of the Academic Honor Code

Each law student shall be responsible for the Code's implementation. The Law School Hearing Panel will be responsible for the administration of the Academic Honor Code in accordance with the process set forth below. As law students will inquire of the bar association in their future capacity as bar members, all students have the responsibility to inquire of the Law School's Senior Associate Dean for Academics, Dean of Students, or Hearing Panel to whether their conduct constitutes a Code violation.

Additionally, it is the responsibility of all students, faculty, and staff at the law school to bring apparent violations of the Honor Code to the attention of the instructor (any member of the teaching staff), the Senior Associate Dean for Academics, Dean of Students, and/or the Law School Hearing Panel. In the event a member of the law school community believes she or he has witnessed conduct that might rise to the level of being a violation of the Academic Honor Code, that person is obligated to report said conduct to the Dean of Students and/or to the Law School Hearing Panel. The reporting may be oral initially, but either the Dean of Students or the Law School Hearing Panel may ask the person reporting the possible violation of the Academic Honor Code to make the report in writing as well.

ARTICLE II

Violations of the Academic Honor Code in Academic Activities

Violations of the Code may include, but shall not be limited to, the following student acts or acts that a student reasonably should have known would benefit the student or assist another student in committing a violation:

1. **Unauthorized materials:** The use of any materials not expressly authorized by the instructor in an examination or other academic endeavor, when the student knew or should have known that such use was not expressly authorized.
2. **Unauthorized collaboration:** Unauthorized collaboration on any examination or other academic endeavor, when the student knew or should have known that such collaboration was not expressly authorized.
3. **Exam discussion:** Any discussion of an unscheduled examination, when the student knew or should have known that the discussion was with, or in proximity of, another student who will take the examination at a later time.
4. **Destruction or other misuse of materials:** The theft, sequestration, mutilation, or destruction of materials needed by another student for a specific academic endeavor, when the student intended to steal, sequester, mutilate, or destroy such materials. Such materials include, but are not limited to, materials needed for the first-year writing program, any Moot Court program or competition, any Journal or Law Review competition, and any reserve materials used for class preparation. The theft, sequestration, mutilation, or destruction of another student's textbooks, notes, outlines, or other materials needed for an academic endeavor, when the student intended to steal, sequester, mutilate, or destroy such materials.
5. **Plagiarism:** Any act of plagiarism committed by the student. Plagiarism is defined as the act of knowingly incorporating into one's own work a substantially similar portion of another's work without adequately or properly indicating that source. Because plagiarism is a concept with which all graduate students should be familiar, it is presumed that an individual will know when he has incorporated another's work into his own. Therefore, once it has been established that an individual has incorporated a substantially similar portion of another's work without adequately or properly indicating the source, that individual is presumed to have done so knowingly; however, the individual may rebut this presumption by establishing by a preponderance of the evidence that the act was not done knowingly.
6. **Instructor-prohibited conduct:** Any act expressly prohibited by the instructor, when the student knew or should have known such act was expressly prohibited by the instructor.
7. **Unfair advantage:** Any act not listed above, when the student knew or should have known such

act could give the student or another student an unfair academic or professional advantage.

ARTICLE III

Violations of the Academic Honor Code in the Library Setting

1. **Destruction or other misuse of materials:**
 - a. The theft, sequestration, mutilation, or destruction of materials needed by another student for a specific academic endeavor, when the student intended to steal, sequester, mutilate, or destroy such materials. Such materials include, but are not limited to, materials needed for the first-year writing program, any Moot Court program or competition, any Journal or Law Review competition, and any reserve materials used for class preparation.
 - b. The theft, sequestration, mutilation, or destruction of another student's textbooks, notes, outlines, or other materials needed for an academic endeavor, when the student intended to steal, sequester, mutilate, or destroy such materials.

ARTICLE IV

Violations of the Academic Honor Code in Career Development and Placement Activities

1. Misleading an employer: Any knowing falsification or misrepresentation by the student to a potential employer, or to potential employers, regarding a material fact, including, but not limited to:
 - a. Misrepresenting law school grades or other records;
 - b. Falsifying recommendations;
 - c. Misrepresenting professional or academic qualifications;
2. Disclosing class rank information in all employment settings but applications for post-graduate judicial clerkships, law school teaching positions, or post-graduate fellowships.
3. Any other improper actions taken to gain an unfair advantage over any other student or to place any other student at an unfair disadvantage in the career development or placement activities of the school.

ARTICLE V

Violations of the Academic Honor Code in Off-Campus Law-School-Related Activities

1. Violating the relevant rules, standards, and/or code of another law school or other educational institution at which the law student is enrolled in or is auditing or otherwise attending a class or classes.
2. Taking improper actions and/or not following instructions in any off-campus moot court activity.
3. Submitting work that is not substantially a product and reflection of the student's own efforts under his or her signature to a law review, journal, or other publication outside of the law school.

ARTICLE VI

Student Disciplinary Procedures

SECTION 1. INITIATION OF PROCEEDINGS.

- A. Report and Investigation.** Any allegation that a student has violated the Honor Code shall be reported to the Assistant Dean for Student Services, who shall:
1. Give prompt written notice to the student in person and in writing (i.e., by email or letter). The Assistant Dean for Student Services shall take reasonable steps to ensure the student has received this notice. Notice must include the following:
 - a. A copy of any writing alleging a violation;
 - b. A description of the alleged misconduct and the basis for believing that misconduct occurred, including the date or period of time and location in which it allegedly happened;
 - c. The rule, regulation, or policy allegedly violated;
 - d. A copy of the Honor Code and the Student Disciplinary Procedures;
 - e. A statement informing the student that he or she must acknowledge in writing receipt of the notice and schedule an initial meeting with the Assistant Dean of Student Services within 5 business days; and
 - f. An explanation of the process including the possibility of an informal resolution.
 2. Advise the Senior Associate Dean for Academic Affairs of the alleged Honor Code violation and the initiation of disciplinary proceedings.
 3. Meet with the student to advise the student of the conduct in question and the Honor Code policy allegedly violated, hear any response that the student wishes to provide to the allegations, provide the student with the opportunity to inspect all documents relevant to the case and in possession of the Assistant Dean for Student Services (as permitted by law), and advise the student of the opportunity to mediate as set forth in Section 3(B) below, and seek to reach an informal resolution, as set forth below. If the student requests, the Assistant Dean for Student Services shall report the student's response to the Senior Associate Dean for Academic Affairs, along with any proposals for informal resolution. Any statements made by the student to the Assistant Dean for Student Affairs shall remain confidential, unless the student requests that the Assistant Dean inform the Senior Associate Dean of the statement.
- B. The Senior Associate Dean for Academic Affairs** shall investigate the alleged violation and determine whether there is cause to proceed. If so, the Senior Associate Dean shall convene the Hearing Panel for formal resolution pursuant to Sections 4 through 7, below.

- C. Student's Response.** Within five (5) business days after the student receives notice, the student shall respond in writing by email or letter to acknowledge receipt of the notice and to schedule an initial meeting with the Assistant Dean for Student Services.

If the student fails to respond within five (5) business days, the Assistant Dean for Student Services may place a hold on the student's Law School record and notify the student that this action has been taken. A hold will prevent the student from registering and from obtaining transcripts, verifications, or a degree from the Law School. The Assistant Dean for Student Services shall remove the hold once the student schedules a meeting.

- D. Student Rights and Privileges During Pendency of Disciplinary Proceedings.** During the pendency of the disciplinary proceedings, the student shall have the same rights and privileges as before the initiation of disciplinary proceedings. However, in exceptional circumstances, if the safety and well-being of the Law School—its students, faculty, and staff—so require, the Assistant Dean of Student Services may exclude the student from the Law School and events sponsored by the Law School until disciplinary proceedings are completed.

SECTION 2. NOTICE OF HEARING.

- A. Notice of Hearing.** At least ten (10) business days before any scheduled hearing, the Assistant Dean for Student Services shall give notice to the student of the date, time, and place of the hearing, and the names of the Hearing Panel members.
- B. Notice of Evidence.** At least five (5) business days before the scheduled hearing, the Assistant Dean for Student Services shall give the student a list of the expected witnesses, if any, along with access to the evidence to be presented.

SECTION 3. INFORMAL RESOLUTION.

- A. Informal Resolution.** Nothing in these rules shall preclude the informal resolution of a dispute or complaint, provided that the Senior Associate Dean for Academic Affairs, the complainant (if a member of the faculty or administration), and the student agree to such a resolution. An agreement to resolve the dispute informally may be reached at any point in the disciplinary process as described in these rules, provided that once a Hearing Panel is convened, the Hearing Panel must agree to any informal resolution. Before the student agrees to an informal resolution, the Assistant Dean for Student Services shall inform the student of the alternatives of a mediation or of a hearing before the Hearing Panel, under these procedures. Any statements made by the student as part of the informal resolution process shall be confidential and shall not be reported to or used as evidence before the Hearing Panel.
- B. Mediation.** In attempting to reach an informal resolution, a student may choose to have a mediation. If the student chooses mediation, a mediation session will be convened between the student and the Senior Associate Dean for Academic Affairs. The mediation will be conducted by a faculty member mutually agreed to by the student and the Senior Associate Dean for Academic Affairs. The mediator shall attempt to facilitate an informal resolution, but the mediator has no decision-making authority. In accordance with Section 3(A), any informal resolution must be approved by the Assistant Dean for Student Services, the Senior Associate Dean for Academic Affairs, the complainant (if a member of the faculty or administration), and the student. If the student and the Assistant Dean for Student Services do not reach an agreement, the matter will proceed to the

Hearing Panel. At any mediation, the student may choose to have an advocate of the student's choice, including an attorney retained at the student's expense, a faculty member, another student, or any other person.

SECTION 4. HEARING PANEL

- A. Hearing Panel.** The Hearing Panel shall be charged with hearing all allegations of violations of the Honor Code. The Hearing Panel shall consist of five (5) members. The Hearing Panel shall consist of two (2) students, two (2) faculty members, and the Senior Associate Dean for Academic Affairs or her designee, who shall be a faculty member. The Senior Associate Dean for Academic Affairs or her designee shall serve as the Chair.
- B. Selection Process and Filling of Vacancies for Student Members.** The student body shall elect three (3) student members of the Hearing Panel for a one (1) year term in elections to be held by the Student Bar Association ("SBA"). One (1) student member shall be elected from each class. The SBA shall fill any vacancies. If a Hearing Panel is convened, the student member from the class of the student charged with a violation shall be recused, and the other two students shall serve on the panel.
- C. Selection Process and Filling of Vacancies for Faculty Members.** If the Senior Associate Dean for Academic Affairs determines that a Hearing Panel shall be convened, the Dean shall appoint two faculty members to serve on the Hearing Panel. The Dean shall appoint a replacement as necessary in the event a faculty member is removed or recused or is unable to serve for any reason, including the inability to convene promptly. The Senior Associate Dean for Academic Affairs, or her designee appointed under Section 4(A) above, shall chair the Hearing Panel.
- D. Challenges.** The Senior Associate Dean for Academic Affairs or the student may request the disqualification of a member of the Hearing Panel if there are substantial reasons to believe that he or she cannot be impartial. In the event of a challenge, disqualification shall occur if a majority of the remaining members of the Hearing Panel vote in favor of a disqualification. The student has the right to remove one member of the Hearing Panel as a peremptory challenge, without offering any reasons. In the case of the peremptory removal of a faculty member, the Senior Dean for Academic Affairs shall delegate an alternate. In the case of a peremptory removal of a student, the student SBA representative from the student's class shall serve as the alternate. If the Senior Dean for Academic Affairs is the complainant, or if the Senior Dean has other cause to remove himself from the Hearing Panel, the Dean shall appoint an alternate to sit on the Hearing Panel. Notwithstanding anything herein to the contrary, the student shall have the option to strike all student members of the Hearing Panel and proceed to a hearing before a panel of three (3), without any student representation on the panel.

SECTION 5. CONDUCT OF THE HEARING PROVISIONS.

- A. Evidence and Procedures.** The Hearing Panel shall investigate the charges as it deems appropriate, including consulting with other individuals or bodies within or outside of the University. The Hearing Panel may consider all evidence that it deems appropriate, and shall not be bound by formal rules of evidence, provided that any statements made by the student to the Assistant Dean for Student Services shall remain confidential, unless disclosed at the request or with the permission of the student.
- B. Student Rights during the Hearing.**

1. A student shall be presumed innocent unless and until the Hearing Panel determines, by a majority vote, and by a preponderance of the evidence, that the student has violated the Honor Code. The Hearing Panel must base its decision on the evidence presented before it including evidence found as a result of the Panel's investigation, provided that such evidence must be entered on the record.
 2. The student has the right to present evidence in his or her defense, including presenting witnesses, submitting documents and other tangible evidence, and testifying on his or her own behalf.
 3. The student has the right to question opposing witnesses, unless the Hearing Panel determines that there are compelling reasons to deny such questioning. If the Hearing Panel determines that direct questioning will not be permitted, the Hearing Panel may permit the student to submit questions to the Hearing Panel to be submitted to the witness.
 4. The student has the right to an advocate of his or her choice at the hearing, including an attorney retained at the student's expense, a faculty member, a student from the Law School, or any other person. The student's advocate may participate in the hearing process, including presenting the case for the student and responding to evidence presented against the student.
 5. The student has the right to invoke the privilege against self-incrimination.
 6. If there are possible criminal charges against the student related to the same underlying conduct, the Hearing Panel shall decide whether to proceed before the charges are resolved. Student disciplinary proceedings need not be postponed until possible criminal charges are resolved.
- C. Open and Closed Hearings.** The hearing shall be closed to the public unless the student requests that the hearing be open, in which case, the student shall inform the Senior Associate Dean for Academic Affairs at least three (3) business days prior to the scheduled hearing. If the student chooses to open the hearing, the Hearing Panel, by majority vote, may decide to close the hearing for compelling reasons. Compelling reasons include protecting the privacy of other students or maintaining order.
- D. Recording of the Hearing.** The Hearing Panel shall record the hearing by audio, video, or other means. The student has the right to have a court reporter present at the student's expense. The Hearing Panel shall provide the student with a copy of the recording of the hearing at the student's request.
- E. Confidentiality and Maintenance of Hearing Records.** The Hearing Panel's recording of its proceedings and its report as described in Section 6 shall remain confidential and may be disclosed only as required by law; by the rules, policies or procedures of the University of California and/or the University of California, Irvine, as such may apply; or as needed for bar admission reports, provided that the Senior Associate Dean for Academic Affairs may also disclose the report to appropriate UCI officials to the extent that the finding of the panel involve activities outside of the Law School. An exoneration may be made public at the student's request. The Assistant Dean for Student Services shall maintain the recording of the proceedings for a period of ten (10) years.

SECTION 6. DECISION OF THE HEARING PANEL.

- A. Decision and Report of Hearing Panel.** The Hearing Panel shall determine, by a majority vote, and by a preponderance of the evidence presented at the hearing, whether the student has violated the Honor Code and what, if any, sanctions should be imposed. The Hearing Panel shall issue a written report stating its decision and the reasons supporting that decision, including all relevant findings of fact. Any member of the Hearing Panel may issue or join in issuing a minority report separate from the report of the Hearing Panel.
- B. Notice of Decision.** The Hearing Panel shall issue its report within a reasonable time—ordinarily no later than 14 calendar days after the hearing concludes. The Hearing Panel shall provide a copy of this report to the student and to the Assistant Dean for Student Services.

SECTION 7. SANCTIONS.

- A. No Sanctions.** No sanctions shall be imposed if the student is exonerated or if the Hearing Panel concludes that no sanctions are warranted under the circumstances.
- B. Sanctions.** If the Hearing Panel finds the student has violated the Honor Code, it may impose one or more of the following possible sanctions:
1. Require the student to issue a declaration acknowledging misconduct;
 2. Require the student to issue a formal apology;
 3. Issue an informal reprimand, not included in the student's record;
 4. Issue a formal reprimand, included in the student's record;
 5. Require the student to stop specified conduct contrary to the Honor Code;
 6. Require the student to make restitution;
 7. Require the student to perform community service as directed;
 8. Deny academic credits for a course in which misconduct occurred, unless the faculty member responsible for the course determines that credit is warranted. "Course" includes any activity for which the student is receiving academic or pro bono credit;
 9. Exclude the student from designated student activities for a specified period of time;
 10. Suspend the student for one or more semesters;
 11. Expel the student; and
 12. Direct other reasonable measures to rehabilitate the student and serve the purposes of the Honor Code, including disclosure to bar or other officials as appropriate.

If the student fails to comply with any sanctions imposed by the Hearing Panel (subject to any appeal pursuant to Section 8, below), the Hearing Panel may institute additional sanctions.

SECTION 8. APPEALS FROM A DECISION OF THE HEARING PANEL.

A. Appeal. A student found to have engaged in misconduct may appeal to the Dean of the Law School for review of the Hearing Panel's decision.

1. The appeal must be made in writing no later than ten (10) business days after the Hearing Panel's report and decision is delivered to the student.
2. The student's request for review shall state the grounds for appeal. An appeal will be granted by the Dean only on one or more of the following grounds:
 - a. The Hearing Panel failed to follow the Law School's Honor Code or the Student Disciplinary Procedures.
 - b. The evidence is insufficient to support the Hearing Panel's decision (i.e., the facts presented, even if believed, are not sufficient to support the Hearing Panel's decision).
 - c. The imposed sanction is inappropriate or excessive.
 - d. One or more members of the Hearing Panel was biased (i.e., incapable of making an impartial decision in the student's case).
 - e. There is new information that was not reasonably available at the time of the hearing. Based on the new evidence, the Dean may
 - i. Direct the Hearing Panel to conduct a further hearing on a particular issue; or
 - ii. Grant the appeal if the Dean believes that the Hearing Panel would have been likely to reach a different decision if it had such information at the time of the hearing; or
 - iii. Deny the appeal if the Dean believes that the additional information was not likely to alter the decision of the Hearing Panel.

B. The Dean may decide to

- a. Uphold the Hearing Panel's decision;
- b. Direct the Hearing Panel to conduct a completely new hearing with proper procedures or with biased members replaced by alternates;
- c. Direct the Hearing Panel to conduct a further hearing on particular issues;
- d. Modify sanctions if they are deemed excessive;

- e. Reverse the Hearing Panel's decision.

The Dean shall provide a written decision of the appeal to the student, the Hearing Panel, and the Assistant Dean of Students, within 10 business days after receiving the appeal.

Adopted April 18, 2017