PREAMBLE

Baylor University School of Law (the "Law School") students shall act in academic matters with the utmost honesty and integrity and in a manner consistent with this Honor Code ("Code"). The purpose of this Code is to specify the conduct which violates this obligation and to establish a process for dealing with breaches of the Code. The Code seeks to achieve an appropriate division of functions among Dean, faculty and students, but emphasizes that the primary obligation of implementing and enforcing the Code rests with the students. The effectiveness of this Code is dependent on the personal integrity, honesty and cooperation of each student and each student is expected to read and observe the Code and to assist in its enforcement.

ARTICLE I. SCOPE OF THE CODE

A. This Code applies to any alleged incident of misconduct related to any academic matter involving the program of the Law School, regardless of where such alleged incident occurred.

B. "Academic matter" includes any activity which may affect a grade or in any way contribute toward satisfaction of the requirements for graduation or which may result in academic credit or recognition. Such activities include, but are not limited to, examinations, research for course papers or projects and performance of requirements in connection with externships and clinical courses, Law Review, or intrascholastic or interscholastic advocacy skills competitions. This Code is not intended to replace or supersede applicable federal and state laws, municipal ordinances, Baylor University or Baylor Law School regulations or Law School Library or Career Services Office internal rules governing conduct of law students not involving an academic matter as defined above. However, the presumption shall be that this Code is applicable where the matter is in doubt, particularly where no other procedure is available to address or deal with the alleged misconduct.

ARTICLE II. STUDENT MISCONDUCT

Student misconduct in connection with any academic matter covered by this Code includes, but is not limited to:

A. In connection with examinations:

1. Substituting for another student or permitting any other person to substitute for oneself to take the exam or perform other work relating to the exam.

2. Copying from or looking upon another student’s examination paper during an examination with the intent to obtain information relevant to the examination or intentionally permitting another student to see and copy from one's examination paper.
3. Collaborating during the examination with any other person by giving or receiving information without authority.

4. Using material during an examination not authorized by the person administering the examination.

5. Taking time beyond that allowed other students for the completion of an examination without the express permission of the person administering the examination.

6. Divulging in a systematic and coordinated way, during or after the exam, the contents of an essay or objective examination where the instructor has stated that the contents of the examination are not to be divulged, until such time as the instructor releases the examination.

7. Invading or attempting to invade the security measures maintained for the preparation and storage of examinations.

8. Stealing, buying, otherwise obtaining, selling, giving away, or bribing another person to obtain all or part of an unadministered examination or information about an unadministered examination or an examination which is to remain confidential or any unauthorized information concerning an examination.

9. Failing to inform the Dean or the appropriate faculty member of the fact that one has come in contact, through no fault of the student, with an unadministered examination, or an examination which is to remain confidential, or any unauthorized information concerning an examination, after becoming aware of the fact that the material involved is confidential.

B. In connection with any report, paper, memorandum, article, brief or any other written work in fulfillment of academic requirements or to directly or indirectly obtain academic credit or recognition:

1. Submitting as one's own written work prepared totally or in part by another person, unless such collaboration is expressly authorized by the instructor, provided that, unless all discussion is expressly prohibited by the instructor, merely discussing the subject matter generally with another student is not in violation hereof.

2. Submitting a writing incorporating another person's work, whether copyrighted or not, by taking the substance of such work or the literal expression from such work of another without acknowledging and crediting the original author's work with quotation marks and footnotes or other appropriate written explanation.

3. Submitting written work previously offered by the student for credit or recognition in another course or program without the instructor's permission secured in advance of submission.

C. In general:

1. Failing, upon witnessing or learning of the probable violation of this Code, to report the fact immediately to the Dean or a member of the faculty.

2. Refusing to testify at any proceeding under the Code as to the facts within his or
her knowledge, provided he or she is not the accused, as no person shall be compelled to bear witness against himself or herself.

3. Taking, keeping, misplacing, tampering with, or damaging the property of Baylor University, a faculty member, another student or any other person, if one knows or should reasonably know that one would by such conduct obtain an unfair academic advantage. This section is intended to include, but not be limited to, material in the law library.

4. Misrepresenting facts about oneself or another for the purpose of obtaining an advantage, either academic or financial, or for the purpose of injuring another student academically or financially, including providing false grades or other information in resumes for placement use.

5. Knowingly or negligently submitting false or misleading information concerning hours worked or requirements fulfilled in connection with any externship or clinical program undertaken for credit or recognition.

6. Acting contrary to accepted principles of honesty in any academic pursuit, it being recognized that no enumeration can exhaust the possible applications of a law student's obligation to conduct himself and herself in a manner consistent with the Code and that the enumeration above is by way of illustration and not limitation, provided, however, that if at all possible one or more of the enumerated sections should be utilized rather than this general provision.

**ARTICLE III. THE HONOR COUNCIL**

The Honor Council shall be responsible for implementing and enforcing this Honor Code. The Honor Council shall be composed of two bodies, an Investigatory Committee and an Adjudicatory Committee. The Investigatory Committee shall include the vice presidents of the respective classes with the vice president of the senior class serving as chair. The Adjudicatory Committee shall include the presidents of each of the law school classes and the two faculty members appointed by the Dean to serve as the Faculty Honor Code Committee. The Dean shall designate one of the faculty members to serve as the chair of the Faculty Honor Code Committee and that person shall also serve as chair of the Adjudicatory Committee.

Any member of the Investigatory Committee or the Adjudicatory Committee must disqualify himself or herself if he or she feels, that in the determination of an alleged violation, he or she cannot act on the weight of the evidence without bias or prejudice. Failure to disqualify oneself where disqualification is appropriate shall in and of itself be considered a breach of the Code.

Should a student member of either the Investigatory Committee or the Adjudicatory Committee disqualify himself or herself from that committee, the president of the Student Bar Association shall appoint a replacement selected from the secretaries/treasurers of the classes. Should a faculty member of the Adjudicatory Committee disqualify himself or herself, the Dean shall appoint a replacement.
ARTICLE IV. INVESTIGATORY PROCEDURE

A. Initiation of Proceedings.

A student shall immediately report any suspected violation of this Code to the Dean or to a member of the faculty, preferably the faculty member with respect to whose courses the suspected violation occurred or to a member of the Investigatory Committee.

Where the suspected violation is reported to the faculty member whose course is involved, or where the faculty member observes or has personal knowledge of a possible Code violation, the faculty member may:

1. handle the matter directly with the student, unless the student requests that the matter be referred to the Dean, in which case the faculty member shall do so, or
2. refer the matter directly to the Dean.

A member of the Investigatory Committee to whom a suspected violation of this Code has been reported shall convey the information obtained to the Dean who may refer the matter to the faculty member whose course is involved for informal resolution between the faculty member and the student.

Where a suspected Code violation is referred to the Dean, he or she in consultation with an affected faculty member where appropriate, shall determine whether the matter is covered by this Code and whether sufficient evidence exists to pursue the matter further. The Dean may settle the case by agreement with the student, with or without an acknowledgment of guilt, e.g., an agreement that the student withdraw from the Law School, accept a stipulated punishment or conduct himself or herself in a particular way. The agreement shall be reduced to writing and signed by the student and the Dean.

In any of the above situations the student should be advised of his or her rights under this Code, particularly of the right to have the matter referred to the Investigatory Committee as set out below.

If it is determined that the matter merits investigation, and no satisfactory informal resolution of the matter can be achieved, a complaint shall be prepared by the Dean, signed, verified and dated by the accusing party or parties, setting forth all the relevant facts, including the name of the accused party and the names of all eye witnesses to the event or other parties who may possess any relevant knowledge. The complaint, together with any relevant writings, e.g., examinations, articles, briefs, shall be referred to the Chair of the Investigatory Committee.

B. Investigatory Procedure.

1. Upon receipt of the complaint the Chair of the Investigatory Committee shall convene the Committee and the Chair may assign specific investigatory duties to other members of the Committee, e.g., interviewing eye witnesses, comparing examination papers or other writings. In all proceedings of the Committee the only official participants shall be the three vice-presidents of the Law School classes or a duly appointed substitute.
2. The investigation shall be conducted in a confidential manner to protect the identity and reputation of the accused. Discussions among Committee members and witnesses shall be held in the strictest confidence and Committee members shall not reveal the contents of such discussions to anyone outside the Committee. A violation of this provision constitutes a violation of the Honor Code.

3. If the Committee determines, by majority vote, that there is probable cause to believe that the accused committed an offense warranting the imposition of major punishment, a final report outlining the charges against the accused, detailing the evidence accumulated and listing the witnesses shall be prepared, signed by the members of the Committee in favor of this action and dated. A dissenting member may, but need not, prepare a memorandum explaining his or her refusal to approve the Committee action.

If it is determined that probable cause is lacking, a written report so stating and dismissing the complaint shall be prepared and signed by the members of the Investigatory Committee in favor of such disposition with a copy of this report delivered to the accused and to the Dean. The chair of the Investigatory Committee shall be responsible for destroying all records, except the final report, should no charges be brought.

4. The written and signed accusation provided to the Investigatory Committee, the final report of the Committee and the dissenting memorandum, if any, and all other written material relevant to the matter shall be delivered to the chair of the Adjudicatory Committee. The final report shall include a clear, concise statement of the charges against the accused.

5. At the time the matter is referred to the Adjudicatory Committee, the chair of the Investigatory Committee shall also provide a copy of the accusation, final committee report and dissenting view, if any, and all other written material to the accused.

6. The accused is required to respond, in writing, to the specific charges contained in the final report to the chair of the Adjudicatory Committee within five (5) days of the receipt of the report, denying or admitting the charge or charges and, if desired, explaining or refuting the evidence. A failure to respond will not be a factor or evidentiary in determining guilt or innocence but will be considered an independent honor code violation.

ARTICLE V. ADJUDICATORY COMMITTEE PROCEDURE

A. Responsibilities of the Adjudicatory Committee and the Rights of the Accused in General.

It shall be the responsibility of the Adjudicatory Committee to hear all complaints brought before them, to make a determination of guilt or innocence, and to recommend sanctions, in appropriate cases, to the Dean and faculty. In performing its functions and responsibilities, the Adjudicatory Committee shall afford the following rights to the accused:

1. A clear, concise statement of charges against him or her;

2. An adequate time to prepare any defense he or she may have to offer;
3. A personal appearance before the Adjudicatory Committee;

4. Counsel or a representative of his or her choice from among the student body or otherwise;

5. Opportunity to present evidence in his or her behalf;

6. Opportunity to examine and cross-examine witness;

7. Issuance of summonses by the Committee for witnesses and relevant documents;

8. To remain silent without such silence being construed against him or her;

9. A hearing closed to the public, or open, at his or her choice;

10. A presumption of his or her innocence until the Committee is convinced of his or her guilt by clear and convincing evidence;

11. To have the hearing held, the decision made, and a copy of the decision of the Committee made available, without undue delay;

Should the accused admit, without qualification, the charges against him or her and request that the penalty or sanction be imposed by the Dean and faculty without submission to the Adjudicatory Committee, the matter shall be handled by the Dean and faculty without submission to the Adjudicatory Committee.

B. Preliminary Steps.

1. The hearing shall be held within a reasonable time after the final report of the Investigatory Committee is served on the accused, but not less than three (3) days thereafter and not before the accused has been given an opportunity to respond to the report within five (5) days of the receipt of the report.

2. At least three (3) days before the date of the hearing the chair of the Investigatory Committee and the accused shall each submit a list of all persons believed to possess knowledge or information relevant to the accusation in question and the Adjudicatory Committee shall summon all such persons to be available at the hearing. Either party may request permission from the Chair of the Adjudicatory Committee to add a person or persons to this list at any time before the conclusion of the hearing and such request shall be granted if good cause is shown for omitting such person or persons from the original list.

The failure of any person to appear and testify without good cause shall be a violation of the Honor Code.

3. At least three (3) days before the date of the hearing the accused shall advise the chair of the Adjudicatory Committee whether he or she wants a closed hearing or a hearing open to the public. If the accused has no preference or communicates no choice, the hearing shall be closed to the public.

4. The chair of the Investigatory Committee shall serve in the role of the prosecutor and shall call witnesses against the accused, present documentary evidence, cross-examine
witnesses called by or on behalf of the accused, including the accused, and
generally conduct the proceedings against the accused. For good cause the chair
may designate one of the other members of the Investigatory Committee to perform
the functions set out above.

5. Either the accused or the chair of the Investigatory Committee may request joint
pre-hearing consultations with the chair of the Adjudicatory Committee with respect
to matters of practice and procedure. The parties shall avoid discussion of the
merits--guilt or innocence--or of the appropriate sanctions, if any--as opposed to a
discussion of what sanctions may or may not be available should the accused be
found guilty of a violation.

C. The Hearing.

1. Although the process is sui generis and not patterned entirely on a civil, criminal or
administrative model, the hearing shall be conducted generally in conformity with
traditional judicial process with the prosecution putting on its case first, followed by
the case for the defense, with an opportunity afforded to both sides to make brief
opening and closing statements.

2. The Chair of the Adjudicatory Committee shall rule on all matters coming before
the Committee during the course of the hearing, including requests for
disqualification of committee members because of personal interest or bias, times
allotted for statements or arguments, claims of privilege and rulings on admissibility
of evidence.

3. No hearing shall be held unless all members of the Adjudicatory Committee are
present. All members of the Committee are entitled to ask questions of witnesses
subject to the right of the chair to set reasonable limits on questioning by individual
committee members.

4. The Committee shall receive oral and documentary evidence which possesses
probative value without regard to the technical legal rules of evidence provided that
irrelevant, immaterial and unduly repetitious evidence may be excluded.

5. The Secretary of the Student Bar Association, or his or her designee, shall attend
and make a complete record of the hearing, preferably by video recording. The
accused shall be entitled to a copy of such record for appeal purposes. The record
shall be destroyed by the Secretary should the accused be found not guilty of any
violation.

D. The Decision.

1. After the hearing is concluded, the Adjudicatory Committee shall adjourn to
deliberate guilt or innocence and recommended penalty, if any, in executive session
with no other person or persons present. The Committee shall decide the issue of
guilt or innocence and an appropriate penalty solely on the basis of admitted
evidence. All deliberations of the Committee shall be held in confidence.

2. The accused shall be presumed innocent of the alleged violation and shall be
found guilty only upon a determination by a three-fifths (3/5ths) vote of the
Adjudicatory Committee, by secret ballot, that guilt has been established by clear
and convincing evidence.
3. The decision of the Adjudicatory Committee and the recommended penalty, if any, shall be communicated to the accused in writing within twenty-four hours of the conclusion of the hearing.

4. If the matter is not appealed to the faculty the decision of the Committee as to guilt is final. The Committee's recommendations as to sanctions or penalties are subject to de novo review by the faculty whether the matter is appealed or not and may be followed, rejected in whole or in part or modified.

E. Absent Accused

In the event the accused withdraws from law school prior to the initiation of these proceedings or at any time during the course of these proceedings, the Adjudicatory Committee chair shall advise the accused that a hearing of the charges will be held at a time convenient to the accused within the next three months and that his or her failure to appear and respond to the charges shall become a matter of record. If the accused advises that he or she will not appear, or chooses not to appear when the hearing has been scheduled without just cause, the Committee may determine whether to proceed with the hearing or whether to simply state the facts on the record and close the proceeding.

ARTICLE VI. PENALTIES

A. If the Adjudicatory Committee finds that the accused is guilty of the alleged violation or violations the Committee may recommend any appropriate sanction or combination of sanctions, including that the student be:

1. Expelled from the Law School with or without a right to apply for readmission no sooner than a fixed date;

2. Suspended from the Law School for a fixed period;

3. Placed on probation for a specified period of time with a prescribed sanction or penalty for violation of probation;

4. Publicly reprimanded by the Dean, with or without a copy of such reprimand forwarded to the appropriate officials of the Texas Board of Bar Examiners and/or Bar Examiners of other jurisdictions;

5. Denied course credit or the particular grade which had been given in the course, provided that the violation occurred in connection with such course;

6. Privately reprimanded.

B. The Adjudicatory Committee may also recommend appropriate penalties or sanctions, without additional hearings, for any student or students who violated the Honor Code by failing to report violations of the Code observed by such student or students or by refusing to cooperate with the Committee, e.g., by refusing to appear, by refusing to testify, by failing to testify truthfully.
ARTICLE VII. APPEAL

A. Either the accused or the chair of the Investigatory Committee may appeal the decision of the Adjudicatory Committee regarding guilt or innocence or with respect to the recommended penalty, by serving written notice of appeal to the Dean within 10 days after the decision and recommendations are communicated to the accused.

B. With respect to the decision on guilt or innocence, the review by the faculty shall be in accordance with the principles of a substantial evidence review. The faculty review committee shall consist of at least two-thirds (2/3rds) of the faculty, excepting the two faculty members who served on the Adjudicatory Committee.

C. With respect to the appropriate penalty, the faculty may disregard the recommendations of the Adjudicatory Committee, in whole or in part, and may determine an appropriate penalty or sanction de novo, and the faculty review committee may review the recommended penalty or sanction whether or not the cause is appealed by either the accused or the chair of the Investigatory Committee.