



FOWLER SCHOOL OF LAW HONOR CODE

PREAMBLE

The Honor Code of Chapman University Fowler School of Law calls for a commitment by students to adhere to the highest ideals of professional integrity. Paramount among those ideals is the concept of honor, which fosters an environment of trust to be carried into the larger professional community after our students have left the Law School. Each student who joins the Law School community affirms, by the student's acceptance of a position in the community, this commitment to integrity, honor, and trust. Every student is presumed not to have violated this commitment unless and until proven otherwise.

Each student of Chapman University Fowler School of Law must understand this Honor Code as a system of duty. Key to this system is self-regulation, which requires the cooperation of each member of the Law School community.

Article I

Scope of the Honor Code

This Honor Code applies to each student of Chapman University Fowler School of Law and shall be the Law School's exclusive policy for dealing with violations of the Honor Code as defined by Article II of this code. In addition, all Fowler School of Law students are expected to adhere to the policies that govern student behavior outlined in the Chapman University Code of Student Conduct.

Administration of the Honor Code

Each law student shall be responsible for understanding their obligations under this Code. The Honor Council Committee will be responsible for the administration of the Code as provided in Article V of this Code.

Article II

General Provisions

- (A) No preliminary review or investigation may be initiated under this Code if more than one year has elapsed since the date when the alleged violation of the Honor Code was or reasonably should have been discovered.
- (B) All definitions of Violations of the Honor Code found in this Article in shall be construed to ensure fairness to the suspected violator.

Violations of the Honor Code

- (A) As used in this Code, the term “violation of the Honor Code” means the following acts, where such acts affect the School’s operations, academic integrity, educational environment, or reputation in the academic or legal community:
- (1) Lying;
 - (2) Cheating;
 - (3) Plagiarism;
 - (4) Obstruction of an investigation related to this Code;
 - (5) Failing to report a misdemeanor or felony crime as required under Article IV of this Code.

Violations Defined

- (A) As used in this Code, “willfully” means intentionally or purposefully, but not accidentally, mistakenly, or negligently. As used in this Code, “recklessly” means that with respect to a material element of an offense, the student consciously disregards a substantial and unjustifiable risk that the material element exists or will result from their conduct. The risk must be of such a nature and degree that, considering the nature and intent of the student’s conduct and circumstances known to them, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the student’s situation.
- (B) Lying means willfully or recklessly misrepresenting or willfully or recklessly failing to disclose a material fact related to Law School academic integrity and/or programs at the Law School that a reasonable person would consider relevant under the circumstances. Examples of lying include, but are not limited to, the following:
- (1) Misrepresenting or failing to disclose facts relevant to admission to the School;
 - (2) Misrepresenting or failing to disclose facts relevant to class attendance;
 - (3) Misrepresenting or failing to disclose facts relevant to compliance with course requirements;
 - (4) Misrepresenting or failing to disclose facts relevant to financial aid, work study or scholarships;
 - (5) Misrepresenting or failing to disclose facts relevant to the employment search process;
 - (6) Misrepresenting or failing to disclose facts relevant to co-curricular activities for which credit is granted;
 - (7) Misrepresenting or failing to disclose facts in a misconduct report;
 - (8) Misrepresenting or failing to disclose facts in any Honor Code proceedings.
- (C) Cheating means willfully or recklessly giving, receiving, taking or using, or attempting to give, receive, take or use, any unauthorized advantage that is specifically prohibited by school policies or procedures or by the student’s professor, adjunct professor or instructor in connection with any course work or curricular activity for which credit is granted. Cheating includes, but is not limited to, the following:
- (1) Any prohibited aid, assistance or cooperation in connection with an examination;
 - (2) Any prohibited aid, assistance or cooperation in connection with a paper, report, brief or other assignment;
 - (3) Commencing an examination before the stipulated time, including reading the

contents of the examination or writing any notes or outlines, or continuing to write after the time for taking the examination has expired;

- (4) Possession, use or reference to prohibited materials during an examination;
- (5) Depriving other students for an unreasonable length of time of access to library materials or other information that either is needed for the timely completion of course work or is helpful to preparation for a class or an examination with the intent to disadvantage other students;
- (6) Obtaining knowledge or possession of unreleased examination questions, answers or information, or retaining copies of an examination or other materials contrary to a professor's instructions;
- (7) Any copying or use without permission of the original of another student's personal work product, including briefs, notes, tapes, computer software or data, outlines, written assignments or other materials;
- (8) Failing to disclose to a professor the submission for credit of work that was wholly or substantially done outside the course for which credit is being sought.

(D) Plagiarism means willfully or recklessly misrepresenting all or part of another's work as one's own, either for credit or for publication. Plagiarism includes, but is not limited to, the following:

- (1) Verbatim presentation of another's work without acknowledgment;
- (2) Paraphrasing or restating another's work without acknowledgment;
- (3) Partial but significantly incomplete acknowledgment of another's work.

(E) Obstruction means interference with the enforcement of the Law School Honor Code. Obstruction includes:

- (1) Intimidating or harassing a person who has made a complaint under this Honor Code;
- (2) Willfully or recklessly failing to cooperate in a timely manner in connection with any Honor Code procedures or with reasonable investigative procedures undertaken by Honor Code investigators when performing an investigation pursuant to the Honor Code.

(F) Obstruction does not include confidential information that is protected by a legal privilege, or disclosed to any student retained to assist an accused violator in any Honor Code investigation.

Article III

Sanctions for Violations of the Honor Code

Appropriate sanctions shall include any one or more of the following:

- (1) A private reprimand;
- (2) Reduction of the grade in the course in which the violation occurred including but not limited to changing the student's grade to an "F" (with professor approval);
- (3) Authorizing the professor, adjunct professor, or instructor teaching the course in relation to which the violation occurred to be notified of the violation and permitted to alter the student's grade as deemed appropriate.
- (4) Loss of library privileges, including Westlaw and Lexis accounts;
- (5) Restitution;
- (6) Loss of scholarship;

- (7) Disciplinary probation, with or without conditions, until graduation;
- (8) Suspension for up to two calendar years, with or without conditions;
- (9) Notation on the violator's transcript;
- (10) Permanent dismissal from the School;
- (11) A recommendation to the Board of Trustees of Chapman University that the Board permanently revoke a previously granted degree, where the penalty would have been permanent dismissal, had the violation been discovered while the violator was still in school; or
- (12) Any other sanction determined by informal resolution under Section IV.

Article IV

Mandatory Reporting of Criminal Misdemeanors, Felonies or Restraining Orders

- (A) If a student who has been found to have committed a misdemeanor or felony crime after admission to the Law School and while off campus of Chapman University or Chapman University Fowler School of Law, where a final judgment has been rendered by a competent court, the student shall, within thirty (30) calendar days of judgment being entered by a competent court, report the crime to the Assistant Dean for Students Affairs. A final judgment shall include a conviction or acceptance of a guilty plea or a plea of *nolo contendere*.
- (B) Any student against whom a restraining order of any type is issued must report the issuance of the order to the Assistant Dean for Student Affairs within five (5) business days after the issuance of the order.
- (C) The Law School may be required to report this information to jurisdictions as part of an applicant's moral character application.

Article V

Policies and Procedures

Section I - General Provisions

All procedural provisions in this Code shall be construed to ensure fairness to the suspected violator.

- (A) The Honor Council Committee is composed of five full-time faculty members, which includes the Chair, appointed by the Dean of the Law School. The Chair of the Honor Council Committee shall be a faculty member appointed by the Dean.
- (B) A suspected violator may retain counsel at his or her own expense or may be represented by another person of his or her choice, including another student. Any representative of a suspected violator shall file an appearance with the Assistant Dean for Student Affairs. No professor, adjunct professor, instructor, administrator or staff member shall represent a suspected violator.

Section II- Reporting Procedures

- (A) If a student, professor, adjunct professor, instructor, staff member or employee becomes aware of facts establishing reasonable grounds to believe that a violation of the Honor Code, as defined in Article II, has occurred, they shall report the violation to the Assistant Dean for Student Affairs. If the violator self-reports a violation (an “admission”) prior to a report being filed with the Assistant Dean for Student Affairs, it shall be considered a mitigating circumstance in determining the appropriate sanction to be imposed.
- (B) The Assistant Dean for Student Affairs shall provide students with a form to use in reporting suspected violations (“report”). The report shall include a full written description of the suspected violation, including the place and the approximate date and time it occurred. The report shall also include the name of the suspected violator or, if the suspected violator’s name is not known, all relevant identifying information. The report shall be signed by the reporting student and filed with the Assistant Dean for Student Affairs. The Assistant Dean for Student Affairs shall take no action on any allegations from an individual subject to the reporting obligation that is not contained within a report prepared and signed in the form required by this paragraph.
- (C) No professor, adjunct professor, instructor, staff member or employee shall individually resolve or attempt to resolve matters of suspected violations. Any professor, adjunct professor, instructor, staff member or employee who has reasonable grounds to believe that an Honor Code violation has occurred shall promptly report it pursuant to the procedures described in Subsections (A) and (B) of this Section. This reporting requirement shall not apply to information disclosed in confidence by a student making a good faith effort to ascertain his or her other responsibilities under the Honor Code. Any professor, adjunct professor, instructor or student who reports a suspected violation shall be disqualified from serving in any capacity other than that of a witness in connection with the matter in which the report is filed.

Section III – Investigating Suspected Violations

- (A) As soon as practicable after receiving a report under Section II, the Assistant Dean for Student Affairs shall conduct a preliminary review to determine whether there is substantial evidence that a violation of the Honor Code has occurred. The Assistant Dean for Student Affairs may talk to the suspected violator, person who reported the violation, and any witnesses as necessary to determine whether an investigation is warranted.
- (B) If, after the preliminary review under subsection (A) of this Section, the Assistant Dean for Student Affairs decides that there is not substantial evidence that a violation of the Honor Code has occurred, the Assistant Dean for Student Affairs shall close the matter. The Assistant Dean for Student Affairs shall have the discretion to reopen an investigation within the statute of limitations period defined in Article II, but only if new evidence indicates further investigation is appropriate.
- (C) If the Assistant Dean for Student Affairs is in any way associated with an alleged violation as a potential violator or witness or otherwise has prior knowledge of the alleged violation outside of the report, the Assistant Dean for Student Affairs shall be recused and the Dean of the Law School shall appoint an administrator or faculty on an ad hoc basis to conduct a preliminary review.

Section IV– Investigation and Informal Resolution

- (A) If the Assistant Dean for Student Affairs, after the preliminary review, decides that there is substantial evidence that a violation of the Honor Code has occurred, they will refer the matter to the Faculty Chair of the Honor Council Committee. The Faculty Chair of the Honor Council Committee shall appoint two members of the Honor Council Committee to serve as Investigators (the “Investigators”). If any member of the Honor Council Committee is in any way associated with an alleged violation as a potential violator or witness, that faculty member shall be excluded from any proceedings related to the violation in question. If this exclusion results in fewer than four faculty members being available to investigate and approve sanctions of a particular case, the Faculty Chair of the Honor Council Committee shall appoint more faculty on an ad hoc basis.
- (B) The Investigators shall serve a copy of the report on the suspected violator. The report shall be redacted so as not to identify the reporting student/individual or any witnesses. The Investigators’ cover letter shall notify the suspected violator that:
- (1) Each suspected violator must submit an independent signed written response fully and fairly disclosing all of the facts and circumstances surrounding the suspected violation that they are aware of within ten (10) working days after the date the report is served; a failure to respond within the time permitted is itself a violation under Article II of the Honor Code. However, the student may refuse to respond if the information required could lead to criminal prosecution. For good cause shown, the time periods for action required by this Code may be extended by written request of and approval by the Honor Council Committee.
 - (2) As used throughout this Code, the term “working days” means all days except Saturday, Sundays, and holidays when the School is not in session and days during semester breaks.
 - (3) Any intimidation or harassment of the person who made the report shall be grounds for instituting proceedings under this Honor Code pursuant to Article II of the Code.
- (C) After the suspected violator has filed a response, or the time for filing a response has expired, the Investigators shall promptly conduct whatever further investigation they deem appropriate. When the full investigation is complete, the Investigators shall decide whether, by a preponderance of the evidence, a violation of the Honor Code has occurred. Once the investigators have completed a thorough investigation, they shall either:
- (1) Dismiss the case and notify the Assistant Dean for Student Affairs, who will then directly notify the suspected violator that the matter has been dismissed. No additional explanation of the grounds for dismissal is required.
 - (2) Or, if the investigators find that a violation of the Honor Code has occurred, the Investigators shall determine proposed sanctions. If the two investigators cannot agree on a sanction, they may bring their findings and consult with the full Honor Council Committee to determine sanctions.
- (D) The Investigators shall notify the rest of the Honor Council Committee in writing of the findings and proposed sanction. The Investigators’ notification shall include a copy of the report, the suspected violator’s response, a summary of the facts developed during the investigation, and a statement of reasons explaining the proposed sanction.

The Honor Council Committee shall have five (5) working days to approve the findings and/or sanctions or come up with new ones. The Assistant Dean for Student Affairs shall then notify the suspected violator of the findings and/or sanctions in writing.

- (E) In any case involving a graduating student, the Investigators shall expedite the investigation, and all other time periods for action required by this Code may be shortened, unless the suspected violator objects.

Section V-Formal Hearing

- (A) If the suspected violator does not accept the Investigator's findings and/or sanctions, they have three (3) working days to either request a formal hearing with the full Honor Council Committee by sending the request to the Assistant Dean for Student Affairs or appealing directly to the Associate Dean for Academic Affairs (see Section VI). If the suspected violator chooses to appeal directly to the Associate Dean for Academic Affairs, they waive their right to a formal hearing.
- (B) If the suspected violator requests a formal hearing, as soon as practicable, the Assistant Dean for Student Affairs shall schedule a hearing with the full Honor Council Committee so that the suspected violator has an opportunity to be heard. The suspected violator may discuss the allegations and present any relevant evidence supporting the case, ask questions of the investigators, and answer any questions the Committee has. The Hearing will be recorded. All relevant information may be presented without regard to formal rules of evidence.
- (C) The Honor Council Committee shall have three (3) working days to make a final decision as to whether the Investigators were correct to conclude, by a preponderance of the evidence, that a violation of the Honor Code has occurred. If the Committee finds that a violation occurred, it shall also decide on the appropriate sanctions. The Assistant Dean for Student Affairs shall notify the suspected violator of the final decision of the Honor Council Committee in a written sanction letter and if the suspected violator does not file an appeal, a copy of that sanction letter shall be sent to the Law Registrar for inclusion in the student's file.

Section VI - Appeals

- (A) If the Investigators or the full Honor Council recommends sanctions, the suspected violator shall have the right to appeal to the Associate Dean for Academic Affairs. The suspected violator shall have five (5) working days from the date of receiving notice of sanctions, either after the investigation or, if requested, after a formal hearing, to commence an appeal by filing a written appeal with the Associate Dean for Academic Affairs. The failure to file a timely notice of appeal shall constitute a waiver of the right to appeal.

Upon receiving the appeal, the Associate Dean for Academic Affairs shall investigate the matter by reviewing all materials produced by the Honor Council Investigators (and the recording of the full Honor Council Hearing), and speaking to them, the suspected violator or witnesses as necessary. Findings and recommendations of the Honor Council Committee are presumptively valid and reasonable. The violator has the burden to overcome this presumption and to establish that it is more likely than not that no violation of the Honor

Code occurred or, if a violation has occurred, that the proposed sanctions are inappropriate in light of the violation

- (B) The Associate Dean for Academic Affairs shall have three (3) days to respond to the suspected violator by either confirming the sanction was appropriate, or by asking the Honor Council Committee to reconsider its decision. The decision by the Associate Dean for Academic Affairs is final and not appealable. No decisions or judgments in individual matters may be appealed to the President or the Board of Trustees of Chapman University.
- (C) If the Associate Dean for Academic Affairs is in any way associated with an alleged violation as a potential violator or witness or otherwise has prior knowledge of the alleged violation outside of the record on appeal, the Associate Dean for Academic Affairs shall be recused and the Dean of the Law School shall appoint an administrator or faculty on an ad hoc basis to hear the appeal.

Section VII - Records and Confidentiality

- (A) The Honor Council Committee shall maintain records of all matters in which a report was filed. Except as provided in subsections (B) and (C) of this Section, or as required by other portions of this Code, all information relating to proceedings under the Honor Code and Honor Council Committee records shall be strictly confidential and shall not be disclosed to any person other than the Assistant Dean of Students, the Honor Council, the suspected violator and his counsel, the person who reported the violation and witnesses only to the extent necessary to conduct investigations under this Code, the Associate Dean for Academic Affairs in connection with an appeal under Article V, Section VI, and, to the extent necessary to administer a sanction authorized under Article III, the Dean of the Law School, the Associate Dean for Academic Affairs, and any other administrator, faculty, or staff member or other individual necessarily involved in providing technical or other support to the preliminary review, investigation, or the administration of the sanction. This confidentiality requirement shall extend to members of the Honor Council Committee the Assistant and Associate Deans, the reporting student(s), the suspected violator, all potential witnesses, and all University employees or contractors having knowledge of or access to any such records, information or proceedings. Any breach of confidentiality shall be referred to the Dean of the Law School for possible disciplinary action.
- (B) In any matter in which there is a finding that a Honor Code violation occurred, a summary of the matter, including the sanction imposed, shall be made a permanent part of the violator's student file. If any other law school or state bar to which the violator has applied for admission requests information about the violator, a copy of the summary and any other information the Dean of the Law School believes appropriate shall be included in the School's response. The Dean of the Law School shall have the discretion to disclose such information even in the absence of a request, and shall have the discretion to disclose such information to other outside entities when appropriate. All disclosures under this Section shall be made in accordance with any applicable state or federal limitations on the disclosure of student education records.
- (C) In any matter in which there is no finding that an Honor Code violation occurred, no record of investigation shall be included in the student's file or transmitted to any outside entity. Three years after the student graduates, the Honor Council Committee shall destroy all records relating to the matter.