

Law School Code of Student Conduct

TEMPLE UNIVERSITY'S BEASLEY SCHOOL OF LAW CODE OF STUDENT CONDUCT AS ADOPTED APRIL 26, 2016. (UPDATED MARCH 17, 2017 and OCTOBER 20, 2017)

I. GENERAL PROVISIONS.

A. Jurisdictional Statement.

This Temple University Beasley School of Law Code of Student Conduct ("Code") governs the conduct of any student who enrolls in a course of study at the Beasley School of Law ("Law School") designed to lead to a law degree or law-related certificate conferred by Temple University ("University"). The Code applies to conduct related to the application process of a subsequently enrolled student and to conduct that occurs while the student is enrolled, including such conduct that is not discovered or adjudicated until after the student is no longer enrolled at the Law School.

The Code is promulgated under the authority of the Temple University Student Conduct Code, which provides in Article III, Section A.4:

Subject to review and/or approval by the University President or his or her designee, the Schools of Medicine, Law, Pharmacy, Dentistry, Podiatric Medicine and the College of Health Professions and Social Work may adopt their own student codes in order to provide their students with guidelines concerning the additional standards required of Students enrolled in those schools.

These student codes:

- a. Must be consistent with this Student Code;
- b. Must be in writing and published or disseminated widely at the school; and
- c. Must be filed with the Student Conduct Administrator.

Accordingly, all ambiguities shall be resolved in favor of consistency with the Temple University Student Conduct Code ("University Code"). The decision whether a student conduct matter is heard through the process set forth in the Law School's Code or the University Code will be in the sole discretion of the Dean of the Beasley School of Law or his or her designee.

B. Responsibilities of Law School Community.

Except as otherwise specifically provided, it is the responsibility of all members of the Law School community to cooperate fully in the enforcement and implementation of this Code, including but not limited to, reporting violations of the Code of which the person has personal knowledge and providing information, testimony, and evidence at any investigation into or hearing on alleged violations of the Code.

C. Authority of Faculty.

1. Except as otherwise specifically provided, the Code does not affect the inherent authority of each Law School professor to conduct and to regulate classes in accordance with the Regulations of the Faculty of the School of Law.
2. The Code does not affect any existing right or obligation of any Law School Faculty member or Administrator to make a report to appropriate Bar Examiners concerning the prospective fitness of any Law School student for the practice of law.
3. The Faculty of the Law School may delay or suspend the graduation of a student, pending the completion of any process initiated under Section IV.A of this Code.

D. Notice of Provisions; Ignorance No Defense.

Copies of this Code shall be available and prominently posted on the Law School's web site and shall be made available to each incoming Law School student. Law School students are responsible for knowing the contents of the Code; such knowledge shall be presumed conclusively. Ignorance of the Code provisions shall not constitute a defense in any proceeding against a student.

E. Rights Not Affected.

The Code shall not affect the rights of any member of the Law School community to free speech, peaceful assembly, and petition. These rights shall not be abridged by any representative or official action of the School of Law.

F. Definitions.

1. Student.

As used in Parts III-IV, "Student" means an alleged student violator of this Code.

2. Law School Discipline Committee.

- a) There shall be a Law School Discipline Committee ("Committee") composed of four (4) Law School student members and three (3) Law School Faculty members.

b) Five Faculty members from which the three (3) Committee members will be drawn shall be elected by the Faculty as a whole at the conclusion of the Spring semester. One of the Faculty members shall be elected as the Chair of the Committee. The Faculty members of the Committee shall serve for one (1) year terms, commencing in the Fall semester following their election.

c) The student members shall each serve for one (1) year. A pool of twelve (12) students from which the four (4) Committee members will be drawn for individual cases shall be chosen at the beginning of the Fall semester. J.D. student members shall be elected with class officers in the elections held at the beginning of the Fall semester. Two (2) students shall be elected from each Day Division class (first year day, second year day, third year day) and one (1) student shall be elected from each Evening Division class (first year evening, second year evening, third year evening, and fourth year evening/part-time day). Two (2) LL.M. students shall be appointed as student members of the Committee by the Dean at the beginning of the Fall semester. The LL.M. student members may serve only on the Committee for hearings involving LL.M. students. The student members shall be available to serve as panel members in cases heard by the University's Student Conduct Board.

3. Law School Counsel.

The Dean of the Law School shall, at the beginning of the Fall semester, appoint a Law School Faculty member to serve as Law School Counsel for a one year term following the appointment. The Dean may, in the Dean's discretion, appoint an Alternate Law School Counsel, *ad hoc*, as needed.

4. Hearing Judge.

a) The Dean of the Law School shall, at the beginning of the Fall semester, appoint a Hearing Judge and an Alternate Hearing Judge from among the members of the Law School Faculty to preside over hearings on alleged violations of the Code. The Hearing Judge and Alternate Hearing Judge shall each serve a one (1) year term. The Hearing Judge shall preside in all cases unless the Dean, in the Dean's discretion, appoints the Alternate Hearing Judge to preside, *ad hoc*.

b) The Hearing Judge shall conduct the hearings in a neutral and detached fashion and shall rule on the admission of evidence. The Judge shall not participate in any deliberations, fact findings, applications, or determinations of the Committee. The Hearing Judge shall also have the power to modify any time limits of this Code upon a showing that special circumstances require the modification.

5. Law School Review Panel.

There shall be a Law School Review Panel ("Review Panel") composed of five (5) Faculty members and four (4) student members, as follows:

- a) The Faculty members shall be the members of the Administrative Committee.
- b) The student members shall be other than first year students and shall be appointed by the President of the Student Bar Association at the beginning of each Law School academic year.
- c) The Chairperson of the Administrative Committee shall be the Chairperson of the Review Panel.

6. Plagiarism.

"Plagiarism" includes any substantial occurrence of the following:

- a. the failure properly to attribute directly quoted material
- b. the failure properly to attribute paraphrased material
- c. the fabrication of attributions;
- d. the representation of another's ideas, or a portion of another's work, as one's own.

7. Unauthorized Materials.

The term "use unauthorized materials" includes, but is not limited to, a student's use, without the prior approval of a member of the Faculty, of the student's own work-product which had previously been submitted, or is concurrently used, to satisfy any other academic, journal, competition, co-curricular, or employment requirement.

8. Writing.

Any notification required to be "in writing" may be made by email.

II. Student Conduct.

A. Distinct from any charges available under the University Code, it shall be a sanctionable violation of this Code for a Law School student knowingly to do or to attempt to do or to assist in any of the following:

- 1. give or secure information about an examination, except as authorized by the examining professor;
- 2. consult or copy from books, papers, or notes of any kind during an examination, except as authorized by the examining professor;
- 3. fabricate data;
- 4. continue to write an examination when the proctor has announced that the time allotted has elapsed;

5. plagiarize or use unauthorized materials or assistance in work submitted in any academic pursuit or any co-curricular or extra-curricular activity in the Law School.;
6. submit work for academic credit, or in fulfillment of a requirement, where that work has been performed, or is being performed, in whole or in substantial part, in the context of a paid or unpaid employment setting and/or in a prior course, without prior disclosure to and approval by the faculty member;
7. for a student taking a make-up exam, discuss the examination with a student who took the examination at any earlier time, and for a student who took an examination at the regularly scheduled time, discuss the examination with a student taking a make-up;
8. disseminate a recording made of any course-related activity (including a recording of any part of a class session) in any manner that makes the recording accessible to persons not teaching or enrolled in the course, except with the express written permission of the faculty member teaching the course;
9. fail to report any violation of this Code (including a student's own violation) about which the student has personal knowledge;
10. subject to the privileges described in Section IV.B.6, refuse to cooperate in any proceedings under the Code, including but not limited to failing to provide testimony or providing false information, testimony, or other evidence during an investigation or hearing;
11. interfere or attempt to interfere with the appearance or testimony of any person before the Law School Discipline Committee;
12. misrepresent the student's academic achievement, record, or other activities in connection with seeking employment, financial aid, scholarly awards, acceptance into any program at an educational institution, or any other thing of value;
13. communicate to a member of the Faculty or Administration falsehoods concerning official business of the Law School, including the application process to obtain admission to the Law School;
14. misappropriate or fail to account for any funds advanced to the student by the Law School;
15. ask for or receive any fee, compensation, or other thing of value as remuneration from any client for whom the student rendered services as would be rendered by an attorney to a client, in connection with a Law School related activity;
16. carry on any activity on Law School property for personal profit, without the express written consent of the Dean of Students;

17. violate any Law School rule, regulation, or order duly promulgated by the Faculty or Dean;
18. disclose an examination number to a Faculty member or to another student in violation of the anonymous grading system;
19. seriously and unreasonably disrupt, interfere with, or attempt to disrupt or interfere with the conduct of classes or any other normal or regular activities of the Law School;
20. engage in conduct, not otherwise covered by any other provision of the Code, involving dishonesty, fraud, deceit or misrepresentation, which adversely reflect upon the student's fitness to become a member of the legal profession.

B. As a matter of Law School policy, each student is under an obligation to report a criminal conviction that occurs during the student's enrollment at the Law School. However, failure to report a criminal conviction shall not constitute a sanctionable violation of this Code under Section II.A.17.

III. Sanctions.

A. Upon determining that a student has violated the Code, the Committee may impose as a sanction any regulation of the Student's connection with the University or Law School, including warning, reprimand, transcript notation (see Section V.E.), probation, exclusion from one or more Law School or University activities, suspension, revocation of degree, or permanent expulsion, as these terms are defined in the University's Conduct Code.

B. In addition, and irrespective of any other sanction, the Committee may notify the Dean or the Dean's designee to enter a grade of "F" in any course involved in the violation, except that where the Committee determines that the Student gained an unfair advantage by continuing to write an examination after a proctor had announced that the time allotted had elapsed the Committee may notify the Dean or Dean's designee to reduce the grade assigned for the course involved or to enter administrative credit for the course involved.

C. Whatever sanction is imposed shall bear a reasonable relationship to the severity of the violation that the Committee has determined occurred, except that the Committee may also consider with regard to sanction the Student's background, including the Student's record of prior violations or lack of violations.

IV. Interim Measures.

- A.** The Dean of the Law School may impose one or more of the following interim measures pending a hearing on any alleged violation of the Code:
1. suspend the Student from the Law School, which shall deny the Student access to the Law School premises (including classes) or privileges for which the Student might otherwise be eligible, as the Dean may determine to be appropriate;
 2. suspend the Student from one or more specific classes;
 3. direct the Student to cease and desist from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, electronic, email, text, telephone, through a third party, or by any other means.
- B.** An interim measure under this subsection may be imposed only when the Dean determines, in consultation with the Assistant Dean for Students or the Assistant Dean for Students' designee that the interim sanction is necessary;
1. to ensure the safety and well-being of members of the Law School community or preservation of Law School property;
 2. to ensure the Student's own safety and well-being; or
 3. because the Student poses an on-going threat of, disruption of, or interference with, the normal operations of the Law School.
- C.** The Student should be notified in writing of the interim measure, its terms, and the reasons for the interim measure. The notice should specify the Student's right to request a meeting with the Dean of the Law School, at which the Student may show cause why the interim measure is not warranted, and the Dean may reconsider the decision to impose the interim measure. The Dean's decision regarding an interim measure shall not be otherwise reviewable. An interim measure and any review of the measure do not replace the regular hearing process.

V. Disciplinary Procedures.

- A.** Preliminary Procedures.
1. Any member of the Law School community with personal knowledge about a violation of the Code shall report the violation to the Law School Counsel.
 2. If a professor believes that a student has violated the Code with regard to an examination or paper written for the professor or otherwise involving the professor's course:
 - a) The professor shall grade the examination, paper, or course on the

merits without regard to the perceived Code violation. The grade shall be reported to the Dean or Dean's designee but shall not be posted on-line, communicated to the student, or made a part of the student's transcript until the matter has been resolved.

b) The professor shall promptly report the perceived Code violation to the Law School Counsel, and the matter shall proceed as provided under the Code.

c) If Law School Counsel decides not to charge the student involved, or the Committee decides after a hearing that no violation has occurred, or the Law School Review Panel determines that the evidence is not sufficient to support the Committee's determination of a violation, the grade previously entered by the professor shall be the final grade for the examination, paper, or course.

3. Law School Counsel shall conduct an investigation before making a determination to charge the Student. Before making a determination to charge the Student, Counsel shall also notify the Student in writing of the nature of the alleged violation, including the section(s) of the Code violated, and the results of the investigation, and shall provide the Student a reasonable time (not less than five (5) days) to respond to the investigation. In the event that the investigation concludes during an examination period, the reasonable time to respond shall begin at the conclusion of the student's last examination.

4. Law School Counsel shall determine whether probable cause exists to charge Student with violation of the Code and, if so, shall determine whether to charge the Student. Counsel's determinations of whether probable cause exists and whether to charge shall not be reviewable.

5. If Counsel decides not to charge the Student, Counsel shall immediately notify the person who made the initial report and the Student. Counsel may later reopen the investigation and make a different decision based upon new evidence that was not discovered before the original decision despite Counsel's exercise of reasonable diligence. If Counsel later reopens the investigation, Counsel shall, before making a determination to charge the Student, notify the Student in writing

of the results of the reopened investigation and shall provide the Student a reasonable time (not less than five (5) days) to respond.

6. If Counsel decides to charge the Student, Counsel shall immediately notify the Committee Chairperson and the Student in writing. Counsel's written notice shall set forth the nature of the violation(s) charged, including the section(s) of the Code violated, and a summary of the facts supporting the charge sufficient to provide the Student reasonable notice of the nature of the charge.

7. If the Student admits to violating the Code, as described in Counsel's written notice to the Student (under paragraph IV.A.6. above), at Counsel's discretion a written agreement may be reached with the Student regarding the sanction for the violation. The agreement shall contain at least the following:

- a) a summary of the facts of the situation and an explanation of why they constitute a violation of the Code;
- b) an admission by the Student that the Student has violated the Code;
- c) the agreed-upon sanction;
- d) an agreement by the Student to waive the right to a Committee hearing;
- e) an acknowledgment that the agreement may be used by the Law School in its reporting to state Bar Examiners in response to an inquiry as to the Student's suitability for becoming a member of the Bar;
- f) signatures of both Counsel and the Student.

The agreement shall be forwarded to the Committee, which shall within ten (10) days of its receipt determine whether the agreement is acceptable. If at least four (4) members of the Committee vote to accept the agreement, the agreement shall constitute the final settlement of the matter and the sanction agreed to shall be subject to implementation by the Dean in accordance with Section V.C, below. If the Committee does not vote to accept the agreement, the matter shall proceed to a hearing.

8. Within seven (7) days after receipt of Law School Counsel's charging notice, the Chairperson shall notify the other Committee members and shall schedule a hearing for a date not sooner than twenty (20) days thereafter, unless special circumstances require an earlier date.

9. At the same time that the Committee members are notified, the Chairperson shall mail to the Student a written notice of the charge and of the date, time, and place for the hearing. A copy of Law School Counsel's written charging notice to the Chairperson shall be attached to the Chairperson's written notice to the Student.

10. Continuances

- a) If the charges are brought during an examination period or during the reading period between the end of scheduled classes and the beginning of examinations, the Student upon request shall be granted a continuance of the hearing until at least fourteen (14) days after the end of the examination period.
- b) If the hearing is scheduled during a Law School recess or vacation, the Student or Law School Counsel shall be granted a continuance upon showing that any material witness is not reasonably available to appear at the hearing. The continuance shall be granted until the witness becomes reasonably available.
- c) The Law School Counsel may continue a case if related criminal charges are pending against the Student. In determining whether and how long to continue the case, the Law School Counsel shall consider both the potential harm to the Student of not continuing the case and the potential harm to the Law School community of continuing the case. The Law School Counsel's determination regarding whether and how long to continue a case under this subsection shall not be reviewable.
- d) Request for any such continuance shall be made as soon as practicable and in writing.

11. At least seven (7) days before the hearing, Law School Counsel and the Student shall exchange witness lists, containing the names and email addresses of any persons they may call as witnesses at the hearing, and lists designating any documents or physical evidence they may present at the hearing. Any person, document, or physical evidence not included on these lists shall be precluded from testifying or being presented at the hearing, unless the Hearing Judge determines that good cause existed, apart from tactics, for not including the person, document, or physical evidence on the lists. In that event, the Hearing Judge shall upon request grant the adversary a continuance of a reasonable time to prepare to meet the testimony of this witness or to deal with the document or physical evidence.

12. Law School Counsel and the Student each have the right to challenge the Hearing Judge or any member of the Committee for cause, as follows:

- a) for a Faculty member or Hearing Judge, that the Faculty member's or Judge's academic activity is that from which the violation arises or that the Faculty member or Judge will be a witness at the hearing;
- b) for a student member, that the student member either was involved in the alleged violation, or reported the alleged violation, or will be a witness at the hearing; and
- c) for any member or the Hearing Judge, that the member or Judge has a personal bias or prejudice concerning either party or is otherwise

incapable of making a fair, impartial, and objective determination.

d) Any challenge for cause shall be made in writing at least five (5) days before the date of the hearing. The Hearing Judge shall determine the challenge of any member. If the Judge grants the challenge, the Judge shall designate an appropriate alternate to replace the challenged member for this proceeding. The Dean of the Law School shall determine a challenge of the Hearing Judge.

13. The Hearing Judge and any member of the Committee shall be disqualified from participating in a proceeding when the Judge or member has a personal bias or prejudice concerning either party or otherwise feels incapable of making a fair, impartial, and objective determination in the proceeding. The Hearing Judge shall designate an appropriate alternate to replace a disqualified member for this proceeding, and the alternate Hearing Judge shall replace the disqualified Judge.

14. The case to support the charge shall be prepared and presented by Law School Counsel (or Counsel's designee).

15. The Student has the right to representation at all stages of the proceedings by counsel or an advisor chosen by the Student, at the Student's own expense, or the Student may proceed pro se. Except for Committee members, the Hearing Judge, alternates, and Review Panel members, any member of the Law School community may represent or advise the student; however, the Student's counsel or advisor need not be a member of the Law School community..

B. Hearing Procedures.

1. The Student shall be present at the hearing with or without counsel or an advisor. The Committee may proceed with the hearing and determination in the Student's absence when the Student fails to appear without justification, as determined by the Hearing Judge.

2. All Committee members must be present at the hearing. If a member is unable to attend, the Hearing Judge shall designate an appropriate alternate to replace the absent member for this proceeding.

3. At the beginning of the hearing before the presentation of any evidence, Law School Counsel and the Student (or Student's counsel or advisor) shall have ten (10) minutes each for an opening statement. The Hearing Judge may allot more time for opening statements.

4. Any party may require admissible testimony and evidence from any member of the Law School community and may present evidence and call witnesses from outside the Law School community, provided the witnesses and evidence were included on the lists exchanged under Section IV.D.10. The Committee may also require admissible testimony and evidence from any member of the Law School community and may present evidence and call witnesses from outside the Law School community. Except to the extent that hearsay is admitted, no testimony shall be considered unless the opposing party has been

afforded a reasonable opportunity for cross-examination.

5. The rules of evidence shall not be binding, except that evidence shall be admissible only if it is relevant and not merely cumulative. Moreover, the Hearing Judge, at the Judge's discretion, may exclude evidence that is unfairly prejudicial.

6. Privileges

a) At the hearing, the Student shall have a privilege not to testify, and the Student's failure to testify shall not be the basis for any adverse inference.

b) The Student also retains the right to assert the Student's constitutional privilege against self-incrimination if the answer to any question might reasonably provide a link in the chain of evidence of a criminal violation under state or federal law. Any assertion of this privilege shall be determined by the Hearing Judge.

7. Separate Hearings

a) If the Student is charged with more than one violation of the Code, the Hearing Judge may, at the Judge's discretion, order separate hearings for any violations that are not based on the same conduct, incident, or episode and are otherwise unrelated.

b) If more than one Student is charged with violations based on the same conduct, incident, or episode, the Hearing Judge may, at the Judge's discretion, order a separate hearing for each Student.

8. In a case where the charge is plagiarism or collaboration, if the Committee determines after comparing the writings in question that substantial similarities exist between or among them, those similarities may be sufficient to sustain the charge of plagiarism or collaboration against the Student unless the Committee determines that it is rebutted by competent evidence.

9. At the conclusion of the hearing, Law School Counsel and the Student (or Student's counsel or advisor) shall have fifteen (15) minutes each for closing argument. The Hearing Judge may allot more time for closing argument.

10. Decision on Violation

a) At the conclusion of the hearing the Committee shall decide whether a violation has occurred. Except for a charge of violation of Section II.A.20, the Committee shall decide that a violation has occurred only if five (5) of the members, including any alternates who participated in the hearing, determine that a violation was proven by clear and convincing evidence. With regard to a charge of violation of Section II.A.20, the Committee shall decide that a violation has occurred only if the Committee members, including any alternates who participated in the hearing, unanimously determine that a violation was proven by clear and convincing evidence.

b) If the Committee decides that no violation has occurred, the charge shall be dismissed with prejudice and no record of the charge or the

proceeding shall be made or kept in the Student's file or transcript. The Committee Chairperson shall immediately notify the Student in writing of the dismissal.

c) If the Committee decides that a violation has occurred, it shall support that decision by preparing in writing brief findings of fact and the application of the provisions of the Code to these factual findings, and the Committee Chairperson shall immediately notify the Student in writing of the Committee's decision and supporting findings and application of the Code.

d) The Hearing Judge may announce the Committee's decision orally at the conclusion of the hearing prior to the preparation and communication of the writings referred to in Sections IV.B.10.(d) & (c)

11. Decision on Sanction

a) If the Committee decides that a violation has occurred, a second hearing shall be held before the same members and alternates on the issue of sanction. This sanction hearing shall be held as soon as practicable after the determination of violation. If the Hearing Judge announces the Committee's decision orally at the conclusion of the hearing, the sanction hearing may commence immediately if all parties request it and if the Hearing Judge concludes that no prejudice will result.

b) Additional evidence and testimony regarding the occurrence of the violation shall not be presented at the sanction hearing, but either party may present evidence and testimony regarding the Student's background and character. Law School Counsel and the Student (or the Student's counsel or advisor) may also make brief argument on sanction.

c) The Committee shall determine the sanction to be imposed by majority vote of the members and alternates participating in the hearing. The Committee shall promptly notify the Student and Law School Counsel of the sanction to be imposed.

d) The Committee shall prepare a brief written report of its reasons for selecting the sanction to be imposed.

12. Within seven (7) days after the conclusion of the hearings, the Committee shall forward to the Dean, Law School Counsel, and the Student copies of the Committee's written findings and applications and of its written report regarding the sanction.

13. Procedural errors in any aspect of the proceedings shall not be grounds to dismiss the charges unless the Hearing Judge is convinced that the error would prevent the Student from ever obtaining a fair hearing or that there is a substantial likelihood that the outcome of the hearing would be different but for the error. The Hearing Judge shall prepare a written report in support of this determination only if the Student or Law School Counsel file a Petition for Review of that determination under Section VI.

VI. Confidentiality, Records, Publicity & Finality.

A. All disciplinary procedures and proceedings and any records thereof shall be confidential. A video recording shall be made of all proceedings at the violation and sanction hearings and shall be preserved for six (6) years. The deliberations of the Committee shall not be audio- or video-recorded.

B. The Committee's written findings of fact and application of the Code to the facts found and its written report regarding the sanction shall be maintained by the Committee with the Student's name deleted.

C. After the matter has become final the Dean shall carry out the decision of the Committee and shall disseminate a notice to the Law School community stating the violation and sanction as determined by the Committee (and upheld upon review), with a brief summary of the facts supporting the violation and sanction sufficient to provide the Law School community reasonable notice of the nature of the violation.

D. A matter shall be considered final after the Committee has made its determination and the time for seeking review has passed without the filing of a Petition for Review under Section VI or, if a Petition for Review was filed, after completion of the review process.

E. A record of any violation found and the sanction imposed, as well as the Committee's written findings and applications and its written report regarding sanction, shall be maintained in the Student's official Law School file. In addition, the Committee may direct the Dean or Dean's designee to note the violation and sanction on the Student's transcript.

VII. Review.

A. Grounds for Review.

1. The Student may seek review on the following grounds:
 - a) availability of new evidence;
 - b) insufficiency of evidence presented to support the Committee's determination that a violation occurred;
 - c) imposition of excessive sanction; and

- d) procedural errors, rulings on challenges to Committee members or the Hearing Judge, and rulings at the hearing sufficient to require dismissal or a new hearing.
2. Law School Counsel may seek review on the following grounds:
- a) imposition of inadequate sanction; and
 - b) improper dismissal by Hearing Judge for procedural errors.

B. Standards of Review and Remedies.

1. The Student shall be entitled to a new disciplinary hearing because of new evidence if the Student convinces the Review Panel that
- a) the new evidence was not discovered until after the original hearing despite the exercise of reasonable diligence by the Student (and the Student's counsel or advisor); and
 - b) the new evidence would probably have caused the Committee to determine that no violation occurred had the new evidence been presented at the original hearing.
2. The Student shall be entitled to a determination that no violation has occurred because of insufficient evidence to support the Committee's determination if the Review Panel concludes that, taking all the evidence presented at the hearing in the light most favorable to the Committee's determination and drawing from the evidence all the reasonable inferences that support the Committee's determination, no reasonable person could determine that a violation was proven by clear and convincing evidence.
3. The Student shall be entitled to a dismissal of the charges if the Review Panel determines that the Hearing Judge's failure to dismiss for procedural errors under Section IV.E.13 was clearly erroneous, unless the errors can be cured at a new hearing, in which event a new hearing shall be held.
4. The Student shall be entitled to a new hearing if the Review Panel determines that rulings to challenges of Committee members or the Hearing Judge or rulings at the hearing were clearly erroneous.
5. Law School Counsel shall be entitled to reinstatement of charges that were dismissed by the Hearing Judge for procedural errors under Section IV.E.13 if the Review Panel determines that the dismissal was clearly erroneous.
6. The Review Panel may increase or decrease the sanction imposed by the Committee if six (6) members of the Review Panel determine that the sanction imposed was clearly inadequate or clearly excessive. The Review Panel shall give substantial deference to the sanction imposed by the Committee.

C. Procedures for Review.

1. If either the Student or Law School Counsel seek review, that party shall file a Petition for Review setting forth with particularity the grounds for review and the specific reasons asserted in support of those grounds. The Petition shall be filed with the Chairperson of the Review Panel within seven (7) days after receiving notice of the sanction imposed by the Committee or of a dismissal for procedural errors by the Hearing Judge.
2. The Review Panel Chairperson shall schedule a meeting on the Petition as soon as is practicable and shall distribute to the Panel members copies of: (a) the Petition, (b) the Committee's written findings of fact and applications, (c) the Committee's written report regarding the sanction, and (d) the Hearing Judge's report in support of a determination regarding procedural errors if the petition seeks review of that determination.
3. Except when the Student asserts the availability of new evidence, review shall be based solely upon the video record of the hearings, the Committee's written findings of fact and applications, the Committee's written report regarding the sanction, the Hearing Judge's written report regarding procedural errors, and the presentations of the parties.
4. The video record of the hearings need not be shown at the Review Panel meeting. The record shall be available in advance of the meeting for viewing by Panel members.
5. Presentations by the parties shall be made in writing, unless the Review Panel permits oral presentations.
 - a) A copy of each written presentation shall be distributed to each Review Panel member at least three (3) days in advance of the meeting.
 - b) If oral presentations are permitted, the parties shall each have fifteen (15) minutes for oral presentation.
 - c) Even if oral presentations are not permitted, the parties and the Committee shall be available at the time of the meeting for questioning by Review Panel.
6. The Review Panel shall only consider those grounds and those reasons asserted in support of these grounds that were set forth with particularity in the Petition for Review.
7. The Review Panel shall promptly notify the Dean, Law School Counsel, the Student, and the Committee Chairperson of its determination. Except as provided below, the Panel's determination shall be final and not subject to review by the plenary Faculty.
 - a) If the Panel's determination is that the Student is entitled to a new hearing or that the Hearing Judge improperly dismissed the charges, the

Committee Chairperson shall schedule a hearing as soon as practicable and the matter shall proceed as provided in this Code.

b) If the Panel's determination is that the evidence was insufficient to support the Committee's determination that a violation occurred or that the charge should be dismissed for procedural errors, the charge shall be dismissed with prejudice, and no record of the charge or the proceedings shall be made or kept in the Student's file or transcript.

c) If the sanction imposed by the Committee and upheld by the Panel or imposed by the Panel is either suspension or permanent expulsion of the Student, the sanction shall be automatically reviewed by the plenary Faculty.

d) Otherwise, the Panel's determination shall be final and the Dean shall thereafter carry out that determination.

8. Faculty Review of Suspension or Expulsion.

a) When a sanction of suspension or expulsion is imposed by the Committee and upheld by the Review Panel or is imposed by the Review Panel, the matter shall be placed on the agenda for the next regularly scheduled Faculty meeting after the Review Panel's determination.

b) The plenary Faculty may decrease the sanction only if the decrease is approved by a three-fifths (3/5) vote of the Faculty members present.

c) Review of the sanction shall be based solely upon the video record of the hearings, the Committee's written findings of fact and applications, the Committee's written report regarding the sanction, a written report by the Review Panel regarding sanctions, and the presentations of the parties. The Faculty shall give substantial deference to the sanction imposed by the Committee and/or Review Panel.

d) The video record of the hearings shall not be shown, except for good cause, at the Faculty meeting when the sanction is reviewed. The record shall be available in advance of the meeting for viewing by Faculty members and they are encouraged to view the record.

e) Presentations by Law School Counsel and the Student may be made in writing, or orally, or both. A copy of each written presentation shall be distributed to each Faculty member at least three (3) days in advance of the meeting. If oral presentations are made, the parties shall each have fifteen (15) minutes for oral presentation. Reasonable limitations may be imposed on questioning of the parties and discussion by individual Faculty members.

VIII. Amendments.

A. Any proposed amendment to this Code shall be referred to the Committee, which shall recommend by majority vote whether to approve the proposed amendment. The Committee shall report the proposed amendment and the Committee recommendation to the Faculty at the next regularly scheduled Faculty meeting.

B. The Faculty shall consider the Committee's recommendation and shall decide, by a majority vote of the members present at the meeting, whether to approve the proposed amendment.

C. If the Faculty approves the proposed amendment, the proposed amendment shall be referred to the president of the Student Bar Association.

1. The SBA president shall disseminate the proposed amendment to the student body.

2. The SBA Senate shall then consider the amendment at its next regularly scheduled meeting after completion of the publication process.

3. The proposed amendment shall be finally approved and shall become part of the Code if approved by a majority of the voting members of SBA Senate present at the meeting.

4. If a majority of the voting members of the SBA Senate present at the meeting do not approve the proposed amendment, the results of the SBA Senate vote will be submitted to the Faculty for the purpose of expressing student opinion. At the next regularly scheduled Faculty meeting, the Faculty may then reconsider and change its vote on the proposed amendment by a majority vote. If the Faculty does not change its vote, the proposed amendment shall become part of this Code.

IX. Effective Date.

This Code shall only apply to conduct, incidents, and episodes that took place after the date on which the Code is finally adopted, April 26, 2016.