

## NOTICE OF PROPOSED REGULATION

Date: October 27, 2005

**REGULATION TITLE:**

The Levin College of Law Honor System

**REGULATION NO.:**

6C1-4.0212

**SUMMARY:** The proposed regulation is a substantial revision of the College of Law Honor System. The proposed regulation incorporates new definitions and procedures, including updated adjudication and sanctioning guidelines, and also incorporates violations from the Student Honor Code, regulation 6C1-4.017, as applicable to the College of Law Honor System.

**AUTHORITY:** BOG Resolution dated January 7, 2003

**COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Rebecca J. Holt, Executive Secretary, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

**NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION:** Dr. Patricia Telles-Irvin

**THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.**

REGULATIONS~~RULES~~ OF  
UNIVERSITY OF FLORIDA

Substantial rewording of Regulation 6C1-4.0212 follows.

6C1-4.0212 ~~Student Affairs~~: The Levin College of Law Honor System.

(1) STATEMENT OF PHILOSOPHY AND DEFINITIONS.

(a) The University of Florida College of Law Honor System (hereinafter “Honor Code”), a part of the University of Florida Student Honor Code, represents a commitment by students to adhere to the highest degree of ethical integrity. Each student who joins the College of Law community is assumed to be trustworthy unless and until proven otherwise.

(b) Students at the College of Law benefit from the Honor Code because teaching and learning flourish best in an environment where mutual trust and respect form the bedrock of relationships within the community. The Honor Code helps create a community in which students can maximize their intellectual and academic potential.

(c) The Honor Code reminds all members of the law school community that success obtained through dishonest means is no success at all. Moreover, attendance at the College of Law is every student's first step in becoming a member of the legal profession. Essential to the well being of the legal profession is the presence of a sense of honor and ethical integrity among its members. The Honor Code is therefore an integral part of proper and complete professional training.

(d) The Honor Code furthers the goal of the College of Law to serve the public and the profession by producing attorneys dedicated to promoting justice, excellence, and respect for the law. The success of the Honor Code depends upon the diligence with which members of the

College of Law community ensure that they, as well as others, uphold the letter and spirit of the Honor Code.

(e) The Honor Code at the University of Florida College of Law addresses seven main issues: Violations of the Honor Code, the Honor Committee, Honor Code Proceedings, Sanctioning Guidelines, Review and Imposition of Sanctions; Review of the Hearing Process; and Final Appeal by Student to the University of Florida Office of the Vice-President for Student Affairs.

(f) Definitions.

As used in the Honor Code, the following words have the following meanings:

1. “Academic Activity” shall mean: [i] any assigned work or project used to determine academic credit, including (but not limited to) an examination, writing project, take-home test, or other project; or [ii] any competition, activity, or project sponsored or sanctioned by the University in which the student participates for the purpose of gaining an academic advantage.

2. “Academic advantage” shall mean [i]any potential benefit to a student’s academic or professional standing or to the student’s prestige within the University community, including (but not limited to) academic credit or honors, or an award or other recognition of excellence in a particular academic or professional field or endeavor (including selection for membership in an organization related to the field or profession); or [ii] or a waiver, extension, release, or excuse from academic requirements, sanctions, or penalties.

3. “Accusation” shall mean a report of an alleged violation which has been determined to fall within the scope of the Honor Code and which merits further action by the Honor Committee.

4. “Appropriate Sanction” shall mean a sanction or combination of sanctions that is specifically designed to be appropriate to a specific violation of the Honor Code according to the guidelines of Section (5).

5. “Bad Faith” shall mean reckless or careless indifference to the truth or falsity of a statement.

6. “Chair” shall mean the Chairperson of the Honor Committee or, if the Chair is unable to act, the Vice-Chair and the Secretary in succession.

7. “Faculty Advisor” shall mean the faculty representative appointed by the Dean to serve on the Honor Committee.

8. “Faculty Member” shall mean a person engaged in teaching a course at the College of Law and includes an adjunct faculty member.

9. “Full Restitution” shall mean compensation to the University for the actual cost of repair or replacement of damaged property or for other monetary loss caused by the student’s violation of the Honor Code.

10. “Honor Code Proceeding” shall mean a proceeding governed by the Honor Code, and includes a review pursuant to Section (6).

11. “Honor Code Violation” shall mean prohibited conduct as defined in 6C1-4.017.

12. “Honor Committee” shall mean the committee of individuals who administer the Honor Code as defined in Section (3).

13. “Material” shall mean any material related to a specific academic or co-curricular activity (including, but not limited to, course notes, textbooks, treatises, course packets, briefs, annotated statutes, or articles in a review or journal) whether published or unpublished and

whether authored by a student or another person and includes academic material available only in digital format or through the internet.

14. “Procedure Manual” shall mean the documents consisting of the administrative and procedural regulations promulgated by the Honor Committee.

15. “Reported violation” shall mean an unproven allegation of misconduct received by the Honor Committee or the College of Law.

16. “Resource” shall mean any device or technology providing access to information, including (but not limited to) a device such as a computer, computer program, radio, video or audio recording device, calculator or communication device; or any document or publication providing information, including (but not limited to) a printed or electronic publication or website.

17. “Review Board” shall mean the group of individuals charged with reviewing certain actions of the Honor Committee as described in Section (6).

18. “Representation” shall mean any written or oral statement or any act by a student signifying a response in circumstances in which a response is expected or required.

19. “Student” or “Students” shall mean a student at the College of Law.

(2) VIOLATIONS OF THE HONOR CODE AND SANCTIONS.

(a) Conduct Prohibited by the Honor Code. Students are prohibited from engaging in conduct that violates the Academic Honesty Guidelines (6C1-4.017). Actions identified in the Academic Honesty Guidelines are violations of the Honor Code.

(b) Consequences of Honor Code Violation. The following shall be consequences of an Honor Code violation:

1. Imposition of Sanctions. If a student is adjudicated responsible for a violation of the Honor Code or accepts responsibility for a violation, the student becomes subject to the sanctions authorized by 6C1-4.016(3).

2. Bar Notification. If a student is adjudicated responsible for an Honor Code violation or accepts responsibility for a violation, the College of Law shall provide this information to any state or federal bar to which the College of Law becomes aware that the student has applied.

3. Flagging of Student's Records. If a student adjudicated responsible for an Honor Code violation or accepts responsibility for a violation, College of Law Student Affairs shall include this information and make a record of the proceedings against the student a permanent part of the student's file.

(3) THE HONOR COMMITTEE.

(a) Purpose of the Honor Committee. The Honor Committee administers the University of Florida Academic Honesty Guidelines (6C1-4.017) within the College of Law. In this capacity and at all times observing confidentiality requirements imposed by law, the Honor Committee has the authority to do all actions which are necessary to the proper administration of the Code, including the authority to promulgate a Procedure Manual.

(b) Composition of the Honor Committee. The Honor Committee shall consist of the following members:

1. Student members elected as representatives to the Committee pursuant to the provisions herein and according to the procedures designated in the Procedure Manual.

2. Two faculty advisors appointed by the Dean of the College of Law.

3. An Administrative Member (the Associate Dean for Student Affairs or, if the Associate Dean for Student Affairs is unable to serve, the Assistant Dean for Student Affairs).

4. The University's ex officio representative from the Office of Student Judicial Affairs.

(c) Student Members of the Honor Committee.

1. Eligibility and Duties. Students are eligible to serve on the Honor Committee if they meet University requirements for participation in campus activities. A student who serves on the Honor Committee undertakes to make a good faith effort to perform the duties of a student member as set forth in the Procedure Manual.

2. Removal of Student Honor Committee Members. The Honor Committee may remove a student member by a 2/3 vote of all the voting members for good cause shown. Good cause includes (but is not limited to) any failure of a student member to make a good faith effort to perform the duties of a student member as set forth in the Procedure Manual.

3. Honor Committee Officers. The Committee shall select from its student members a Chair, a Vice-Chair, and a Secretary. Officers serve at the pleasure of the Committee. The Committee can remove any officer at any time and for any reason by a vote of 2/3 of all the Committee's voting members.

(d) Voting Rights of Committee Members.

The University's ex officio representative from the Office of Student Judicial Affairs does not vote on Committee matters. All other members of the Honor Committee have an equal vote as to any matter that is before the Honor Committee.

(4) HONOR CODE PROCEEDINGS.

(a) Rights of Students in an Honor Code Proceeding.

Students accused of a violation of the Honor Code shall be accorded the rights as listed in 6C1-4.016(5)(b). If the student believes that a Committee member has a conflict of interest, the student has the right to request recusal of the Committee member.

(b) Report of Suspected Violation. A student or faculty member who in good faith believes that a student has violated the Honor Code shall report the violation to the Honor Committee. Any person who believes in good faith that a student may have violated the Honor Code may report the violation to the Honor Committee.

(c) Procedure for Resolution of Alleged Honor Code Violation.

1. Determination of the Committee's Jurisdiction to Act on the Report. The Administrative Member and the Director of Student Judicial Affairs have the authority to determine if the alleged conduct (1) warrants an accusation against the person or persons identified in the report, and (2) falls within the scope of the Honor Code. If both conditions are met, the Honor Committee has jurisdiction. A reported violation constitutes an accusation only where the allegations contain sufficient merit to warrant further action. If it is determined that the alleged conduct does not fall within the scope of the Honor Code, but does warrant action under the University of Florida Conduct Code, the Committee shall refer the matter to Student Judicial Affairs in the Dean of Students' Office. In all cases, the Administrative Member and Director of Student Judicial Affairs shall have the authority to conduct all investigations necessary for these determinations.

2. Determination of the Alleged Violation.

a. Following notice of the charges, the student shall select one of the following two methods of resolving the issue:

i. Accepting responsibility and proceeding directly to sanctioning, or;



ii. Denying responsibility and requesting a hearing before the Honor Committee.

b. If the student accepts responsibility for the alleged violation, the Chair shall appoint a committee to conduct a sanctioning hearing. At the sanctioning hearing, the committee shall pursuant to Section (5) determine an appropriate sanction to be recommended to the Review Board.

3. Adjudication by the Honor Committee.

a. The Honor Committee Chair shall appoint a committee of three disinterested committee members to conduct the hearing. At the Honor Committee hearing, the student has the rights set forth in 6C1-4.016(5)(b). The Honor Committee determination shall be made on the basis of whether based upon the evidence presented to the Honor Committee it is more likely than not that the accused student violated the Honor Code.

b. If it determines that the student has violated the Honor Code, the committee shall, pursuant to Section (5), determine an appropriate sanction to be recommended to the Review Board.

(d) Failure of the Student to Participate in Resolving the Alleged Violation.

1. Voluntary Withdrawal of the Student from the University Following Report of an Alleged Violation. If the student withdraws from the University of Florida following the report of the student's alleged violation of the Honor Code, the Chair shall proceed as provided in subsection (4)(c)1. If charges are issued, the Honor Code proceeding is stayed and the records are filed with College of Law Student Affairs and the Director of Student Judicial Affairs. The transcript and registration of the student are flagged in accordance with 6C1-4.026. The University of Florida shall retain a copy of the flagged transcript.

2. Failure of the Student to Appear at a Hearing. A student who fails to notify the Chair of his or her choice either to accept responsibility or to deny responsibility within the period of time outlined in the letter of charges will be deemed to have chosen the option of denying responsibility and requesting an Honor Committee hearing. The Chair shall, pursuant to subsection (4)(c)3, appoint a committee to adjudicate the matter. If the student is duly notified of the hearing and fails to appear, the committee may proceed in the absence of the student.

(5) SANCTIONING GUIDELINES.

(a) Rights of Student or Involved Faculty Member at a Sanctioning Hearing.

1. A student who has accepted responsibility for an Honor Code violation or who has been adjudicated responsible for an Honor Code violation has the right to be present at the sanctioning hearing. At the sanctioning hearing, the student has the right to present to the committee any mitigating circumstances that the student wishes the committee to consider.

2. An involved faculty member has the right to be present at the sanctioning hearing and to present to the committee any mitigating or aggravating circumstances of which the faculty member is aware. Alternatively, an involved faculty member may provide to the committee a written statement concerning any mitigating or aggravating circumstances of which the faculty member is aware.

3. In addition, an involved faculty member has the right to recommend an appropriate sanction.

(a) Determination of Appropriate Sanction.

In determining the appropriate sanction to be recommended to the Review Board, the committee shall consider mitigating and aggravating circumstances which are presented by the student or by an involved faculty member, or which are clearly reflected in the record.

1. Mitigating circumstances include (but are not limited to):
- a. A student's voluntary report of the student's own violation of the Honor Code.
  - b. A student's acceptance of responsibility prior to adjudication of the Honor Code violation.
  - c. Any other circumstance which in the judgment of any member of the committee may constitute a mitigating circumstance.

2. Aggravating circumstances include:
- a. Any injury that the student's Honor Code violation has caused to any person affected by the Honor Code violation, including (but not limited to) a faculty member or other student.
  - b. A prior adjudication for violation of the Honor Code.
  - c. Any other circumstance that in the judgment of any member of the committee may constitute an aggravating circumstance.

(b) Notice to Student of the Committee's Determination.

Following a determination of the appropriate sanction to be recommended to the Review Board, the committee shall notify the student of the sanction or sanctions to be recommended. An appropriate sanction is any sanction or combination of sanctions authorized in 6C1-4.016(3).

(c) Notice to the Faculty of Record.

Following a determination of the appropriate sanction to be recommended to the Review Board, the committee shall notify the faculty member of record in the course in which the violation occurred of any sanction or combination of sanctions to be recommended.

(6) REVIEW AND IMPOSITION OF SANCTIONS; REVIEW OF ADJUDICATION.

(a) The Review Board consists of the Dean of the College of Law; the University of Florida Dean of Students or his or her designee; and the Chair.

(b) The Review Board shall review the record and all sanctions recommended by the committee. If the Review Board is satisfied that the sanctions are appropriate, the Review Board shall impose the appropriate sanctions.

(c) If a student petitions the Review Board for review of the student's adjudication of an Honor Code violation, the Review Board shall review the record to determine whether the record supports the adjudication. To petition, the student must submit written notice to the Dean of the College of Law no later than the 5th business day after the sanction has been imposed.

(d) If at any time subsequent to a student's adjudication of an Honor Code violation the student discovers substantial new evidence tending to refute the judgment, the student may petition the Review Board to determine whether further proceedings are warranted. "Substantial new evidence" means evidence that was not available to the student during the original Honor Code proceedings through the exercise of reasonable diligence.

(7) FINAL APPEAL.

(a) If the Review Board affirms the adjudication or approves the sanctions imposed by the committee, the student may appeal the adjudication or the sanctions to the University of Florida Vice President for Student Affairs. To present an appeal, the student must submit a written notice to the University of Florida Office of Student Affairs no later than the 10th business day following the day on which the student receives notice of the Review Board's final determination.

~~Specific Authority:~~ BOG Resolution dated January 7, 2003~~240.227(1), 240.261 FS.~~

~~Law Implemented 20.81(1), 240.202, 240.261, 240.133 FS.~~

History--New 7-11-94, Amended 4-30-95, 5-1-96, \_\_\_\_\_.

~~———— (1) ——— STATEMENT OF PHILOSOPHY AND PURPOSE.~~

~~———— (a) ——— The Honor System at the University of Florida College of Law, a part of the University of Florida Student Conduct Code, represents a commitment by students to adhere to the highest degree of ethical integrity. The Honor System is based on the fundamental principle of mutual trust — trust among students, faculty, and administrators that individuals attending the College of Law will not lie, cheat or steal. The Honor System has been designed and implemented by the students themselves, with faculty and administrative involvement, and has not been imposed by the College of Law or the University of Florida on the students. Each student who joins the College of Law community becomes a part of the Honor System and is assumed to be trustworthy unless and until proven otherwise.~~

~~———— (b) ——— Students at the College of Law benefit from the Honor System because teaching and learning flourish best in an environment where mutual trust and respect form the bedrock of relationships within the community. Simply put, a strong Honor System helps create a community in which students can maximize their intellectual and academic potential. The Honor System reminds all members of the law school community that success obtained through dishonest means is no success at all.~~

~~———— (c) ——— Moreover, attendance at the University of Florida College of Law is every student's first step in becoming a member of the legal profession. Essential to the well-being of the legal profession is the presence of a sense of honor and ethical integrity among its members. The Honor System at the College of Law is therefore an integral part of proper and complete professional training.~~

~~—— (d) —— The Honor System furthers the goal of the College of Law to serve the public and the profession by producing attorneys dedicated to promoting justice, excellence, and respect for the law. The success of the Honor System depends upon the diligence with which members of College of Law community ensure that they, as well as others, uphold the letter and spirit of the Honor Code. All suspected Honor Code violations shall be reported to a member of the Honor Committee so that appropriate action can be taken. Failure to report a suspected violation of the Honor Code shall be considered a non-prosecutable dishonorable act, unless that information is otherwise privileged.~~

~~—— (e) —— The College of Law Honor System is made up of four parts: the Honor Code, the description of the Administering Bodies, the Enforcement Procedures, and the Sanctioning Guidelines.~~

~~—— (2) —— THE HONOR CODE.~~

~~—— (a) —— The Student's Commitment. The Honor Code is an undertaking of the students at the College of Law, individually and collectively:~~

~~—— 1. —— that they will not lie, cheat or steal; and~~

~~—— 2. —— that they will not seek to gain an advantage over fellow students or avoid academic requirements through deceitful or illicit means.~~

~~—— (b) —— Criteria. Three criteria determine whether an honor offense has been committed:~~

~~—— 1. —— Act. Was the act committed?~~

~~—— 2. —— Intent. Was the act committed with purpose or knowledge?~~

~~—— 3. —— Seriousness. By tolerating the act, would the community of trust be sufficiently impaired to warrant punishment under the Honor Code?~~

~~———— (c) ——— Jurisdiction. This Honor Code shall have exclusive jurisdiction over all honor offenses allegedly committed by law students within the College of Law. For the purposes of this Honor Code, honor offenses are limited to acts falling within the general rubric of "academic dishonesty."~~

~~———— (d) ——— Examples. The following is a list of examples of conduct that would violate the Honor Code. This list is for purposes of illustration only, and is expressly not intended to be comprehensive of conduct violating the Code. In all cases, the jurisdiction of the Honor Code extends only to violations falling within the general rubric of academic dishonesty.~~

~~———— 1. ——— Having another student sign an attendance sheet or signing an attendance sheet for an absent student in circumvention of the standards set by the professor.~~

~~———— 2. ——— Lying to a professor about a reason for a classroom absence or a late paper.~~

~~———— 3. ——— Falsifying information on a resume.~~

~~———— 4. ——— Working with another student on a take-home test or writing project when prohibited by the professor.~~

~~———— 5. ——— Looking at another student's answers during an examination for the purpose of taking advantage of that student's work.~~

~~———— 6. ——— Bringing unauthorized materials into an examination room.~~

~~———— 7. ——— Giving another student unauthorized assistance during an examination.~~

~~———— 8. ——— Writing an assigned paper for another student.~~

~~———— 9. ——— Taking a book from the library without checking it out.~~

~~———— 10. ——— Unauthorized taking of academic material from any University facility or office.~~

~~———— 11. ——— Unauthorized taking of academic material from any professor or student.~~

~~———— 12. ——— Plagiarism: Relying on another's work without giving proper credit.~~

~~13. Handing in a paper written by another student or purchased or obtained from another source and representing it as one's own.~~

~~14. Checking out a library book, removing a library book from the shelves, or tearing pages out of a library book, in order to prevent access to information by fellow students.~~

~~15. Seeking to register for courses prior to one's allotted time without permission or authorization.~~

~~16. Receiving unauthorized assistance while competing for a place with a co-curricular organization, such as Law Review, Moot Court or Trial Team.~~

~~17. Conspiring to commit an honor offense.~~

~~(3) ADMINISTERING BODIES.~~

~~(a) The Honor Committee.~~

~~1. Purpose. The Honor Committee shall administer the Honor System at the College of Law. Members of the Committee shall be involved in the initial evaluation of all allegations of Honor Code violations. In addition, the Honor Committee shall be vested with the power to propose amendments to the Honor System to the law school community. In order to become effective, amendments to the Honor Code must be approved by majority votes of the law school faculty and the law school student body. Amendments so approved will operate as recommendations to the University of Florida Office for Student Services. They shall become effective upon the completion of any and all appropriate administrative proceedings. Finally, the Honor Committee may from time to time issue written advisory opinions, subject to review of University of Florida's General Counsel, interpreting the Honor Code in light of allegations of Honor Code violations that come before it.~~



~~2. Jurisdiction. If a matter is referred to the Honor Committee which is outside the jurisdiction of this Honor Code, the Committee shall refer the matter to the University of Florida Office of Student Judicial Affairs.~~

~~3. Composition. The Honor Committee shall be comprised of twelve voting members, and one ex-officio member as follows:~~

~~a. Students. Nine law students. One representative each for the second and third semester classes, two representatives each for the fourth through sixth semester classes, and one representative from the L.L.M. Tax program.~~

~~b. Faculty. Two faculty members.~~

~~c. Administration. One member of the law school administration.~~

~~d. Office of Student Judicial Affairs. One non-voting ex-officio representative from the Office of Student Judicial Affairs.~~

~~4. Election of Honor Committee Members.~~

~~a. Students. In order to obtain a representative body, the student members of the committee shall come from different entering classes. Accordingly, each entering class shall hold elections for one committee member at the end of its first semester and two committee members at the end of its third full semester. Students shall be eligible for election if they meet the University requirements for participation in campus activities. A student shall be considered a member of that student's class of entry into the College of Law for purposes of voting and representation regardless of whether the student accelerates or delays graduation. Students elected in their first semester shall serve a term of one year. Students elected in their third semester shall serve a term of one and a half years. Elections shall be held each semester in coincidence with the John Marshall Bar Association (JMBA) elections. If a student fails to~~

~~complete the student's term, the Honor Committee shall accept applications from that student's class and appoint a representative by a majority vote of the committee. The appointed student shall serve until the next election when that class shall elect a representative to serve out the remainder of the vacated seat's term.~~

~~—— b. —— Faculty. The Dean of the College of Law shall appoint two faculty members to the Honor Committee for two year terms, with one term expiring each year. No faculty member shall serve more than two terms consecutively.~~

~~—— c. —— Administration. The Dean of the College of Law shall appoint an Associate or Assistant Dean to serve on the Honor Committee for a term of two years. No Dean shall serve more than two terms consecutively.~~

~~—— d. —— Internal Positions. The Honor Committee shall elect from its student members a Chairperson and a Vice Chairperson to serve an annual term. These elected officers will administer the Honor System's daily affairs and one will serve on the Appellate Board.~~

~~—— e. —— Voting. Each member of the committee, except for the ex officio member from the Office of Student Judicial Affairs, shall have full and equal voting rights.~~

~~—— 5. —— Removal of Honor Committee Members.~~

~~—— a. —— Automatic Removal. Any student member of the Honor Committee who is found guilty of an offense under this Honor Code shall be automatically removed from office and precluded from seeking a position on the Honor Committee in the future.~~

~~—— b. —— Removal for Cause. The Honor Committee may remove a committee member by a two thirds vote for good cause shown.~~

~~—— (b) —— Recusal Policy. If a member of the Honor Committee has a conflict of interest at any time during the consideration of an alleged honor offense, that member shall refuse to act in~~

the proceeding in order to avoid any impropriety, either actual or perceived. A conflict of interest arises when a person has an interest in the honor proceeding that would render the person incapable of making an objective judgment. If a Committee member fails to withdraw, the participation of that member may be challenged as follows:

——— 1. —— Student Challenge. The accused may request the recusal of any Honor Committee member on the grounds of conflict of interest. Upon a student request, the Chairperson shall call for a vote of all disinterested Committee members, excluding the challenged member, to determine whether to recuse the challenged member; and

——— 2. —— Intra-Committee Challenge. Any member of the Honor Committee may request that the Chairperson call a vote to recuse any other member of the Committee on the grounds of conflict of interest.

——— (c) —— The Student Honor Court.

——— 1. —— The Student Honor Court is an existing body within the University of Florida community that is vested with the power to adjudicate alleged infractions of the University's "Academic Honesty Guidelines." The Honor Court is based upon the American adversary system, with a full and fair trial before a jury of one's peers. The make-up and procedures of the Student Honor Court are described more fully in "The Student Honor Court Rules of Procedure."

——— 2. —— The Student Honor Court shall hear cases involving alleged violations of the College of Law Honor Code referred to it by members of the Honor Committee. When adjudicating law school cases, the Student Honor Court shall function as described in "The Student Honor Court Rules of Procedure," except as modified in paragraph (4)(d)2. of this Honor Code.

——— (d) —— Confidential Honor Proceedings.

~~1. Oath. Every member of the College of Law Honor Committee shall take an oath of confidentiality. By the oath, the members of the committee are bound not to disclose information if that disclosure would be in violation of law. The purpose of the oath is to protect the privacy of the accused student.~~

~~2. Honor Files. All materials and files collected by the Honor Committee and the Honor Court relating to the investigation and reporting of a suspected honor offense shall be kept confidential. The contents of such files shall not be disclosed if that disclosure would be in violation of law. All official files shall be kept at the University of Florida Office for Student Judicial Affairs. A copy of all official files shall be kept by College of Law Dean's Office.~~

~~(e) Appellate Board.~~

~~1. Purpose. The Appellate Board shall hear all appeals from judgments of conviction and recommended sanctions following an honor adjudication. In all cases, the Appellate Board shall review recommended sanctions and make the final decision regarding the imposition of sanctions, subject only to a final appeal.~~

~~2. Composition. The Appellate Board shall consist of three members: the Chairperson of the College of Law Honor Committee, or in the Chairperson's absence, the Vice-Chairperson; the Dean of the College of Law; and the Dean of the Office of Student Services.~~

~~(4) COLLEGE OF LAW HONOR SYSTEM PROCEDURES.~~

~~(a) Reporting Suspected Violations. All suspected violations of the Honor Code shall be reported to a member of the Honor Committee. Any member of the Honor Committee receiving such a report shall immediately notify the Chairperson or, if the Chairperson is unavailable, the Vice-Chairperson. The Chairperson or Vice-Chairperson shall select three disinterested members of the Committee by a random method to form a probable cause sub-~~

~~committee to consider the matter. The probable cause sub-committee shall consult the ex-officio member of the Honor Committee in making a probable cause determination. In all instances, the probable cause sub-committee shall consist of at least two students.~~

~~—— (b) —— Rights of the Accused.~~

~~—— 1. —— Immediate Notification. The accused shall have the right to immediate notification when accused of an honor offense.~~

~~—— a. —— Except as provided in section b., the accused shall be notified by the probable cause sub-committee immediately upon its formation.~~

~~—— b. —— If a student is accused of an honor offense during the examination period, the probable cause sub-committee has the discretion whether or not to notify the student until the student has completed all exams. The student shall be notified immediately upon the completion of exams and before graduation exercises.~~

~~—— 2. —— Speedy Adjudication. The accused shall have the right to a speedy adjudication. A speedy adjudication means an Honor Court trial or Honor Committee hearing shall commence with due speed to insure a fair hearing. Although examination periods, holidays, vacation periods, and breaks between semesters impact the scheduling of the case, the guidelines for adjudication are:~~

~~—— a. —— the accused shall be charged within fifteen calendar days, or as soon as reasonably possible thereafter, from the date which the alleged incident is reported to the Honor Committee;~~

~~—— b. —— the Honor Court trial, or Honor Committee hearing as provided in paragraph (4)(d)3., shall commence no longer than sixty calendar days after the formation of the probable cause sub-committee or as soon as reasonably possible thereafter; and~~

~~\_\_\_\_\_ c. \_\_\_\_\_ the trial or hearing shall be completed as quickly as possible in order to achieve a fair and just result.~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ Presentation of Evidence. The accused shall be entitled to have evidence presented to the probable cause sub-committee. The accused shall submit this evidence to the probable cause investigator, who shall then present that evidence to the probable cause subcommittee for consideration in making its determination of probable cause.~~

~~\_\_\_\_\_ (c) \_\_\_\_\_ Probable Cause Sub-Committee. The three person Probable Cause Sub-Committee shall determine whether there is probable cause that an honor offense occurred. Upon formation, the sub-committee shall designate one of its members to be the investigator. The investigator shall notify the accused, accumulate evidence regarding the accusation, and submit the findings to the other two members of the sub-committee. The other two members of the sub-committee shall then determine the existence of probable cause. The investigator shall vote on the issue of probable cause only to break a tie vote between the other two members of the sub-committee.~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ Probable Cause Defined. Probable cause is defined as sufficient evidence to cause a reasonable person to believe that the accused committed the offense.~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ Probable Cause Investigation. The investigator shall begin the investigation immediately upon appointment. In deciding whether there is probable cause, the sub-committee shall consider all evidence presented to it by the investigator. The investigator may present any evidence obtained from members of the law school community to the sub-committee for consideration. During the investigation, the investigator shall solicit evidence from the accused. The accused shall be advised of the right to remain silent and warned that anything said can be used against the accused at later honor proceedings.~~

~~3. Decision to Prosecute. The decision of the sub-committee that probable cause exists shall be final. The sub-committee shall immediately notify the accused and inform the accused of the three options available for adjudication which are listed in the next section.~~

~~(d) Student Options for Adjudication. Upon a finding of probable cause, the student shall have three options: (1) pleading guilty and proceeding to sanctioning; (2) denying guilt and requesting adjudication by the Honor Court; or (3) denying guilt and requesting an Honor Committee hearing.~~

~~1. Pleading Guilty. Upon a plea of guilty, the case shall move directly to a sanctioning hearing by three members of the Honor Committee selected in accordance with paragraph (4)(d)3. During this sanctioning hearing, the guilty student shall have the right to present any mitigating circumstances for the consideration of the sanctioning panel. This sanctioning panel will then determine a sanction and recommend it to the Appellate Board for final judgment.~~

~~2. Honor Court for Adjudication. If the student chooses Honor Court adjudication, the Honor Court proceeding shall be investigated and prosecuted in a manner identical to all other Honor Court proceedings, except:~~

~~a. College of Law Honor Code Applied. The Chancellor or Vice Chancellor of the Honor Court shall apply the College of Law Honor Code and the University of Florida Academic Honesty Guidelines at trial.~~

~~b. Jury. The jury shall consist of the accused's peers. Accordingly, the jury shall consist of four disinterested law students and two disinterested graduate students from other schools at the University of Florida. In either case the jury shall be selected through voir dire, and it shall be impartial.~~

~~———— c. ——— Investigators. Investigators assigned to College of Law honor offenses shall be law students. Additionally, the Honor Court may accept the investigative report volunteered to them by the Honor Committee.~~

~~———— d. ——— Sanctioning Body. The Chancellor of the Honor Court (or Vice Chancellor, if the Vice Chancellor presided over the trial) together with two members of the Honor Committee, excluding any members of the concerned probable cause sub-committee, shall determine the sanction of a law student convicted of an honor offense. This sanction shall be recommended to the Appellate Board pending appeal and final judgment.~~

~~———— 3. ——— Honor Committee Hearing. If the student chooses a hearing by the College of Law Honor Committee, the case shall be heard by three voting members of the Honor Committee, excluding any members of the probable cause sub-committee, whom the Chairperson shall choose by random method. At least a majority of this hearing panel shall be student members. In order to assure impartiality in case of an appeal, the Chairperson shall not participate in these hearings.~~

~~———— a. ——— Procedure. The Honor Committee hearing shall be a formal hearing as provided for in the Student Conduct Code within the University of Florida's Rules and Procedures. The accused student may have an advisor present; however, only the accused shall speak on the accused's behalf at the hearing.~~

~~———— b. ——— Standard of Proof. In order to sustain a conviction, a majority of the hearing panel must have a reasonable belief based on the evidence submitted of the guilt of the accused.~~

~~———— c. ——— Sanctioning. Upon a finding of guilt, the hearing panel shall determine an appropriate sanction in accordance with the sanctioning guidelines. This hearing panel shall recommend this sanction to the Appellate Board for final judgment.~~



~~—— (e) —— Appeals Process. A student convicted of an Honor Code violation has the right to appeal the judgment of conviction and sanction to the Appellate Board. A student who pleads guilty may appeal the sanction to the Appellate Board. If the Honor Committee Chairperson is recused, the Vice Chairperson shall preside. The Appellate Body shall accept all factual findings of the Honor Court jury or the Honor Committee unless they are clearly erroneous.~~

~~—— 1. —— Time Limitation on Appeals. All appeals must be presented in writing to the Chairperson of the Honor Committee within five days after sanction has been imposed.~~

~~—— 2. —— Final Appeal. A final appeal may be made to the Vice President for Student Affairs of the University of Florida within five days of being notified of the Appellate Board's decision.~~

~~—— (f) —— Substantial New Evidence. Substantial new evidence is defined as evidence that was not available to the accused during the original adjudication with the exercise of reasonable diligence. If at any time subsequent to an honor offense conviction, a convicted student discovers "substantial new evidence," the convicted student may petition the Appellate Board to determine whether further proceedings are warranted.~~

~~—— (g) —— Voluntary Withdrawal. If an accused withdraws from the College of Law after a probable cause subcommittee has been convened to investigate the accusation and prior to a determination of the existence of probable cause or the ultimate determination of guilt or innocence, the following will take place:~~

~~—— 1. —— Records Flagged. The accused's transcript and registration shall be flagged in accordance with University procedures. A copy of the flagged transcript shall be kept in the Dean's Office at the College of Law.~~

~~2. Investigation Completed. The investigation into the accusation shall continue until all available evidence is collected and any witness testimony is recorded under oath in preparation for adjudication. Once the investigation is completed, the proceeding shall be stayed and files stored in accordance with paragraph (3)(d)2. of this Honor Code.~~

~~(5) SANCTIONING GUIDELINES.~~

~~(a) General Sanctions. The sanctioning body shall have full range of sanctioning authority from issuing an official reprimand to expulsion. The following sanctions reflect the minimum penalty the College of Law community shall impose when a fellow student breaches the Honor Code.~~

~~1. Records Flagged. A conviction for violating the College of Law Honor Code shall be made a permanent part of a student's academic records at the Dean's Office at the University of Florida College of Law. The central records of the University of Florida shall be flagged in accordance with University procedure.~~

~~2. Bar Notification. The Honor Committee shall direct that the appropriate state and federal bar association(s) are notified of all Honor Code convictions.~~

~~3. Reprimand. With the exception of those students who are expelled, suspended or placed on conduct probation, every student convicted of an honor offense shall receive a reprimand.~~

~~(b) Specific Sanctions. If a student is convicted of the following offenses, the College of Law sanctioning body shall recommend the specific sanctions listed below. However, upon a finding of extraordinary circumstances, the sanctioning body may diverge from the guidelines in order to best serve justice in the particular case. Extraordinary circumstances include, but are not limited to, a situation where the accused has come forward with a conscientious admission.~~

~~1. Academic Work. If a conviction involves cheating on a graded assignment, the convicted student shall receive a failing grade in the course.~~

~~2. Co-Curricular Competitions. If a conviction involves a co-curricular competition, the convicted student shall be disqualified from the competition and from future membership in the specific co-curricular organization. Depending on the severity of the offense, the student may be prohibited from participating in other co-curricular competitions as well.~~

~~3. Career Placement. If a conviction involves career placement, the convicted student will forfeit all future rights to participate in on-campus law school interviews.~~

~~4. Restitution. If the University of Florida has incurred any monetary loss as a result of an Honor Code violation, the convicted student shall be required to make full restitution.~~

~~(c) Optional Sanctions. The sanctioning body may recommend any of the sanctions listed below in addition to the sanctions listed in Sections (a) and (b) above when the offense warrants further or more specific sanctions. The sanctioning body shall strive to tailor the sanctions to fit the offense.~~

~~1. Expulsion. If a conviction warrants, or if a student has a prior conviction, the student may be expelled from the University of Florida.~~

~~2. Suspension. If a conviction warrants, or if a student has a prior conviction, the student may be suspended from the University of Florida. Suspension may be for no shorter than the remainder of a contemporaneous semester and may be for no longer than three years.~~

~~3. Conduct Probation. If a conviction warrants, the student may be placed on conduct probation as defined in the University of Florida Student Conduct Code. The sanctioning body shall recommend the length of conduct probation it deems appropriate in each case.~~

~~4. Law Library Privileges. If a conviction warrants, the convicted student may forfeit the right to use library reserve materials unless the materials are required by a Professor.~~

~~5. Clinical Programs. If a conviction warrants, the convicted student may forfeit the right to participate in professional clinics.~~

~~6. Co-curricular activities. If a conviction warrants, the convicted student may forfeit the right to participate in co-curricular activities.~~

~~7. Reduction of Registration Priority. If a conviction warrants, the convicted student may be assigned the last registration time slot for the convicted student's class.~~

~~8. Educational Sanctions. The sanctioning body may require the convicted student to attend counseling, seminars, or other appropriate educational programs.~~

~~9. Community Service. The sanctioning body may require the convicted student to devote a specified number of hours to community service activities.~~

~~(d) Mitigating/Aggravating Factors. The sanctioning body shall consider the following factors in prescribing a sanction in order to assure that the sanction fits the offense:~~

~~1. Conscientious Admission. A student who voluntarily admits mistake, before gaining any knowledge that someone else may suspect that student of an honor offense, shall be entitled to have this admission considered as a mitigating factor upon sanctioning. This is because a student who has the courage and integrity to come forth with a good faith admission has reaffirmed a personal commitment to honor. Any student interested in making a conscientious admission should contact an Honor Committee member immediately. After discussing the matter with the committee member, the student should prepare a written statement fully acknowledging any and all dishonest acts the student has performed during the particular incident in question, and should have all parties affected by the student's actions sign and date~~

~~the document. The statement should include a clause attesting to the fact that the student admitted the acts before being approached by anyone concerning the matter. Any member of the Honor Committee contacted by a student wishing to make a conscientious admission shall immediately notify the Chairperson or, if the Chairperson is unavailable, the Vice Chairperson.~~

~~2. Prior Convictions. Prior convictions under the Honor Code shall be considered as aggravating factors during sanctioning.~~

~~(e) Victims Rights. The involved faculty member or student or other victim shall have the right to appear before the sanctioning body and present information concerning the appropriate sanction.~~

~~(f) Other Jurisdictional Sanctions. Each student's actions are also subject to federal, state, and local laws which are beyond the jurisdiction of the College of Law.~~