

OHIO NORTHERN UNIVERSITY  
PETTIT COLLEGE OF LAW



**STUDENT CODE OF CONDUCT**

Adopted May 14, 1986

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# STUDENT CODE OF CONDUCT

## PREAMBLE

Law students have a responsibility to the academic community in which they receive their education and to the profession they are seeking to join. The Claude W. Pettit College of Law of Ohio Northern University thereby has enacted the following Student Code of Conduct to which its students must conform.

## PART ONE: CODE OF CONDUCT

### Article 1.0

#### Terminology

The following terms used in this Code shall have the indicated meanings:

- (A) The term COLLEGE OF LAW means the Pettit College of Law of Ohio Northern University;
- (B) The word DEAN means the dean (or interim dean) of the College of Law; (References in this Article and in subsequent articles to the dean shall be construed as references to the associate dean or to the assistant dean where the dean has, either on a temporary or permanent basis, delegated his or her duties under this Code to either the associate dean or the assistant dean);
- (C) The word KNOWINGLY means being aware, regardless of one's purpose, that one's conduct will probably cause a certain result or will probably be of a certain nature; a person has KNOWLEDGE of circumstances when he or she is aware that such circumstances probably exist;
- (D) The term LAW STUDENT means a student who has matriculated at the College of Law;
- (E) The word MATERIAL means having a substantial bearing on an academic or administrative matter;
- (F) The word MISAPPROPRIATE means to take, keep, conceal, or use the property (or anything of value) of another, without authorization, for any period of time;
- (G) The word MISSTATEMENT means a false statement or misrepresentation which is made orally, in writing, or by any other means;
- (H) The word PLAGIARIZE means the taking of the literary property of another, passing it off as one's own without appropriate attribution, and reaping from its use any benefit from an academic institution;
- (I) The word UNIVERSITY means Ohio Northern University, or any of the constituent schools and colleges of Ohio Northern University, including the College of Law;

- (J) The term UNIVERSITY OFFICIAL means an employee of the University, including a member of the faculty, who is authorized to obtain information from a law student regarding academic or administrative matters or regarding the law student's educational or employment history or other aspects of the student's background; the term also means any organizational subdivision of the University with employees who are University officials, as defined in the preceding sentence.

**Article 1.1**  
**Student-School Relationship**

- (A) A law student shall act with reasonable diligence and promptness in all educational matters.
- (B) A law student shall comply with all course requirements, including attendance, preparation, discussion and submission of written assignments, and other matters identified in the course syllabus or by the instructor of the class in writing or orally.

**Article 1.2**  
**Responsibilities to the College of Law**

- (A) A law student shall obey or comply with the rules and regulations established by the College of Law.
- (B) A law student participating in an outside program sponsored by the College of Law shall act in accordance with the standards set by the College of Law, the relevant codes of professional responsibility and applicable laws, ordinances and rules. The law student shall allocate sufficient time to satisfy the responsibilities of participants in the program.
- (C) A law student shall act at all times in a manner consistent with the highest ideals of the legal profession.

**Article 1.3**  
**Candor and Honesty**

- (A) A law student shall not plagiarize.
- (B) A law student shall not knowingly:
- (1) make a misstatement of material fact or law in a class discussion, oral argument, written research assignment or in any other academic matter;
  - (2) in any academic exercise or examination
    - (a) take any unauthorized materials into the examination room or remove any exam materials from the examination room, except as permitted by the instructor;
    - (b) attempt to observe the paper of another student;

- (c) copy the work of another student;
  - (d) violate specific instructions on class assignments or examinations;  
or
  - (e) review any unauthorized materials while the student is completing the exercise or taking the examination.
- (3) misrepresent his or her status as an agent of the University, or the scope of his or her authority as an agent of the University;
  - (4) without authorization, submit work in a course for which credit has been received in a prior course;
  - (5) collaborate improperly, i.e., take part in any discussion, joint research, or joint effort of any kind expressly prohibited by the instructor;
  - (6) misrepresent the authenticity of sources, citations or principles in any written work;
  - (7) acquire unauthorized knowledge of an examination or any part thereof, or solicit, offer or give unauthorized information about any part of an examination;
  - (8) discuss, in the law school building, an examination while the examination is in progress; or
  - (9) without authorization, leave the examination room or law school building while taking an examination.

#### **Article 1.4** **Misstatements to University Officials**

- (A) A law student shall not knowingly make, or cause to be made, an intentional misstatement of material fact to a University official. A law student shall be under a continuing obligation to correct any such misstatement (including those made during the application period).
- (B) A law student who has made, or caused to be made, an unintentional misstatement of material fact to a University official (including any such misstatement made during the application period) shall, upon obtaining knowledge of the error, promptly correct the misstatement.
- (C) The duty of a law student to correct unintentional misstatements, as set forth in section (B), shall extend to misstatements of material fact which are made to a University official by someone other than the student, regardless of whether the student caused the misstatement to be made, if (1) the material fact is one which relates to the student, and (2) the student obtains knowledge that the misstatement was made.

- (D) The proscriptions and duties contained in this Article shall apply only to the misstatement of a fact which, in addition to being material, is relevant to matters that are within the scope of authority of the University official to whom the misstatement is made.
- (E) The provisions of this Article shall apply to an applicant for admission to the College of Law (and, for this purpose, the term “law student” in Article 1.4, in Article 2.0, and in section (D) of Article 2.1, shall be construed to include an applicant for admission). Each applicant for admission shall receive notice (e.g., by means of a statement printed on the application form) that a misstatement of a material fact made during the admissions process could lead to disciplinary action or dismissal. (Nothing in this Code shall preclude the Admissions Committee from exercising its discretion and taking any appropriate action during the application period to deal with an applicant’s violation of the requirements of this Article).
- (F) The term “application period” means the period of time which begins on the day the student applies for admission to the College of Law and ends on the day the student attends his or her first class at the College of Law.

**Article 1.5  
Demeanor**

A law student shall not knowingly

- (A) interfere with the orderly conduct of the educational or administrative functions of the University; or
- (B) threaten to or actually cause physical harm to an employee of the University, to another student, or to any other person on the University premises or at a University approved, sponsored or supervised function.

**Article 1.6  
Offenses Affecting Property, Etc.**

A law student shall not knowingly

- (A) misappropriate or damage the property (or anything of value) of the University or of any of the University’s students or employees;
- (B) misappropriate or damage the property (or anything of value) of another on the University premises or at a University approved, sponsored or supervised function;
- (C) alter or conceal any library or resource material;
- (D) obtain unauthorized access to any computer, computer system, computer networking facility, telephone system, computer file, data base or other data maintained or provided by or through the University or any of the University’s students or employees;

- (E) alter or damage, any computer, computer system, computer networking facility, telephone system, computer file, data base or other data maintained or provided by or through the University or any of the University's students or employees;
- (F) utilize University computer hardware or software (or any other University equipment) to engage in any conduct that is unlawful or that violates any section of this Code; or
- (G) engage in unlawful or unauthorized copying of computer software belonging to the University or any of the University's students or employees.

**Article 1.7**  
**Other Misconduct**

- (A) A law student shall report within fifteen days any arrest or conviction of crime to the Dean, and provide copies of pertinent court documents (complaint, judgment entries, etc.) to the Dean. Crime, for purposes of this article, shall not include offenses for which no jail sentence may be imposed.
- (B) A law student shall cooperate with any investigation under this Code.
- (C) A law student shall not knowingly engage in conduct which is of such an egregious nature that it clearly manifests the student's lack of fitness to be a member of the legal profession.

**Article 1.8**  
**Encouraging Prohibited Conduct**

A law student shall not knowingly aid or encourage another to engage in conduct prohibited by this Code.

## **PART TWO: ADJUDICATION PROCEDURES**

### **Article 2.0 Matters Subject to Adjudication**

For the purposes of Part Two of this Code, relating to the adjudication process, a law student shall have violated this Code only if the student engages in conduct which is proscribed by, or fails to meet an obligation which is imposed by the following provisions of Part One: Article 1.3 (Candor and Honesty); Article 1.4 (Misstatements to University Officials); Article 1.5 (Demeanor); Article 1.6 (Offenses Affecting Property, Etc); Article 1.7 (Other Misconduct); or Article 1.8 (Encouraging Prohibited Conduct). A violation of this Code shall be adjudicated only in the manner set forth in Part Two of this Code.

### **Article 2.1 Complaint**

- (A) Each adjudication under this Code shall begin with the filing of a complaint. A complaint may be filed only when there is a good faith belief that there has been a violation of this Code within the contemplation of Article 2.0.
- (B) The complaint shall be filed only by a university official, faculty member, staff or student. (The individual filing the complaint is referred to herein as the complainant.)
- (C) The complaint shall be filed as promptly following the date of the alleged violation as is reasonable under the circumstances.
- (D) The complainant shall include in the complaint (1) the facts alleged to constitute a violation of the Code, (2) the provision(s) of the Code believed to have been violated and (3) the name of the law student alleged to have committed the violation. (The law student so named is referred to herein as the "respondent"). The complainant may submit attachments and exhibits with the complaint. All attachments and exhibits submitted with the complaint are deemed, for the purposes of this Code, to be a part of the complaint.
- (E) The complaint, dated and signed by the complainant, shall be filed with the Adjudication Counsel.
- (F) Prior to the making of a probable cause determination, the Adjudication Counsel shall keep confidential the identity of the complainant and the contents of the complaint, except to the extent that disclosure of this information is required under Article 2.4.

### **Article 2.2 Adjudication Counsel**

- (A) The Adjudication Counsel shall serve in the role of a prosecutor. The Adjudication Counsel shall conduct any necessary investigation. Subject to

the provisions of Article 2.6, the Adjudication Counsel shall appear before the Adjudication Committee to present evidence and to take other appropriate steps to establish that the respondent is guilty of the violation(s) set out in the Determination Document.

(B) The Adjudication Counsel shall be a member of the tenured faculty.

- (1) The dean shall appoint the Adjudication Counsel from among those members of the faculty who are not members of the Adjudication Committee. The appointment shall be made at the first regularly scheduled faculty meeting of the academic year and shall extend for a one-year period ending on the date of the first regularly scheduled faculty meeting of the next academic year.
- (2) In the event of a temporary or permanent vacancy in the position of Adjudication Counsel, the dean shall appoint a faculty member to serve as Adjudication Counsel for (a) the duration of the vacancy, if the vacancy is temporary, or (b) the balance of the unexpired term, if the vacancy is permanent. For the purposes of this provision, the term “temporary vacancy” shall encompass situations where the Adjudication Counsel is unable to serve because of illness, absence, prior professional or academic commitments or potential conflict of interest. (No conflict of interest shall be created by the mere fact that the Adjudication Counsel is also the complainant).

**Article 2.3**  
**[Reserved]**

**Article 2.4**  
**Probable Cause Determination**

(A) *Procedures:* Upon receipt of a complaint, the Adjudication Counsel shall promptly make a determination as to whether there is probable cause to believe that the respondent has violated the provisions of the Code within the contemplation of Article 2.0. This determination shall be made pursuant to the following procedure:

- (1) within 5 days of the receipt of the complaint by the Adjudication Counsel, the Adjudication Counsel shall make an initial determination as to whether the complaint, on its face, is groundless or frivolous. If it is, the complaint shall be promptly dismissed. If it is not, the Adjudication Counsel shall immediately notify the respondent of the nature of the complaint against him or her and shall give the respondent a copy of the complaint with the name of the complainant obliterated;
- (2) within 10 days of the receipt of the complaint by the Adjudication Counsel, the respondent shall advise the Adjudication Counsel if he or she is entering a plea of guilty, nolo contendere, or the like. If the respondent enters such a plea, the Adjudication Counsel shall

immediately forward the matter to the Adjudication Committee for a determination of the sanction pursuant to Article 2.8, and the balance of this Article shall not apply;

- (3) within 10 days of the receipt of the complaint by the Adjudication Counsel, the respondent (if no plea is entered pursuant to the preceding paragraph) shall be afforded the opportunity to meet with the Adjudication Counsel to discuss the facts and circumstances pertinent to the complaint;
- (4) the Adjudication Counsel may discuss the pertinent facts and circumstances with the complainant and with any other person having relevant information. The respondent shall have no right to be present during these discussions or to know the identity of the individuals involved;
- (5) within 15 days of the receipt of the complaint by the Adjudication Counsel, the Adjudication Counsel, after considering the relevant evidence and the provision of this Code, shall (a) determine whether there is probable cause to believe that the respondent has violated the provisions of this Code, (b) prepare either the Determination Document described in Section (B) of this Article, or the Dismissal Document described in Section (C) of this Article and (c) deliver the document in accordance with the requirements of Section (D) of this Article;
- (6) for good cause, the Adjudication Counsel may extend the deadlines referred to in this Article.

(B) *Determination Document*: If the Adjudication Counsel determines that there is probable cause to believe that the respondent has violated this Code, the Adjudication Counsel shall prepare a signed and dated Determination Document, stating his or her conclusion in a concise manner.

- (1) The document shall contain (a) the name of the respondent, the name of the complainant and (b) the specific provisions of this Code which the Adjudication Counsel has probable cause to believe the respondent has violated. (The Adjudication Counsel shall not be bound by the facts alleged or the Code sections cited in the complaint.)
- (2) The document shall contain enough additional information to alert the Adjudication Committee and the respondent to the basic nature of the charges and the document shall include the names of persons on whose statements the Adjudication Counsel relied in making his or her determination. The document shall contain no argument to support the correctness of the Adjudication Counsel's determination.

(C) *Dismissal Document*: If the Adjudication Counsel determines that there is no probable cause to believe that the respondent has violated this Code, the Adjudication Counsel shall prepare a signed and dated document, setting forth his or her conclusions.

(D) *Delivery:*

- (1) The Determination Document shall be delivered as follows:
  - (a) the original, signed copy of the Determination Document shall be delivered to the chair of the Adjudication Committee;
  - (b) one copy of the Determination Document shall be delivered to the respondent; the Adjudication Counsel shall advise the chair of the Adjudication Committee of the date of this delivery (or, in the event that the respondent should refuse delivery, of the date on which the document was tendered to the respondent);
- (2) The Dismissal Document shall be delivered as follows:
  - (a) the original, signed copy of the Dismissal Document shall be delivered to the respondent;
  - (b) one copy of the Dismissal Document shall be delivered to the complainant.

(E) *Action By Adjudication Counsel Upon Dismissal:*

In the event that the charges against the respondent are dismissed by the Adjudication Counsel, the Adjudication Counsel

- (1) shall promptly take all necessary action to delete from the respondent's official records any and all references to the charges and proceedings under this Code; and
- (2) may suggest to the respondent, where appropriate, improvements in the conduct of his or her affairs that will aid the respondent in avoiding either an actual or apparent violation of the Code in the future and will assist the respondent in the development of professional standards of behavior.

**Article 2.5**  
**Adjudication Committee**

- (A) As set out in Article 2.6 through Article 2.8, the Adjudication Committee shall have the responsibility of determining whether the respondent has violated the provisions of this Code and, if so, whether (and to what extent) sanctions should be imposed.
- (B) The Adjudication Committee shall be comprised of five members: three faculty members and two law student members.
  - (1) The three faculty members shall be appointed by the dean at the first regularly scheduled faculty meeting of the academic year. The

appointments shall extend for a one-year period, ending on the date of the first regularly scheduled faculty meeting of the next academic year. The dean shall designate which of the three appointed faculty members shall serve as chair.

- (2) The two law student members shall be designated by the Student Bar Association for a one-year term, pursuant to procedures established by the Student Bar Association.
- (C) In the event of a temporary or permanent vacancy on the Adjudication Committee, the vacancy shall be filled in the following manner:
- (1) if there is a vacancy in a faculty position, the dean shall promptly appoint a member of the faculty to serve on the committee;
  - (2) if there is a vacancy in a law student position, the Student Bar Association shall promptly appoint a law student to serve on the committee.
  - (3) the individual named to fill the vacancy shall serve on the committee for (a) the duration of the vacancy, if the vacancy is temporary or (b) the balance of the unexpired term, if the vacancy is permanent. For the purposes of this section, the term “temporary vacancy” shall encompass situations where the committee member is unable to serve because of illness, absence, prior professional or academic commitments, or potential conflict of interest.

## **Article 2.6**

### **Hearing**

- (A) The Adjudication Committee shall conduct a hearing to determine whether the respondent is guilty of the violation(s) set out in the Determination Document. The hearing shall begin on a date which is no more than ten days following the date on which the respondent received a copy of the Determination Document (or, if the respondent refused to accept delivery, following the date on which the respondent was tendered a copy of the Determination Document). The chair of the Adjudication Committee shall set the date and time of the hearing, and he or she shall notify the respondent and the Adjudication Counsel. The chair may grant an extension of time for good cause.
- (B) No later than 48 hours prior to the commencement of the hearing, the respondent shall (1) file with the chair of the Adjudication Committee all motions, briefs and similar documents intended for the consideration of the Adjudication Committee, and (2) deliver copies of all of these documents to the Adjudication Counsel. Similarly, no later than 48 hours prior to the commencement of the hearing, the Adjudication Counsel shall (1) file with the chair of the Adjudication Committee all motions, briefs and similar documents intended for the consideration of the Adjudication Committee and (2) deliver copies of all of these documents to the respondent.

- (C) No later than 48 hours prior to the commencement of the hearing, the respondent shall (1) file with the chair of the Adjudication Committee a listing of all exhibits intended to be introduced at the hearing for the consideration of the Adjudication Committee; (2) deliver a copy of this listing to the Adjudication Counsel; and (3) make all exhibits appearing on the listing available for review by the Adjudication Counsel. Similarly, no later than 48 hours prior to the commencement of the hearing, the Adjudication Counsel shall (1) file with the chair of the Adjudication Committee, a listing of all exhibits intended to be introduced at the hearing for the consideration of the Adjudication Committee; (2) deliver a copy of this listing to the respondent; and (3) make all exhibits appearing on the listing available for review by the respondent.
- (D) Unless the requirements of sections (B) and (C) have been complied with in all respects, the Adjudication Committee shall not take into consideration, for any purpose, non-complying exhibits, motions, briefs or other documents. For good cause, the chair may waive or modify the 48-hour deadline set forth in sections (B) and (C).
- (E) If, prior to or during the hearing, the Adjudication Counsel should conclude that he or she is unable to establish that the respondent is guilty of a particular violation set out in the Determination Document, the Adjudication Counsel may prepare a signed writing in which he or she states his or her conclusion that the respondent is not guilty of that violation. This writing shall be delivered by the Adjudication Counsel to the chair of the Adjudication Committee and to the respondent, and the writing shall have the same effect as a verdict of not guilty as to the specified violation. No further action shall be taken by the Adjudication Committee regarding that particular violation. If the Adjudication Counsel's writing states that the Adjudication Counsel has concluded that the respondent is not guilty of all violations referred to in the Determination Document, he or she shall treat the matter as a dismissal to which Section (E) of Article 2.4 applies.
- (F) Except as provided in Section (E), the Adjudication Counsel shall call witnesses, present evidence, make arguments, and take all reasonable steps at the hearing to prove that the respondent is guilty of the violation(s) set out in the Determination Document. Under no circumstances shall the Adjudication Counsel (1) present evidence or make arguments that raise issues or tend to prove violations which are beyond the scope of the determination made in the Determination Document or (2) make arguments or recommendations concerning the imposition of a sanction.
- (G) At the hearing, the respondent may be represented, may call witnesses on his or her behalf and may cross examine those witnesses who testify against him or her. The respondent shall not be required to participate in the hearing or to make any statement at the hearing.
- (H) The hearing shall be conducted by the Adjudication Committee in a fair and impartial manner, but the committee shall not be bound to follow the usual rules of evidence or formal rules of procedure (other than those set forth in

this Code). The hearing shall be conducted so as to best ascertain the truth and to carry out the spirit of this Code.

- (I) The hearing shall be open to members of the faculty and to law students unless the Adjudication Committee, at the request of the respondent, shall direct that the hearing, or any portion of the hearing, be closed.
- (J) The hearing shall be recorded, with such recording made available to the respondent, if requested, at the respondent's expense.
- (K) Unless the Adjudication Committee shall provide instructions to the contrary, the hearing recording and all briefs, motions, exhibits, and other materials pertaining to the adjudication shall be preserved by the dean for a period of three years from the date of the hearing.

## **Article 2.7**

### **Verdict**

- (A) At the conclusion of the hearing, the Adjudication Committee shall deliberate in private, and a guilty verdict shall be returned where three-fifths of the members find, beyond a reasonable doubt, that the respondent has violated this Code within the contemplation of Article 2.0. If three-fifths of the members of the committee are unable to make such a finding, a verdict of not guilty shall be returned.
- (B) Upon a determination that the respondent is guilty, the Adjudication Committee shall establish the sanction, if any, which is to be imposed upon the respondent.
- (C) The Adjudication Committee shall promptly prepare a written opinion (signed by the members of the committee, with dissenters identified), in the following manner:
  - (1) the opinion shall contain (a) the name of the respondent; (b) a statement of the facts; (c) a citation of the specific provisions of this Code which Adjudication Counsel had probable cause to believe that the respondent violated; (d) the decision of the committee; and (e) a discussion of the committee's rationale for its holding;
  - (2) where the committee concludes that the respondent is not guilty, the opinion shall include a direction to Adjudication Counsel to expunge the record; the Adjudication Counsel shall promptly take all necessary action to delete from the respondent's records any and all references to the charges and proceedings under this Code;
  - (3) where the committee concludes that the respondent is guilty, the opinion shall include the sanction imposed by the committee;

- (4) where the committee concludes that, because of the time and attention devoted by the respondent to the adjudication process, the respondent's academic standing could be adversely affected, the opinion may include, if requested by the respondent, a recommendation that the respondent be accorded lenient treatment should it become necessary for him or her to reapply for admission to the College of Law;
  - (5) if desired by the dissenters, a dissenting opinion shall be attached to and shall become a permanent part of the committee's opinion.
- (D) The opinion of the Adjudication Committee shall be delivered promptly to (1) the dean, (2) the respondent and (3) the Adjudication Counsel.
- (E) Except in the case of a private reprimand, a copy of the opinion of the Adjudication Committee shall be posted for two weeks in a conspicuous place in the College of Law. Such posting shall commence on a date which is no earlier than the latest of the following dates:
- (1) the eleventh day following the final determination date described in Article 2.9(A)(1);
  - (2) the date described in Article 2.9(A)(2); or
  - (3) the date described in Article 2.9(A)(3).
- (F) The Adjudication Committee shall prepare and maintain, as a public record, a syllabus of each opinion. The syllabus shall contain a written summary of all information contained in the opinion, as set forth in section (C), except that the identity of the respondent shall not be disclosed.
- (G) The respondent shall have the right to file a motion for reconsideration of the determination of the Adjudication Committee. The motion shall be filed with the chair of the Adjudication Committee within ten days following the date on which the respondent received a copy of the committee's opinion (or, if the respondent refuses to accept delivery, following the date on which the respondent is tendered a copy of the opinion). The committee shall promptly consider any motion for reconsideration and shall announce its decision in a writing delivered in the manner set forth in section (D).

## **Article 2.8**

### **Sanctions**

- (A) The sanction imposed upon a law student who has been found guilty of violating this Code, in addition to notification to licensing authorities, may include one or more of the following:
- (1) withdrawal of degree;
  - (2) restitution;

- (3) permanent expulsion from the College of Law;
  - (4) suspension from the College of Law for a temporary, specified period of time not to exceed one academic year for each violation;
  - (5) loss of credit hours for any course with which the violation was directly related;
  - (6) official reprimand, prepared by the dean, to be posted conspicuously in the College of Law for a period of two weeks;
  - (7) imposition of non-academic probation for a temporary, specified period (including denial of eligibility for any or all offices or positions held in the Student Bar Association, University Student Government, Law Review, Moot Court teams, student law fraternities or other University or student organizations and activities);
  - (8) private reprimand.
- (B) In imposing sanctions, the Adjudication Committee shall consider all factors the committee determines to be relevant. The committee shall take into account (1) the time expired between the date of the violation and the date on which the complaint was filed and (2) where appropriate, the extent to which respondent has made restitution. In all instances, the sanction shall be commensurate with the nature of the violation.

## **Article 2.9**

### **Review**

- (A) Except for the sanction described in section (A)(8) of Article 2.8, the respondent shall have the right to appeal the sanction imposed by the Adjudication Committee to the faculty. The respondent shall file a written notice of appeal with the dean within ten days following the latest of the following dates:
- (1) the date on which the respondent received (or was tendered) a copy of the opinion of the Adjudication Committee;
  - (2) the date on which the respondent received (or was tendered) a copy of the decision of the Adjudication Committee respecting respondent's motion for reconsideration; or
  - (3) the date on which the respondent received (or was tendered) a copy of any revised opinion of the Adjudication Committee issued as a result of the committee's decision respecting respondent's motion for reconsideration.
- (B) The respondent shall have the right to appear before the faculty at a regularly scheduled or specially called faculty meeting in order to present his or her

contentions on appeal. The respondent may be represented. A quorum of two-thirds of the faculty shall be required to hear any appeal. Upon completion of the respondent's appellate presentation, the faculty shall deliberate in private and reach a decision.

- (C) A vote of two-thirds of qualified members of the faculty shall be required to modify the sanction imposed by the Adjudication Committee. For the purposes of this section, the term "qualified members of the faculty" means those faculty members who are (1) present at the meeting and (2) not precluded from voting under the provisions of section (D).
- (D) While all faculty members may participate in the review process and in the deliberations, the following members of the faculty shall not participate in the vote (although they shall be counted for the purposes of determining the presence of a quorum under section (B));
  - (1) faculty members serving on the Adjudication Committee in the case under review;
  - (2) faculty members serving as the Adjudication Counsel in the case under review;
  - (3) faculty members who (a) represented the respondent in any phase of the case under review, or (b) served as a witness before the Adjudication Committee to provide testimony as to the substance of the violation (and not merely to provide testimony as to the respondent's character);
  - (4) Faculty members who filed the complaint in the case under review.
- (E) The faculty shall have no power to reconsider the adjudication of guilt.

### **Article 2.10 Enforcement**

In all cases where the Adjudication Committee determines that the respondent is guilty of a Code violation, the dean shall administer the sanction imposed by the Adjudication Committee (or by the faculty, if the sanction is modified pursuant to the provisions of Article 2.9).

## **PART THREE: OTHER PROVISIONS**

### **Article 3.0 Academic Action by Faculty**

Nothing in this Code shall preclude a faculty member from assigning any grade he or she deems appropriate.

### **Article 3.1 Computing Time Periods**

- (A) In computing any period of time which is prescribed or allowed by this Code and which is expressed in terms of a number of days, the count shall begin on the first day and shall end at 4:30 p.m. on the final day.
- (B) The term “first day” means the day following the day of the act, event or default from which the designated period of time begins to run.
- (C) The term “final day” means the last day of the designated time period, determined by counting consecutive days on the calendar. However, if the last day is a Saturday, a Sunday or a day on which classes are not in session, the term “final day” means the next succeeding day which is not a Saturday, a Sunday or a day on which classes are not in session.

### **Article 3.2 Amendments**

- (A) Subject to the provisions of this Article, amendments to this Code shall be made by the faculty of the College of Law at a regular or specially called faculty meeting. A quorum of two-thirds of the faculty shall be required to vote on an amendment. A favorable vote of a majority of the quorum shall be required to adopt an amendment.
- (B) Amendments to this Code may be proposed by any member of the College of Law administration, by any member of the faculty or by any law student. All proposed amendments shall be filed in writing with the dean. Except where a proposed amendment relates to a mere technical or stylistic correction and does not involve a substantive change to the Code, the following procedures shall be followed:
  - (1) the dean shall promptly (a) post the proposal in a conspicuous place in the College of Law, and (b) submit the proposal to an ad hoc committee for its recommendation respecting the proposal;
  - (2) the ad hoc committee shall be comprised of (a) three faculty members appointed by the dean and (b) four law students designated by the Student Bar Association pursuant to procedures established by the Student Bar Association; the dean shall designate which of the three faculty members shall serve as chair of the ad hoc committee;

- (3) the ad hoc committee shall promptly consider the proposed amendment, conducting such meetings and public forums as it deems necessary; the committee shall prepare a written statement setting forth the committee's recommendation with respect to the proposal (i.e., adoption, rejection or modification); if desired by the dissenters, a dissenting opinion may be attached to and shall become a permanent part of the committee's written statement;
- (4) the chair of the committee shall promptly deliver the committee's written statement to the dean and to the members of the faculty;
- (5) the faculty vote on whether to adopt the proposed amendment and/or to accept the recommendation of the ad hoc committee shall take place at a faculty meeting held on a date which is no earlier than the later of the following dates:
  - (a) the day on which the chair of the ad hoc committee made the delivery referred to in section (B)(4) or
  - (b) the thirtieth day following the date on which the dean made the posting referred to in section (B)(1).