

**REGENT UNIVERSITY SCHOOL OF LAW
HONOR SYSTEM, COUNCIL, AND CODE**

(Revised May 2011)

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Article 1: Introduction and Explanation

1.1 Preamble

In keeping with RUSL's Christian mission, the Honor system shall be conducted in accordance with biblical principles. The basic presumption of the Honor Code is that, while pursuing a legal education, all law students shall honorably conduct themselves with honesty and integrity under God in all matters dealing with Regent University and its Faculty, Staff, student body, and visitors to the campus. The purpose of the Honor Code is to enumerate specific standards to govern student conduct with respect to any matter addressed herein. Nevertheless, the enumeration of these standards, including those in § 2.1 below, should not be construed as a denial of the existence of other duties and responsibilities equally imperative, though not explicitly mentioned. This document is not a contract and does not establish a contractual relationship. Regent University and the School of Law reserve the right to suspend the procedures contained herein entirely, to implement other procedures in any case they deem proper, or to circumscribe this procedure in any case they deem proper.

1.2 Name

The name of this Council shall be the Regent University School of Law ("RUSL") Honor Council ("Honor Council"). The name of the Code shall be the RUSL Honor Code ("Honor Code").

1.3 Persons Covered

All students enrolled at RUSL are automatically subject to the Honor Code. The Honor Code covers a student's conduct at all times while they remain enrolled at RUSL. The Honor Council has jurisdiction to hear and determine violations of the Honor Code whether the matter is reported prior to or after a student's graduation or separation from RUSL, provided that all such allegations are brought within two (2) years of the student's separation or graduation from RUSL. In any event, no student shall be subject to the jurisdiction of the Honor Council more than two (2) years after that student's separation or graduation from RUSL.

1.4 Scope

This Honor Code covers activity that falls within the scope of section 2.1 below and that 1) occurs on-campus, 2) occurs off-campus and is directed toward, involves or affects a member of the Regent community, or 3) is funded wholly or in part by Regent University or RUSL.

1.5 Constructive Notice

Every RUSL student is responsible for knowing and complying with all provisions of this Honor Code. This Honor Code shall be distributed at Orientation and made available in the Dean for Student Affairs' office and on the RUSL website.

1.6 Definitions

- (a) Accessory – An RUSL student who contributes to or aids in the commission of an honor offense or in escape from punishment for an honor offense.
- (b) Accomplice – An RUSL student who knowingly, voluntarily and with common intent unites with the principal offender in the commission of an honor offense.

- (c) Accused- An RUSL student accused of an Honor Code violation.
- (d) Accuser—A member of the Regent community (see section (u) below) who is adversely affected by, witnesses, or has other credible evidence of a potential Honor Code violation and who makes an accusation against the Accused.
- (e) Arbitrary and Capricious- A decision or action taken without consideration or in disregard of facts without determining principle. Ordinarily this phrase is synonymous with bad faith or failure to exercise honest judgment; an arbitrary and capricious act would be one performed without adequate determination of principle and one not founded in the nature of things.
- (f) Clear and Convincing Evidence- Evidence that results in reasonable certainty of the truth of the ultimate fact in controversy; proof that requires more than a preponderance of the evidence and less than proof beyond a reasonable doubt. Clear and convincing evidence is shown where the truth of the facts asserted is highly probable.
- (g) Dean—The Dean of the RUSL.
- (h) Frivolous Complaint—A complaint that is of little weight or importance in which the Accuser can present no rational argument based upon the evidence or Honor Code in support of that claim.
- (i) Instructor—Anyone who teaches a course at RUSL.
- (j) Knowingly—An RUSL student acts knowingly with respect to an element of a violation under the following circumstances:
 - i. If the element involves the nature of the RUSL student’s conduct or the attendant circumstances, the RUSL student is aware that his or her conduct is of that nature or that such circumstances exist; and
 - ii. If the element involves a result of the RUSL student’s conduct, the RUSL student is aware that it is practically certain that his or her conduct will cause such a result.
- (k) Law Faculty—All full-time Instructors who are entitled to vote at Law Faculty meetings.
- (l) Law Faculty Member—A member of the Law Faculty.
- (m) Negligently—An RUSL student acts negligently with respect to an element of an offense when the RUSL student should be aware of a substantial and unjustifiable risk that the material element exists or will result from the RUSL student’s conduct. The risk must be such that the RUSL student’s failure to perceive it, considering the nature and purpose of the RUSL student’s conduct and the circumstances known, or that should be known, to him or her, involves an inexcusable deviation from the standard of care that a reasonable person would observe in the same situation.
- (n) On Campus—The area on which Regent University, CBN, and the Founders Inn are located, including all student housing, buildings, streets, parking lots, grassy areas, and wooded areas, and any location where RUSL offers courses.

- (o) Preponderance of the Evidence—Evidence that is of greater weight or more convincing than the evidence that is offered in opposition to it; evidence that as a whole shows that the violation sought to be proved is more probable than not (i.e., more than 50%).
- (p) Proof beyond a Reasonable Doubt- The facts proven must, by virtue of their probative force, establish guilt. The fact finder must be “entirely convinced” or “fully satisfied” that the guilt of the accused is clear, precise, and certain.
- (q) Purposely—An RUSL student acts purposely with respect to an element of a violation under the following circumstances:
 - i. If the element involves the nature of the RUSL student’s conduct or a result thereof, it is the RUSL student’s conscious object to engage in conduct of that nature or to cause such a result; and
 - ii. If the element involves attendant circumstances, the RUSL student is aware of the existence of such circumstances or believes or hopes that they exist.
- (r) Reasonable—Fair, proper, just, moderate, suitable under the circumstances, fit and appropriate to the end in view.
- (s) Recklessly—An RUSL student acts recklessly with respect to an element of a violation when the RUSL student disregards a substantial and unjustifiable risk that the material element exists or will result from the RUSL student’s conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the RUSL student’s conduct and the circumstances known to the RUSL student, the disregard of the risk involves a gross deviation from the standard of conduct that a law-abiding person would observe in the same situation.
- (t) Regent Community—All Regent University Administrators, Faculty Members, Instructors, Student Body members, and staff members.
- (u) Respondent—An Accused who becomes the subject of an Honor Council Hearing.
- (v) Student Body—All currently enrolled degree-seeking students and all other persons enrolled in a RUSL course.

Article 2: Violations, Honor Council Authority, Instructor Prerogative and Student Obligations

2.1 Violations

It shall be a violation of this Honor Code for any RUSL student to engage in any of the following conduct:

- (a) Knowingly or Purposely lie to RUSL faculty or staff, or to the Honor Council during any Honor Council proceeding;
- (b) Recklessly, Knowingly, or Purposely cheat or attempt to cheat, including, but not limited to:
 - i. Submitting as one’s work the work of another;

- ii. Using materials or other assistance in an exam other than those specifically authorized by the Instructor; or
 - iii. Using materials or other assistance in research or other writing assignments that are prohibited by the Instructor or other designated authority.
- (c) Knowingly or Purposely steal or misuse, or attempt to steal or misuse, library property, including, but not limited to:
- i. Mutilating, hiding, or destroying library materials;
 - ii. Removing materials from the library without proper authorization;
 - iii. Unfairly depriving students of the opportunity to use materials meant to be there for the use of all students; or
 - iv. Marking or labeling library materials to provide unauthorized aid.
- (d) Violate the University Honor Code provisions regarding Academic Integrity or the provisions of the University Standard of Personal Conduct regarding lying or the theft/misuse of property;
- (e) Knowingly or Purposely abuse Honor Council proceedings, including, but not limited to, making a frivolous complaint or breaking confidentiality requirements;
- (f) Fail to report a suspected Honor Code violation when a student has reasonable cause to believe that such a violation has occurred (there is no *mens rea* requirement for this violation);
- (g) Negligently, Recklessly, Knowingly, or Purposely fail or refuse to comply with §§ 2.4 (Student Certification) and 2.5 (Duty to Appear and Testify) below;
- (h) Knowingly or Purposely act, or attempt to act, as an accomplice or accessory to an act that violates the Honor Code;
- (i) Recklessly, Knowingly, or Purposely discuss, during the examination period after one has taken the exam, the contents of the exam with a person who has not taken the exam or in any place where a reasonable person should know that the conversation could be heard by another student who is scheduled to take the exam but has not yet done so in the current exam period.

2.2 Honor Council Authority and Other Student Obligations

The Honor Council shall have the authority to consider allegations of misconduct only for the violations specified in § 2.1 and under the circumstances described below. Other student conduct standards, including but not limited to the University Standard of Personal Conduct not referenced in § 2.1 (which, among other things, concern the standards of conduct all RUSL students agreed, as a condition of admission to the RUSL, to abide by regarding sexual misconduct, profanity, harassment, and the use of alcohol, illegal drugs, and tobacco), shall be enforced by RUSL and/or University administrators and not by the Honor Council. However, RUSL students must be mindful of their duty

to abide by these other standards and their obligation to hold each other accountable to act in accordance with them, including taking appropriate steps to ensure that the standards are upheld.

2.3 Instructor Prerogative

The express written course policies of an Instructor may supplement, but not waive, any of the violation provisions in § 2.1 above. Instructors have discretion to impose penalties for course-related misbehavior, subject to the review and appeal provisions in the RUSL Policies and Procedures Manual, the Regent University Faculty and Academic Policy Handbook, and the Regent University Student Handbook.

2.4 Student Certification

RUSL students must write and sign the following certification on every submission for a grade or credit in a course or for any RUSL academic competition (e.g., writing on to Law Review or other journal, competing in an intramural moot court competition, etc.): “On my honor, I hereby certify that I have neither given nor received unauthorized aid on this [exam, paper, assignment, etc.]” If the document must be submitted anonymously, the student must write his or her exam or identification number to substitute for the signature RUSL Law Faculty shall be encouraged to include a pre-printed copy of this statement in examination instructions. If a student does not write and/or sign this certification, the Instructor or other person receiving the submission must contact the student to give the student an opportunity to finalize and sign the certification. If the student fails or refuses to do so within three days of being contacted, no credit will be given for the submission and the matter will be referred to the Dean for Student Affairs for review pursuant to § 5.1 below.

2.5 Duty to Appear and Testify

An RUSL student, other than a Respondent, must appear and testify truthfully if called as a witness at an Honor Council Hearing. A Respondent may appear at his or her Honor Council Hearing but cannot be forced to testify. No adverse inference may be drawn from a Respondent’s failure to testify. If the Respondent chooses to testify, the Respondent must testify truthfully.

Article 3: Biblical Foundation and Sanctions

3.1 Duty to Report

- (a) If any student has reasonable cause to believe that an Honor Code violation has occurred, the student must report such violation to the Dean for Student Affairs within 10 days of having such cause.
- (b) It is recommended that, prior to reporting such violation, an Accuser encourage the Accused to report his or her own misconduct to the Dean for Student Affairs. Unless an Accuser shows good cause to the Dean for Student Affairs not to do so, an Accuser usually has the duty to confront the Accused directly before presenting an accusation to the Dean for Student Affairs pursuant to § 5.1 below. The Dean for Student Affairs shall have discretion to decide whether the Accuser must confront the Accused directly before a matter can proceed to the Honor Council. Failure to confront does not deprive the Dean for Student Affairs or the Honor Council from proceeding on the accusation.

3.2 Standard of Proof

Honor Council Panel Members shall acquit the Respondent of a charge unless that charge has been proven by clear and convincing evidence. The fact that a student has been charged with a violation shall not give rise to an inference of guilt.

3.3 Sanctions

(a) The following sanctions may be imposed for Honor Code violations committed purposely:

- i. Expulsion;
- ii. Suspension;
- iii. Probation;
- iv. Grade penalties, up to and including a grade of “F” for the course, in addition to any penalty imposed by an Instructor pursuant to § 2.2;
- v. Permanent letter prepared by and placed by the Dean for Student Affairs in a student’s file noting an Honor Code violation;
- vi. Any additional, reasonable measure the Dean for Student Affairs deems appropriate, such as mentoring and spiritual guidance by a dean or faculty member, drafting a paper germane to the violation, or related community service.

(b) The following sanctions may be imposed for Honor Code violations committed knowingly:

- i. Suspension;
- ii. Probation;
- iii. Grade penalties, up to and including a grade of “F” for the course, in addition to any penalty imposed by an Instructor pursuant to § 2.2;
- iv. Permanent letter prepared by and placed by the Dean for Student Affairs in a student’s file noting an Honor Code violation;
- v. Any additional, reasonable measure the Dean for Student Affairs deems appropriate, such as mentoring and spiritual guidance by a dean or faculty member, drafting a paper germane to the violation, or related community service.

(c) The following sanctions may be imposed for Honor Code violations committed recklessly or negligently:

- i. Probation, in addition to any penalty imposed by an Instructor pursuant to § 2.2;
- ii. Permanent letter prepared by and placed by the Dean for Student Affairs in a student’s file noting an Honor Code violation;
- iii. Oral reprimand; and/or

- iv. Any additional, reasonable measure the Dean for Student Affairs deems appropriate, such as mentoring and spiritual guidance by a dean or faculty member, drafting a paper germane to the violation, or related community service.

(For further information on sanctions and the Respondent's right to appeal same, see §§ 7.2 & 7.3).

3.4 Absolution by Honor Council Panel

- (a) A Respondent shall be fully absolved of an Honor violation upon a finding and vote by a majority (four or more) of the members of an Honor Council Hearing Panel that clear and convincing evidence shows that the Respondent did not commit a violation. In the event that an equal number of members of an Honor Council Hearing Panel vote to fully absolve and not to fully absolve the Respondent (three votes each), the Presiding Officer (*see* § 4.1(e)-(f) below) may cast the deciding vote to fully absolve the Respondent if the Presiding Officer finds that the standard for full absolution has been met. In any instance of full absolution, the Dean for Student Affairs shall place a permanent notation of full absolution/no violation in the Respondent's file.
- (b) In the event that an Honor Council Hearing Panel is unable to make a determination in accordance with § 3.3 above, the Respondent shall not be subject to any sanction for the alleged violation. The Dean for Student Affairs shall place a permanent notation of "appeared before the Honor Council with no finding of violation" in the Respondent's file.

Article 4: Honor Council Positions, Selection, and Roles

4.1 Honor Council Members

- (a) The Honor Council shall consist of not less than thirteen and, ordinarily, not more than seventeen members. In the event that exigent circumstances exist, the Dean and the Law Faculty may expand the Honor Council membership to more than seventeen members. To be eligible to serve on the Honor Council, a RUSL student must:
 - i. Be enrolled in, and have completed at least one semester of study at, the RUSL;
 - ii. Have and continue to maintain a cumulative GPA of 2.3 or higher;
 - iii. Have a demonstrated record of honesty and integrity, including but not limited to having no convictions or sanctions for academic dishonesty; and
 - iv. Be selected in accordance with the provisions of paragraph (b) below.

The achievement of criteria (i), (ii), and (iii) simply indicates that a RUSL student meets the minimum eligibility standards and does not confer the right to serve on the Honor Council.

(b) Provisions Governing Honor Council Selection and Membership

- i. Once chosen as a member of the Honor Council, a student remains on the Honor Council until the member graduates, withdraws from RUSL, resigns, fails to be elected in a subsequent retention vote, or is removed pursuant to § 8.1 below. Current Honor Council members are not required to re-submit a membership

application but must declare their interest in serving on the Honor Council by the first Friday in February. The names of current Honor Council members who declare their interest shall be placed on the ballot for a vote of retention.

- ii. The incoming Honor Council members shall be chosen no later than the third Friday in March each spring semester.
- iii. Replacement Honor Council members chosen to fill vacant spots created during the school year shall be chosen no later than one month after the spot becomes vacant using the procedures in paragraphs (iv) through (xii) below. The replacement member shall serve the duration of the vacating member's term and be of the same class year, and the member may be selected to serve on the incoming Honor Council.
- iv. Each current Honor Council member or RUSL Student Bar Association (SBA) Senator can nominate eligible students who comply with § 4.1(a) for positions on the incoming Honor Council. An eligible student may apply for nomination by a current Honor Council member or SBA Senator by submitting the following documents to the Honor Council Presiding Officer or SBA President by the first Friday in February (for the initial Honor Council, the documents must be submitted to the Dean for Student Affairs instead of the Presiding Officer):
 - (A) A concise statement detailing why the student desires to become a Candidate for a position on the Honor Council and describing in detail the student's qualifications to serve on Honor Council;
 - (B) A letter of recommendation from a Law Faculty member; and
 - (C) Two letters of recommendation from current RUSL students.
- v. The current Honor Council members (or, in the case of the initial Honor Council, the Dean and Law Faculty) and SBA Senators shall consider, but are not limited to, these applications when nominating Candidates to serve on the incoming Honor Council. Any eligible student who is asked to be considered, but did not apply, for nomination must become an applicant by fulfilling the requirements in paragraph (iv) above. Once a current Honor Council member (or, for the initial Honor Council, the Dean and Law Faculty) or SBA Senator nominates an eligible applicant, that nominee becomes a Candidate for the position on the Honor Council.
- vi. The Clerk shall forward a list of all Candidates for the incoming Honor Council, including each Candidate's submissions pursuant to paragraph (iv) above, to the Dean for Student Affairs no later than the third Friday in February.
- vii. If the Dean and the Law Faculty determine that there are insufficient qualified Candidates for the Honor Council, the Dean and the Law Faculty may solicit applications from other eligible students, and any such student who complies with the requirements of paragraph (iv) above then becomes a Candidate.
- viii. The Dean shall appoint a committee of faculty members to review all Candidates' applications and, if desired, to interview the Candidates. Based upon, among other things, each Candidate's demonstrated honesty and integrity, the committee shall

recommend to the Dean and the Law Faculty which Candidates should be approved to be eligible to be selected to serve on the Honor Council. Although the committee may interview any Candidate for any reason, it must interview a Candidate whose honesty or integrity has been questioned in any way prior to the Dean and Law Faculty making a final decision regarding which Candidates to approve pursuant to paragraph (x) below.

- ix. The Dean and the Law Faculty shall determine, based on a review of all Candidates' applications and the recommendations of the committee, which Candidates will be approved to be eligible to be selected to serve on the incoming Honor Council ("Approved Candidates"). The Dean and the Law Faculty shall also determine how many members will serve on the incoming Honor Council (ordinarily 17, but not less than 13 – *see* § 4.1(a)) and how many members of the incoming Honor Council must be selected from each RUSL class. The Law Faculty shall make its determinations under this section by majority vote.
 - x. No later than the first Friday in March, the Dean for Student Affairs shall forward the list of Approved Candidates to the SBA President, along with each Approved Candidate's submissions pursuant to paragraph (iv) above. The SBA President will post each Approved Candidate's submissions for review by all currently enrolled RUSL students.
 - xi. No later than the third Friday in March, the SBA will hold an election to select the members of the incoming Honor Council under the following terms:
 - (A) All currently enrolled RUSL students will be eligible to vote. Votes will be cast via a weighted ballot whereby each student can cast as many total votes as there are spots for that class on the upcoming Honor Council (e.g., if the Dean and Law Faculty determine that there will be 8 2L members on the incoming Honor Council, each voter can cast up to 8 votes for 2L Approved Candidates). Each student may cast as many votes for an individual Approved Candidate as the student desires (e.g., a student can cast all 8 2L votes for one 2L candidate, or divide votes up among different candidates as the voter desires). Students are not limited to voting for members of their own class.
 - (B) The top vote getters from each class (with the number determined by the Dean and Law Faculty in accordance with paragraph (x) above) will be the incoming Honor Council members.
 - (C) Any ballot on which a student casts more than the number of authorized votes must be discarded.
 - xii. Due to the inherent potential for conflict of interest, any Candidate selected to be an incoming Honor Council member may not hold an elected class or school office, such as with the SBA or COGS, or serve as Law School Chaplain, while serving on the Honor Council.
- (c) After the incoming Honor Council is selected, incoming Honor Council members who are eligible for (*see* paragraph (e) below) and interested in the positions of Presiding Officer and Associate Presiding Officer must submit a concise statement detailing why the incoming member desires to serve as Presiding Officer or Associate Presiding Officer. This statement,

along with any supporting documentation or letters of recommendation, must be submitted to the Dean for Student Affairs by the end of the last week of March. By the end of the first week of April, the Dean and the Law Faculty shall determine which Honor Council members to certify as approved candidates for the positions of Presiding Officer and Associate Presiding Officer, and the Dean for Student Affairs shall forward the names of those certified candidates to the current Presiding Officer.

- (d) During the second week of April, the current Presiding Officer shall call an organizational meeting of the newly appointed members, who shall, by a majority vote, elect, from among the candidates certified by the Dean and Law Faculty, an eligible incoming Honor Council member (*see* paragraph (e) below) to be the incoming Presiding Officer (*see* paragraph (f) below), and an eligible incoming Honor Council member to be the incoming Associate Presiding Officer, who shall perform the duties of the Presiding Officer in the absence or unavailability of the Presiding Officer. The incoming Presiding Officer shall be chosen first, then the incoming Associate Presiding Officer. If after the first formal vote no candidate for a position obtains a majority vote, then another vote must be taken from among the top two vote-getters only, and the person who receives the most votes during the re-vote shall be the one appointed to the position. Although a vote for Presiding Officer and for Associate Presiding Officer will be taken every year, the current Presiding Officer and/or Associate Presiding Officer may run for reelection if otherwise eligible for the position.
- (e) To be eligible to be a candidate for Presiding Officer or Associate Presiding Officer, an Honor Council member must:
- i. Have a Law GPA of 2.7 or higher;
 - ii. Have taken, or be currently enrolled in, Professional Responsibility;
 - iii. Have taken, or be currently enrolled in, Evidence;
 - iv. Have served as an Honor Council member for at least two semesters (this provision will not apply to the initial Presiding Officer or initial Associate Presiding Officer); and
 - v. Before the vote, be approved as a candidate by the Dean and Law Faculty.

A Presiding Officer or Associate Presiding Officer will be automatically removed from the position if the member fails to maintain a 2.7 Law GPA or fails to earn a C or higher in Professional Responsibility. A replacement officer shall be chosen no later than one month after the spot becomes vacant using the procedures in paragraphs (c)-(e) above.

- (f) The Presiding Officer shall hold no other Honor Council position. As the officer presiding over all Honor Council proceedings, including Honor Council Hearings, the Presiding Officer does not vote on cases except to cast the deciding vote in favor of full absolution pursuant to § 3.2(e) above. The Presiding Officer shall attend all meetings of the Honor Council and preside over all Honor Council Hearings before the Honor Council. The Presiding Officer shall respond to all questions by all parties concerning the procedures and interpretations of this Honor Code. The Presiding Officer has the authority to agree to a Respondent's offer to waive any or all confidentiality requirements.
- (g) The Honor Council shall be assisted in its adjudicative responsibility by the following:

- i. Clerk- An Honor Council member appointed by the Presiding Officer;
 - ii. Prosecutor- The Presiding Officer may appoint one or more eligible Honor Council members (*see* § 4.3 (b) below) as Prosecutors to prosecute Honor cases; and
 - iii. Defense Counsel- A RUSL student who has a cumulative GPA of 2.3 or higher, who is not a member of the Honor Council, and whom the Respondent procured to act as counsel during Honor proceedings. Though a Respondent may choose any RUSL student meeting the foregoing qualifications, it is strongly recommended that a Respondent consider RUSL students of at least the same or greater qualifications than the Solicitor(s) (*See* § 4.3(b) below). The Defense Counsel may not be called as a witness by the Respondent, but may be called as a witness by the Prosecutor pursuant to §6.1(c), below.
- (h) The Respondent may represent himself or may be represented by Defense Counsel (see § 4.1(g)(iii)). Defense Counsel shall serve without compensation or remuneration. At the Respondent's request, the Presiding Officer shall assist the Respondent in obtaining Defense Counsel. Although the Respondent and/or his Defense Counsel may be advised by anyone who is not an Honor Council member, including an attorney, the Respondent may not be represented by any person other than a RUSL student qualified and selected to serve as Defense Counsel. The Respondent shall sign an acknowledgement that the Defense Counsel is not an attorney and is not engaged in the practice of law.
- (i) In the event that the Respondent refuses to participate or conduct a defense, the Respondent may be tried in absentia.
- (j) All matters pertaining to any Honor Council proceeding shall remain confidential, except as provided herein.

4.2 Faculty Advisor

The Dean, in consultation with the Law Faculty, shall appoint a Law Faculty Member to serve as the Faculty Advisor to the Honor Council. The Faculty Advisor shall represent the Dean and Law Faculty while serving the Honor Council in an advisory capacity and performing the other duties specified herein. If the Faculty Advisor is unavailable or otherwise unable to perform the duties specified herein, the Dean shall appoint another Law Faculty Member to serve as Faculty Advisor Pro Tempore until the Faculty Advisor can resume the performance of those duties.

4.3 Honor Council Roles

The Presiding Officer is not eligible to serve in either role listed below, each of which must be served by an Honor Council member appointed by the Presiding Officer:

- (a) Clerk. The Clerk is responsible for:
 - i. Serving notice to the Respondent;
 - ii. Acting as Bailiff for Conferences;

- iii. Arranging for the recordings of all Honor Council Hearings;
- iv. Preparing an accurate and permanent record of the disposition of every Complaint issued by the Honor Council while keeping confidentiality requirements;
- v. Performing any other duties specified herein or requested by the Presiding Officer.

(b) Prosecutor:

- i. The Prosecutor must have a cumulative GPA of 2.7 or higher, have taken and earned a grade of B+ in Professional Responsibility, and be currently enrolled in, or have taken, Trial Practice. One or more of these criteria may be waived only by a written showing of good cause acceptable to the Presiding Officer and Faculty Advisor.
- ii. The Prosecutor shall draft the Complaint and give it to the Clerk.
- iii. The Prosecutor is responsible for presenting the case on behalf of the RUSL.
- iv. The Prosecutor may request, in writing, that the Presiding Officer appoint an Assistant Prosecutor, who must meet the same criteria as a Prosecutor.
- v. The Prosecutor shall perform any other duties specified herein or requested by the Presiding Officer and related to the function of a Prosecutor.

(c) Bailiff: The Bailiff is responsible for:

- i. Sequestering witnesses during Honor Council Hearings;
- ii. Escorting testifying witnesses to and from the stand during Honor Council Hearings; and
- iii. Assisting the Presiding Officer during Honor Council Hearings.
- iv. The Bailiff shall be appointed after the Honor Council Hearing Panel is appointed pursuant to §5.4(c) below.

(d) Honor Council Hearing Panel. The Honor Council Hearing Panel shall be comprised of 6 Honor Council members responsible for:

- i. Adjudication or deciding the case based on the evidence and the Honor Code; and
- ii. To recommend sanctions.

4.4 Presentation to RUSL First Year Students

Within the first 3 weeks of each semester (Fall and Spring), members of the Honor Council shall give a presentation to every RUSL 1L Legal Research and Writing class for the purpose of outlining the Honor Code and a student's rights and responsibilities contained therein. The presentation will be in a form approved by the Presiding Officer and presented by Honor Council members selected by the

Presiding Officer.

Article 5: Honor Council Proceedings

5.1 Initial Finding and Investigation

Students, other persons bound by the Honor Code, Instructors, and Law Faculty Members have a duty to report known or suspected (*see* § 3.1(a)) violations to the Dean for Student Affairs as long as they are supported by evidence. The Dean for Student Affairs shall conduct a preliminary investigation, including confronting the Accused with the allegation.

- (a) If the Accused fully admits wrongdoing, the Dean for Student Affairs shall impose appropriate sanctions consistent with the provisions of § 3.3 above.
- (b) If the Accused does not fully admit wrongdoing, the Dean for Student Affairs shall conduct a further investigation. If the Dean for Student Affairs determines that there are reasonable grounds to believe that a violation has occurred that the Accused does not fully admit committing, the Dean for Student Affairs must notify the Presiding Officer within five days following his findings that an Honor Council Hearing must occur.
- (c) In determining whether there are reasonable grounds to believe that a violation may have occurred, the Dean for Student Affairs will be guided by the principle that one person's unsupported accusation is not adequate grounds to warrant further proceedings. To be referred to the Honor Council, an accusation must be supported by other evidence (testimonial, documentary, or otherwise) and be filed with the Dean for Student Affairs in writing and signed by the Accuser.
- (d) Once the Dean for Student Affairs decides that a supported allegation warrants further proceedings, he shall give all information to the Presiding Officer, who will then give the information to the appointed Clerk and Prosecutor for the Honor Council Hearing. Within 3 days of receipt of the complaint from the Dean for Student Affairs, the Presiding Officer shall order the Clerk to issue a Complaint to the Accused, who then becomes the Respondent.

5.3 Complaint

- (a) Upon the Dean for Student Affairs' finding that the case must go before the Honor Council, the Prosecutor shall draft the Complaint. The Complaint shall be styled "In re [Name of Respondent]," giving the Respondent's legal name, and must contain the following:
 - i. The specific violation alleged, including a citation to any applicable Honor Code provision;
 - ii. A summary of the facts collected by the Dean for Student Affairs and, if any, the Prosecutor;
 - iii. The time and place of the Pre-Hearing Conference.
- (b) The Prosecutor shall give the completed Complaint to the Clerk. The Clerk shall serve the Complaint on the Respondent by personal delivery or, if personal delivery is not possible, by United States Postal Service Express Mail with signature proof of delivery to the

Respondent's address as listed with the Law School Records Officer. Because all RUSL students are responsible for making sure that their address information on file with the Law School Records Officer is current, delivery by United States Postal Service Express Mail with signature proof of delivery shall constitute full and sufficient service on the Respondent, when personal delivery is not possible. The Clerk shall provide a copy of the Complaint to the Presiding Officer with formal certification, using the certification form attached hereto, of the date and means of service.

- (c) The Clerk must complete and serve the Complaint upon the Respondent within ten days of the date of the Presiding Officer's order to issue a Complaint.
 - i. If a Complaint does not fully comply with § 5.2(a), the Prosecutor may amend the Complaint with the permission of the Presiding Officer.
 - ii. If a Complaint, incomplete or otherwise, is not served by the methods listed under § 5.2(b) within ten days of the Presiding Officer's order to issue the Complaint, the Presiding Officer shall order the Complaint to be re-issued within three days. If the Respondent fails or refuses to sign for the Complaint, that fact shall be so noted in the file and the Respondent may be tried *in absentia*.
 - iii. A Complaint properly served under § 5.2(b) shall constitute constructive notice of the information contained within the Complaint.

5.4 Pre-Hearing Conference

- (a) Between seven and fourteen days after service of the complaint, the Presiding Officer shall convene a pre-Hearing Conference ("Conference"). The Presiding Officer, the Clerk, the Prosecutor, University's General Counsel and the Respondent, and, if applicable, Defense Counsel shall be notified and allowed to attend the Conference. In addition, Respondent may have an attorney present at the pre-Hearing Conference and the University's General Counsel may be present as observers but neither attorney shall participate in the pre-Hearing Conference. The Conference shall be conducted regardless of whether the Respondent and/or Defense Counsel attend(s).
- (b) The purpose of the Conference is to establish and organize how the Honor Council Hearing will be conducted.
 - i. The Prosecutor and the Defense shall name the witnesses they intend to call to testify. A witness not named at the Conference may not be called at the Honor Council Hearing to testify unless the party seeking to call the witness shows good cause at the Presiding Officer's discretion.
 - ii. The Prosecutor and the Defense may request alterations to the basic Honor Council Hearing procedure as outlined in § 6.4 below. The Presiding Officer may accept or deny these proposals, under the advisement of the Faculty Advisor, as well as propose others. As examples, these proposals may include, but are not limited to:
 - (A) The exclusion of certain evidence or lines of questioning that are deemed too prejudicial to assist the Honor Council Hearing Panel;

- (B) Whether rebuttal witnesses are allowed;
 - (C) The use of facts stipulated by the parties;
 - (D) The use of pre-recorded testimony instead of a live witness.
- (c) The Clerk shall arrange for an audio recording of the Conference and shall provide the parties and the Presiding Officer with the recording for their reference during the Honor Council Hearing and with a summary of the decisions made at the Conference.

5.5 Convening a Hearing

- (a) Within seven days after the Clerk serves the Complaint on the Respondent pursuant to § 5.2, the Respondent may submit in writing to the Faculty Advisor a showing of good cause to strike an Honor Council member or Honor Council members from serving on the Respondent's Honor Council Hearing Panel. The Faculty Advisor must grant a request to strike only if the Faculty Advisor determines that good cause has been shown. If a Respondent alleges good cause to strike more Honor Council members than would allow for an Honor Council Hearing Panel to be constituted, the Faculty Advisor must select the six Honor Council members the Faculty Advisor believes can most fairly serve on the Honor Council Hearing Panel.
- (b) An Honor Council member must recuse himself or herself from sitting on an Honor Council Hearing Panel, presiding over an Honor Council Hearing, or serving as Prosecutor, if the Honor Council member's knowledge of the Respondent, any witness, or any other related matter, including any potential bias against the Respondent, will be likely to compromise the Honor Council member's ability to participate in the Honor Council Hearing fairly.
- (c) After paragraphs (a) and (b) above have been complied with, the Presiding Officer must question the remaining Honor Council members, excluding the Clerk and Prosecutor, to determine which members could fairly serve on the Honor Council Hearing Panel. Any member who was not obligated to recuse himself or herself but for some other reason does not believe he or she could properly serve on the Honor Council Hearing Panel should inform the Presiding Officer that he or she would prefer to opt out of serving on the Honor Council Hearing Panel. The Presiding Officer shall compile a list of all Honor Council members who are willing and able to fairly serve on the Honor Council Hearing Panel. If the list includes more than six Honor Council members, the Presiding Officer shall, as soon as reasonably possible but no later than 10 days after the service of the Complaint by the Clerk, randomly select an Honor Council Hearing Panel consisting of six Honor Council members from the remaining list. If the list includes less than six Honor Council members, the Presiding Officer shall determine which, if any, members who requested to opt out from serving on the Honor Council Hearing Panel should be required to serve.
- (d) The Dean for Student Affairs may grant Respondent, Defense Counsel, or any member of the Honor Council who must participate in an Honor Council Hearing in any capacity an extension of no more than one week on all graded assignments due during or within three days after the Honor Council Hearing. Anyone who would like to receive such an extension is responsible for giving the Dean for Student Affairs and the Instructor notice of his or her participation in an Honor Council Hearing.
- (e) The Presiding Officer shall preside at the Honor Council Hearing, unless the Presiding

Officer is unable to do so, in which event the Associate Presiding Officer shall preside. If the Associate Presiding Officer is also unable to preside, then the Faculty Advisor shall appoint an Honor Council member to preside over the Honor Council Hearing as Presiding Officer Pro Tempore. The Presiding Officer, presiding Associate Presiding Officer, or Presiding Officer Pro Tempore shall not vote at the Honor Council Hearing, except to cast the deciding vote in favor of full absolution pursuant to § 3.2(e).

- (f) No Honor Council Hearing Panel member, any Honor Council member, any Honor Council Officer, or Defense Counsel shall be subject to censure, reprimand, or admonition, with respect to the findings or sentence adjudged by the Honor Council Hearing Panel, or with respect to any other exercise of the functions of the Honor Council Hearing Panel, Honor Council Officer, or Defense Council or such persons in the conduct of the proceedings unless the conduct would in and of itself be an Honor Council violation (e.g., §2.1(d), abuse of Honor Council proceedings.

5.5 Rights of the Respondent at a Hearing

The Respondent shall have the following rights:

- (a) To Defense Counsel pursuant to § 4.1(g)(iii).
- (b) To strike an Honor Council Hearing Panel member by showing good cause to the Faculty Advisor pursuant to § 5.4(a).
- (c) To a fair and speedy Honor Council Hearing.
- (d) To hire, at Respondent's expense, a court reporter to make a transcript of the Honor Council Hearing.
- (e) To confidential proceedings, including the right not to have the name of the Respondent released in association with the proceedings. The Respondent may waive the right of confidentiality by opting for a public Honor Council Hearing with the RUSL community. The RUSL community includes anyone affiliated with the RUSL who holds a current Regent ID badge. The right to confidential proceedings must be waived within three days of the scheduled date of the Honor Council Hearing. This waiver shall be submitted by the Respondent in writing to either the Dean for Student Affairs or Presiding Officer. The Presiding Officer shall ensure that the RUSL community be notified within 24 hours of receiving the waiver by posting notice of the Honor Council Hearing on a bulletin board in the RUSL building and by email to all RUSL students and Law Faculty. A public Honor Council Hearing shall not include the media or non-RUSL community members, with the exception of the immediate family of the Respondent, any outside counsel present only in an advisory capacity, Regent University's General Counsel, or any court reporter present to make a transcript of the proceedings. Whether the Honor Council Hearing is public or private, neither the accused nor the Honor Council may make public statements likely to prejudice the proceedings, nor may either party release to or provide interviews or testimony to the media or general public. Although Honor Council proceedings are confidential, the University reserves the right to report the Honor Council's findings, results and a summary of its proceedings to state bar examiners and officials and other parties with a need to know.
- (f) To see all prosecution evidence within a reasonable time before the Honor Council Hearing.

- (g) To confront and examine all prosecution witnesses at the Honor Council Hearing.
- (h) Not to be forced to testify at his or her Honor Council Hearing.
- (i) Not to be retried for the same offense once fully absolved or prosecuted but not convicted.

Article 6: Honor Council Hearing

6.1 Authority to Decide Questions of Law or Fact

- (a) The Presiding Officer shall determine all questions that a judge would normally decide in a case tried in a court of law. Any fair, relevant and material evidence may be offered at the Honor Council Hearing without the necessity of conformity to legal rules of evidence. The Presiding Officer shall determine the admissibility, relevance, and materiality of the evidence offered and, keeping in mind the need to give the Respondent a full and fair opportunity to defend against the charges brought, may, with explanation, exclude cumulative, irrelevant, or immaterial evidence. Evidence that the Respondent has previously been convicted of an Honor offense or otherwise sanctioned for academic dishonesty while a RUSL student shall be inadmissible except to rebut any character evidence offered by the Respondent or Defense Counsel. The Presiding Officer may consult with the Faculty Advisor before making determinations at an Honor Council Hearing.
- (b) The Honor Council Hearing Panel shall decide all questions that a jury would ordinarily decide in a case tried in a court of law.

6.2 Burden of Proof

The burden of proving any violation of this Honor Code at an Honor Council Hearing shall be on the Prosecutor.

6.3 Record of Proceedings

Audio and video tape recordings shall be made of the proceedings before the Honor Council Hearing Panel. Unless the Respondent has waived in writing the right to a closed Honor Council Hearing, such records shall be kept confidential under the terms of § 8.3 below. Such records, after the Honor Council Hearing, shall be kept in confidence in the Dean for Student Affairs' office. If at any time the RUSL closes, the recordings shall be deposited with the Virginia Secretary of Education and the State Council of Higher Education for Virginia, in compliance with state academic file requirements of the Virginia Code (*see* Va. Code Ann. § 23-276.8).

6.4 Honor Council Hearing Procedure

- (a) The Prosecutor and the Respondent and/or Defense Counsel shall place all material proposed to be introduced into evidence during the Honor Council Hearing in a folder in the Dean for Student Affairs' office two days prior to the Honor Council Hearing. These exhibits shall be labeled and indexed and copied for the Honor Council Hearing Panel members and opposing parties prior to the Honor Council Hearing. Any exhibits introduced at the Honor Council Hearing that were not placed in the Dean for Student Affairs' office shall be allowed as evidence only as justice requires.

- (b) The Presiding Officer shall begin the Honor Council Hearing in prayer, asking that the Heavenly Father's perfect will be done and that His wisdom guide the Honor Council Hearing process. The Presiding Officer shall then read the formal charges and ask if the Respondent wishes to respond to the charges. The Prosecutor may make an opening statement followed by the same opportunity for the Respondent or Defense Counsel
- (c) Next, the Prosecutor shall present witnesses and/or other evidence.
 - i. The Prosecutor may call witnesses, except the Respondent may not be called over his/her objection. The Prosecutor may call Defense Counsel to testify only about relevant facts he or she became aware of before being retained to serve as Defense Counsel. The Prosecutor may not call Defense Counsel to testify unless the Prosecutor first demonstrates to the Presiding Officer a reasonable basis to conclude that the Defense Counsel can testify to such facts.
 - ii. The Respondent or Defense Counsel may cross-examine all of the Prosecutor's witnesses.
 - iii. All witnesses shall be admonished of their obligation to tell the truth, and all student witnesses shall be informed that making a false statement constitutes an Honor Code violation.
 - iv. Except as such privilege may be waived, all witnesses shall have the right not to give self-incriminating evidence.
- (d) Once the Prosecutor has finished presenting evidence, the Respondent or Defense Counsel may present evidence through witnesses and/or other evidence.
 - i. The Prosecutor may cross-examine all of the Respondent's witnesses.
 - ii. All witnesses shall be admonished of their obligation to tell the truth, and all student witnesses shall be informed that the making of a false statement constitutes an Honor Code violation.
 - iii. Except as such privilege may be waived, all witnesses shall have the right not to give self-incriminating evidence.
 - iv. During the presentation of the Respondent's defense, no more than two character witnesses may be called.
- (e) At the conclusion of the Respondent's defense, the Prosecutor may present rebuttal evidence. The Respondent or Defense Counsel may cross-examine all witnesses presented in the rebuttal case. The Respondent or Defense Counsel may only rebut the Prosecutor's rebuttal evidence and may not introduce new evidence. (See § 6.1 for the roles of the Presiding Officer and the Honor Council Hearing Panel in the Honor Council Hearing).
- (f) Following the rebuttal evidence, the Prosecutor may make a closing argument, including recommendations for sanctions.
- (g) The Respondent or Defense Counsel may then make a closing argument.

- (h) Opposing parties may also examine exhibits and may raise timely objections to these exhibits. At any time during the Honor Council Hearing or deliberations, the Honor Council Hearing Panel members may examine exhibits admitted into evidence.
- (i) To be preserved for appeal, an objection must be made in a timely manner.

6.5 Honor Council Hearing Panel Foreman Selection and Deliberations

Prior to beginning deliberations, the Honor Council Hearing Panel shall, by majority vote, select a foreman, who shall maintain order during deliberations and be the spokesperson for the Honor Council Hearing Panel, including reporting all findings to the Clerk. Only the Honor Council Hearing Panel shall be present during deliberations, during which the members may review any testimony or other material admitted into evidence and any record made of the Honor Council Hearing pursuant to § 6.3.

6.6 Inability to Make a Finding

If the Honor Council Hearing Panel is unable to make a finding of violation or full absolution pursuant to § 3.2(b)-(e) within three days of the conclusion of the Honor Council Hearing, the Presiding Officer shall order the Deliberations ended and report to the Dean for Student Affairs that the Respondent was prosecuted but not convicted and thus not subject to any penalty other than a notation in the Respondent's file of the outcome.

6.7 Verdict Report and Recommendations for Sanction(s)

Upon the conclusion of the Deliberations, the Honor Council Hearing Panel must fill out and sign a verdict form (attached hereto) in strict compliance with § 3.2, including a record of the vote and the burden of proof met pursuant to § 3.2 to support any recommended sanction(s). So as not to constrain the deliberative process, votes during Deliberations may be taken as necessary. However, no determinations made by vote may be disturbed in subsequent Deliberations once the meeting in which the full Honor Council Hearing Panel was present has been adjourned. When recommending whatever sanction(s) the Honor Council Hearing Panel deems just and reasonable, the Honor Council Hearing Panel should take into account not only the Respondent's state of mind (*see* § 3.2) but also the gravity of the violation committed. The Presiding Officer shall forward the verdict form to the Dean for Student Affairs. If the Honor Council Hearing Panel cannot reach a unanimous decision regarding the recommended sanction(s), the verdict form shall include information regarding the vote on the sanction recommendation and any differing recommendations.

Article 7: Post-Hearing Procedures

7.1 Reports to the Dean

Upon a finding of violation, no violation, or prosecuted but not convicted, the Foreman shall, within seven days of the close of the Honor Council Hearing, prepare a report to the Dean for Student Affairs setting forth a summary of the testimony, findings of fact, conclusions of law, and sanction recommendations, if any. Dissenting members of the Honor Council Hearing Panel may submit their minority view or position, which the Foreman must include in the report to the Dean for Student Affairs. For use in future cases as precedent with the identities of all persons excised, unless the Respondent has waived the right to confidentiality, a copy of the report shall be maintained in the files of the Honor Council.

7.2 Imposition of Sanctions

In the case of a conviction for an initial offense, if the Dean for Student Affairs determines the sanctions recommended by the Honor Council Hearing Panel are reasonable and appropriate, taking into account that the purpose of this Honor Code is discipline and not punishment, the Dean for Student Affairs shall impose them. If the Dean for Student Affairs determines the recommendations are not reasonable and appropriate, the Dean for Student Affairs may impose an appropriate lesser sanction. However, the Dean for Student Affairs may not absolve guilt or decide not to impose any penalty unless the Respondent requests further review and the requirements of § 7.3(b) below are met. In the case of a conviction where the Respondent has previously been convicted of an Honor offense or otherwise sanctioned for academic dishonesty while a RUSL student, the Dean for Student Affairs may impose any of the sanctions listed in § 3.3 above.

7.3 Request for an Appeal or New Honor Council Hearing

- (a) To appeal, the Respondent must notify the Dean for Student Affairs in writing within five days of receiving the Verdict Form.,
 - i. The Respondent or Defense Counsel may submit a brief of no more than ten double spaced typed pages in support of his request for review. The brief must be submitted to the Dean for Student Affairs and the Presiding Officer within fourteen days of receipt of the Verdict Form.
 - ii. If the Respondent submits a brief in support of his request for review, the Presiding Officer may appoint the Prosecutor or other Honor Council member to submit a response brief on behalf of the student body. This brief must be submitted within ten days of the receipt of the Respondent's brief and must be no more than ten double spaced typed pages.
 - iii. The burden of proof on appeal shall be on the Respondent.
- (b) The Dean for Student Affairs may overturn a conviction only if the Dean for Student Affairs determines it was arbitrary and capricious and/or finds sufficient cause otherwise according to the standards or requirements set forth by State or Federal law, Regent University, the American Bar Association, or the Virginia State Bar. If the Dean for Student Affairs determines that the admission or exclusion of evidence or the decision not to strike an Honor Council member from the Honor Council Hearing Panel was arbitrary and capricious and not harmless error, the Dean for Student Affairs must order a new Honor Council Hearing.
- (c) The Dean for Student Affairs shall conduct the review solely on the basis of the record and, if applicable, any briefs submitted. The Dean for Student Affairs must complete this review and notify the Respondent and the Presiding Officer in writing of the Dean for Student Affairs' decision within twenty-one days of the receipt of the Respondent's brief. If no brief is submitted, then the Dean for Student Affairs' review must be completed within twenty-one days of the request for appeal.
- (d) Newly Discovered Evidence
 - i. At any time after the Honor Council Hearing Panel has found a violation of this Honor Code, whether or not the finding has become final, the Respondent may file a

motion with the Presiding Officer for a new Honor Council Hearing on the basis of newly discovered evidence.

- ii. A motion for a new Honor Council Hearing shall be granted only if the Presiding Officer determines that:
 - (A) The Respondent discovered new evidence since the conclusion of the Honor Council Hearing;
 - (B) The failure to previously discover the new evidence was not due to the Respondent's lack of diligence;
 - (C) The evidence appears to be true and relevant; and
 - (D) Had the evidence been presented at the Honor Council Hearing, it probably would have affected the outcome.
 - iii. The Presiding Officer shall examine the motion and hear any argument, giving the Prosecutor the opportunity to rebut the Respondent's arguments. The Presiding Officer shall grant or deny the motion within ten days and, if appropriate, set a new Honor Council Hearing date. If the Presiding Officer denies the motion, he must provide his reasons in writing to the Respondent.
 - iv. Within ten days, the Respondent may appeal the denial of the motion for a new Honor Council Hearing to the Dean for Student Affairs. The appeal must be in writing, including a copy of the Presiding Officer's written explanation of the reasons for the denial, and copies must be submitted to the Dean for Student Affairs and the Presiding Officer.
 - (A) The Dean for Student Affairs may affirm the decision of the Presiding Officer or grant a new Honor Council Hearing. The Dean for Student Affairs' decision must be made on the basis of the record within ten days of the request for appeal. The Dean for Student Affairs' decision shall be final subject to § 7.3(e) below.
 - (B) In the event that the Dean for Student Affairs grants the request for a new Honor Council Hearing, the Presiding Officer shall set a new Honor Council Hearing date. The result of the new proceedings shall replace the result of the prior Honor Council Hearing.
- (e) Any further right of appeal will be governed by the provisions of the Regent University Student Handbook with respect to Student Grievances and Other Appeals.

7.4 Dean for Student Affairs' Report of Changed Decisions

The Dean for Student Affairs shall, in appropriate detail, explain in writing to the Respondent and the Presiding Officer the decision to reduce a recommended sanction, overturn a conviction, or overturn a denial of a new Honor Council Hearing motion. The Presiding Officer may share the Dean for Student Affairs' written explanation only with the following persons:

- (a) The Faculty Advisor;

- (b) When a new Honor Council Hearing is ordered, the Prosecutor; and
- (c) When a sanction is reduced or a conviction overturned, the Prosecutor and the members of the Honor Council Hearing Panel.

Article 8: Administration

8.1 Removal of Honor Council Members

A member of the Honor Council will be automatically removed if convicted of violating the Honor Code, if found by the Dean for Student Affairs to have breached confidentiality expectations, if on academic or disciplinary probation, or if the member fails to maintain a cumulative GPA of 2.3 or higher. A unanimous vote of all other Honor Council members is required to remove an Honor Council member based on abuse of office, dereliction of duty, or unsatisfactory performance of duty, and the Honor Council member has the right to appeal the Honor Council's unanimous decision to the Dean and Law Faculty.

8.2 Time Computations

For the purposes of these guidelines, time shall be computed by business days if the time period is less than eleven days, or by calendar days if the time period is greater than eleven days. Business days are days, Monday through Friday, on which RUSL is open for business. The day of the act or action is not counted, however the last day of the period is included unless it is a Saturday, Sunday, or part of Winter break, Thanksgiving break, or Spring break, in which event the period will end on the close of business of the next day which is not one of the aforementioned days.

8.3 Confidentiality

- (a) Any student who investigated a possible violation of the Honor Code, or was present during an Honor Council Hearing or other proceeding before an Honor Council Hearing Panel shall reveal nothing learned in the course of such investigation, Honor Council Hearing, or other proceeding, except as provided below.
- (b) The Dean for Student Affairs may disclose information concerning probable cause findings that a violation of the Honor Code has occurred and any finding of a violation of the Honor Code:
 - i. Upon request of the student who was the subject of the proceedings;
 - ii. To bar admission authorities of this or any other jurisdiction to which the subject student has applied for admission to practice law;
 - iii. To the Prosecutor or Honor Council Hearing Panel pursuant to this Honor Code when it appears that the information is necessary to determine whether an Honor Code violation has occurred or to determine the appropriate sanctions to recommend; or
 - iv. In defense of any action taken against Regent University or RUSL.
- (c) The Dean for Student Affairs shall post a report of all final disciplinary actions on a bulletin

board in the RUSL building and via email to all RUSL students within one semester from the conclusion of the Hearing and/or appeal. This posting shall include only general information regarding the alleged offense and the final disposition, including any penalties imposed. Unless the Respondent fully waives confidentiality, this posting shall not disclose the Respondent's identity or any information that will likely lead to the discovery of the Respondent's identity.

- (d) All documents, tape recordings, or other materials produced or submitted in connection with investigations and proceedings under this Honor Code, and any copies thereof except those delivered to the subject student, shall, within a reasonable time after conclusion of any such proceedings involving a student, be delivered to and kept in the Respondent's official file by the Dean for Student Affairs as provided in Article 6, section 6.03, of this Honor Code and in compliance with Virginia law.
- (e) An Honor Council email account shall be created and operated to serve as a means of communication between the Honor Council and RUSL student body solely to solicit information about the Honor Code's procedures and substance (e.g., how to report a violation) and the election process. This email account shall not be used for any other purpose including but not limited to reporting violations or sharing information about ongoing proceedings. This e-mail account shall only be accessed by the Presiding Officer and the Associate Presiding Officer.
- (f) In the event that a RUSL student or Law Faculty member approaches an Honor Council member, other than the Presiding Officer or Prosecutor, to discuss a potential Honor Code violation, the Honor Council member may inform the student or Law Faculty member of the Honor Council Member's conflict of interest in listening and direct the student or Law Faculty member to speak with the Dean for Student Affairs. If the Honor Council member becomes involved, the Honor Council member is bound by the Honor Code to report the infraction to the Dean for Student Affairs, in compliance with § 3.1(c), and may need to recuse himself/herself from the Honor Council Hearing Panel if appointed. In this circumstance only, compliance with this provision (§ 8.3(f)) will excuse the Honor Council member from violating the Honor Code § 2.1(e) above.

8.4 Amendments

Any student, Instructor or Law Faculty member, or the Dean or Dean for Student Affairs, may propose amendments to this Honor Code. A proposed amendment shall be ratified only if the Dean, Dean for Student Affairs, three-fourths of the members of the Honor Council, a majority of the Law Faculty, and a majority of the SBA Senate, vote to approve it. The SBA Senate may decide to present proposed amendments to the RUSL student body for approval by a majority of the RUSL students who vote.