



**HONOR CODE**  
**and**  
**HONOR COURT**  
**PROCEDURE GUIDE**

**2010-2011**

**CUMBERLAND SCHOOL OF LAW  
HONOR CODE**

**Article I  
STATEMENT OF PURPOSE**

**§ 1.1 PREAMBLE**

This code shall be officially known as "THE HONOR CODE OF CUMBERLAND SCHOOL OF LAW OF SAMFORD UNIVERSITY" and may be referred to as "THE HONOR CODE."

**§ 1.2 PURPOSE**

The purpose of this Honor Code is to establish principles by which the students of Cumberland School of Law will govern their school conduct. Cumberland School of Law does not condone forms of conduct which bring discredit to the student body, to the law school or to the legal profession. This Code is intended to provide fair protection to the members of the student body from the unethical activities of fellow students and to protect the rights of all students accused of such activities.

**Article II  
JURISDICTION**

**§ 2.1 JURISDICTION**

The Honor Code shall apply to all Cumberland School of Law students when engaged in Professional Activities as defined in § 3.4. The Honor Court shall have jurisdiction over violations of the Honor Code.

**Article III  
DEFINITIONS**

For the purposes of this Code the following definitions are used:

**§ 3.1 CHEATING**

"Cheating" shall mean any and all intentional activities that accrue an unfair benefit to a student or create an unfair detriment to other students. Cheating includes the submission to any organization or class of the law school, of any work by a student that is not the result of the student's own research,

efforts and/or knowledge, or prohibiting or impeding another student's doing research or submitting work. Cheating further includes the intentional deprivation of the rightful use of any institutional or personal property for the purposes of preventing other students from completing or submitting assignments for which such materials are needed.

**§ 3.2 STEALING**

"Stealing" shall mean the unauthorized taking of any institutional or personal property during any Professional Activity as defined hereafter.

**§ 3.3 LYING**

"Lying" shall mean to knowingly issue a false or misleading oral or written statement in the context of a Professional Activity concerning a material fact with the intent to create a benefit to the issuer or a detriment to the hearer or a third party, or both.

**§ 3.4 PROFESSIONAL ACTIVITY**

"Professional Activity" means any activity conducted in connection with Cumberland School of Law's program of legal education including law classes, student services, use of law school resources, externships and internships, student competitions, and student organizations approved by the law school administration.

**§ 3.5 DEAN**

"Dean" shall mean the Dean of the Cumberland School of Law of Samford University.

**§ 3.6 CONTEMPT**

"Contempt" shall mean the willful failure to appear at an Honor Court proceeding when summoned to do so, or the willful failure to give testimony in an Honor Court proceeding subject to the provisions of § 5.3.

**§ 3.7 REPORT**

"Report" shall mean a communication to the Honor Court alleging a violation of the Honor Code.

**§ 3.8 ACTUAL KNOWLEDGE**

"Actual Knowledge" shall mean direct, personal, firsthand knowledge and shall not include hearsay, rumor, speculation, or secondhand information.

**§ 3.9 SCHOOL DAY**

"School Day" shall mean any day on which law school classes are conducted during the regular fall and spring semesters of each school year.

**§ 3.10 INFORMAL INQUIRY**

"Informal Inquiry" shall mean an investigation of the facts and circumstances forming the basis for an alleged violation of the Honor Code.

**§ 3.11 INFORMAL INQUIRY REPORT**

"Informal Inquiry Report" shall mean the communication to the Honor Court of the findings of the Informal Inquiry.

**§ 3.12 FORMAL CHARGES**

"Formal Charges" shall mean the specific accusation that the accused has committed an Honor Code violation.

**§ 3.13 FORMAL PROCEEDINGS**

"Formal Proceedings" shall mean the hearing convened by the Honor Court to consider the Formal Charges.

**§ 3.14 HONOR COURT**

"Honor Court" shall mean the official representative of law students in deciding matters arising under this Honor Code. Members of the Honor Court are elected pursuant to Article IV, Section Five of the Student Bar Association Election Code and shall be referred to as Honor Court Justices.

**§ 3.15 HONOR COURT JUSTICE**

"Honor Court Justice" shall refer to a law student elected to the Honor Court.

**§ 3.16 CHIEF JUSTICE**

"Chief Justice" shall refer to the Honor Court Justice leading the Honor Court.

**§ 3.17 DEPUTY JUSTICE**

"Deputy Justice" shall mean an Honor Court Justice appointed by the Chief Justice.

## **Article IV VIOLATIONS**

### **§ 4.1 HONOR CODE**

Cheating, Stealing, Lying, or aiding or assisting another to do so, or conduct constituting Contempt of the Honor Court, shall constitute a violation of the Honor Code. An intentional failure to report a violation of which a student has Actual Knowledge shall also constitute a violation of the Honor Code.

### **§ 4.2 STANDARD OF PROOF**

The standard of proof for any violation of the Honor Code shall be "clear and convincing evidence."

### **§ 4.3 AFFIRMATIVE DEFENSES**

It shall be a defense to any alleged Honor Code violation that the professor or director of any Professional Activity permitted or authorized the activity constituting the alleged violation. A written statement from the professor of the class or director of the Professional Activity will be a sufficient affirmative defense to the charge of a violation of the Honor Code.

It shall be a qualified affirmative defense to any alleged Honor Code violation that statements or actions by the professor of any class, the director of any Professional Activity, or any third person were reasonably relied upon by the student accused of the alleged violation as that statement or action relates to the alleged violation.

The accused shall have the burden of proof of any affirmative defense, and such shall be proved by clear and convincing evidence.

### **§ 4.4 LIMITATIONS ON VIOLATIONS**

In no event shall the Honor Court institute any inquiry upon a Report that alleges violations more than one (1) year old, or reported more than thirty (30) School Days after the discovery of the alleged violation by the person making the Report, whichever shall first occur. In no case shall the Honor Court consider anonymous Reports, and such Reports shall be deemed invalid on their face. Further, no violation of this Honor Code shall be actionable unless an Informal Inquiry begins within twenty-five (25) School Days of the initial Report and Formal Charges are instituted within fifteen (15) School Days of the Informal Inquiry Report, unless the accused, in writing, asks for a continuance.

**Article V**  
**SPECIFIC RIGHTS**

**§ 5.1 THE ACCUSED HAS RIGHTS**

The accused has the rights specifically contained in this section of the Honor Code that shall not be impinged upon by the Honor Court, its representatives, or the faculty and administration of the Cumberland School of Law of Samford University.

**§ 5.2 RIGHTS OF THE ACCUSED**

Any individual formally accused of any Honor Code violation has the following specific rights:

1. To review the initial Report made the subject of the Informal Inquiry at any and all times unless the Honor Court does not deem the violation actionable.
2. To be given a copy of the Honor Code and the Procedure Guide of the Honor Court.
3. To be given a written notice of the formal hearing which shall set out the alleged violation, and the date, time, and place of such hearing, which said notice shall be given at least fifteen (15) days prior to such hearing.
4. The right to an open formal hearing provided such is requested in writing at least five (5) days before the date set for the hearing.
5. To obtain copies of any and all testimony or Reports made during the Informal Inquiry or the formal hearing, including tapes or other such recordings.
6. To act as his or her own counsel or to be represented by another person of his or her own choosing and at his or her own expense.
7. To present evidence and ask questions of all witnesses in the accused's own defense during any hearing.
8. To testify in his or her own behalf, subject to examination by the Honor Court, or to remain silent without prejudicial effect.
9. To use the authority of the Honor Court to compel attendance and testimony of witnesses on his or her behalf, subject to the rights of witnesses.
10. If exonerated, to have any and all records which specifically identify the accused destroyed.

### **§ 5.3 WITNESSES**

A witness in a proceeding before the Honor Court must appear at the time and place specified in a written notice given to the witness at least three (3) days prior to the date of such proceeding. The failure to appear shall constitute Contempt of the Honor Court. A witness shall not be required to testify or make statements if such statements will implicate the witness in a violation of the Honor Code.

## **Article VI SANCTIONS**

### **§ 6.1 IMPOSITION OF SANCTIONS**

Any person duly found to have violated the Honor Code shall be subject to such sanctions as may be imposed by the Honor Court, subject to review by the Dean.

A student's Report of his or her own violation, or a student's admission of a violation of which he or she is accused, may be considered by the Honor Court in determining appropriate sanctions. In no event shall a student's failure to admit to the allegations be considered against him or her.

### **§ 6.2 SANCTIONS**

The Honor Court may impose the following sanctions, either singly or in combination:

1. An official reprimand made a part of the student's permanent record;
2. Loss of credit for the course involved, or removal of any awards or honors received by the student as a result of the violation. A class grade of "F" shall be deemed a loss of credit for the purposes of this section;
3. Suspension from the law school for such period of time as the Honor Court deems appropriate;
4. Permanent expulsion from the law school;
5. Any other penalty that fairness and justice may require, including restitution where there has been a loss of, or damage to, property.

**§ 6.3 SANCTIONS REVIEW**

The sanctions imposed shall be certified by the Honor Court to the Dean not later than thirty (30) days after the sanctions are imposed. The Dean may review the record, and may modify or rescind the sanctions so imposed.

**Article VII  
APPEAL**

**§ 7.1 APPEAL**

The accused, if found to have violated the Honor Code, may appeal in writing to the Dean within thirty (30) days from the date of the Honor Court's certification of the sanctions to the Dean. Such appeal may be made upon either or both of the following grounds:

1. The sufficiency of the evidence. If the Dean finds from the record that there is sufficient evidence to support the Honor Court's finding, then the Honor Court's decision shall be affirmed. If the Dean finds that the decision of the Honor Court is not supported by sufficient evidence, the Dean shall reverse the Honor Court's ruling and the accused shall thereupon be exonerated.
2. The severity of the sanctions. If the Dean determines that justice and fairness so require, he may modify the sanctions, but in no case shall the Dean increase the severity of the sanctions.

Notice of appeal shall be filed with the Dean and with the Chief Justice of the Honor Court, and upon such filing, the Chief Justice shall certify the record of the proceedings to the Dean.

The Dean shall make a ruling on the appeal within thirty (30) days after the record is certified to the Dean.

**§ 7.2 PETITION FOR RECONSIDERATION**

An accused who has been sanctioned may petition the Honor Court within one (1) year of the Honor Court's imposition of sanctions for a rehearing on the grounds of newly discovered evidence that was not reasonably available at the formal hearing. Should the Honor Court consider that the petition has merit, and should justice so require, the Honor Court shall convene a formal hearing to consider the new evidence and reconsider the findings in light of the new evidence. Following such a hearing the Honor Court shall enter an order affirming, modifying or reversing its original decision and shall notify the petitioner and the Dean of its decision.

**Article VIII  
HONOR COURT PROCEDURE**

**§ 8.1 HONOR COURT PROCEDURE**

The Honor Court shall be subject to all provisions of the Honor Code and shall adopt rules and procedures for the conduct of its proceedings which shall be consistent with, and not in conflict with, the provisions of this Honor Code.

**Article IX  
EFFECTIVE DATE**

**§ 9.1 EFFECTIVE DATE**

This Honor Code shall become effective at 8:00 a.m. on the day following its ratification as a part of the Constitution of the Student Bar Association of the Cumberland School of Law of Samford University.

**THIS CODE WAS ADOPTED BY REFERENDUM OF THE STUDENT BODY OF CUMBERLAND SCHOOL OF LAW ON MARCH 11, 1997.**

**CUMBERLAND SCHOOL OF LAW  
HONOR COURT  
PROCEDURE GUIDE**

**Article I  
AUTHORITY**

**§ 1.1 AUTHORITY**

This Honor Court Procedure Guide is enacted pursuant to the express authority of the Constitution of the Cumberland School of Law by vote of the duly elected Honor Court Justices. Upon its enactment, it shall be binding upon all future terms of the Honor Court unless specifically amended as provided in Article VIII. All definitions in this Procedure Guide shall be construed in harmony with the Honor Code of Cumberland School of Law.

**Article II  
HONOR COURT TERMS AND ELECTION OF OFFICERS**

**§ 2.1 BEGINNING OF TERM**

The beginning of the Honor Court Term is the first day of April following the general election of Honor Court Justices in the spring. Any Justices elected in the fall election shall take office the first day after their election to the office is certified by the SBA.

**§ 2.2 OFFICERS**

The Honor Court shall have one officer to lead the Honor Court. That officer shall be known as the Chief Justice of the Honor Court. The duties of the Chief Justice are:

1. To oversee administration of the Honor Code;
2. To see that all Honor Court procedures are followed;
3. To make rulings concerning conflicts of interest, actionable initial Reports and motions presented pursuant to any proceeding of the Honor Court;
4. To issue opinions and rulings pursuant to the duties of the office and in harmony with the Honor Code;
5. To act as a liaison between the Honor Court and the SBA, administration, and various other entities of the Cumberland School of Law and Samford University;

6. To appoint such other officers as he or she may deem appropriate.

### **§ 2.3 ELECTION OF OFFICERS**

The Chief Justice shall be a third-year law student in the fall following his or her election as Chief Justice. The election of the Chief Justice shall take place at a meeting called by the outgoing Chief Justice of all newly elected Honor Court Justices. Names shall be placed in nomination for the position and each candidate or his or her representative shall be allowed to speak on behalf of such candidate. The nominees shall be excused from the proceedings and a vote of the remaining Honor Court Justices shall be taken. The individual receiving more than fifty percent (50%) of the votes remaining shall be elected Chief Justice. Should no nominee receive more than fifty percent (50%) of the votes cast, then a runoff shall be held between the top two nominees receiving the most votes.

The individual elected to the office of Chief Justice shall take office on the first day of the new term of the Honor Court.

### **§ 2.4 VACANCY OF OFFICE**

If the office of Chief Justice is vacated for any reason, remaining Honor Court Justices shall meet to elect a new Chief Justice pursuant to the above procedures.

## **Article III DUTIES OF JUSTICES**

### **§ 3.1 DUTIES GENERALLY DEFINED**

The duty of the Honor Court Justice is to see the fair and impartial administration of the Honor Code and duties assigned by the Chief Justice to carry out the procedures of the Honor Court.

### **§ 3.2 CALLED MEETINGS**

It is the duty of every Honor Court Justice to attend any called meetings of the Honor Court except upon excuse for good cause. Justices unable to attend should contact the Chief Justice prior to the meeting.

### **§ 3.3 CONFLICT OF INTEREST**

It is the duty of every Honor Court Justice to report a conflict of interest to the Chief Justice as soon as the conflict arises.

### **§ 3.4 ACTIONS FOR VIOLATIONS**

Should an Honor Court Justice be found to have committed a violation of the Honor Code, that Justice shall be immediately removed from the Honor Court.

## **Article IV INQUIRY/HEARING PROCEDURE**

### **§ 4.1 DUTY RELATING TO REPORTS**

It is the duty of the Honor Court to make a determination concerning every Report made to the Honor Court pursuant to the Honor Code of Cumberland School of Law as adopted by the student body, and according to the rules and procedures adopted by the Honor Court in this Guide.

### **§ 4.2 INITIATION OF INQUIRY**

Honor Court Justices shall accept initial Reports by students, faculty, and staff relating to alleged violations of the Honor Code subject to the following requirements:

1. The initial Report must be in writing, must name persons involved or having Actual Knowledge of the occurrence, and state the date of the occurrence and the date of discovery by the individual making the Report.
2. The initial Report must contain sufficient facts to warrant an inquiry into the violation. The Chief Justice shall have the sole power to determine if an initial Report is sufficiently actionable.
3. The initial Report must be signed and dated by the individual or individuals making the Report.

Any Honor Court Justice receiving an initial Report is bound by the duty of the office to submit the Report to the current Chief Justice for due consideration within a reasonable time after receipt of the initial Report.

### **§ 4.3 INFORMAL INQUIRY PANEL**

Upon receiving the initial Report, the Chief Justice shall determine the sufficiency of the allegation and its timeliness. Upon determining that the initial Report is sufficient on its face, the Chief Justice shall assign a case number and turn over to an Informal Inquiry Panel of not more than three (3) members, all of whom shall be without bias or prejudice, chosen by the Chief Justice. The remaining Justices are to be shielded from the inquiry.

It shall be the purpose of the Informal Inquiry Panel to determine whether there is probable cause to believe that a violation of the Honor Code has occurred. Such an inquiry shall not be construed as an investigation into the character and/or academic honesty of any student who may be the subject of an initial Report.

#### **§ 4.4 INFORMAL INQUIRY**

Upon receipt of the initial Report from the Chief Justice, the Informal Inquiry Panel shall promptly notify all persons named in the initial Report, or who may be witnesses to a possible violation, in writing, that an Informal Inquiry shall be held concerning the allegations in the initial Report. Included in that written notice shall be the names of the Informal Inquiry Panel members, the date, time and place of the Informal Inquiry, a short summary of the type of allegations that have been made, and a copy of the Honor Code and Honor Court Procedure Guide. In no case shall the Informal Inquiry be held less than three (3) School Days from the date of notice of the Informal Inquiry to all persons whose names are listed in the initial Report.

The Informal Inquiry Panel shall have the right to require attendance of all witnesses and the power to enforce such attendance in any manner consistent with the Honor Code. If a person cannot attend the informal hearing, with just cause the Informal Inquiry Panel may accept a signed statement concerning the occurrence. The Informal Inquiry shall be closed to persons unnecessary to the proceeding as deemed so by the Informal Inquiry Panel.

Any person named in the initial Report may submit to the Informal Inquiry Panel additional names of any persons who may have relevant information.

The Informal Inquiry Panel shall determine the procedure by which the hearing shall be conducted subject to the following: All witnesses shall be informed of their duty to tell the truth under the Honor Code. A recording shall be made of this Informal Inquiry.

The Informal Inquiry Panel shall make a report and recommendation to the Chief Justice concerning the initial Report that shall include whether probable cause exists to recommend Formal Charges of violations of the Honor Code against a specific student or group of students. The Informal Inquiry Panel may make recommendations concerning future actions by the Honor Court on similar initial Reports including, but not limited to, the issuance of an advisory opinion.

#### **§ 4.5 FORMAL HEARING PANEL**

If the Informal Inquiry Panel unanimously agrees that probable cause exists to proceed to a formal hearing, then the Chief Justice shall immediately form a Formal Hearing Panel, as defined below. If only a majority of the Informal Inquiry Panel agree that probable cause exists to proceed to a formal hearing then the Chief Justice shall review the Informal Inquiry Panel recommendation and shall decide

whether probable cause exists to proceed to a formal hearing. In no case shall the Chief Justice allow a formal hearing on less than a majority recommendation of the Informal Inquiry Panel.

Upon the decision to proceed to a formal hearing, the student or students identified by the Informal Inquiry Panel as having probably committed an Honor Code violation shall be notified in writing that a formal accusation from the Honor Court has been issued and that a Formal Hearing Panel will be formed. The writing shall be signed by the Chief Justice and set forth:

1. The date, time and place of the hearing, which shall not be less than twenty (20) School Days from the date those accused receive notice of the formal hearing;
2. The specific violations alleged;
3. The names of all witnesses expected to be called by the Honor Court;
4. A copy of the rights of the accused.

The Chief Justice shall then appoint five (5) members of the Honor Court, all of whom shall be without bias or prejudice for the accused and without direct knowledge of the events, to serve as the Formal Hearing Panel. The members of the Informal Inquiry Panel shall not be placed on the Formal Hearing Panel. The Formal Hearing Panel shall be given a witness list, the notice of formal accusation given to the accused, and a brief summary of the facts of the case. The Chief Justice shall give the Formal Hearing Panel a list of elements of the specific violations alleged.

During the formal hearing, the format shall be open. A member of the Informal Inquiry Panel, chosen by the Informal Inquiry Panel, shall present the facts of the alleged violations on which the formal accusation was based by presentation of witnesses and/or other types of information. The accused may also examine such information, by witnesses or otherwise, as he or she may desire. The Formal Hearing Panel may also ask questions of any person offering information at the hearing. Witnesses may be required to bring any documents or physical evidence that they have in their possession.

The Chief Justice shall serve as moderator for the hearing. The Chief Justice shall have the power to remove any persons from the hearing for cause of Contempt, including, but not limited to, counsel, if any, for the accused. The Chief Justice may recommend appropriate sanctions for Contempt of an Honor Court proceeding in accord with the Honor Code of Cumberland School of Law. The Chief Justice shall not ask questions of any witness, and may, in the interests of justice, continue a formal hearing from day to day as mutually agreeable to all parties involved.

After the calling of all witnesses, the Formal Hearing Panel shall retire and make a decision concerning whether clear and convincing evidence supports the allegations against the accused. A

finding of a violation of the Honor Code must be arrived at by a unanimous decision of the Formal Hearing Panel.

Should there be a finding that the accused violated the Honor Code, the Formal Hearing Panel shall hear from the accused, and/or others concerning appropriate sanctions. The Formal Hearing Panel is free to accept or disregard any recommendations. The Formal Hearing Panel shall then retire to decide the proposed sanctions for the violation. The Formal Hearing Panel is under no obligation to announce the sanctions on the day of the Formal Hearing, but may consider such for a reasonable period of time, not to exceed fourteen (14) School Days, before informing the accused by way of written report to the Chief Justice, who shall then inform the accused.

#### **§ 4.6 THE FORMAL OPINION OF THE CASE**

Upon the report of the Formal Hearing Panel, the Chief Justice shall write a formal opinion of the case. This report shall include the findings of fact by the Formal Hearing Panel, the finding of the Formal Hearing Panel and the recommended sanction. Witnesses shall be identified in such a way that their anonymity is preserved. The formal opinion shall then be certified to the Dean.

#### **§ 4.7 CERTIFICATION OF SANCTIONS AND FORMAL OPINIONS OF THE CASE**

Should an accused be found to have committed an Honor Code violation, the Chief Justice of the Honor Court shall certify the official opinion to the Dean within thirty (30) days of the Formal Hearing Panel report to the Chief Justice. The Chief Justice shall also provide a copy of the formal opinion to the accused. Thereafter, the Dean shall review the record and take such action as he deems appropriate under the provision of the Honor Code.

### **Article V ADVISORY OPINIONS**

#### **§ 5.1 ADVISORY OPINIONS**

The Honor Court shall issue advisory opinions consistent with the procedures set forth in this section. Such advisory opinions shall be considered persuasive authority. Reliance upon any advisory opinion by a student shall be a qualified affirmative defense, but such shall not be an absolute affirmative defense.

#### **§ 5.2 REQUEST FOR ADVISORY OPINION**

Any student, professor, or other person directly responsible for a Professional Activity may petition the Honor Court for an advisory opinion concerning an issue for which that individual has direct standing. The Honor Court may hear or decline to hear the petition. In no event shall the Honor Court issue an advisory opinion less than thirty (30) days from the date of petition.

Should the Honor Court decide to issue an advisory opinion, the Chief Justice shall then assign the petition to a Deputy Justice, appointed by the Chief Justice, who shall do the following:

1. Schedule a hearing on the petition for a regularly scheduled meeting of the Honor Court.
2. Contact any persons who may be directly affected by the advisory opinion. Such persons shall be allowed to submit a short memorandum stating their position on the issue, provided such memorandum is received by the deadline set for the receipt of such memorandum.
3. Post a notice on the Honor Court board that shall state the issue under consideration and the deadline for receiving comments on the issue. Any student or other interested person may submit a short statement concerning their position on the issue provided such a statement is received by the deadline set for the receipt of such statements.
4. Provide each Honor Court Justice with a copy of the petition and copies of any statements or memorandum received which addresses the issue no later than five (5) days prior to the date the issue will be decided.
5. After the decision of the Honor Court has been reached, the Deputy Justice may choose to write the advisory opinion of the Honor Court for submission to the Chief Justice.

Any Honor Court Justice, meeting in session to decide an issue, may make statements or raise concerns about the issue presented, request additional statements, or respectfully abstain from such vote.

The Chief Justice shall call for a vote on the issue and record the vote of each Honor Court Justice concerning the issue. He shall then announce the decision of the Honor Court. Justices who dissent from the vote of the majority shall be free to write a dissenting or minority opinion that shall be attached to the advisory opinion.

### **§ 5.3 LIMITATION ON ADVISORY OPINIONS**

The Honor Court shall not agree to hear a petition for an advisory opinion if it has reason to believe that an inquiry or formal hearing concerning the same or substantially the same situation is or will be before the Honor Court during the pendency of the petition. If at any time during the pendency of an advisory opinion a situation arises in which the same or substantially the same issue is presented, the advisory opinion shall be stayed pending the outcome of any other proceeding.

#### **§ 5.4 ADVISORY OPINION AVAILABILITY**

The Honor Court shall make advisory opinions available to the student body by placing them together with any formal opinions in a place where the student body can inspect such opinions.

### **Article VI RECORDS**

#### **§ 6.1 RECORDS OF THE HONOR COURT**

The Honor Court shall maintain all records of Honor Court activity, subject to the following:

- B. The following records shall be maintained for three Honor Court terms beginning with the term in which the initial Report or petition was filed and shall be accessible by Honor Court Justices on a showing of good cause:
  - 1. All initial Reports, whether deemed actionable or not;
  - 2. All records, recording and tape documents of any Informal Inquiry Panel hearings;
  - 3. All records, tape recordings and documents of any Formal Hearing Panel hearings with the exception of the formal opinion.
  
- B. The following records shall be kept permanently by the Honor Court in a convenient location and shall be available to students at reasonable times:
  - 1. Formal opinions of prior cases made in accordance with the Honor Code and Honor Court procedures described in § 4.5.
  - 2. Advisory opinions issued pursuant to Article V.

#### **§ 6.2 DESTRUCTION OF RECORDS UPON MOTION FROM THE ACCUSED**

Notwithstanding the foregoing, upon a finding that a student did not violate the Honor Code, and upon his or her written request, all records, except a formal opinion, that specifically identify the accused shall be destroyed. Absent a request from the accused, all records concerning an alleged violation, with the exception of the official opinion, shall be maintained by the Honor Court according to their procedures described in § 6.1.

### **§ 6.3 DESTRUCTION OF RECORDS**

At the beginning of each new term of the Honor Court pursuant to § 2.1, the newly elected Chief Justice together with the outgoing Chief Justice shall review and destroy all records pursuant to § 6.1 in such a manner that the confidentiality of the records is kept.

## **Article VII CONFLICT OF INTEREST**

### **§ 7.1 CONFLICT OF INTEREST**

A conflict of interest is presumed upon any member of the Honor Court if an accused, or any other principal witness in an actionable violation, has substantial dealings with that Honor Court Justice. Substantial dealings are dealings which would tend to bias that Justice's opinion either for or against the accused.

### **§ 7.2 IMPACT OF CONFLICT OF INTEREST**

Should an Honor Court Justice be found to have a conflict of interest, the Chief Justice shall not involve that Justice in any manner in the investigation of a violation. Should the Chief Justice be found to have a conflict of interest, the Chief Justice shall then delegate the authority of the office to a third-year Justice only as it relates to that violation. Should all third-year Justices be found to have a conflict of interest, then the Chief Justice shall appoint a second-year Justice without a conflict of interest.

### **§ 7.3 ACCUSAL OF AN HONOR COURT JUSTICE**

A presumption of a conflict of interest shall attach to every Honor Court Justice when it appears that any current Justice may have committed a violation of the Honor Code. At such time the Chief Justice shall request that the Honor Court's faculty advisor appoint a Student Panel, as defined below, composed of Cumberland law students to carry out the procedures of the Honor Court as they relate to that particular Justice. In such case the faculty advisor shall act as the Chief Justice over the proceedings. The faculty advisor shall appoint eight (8) law students which will comprise the Student Panel, and such appointment shall be subject only to the students' good standing, possible conflicts of interest, and agreement to serve. The faculty advisor shall not be limited as to which students can be named to this Student Panel. Three members of the Student Panel shall serve as the Informal Inquiry Panel, and five members of the Student Panel shall serve as the Formal Hearing Panel, if necessary. The Student Panel shall be subject to the Procedural Guides of the Honor Court, unless a party to the matter shall advise such Student Panel on behalf of the Honor Court only in relation to procedural matters.

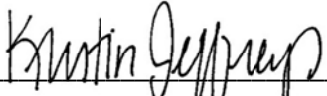
**Article VIII  
AMENDMENTS TO THE GUIDE**

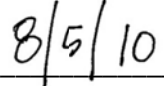
**§ 8.1 AMENDING THE GUIDE**

This Procedure Guide may be amended by any term of the Honor Court provided that the proposed amendment is in writing, published to the Honor Court Justices prior to a meeting called for the purpose of amending the procedures, and the proposed amendment receives the approval of 3/5 of all Justices then sitting.

**CERTIFICATION**

This copy of the Honor Code and Honor Court Procedure Guide is a true and correct copy of each, as adopted by the student body, and as amended by the Honor Court as of the date below.

  
\_\_\_\_\_  
Signature of Chief Justice

  
\_\_\_\_\_  
Date

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