CODE OF STUDENT CONDUCT*

WHITTIER LAW SCHOOL

ARTICLE 1 - PREAMBLE

This Code is adopted by the authority of the Faculty of Whittier Law School to maintain the academic environment and to promote among the student body a sense of individual responsibility, integrity and honor. Its intent is to confirm and foster standards of conduct during the period of law school training that will continue in future professional life.

ARTICLE II - PERSONS SUBJECT TO THE CODE

A person enrolled in or applying to the Law School or applying for readmission, hereinafter referred to as "student", is subject to the provisions of this code.

ARTICLE III - JURISDICTION OF THE LAW SCHOOL

Generally, Law School jurisdiction and discipline is limited to conduct which occurs on Law School premises or which adversely affects the Law School.

ARTICLE IV - PROSCRIBED CONDUCT

A. General Standards of Conduct

The Code adopts the California Code of Professional Conduct as amended.

B. Specific Conduct - Rules and Regulations

A student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article VI:

* EFFECTIVE JUNE 1, 1993

1. Acts of dishonesty, including but not limited to the following:

   (a) Cheating, plagiarism or other forms of academic dishonesty.
(b) Furnishing false information, knowing it to be false, to the Law School, its staff or faculty members, or to potential employers.

(c) Forgery, alteration, or unauthorized use of the academic property of the Law School or the academic property or work product of a member of the Law School community.

2. Interfering with the orderly conduct of the educational or administrative functions of the Law School.

3. Physical abuse, verbal abuse, threats, intimidation, harassment or coercion or other conduct which threatens or endangers the health or safety of any person.

4. Attempted or actual theft of and/or damage to property of the Law School or property of a member of the Law School community including but not limited to intentionally removing, misplacing, tearing, mutilating or destroying library materials.

5. Commission of an act involving moral turpitude, dishonesty or corruption which reflects upon moral fitness as a prospective member of the legal profession, whether the act is a felony or misdemeanor. Conviction in a criminal proceeding is not a condition precedent to disciplinary action by the school. However, the record of conviction shall be conclusive evidence of the guilt of the crime of which the student has been convicted, and a plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction.

6. Violating a Law School rule or policy including but not limited to its Sexual Harassment Policy, Alcohol and Drug Policy and Rules and Regulations Regarding Examinations.

7. Submitting as one's own, research assignments, papers or classwork prepared by another, prepared in concert with another or prepared for another class or professor unless otherwise authorized by the professor to whom the paper or work product is submitted.

8. Abuse of the Law School's Student Conduct system, including but not limited to:

   (a) Failing to appear and testify as a witness at a proceeding under this Code when called.

   (b) Falsifying, distorting, or misrepresenting information before the Hearing Board.
(c) Disrupting or interfering with the orderly conduct of a student conduct hearing.

(d) Knowingly making a false accusation against another alleging violation of the Code.

(e) Attempting to block an individual's proper participation in, or use of, the student conduct hearing process.

(f) Attempting to influence the impartiality of a member of a hearing board prior to, or during the course of, the hearing proceeding.

(g) Harassing (verbally or physically) or intimidating a member of a hearing board prior to, during, or after a conduct hearing.

(h) Failing to comply with the sanction(s) imposed under the Student Code.

(i) Influencing or attempting to influence another person to commit an abuse of the student conduct process.

ARTICLE V - PROCEDURE

A. Initiation of Disciplinary Action

1. Reports of alleged student misconduct must be submitted to the administrative official appointed by the Dean (the "Dean's Appointee") as soon as possible after the event takes place but in no event more than one year after the occurrence of the alleged misconduct except as otherwise provided in the Sexual Harassment policy. The Dean's Appointee shall notify the accused student of the charge as soon as practical.

2. The Dean's Appointee may conduct an investigation to determine if the charges have merit. If the Dean's Appointee determines that the charges lack merit, the charge will be dismissed and no record kept of the matter. If the charge has merit, then the Dean's Appointee may dispose of the matter administratively by mutual consent of the Dean's appointee and the accused involved on a basis acceptable to the Dean's Appointee. Disposition may include the imposition of one or more sanctions described in Article VI. If a sanction is imposed, the Dean's Appointee shall make a record of the matter which shall describe the charge(s) and indicate the agreed upon sanction.

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The record shall be placed in the student's permanent file and treated according to the procedures described in Article VII, Sections B, C, and D. Such an administrative disposition shall be final and there shall be no subsequent proceedings.

3. If the charges cannot be disposed of by mutual consent, the Dean's Appointee shall require that a hearing be set before the Hearing Board.

4. If a hearing is required, charges shall be presented to the accused student in written form. A time shall be set for a hearing, not less than five nor more than twenty academic days after the accused student has been notified. Minimum and maximum time limits for scheduling of hearings may be reduced or extended at the discretion of the Dean's Appointee.

B. Hearing Board

This Board affords a person accused of violating this Code an opportunity for a hearing. The Board is composed of students, faculty members and the Dean's Appointee.

1. Membership

The Hearing Board shall be composed of one non-voting member, the Dean's Appointee, and three or five voting members: either one student and two faculty members or two students and three faculty members.

(a). During the SBA regular elections, the student body shall elect one or two student members to Hearing Board terms of one year. If no student member is elected, the SBA President may propose one or two student members to the faculty for faculty approval. A student member shall have completed one semester of study. No student who has been found to have violated the Code or who has received an administrative sanction may be elected or appointed to sit on the Hearing Board.

(b). The faculty shall elect their members at the first faculty meeting of the fall semester. If faculty representation must be increased or decreased to fit the prescribed ratio, the faculty shall vote to add or remove a faculty member. If a faculty vote is not possible, the Dean may appoint or remove a faculty member as required.

(c). The Dean shall appoint the Chair of the Hearing Board from its membership.
2. **Function of the Hearing Board**

The Hearing Board shall:

(a) review written charges of violation(s) of the Code.

(b) consider the level of intent of the alleged conduct.

(c) make findings of fact regarding the alleged violations.

(d) determine whether the facts constitute a violation of the code.

(e) determine the sanctions, if any, to be assessed for violation of the Code.

3. **Duties, Disqualifications, and Replacement of Board Members**

(A). Members must be present at meetings of the Board and remain throughout the proceedings unless disqualified or excused.

1. A voting member of the Board should disqualify himself or herself in a proceeding in which his or her impartiality might reasonably be questioned, including but not limited to instances where:

   (a) he or she has a personal bias or prejudice concerning the accused party;

   (b) he or she has confidential knowledge of the disputed evidentiary facts regarding the matter in dispute;

   (c) he or she has counseled, advised, or acted as an advocate on behalf of a student with regard to the matter which is the object of the proceeding before the Board;

   (d) there is a blood or marital relationship between the member and the accused.

2. A member of the Board disqualified by the terms of 3.a.1 (c) or (d) above may, instead of withdrawing from the proceedings, disclose on the record the basis of his or her disqualification. If based on such disclosure, the Dean's
appointee and the accused student agree in writing that the member's relationship under 3.a.1 (c) or (d) is immaterial, the member may participate in the proceeding. The agreement, signed by the Dean's appointee and the accused student, shall be incorporated in the record of the proceeding.

3. A member disqualified under 3.a.1 (a) to (d) above and whose disqualification is not remitted may be replaced: by the Dean of the Law School, if the disqualified member is a faculty member or by the President of the SBA, if the disqualified member is a student member.

4. Responsibilities of the Chair
   a. The Chair shall preside over the hearings.
   b. The accused student may waive a hearing by the Board and elect to have a decision rendered by the Board based on stipulated facts. The right of appeal remains available.

5. Jurisdiction of the Hearing Board
   a. The Board shall hear matters of individual or group violations, unless the accused student waives the right to a hearing by the Board.
   b. In a case where the Board determines that an individual or group has violated the Code, it shall take such disciplinary action permitted by the Code as it finds appropriate under the circumstances.
   c. Pending a hearing or action of the Board, the Dean or the Dean's Appointee may take temporary disciplinary action against an accused student (a) to ensure the safety and well-being of members of the law school community or preservation of law school property; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a definite threat of disruption of or interference with the normal operations of the law school. This action shall be judged as entirely separate from the action of the Board and shall be deemed non-prejudicial to the hearing before the Board.

C. Hearing Rules and Procedures

1. Hearing Rules
Pursuant to Article V, Section A.4., the Dean's Appointee shall serve a written complaint on the accused and recommend a hearing by the Hearing Board if the matter is not resolved administratively pursuant to Article V, §A.2.

2. Hearings shall be conducted by the Hearing Board according to the following guidelines:

   (a) Except as provided in Article VI, hearings normally shall be closed to the public and other members of the Law School community. At the request of the accused, and subject to the discretion of the Chair, the hearing may be open to other members of the Law School community.

   (b) Admission to the hearing shall be at the discretion of the Chair or the Dean's Appointee.

   (c) In hearings involving more than one accused, the Chair may permit the hearings to be conducted separately.

   (d) The accused has the right to be assisted by an advisor he or she chooses, at his or her own expense. The accused is, however, responsible for presenting his or her own case and, therefore, advisors are not permitted to speak, to cross-examine witnesses or to participate directly in the hearing.

   (e) Pertinent records, exhibits and written statements may be admitted as evidence for consideration by the Hearing Board at the discretion of the Chair.

   (f) Procedural questions are subject to the final decision of the Chair of the Hearing Board.

   (g) The Hearing Board's determination shall be made on the basis of clear and convincing evidence that the accused student violated the Code.

   (h) In proceedings governed by the Code, the Hearing Board is not bound by the formal rules of evidence.

   (i) In no case shall the accused be denied the right to know and confront his or her accuser.
(j) If the accused fails to appear without prior notification in writing to the Dean's Appointee, the hearing may proceed as scheduled and judgment rendered, with the presumption that the accused denies all charges.

3. Rights of Victims

a. Some actions which violate Law School rules involve a person who has been victimized by the behavior of others. This behavior may include acts such as theft of or damage to property, intimidation, harassing or obscene phone calls, physical violence, sexual assault, harassment, and acts which endanger one's safety. If a member of the Law School community has filed a complaint and is identified as a victim, that individual is entitled to certain rights in the hearing process.

b. If a complaint is filed with the Dean's appointee, it is important to remember that the accused student is being charged with violating a Law School rule; therefore, the Law School is ultimately responsible for initiating charges and for implementing the hearing process. Although victims' input is sought during the disciplinary process, the judgment of the case is the responsibility of the Dean's Appointee or Hearing Board. If a victim decides to withdraw a complaint, the Law School may proceed with the case on the basis of other testimony.

c. Victims are entitled to the following:

1. To meet with the Dean's Appointee, who will discuss the various aspects of the disciplinary process.

2. To submit a written account of the alleged incident.

3. To be informed of the date, time, and location of a hearing.

4. To be present at all stages of the hearing process subject to the approval of the Hearing Board Chair except the private deliberations of the Hearing Board; to be present to hear all the testimony and to hear the determination and imposition of penalties, if any.

5. To be called upon as a witness.
4. **Hearing Procedure**
   
a. The Dean's appointee shall read the written complaint, including any attestations of corroborating witnesses as the preliminary case against the accused student. The accused student may waive the reading of the complaint.

b. The accused student shall then have the opportunity to refute the accusations and offer a defense. The accused student may call witnesses to corroborate or to establish reputation and character. The accused student has the right to cross examine complaining witnesses.

c. The Board may, thereafter, call its own witnesses.

d. The accused student may question a witness the Board calls, may reply to such witness, or may call witnesses to refute testimony, at the discretion of the Chair.

5. **Decision of the Hearing Board**
   
a. After the hearing and due deliberation, the Board members shall vote once by secret ballot to determine whether the accused student has violated the Code.

b. The members shall vote that the student has violated or has not violated the code by majority vote for each section of the Code the student is charged with violating. Where it is material, the Board in its finding of fact will indicate the nature or degree of culpability.

6. **Recommendation for Sanctions**

   If the Hearing Board determines that the accused is responsible for violating the Code of Student Conduct by a majority vote, it shall impose one or more sanctions as described in Article VI.

7. **Appeal**
   
a. Students found to have violated the Code may appeal decisions of the Board in writing to the Dean of the Law School within five days of being notified of the Board's decision. Grounds for appeal shall be limited to instances where:

   (1) the appellant claims procedural or substantive error which prejudiced the outcome of the hearing, or
(2) the appellant contends the sanction imposed by the hearing board was too severe given the nature of the violation.

b. Students found to have violated the Code may seek review of decisions of the Board in writing to the Dean of the Law School within one year of the date of the original hearing in instances where new evidence, not available at the original hearing is uncovered which is exculpatory.

c. The Dean has the authority to affirm the decision of the board; affirm the finding but modify the sanction; reverse the decision and remand the matter to the hearing board; or reverse the decision of the board.

ARTICLE VI - SANCTIONS

A. Violation of the Code may result in one or more of the following disciplinary actions:

1. **Warning**
   Written notice to the student, that continuation or repetition of specified conduct may be cause for disciplinary action.

2. **Censure**
   Written reprimand for violation of a specified section of the Code, including notice that conviction for violation of the Code within a specified period of time stated in the reprimand will lead to other more severe sanctions.

3. **Restitution**
   Reimbursement for damage to or misappropriation of property may take the form of money payment or appropriate service to repair or otherwise compensate for damages.

4. **Academic Penalty**
   In the imposition of academic sanctions, the Board may take into account the possible effect the sanctions may have on the student's future admissibility to the bar. These sanctions may include:
   
   a. Permanent expulsion from the Law School.
   
   b. Suspension from the Law School for one or more semesters.
   
   c. Grade penalty
B. **In the Event of an expulsion or suspension**, the school shall retain only that portion of the total tuition to which the student would have been entitled under the refund policy of the law school had he/she withdrawn from classes as of the date of the notice of suspension and expulsion.

C. **Notification of Sanction Imposed**
   The Chair shall inform the person charged with the violation of the Board's decision within three academic days after the hearing.

**ARTICLE VII - RECORDS**

A. There shall be a single verbatim record, such as a tape recording, of hearings brought under this Code. The record shall be the property of the Law School.

B. The deliberation, and record, of each hearing are not disclosed to the public except as provided by law. The State Bar and other agencies concerned with accreditation are not considered public for the purposes of these rules. If the decision is made that the Code was not violated the student will have option to make the decision public.

C. A record of the Board's decision will be placed in the student's permanent file. At the option of the Board, notation of results of the proceedings may be placed on the permanent record card from which transcripts are prepared. (These are not available to the public without the student's request except as provided by law.)

D. Records will not be removed from the individual's permanent file except as otherwise provided in any other law school rule or policy.

Changes made on 3/29/93. Pg. 4 A(1) students to "student". Pg. 5 B(1)(a) has been found... "to have violated" taking out guilty - by. Pg. 12 9(b) shall vote... "that the student had violated or not violated the Code. Taking out from responsible .....responsible. Adding new sentence at the end. "Where it is material, the Board in its finding of fact will indicate the nature or degree of culpability. 11(a)(1) adding procedural.."or substantive" and after prejudice the... "outcome of the hearing. Pg. 13 11(b) Students found ... "to have violated" deleting Responsible...violating. Pg. 14 Art. VII (B) after deliberation add "and" deleting "and decision" Adding at the end "If the decision is made that the Code was not violated the student will have option to make the decision public."

Changes made on 3/30/93. Pg. 12 5(b) change had to "has" and not to "has not"

Changes made on 4/12/93. Pg. 13 D added from ...except - policy.

Added new language to Appeal section "D" pg. 12- "The Dean.......decision of the board.
Change made on 5/20/93. Pg. 4 Article V, Sec. 2...In the second to last sentence of this paragraph Denny said it should read "Article VII, Sections B, C and D."

Change made on 8/25/93. Pg. 12 Article V, Sec. C.7.c....removed italics and last sentence "Interim rule effective...".