TABLE OF CONTENTS

Part I: Introduction
  Section 1.1: Purpose
  Section 1.2: Definitions
  Section 1.3: Authority to Promulgate Code

Part II: Violations
  Section 2.1: Violations
    Section 2.1(a): Plagiarism
    Section 2.1(b): Use of Unauthorized Sources
    Section 2.1(c): Use of Unauthorized Collaboration
    Section 2.1(d): Material Misrepresentations
    Section 2.1(e): Previously Submitted Material
    Section 2.1(f): Academic Materials
    Section 2.1(g): Obstructing Access to Materials
    Section 2.1(h): Location of Examinations
  Section 2.2: Failure to Report
  Section 2.3: Faculty Prerogative

Part III: Sanctions
  Section 3.1: Available Sanctions

Part IV: Agreements to Abide by the Honor Code and Jurisdiction
  Section 4.1: Agreement to Abide as Precondition to Registration
  Section 4.2: Agreements to Abide by the Honor Code
  Section 4.3: Agreement by Faculty to Comply with Code
  Section 4.4: Duty to Report Apparent Violations
  Section 4.5: Jurisdiction
  Section 4.6: Availability of Code

Part V: Honor Council
  Section 5.1: Establishment
  Section 5.2: Basic Responsibilities
  Section 5.3: Appointment of Honor Council Members
  Section 5.4: Vacancies on the Honor Council
  Section 5.5: Removal of Honor Council Members
  Section 5.6: Election of Honor Council Officers; Duties
  Section 5.7: Meetings; Formal Hearings; Quorums
  Section 5.8: General Honor Council Procedures

Part VI: Investigation, Initiation of Formal Hearings, and Settlement Hearings
  Section 6.1: Reporting of Apparent Violations
  Section 6.2: Duty of SBA President to Investigate; Settlement
  Section 6.3: Authority of Faculty to Impose Sanctions
  Section 6.4: Decisions Not to Initiate Hearings; Consultation with, and Concurrence of Dean
  Section 6.5: Right to a Formal Hearing
  Section 6.6: Decisions to Initiate Formal Hearings
Section 6.7: Failure to Comply with Time Limitations

Part VII: Formal Hearings Before Honor Council
- Section 7.1: Convening a Formal Hearing
- Section 7.2: Authority to Decide Questions of Law or Fact
- Section 7.3: Closed Hearings
- Section 7.4: Record of Proceedings
- Section 7.5: Representation of Parties
- Section 7.6: Burden of Proof
- Section 7.7: Formal Hearing Procedure
- Section 7.8: Deliberations
- Section 7.9: Finding of No Violation
- Section 7.10: Inability to Make a Finding
- Section 7.11: Recommendations for Sanction
- Section 7.12: Reports to Dean; Reports as Precedent
- Section 7.13: Reopening of Formal Hearings

Part VIII: Administrative Review of Honor Council Formal Hearing Reports and Right to Appeal
- Section 8.1: Submission of Reports and Recordings to Dean
- Section 8.2: Review and Action by the Dean
- Section 8.3: Review and Action by Faculty Review Committee
- Section 8.4: Additional University Review

Part IX: Amendments and Administration
- Section 9.1: Amendments
- Section 9.2: Other Authority of Dean and Faculty
- Section 9.3: Confidentiality of Reports, Recordings, and the Like
- Section 9.4: Publication of Honor Code Violation Data
- Section 9.5: Effective Date
University of Colorado School of Law
Honor Code

Part I: Introduction

Section 1.1: Purpose

This Honor Code (“Code”) is predicated on the premise that the study and teaching of law in an academic setting is an integral part of the legal profession. Students and Faculty engaged in that activity, therefore, do so as members of the legal profession, and they recognize the need to maintain a high level of professional competence and integrity in their work. The purpose of the Honor Code is to foster a commitment to professional ethics and academic integrity.

The Goals of the Honor Code are:

a. To enable Colorado Law Students to learn and practice the essential responsibility of promoting a healthy ethical climate within the law school and the legal profession.

b. To assist Colorado Law Students in developing an understanding of the importance of integrity as an essential aspect of practicing law.

c. To make clear to all the standard of conduct by which Colorado Law Students will conduct themselves.

d. To ensure the academic integrity of Colorado Law.

Section 1.2: Definitions

a. CU Representative – Student appointed by the duly-elected Student Bar Association President to present the case for the school.

b. Dean – Dean of the University of Colorado School of Law.

c. Faculty – All instructors who teach courses for credit for the Law School.

d. Faculty Review Committee – The committee, as constituted by the Faculty, that hears appeals from decisions of a Hearing Panel.

e. Formal Hearing – Any formal proceeding before a duly constituted Hearing Panel.

f. Hearing Panel – Six members of the Honor Council chosen to conduct a Formal Hearing. The members are selected in accordance with Section 7.1 of this Code.

g. Honor Code – The Honor Code (“Code”) referred to herein shall be the Honor Code of the University of Colorado School of Law.

h. Honor Constitution – The Honor Constitution referred to herein shall be the Honor Constitution of the University of Colorado.

i. Knowingly – A person acts knowingly with respect to a material element of a violation when:

   i. she is aware that her conduct is of that nature or that such circumstances exist, if the element invokes the nature of her conduct or the attendant circumstances; and

   ii. she is aware that it is practically certain that her conduct will cause such a result, if the element involves a result of her conduct.

j. Recklessly – A person acts recklessly with respect to a material element of a violation when he disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct, its disregard involves a gross deviation from the standard of conduct outlined in the Code.

k. Respondent – The person who is the subject of the alleged violation.

l. SBA – Student Bar Association.

m. Student Body – All degree-seeking students currently enrolled in the School of Law.

n. Journal – Any recognized journal of Colorado Law School, including the Law Review.

Section 1.3: Authority to Promulgate Code

While the Faculty of the Law School has been vested by the Laws of the Regents with “jurisdiction over matters of academic dishonesty, under such procedures as may be approved by the Board of Regents,”
the Faculty is of the view that the professional interest of students in their work fully warrants student participation in the formulation and administration of any code dealing with matters of academic dishonesty. For that reason, this Code was prepared by a Faculty committee working jointly with a student committee and adopted after an advisory vote of the Student Body at a referendum.

Part II: Violations

Section 2.1: Violations

It shall be a violation of this Honor Code for any student, whether or not currently enrolled in the University of Colorado School of Law (“Law School”), to engage in or attempt to engage in any of the following conduct, which, unless otherwise stated, must be done knowingly or recklessly:

a. Plagiarism
   Submitting the work (whether quoted words, paraphrased words, or ideas) of another, without attribution.

b. Use of Unauthorized Sources
   Using any unauthorized source in the completion of coursework, when preparing for an examination, or while writing or taking an examination.
   “Unauthorized sources” include, but are not limited to, sources prohibited by Faculty.

c. Use of Unauthorized Collaboration
   Engaging in unauthorized collaboration in the completion of coursework, when preparing for an examination, or while writing or taking an examination, or giving unauthorized aid of any kind to another student for such student’s use in completing coursework or during preparation for, writing, or taking an examination.

d. Material Misrepresentations
   Making any material misrepresentation to the University, the Law School, or prospective employers as to any matter, including, but not limited to academic performance, extracurricular activities, or financial need; except cases of transcript falsification, which are handled under the Rules of the Law School;

e. Previously Submitted Material
   Submitting the same, or substantially similar, material for credit in more than one course, whether or not each course is offered at the law school;
   1. In General: A Faculty member may authorize the use of previously submitted material in his or her course. Students may be permitted to use work currently being prepared for one course in another course with the consent of both Faculty members.
   2. Journals. The Faculty advisor for the law review or a journal must authorize the use of the previously or concurrently submitted material where the material is used for such purposes. However, students may not submit for a grade in another course any material prepared for one of the journals unless both the Faculty member receiving the work and the Faculty advisor for the journal know that the material was prepared for such purpose and expressly authorize the use of the work.

f. Academic Materials
   Reading, taking possession of, making use of, or otherwise accessing any other student’s or Faculty member’s academic materials, without such person’s prior express or clearly implied permission;

g. Obstructing Access to Materials
   Intentionally obstructing another’s access to academic materials by;
   1. Misuse or vandalism of library materials intended to, or having the effect of, making the materials unusable by others;
   2. Abuse of library borrowing privileges intended to, or having the effect of, obstructing
the access of others to those materials, except that failure to return overdue library materials shall not be a violation absent exceptional circumstances;

h. Location of Examinations
   Writing or typing any examination in any place other than authorized by the Faculty.

Section 2.2: Failure to Report

1. Material information concerning violations must be reported:
   i. To the SBA President, a Dean, or an Honor Council member and,
   ii. Within 14 days of discovering the information

2. Failing to report information concerning a violation committed by another student is itself a violation of the Honor Code.
3. Failing to disclose fully any knowledge or information concerning the apparent violation of this Code by another student, when such information is properly requested by any person, authority, or tribunal empowered to investigate or otherwise act with respect to such alleged or apparent violation of this Code is a violation of the Honor Code.
4. Questions concerning what constitutes an honor code violation can be submitted by email to the Honor Council question email address.
   i. Questions submitted are confidential and reviewed regularly by honor council members. Submission of a question about a potential violation is not grounds for an Honor Council investigation. Emailed questions do not satisfy the reporting burden.

Section 2.3: Faculty Prerogative

The express written course policies of a Faculty member may supersede any part of the above violation provisions.

Part III: Sanctions and Authority to Promulgate Code

Section 3.1: Available Sanctions

1. A Colorado Law Student found to have violated this Code may be subject to one or more of the following sanctions:
   i. Compulsory Withdrawal (expulsion) from Colorado Law.
   ii. Suspension from Colorado Law for a period of one or more semesters.
   iii. A grade of “F” in any class in which the student committed a violation.
   iv. Such lesser sanctions as the Honor Council and SBA President may deem appropriate.
2. The Honor Council may consider the self-admission of a student as a mitigating factor in sanctions where:
   i. The report occurs before the student gains any knowledge that someone suspects him or her of an honor code violation; and
   ii. Upon investigation by the Student Bar Association President, the student’s report is found to be a complete and honest accounting of the violation.

Part IV: Agreements to Abide by the Honor Code and Jurisdiction

Section 4.1: Agreement to Abide as Precondition to Registration
No student admitted to the Law School or permitted to take any course in the Law School for academic credit shall be permitted to register for enrollment in any term without first having signed a statement which in substance shall state that the student (1) is familiar with the provisions of the Honor Code; and (2) agrees to comply with those provisions.

Section 4.2: Agreements to Abide by the Honor Code
All students taking courses at the Law School are bound by the substantive provisions of this Code, whether those students are candidates for a law degree, for another degree, or for no degree. Law students taking courses on this campus outside the Law School are bound by the substantive provisions of the University Honor Constitution.

Section 4.3: Agreement by Faculty to Comply with Code
The acceptance by any person of an offer to teach any course offered by the Law School for academic credit to students constitutes an agreement to abide by all lawful University and Law School rules, regulations, practices and policies relevant to such employment. The provisions of this Code (including subsequent amendments) and any other rules or regulations governing academic honesty and conduct as may be established in addition to, or in substitution for, this Code are specifically declared to be relevant Law School rules applicable to such employment.

Section 4.4: Duty to Report Apparent Violations
It shall be the duty of all students and Faculty to report as provided in Section 2.2.

Section 4.5: Jurisdiction
Jurisdiction to decide Code matters resides with the student's primary degree school rather than where the offense is alleged to have been committed. A law student alleged to have violated the Honor Constitution while taking classes outside of the law school will be subject to proceedings before the Law School's Honor Council, following the Code's procedural rules, even though the substantive rules to be applied are those of the Campus Honor Constitution. A student not enrolled in a law degree program who is alleged to have violated the Code will be subject to proceedings before the campus Honor Constitution's Honor Hearing Panel, following the Honor Constitution's procedural rules, even though the substantive rules to be applied are those of the Law School's Code.

Section 4.6: Availability of Code
A copy of this Code shall be made available to students upon their first registration and to Faculty (including all adjunct and visiting faculty) members upon their first offering a course for academic credit. A copy of this Code shall also be posted permanently on the official bulletin board of the Law School, and one shall be placed on reserve in the Law Library. Additional copies shall be made available as the Dean may direct.

Part V: Honor Council
Section 5.1: Establishment
The Honor Council shall consist of twelve members, all of whom shall be students enrolled in the Law School, four enrolled as members of the first-year class, four as members of the second-year class, and four as members of the third-year class.

Section 5.2: Basic Responsibilities
The Honor Council shall be responsible for advising the Faculty and students on matters of academic honesty and recommending to the Faculty and students suitable amendments to this Code. When matters relating to violations of this Code by specific persons are submitted to the Honor Council, those members of the Honor Council who are appointed to do so shall conduct formal hearings and make such factual and legal determinations and submit findings and conclusions, and when appropriate, make recommendations for sanction, as provided hereinafter.

Section 5.3: Appointment of Honor Council Members
Members of the Honor Council shall be appointed for a three-year term. Returning members of the Honor Council shall solicit applications for membership from first-year students within the first month of the fall semester. After reviewing the applications, the Honor Council shall make a recommendation to the SBA President for nomination of the first-year members. The SBA President shall then present the first-year names to the SBA for a vote on appointment. In making the appointments, the Honor Council and the SBA shall take account of the diversity of the student body and appoint persons who reflect such diversity to the extent possible.

Section 5.4: Vacancies on the Honor Council
Vacancies created by resignation or removal shall be filled within one month using the same application procedure described in Section 5.3. The position shall be filled by a member of the corresponding class. The replacement member shall serve the duration of the vacating member's term.

Resignation Procedure:
1. If a member shall choose to resign from the Honor Council, that member must submit, in writing, his or her resignation letter to the Chairperson, the SBA President, and the Dean of Academic Affairs.
2. Upon the sending of the resignation letter to the above parties, the resignation shall be final.

Section 5.5: Removal of Honor Council Members
Honor Council Members shall be removed for:
   a. Violation of the Code, or
   b. Dereliction of Honor Council duties, upon the unanimous vote of the other members of the Honor Council.

Section 5.6: Election of Honor Council Officers; Duties
During the spring semester, the Chairperson shall call an organizational meeting of the appointed members, at which meeting the members shall elect, by majority vote, one of their members to be chairperson (who shall be the presiding officer of the Honor Council), one to be Vice-Chairperson (who shall perform the duties of the Chairperson in the absence or unavailability of the Chairperson), and one to be the Secretary (who shall be responsible for the maintenance and preparation of the Honor Council's records).

Section 5.7: Meetings; Formal Hearings; Quorums
At meetings other than formal hearings or deliberations relating thereto, seven members of the Honor Council shall constitute a quorum. At any formal hearing (and deliberations relating thereto), called to determine alleged violations of any of the provisions of Section 2.1 of this Code by one or more specific persons, five of the six members of the Hearing Panel shall constitute a quorum.

Section 5.8: General Honor Council Procedures
For the purpose of conducting meetings, formal hearings, or transacting any other business, the Honor Council shall have authority to adopt, generally in advance, in writing or otherwise, or on a case-by-case basis prior to the commencement of the first hearing in any formal hearing, such rules of procedure as they deem just and reasonable, provided, no rule or practice of procedure shall be inconsistent or in conflict with the provisions of this Code, the Rules of the Law School, the Laws of the Regents, Federal or State Statutes, or the State or Federal Constitutions. Should a procedural question arise during a formal hearing or any deliberation of the appointed Honor Council members relating thereto, the matter shall be determined by the presiding officer by reference to whichever of the following is the most relevant and authoritative: this Code, any rules previously adopted by the Honor Council pursuant to this Code, the Rules of the Law School, the Laws of the Regents, State or Federal Statutes, the State or Federal Constitutions, or the general principles of the common law. The Honor Council shall also have the right to promulgate bylaws.
Part VI: Investigation, Initiation of Formal Hearings, and Settlement Hearings

Section 6.1: Reporting of Apparent Violations

Under Rule 2.2, all students have a duty to report apparent violations of the Honor Code.

Section 6.2: Duty of SBA President to Investigate; Settlement

The SBA President and a selected CU Representative shall investigate every reported or referred apparent violation. Within 25 days following the receipt of a report or referral of such apparent violation, the SBA President, in consultation with the Chairperson of the Honor Council, shall decide whether or not to initiate a formal hearing before the Honor Council regarding the apparent violation. The SBA President may resolve the matter by a negotiated settlement of terms agreed upon by the SBA President, a representative of the Honor Council, and the student. Such settlement is subject to the approval of the Dean of the Law School.

a. If a decision is made not to initiate a formal hearing, the student who has been the subject of the investigation shall be informed in writing of the decision within seven days. The student shall also be apprised of his/her right under section 6.4 to request a formal hearing.

b. The Vice-Chairperson of the Honor Council shall serve as the representative of the Honor Council for settlement purposes. If the Vice-Chairperson is unavailable or has a conflict of interest, the Chairperson of the Honor Council may appoint an alternative representative.

Section 6.3: Authority of Faculty to Impose Sanctions

Conduct that might otherwise be a potential violation under this Honor Code may be subject to separate sanctions imposed by a faculty member. Any such sanctions or any determinations of violation by a faculty member imposed in this manner shall not be deemed an Honor Code violation.

Nothing in this section shall abrogate the faculty member’s duty to report under Section 4.4.

Section 6.4: Decisions Not to Initiate Hearings; Consultation with, and Concurrence of Dean

A decision by the SBA President or the CU Representative not to initiate a formal hearing relative to a reported or referred apparent violation shall be final, provided that before making such decision, the SBA President or the CU Representative shall have first discussed his/her tentative decision not to initiate a formal hearing, and the reasons therefore, with the Dean, and the Dean shall have concurred in the decision. The Dean shall concur with the SBA President not to initiate a formal hearing if the Dean determines that the decision of the SBA President not to initiate a formal hearing is one a reasonable person could make and the student alleged to have violated the Code does not request a formal hearing to be held in order to allow the student an opportunity to have his/her innocence authoritatively established. The Dean, however, is given limited authority, consistent with the Laws of the Regents, which charge the Dean with the general supervision of the Law School, to require a formal hearing when the Dean concludes a negative decision is not one a reasonable person would make considering all the circumstances. Should the Dean not concur in the SBA President’s decision, or should the student alleged to have violated the Code request a formal hearing, the SBA President or the FCU Representative shall initiate a formal hearing.

Section 6.5: Right to a Formal Hearing

Any person subject to this Code accused of a violation shall have the right to a formal hearing before the Honor Council prior to the imposition of any sanction.

Section 6.6: Decisions to Initiate Formal Hearings

If the SBA President, in consultation with the Chairperson of the Honor Council, decides that there are reasonable grounds to believe that a violation occurred, the SBA President shall initiate a formal hearing within 30 days following the report or referral of the apparent violation to the SBA President, by filing a detailed written complaint of the apparent violation with the Chairperson or Secretary of the Honor Council and by providing the Respondent with a copy of such complaint within seven days. Such complaint shall state the decision to initiate a hearing and specify the nature of the apparent violation,
including the basis for the charge, and the time of its alleged occurrence.

**Section 6.7: Failure to Comply with Time Limitations**

The failure of the SBA President or any other person to comply with time limitations contained in this Part VI shall not constitute a defense to charges of a violation of this Code or be grounds for dismissing charges of a violation of this Code, unless the failure to comply with any such time limitation was without any reasonable excuse or such failure might reasonably be expected to result in an action or decision unfairly prejudicial to the rights of the Respondent.

**Part VII: Formal Hearings Before Honor Council**

**Section 7.1: Convening a Formal Hearing**

Upon the filing of a complaint initiating a formal hearing, the Chairperson of the Honor Council shall, as soon as is reasonably possible, appoint a Hearing Panel consisting of 6 members of the Honor Council who shall conduct a formal hearing. The Chairperson shall be one of the members of the Hearing Panel appointed and shall preside at the formal hearing, unless the Chairperson should choose not to sit, in which event, the Chairperson shall designate which of the 6 appointed members shall preside at the formal hearing. In the event six Honor Council members cannot serve on the Hearing Panel, the Chairperson shall appoint a replacement. It is recommended that such replacement be a class officer, SBA member, or SBA officer. A formal hearing shall then be called by the Chairperson (or his or her designee) as soon as is convenient, giving due consideration to the rights of all persons concerned.

**Section 7.2: Authority to Decide Questions of Law or Fact**

All questions which would normally be decided by a judge in a jury case tried in a court of law shall be determined by the Chairperson (or his/her designee) as the presiding officer, after such consultation, if any, with such other members of the Hearing Panel as he/she deems appropriate. All questions which would in a similar instance be decided by a jury shall be decided by not less than five of the six members of the Hearing Panel.

**Section 7.3: Closed Hearings**

All formal hearings shall be closed and only the Respondent, counsel, witnesses and persons making a record of the proceeding for the Respondent or the Honor Council shall be admitted, unless the Respondent shall have waived his/her right to a closed hearing. The Respondent shall in all cases have the right to have the proceedings opened to the law school and/or to the public. A waiver of a closed hearing shall be made knowingly, willfully, and voluntarily on the part of the Respondent.

**Section 7.4: Record of Proceedings**

A stenographic record may and both audio and video tape recordings shall be made of the proceedings before the Honor Council Hearing Panel. Such records, unless the Respondent has waived his/her right to a closed hearing, shall be treated as confidential.

**Section 7.5: Representation of Parties**

The SBA President or the CU Representative shall represent the Law School with respect to the complaint filed with the Honor Council. The Respondent may represent him/herself or be represented by a lawyer or by any member of the Student Body selected by him/her. The Respondent may not be represented by a Faculty member.

**Section 7.6: Burden of Proof**

The burden of proving any violation of this Code in a formal hearing shall at all times rest with the SBA President and shall be by clear and convincing evidence. The SBA President has a good faith obligation to present any evidence that is favorable to the Respondent's case. A finding of violation must be made by the affirmative vote of not less than five members of the Hearing Panel. In the event that no violation is found then the decision that no violation has occurred is the final decision on the part of the Honor Council.

**Section 7.7: Formal Hearing Procedure**
a. The CU Representative and the Respondent shall place all material he/she proposes to introduce into evidence during the hearing in a folder in the Dean's office five days prior to the hearing. The exhibits shall be labeled and indexed. These exhibits will be copied for the Hearing Panel members and opposing parties prior to the hearing. Any exhibits introduced at the hearing that were not placed in the Dean's office shall not be allowed into evidence. All objections to the admission of presented evidence will be ruled upon by the Chairperson at the hearing. In all cases, the formal rules of evidence shall not apply.

b. The SBA President (or CU Representative) may call witnesses, except the Respondent may not be called over his/her objection. The Respondent's decision to not testify shall not be construed in any way as an admission of guilt by the hearing panel. The Respondent shall have the right to call witnesses, including those reporting the alleged violation who may be called as adverse witnesses, and to testify on his/her own behalf. All witnesses shall be admonished of their obligations to tell the truth, and all student witnesses shall be informed that the making of a false statement constitutes a violation of this Code. The Respondent and any other witness shall have the right to not offer self-incriminating evidence.

c. The presiding officer of the Hearing Panel shall begin the hearing by reading the formal charges and initially asking the Respondent if he/she wishes to respond to the charges. If the Respondent chooses to do so he or she may at that time. The SBA President (or CU Representative) may make an opening statement followed by the same opportunity for the Respondent.

d. Next, the SBA President (or CU Representative) must present the evidence through witnesses and/or physical evidence. The Respondent may question all witnesses.

e. Once the SBA President (or CU Representative) has finished presenting evidence, the Respondent may present evidence through witnesses and/or physical evidence. The CU Representative may question all witnesses.

f. At the conclusion of the Respondent's case, the SBA President (or CU Representative) may present rebuttal evidence. The Respondent may question any witnesses presented in the rebuttal case.

g. Following the rebuttal evidence, the SBA President (or CU Representative) may make closing arguments. At this time, the SBA President (or CU Representative) is only to make a closing argument, he or she is not allowed to make recommendations for sanction at this time. Finally, the Respondent may make closing arguments.

h. At any time during the Hearing, members of the Hearing Panel may ask questions. The Hearing Panel members may examine exhibits as they are allowed into evidence, and during deliberations. Opposing parties may also examine exhibits as they are allowed into evidence, and may raise any objection at that time.

i. The Hearing Panel may call additional witnesses if additional testimony is required for a just and fair resolution.

j. At the end of the Respondent’s closing argument, the Hearing Panel shall retire to decide whether a violation has occurred or whether a violation has not occurred. As noted in Section 7.6, a finding of violation must be made by the affirmative vote of not fewer than five members of the Hearing Panel. In the event that no violation is found the decision that no violation has occurred is the final decision on the part of the Honor Council.

k. In the event that the Hearing Panel concludes that a violation has occurred by an affirmative vote of not fewer than five members of the Hearing Panel, the Hearing Panel shall immediately commence a sanctions hearing.

l. The SBA President (or CU Representative) shall present his or her recommendations for sanctions and the reasons that he or she is recommending particular sanctions including any mitigating or aggravating factors. The Respondent shall then have the opportunity to present any other mitigating factors to the Hearing Panel for the Hearing Panel to consider in its deliberations.

m. At the conclusion of the sanctions hearing, the Hearing Panel shall retire to consider the SBA President’s (or CU Representative’s) sanction recommendations and any and all mitigating and
aggravating factors forthwith presented.

n. At the conclusion of its deliberations the Hearing Panel shall announce to the SBA President (or CU Representative’s) and the Respondent its decision for sanctions. Any sanctions must be agreed upon by an affirmative vote of not less than four members.

Section 7.8: Deliberations

Only the Hearing Panel shall be present during deliberations, at which time the Hearing Panel may review any evidence and any record made of the hearing pursuant to Section 7.4.

Section 7.9: Finding of No Violation

Upon a finding of a no violation the charge shall be dismissed and no sanctions shall be imposed. The Respondent shall be provided with written notice by the SBA President that the charge has been dismissed within seven days of the Hearing Panel’s finding of no violation.

Section 7.10: Inability to Make a Finding

Should the Hearing Panel be unable to make a finding of violation or no violation, the Chairperson, to the extent possible, shall appoint the remaining six members of the Honor Council to conduct a second formal hearing. In the event any one of these members is unable to serve, the Chairperson shall appoint a replacement. It is recommended that such replacement be a class officer, SBA member, or SBA officer. Should the second Hearing Panel be unable to make a finding of violation or no violation, the charge shall be dismissed.

Section 7.11: Recommendations for Sanction

The Hearing Panel shall recommend sanctions, upon a finding that the Respondent committed a violation, as written in Part III.

Section 7.12: Reports to Dean; Reports as Precedent

Upon making a finding of violation or no violation, the Hearing Panel members shall prepare a report to the Dean setting forth a summary of the testimony, findings of fact, and conclusions of law. Should the finding be one of violation, the report shall also set forth recommendations for sanction. Members of the Hearing Panel not agreeing with any view or position taken by any required majority may submit as part of the report their minority view or position. For use in future cases as precedent, a copy of the report (with the identities of all persons excised, even when the Respondent shall have waived his/her right to a closed hearing) shall be maintained in the files of the Honor Council. Copies of reports kept for this purpose shall be kept confidential within the membership of the Honor Council.

Section 7.13: Reopening of Formal Hearings

A formal hearing resulting in a finding of no violation shall not be reopened by the Honor Council. A formal hearing resulting in a finding of violation may be reopened upon production of new evidence bearing directly upon the innocence of the Respondent and when, in the opinion of not less than seven members of the Honor Council at least four of whom were members of the Hearing Panel (if possible), the interests of justice clearly require it. A person seeking to reopen a formal hearing upon the ground of newly discovered evidence shall appear before the Honor Council and state the nature of the evidence relied upon, and the Honor Council shall determine whether the evidence warrants reopening the case. If a case is reopened, it shall be left to the discretion of the Hearing Panel appointed to conduct a formal hearing on the matter to determine whether the charges should be retried completely or whether the new evidence alone should be considered in connection with the old record.

Part VIII: Administrative Review of Honor Council Formal Hearing Reports and Right to Appeal

Section 8.1: Submission of Reports and Recordings to Dean

All reports of formal hearings, and the recordings thereof, conducted before a Hearing Panel of the Honor Council shall be submitted to the Dean for review. All reports and matters relating thereto shall be treated as confidential, except:

a. In cases where the Respondent has waived the right to a closed formal hearing before the
Hearing Panel; or
b. In cases where the Respondent has requested identification under Section 9.4; or
c. To the extent necessary to effect the review procedures set out in this Part VIII or as are necessary to implement any sanction which may be imposed; or
d. To the extent the case is to be covered in a published report under Section 9.4.

Section 8.2: Review and Action by the Dean

The Respondent and the SBA President or the CU Representative may, within one week after receipt of a copy of the report prepared in accordance with Section 7.12, submit any further written arguments they desire. Thereafter the Dean shall review the report, together with its attachments and any such arguments. Except as provided in Section 8.3, if the Dean concludes that the findings and recommendations of the report, including sanctions, if any, are supported by the evidence and otherwise appropriate, the Dean shall implement the recommendations of the report. If the Dean concludes that the findings and recommendations are not supported by the evidence, or that any recommended sanction is inappropriate under the circumstances of the case, the Dean shall refer the case to the Faculty Review Committee under Section 8.3.

Section 8.3: Review and Action by Faculty Review Committee

Any case in which the Dean disagrees with the report, or in which the recommended sanction is expulsion from the Law School or suspension for longer than one semester, shall be referred to the Faculty Review Committee, as provided for by the Rules of the Law School. The Committee shall hold a hearing at which Respondent, with or without counsel, the student who served as CU Representative, and a member of the Hearing Panel shall be given the opportunity to present any further evidence or argument relevant to the case. After reviewing the report of the Hearing Panel and any recommendations submitted by the Dean, the Committee may:

a. Dismiss the case, or refer the case back for rehearing by a Hearing Panel of the Honor Council, whichever the Committee deems most appropriate, if the Committee determines that:
   i. The findings of fact are not supported by substantial evidence, considering the record as a whole;
   ii. A constitutional right of the Respondent was violated;
   iii. The Hearing Panel acted without or beyond the scope of its jurisdiction;
   iv. Any applicable substantive rule of law was erroneously applied by the Hearing Panel, and such error was not harmless; or
   v. Any applicable procedural rule intended for the protection of the Respondent was not substantially complied with and such noncompliance was not harmless;

b. Affirm the findings and recommendations, and re-refer the case to the Dean for implementation; or

c. Hear the case de novo and determine an appropriate sanction; provided, that this may only occur if the Hearing Panel found no violation, and if the Committee determines that the finding of no violation was clearly the result of a gross misinterpretation or misapplication of this Code, or was the result of an unreasonable failure to evaluate and weigh the evidence in a conscientious manner;

   d. Modify any recommended sanction, either to increase or decrease its severity, and as modified to re-refer the case to the Dean for implementation; provided, that this may only occur if the Committee determines, after considering the record as a whole, that the action taken would be just and reasonable in light of the sanctions which have previously been imposed for other violations of the Code or for other misconduct, and provided further, that this may only occur if the Committee and the Dean concur on the sanction to be imposed; if no such agreement can be reached the case shall be remanded to a Hearing Panel of the Honor Council, for reconsideration of the sanction only, and the review process shall then be repeated.

Section 8.4: Additional University Review

Any additional review within the University of actions taken under this Code shall be as provided by those rules and regulations duly established for such review. Any student against whom a final decision
to impose disciplinary action shall have been made under this Code shall have the right to appeal such
decision to the Faculty Appeals Committee of the University within 10 days of such decision.
Information regarding the appeals process and the filing of an appeal may be obtained from the Office of
Student Conduct Policies and Standards.

Part IX: Amendments and Administration

Section 9.1: Amendments

This Code and any of its provisions may be repealed or amended by the Faculty in the same manner as the
Faculty may repeal and amend the Rules of the Law School, provided that such repeals or amendments shall also be subject to such additional approval by such other persons as may be required by the Laws of the Regents, and provided further that, depending on the nature of the proposed repeal or amendment, some or all of the members of the Student Body shall be permitted to express their views as to such proposed amendment or repeal (in addition to those methods provided by the Rules of the Law School) in such manner and to such extent as the Dean determines to be appropriate.

Section 9.2: Other Authority of Dean and Faculty

Except as to conduct governed by this Code to which the procedures of this Code shall be applicable, the Dean or the Faculty, or both, shall retain all other authority legally possessed by them to take appropriate disciplinary action for improper conduct on the part of a student or Faculty member.

Section 9.3: Confidentiality of Reports, Recordings, and the Like

Once a matter has been disposed of finally, unless the Respondent has waived his/her right to a closed hearing before the Hearing Panel of the Honor Council, or except to the extent the Respondent has waived any other right he/she may possess to have any matter or proceeding under this Code treated confidentially, all reports, tape recordings, records and the like relating to any formal hearing or the review thereof (except those items specifically identified for other treatment under this Code and except to the extent any such matters must, under University regulations, be referred to or transmitted to another office of the University) shall be sealed and kept in the Dean's office and the same shall be opened subsequently only upon the direction of the Dean, a higher University academic official, or a court of law. After 5 years, the Dean may direct the destruction of all, or so much of all, such material as he/she may determine is appropriate. Any material which is not destroyed shall be kept sealed in the student's permanent personal file.

Section 9.4: Publication of Honor Code Violation Data

The SBA President and Honor Council Chairperson shall jointly produce a report at the end of every semester that shall be distributed to the Colorado Law student body. The report shall include the nature of any offense alleged, the findings, and the sanctions imposed, if any, from the past semester. The report shall not include personally identifying information in order to protect the identity of the parties involved.

Section 9.5: Effective Date

Every provision of this Code shall become effective immediately upon approval of not less than two-thirds of the Faculty, or as soon thereafter as, considering the nature of the provision (e.g., signing Honor statements at registration), it is first realistically possible to implement such provision.

Approved by the Faculty on April 13, 2012.