

Ratified by a Majority of a Quorum of the SBA  
Board of Governors and Effective on 3/01/09

# GEORGE MASON UNIVERSITY

## SCHOOL OF LAW



## HONOR CODE

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## **PREAMBLE**

Each student at GMUSL is entering a profession where honest and ethical conduct is not only a professional responsibility, but a legal requirement. In recognition of this, each student will be treated by all other students, the faculty and the administration as a person of honor with the highest personal integrity. This Honor Code articulates minimum standards for student conduct, the responsibilities of individuals as members of the GMUSL academic community, and the procedures for handling allegations of violations. Essential to the character of the Honor Code is the obligation of each student to report any violation of the Honor Code and to participate in proceedings if called upon.

## **ARTICLE I: THE HONOR COMMITTEE**

### **1.01 HONOR COMMITTEE CHAIR**

(A) Duties – The Honor Committee Chair shall:

1. Interpret this Honor Code and is responsible for ensuring the administration of its procedures;
2. Notify the Dean<sup>1</sup> upon receipt of any Initial Referral and maintain a working relationship with the Dean to facilitate a culture of Honor among the GMUSL student body;
3. Represent the interests of the student body as a non-voting member of the Board of Governors on the SBA and fulfill the Chair's role as specified in Article IV of the SBA Constitution.

(B) Qualifications – The Honor Committee Chair shall be a member of the student body in good academic standing and shall have declared his<sup>2</sup> intent when elected to remain enrolled at GMUSL for the Fall and Spring semesters of the subsequent academic year.

(C) Election – The student body shall elect the Honor Committee Chair in accordance with the election procedures specified in the SBA Constitution and Election By-Laws.

(D) Vacancy – Should the Honor Committee Chair become vacant, the SBA President shall inform the student body of the vacancy and solicit a request for applications. A candidate shall:

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<sup>1</sup> All references to the Dean of GMUSL that require action on the part of the Dean shall be interpreted to encompass the Dean or a designee appointed by the Dean to act on his behalf.

<sup>2</sup> Any use of masculine pronouns in this Honor Code will be construed to apply to both genders. All references to the singular will be construed to include the plural whenever appropriate.

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1. Obtain the written endorsement of his application for the position from at least 10 members of the student body;
2. Be qualified for the remainder of the previous Honor Committee Chair's term according to §1.01(b); and
3. Fulfill any other application requirements deemed necessary by the President of the SBA.

The SBA President shall present the applications of all qualified candidates to the SBA Board of Governors. A new Honor Committee Chair shall be elected by the affirmative vote of 2/3 of the Board of Governors present at this meeting. At least 10 days shall pass between the President's solicitation of applications and the meeting at which a new Honor Committee Chair is voted upon.

- (E) Removal – The SBA Board of Governors may remove the Honor Committee Chair for neglect of duties or violation of the Honor Code by the affirmative vote of 2/3 of the Board of Governors present at a meeting. At least 10 days shall pass between the meeting at which the motion to remove is introduced and the meeting at which it is voted upon.

## 1.02 HONOR COMMITTEE MEMBERS

- (A) Appointment – The Honor Committee Chair shall select 10 students to serve as Honor Committee Members. Committee membership shall include at least one first, second, third, and fourth year student. Each member shall serve beginning immediately upon appointment until replacement by the next Honor Committee Chair, graduation, or termination of enrollment at GMUSL.
- (B) Duties – Honor Committee Members shall represent the interests of the student body in maintaining the academic integrity of GMUSL. Each Honor Committee Member shall promote the professional atmosphere of GMUSL by conducting themselves with honor and integrity, be knowledgeable of Honor Committee procedures and proceedings, respond to questions regarding the Honor Code, and serve the designated roles and functions contained within the Honor Code as the need arises.
- (C) Qualifications – Each Honor Committee Member shall be a GMUSL student in good academic standing at the time of his appointment and NOT have signed a plea agreement or have been found guilty of an Honor Code violation at GMUSL.
- (D) Vacancy – Should a vacancy develop, the Honor Committee Chair shall appoint another qualified student to complete the term.
- (E) Removal – The Honor Committee Chair shall remove an Honor Committee Member for neglect of office, dereliction of duty, or violation of the Honor Code.

- (F) Term – The outgoing Honor Committee Members shall be responsible for fulfilling the obligations and duties related to any Initial Referral filed with the Honor Committee Chair prior to the incoming Honor Committee Chair’s Election Day.

## **ARTICLE II: GENERAL PROVISIONS**

### **2.01 INDIVIDUALS COVERED**

All students registered at GMUSL are automatically subject to the Honor Code. The Honor Code covers a student’s conduct at all times while they remain enrolled at the law school. The Honor Committee reserves the right to hear violations of the Honor Code reported subsequent to a student’s graduation or separation from GMUSL, irrespective of the time lapse between the occurrence of the violation and its report.

### **2.02 SCOPE**

This Honor Code covers all school-related activities whether on or off-campus, any on-campus activities, and any activity funded wholly or in part by GMUSL.

### **2.03 POSTING**

A copy of this Honor Code shall be posted online on the Honor Committee Website.

### **2.04 CONSTRUCTIVE NOTICE**

Every Student is responsible for knowing and complying with all provisions of this Honor Code.

### **2.05 DUTY TO REPORT**

If any student has reasonable cause to believe that an Honor Code violation has occurred, he must report such violation to an Honor Committee Member or file an Initial Referral with the Honor Committee Chair pursuant to § 6.01.

### **2.06 CONFIDENTIALITY REQUIREMENTS**

- (A) Obligations – Individuals involved in an Honor Committee proceeding, including, but not limited to parties, witnesses, Honor Board Members and Honor Committee Members, may not reveal information about a case except when reasonably necessary. In all such necessary instances, information shall be revealed in a discreet manner consistent with respect for the privacy of *all* individuals involved.
- (B) Waiver – The student accused of a violation (“Accused”) shall have the opportunity to waive his right to confidentiality at any time. The Accused must submit the waiver to the Honor Committee Chair in writing. The Honor Committee Chair

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shall grant the student's request and inform all other participants in the proceedings of the waiver, unless such request would jeopardize the confidentiality rights of another student. If an Accused does not waive his right to confidentiality, he is subject to the confidentiality requirements of this section and shall be subject to further proceedings based upon §3.01(2) for breach should it occur.

- (C) Honor Committee Members – Confidentiality requirements do not apply between Honor Committee Members. An Honor Committee Member may seek the help, assistance, or advice of any other Honor Committee Member without regard to confidentiality requirements. It is expected that discussion between Honor Committee Members will occur with discretion and integrity.

## 2.07 RIGHTS OF THE ACCUSED

- (A) Defense Counsel - The Accused may represent himself, or may obtain his own Defense Counsel to assist in all Honor Code proceedings. Defense Counsel shall be a current GMUSL student at the time the Initial Referral is filed with the Honor Committee Chair. At the request of the Accused, the Honor Committee Chair shall assist in obtaining Defense Counsel for the Accused. The Accused may not be represented in Honor Code proceedings by anyone other than a GMUSL student. Any GMUSL student selected to serve as Defense Counsel must notify the Honor Committee Chair or the Magistrate. Defense Counsel may not withdraw from representing the Accused without notifying the Honor Committee Chair or the Magistrate.
- (B) Outside Legal Counsel - The Accused may secure Outside Legal Counsel for consultation at his own expense. If Outside Legal Counsel is obtained, the Accused must notify the Magistrate who will in turn notify all other participants in the Honor Code proceedings. Outside Legal Counsel may not attend any Honor Committee proceedings.
- (C) Discovery – The Accused shall have the right to discovery of the Formal Complaint and all evidence to be presented against him.
- (D) Participation – The Accused shall have the right to be present at all Honor Committee Proceedings. The Accused may refuse to participate or conduct a defense; however, he may be tried in absentia.

## **ARTICLE III: VIOLATIONS**

### 3.01 VIOLATIONS

It is a violation of this Honor Code to:

1. Lie, cheat, or steal;

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2. Abuse Honor Committee proceedings, including but not limited to filing a frivolous complaint, breaching confidentiality, and withholding relevant information;
3. Fail to report a suspected Honor Code violation within 30 days of discovering the alleged violation when a student has reasonable cause to believe that such a violation has occurred; or
4. Be an accomplice or accessory to an act that violates the Honor Code.

## **ARTICLE IV: SANCTIONS**

### **4.01 SANCTIONS**

This list of sanctions is exhaustive and more than one sanction may be applied:

1. Expulsion;
2. Suspension;
3. Probation;
4. Reduction to the grade of “F” for the course involved;
5. Reduction to the grade of “F” for the course involved and notation of “‘F’ FOR HONOR CODE VIOLATION” on the student’s transcript;
6. Notation of “HONOR CODE VIOLATION” on the student’s transcript;
7. Oral reprimand;
8. Revocation of degree;
9. Notice to the appropriate bar disciplinary authority;
10. Any other sanction deemed appropriate by the Magistrate and approved by the Dean; or
11. Any sanction obtained by a plea agreement under §5.02(A)(5).

### **4.02 NOTATION OF SANCTION**

In each case where the Accused is found guilty or agrees to a plea bargain, an appropriate notation shall be made on the student’s transcript. The violation and sanction shall be recorded in the student’s academic record maintained by the GMUSL Record’s Office.

## **ARTICLE V: ADJUDICATIVE POSITIONS**

### **5.01 HONOR BOARD**

- (A) Composition – The Honor Board shall adjudicate all Honor Board Hearings and consist of the following:
1. The Honor Committee Member appointed to serve as the sitting Magistrate, pursuant to §6.03; and
  2. Either two additional Honor Committee Members appointed pursuant to paragraph (B)(1), or six students chosen pursuant to paragraph (B)(2).
- (B) Selection of the Honor Board – At the Pre-Hearing Conference, the Magistrate shall give the Accused the option of a hearing by a tribunal consisting of the Magistrate and two additional Honor Committee Members or a hearing by six of his peers. Should the Accused choose not to attend the Pre-Hearing Conference, a hearing by six of the Accused student’s peers shall be conducted in the manner set out below.
1. *Hearing by Tribunal* –
    - (i) The Honor Committee Chair shall choose two members of the Honor Committee to serve along with the Magistrate as the “Honor Board Members.”
    - (ii) The two Honor Committee Members chosen shall NOT have been appointed by the Honor Committee Chair to serve as the Advocate, Assistant Advocate or Clerk in the pending matter.
    - (iii) The Magistrate and the two Honor Committee Members shall each have one vote in deciding the guilt and punishment of the Accused.
  2. *Hearing by Six Peers* – Six students shall be selected to serve as Honor Board Members from the Pool according to the voir dire procedures specified in §6.07.

### **5.02 HONOR COMMITTEE ROLES**

The Honor Committee Chair is not eligible to serve in any role listed below. All of the roles shall be served by Honor Committee Members.

- (A) Advocate – The Advocate is responsible for:
1. Investigating the facts set forth in the allegation submitted by a referring individual (“Initial Referral”);

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2. Drafting the charges (“Formal Complaint”) against the Accused and sending it to the Magistrate, Clerk and the Accused;
3. Presenting all relevant information regarding the case to the Honor Board on behalf of the Student Body;
4. Requesting in writing that the Honor Committee Chair appoint an Assistant Advocate from the Student Body if the Advocate so chooses; and
5. Negotiating a plea agreement with the Accused, at the Advocate’s discretion. A plea agreement may be finalized at any point in time up until an Honor Board verdict is reached. Prior to submitting a plea agreement to the Accused, the Advocate shall consult with the Dean of GMUSL. All plea agreements require the approval of the Dean of GMUSL before going into effect.

(B) MAGISTRATE

1. *Qualifications* – The Magistrate shall have completed law school courses encompassing evidence and professional responsibility.
2. *Responsibilities* - The Magistrate is responsible for: (i) attending and conducting the Pre-Hearing Conference; (ii) organizing and coordinating voir dire; and (iii) conducting the Honor Board Hearing.
3. *Power of Discretion* – The Magistrate shall have broad discretion to alter the procedures of the Pre-Hearing Conference, voir dire, and the Honor Board Hearing, except where expressly prohibited by this Honor Code. Reasonable notice of all changes shall be provided to the Advocate, the Accused, and the Honor Committee Chair.

(C) Clerk – The Clerk is responsible for:

1. Coordinating voir dire pursuant to § 6.07;
2. Acting as a bailiff for Pre-Hearing Conferences and the Honor Board Hearing;
3. Electronically recording the Pre-Hearing Conference and Honor Board Hearing; and
4. Compiling the Record as specified in §7.01(A).

5.03 **RECUSAL AND REMOVAL OF HONOR COMMITTEE MEMBERS FROM SPECIFIED ROLES**

- (A) Recusal - If for any reason, an Honor Committee Member feels that he is unable to carry out his assignment in a particular case with impartiality and professionalism,

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he shall immediately inform the Honor Committee Chair. The Honor Committee Chair shall then excuse the member from his duties in the particular case and shall appoint a replacement from the remaining members of the Honor Committee.

- (B) Removal – If the Honor Committee Chair determines that a member of the Honor Committee is unable to carry out his assigned role for a particular case with impartiality and professionalism, the Honor Committee Chair may remove the member from that particular case, even if the member objects. Having removed a member from a designated role, the Honor Committee Chair shall appoint a replacement from the remaining members of the Honor Committee. In addition, the Honor Committee Chair shall remove an Advocate or Magistrate that could become a witness, is intimately related to the facts of a proceeding, or is unavailable to properly conduct his duties.

## **ARTICLE VI: HONOR COMMITTEE PROCEEDINGS**

### **6.01 INITIAL REFERRAL**

- (A) Requirements - All Initial Referrals shall be submitted to the Honor Committee Chair and must include:
1. Name of student(s) referred;
  2. Conduct alleged to be in violation of the Honor Code;
  3. The printed name and signature of the referring individual;
  4. The approximate date the alleged violation was discovered;
  5. The date the referral was submitted; and
  6. If it is a violation stemming from the writing program, the specific rule broken must be identified.
- (B) Dismissal – The Honor Committee Chair shall dismiss any Initial Referral that fails to meet the requirements of this section or fails to allege an actual violation of the Honor Code. The Honor Committee Chair, in his discretion, may allow amendment of an Initial Referral in order that it may satisfy the requirements of § 6.01(A).
- (C) Referral of the Chair – Should the Honor Committee Chair be accused of violating the Honor Code, the Initial Referral shall be submitted to the President of the SBA for potential proceedings pursuant to §1.01(e).

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- (D) Notification – The Honor Committee Chair or the President of the SBA shall notify the Dean upon receipt of any Initial Referral.<sup>3</sup>

#### 6.02 PROSECUTORIAL DISCRETION

If an Initial Referral fulfills all of the requirements of §6.01 but does not appear to warrant the resources of the Honor Committee in fulfilling the purpose and intent of this Honor Code, the Chair, in his discretion, may forward the Initial Referral to the entire Honor Committee according to the following:

- (A) Honor Committee Review & Determination – The Honor Committee shall review the Initial Referral and dismiss the Initial Referral without prejudice upon a 3/4 vote of the entire Honor Committee. The Honor Committee Chair shall document the reason for the dismissal.
- (B) Dean’s Review – Upon the Honor Committee’s dismissal of the Initial Referral, the Honor Committee Chair shall present the Initial Referral along with the reason for dismissal to the Dean of the Law School.
- (C) Remand of the Initial Referral – The Dean of the Law School may, in his discretion, remand the Initial Referral to the Honor Committee Chair for further proceedings.

#### 6.03 APPOINTMENT

The Honor Committee Chair shall appoint an Advocate, a Magistrate and a Clerk for the case. In cases, such as conspiracy, involving more than one Accused for the same general violation, the Honor Committee Chair may appoint a single Advocate, Magistrate, or Clerk to deal with the conjoined matters.

#### 6.04 NOTIFICATION

- (A) Notification - The Honor Committee Chair shall notify the Accused in writing that he is the subject of an Honor Committee proceeding. Notification shall also be sent to the Accused student’s GMU email account. The notification shall include:
1. A description of the conduct under investigation;
  2. The specific provision of the Honor Code that was allegedly violated;
  3. The names of the Magistrate, Advocate, and Clerk; and

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<sup>3</sup> In accordance with the current Academic Regulation 3-8.2, “An Honor Committee Member who receives a report of misconduct or an infraction of an academic or other regulation shall immediately notify the Assistant Dean for Academic Administration. While it is expected that the Honor Committee will resolve most matters, the Assistant Dean for Academic Administration shall determine whether the matter will be resolved by the Assistant Dean for Academic Administration or by the Honor Committee. The decision of the Assistant Dean for Academic Administration is final and may not be appealed.”

4. A copy of the Honor Code.

- (B) Constructive Notice - Notification sent to the Accused student's GMU email account shall constitute constructive notice of the information contained in the Notification.<sup>4</sup>

#### 6.05 INVESTIGATION AND FORMAL COMPLAINT

- (A) Investigation – The Advocate shall investigate the Initial Referral and develop a case that represents the interests of the Student Body.
- (B) Formal Complaint – The Advocate shall draft the Formal Complaint. The Formal Complaint shall be styled “In re Accused,” giving the Accused’s full legal name, and must contain the following:
1. A copy of the Initial Referral;
  2. Full disclosure of all known individuals with relevant knowledge;
  3. A Summary of the facts and evidence; and
  4. Specific charges alleged against the Accused, which may extend beyond the scope of the Initial Referral and encompass conduct revealed through the Advocate’s investigation.
- (C) Service – The Advocate shall send the Formal Complaint to the Magistrate, Clerk, and the Accused by any reasonable means, including via GMU email. The Advocate shall provide the Clerk with proof of service.
- (D) Timing – The Formal Complaint must be completed and served within 30 days. The Magistrate may provide an extension at his discretion.
- (E) Constructive Notice – A Formal Complaint properly served shall constitute constructive notice of the information contained within the Formal Complaint.

#### 6.06 PRE-HEARING CONFERENCE

Upon receipt of the Formal Complaint, the Magistrate shall schedule a Pre-Hearing Conference. The Honor Committee Chair, Magistrate, Clerk, and Advocate shall attend the Pre-Hearing Conference. The Accused and his Defense Counsel shall have the right to attend and participate in the Pre-Hearing Conference.

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<sup>4</sup> Academic Regulation 3-9 states, “It is expected that every student will regularly check his or her GMU email account, as it is used for all Mason Law communications, including emergency notices as well as academic, student organization, physical plant, and career information. Students are responsible for deadlines or other important information sent to their GMU email account.”

- (A) Purpose – The purpose of the Pre-Hearing Conference is to hear preliminary motions, plan voir dire, and organize the Honor Board Hearing.
- (B) Recording – The Clerk shall arrange for the electronic recording of the Pre-Hearing Conference and shall provide the Advocate, Magistrate, and the Accused with a copy of the agreed upon procedures for the Honor Board Hearing within two days of the conclusion of the Pre-Hearing Conference.
- (C) Choice of Hearing - The Magistrate shall give the Accused the option of a hearing by tribunal comprised of the Magistrate and two other members of the Honor Committee or a hearing by six of the Accused’s peers chosen by voir dire. Should the Accused choose not to attend the Pre-Hearing Conference, a hearing by six of the Accused student’s peers shall be conducted. The type of hearing selected shall not be revisited after the conclusion of the Pre-Hearing Conference.
- (D) Motions – All pre-hearing written motions shall be presented to the Magistrate and the opposing party at least four days prior to the Pre-Hearing Conference. The opposing party may submit a written response, but shall provide the response to the Magistrate and the moving party at least two days prior to the Pre-Hearing Conference. Both parties shall have the opportunity to argue written motions at the Pre-Hearing Conference. Oral motions may be argued at the Pre-Hearing Conference or directly preceding the beginning of the Honor Board Hearing. The Magistrate shall rule on all motions submitted prior to beginning the Honor Board Hearing.
  - 1. Modifications of Procedure - The Advocate, Defense Counsel, Honor Committee Chair, and Clerk may propose modifications to the basic Honor Board Hearing procedure outlined in §6.08. The Magistrate may accept or deny these proposals, as well as impose his own.
- (E) Witnesses – The Advocate and the Defense shall provide a list of all witnesses that may be called. This list shall include each witness’ name, class year, and contact information. A witness not named at the Pre-Hearing Conference shall not be called at the Honor Board Hearing to testify, unless the Magistrate determines that the party seeking to call the witness has shown sufficient cause.
- (F) Logistics – The Advocate and the Defense shall inform the Clerk of any equipment and/or multimedia needs they may have for the Honor Board Hearing.

#### 6.07 VOIR DIRE

- (A) The Clerk shall request from the Registrar the names of at least 24 students, randomly selected from the student body, to form the pool of potential Honor Board Members ("Pool").

- (B) Six students shall be selected to serve as Honor Board Members from the Pool as follows:
1. The Clerk shall send the Advocate and the Accused a list of the students selected as the Pool.
  2. The Advocate and the Defense shall each send a single voir dire questionnaire of no more than 15 questions to the Clerk within three days of receiving the Pool list. Parties may not address specific questions to individual Pool members.
  3. The Clerk shall then notify the Pool members that they have been selected and provide them with a combined version of the questionnaires. The Clerk shall include a statement indicating the confidentiality requirement of Honor Code proceedings.
  4. The Pool members shall return the completed questionnaires to the Clerk within two days of being notified. The Clerk shall promptly send the completed questionnaire to the Magistrate, the Advocate, and the Accused.
  5. If fewer than 16 students respond, the Clerk shall have the Registrar generate additional students at random. The Clerk and additional students shall then follow the above stated steps 3 and 4.
  6. The Magistrate shall convene a meeting of the Advocate and the Defense for the purposes of selecting the Honor Board Members.
  7. At the Honor Board selection meeting, the Magistrate may strike any member of the Pool for cause. Then the Advocate and the Defense, starting with the Defense, shall alternate striking members from the remaining Pool until only six remain. The final two Pool members struck shall serve as alternate Honor Board Members.

#### 6.08 HONOR BOARD HEARING

- (A) Timing – The Honor Board Hearing shall proceed as an informal hearing within 120 days of the Pre-Hearing Conference. If the Accused fails to attend the Honor Board Hearing, he shall be tried in absentia.
- (B) Recording – The Clerk shall arrange for the electronic recording of all Pre-Hearing motions and the Honor Board Hearing, excluding the private deliberation of Honor Board Members.
- (C) Sequestering of Witnesses – At the request of either party, any or all witnesses may be sequestered.

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- (D) Objections – To preserve an objection for appeal, it must be made in a timely manner.
- (E) Charges – The Magistrate shall inform the Honor Board of the charge(s) against the Accused.
- (F) Opening Statements – The hearing shall begin with opening statements:
1. The Advocate’s opening statement shall be presented first and must include the charges against the Accused; and
  2. The Defense is not required to make an opening statement. The Accused may make his opening statement on his own behalf.
- (G) The Advocate’s and Defense’s Case -
1. The Advocate shall present evidence and call witnesses on behalf of the student body. The Advocate may call the Accused as a witness. The Accused’s refusal to answer questions may be used as evidence against him.
  2. The Defense may present evidence and call witnesses, but is not required to do so.
  3. All testimony presented by either party may be cross-examined, followed by the opportunity for redirect, and re-cross-examination.
  4. The Magistrate may allow the Honor Board to ask questions of any witness or party; however, if this occurs, first the Advocate and then the Defense shall have the opportunity to ask the witness questions as if they were conducting recross-examination.
- (H) Closing Arguments – The opportunity to make closing arguments shall occur after the Advocate and the Defense have finished presenting their cases:
1. The Advocate must restate the charges in his closing argument; and
  2. The Defense is not required to make a closing argument. The Accused may make his closing argument on his own behalf.
- (I) Deliberation – The Honor Board shall be provided a private place to deliberate:
1. *Timing* - The Honor Board Members shall have up to 72 hours from the end of Closing Arguments to reach a decision. The Magistrate shall coordinate with the Honor Board Members to arrange appropriate deliberation sessions. Decision for purposes of this section, includes both guilt with the sanction(s) or a determination of not guilty. On the third day of deliberations, the Honor

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Board Members shall be given regular time updates by the Clerk. If the Honor Board cannot decide in that time, a decision of acquittal shall be entered by the Magistrate.

2. *Proof* – Honor Board Members shall acquit the Accused of a charge against him unless that charge has been proven by clear and convincing evidence. The fact that a student has been charged with a violation shall not give rise to an inference of guilt.
3. *Outside Investigation and Discussion* – Honor Board Members may not do any additional research on the case during deliberations and may not discuss the case except in the exclusive presence of all voting Honor Board Members. Honor Board Members may submit written questions to the Magistrate for answer by the Advocate or the Defense. In the event the question refers to a part of the record, the Clerk shall provide the answer.
4. *Voting* –
  - (i) A vote of guilty implies willingness to vote for some sanction.
  - (ii) A vote of guilty or not guilty shall be taken for each Honor Board member.
  - (iii) A finding of guilty requires a 2/3 affirmative vote.
  - (iv) If the Accused is found guilty of one or more charges, then the Honor Board Members must vote on a sanction.
  - (v) In the event of a hearing by tribunal, three affirmative votes are required to impose expulsion or revocation of degree. In the event of a hearing by peers, six affirmative votes are required to impose expulsion.
  - (vi) In the event of a hearing by tribunal, two affirmative votes are required to impose any other sanction. In the event of a hearing by peers, four affirmative votes are required to impose any other sanction.
  - (vii) Sanctions may be combined.
  - (viii) If suspension or probation is decided upon by the Honor Board, the Honor Board shall also specify the parameters of the sanction.
  - (ix) If the sanction is an oral reprimand, the Honor Board shall write the oral reprimand and the Magistrate shall read it at the conclusion of the Honor Board Hearing.

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- (J) Conclusion of the Honor Board Hearing – The Honor Board Hearing shall conclude with the Magistrate reading the decision in the presence of the Honor Board, Clerk, Advocate, and the Accused if he chooses to attend the Honor Board Hearing.
- (K) Delivery of the Decision - A written copy of the decision shall be delivered to the Accused and the Dean within seven days so that it can be immediately implemented, unless there is an appeal.
- (L) Posting of an Acquittal – Once a decision finding an acquittal of an Accused has become final, the Accused shall have the option to require the Clerk to post the acquittal, including the student’s name, on the SBA bulletin board.

## **ARTICLE VII: POST-CONVICTION PROCEDURES**

### **7.01 DEAN’S REVIEW AND RECONSIDERATION**

- (A) Delivery of the Record - The Magistrate shall deliver the record to the Dean of GMUSL within seven days following the completion of the Honor Board Hearing. The record shall consist of the Formal Complaint, all pre-hearing motions, all records created during voir dire, evidence admitted at the Honor Board Hearing, the electronic recordings of the Pre-Hearing Conference and the Honor Board Hearing, and the verdict from the Honor Board. Upon request, the Accused shall be furnished with one copy of the record at no cost to the Accused.
- (B) Accused’s Request for Reconsideration – The Accused may request reconsideration of the decision by the Dean of GMUSL. Such review must be requested in writing by Accused within ten days of the decision.
  - 1. Accused may submit a brief, consisting of no more than five double spaced typed pages, in support of his review. Within fourteen days of the Honor Board’s decision, a copy of such brief must be submitted to the Dean of GMUSL and to the Honor Committee Chair.
  - 2. If the Accused submits a brief in support of his review, the Advocate or another member of the Honor Committee appointed by the Honor Committee Chair may submit a response brief, consisting of no more than five double spaced typed pages, on behalf of the student body. Such brief must be submitted within 14 days of filing of the Accused’s brief.
  - 3. The briefs shall be limited to motions and objections that were not granted. Factual arguments will not be considered on appeal.
- (C) Scope and Timing of Review – The Dean of GMUSL shall conduct a review solely on the basis of the record and, if applicable, Accused’s and Advocate’s briefs. Review must be completed and the Dean must notify the Accused and the Honor Committee Chair of his decision within 45 days of the request for reconsideration.

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- (D) Standard of Review – The decision of the Honor Board shall only be disturbed if it was clearly erroneous.
- (E) Powers – The Dean of GMUSL may affirm the Honor Board’s decision or remand for a new Hearing. Additionally, the Dean may alter the sanction imposed upon the Accused if the Dean deems the sanction to be inconsistent with the interests of GMUSL. The Dean’s decision shall be final except as provided in §7.02.
- (F) Execution – The Dean’s office shall take whatever action is required by the sanction imposed.
- (G) Posting – Once the decision finding a violation has become final, the finding, excluding the name of the Accused, shall be posted on the SBA bulletin board.

## 7.02 **NEWLY DISCOVERED EVIDENCE**

At any time after the Honor Board has found a violation of this Honor Code, whether or not the finding has become final, the Accused may submit to the Honor Committee Chair a motion for a new Hearing on the basis of newly discovered evidence.

- (A) Standard for Granting Motion - A motion for a new trial shall be granted only if:
  - 1. The Accused has discovered new evidence of a material nature since the Hearing;
  - 2. The failure to discover new evidence prior to or during the Honor Board Hearing was not due to want of proper diligence on the part of the Defendant;
  - 3. The evidence is probably true and relevant; and
  - 4. The evidence, had it been presented at the Honor Board Hearing, probably would have affected the outcome.
- (B) Procedure – The Honor Committee Chair shall examine the motion and hear argument. The Honor Committee Chair shall grant or deny the motion within ten days and set a new Honor Board Hearing date if all of the above conditions are met. The Honor Committee Chair shall appoint a new Magistrate, who did not serve in any capacity in the original case against the Accused, as Magistrate for the new Honor Board Hearing.
- (C) Appeal – The denial of the motion for a new Honor Board Hearing may be appealed to the Dean of GMUSL by the Accused within ten days of the denial. The appeal must be in writing and copies must be submitted to the Dean and the Honor Committee Chair.

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1. The Dean of GMUSL may affirm the decision of the Honor Committee Chair or may grant the request for a new Honor Board Hearing. The Dean's decision must be made on the basis of the record within 15 days of the request for appeal. The Dean's decision shall be final.
2. In the event that the Dean grants the request for a new Honor Board Hearing, the Honor Committee Chair shall set a new Honor Board Hearing date and appoint a new Magistrate. The result of the new proceedings shall replace the result of the prior Honor Board Hearing.

## **ARTICLE VIII: MISCELLANEOUS**

### **8.01 TIME COMPUTATION**

Time shall be computed by calendar days. The day of the act or action is not counted, however, the last day of the period is included unless it is a Saturday, Sunday, or part of Winter Break, Thanksgiving Break, or Spring Break, in which event the period will end at 5:00 PM the next day, which is not one of the aforementioned days.

### **8.02 FACULTY ADVISOR**

The Honor Committee Chair may select a member of the GMUSL faculty to act as an advisor to members of the Honor Committee. Confidentiality requirements shall be waived between the Honor Committee Members and the Faculty Advisor. The Honor Committee Chair shall deliver notice to the SBA President designating his choice for Faculty Advisor. The Dean may not select the Faculty Advisor to review appealed Honor Board decisions.

### **8.03 UNIVERSITY COUNSEL**

Confidentiality requirements shall not apply as between the Honor Committee Members and the University Counsel.

### **8.04 HONOR CODE REPORTER**

The Honor Committee shall maintain an accurate and permanent record of the final disposition of all Initial Referrals received by the Honor Committee. The Honor Committee may add documents to the record as appropriate to express the official position of the Honor Committee regarding the interpretation and implementation of the Honor Code.

- (A) The report shall contain an abstract of the case, redacted of all identifying information, including, but not limited to:
  1. Facts of the case;

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2. Terms of plea agreement, if applicable;
  3. Holding(s) of the case, if applicable; and
  4. Disposition of the action.
- (B) If the Initial Referral is dismissed by the Honor Code pursuant to §6.02(A), the record shall include the names of the Honor Committee members who participated in the vote to consider dismissal and be signed by the Honor Committee Chair.
- (C) If the Initial Referral results in a plea agreement under §5.02(A)(5), the record shall include the terms of the agreement and the name of the approving Dean, the Advocate, and Defense Counsel. The record shall be signed by the Honor Committee Chair.
- (D) If the Initial Referral results in an Honor Board Hearing, the record shall include the names of the Defense Counsel, Advocate, Magistrate and Clerk. The record shall be signed by the Honor Committee Chair.

#### 8.05 AMENDMENT

- (A) The Honor Code may be amended by the following two methods:
1. By referendum as set forth in the SBA Constitution and bylaws; or
  2. By proposal of an amendment by the Amending Committee and subsequent ratification by a majority of a quorum of the SBA Board of Governors.  
Proposal and ratification procedures are as follows:
    - (i) The Honor Committee Chair may convene an Amending Committee. The Amending Committee shall be responsible for drafting amendments. Members of the Amending Committee include the Honor Committee Members and three members of the SBA Board of Governors as appointed by the SBA Executive Committee.
    - (ii) The Honor Committee Chairperson shall present amendments approved by the Amending Committee to the SBA for ratification. The Amending Committee must have a majority vote from a quorum of at least eight members in order to grant such approval. The Honor Committee Chairperson must notify the SBA President or the President's representative of any amendments approved by the Amending Committee within five days of approval.
    - (iii) An amendment shall become effective if a majority of a quorum of the SBA Board of Governors votes for its adoption within sixty days of the time the amendment was presented for ratification. Any

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amendments not ratified during this time or that do not receive a majority vote from a quorum of the SBA Board of Governors shall not become effective, and must be re-approved by an Amending Committee before the SBA may consider them again.

- (B) Applicability - Amendments to this Honor Code shall apply only to Initial Referrals submitted to the Honor Committee Chair after the date on which a majority of a quorum of the SBA Board of Governors votes for their adoption.