

ANTONIN SCALIA LAW SCHOOL
ACADEMIC STANDARDS ADJUDICATION PROCEDURES

Approved 14 November 2024

DEFINITIONS

“Academic Standards” refers to the shared set of academic standards adopted and published by George Mason University and adopted by the Antonin Scalia Law School as its Honor Code.

“Accused” means a Law School student or alumnus. Consistent with standard English usage, masculine nouns and pronouns refer to individuals of either sex who are the subject of an initial referral.

“Adjudicatory Panel” means the panel assembled to hear and decide matters related to the violation of Academic Standards by Juris Doctor or Master of Laws students, as set forth in section 3.03(B).

“Adjudicative Panel Hearing” means any Hearing conducted by the Adjudicatory Panel, as set forth in sections 3.01(E) and 3.06.

“Administrative Honor Hearing” means any Hearing conducted by the Associate Dean for Academic Affairs, as set forth in sections 3.01(E) and 3.05.

“Associate Dean” means the Associate Dean for Academic Affairs of the Antonin Scalia Law School.

“Dean” means the Dean of the Antonin Scalia Law School.

“Honors Committee” means the Faculty Honors Committee appointed by the Dean and approved by vote of the faculty annually.

“Initial Referral” means the written document by which a suspected violation of Academic Standards is reported to the Associate Dean for Academic Affairs, as set forth in section 3.01(A).

“Law School” means the Antonin Scalia Law School of George Mason University.

ARTICLE I: ACADEMIC STANDARDS

1.01 OBLIGATIONS

All students enrolled in degree programs of the Law School are subject to the Academic Standards, are responsible for reviewing the Academic Standards, and are deemed to have affirmed their commitment to adhere to the Academic Standards by enrolling in degree programs or classes in the Law School.

ARTICLE II: GENERAL PROVISIONS

2.01 INDIVIDUALS COVERED

All students enrolled in degree programs or classes of the Law School are subject to the Academic Standards of the University, provided, however, that the adjudication procedures for students accused of violating any Academic Standard will differ as follows:

(A) Juris Master students will be subject to the due process procedures published and administered by the University's [Office of Academic Standards](#); and

(B) Juris Doctor and Master of Laws students, who are entering a profession where honest and ethical conduct is not only a professional responsibility but also a legal requirement, and for whom the Law School has special reporting obligations in relation to bar examiners, will be subject to the due process procedures detailed in the Antonin Scalia Law School Academic Standards Adjudication Procedures.

Proceedings may be brought subsequent to a student's graduation or separation from the Law School irrespective of the time lapse between the occurrence of the violation and its report.

2.02 SCOPE

Academic Standards cover all matters which relate to the academic program of the Law School, whether or not academic credit is involved and whether or not the alleged misconduct occurred on or off campus.

2.03 CONSTRUCTIVE NOTICE

Each student is responsible for knowing and complying with all provisions of the Academic Standards and related adjudication procedures, as may be amended from time to time.

2.04 DUTY TO REPORT

Any student who has good reason to believe that another student has violated the Academic Standards must report such violation to the Associate Dean. Reports may be made using the Initial Referral form available on the Law School website or by communicating the information required by Section 3.01 to the Associate Dean.

If the student accused of violating the Academic Standards is a Juris Doctor or Masters of Laws student, the Associate Dean will follow the procedures set forth in Article III below. If the student accused of violating the Academic Standards is a Juris Masters student, the Associate Dean will refer the matter to the University Office of Academic Standards for review and adjudication.

2.05 NOTICE BY EMAIL

Any written notice related to Academic Standards will be provided to a student's official George Mason University email account. Such notice shall be deemed actually received by such student on the day it is sent.

2.06 MANDATORY NOTATION OF VIOLATION

In each case where the Accused is found guilty or agrees to a plea bargain reflecting guilt, an appropriate notation shall be made on the student's transcript. Any conviction or plea agreement shall be recorded in the student's academic record maintained by the Law School Records Office. Convictions, plea agreements, or transcript notations may not be expunged.

ARTICLE III: PROCESS FOR ADJUDICATION AND REVIEW OF ALLEGED VIOLATIONS OF ACADEMIC STANDARDS BY JURIS DOCTOR AND MASTER OF LAWS PROGRAM STUDENTS

3.01 INITIAL REFERRAL

(A) Requirements -- Initial Referrals shall be submitted to the Associate Dean and shall include:

1. The name of student(s) referred if known;
2. The conduct alleged to be in violation of the Academic Standards;
3. The name of the referring individual;
4. The date the alleged violation was discovered;
5. The date of the referral; and
6. The specific rule broken if it is a violation connected to the Legal Research and Writing program.

(B) Dismissal -- An Initial Referral which fails to meet the requirements of Section 3.01(A), or which fails to allege an actual violation of the Academic Standards, shall be dismissed by the Associate Dean. The Associate Dean may allow amendment of an Initial Referral for it to satisfy the requirements of Section 3.01(A). The Associate Dean may, but need not, provide a written statement justifying the decision to dismiss an Initial Referral.

(C) Where the Associate Dean determines that the Initial Referral meets the requirement of Section 3.01(A), the Associate Dean shall so notify the Accused of the Referral.

(D) Preliminary Investigation --

1. Upon receipt of an Initial Referral, the Associate Dean may conduct a preliminary investigation to determine whether there is probable cause to suspect that a violation of the Academic Standards has occurred. During such an investigation, the Associate Dean may interview the accused, referring individual(s), and others with knowledge of the alleged misconduct, and the Associate Dean may review relevant written materials.

2. Based on the Preliminary Investigation, the Associate Dean shall determine whether to proceed or to dismiss the Initial Referral for lack of probable cause to suspect that a violation or violations of the Academic Standards has occurred. The Associate Dean may, but need not, provide a written statement justifying the decision to dismiss an Initial Referral for lack of probable cause.
- (E) If the Associate Dean determines that there exists probable cause to suspect that a violation of the Academic Standards has occurred, the Associate Dean shall decide whether the Associate Dean will retain the Initial Referral and determine the matter through an Administrative Honor Hearing or refer the matter for hearing and determination to the Honors Committee to be determined through an Adjudicative Panel Hearing.
- (F) If the Associate Dean determines that there exists probable cause to suspect that a violation of the Academic Standards has occurred, the Associate Dean shall notify the Accused and Honors Committee Chair in writing and inform the Accused and Honors Committee Chair whether the Associate Dean will retain the Initial Referral or refer the matter for hearing and determination to the Honors Committee.

3.02 CONFIDENTIALITY

- (A) Obligations -- Students involved in any proceeding related to a potential violation of the Academic Standards, including, but not limited to the initial referrer, the Accused, and any witnesses, shall not reveal information about a case unless doing so is reasonably necessary to the investigation of a matter. Violation of this provision may be considered a violation of the Academic Standards.
- (B) Waiver -- The Accused may waive his right to confidentiality at any time by submitting a writing to the Associate Dean for matters being determined by an Administrative Honor Hearing, or to Honors Committee Chair for matters being determined by an Adjudicative Panel Hearing.

3.03 HONORS COMMITTEE

- (A) Composition -- The Honors Committee shall consist of at least five (5) voting members of the Law School Faculty, one of whom shall serve as the Honors Committee Chair, and all of whom shall be appointed by the Law School Dean and approved by vote of the Law School Faculty annually. The Honors Committee will serve for a full calendar year.
- (B) The Honors Committee Chair shall:
1. Appoint three (3) Honors Committee Members to serve as the Adjudicatory Panel responsible to hear and determine each student matter referred for violation of the Academic Standards by the Associate Dean; and
 2. Provide the Accused with the names of the Faculty serving on his Adjudicatory Panel.

3.04 RIGHTS OF THE ACCUSED

- (A) The Accused represents himself in any Hearing.
- (B) Outside Legal Counsel -- The Accused may, at his own expense, retain and consult with outside counsel, but counsel may not participate in, or be heard in connection with, any Hearing.
- (C) Participation -- The Accused shall have the right to be present at the Hearing related to his referral; provided, however, that should the Accused elect not to attend his Hearing, the Hearing may go forward in his absence.
- (D) In any Hearing, the Accused is entitled to be informed, in advance of any hearing, of the basis of the alleged violation or violations of the Academic Standards by the Accused.
- (E) In any Hearing related to the violation of the Academic Standards, the Accused may only be found to have violated the Academic Standards if the decision-maker or decision-making body concludes that the violation has been proved by clear and convincing evidence.

3.05 ADMINISTRATIVE HONOR HEARING

- (A) The Associate Dean will provide the Accused with a written description of the violation or violations of the Academic Standards he is alleged to have committed, a brief description of the facts supporting each, and a date for the Administrative Honor Hearing.
- (B) Except in extraordinary circumstances, or upon the mutual agreement of the Associate Dean and the Accused, the Administrative Honor Hearing will occur within 30 days following notification to the Accused of the basis for the charges.
- (C) The Administrative Honor Hearing shall consider all charges against the Accused. Any written materials, evidence, or statements (including witness statements), that the Accused would like considered, must be provided to the Associate Dean no later than 7 days prior to the Hearing, unless otherwise allowed by the Associate Dean in his discretion. Witnesses will not appear in person unless the Associate Dean determines, after reviewing the witness's written statement, that such an appearance may be helpful to the just determination of the case. The Accused may not bring anyone to the Hearing. The Associate Dean may, at his discretion, question the Accused during the Administrative Honor Hearing.
- (D) Within 14 days following the Administrative Honor Hearing, the Accused will be notified in writing of the decision and the basis thereof. The Honors Committee Chair shall be copied on the notice.
- (E) The written decision shall also include the penalty to be imposed for any Academic Standards violations found.
- (F) The Associate Dean may enter into a plea agreement prior to any decision.

- (G) The decision of the Associate Dean is subject to request for reconsideration pursuant to Section 3.08.

3.06 ADJUDICATORY PANEL HEARING

- (A) The Adjudicatory Panel will appoint a Chair. The Adjudicatory Panel may, in its sole discretion, request the SBA Honor Chair to appoint a member of the SBA Honor Committee to serve in a non-voting, advisory capacity to the Adjudicatory Panel throughout, or during any part of the 3.06 Hearing process. The Chair will provide the Accused with a written description of the violation(s) of the Academic Standards he is alleged to have committed, a brief description of the facts supporting each, and a date for the Hearing. The Chair will also provide the Accused with the name of the SBA Honor Chair member appointed, if one is.
- (B) Except in extraordinary circumstances, or upon the mutual agreement of the Adjudicatory Panel Chair and the Accused, the Adjudicatory Panel Hearing will occur within 30 days following notification to the Accused of the basis for the charges.
- (C) The Adjudicatory Panel Hearing shall consider all charges against the Accused. Any written materials, evidence, or statements (including witness statements), that the Accused would like considered, must be provided to the Adjudicatory Panel Chair no later than 7 days prior to the Hearing, unless otherwise allowed by the Adjudicatory Panel Chair in its discretion. Witnesses will not appear in person unless the Adjudicatory Panel Chair determines, after reviewing the witness's written statement, that such an appearance may be helpful to the just determination of the case. The Accused may not bring anyone to the Hearing. The Adjudicatory Panel members may, at their discretion, question the Accused during the Hearing.
- (D) Within 14 days following the Adjudicatory Panel Hearing, the Accused will be notified in writing of the decision and the basis thereof. The Honors Committee Chair and the Associate Dean shall be copied on the notice.
- (E) The decision of the Adjudicatory Panel shall be by majority vote, which must be recorded in the written decision. The written decision shall also include the penalty to be imposed for any Academic Standards violations found.
- (F) The Adjudicatory Panel Chair, with the consent of a majority of the Panel, may enter into a plea agreement prior to any decision.
- (G) The decision of the Adjudicatory Panel is subject to request for reconsideration pursuant to Section 3.08.

3.07 RECORD

- (A) Record -- The record of any Hearing shall consist, at a minimum, of the written notice to the Accused of the charges (including the Initial Referral), any written statements or requests of the Accused, a record of written or other documentary evidence presented at the Hearing, and any written decision. The record shall be compiled by the Associate Dean if the matter was determined in an Administrative Honor Hearing or the Adjudicatory Panel Chair if the matter was determined in an Adjudicatory Panel Hearing. If request for reconsideration is made pursuant to Section 3.08, the request for reconsideration and subsequent decision of the Dean shall become part of the record. The record shall be preserved, consistent with university document retention policies, by the Law School Records Office.
- (B) Delivery of the Record -- The record of any Administrative Honor Hearing shall be delivered to the Records Office within one week of the decision. The Associate Dean shall be responsible for delivering the record for Administrative Honor Hearings and the Adjudicatory Panel Chair shall be responsible for delivering the record for Adjudicative Panel Hearings. Upon written request, the Associate Dean, if the matter was determined in an Administrative Honor Hearing, or the Honors Committee Chair, if the matter was decided in an Adjudicatory Panel Hearing, shall deliver a copy of the record to the Accused. If a Request for Review and Reconsideration is made to the Dean, the Associate Dean, if the matter was determined in an Administrative Honor Hearing, or the Honors Committee Chair, if the matter was decided in an Adjudicatory Panel Hearing, shall obtain and deliver a copy of the record to the Dean.

3.08 REVIEW AND RECONSIDERATION

- (A) Request for Reconsideration -- The Accused may request reconsideration by the Dean of the decision. Request for reconsideration must be made to the Dean in writing within 14 days of the decision being provided to the Accused. The request shall not exceed five (5) double-spaced typed pages and must include an explanation of the basis upon which it is sought. The Dean may grant the Accused an extension of time to submit a request for reconsideration, provided that the request for an extension is timely delivered and demonstrates good cause.
- (B) Timing of Review -- The Dean will notify the Accused, the Associate Dean, and the Honors Committee Chair in writing of his decision within 45 days of receiving the request for reconsideration. A copy of the request for reconsideration and the decision shall become part of the record maintained by the Records Office pursuant to Section 3.06(A).
- (C) Standard of Review -- The decision of the Associate Dean, if the matter was determined in an Administrative Honor Hearing, or the Adjudicatory Panel, if the matter was determined in an Adjudicatory Panel Hearing, shall be sustained unless it was clearly erroneous.
- (D) Powers -- The Dean may affirm the decision, remand for a new Hearing, or alter the sanction imposed upon the Accused. This decision is final.
- (E) Final Decision and Execution of Sanction -- A decision becomes final: (1) if the time for requesting reconsideration has passed without a request for reconsideration being made; or (2) if a request for reconsideration is timely made and rejected. When a decision becomes final, the Associate Dean shall cause the sanctions therein imposed, if any, to be carried out.