

LOYOLA UNIVERSITY CHICAGO
SCHOOL OF LAW
CODE OF CONDUCT

Preamble

Loyola School of Law expects each of its students to maintain the same high level of integrity that one would expect from a member of the bar. The legal profession is largely self-governing. Self-regulation helps maintain the legal profession's independence from government domination. This relative autonomy carries with it special responsibilities of self-government. When a lawyer knows or has a reasonable basis to know that another lawyer has engaged in improper behavior, it is one of his or her fundamental obligations to disclose that knowledge to the appropriate authority. Likewise, each student, faculty member or staff member who observes prohibited conduct should bring it to the attention of the School of Law administration.

The Code of Conduct shall apply to all those who attend Loyola University of Chicago School of Law. It is the duty of all students to acquaint themselves and act in accordance with the Code, as well as with the policies governing specific areas of the University, including but not limited to the Law Library and Computing Center. Current students should also be aware that this Code supplements the Loyola University Chicago Community Standards Handbook.

* * * * *

Section I:

PROHIBITED CONDUCT

Students have an obligation to be honest and to respect the ethical standards of the legal profession as set forth in the A.B.A. Model Rules of Professional Conduct and the new Illinois Rules of Professional Conduct. This Code of Student Conduct reflects the spirit of those Rules of Professional Conduct. An applicant or a student, matriculated or non-matriculated, shall be found to have violated this obligation if he or she commits any of the acts or omissions described below:

A. Non-disclosure or Misrepresentation

- 1) Misrepresentation of a material fact to representatives of the University on any official matter connected with academic standing or the receipt of benefits or privileges, including but not limited to admissions, registration, computer services, career services, continued enrollment, reimbursement or financial aid;
- 2) Falsification, misrepresentation or failure to disclose a material fact in any submissions related to:
 - the Office of Admission or in connection to the admission process;
 - the Career Services Office or to a potential employer, including materials related to registration for or receipt of interviews, awards or benefits for which the student is not eligible;
 - participation in co-curricular or extracurricular activities, in the securing or continuation of employment, externships, or other benefits.
- 3) Failure to disclose promptly any criminal conviction, or suspension or revocation of a professional license that occurs after the accused's admission and prior to the accused's graduation from the School of Law.

B. Conduct

- 1) Dishonesty or misrepresentation in any academic pursuit (such as examinations and the submission of work for credit or publication), including but not limited to plagiarism and cheating;
- 2) Conduct in violation of public law, whether or not such conduct results in criminal or other sanctions;
- 3) Conduct intended to harass or intimidate an individual on account of race, sex, religion, age, national origin, disability or sexual orientation;
- 4) Disruptive conduct that affects teaching, class, research, examinations, administration, disciplinary proceedings, or other university activities and other authorized activities;
- 5) Misuse, abuse, theft, mutilation or sequestration of University, School of Law, student organization, Career Services, computing, student, faculty, staff or library materials, research services, printing services, telephone, telefax and copying resources; for the student's own benefit or to the detriment of others;
- 6) Conduct that exhibits a lack of diligence in the performance of professional obligations in curricular or co-curricular activities such as the legal clinics, externships, appellate practicums, publications, faculty research assistance, etc.;
- 7) Conduct in violation of any examination procedures as expressed by the instructor or the proctor, or written in the body of an exam;
- 8) Aiding or abetting another student in the commission of any of the above offenses;
- 9) Attempts to commit any of the above offenses.

C. Obligations under the Code of Conduct.

- 1) Failure to cooperate in an investigation or hearing as required under Section II(B)2, II(B)3, II(F) and II(H) of this Code of Conduct;
- 2) Failure to comply fully with terms of the sanctions as set forth in Section II(D), if any, imposed by the Hearing Board in relation to violations of this Code of Conduct.

Section II:**RULES OF PROCEDURE****A. Report of prohibited conduct**

1. The procedures under this section commence when a student, faculty member or staff member of the School of Law or of the University who observes, or otherwise has knowledge of prohibited conduct on the part of a student reports the matter to the Associate Dean for Administration in the School of Law. The Associate Dean for Administration also may commence these procedures on his or her own initiative.
2. The Associate Dean for Administration will then notify the accused in writing that a charge has been made. If the accused admits the charge, the matter will be referred to the Associate Dean for Academic Affairs (or his or her delegate) who will convene a hearing board as set forth below. If the accused denies the charge, the Associate Dean for Administration will initiate an investigation of the charge.

B. Investigation

1. The Associate Dean for Administration, and/or the Assistant Dean for Student Affairs, and/or the Student Services Coordinator shall promptly investigate all charges, except that in appropriate circumstances as determined by the Associate Dean for Administration, a special investigator may be selected by the Associate Dean for Academic Affairs (or his or her delegate) to carry out the investigation or to replace the Assistant Dean for Student Affairs or the Student Services Coordinator during the investigation.

At the discretion of the Associate Dean for Administration during the investigation, the Assistant Dean for Student Affairs or the Student Services Coordinator or both may be present for interviews, meetings and telephone conversations with the accused or with witnesses. The obligation of confidentiality that is imposed upon the investigator or investigators under the terms of this Code shall also apply to witnesses. At the discretion of the Associate Dean for Administration any part of the investigation including interviews, meetings and telephone conversations may be recorded electronically, provided that proper notice is given and consent is received from those to be recorded. Those responsible for conducting the investigation shall have access to the accused student=s file.

2. It shall be the obligation of those who make a charge to cooperate fully and promptly in the investigation and any subsequent hearing.
3. It shall be the obligation of all who have knowledge relative to the charge to cooperate fully and promptly in the investigation and any subsequent hearing.
4. When the investigation is complete the Associate Dean for Administration or the person or persons responsible for the investigation shall:

(a) in the case of matters in which there is insufficient evidence to support a charge, confirm his finding in writing and submit it to the student, to the accuser and to a

confidential disciplinary file maintained by the Associate Dean for Administration.

(b) in the case of sufficient evidence to support a charge, submit that finding in writing as well as the evidence discovered during the investigation to the Associate Dean for Academic Affairs (or his/her delegate) to be forwarded to a hearing board. The Associate Dean for Administration shall notify the accused student in writing of the charge.

C. Hearing

1. If an accused student admits to improper conduct, or upon a determination by the Associate Dean for Administration or the person or persons responsible for the investigation that there is sufficient evidence to proceed, the Associate Dean for Administration shall notify the Associate Dean for Academic Affairs (or his or her delegate) as set forth in paragraph II(B)4(b) above.
2. The Associate Dean for Academic Affairs (or his or her delegate) shall then refer to a committee composed of three faculty members and two School of Law students. The student members of the committee shall be chosen by the Associate Dean for Academic Affairs after consultation with the Student Bar Association president if possible. Each member of the committee shall, if possible, be a disinterested party. This committee shall be known as the Hearing Board (hereinafter known as "the Board"). The Associate Dean for Academic Affairs (or his or her delegate) shall appoint one of the faculty members as chair of the Board. He or she shall notify the accused in writing of the composition of the Board. Any challenge to the composition of the Board by the accused must be made to the Associate Dean for Academic Affairs within 48 hours of such notification. The Associate Dean for Academic Affairs shall consider the challenge. If, in his or her discretion, the Associate Dean for Academic Affairs believes that the challenge is appropriate, he or she shall replace the challenged member of the Hearing Board.
3. In the interest of promoting professional responsibility, it shall be the obligation of the faculty members and the students to serve as members of the Board when requested to do so by the Associate Dean for Academic Affairs (or his or her delegate) unless good cause is shown for a faculty member's or a student's inability to serve.
4. In the event that a faculty member or a student who has agreed to serve as a member of a Board is subsequently unable to do so, the Associate Dean for Academic Affairs (or his or her delegate) shall choose a replacement member of the Board from the faculty or from the student body, as the case may be.
5. After the Board has been selected, any communication from the accused, the accused's representative, or a third party regarding the substance of the charge shall be made only to the Chair.
6. The chair of the Board shall convene a hearing within a reasonable time.
7. Neither parties nor their representatives shall engage in formal discovery prior to or during hearings involving any reported matter. Upon timely pre-hearing request, either party may obtain access to relevant evidence from the other party.
8. It shall be the responsibility of the Board to conduct a hearing with the accused and with witnesses as it deems appropriate. The members of the Board shall have access to the accused=s

file as determined by the Chair.

9. At the discretion of the Chair of the Board, the hearing may be recorded electronically.
10. The Associate Dean for Administration, and/or the Assistant Dean for Student Affairs and/or the Student Services Coordinator shall be authorized to present the evidence, question witnesses and present statements and arguments regarding the allegations. Any one, two or all of them may be present at the hearing for this purpose.
11. It shall be the right of the accused to examine witnesses and present documents or other evidence. Presentation of evidence will be made only during the hearing. The conduct of the hearing shall be informal and orderly and the Board shall not be bound by rules of evidence or court procedures. Matters of procedure shall be determined by the chair of the Board.
12. Prohibited conduct shall be found only if the charge is supported by clear and convincing evidence. In the event that there is a finding of prohibited conduct, the Board shall have the duty to impose sanctions as identified in Section II(D)1, except that the sanction of expulsion may be imposed only by the Provost of Loyola University Chicago upon a recommendation of the Dean of the School of Law. In matters in which the Board recommends the sanction of expulsion, that recommendation shall be made to the Dean of the School of Law.
13. All decisions and impositions of sanctions of the Board shall be determined by a majority vote of the entire Board. The Chair shall write to the accused and the Dean reporting the Board's decision and sanction (if any) within two weeks of the hearing.
14. All decisions of the Board are final subject to appeal under the provisions set forth in II(E).

D. Sanctions

1. If the accused is found to have engaged in prohibited conduct, permissible sanctions include but are not limited to:
 - a) permanent expulsion from the School of Law;
 - b) expulsion with the right to apply for readmission at a time set by the Board;
 - c) the revocation of an offer of admission to the School of Law or any of its programs, courses or activities;
 - d) the revocation of a degree granted by Loyola University Chicago in the case of conduct that occurred prior to the award of a degree;
 - e) suspension from the School of Law for a fixed period, or for an indefinite period subject to stated conditions;
 - f) a period of probation, subject to stated conditions;
 - g) an official reprimand, which shall consist of a letter given to the student and a report of the offense in the student's permanent file;

- h) a failing grade, lowering of a course grade, or an administrative withdrawal with or without a failing grade (AW@ or "WF") from a course that was closely connected with the prohibited conduct;
- i) restitution, additional course assignments, other appropriate work, or any other condition appropriate to the offense;
- j) community service in an amount and under conditions appropriate to the offense;
- k) forfeiture of awards or scholarships relating to the School of Law;
- l) prohibition from the receipt of awards including, but not limited to honors or special recognition upon graduation;
- m) prohibition from participation in or immediate removal from elected, honorary, co-curricular or law school employment positions within the School of Law or other part of the University, and prohibition from reference to elected, honorary, or co-curricular positions on the accused=s resume from the time of the Board=s determination;
- n) prohibition from attendance at commencement;
- o) a requirement that the accused inform in detail, members of the faculty, staff or administration from whom the accused may seek a recommendation, the circumstances of the charge and subsequent determination of the Board;
- p) Any combination of the foregoing sanctions.

E. Appeal of the Board's Decision

1. The accused may appeal the decision and/or sanction of the Board to the Dean of the School of Law in writing within seven days of receipt of the notice of the Board's determination.
2. Matters of procedure on appeal shall be determined by the Dean. The Dean shall have access to the accused=s file.
3. On appeal, after consultation with the Chair of the Board, the Dean may approve, modify, or reverse the decision and sanction of the Board and will notify the accused of his or her decision within two weeks of receiving the appeal if possible. The decision and sanction of the Dean is final in all cases except expulsion. The sanction of expulsion may be imposed only by the Provost of Loyola University Chicago upon recommendation of the Dean of the School of Law.
4. The decision of the Dean shall be communicated to the accused, the Chair and members of the Board.

F. Confidentiality

1. Under normal circumstances, and to the extent permitted by law, the Board will impose an obligation of confidentiality upon itself, the accused, members of the administration and staff, and/or the witnesses during the hearing if, in its discretion, the Board determines that such an action is necessary to assure a fair hearing.
2. The Board will make a determination regarding the confidentiality of its final decision. In its discretion, the Board may release a summary of its final report to the School of Law community. To the extent possible, it will redact identifying information from the summary.
3. The Dean, in his or her discretion, may release a summary of its final report to faculty members or employers without redaction of the accused=s name.

G. Assistance at the Hearing

At the hearing, an accused is solely responsible for presenting statements, examining witnesses and making arguments. The accused may be accompanied, but not represented, by a person of his or her choice, including a member of the full-time faculty. If the accused is unable to secure the presence of a full-time faculty member to accompany him or her, upon request of the accused, the Associate Dean for Academic Affairs will make reasonable efforts to find a full-time faculty member who is willing and able to serve in that capacity. The accused shall be responsible for any costs incurred as a consequence of retaining a person to accompany him or her as well as any other costs related to that person=s attendance at the hearing or hearings. The person accompanying the accused will not participate in the hearing but may advise the accused.

H. Inappropriate Communications

Those accused of prohibited conduct shall not attempt to communicate, directly or indirectly, with others who may be called as witnesses or who may serve on the Board.

I. Record

- 1) A written memorandum of the Board's decision in the following form shall be included in the confidential disciplinary file:

REPORT OF CONDUCT BOARD HEARING BOARD

Accused's Name: _____

Charge: _____

Decision of Board: _____

Sanction: _____

Confidentiality Provision: _____

Board Chair: _____

Board Members: _____

Date: _____

- 2) In the event that the accused exercises the right to appeal, a written memorandum of the

Dean's decision in the following form shall be included in the confidential disciplinary file:

REPORT OF APPEAL OF CONDUCT BOARD DECISION

Accused's Name: _____
Charge: _____
Decision of Board: _____
Sanction: _____
Confidentiality Provision: _____
Basis of Appeal: _____
Decision on Appeal: _____
Dean's Signature: _____
Date: _____

- 3) If the accused receives a sanction permitted under Sections II(D)1(a), (c) or (d) of this Code, the Dean of the School of Law must so inform the Chair of the Loyola University Conduct Board, who will determine the applicability of such a sanction to other academic departments or activities of the university.
- 4) If a student in attendance at the School of Law is charged before the University Conduct Board under the provisions of the Loyola University Code of Student Conduct, the Chair of the University Conduct Board shall submit a memorandum of the Conduct Board's decision to the Dean of the School of Law and the student. That memorandum shall be included in the confidential disciplinary file.

REPORT OF THE LOYOLA UNIVERSITY CONDUCT BOARD

Student's Name: _____
Charge: _____
Decision of Board: _____
Sanction: _____
Confidentiality Provision: _____
Board Chair: _____
Board Members: _____
Date: _____

- 5) Records concerning any action taken under this Code of Conduct shall be maintained in the confidential disciplinary file for five years from the date of the incident.

J. Required Report to the Committee on Character and Fitness

Upon application by a graduate of the School of Law to state bar examination authorities, the School is requested to supply information pertinent to the character and fitness of the applicant. In Illinois, the Dean is asked to respond to the following questions:

1. Do your records show anything adverse to his
Honesty?
Integrity?
General Conduct?
2. Was he ever disciplined in any manner while in attendance? ___ If so, explain _____

3. Did you ever hear of anything reflecting adversely upon his reputation and character?
4. Remarks: Here please state any facts, not covered by the foregoing questions, unfavorable to the applicant which you think the committee should know in connection with its duty to determine whether he is worthy of the highest trust and confidence.

Pursuant to this requirement, any adverse action taken against the accused under the provisions of this Code may need to be reported to the appropriate bar examination authorities.

K. Amendments

Any provision of this Code of Conduct may be amended by the approval of a majority vote of the full-time School of Law faculty. Any proposal for amendment may originate by resolution of the Student Bar Association or by resolution of the faculty. The Student Bar Association president or his/her delegate may speak to any resolution at a faculty meeting held prior to the vote on a resolution.

L. Effective Date

This amended Code of Conduct takes effect April 24, 2007 and shall apply to all cases and proceedings commenced on or after that date.