

# HIGH POINT UNIVERSITY

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Kenneth F. Kahn School of Law

## HONOR CODE

Revised  
September 2025

## **Article 1: Introduction**

### **1.1 Preamble**

The Kenneth F. Kahn School of Law at High Point University (hereinafter “School of Law”) hereby adopts this Honor Code as a statement of the conduct expected of students in their academic endeavors. In this Honor Code, the faculty recognizes that students share with faculty and administration the responsibility and duty of promoting a climate of academic integrity in all academic endeavors. High Point University and the School of Law reserve the right to suspend the policies and/or procedures contained herein entirely, to implement other policies and/or procedures, or to circumscribe these policies and/or procedures.

### **1.2 Persons Covered**

All students enrolled at the School of Law are subject to the Honor Code. The Honor Code covers conduct while a student is enrolled at the School of Law. The School of Law administration, faculty, and Honor Council have jurisdiction over violations of the Honor Code whether the matter is reported prior to or after a student’s separation or degree conferral from the School of Law, provided that all such allegations are brought within 2 years of the student’s separation or degree conferral. No student shall be subject to a complaint under the Honor Code more than 2 years after that student’s separation or degree conferral from the School of Law.

### **1.3 Scope**

The Honor Code covers conduct that (1) occurs on campus, (2) occurs off campus, online, or through other electronic means and is directed toward, involves, or affects a member of the School of Law community, and/or (3) occurs at or in conjunction with an event sponsored or funded wholly or in part by High Point University or the School of Law.

### **1.4 Constructive Notice**

Every student enrolled at the School of Law is responsible for knowing and complying with all provisions of the Honor Code. The Honor Code shall be posted on the School of Law’s website and made available in the Dean of Students’ office. Every fall during Orientation week, members of the Honor Council shall give a presentation to students to outline the Honor Code and a student’s rights and responsibilities contained therein.

### **1.5 Definitions**

(a) Accessory: an individual who provides assistance or aids a principal offender in the commission of an Honor Code violation without directly partaking in its commission,

including (but not limited to) helping a principal offender escape from punishment for a violation by concealing evidence or providing false testimony.

(b) Accomplice: an individual who voluntarily and with common intent unites with a principal offender in the commission of an Honor Code violation.

(c) Accused: a School of Law student accused of an Honor Code violation.

(d) Accuser: an individual who is adversely affected by, witnesses, or has other credible evidence of a potential Honor Code violation and who reports an allegation against the Accused.

(e) Administration: the School of Law Dean, Associate Deans, and/or Assistant Deans. The Dean, Associate Deans, and/or Assistant Deans also serve as Faculty Members.

(f) Arbitrary and Capricious: a willful and unreasonable action without consideration of or in disregard of facts or the Honor Code or School of Law or High Point University policy. Ordinarily, this phrase is synonymous with bad faith or failure to exercise honest judgment.

(g) Assessment: any quiz, test, midterm, exam, or other graded evaluation of a student's knowledge and/or application of course material.

(h) Clear and Convincing Evidence: an allegation or argument is highly probable. This standard of proof is greater than the "preponderance of the evidence" standard commonly used to prove civil liability but less than the "beyond a reasonable doubt" standard commonly used to prove criminal liability.

(i) Complaint: an allegation of an Honor Code violation by an Accused that the Dean of Students, after investigation, has determined is supported by probable cause and will be referred to an Administrative Honor Hearing.

(j) Day: a calendar day.

(k) Dean of Students: the School of Law administrator with primary responsibility for student affairs, however titled. If the Dean of Students has a conflict of interest or is unavailable or otherwise unable to perform the duties specified herein, or if the School of Law does not have a Dean of Students when the Complaint is made, the Dean of the School of Law shall appoint another member of the Administration or Faculty (other than the Honor Council Faculty Advisor) to perform these duties until the Dean of Students can resume the performance of those duties.

(l) Exceptional Circumstances: circumstances that are unusual, unforeseen, and/or extraordinary.

(m) Faculty Advisor: the Faculty Member with primary responsibility for serving as the advisor to the Honor Council.

- (n) Frivolous Complaint: a Complaint in support of which the Accuser can present no rational argument based upon the evidence and/or Honor Code.
- (o) Instructor: any individual who teaches a course at the School of Law.
- (p) Faculty: all full-time Instructors at the School of Law.
- (q) Faculty Member: a member of the School of Law's Faculty.
- (r) Preponderance of the Evidence: evidence that as a whole shows that culpability is more probable than not (i.e., more than 50% likely).
- (s) Proof Beyond a Reasonable Doubt: there is no other reasonable explanation that can come from the evidence as a whole; the factfinder must be virtually certain of culpability.
- (t) Purposely: a student acts purposely regarding conduct or causing a result if it is the student's conscious objective to engage in conduct of that nature or to cause such a result.
- (u) HPU Community: all High Point University and School of Law Administrators, Faculty Members, Instructors, Student Body members, and staff members.
- (v) Respondent: an Accused who becomes the subject of a Complaint to be determined at an Administrative Honor Hearing.
- (w) Student Body: all currently enrolled degree-seeking students and all other persons enrolled in a course at the School of Law.

## **Article 2: Introduction**

### **2.1 Violations**

It shall be a violation of the Honor Code for a School of Law student to engage in any of the following actions:

- (a) Lying to School of Law Administration, Faculty, Instructors, or staff members about school-related matters (including but not limited to misrepresenting or attempting to misrepresent the attendance or online participation of any student; providing a false excuse for any student missing an assessment, assignment, or class; or providing false information on credentials sent to potential employers);
- (b) Cheating or attempting to cheat, including but not limited to:
  - i. Submitting as one's work the work of another;
  - ii. Soliciting, accessing, and/or using, or attempting to solicit, access, and/or use, materials and/or other assistance in an assignment or assessment other than those specifically authorized by the Instructor or other designated authority;

- iii. Soliciting, accessing, and/or using, or attempting to solicit, access, and/or use, materials and/or other assistance in an assignment or assessment that are prohibited by the Instructor or other designated authority;
- iv. Bringing materials, devices, and/or other items to any assessment that are prohibited by the Instructor or other designated authority (whether such materials, devices, and/or items are actually accessed, used, or attempted to be accessed or used);
- v. Soliciting, accessing, and/or using or attempting to use solutions/assignments/work product from online websites or other electronic platforms;
- vi. Unauthorized collaboration;
- vii. Negligently failing to keep one's work product secure from cheating or attempted cheating by others; or
- viii. Providing unauthorized materials and/or assistance (including, but not limited to, transmitting and/or posting, or enabling of transmitting and/or posting, of assignments, assessments, class materials, and/or solutions on websites and/or other electronic platforms and/or via other electronic means);

(c) Stealing or misusing, or attempting to steal or misuse, library property, including but not limited to:

- i. Marking, labeling, tearing, or otherwise mutilating library materials (even if to assist other students);
- ii. Removing materials from the library without proper authorization; or
- iii. Depriving students of the opportunity to use materials meant to be in the library for the use of all students by hiding or destroying those materials;

(d) Stealing or attempting to steal the tangible or intangible property of another, including but not limited to

- i. Accessing, taking, and/or reproducing another student's work product/course materials without permission;
- ii. Accessing and/or taking an assignment, assessment, or other academic work of an Instructor or other designated authority from a classroom, testing space, the Instructor or other designated authority's office, or space designated for student review of the material without permission; or
- iii. Taking photographs of or otherwise reproducing or replicating an Instructor or other designated authority's assignment, assessment, or other academic work or the contents thereof without permission;

- (e) Abusing Honor Code processes, including, but not limited to, making a Frivolous Complaint, breaking confidentiality requirements, or lying or purposely withholding relevant information during any Honor Code investigation or Administrative Honor Hearing;
- (f) Failing to report within 14 days a suspected Honor Code violation to the Dean of Students when a student has reasonable cause to believe that such a violation has occurred;
- (g) Failing or refusing to comply with § 2.4;
- (h) Failing or refusing to comply with § 2.5;
- (i) Failing or refusing to comply with the Generative Artificial Intelligence Policy set forth in Article 3.
- (j) Acting, or attempting to act, as an accomplice or accessory to an act that violates the Honor Code;
- (k) Communicating, in any place or in any manner or forum, after one has taken an assessment, the contents of that assessment to a person who has not yet taken that assessment in the current semester;
- (l) Communicating, after one has taken an assessment, the contents of that assessment in any place or in any manner or forum where a reasonable person should know that the communication could be heard or discovered by another student who is scheduled to take the assessment but has not yet done so; or
- (m) Engaging in disruptive conduct that hinders free expression by preventing or substantially interfering with the carrying out of Law School functions or approved activities, including classes, meetings, library services, interviews, ceremonies, and public events.

## **2.2 Instructor Prerogative**

- (a) The written course policies or instructions of an Instructor or other designated authority may supplement the provisions in § 2.1.
- (b) Independent of the Honor Code, Instructors have discretion to impose penalties for course-related misconduct.
- (c) To the extent course-related misconduct becomes the subject of a Complaint under the Honor Code and the Respondent is sanctioned under the Honor Code for the misconduct, Instructors may separately penalize the misconduct, but all sanctions imposed are then governed by the Honor Code and its review and appeal provisions.

## **2.3 Other Conduct Standards**

(a) The list of violations in § 2.1 is not intended to constitute an all-inclusive list of offenses for which a student may be disciplined under the Honor Code but rather to give examples of the types of behavior punishable hereunder. Any misconduct deemed by the School of Law Administration to violate the spirit of the Honor Code shall be dealt with as though it were expressly prohibited herein.

(b) All other student conduct standards shall be enforced primarily by High Point University administration and staff. School of Law students must be mindful of their duty to abide by all of these conduct standards and their obligation to hold each other accountable to act in accordance with them, including taking appropriate steps to ensure that the standards are upheld.

## **2.4 Student Certification**

(a) School of Law students must write and sign the following certification on every submission for a grade or credit in a course or for any School of Law academic competition (e.g., writing on to Law Review or other journal, competing in an intramural moot court competition, etc.): “On my honor, I hereby certify that I have neither given nor received unauthorized aid on this [exam, paper, assignment, etc.].” Instructors, supervising Faculty Members, and/or other designated authorities have discretion to modify the wording of required certifications in their courses or in conjunction with extracurricular activities they supervise.

(b) If the document must be submitted anonymously, the student must write his/her exam or other identification number to substitute for the signature.

(c) If a student does not provide this signed certification, the Instructor, supervising Faculty Member, or other person receiving the submission must notify the student in writing to give the student an opportunity to submit a signed certification. If the student fails or refuses to do so within 3 days of being notified, no credit will be given for the submission and the matter will be referred to the Dean of Students for review pursuant to § 6.1 below.

## **2.5 Duties to Cooperate, Appear, and Testify**

(a) All School of Law students must cooperate with any Honor Code investigation conducted by School of Law Administration or Faculty by providing full and truthful information. All students must appear and, with the exception of a Respondent, who cannot be forced to testify at his/her own Administrative Honor Hearing, must testify fully and truthfully if called to testify as a witness at an Administrative Honor Hearing. No common law or statutory spousal privilege applies to the testimony of a School of Law student in conjunction with the Honor Code.

(b) If a Respondent fails to appear at and/or participate (either personally or via a School of Law student advocate) in a scheduled and duly noticed Administrative Honor Hearing, the Administrative Honor Hearing will continue without the Respondent's participation, and a decision will be made about the alleged conduct in the Respondent's absence and/or without the Respondent's participation. A Respondent who fails to attend his/her scheduled and duly noticed Administrative Honor Hearing (either personally or via a School of Law student advocate) or who impedes or fails to comply with the Honor Code process automatically waives his/her right to any reconsideration or appeal from any decision reached on his/her conduct, including any sanction(s) imposed.

(c) If a student fails to cooperate with any Honor Code investigation conducted by School of Law Administration or Faculty or otherwise fails to cooperate or comply with the policies and procedures of the Honor Code process, or if a School of Law student other than a Respondent fails to appear or testify fully and truthfully when called as a witness at an Administrative Honor Hearing, the Dean of Students, in his/her sole discretion, may decide (i) to continue with the Honor Code process to a decision about the Accused/Respondent's alleged conduct based on existing evidence and/or information provided by other individuals involved in the matter or (ii) to pause the process for such a period of time as to initiate, consolidate, and/or complete Honor Code proceedings against any student who has failed to cooperate with the investigation, failed to appear and/or testify fully and truthfully as a witness at an Administrative Honor Hearing, or failed to cooperate or comply with the policies and procedures of the Honor Code process.

## **2.6 Duty to Report**

(a) If a student has reasonable cause to believe that an Honor Code violation has occurred, the student must report such violation to the Dean of Students within 14 days of having such cause.

(b) Before reporting a violation, it is strongly recommended that a student discuss his/her concerns with the student(s) suspected of committing the violation. If, after discussion, the student suspecting a violation remains satisfied that reasonable cause exists to believe that an Honor Code violation has occurred, that student should report the allegation to the Dean of Students within the 14-day period and should encourage the other(s) to report his/her own conduct to the Dean of Students before the 14-day period elapses. If, however, after this discussion, the student previously suspecting a violation is convinced that no Honor Code violation has occurred, that student need not report the allegation to the Dean of Students.

(c) Once a suspected violation is reported, the Dean of Students shall have discretion to decide whether the Accuser must confront the Accused directly before a matter can proceed. Failure to confront does not constitute an Honor Code violation or deprive the Dean of Students of the ability to proceed with an investigation concerning the allegation.

## **2.7 Confidentiality**

(a) In the absence of a written waiver of confidentiality by the Accused/Respondent, individuals involved in any part of an Honor Code investigation or proceeding, including but not limited to the Accuser/Complainant, the Accused/Respondent, witnesses, Administrative Honor Panel and Honor Council Review Panel members, and members of the Honor Council, shall not reveal information about an allegation, investigation, Complaint, or Honor proceeding except as provided below.

(b) Confidentiality requirements do not apply to the Dean of Students or other School of Law Administrators, Instructors, or Faculty Members investigating an allegation of misconduct under the Honor Code when those individuals are interviewing potential witnesses or discovering or collecting potential evidence of an Honor Code violation.

(c) Confidentiality requirements do not apply between or among the Dean of Students and members of an Administrative Honor Panel who are responsible for presenting and/or examining evidence and/or deliberating on an allegation or Complaint. In determining appropriate sanctions for an Honor Code violation, the Dean of Students may disclose information to members of an Administrative Honor Panel relating to prior honor-related offenses a Respondent committed at the School of Law or any other institution, and a Respondent waives any right to privacy in that information being disclosed for that purpose.

(d) Confidentiality requirements do not apply between or among the Dean of Students and members of an Honor Council Review Panel who are responsible for reviewing upon the Respondent's request the decision of an Administrative Honor Panel and the record of an Administrative Honor Hearing.

(e) The Dean of Students, members of an Administrative Honor Panel, members of an Honor Council Review Panel, and the School of Law's Dean may disclose information about an Honor Code investigation or proceeding upon request to the Dean of Students, the School of Law's Dean, or High Point University administration, faculty, or staff in conjunction with a Request for Reconsideration, appeal, or motion for new Administrative Honor Hearing filed by a Respondent, and a Respondent waives any right to privacy in that information being disclosed for that purpose.

(f) Any School of Law student, High Point University or School of Law administrator, High Point University faculty member, High Point University instructor, or any other individual with involvement in the allegation against a Respondent may disclose information related to the Respondent's case in any legal or administrative action filed by the Respondent or his/her agent or otherwise designated authority against High Point University, the School of Law, and/or any member of the High Point Community, and a Respondent waives any right to privacy in that information being disclosed in conjunction with that proceeding.

(g) High Point University and the School of Law reserve the right to report the findings, results, and a summary of any part of the Honor process, including but not limited to the Honor Code investigation, Administrative Honor Hearing, Honor Council Review Panel, and/or requests for reconsideration or appeal, to state boards of bar examiners and bar-related officials, other academic institutions, and any other parties with a need to know, and a Respondent waives any right to privacy in that information being disclosed.

(h) The Dean of Students may announce via email to the School of Law Administration, Faculty, Instructors, staff, and Student Body the outcome of any Honor proceedings, including the violation charged, a brief summary of the evidence, whether a violation was found to have occurred, and any sanction(s) imposed. Unless the Respondent has waived the right to confidentiality, neither the Respondent's name nor any personally identifying information shall be published in conjunction with this announcement. Similarly, no names of witnesses or Administrative Honor Panel or Honor Council Review Panel members shall be published in conjunction with this announcement.

(i) All documents, tape recordings, or other materials produced or submitted in connection with Honor Code investigations and proceedings, shall, for a reasonable time after the conclusion of any such proceedings, be maintained by the School of Law, and confidentiality requirements do not apply to staff of that office who are responsible for maintaining the information.

(j) If a School of Law student or Faculty Member approaches an Honor Council member to discuss a potential Honor Code violation, the Honor Council member should inform the student or Faculty Member of the Honor Council member's potential conflict of interest in listening to the details of the allegation and should direct the student or Faculty Member to speak with the Dean of Students. If the Honor Council member hears or otherwise receives the details of a suspected violation, the Honor Council member must report the allegation to the Dean of Students and may need to recuse himself/herself if appointed to serve on the Administrative Honor Panel that will hear the Complaint or on the Honor Council Review Panel reviewing the result of the Administrative Honor Hearing.

(k) The Accused/Respondent may waive his right to confidentiality in Honor Code investigations or proceedings at any time by submitting a request in writing to the Dean of Students and/or by filing a waiver of confidentiality under the Family Educational Rights and Privacy Act (FERPA).

## **Article 3: Generative Artificial Intelligence Policy**

### **3.1 Definition of Generative Artificial Intelligence**

Generative artificial intelligence (“Generative AI”) is a type of artificial intelligence that is capable of producing text, images, or other media in response to user prompts.<sup>1</sup> Legal research systems, word processing programs, and their standard tools (e.g., spelling and grammar checks)—machine processes that do not create content but review student-created content for common errors or omissions—fall outside the definition of Generative AI and are not prohibited unless otherwise stated by the Instructor.

### **3.2 Default Prohibition**

Generative AI software is quickly being adopted in legal practice, and many internet services and ordinary programs will soon include Generative AI software if they don’t already. At the same time, Generative AI presents certain risks to the pedagogical goals of a law school. To preserve the integrity of School of Law Assessments, the School of Law has adopted the following default policy:

The use of Generative AI on School of Law Assessments is prohibited. This prohibition applies to all stages of the process of completing the assessment. Students may not use Generative AI to write any portion of an Assessment. Students may not use Generative AI to answer multiple-choice, short answer, or any other type of question on an Assessment. Students may not use Generative AI to generate ideas for topics to cover or arguments to make in a paper or other written Assessment.

### **3.3 Exceptions to Default Prohibition**

Instructors may develop more specific terms and conditions for the use of Generative AI in their courses. They may, for instance, allow students to use Generative AI tools for graded or ungraded course-work, but only under certain conditions, disclosures, or supervision. Students may also be required or advised to avoid or mitigate the risk of harmful or unlawful uses, such as generating outputs that are biased or discriminatory, constitute privacy infractions, risk plagiarism, or violate licensing restrictions. Instructors may also choose to allow the use of some Generative AI tools but not others.

In the event that an Instructor permits or requires the use of Generative AI on an assignment but places restrictions on its use, students must comply with all restrictions, and it is a violation of this Honor Code to fail to comply with a restriction on Generative

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<sup>1</sup> Carolyn Williams, *Bracing For Impact: Revising Legal Writing Assessments Ahead of the Collision of Generative AI and the Nextgen Bar Exam*, 28 *LEGAL WRITING* 1, 4 (2024).

AI use. If there is uncertainty regarding permissible uses of Generative AI tools on a particular assignment, students must consult with the appropriate Instructor before making use of such tools.

### **3.4 Disclosure of Generative Artificial Intelligence Use**

Students must disclose the use of Generative AI on a written School of Law assignment by writing the following sentence at the end of the document: “I used Generative Artificial Intelligence in completing this assignment.” Individual Instructors may require more detailed disclosures, including the specific tool used and how it was used.

## **Article 4: Standard of Proof and Sanctions**

### **4.1 Standard of Proof**

The Respondent must be acquitted of a Complaint unless the violation alleged in the Complaint is proven by clear and convincing evidence to the satisfaction of all members of the Administrative Honor Panel hearing the case. If the members of an Administrative Honor Panel are unable to make a unanimous determination after an Administrative Honor Hearing that the Respondent committed a violation by clear and convincing evidence, the Respondent shall not be subject to any sanction for the alleged violation. The Dean of Students shall place a letter in the Respondent’s file indicating that an Administrative Honor Hearing was held in the Respondent’s case with “no finding of violation.”

### **4.2 Sanctions**

Possible sanctions for violating the Honor Code include but are not limited to the following, and more than one sanction may be imposed in accordance with the provisions of the Honor Code:

- (a) Expulsion;
- (b) Suspension;
- (c) Probation;
- (d) A letter prepared by the Dean of Students noting an Honor Code violation placed in the Respondent’s file;
- (e) Grade penalties, up to and including a grade of “F” for the course;
- (f) Mentoring by a Dean or Faculty Member;
- (g) Drafting a paper germane to the violation; or
- (h) Community service related to the violation.

## **4.3 Absolution**

A Respondent shall be fully absolved of an alleged Honor Code violation upon a finding and vote by all members of an Administrative Honor Panel that clear and convincing evidence shows that the Respondent did not commit a violation. In any instance of full absolution, the Dean of Students shall place a letter noting full absolution/no violation in the Respondent's file.

## **Article 5: Honor Council Positions and Selection**

### **5.1 Honor Council Members**

(a) The School of Law Faculty shall determine the size of the Honor Council annually, and the Honor Council shall at no time consist of fewer than 12 members. To be eligible for a position on the Honor Council, a School of Law student must:

- i. Be enrolled in, and have completed at least one semester of study at, the School of Law;
- ii. Plan to be enrolled at School of Law for both semesters of the next academic year;
- iii. Have and continue to maintain a cumulative law GPA of at least 2.500;
- iv. Have a demonstrated record of honesty, integrity, and good conduct, including but not limited to having no record of academic or other dishonesty and no adverse disciplinary record; and
- v. Be selected according to the provisions of paragraph (b) below.

(b) Provisions Governing Honor Council Selection and Membership

- i. Once chosen as a member of the Honor Council, a student remains on the Honor Council until the member graduates, withdraws from the School of Law, takes a leave of absence, resigns, fails to be elected in a subsequent retention vote, or is removed pursuant to § 8.1 below. During the time that a student serves on the Honor Council, the student waives any privacy rights in his/her student record as to information pertaining to his/her honesty, integrity, character/fitness, and general conduct such that the School of Law Administration and Faculty may access and discuss this information. Current Honor Council members are not required to re-submit a membership application. The names of current Honor Council members who declare their interest shall be placed on the ballot for a vote of retention.
- ii. The incoming Honor Council members shall be chosen no later than April 5 each spring semester.
- iii. The School of Law Faculty shall decide whether and when to fill vacant spots on the Honor Council created during the school year. If the School of Law Faculty

desires a replacement member, the vacant spot will be advertised to the School of Law Student Body, and the procedures in paragraphs (iv) through (viii) will be followed. The School of Law Faculty shall determine by majority vote, based on a review of all Candidates' applications and any Candidate interviews, which Candidates are approved to be selected to serve as a replacement member of the Honor Council. The replacement member must be of the same class year as the vacating member and meet all other eligibility requirements. The School of Law Faculty shall then vote to determine which Candidate to appoint to the vacancy; the Candidate receiving the highest number of votes will serve the duration of the vacating member's term. If the replacement member desires to serve on the Honor Council the subsequent year, he/she must follow the procedures to be elected to the Honor Council as if he/she were applying to serve on the Honor Council for the first time.

iv. Students who apply to serve on the Honor Council waive any privacy rights in their student record as to information pertaining to their honesty, integrity, character/fitness, and general conduct such that the School of Law Administration and Faculty may access and discuss this information. An eligible student may apply to be a member of the Honor Council by submitting the following documents to the Honor Council President:

- (A) A statement detailing why the student desires to serve on the Honor Council and describing in detail the student's qualifications to serve;
- (B) A letter of recommendation from a Law Faculty member; and
- (C) 2 letters of recommendation from current School of Law students.

v. The Honor Council President shall forward a list of all Candidates for the incoming Honor Council, including each Candidate's submissions pursuant to paragraph (iv) above, to the Dean of Students.

vi. The School of Law Faculty shall review all Candidates' applications and, if desired, appoint one or more Members of the Faculty on its behalf to interview any Candidate. Although the Faculty may interview any Candidate for any reason, it must interview a Candidate whose honesty, integrity, character, or conduct has been questioned in any way prior to making a final decision regarding which Candidates to approve.

vii. If the School of Law Faculty determines that there are insufficient qualified Candidates for the Honor Council, the Faculty may solicit applications from other eligible students, and any such student who complies with the requirements of paragraph (iv) above then becomes a Candidate.

viii. The School of Law Faculty shall determine by majority vote, based on a review of all Candidates' applications and any Candidate interviews, which Candidates will be approved to be eligible to be selected to serve on the incoming Honor Council

(Approved Candidates). The Faculty shall also determine by majority vote how many members will serve on the incoming Honor Council and how many members of the incoming Honor Council must be selected from each School of Law class.

ix. The Dean of Students shall forward the list of Approved Candidates to the Honor Council President. The Honor Council President will electronically post each Approved Candidate's submissions for review by all currently enrolled School of Law students at least 72 hours before the election referenced in paragraph (x) and must notify all currently enrolled School of Law students where the information will be posted.

x. The Honor Council will hold an election to select the members of the incoming Honor Council under the following terms:

(A) All currently enrolled School of Law students are eligible to vote. Votes will be cast using a weighted ballot. Under a weighted ballot, a student may cast up to the maximum number of votes for 2L Approved Candidates as the Faculty has approved vacancies for members of that class and up to the maximum number of votes for 3L Approved Candidates as the Faculty has approved vacancies for members of that class. (For example, if the Faculty determines that there will be 5 2L members and 7 3L members on the incoming Honor Council, each voter may cast up to 5 votes for 2L Approved Candidates and 7 votes for 3L Approved Candidates.) Each student may cast as many votes for an individual Approved Candidate as the student desires (e.g., a student may cast all 5 2L votes for one 2L Approved Candidate, or divide votes up among different 2L Approved Candidates as the voter desires). Students are not limited to voting for members of their own class; and

(B) The students from each class receiving the highest number of votes (with the number determined by the Faculty in accordance with paragraph (x) above) will be the incoming Honor Council members; and

(C) Any ballot on which a student casts more than the number of authorized votes must be discarded;

and

(D) The election may be held in person or via electronic vote, based on the majority vote of the Honor Council. An electronic vote may be used only if the voting period is open for at least 24 hours beginning on the day of the election, students voting are required to log onto a secure site requiring a personal identification and password to receive their ballot, and the names of Approved Candidates are listed alphabetically on the ballot within each law school class (2L and 3L). The Honor Council President shall count the votes as outlined in (A)-(C) above and shall present the results of the election within a reasonable time to the

School of Law Administration and Faculty and to members of the Student Body eligible to vote.

xi. Due to the inherent potential for conflict of interest, any Candidate selected to be an incoming Honor Council member may not hold an elected class or school office, such as with the Student Bar Association (SBA), while serving on the Honor Council.

(c) After the incoming Honor Council is selected, Honor Council members who are eligible for and interested in the positions of Honor Council President and Honor Council Vice President must submit a concise statement detailing why the incoming member desires to serve as President or Vice President. This statement, along with any supporting documentation or letters of recommendation, must be submitted to the Dean of Students. The School of Law Faculty shall determine which Honor Council members will be eligible for the positions of President and Vice President, and the Dean of Students shall forward the names of those members to the current President.

(d) The current President shall call an organizational meeting of the members of the incoming Honor Council, who shall, by a majority vote, elect, from among the Candidates deemed eligible by the School of Law Faculty, an incoming Honor Council member to be the incoming President, and an incoming Honor Council member to be the incoming Vice President (who shall perform the duties of the President in the absence or unavailability of the President). The incoming President shall be chosen first, then the incoming Vice President. If, after the first vote, no Candidate for a position obtains a majority vote, then another vote must be taken from among the top 2 vote-getters only, and the Candidate who receives the most votes during the re-vote shall be the one appointed to the position. Although a vote for President and for Vice President will be taken every year, the current President and/or Vice President may run for reelection if otherwise eligible for the position.

(e) To be eligible to be a Candidate for President or Vice President, an Honor Council member must

- i. Have a cumulative law GPA of at least 2.700;
- ii. Have taken or be currently enrolled in Professional Responsibility;
- iii. Have served on the Honor Council for at least 2 semesters; and
- iv. Before the vote, be approved as an eligible Candidate by the School of Law Faculty.

A President or Vice President will be automatically removed from the position if the member fails to maintain a 2.700 cumulative law GPA. A replacement officer shall be chosen no later than one month after the spot becomes vacant using the procedures in paragraphs (c)-(e) above.

(f) The President shall attend all meetings of the Honor Council. The President will select Honor Council members to serve on Administrative Honor Panels and Honor Council Review Panels, and he/she may serve in those roles. Every fall during Orientation week, members of the Honor Council shall give a presentation to students for the purpose of outlining the Honor Code and students' rights and responsibilities contained therein. The presentation will be in a form approved by the President and Dean of Students and presented by the President and any additional Honor Council members selected by the President.

## **5.2 Faculty Advisor**

The School of Law Dean shall appoint a School of Law Faculty Member to serve as the Faculty Advisor to the Honor Council. The Faculty Advisor will serve the Honor Council in an advisory capacity and perform the other duties specified herein.

If the Faculty Advisor is unavailable or otherwise unable to perform the duties specified herein, the School of Law Dean shall appoint another School of Law Faculty Member to serve as Faculty Advisor Pro Tempore until the Faculty Advisor can resume the performance of those duties.

# **Article 6: Honor Proceedings**

## **6.1 Initial Investigation**

(a) Students, Instructors, and Faculty Members have a duty to report suspected Honor Code violations to the Dean of Students within 14 days when they reasonably believe, based on the available evidence, that a violation has occurred.

(b) The Dean of Students is responsible for conducting an initial investigation into any suspected violation of the Honor Code. The Dean of Students will promptly gather and examine all information related to the allegation against the Accused and will fully document all steps taken and information discovered in the investigation. To the extent a suspected violation relates to a particular course or extracurricular activity, the Dean of Students may first require the Instructor of the course or the Faculty Member with primary supervisory responsibility for the extracurricular activity to investigate the matter, in which case the Instructor or Faculty Member will promptly gather information related to the allegation against the Accused, keep detailed notes of all steps taken in gathering the information, and submit a report containing all relevant information and any preliminary findings to the Dean of Students. Once receiving such a report, the Dean of Students may conduct further investigation into the allegation against the Accused and document any additional steps taken and information discovered.

(c) After gathering and examining all the information relating to the alleged Honor Code violation, the Dean of Students must reach a preliminary conclusion as to whether there is probable cause to believe the Accused has committed an Honor Code violation.

(d) If the Dean of Students concludes that there is not probable cause to believe the Accused has committed an Honor Code violation, then no further action is required.

(e) If the Dean of Students preliminarily concludes that there is probable cause that an Honor Code violation occurred, he/she shall notify the Accused in writing of that preliminary conclusion and the basis for that conclusion. Even if the Accused already has been contacted in the initial investigation, the Dean of Students shall give the Accused a reasonable opportunity to respond to the allegation in writing. In addition to notifying the Accused of the opportunity to respond in writing, the Dean of Students shall also discuss, if possible, the allegation with the Accused in person, by telephone, or by other remote means.

(f) Within 10 days of being notified about the allegation, the Accused may respond to the allegation in writing to the Dean of Students.

(g) If, after receiving and considering a further written statement from the Accused, the Dean of Students concludes that no probable cause exists that a violation of the Honor Code occurred, the Dean of Students shall dismiss the allegation for lack of probable cause and notify the Accused in writing of that determination within 7 days of reaching that decision. The Dean of Students may, but need not, provide a written statement justifying the decision to dismiss an allegation for lack of probable cause.

(h) If the Accused does not respond to the allegation within 10 days, or if after receiving and considering the Accused's written statement, the Dean of Students remains persuaded that probable cause exists to believe that the Accused committed an Honor Code violation, the allegation becomes a Complaint and the Accused becomes the Respondent.

(i) If at any point in the Honor process the Accused/Respondent fully confesses to any alleged violation(s), the Dean of Students will have sole responsibility for determining the appropriate sanction(s) for the violation(s) and may impose any of the sanctions in § 4.2(a)-(h). The Dean of Students shall notify the Accused/Respondent in writing of the sanction(s) within 7 days of reaching a decision on the sanction(s) to be imposed. The decision of the Dean of Students in such a situation is not subject to review by an Honor Council Review Panel.

(j) If the Accused does not fully confess to all alleged violations of the Honor Code and there remain genuine issues of material fact to be determined on any alleged violation, the Complaint will be referred for determination at an Administrative Honor Hearing. The Dean of Students shall notify the Respondent and the President of the Honor Council in writing of the Complaint (including the alleged violation and a brief summary of the facts supporting probable cause that the violation was committed) and the referral within 7 days of reaching that decision.

## 6.2 Administrative Honor Hearing

- (a) Within 10 days after notification to the Respondent of a Complaint to be determined by an Administrative Honor Hearing (“Hearing”), the Dean of Students shall provide the Respondent with a date and time for the Hearing.
- (b) Except in exceptional circumstances as determined by the Dean of Students, Hearings will take place within 45 days following notification to the Respondent of the basis for the Complaint.
- (c) An Administrative Honor Panel (“Panel”) will be convened for purposes of the Hearing. The Panel will consist of 5 members: 3 members of the Honor Council appointed by the Honor Council President and 2 disinterested Faculty Members appointed by the Dean of Students. Neither the School of Law Dean nor the Faculty Advisor may serve on a Panel. One of the Faculty Members will serve as foreperson of the Panel. The foreperson shall maintain order during Panel deliberations and be the spokesperson for the Panel, including recording all votes and findings of the Panel and reporting votes and findings to the Faculty Advisor. Only the members of the Panel shall be present during deliberations, during which the members may review any information or materials presented during the Hearing. The Faculty Advisor shall answer any questions the Panel has about the Honor Code or the proceedings under the Honor Code.
- (d) Any member appointed to the Panel may ask the Faculty Advisor to be recused from serving on the Panel if the member believes he/she has a bias, relationship, personal knowledge, or interest in the matter that would cause him/her to not be objective in deciding the matter. The decision of the Faculty Advisor to permit or prohibit recusal or to strike a member of the Panel in any particular situation is final and may not be the basis for review, reconsideration, or appeal. If one or more Honor Council members are recused from the Panel or stricken for good cause, the Honor Council President will appoint replacement disinterested Honor Council member(s). If one or more Faculty Members of the Panel are recused from service or stricken for good cause, the Dean of Students shall appoint replacement disinterested Faculty Member(s) to serve.
- (e) If at any point during the Hearing and deliberation process, the Faculty Advisor determines that any Panel member is impeding the Honor process, not participating in good faith, or is unable or unwilling to follow the requirements of this Code, the Faculty Advisor may remove that Panel member. The Faculty Advisor may choose to appoint a replacement disinterested member to serve on the Panel, but need not do so if the proceedings have sufficiently progressed to a point that a replacement member would be unable to effectively and/or fairly serve.
- (f) The Hearing shall consider all charges against the Respondent. Any documents that the Dean of Students would like considered must be provided to the Respondent and the Faculty Advisor no later than 7 days before the Hearing. Likewise, the identities of any witnesses who will testify in person or by videoconference, along with a notation as to

which witnesses will testify via each method, must be provided to the Respondent and the Faculty Advisor no later than 7 days before the Hearing. Any documents that the Respondent would like considered must be provided to the Dean of Students and the Faculty Advisor no later than 5 days before the Hearing. Likewise, the identities of any witnesses who will testify in person or by videoconference, along with a notation as to which witnesses will testify via each method, must be provided to the Dean of Students and the Faculty Advisor no later than 5 days before the Hearing. Any documents that the Dean of Students would like considered as rebuttal evidence must be provided to the Respondent and the Faculty Advisor no later than 3 days before the Hearing. Likewise, the identities of any additional witnesses who will testify on rebuttal in person or by videoconference, along with a notation as to which witnesses will testify via each method, must be provided to the Respondent and the Faculty Advisor no later than 3 days before the Hearing.

(g) Witnesses from the High Point Community must appear in person unless exceptional circumstances (as determined by the Faculty Advisor) prevent an in-person appearance, in which case witnesses should appear by videoconference. Witnesses outside the High Point Community may appear in person or by videoconference. If exceptional circumstances (as determined by the Faculty Advisor) prevent either a live appearance or videoconference appearance, a telephonic appearance may be permitted. If exceptional circumstances (as determined by the Faculty Advisor) prevent a telephonic appearance, a written statement by the witness may be considered by the Panel. A witness's live, videoconference, or telephonic appearance does not prohibit the consideration by the Panel of a written statement by that witness. After receiving the witness lists, the Faculty Advisor is responsible for summoning to the Hearing the witnesses who will testify in person, by videoconference, or by telephone, and for arranging for any necessary videoconferencing or telephonic technology for the Hearing. The decision on the format of a witness's testimony is final and may not be the basis for review, reconsideration, or appeal.

(h) The Dean of Students and Panel members may question the Respondent and any witnesses called during the Hearing. The Respondent, if present, may question any witnesses called during the Hearing, unless the Respondent has a student advocate designated by the School of Law. If the Respondent has a student advocate designated by the School of Law who is present, only the student advocate may question any witnesses called during the Hearing.

(i) The only individuals present for deliberations will be the members of the Panel, and the members may review any information or materials presented during the Hearing.

(j) The Panel will first consider whether there is clear and convincing evidence that an Honor Code violation has occurred. Only if all members of the Panel find clear and convincing evidence of a violation will the Panel then consider the appropriate sanction(s) for the violation. If the Panel finds clear and convincing evidence of a violation, the Faculty Advisor will inquire of the Dean of Students whether the

Respondent has a record of any previous honor-related offenses. If so, the Dean of Students will present a written description to the Panel of these previous offenses and Panel deliberations will then resume to determine appropriate sanction(s).

(k) The Panel will consider the Respondent's state of mind, the nature and gravity of the violation, and any prior honor-related offense(s) by the Respondent in the nature of any sanction(s) imposed, and the Panel may impose any sanction listed in § 4.2(a)-(h). All members of the Panel must agree on the appropriate sanction(s).

(l) The foreperson shall complete a verdict form prepared by the Dean of Students containing the decisions and votes of the Panel on each question. The foreperson shall transmit the completed verdict form to the Faculty Advisor at the conclusion of the deliberations. Any irregularities on the completed verdict form will result in the Panel promptly being reconvened by the Faculty Advisor to correct the irregularities in whatever manner is required consistent with the Panel's deliberations and votes. Once the verdict form is determined by the Faculty Advisor to be in proper form, free of any irregularities, the Faculty Advisor shall transmit the verdict form to the Dean of Students. The Dean of Students shall retain the verdict form until such time as a decision is final, at which time the School of Law shall retain the verdict form containing the decisions and votes of the Panel on each question.

(m) Votes during deliberations may be taken as necessary. However, no determinations made by vote may be disturbed in subsequent deliberations once the meeting in which the full Panel was present has been adjourned.

(n) Within 14 days following the Hearing, the Respondent will be notified of the Panel's decision on culpability (and the basis thereof) and the sanction(s) imposed, if any. The decision will be conveyed by the Dean of Students and shall include a notification of the Respondent's ability to request review by an Honor Council Review Panel, reconsideration, and/or appeal, if applicable.

(o) If the Panel is unable to make a finding of violation or full absolution within 3 days of the conclusion of the Hearing, the Dean of Students shall order the deliberations ended and note in the Respondent's file that he/she was prosecuted but not convicted and thus not subject to any penalty other than a notation in the Respondent's file of the outcome.

### **6.3 Honor Council Review Panel**

(a) Within 10 days after being notified of the Panel's finding of a violation, the Respondent may request of the Dean of Students in writing that the Panel's decision on culpability be reviewed by an Honor Council Review Panel ("Review Panel"), comprised of 3 disinterested members of the Honor Council (none of which served on the Panel originally hearing the case against the Respondent) appointed by the Honor Council President. If the Respondent does not request a review by a Review Panel, the Respondent may still pursue any available reconsideration or appeal options outlined

below; if neither reconsideration nor appeal is sought, the Panel's decisions on culpability and sanctions become final.

(b) Any member appointed to the Review Panel may ask the Faculty Advisor to be recused from serving on the Review Panel if the member believes he/she has a bias, relationship, personal knowledge, or interest in the matter that would cause him/her to not be objective in deciding the matter. The decision of the Faculty Advisor to permit or prohibit recusal or to strike a member of the Review Panel in any particular situation is final and may not be the basis for reconsideration or appeal. If one or more Honor Council members are recused from the Review Panel or stricken for good cause, the Honor Council President will appoint replacement disinterested Honor Council member(s) to serve on the Review Panel. If there are insufficient disinterested Honor Council members to serve as replacements, the School of Law Dean may appoint a disinterested Faculty Member to fill any vacant position on the Review Panel in lieu of a disinterested member of the Honor Council.

(c) Except in exceptional circumstances as determined by the Dean of Students, the Review Panel will convene within 21 days following the Respondent's written request for a Review Panel. Within 7 days of receiving the Respondent's request for a Review Panel, the Dean of Students will notify the Respondent of the date the Review Panel will convene.

(d) The Review Panel shall convene and consider all charges against the Respondent. It must review all information and materials presented at the Hearing, any evidence of prior honor-related offenses by the Respondent, as well as the Panel's verdict form containing the decisions and votes of the Panel on each question. If any transcript, audio recording, or video recording of the Hearing is procured and available, the Review Panel must review it. The Review Panel must also review any written submissions that the Dean of Students or the Respondent provides before the Review Panel convenes on whether the Administrative Honor Panel's decision on the Respondent's culpability was arbitrary and capricious.

(e) Prior to beginning deliberations, the Review Panel shall, by majority vote, select a foreperson, who shall maintain order during deliberations and be the spokesperson for the Review Panel, including recording all votes and findings of the Review Panel and reporting votes and findings to the Faculty Advisor. Only the members of the Review Panel shall be present during deliberations. The Faculty Advisor shall answer any questions the Review Panel has about the Honor Code or the proceedings.

(f) The Review Panel will determine only whether the Panel's decision on the Respondent's culpability was arbitrary and capricious. Only if all members of the Review Panel determine that a decision was arbitrary and capricious will the Panel's decision on culpability be overturned. If all members of the Review Panel are unable to make a determination that the Panel's decision on culpability was arbitrary and capricious, the decision of the Panel will stand. In the event that the Review Panel decides that a

decision on culpability was arbitrary and capricious, the Review Panel's decision is final, the Respondent shall not be subject to any sanction for the alleged violation, and the Dean of Students shall place a letter in the Respondent's file indicating that an Administrative Honor Hearing was held in the Respondent's case and the "Honor Council Review Panel found no violation."

(g) The foreperson shall complete a verdict form prepared by the Dean of Students containing the decision and vote of the Review Panel on the question of whether the Panel's decision on culpability was arbitrary and capricious. If the Review Panel finds that the decision on culpability was arbitrary and capricious, the Review Panel must provide a written explanation for the decision. The foreperson shall transmit the completed verdict form and any accompanying written explanation to the Faculty Advisor at the conclusion of the deliberations.

Any irregularities on the completed verdict form and/or written explanation will result in the Review Panel promptly being reconvened by the Faculty Advisor to correct the irregularities in whatever manner is required consistent with the Review Panel's deliberations and votes. Once the verdict form and any written explanation are determined by the Faculty Advisor to be in proper form, free of any irregularities, the Faculty Advisor shall transmit the verdict form to the Dean of Students. The Dean of Students shall retain the verdict form and any written explanation until such time as a decision is final, at which time the School of Law shall retain the verdict form containing the decision and votes of the Panel and any written explanation for the decision.

(h) Votes during deliberations may be taken as necessary. However, no determinations made by vote may be disturbed in subsequent deliberations once the meeting in which all members of the Review Panel were present has been adjourned unless an irregularity in the verdict form reveals a need for the Review Panel to reopen deliberations and/or recast votes after being reconvened by the Faculty Advisor.

(i) Within 7 days of receiving the Review Panel's verdict form from the Faculty Advisor, the Dean of Students shall notify the Respondent in writing of the Review Panel's decision. The decision shall include a notification of the Respondent's ability to request a reconsideration, if applicable.

## **6.4 Rights of the Respondent**

The Respondent shall have the following rights:

(a) To be present at his/her Hearing, raise objections, argue, and present relevant evidence to the Panel for consideration. However, should the Respondent elect not to attend, or fail to attend, in person or via a School of Law student advocate, a Hearing after proper notice of the Hearing was given, the Hearing may proceed in his/her absence. If the Respondent before the Hearing submits documents or witness information ahead of the properly noticed Hearing but then elects not to attend, or fails to attend, in person or via a School of Law student advocate, the Panel may consider this evidence, but is not

required to do so. If, after receiving proper notice of the Hearing, the Respondent elects not to attend, or fails to attend, in person, but the Respondent sends a School of Law student advocate in his/her place, the School of Law student advocate must be the one to offer any evidence on behalf of the Respondent, to question witnesses, to offer arguments, and to raise objections;

- (b) To review all documents that may be relied upon by a Panel in making its decision;
- (c) To question during a Hearing all witnesses who provide testimony in person, by videoconference, or by telephone;
- (d) To request to strike a Panel or Review Panel member by showing good cause to the Faculty Advisor;
- (e) To confidential proceedings as detailed in the Honor Code, including the right not to have the name of the Respondent released in association with the proceedings. The right to confidential proceedings may be waived by the Respondent at any time by request in writing to the Dean of Students and/or by filing a waiver of confidentiality under FERPA to release information to identified third parties;
- (f) To retain and consult legal counsel, at the Respondent's expense, but counsel may not participate in, or be heard in connection with, any Hearing, review, reconsideration, or appeal;
- (g) To be represented by a School of Law student advocate of his/her choosing, provided the student chosen agrees to serve in the capacity of student advocate for the Respondent. If represented by a School of Law student advocate, the Respondent may not present arguments and/or evidence, question witnesses, or raise objections except through the advocate;
- (h) To refuse to testify, answer questions, question witnesses, or present arguments or evidence at a Hearing;
- (i) To request an Honor Council Review Panel to review any finding of culpability at a Hearing; and
- (j) Not to be retried for the same offense once fully absolved or prosecuted but not convicted.

## **6.5 Format of Administrative Honor Hearing**

- (a) Formal court procedures and state and federal rules of procedure and evidence do not apply.
- (b) Hearings are closed proceedings; except as provided herein, the only individuals allowed to attend a Hearing are the Dean of Students, the Faculty Advisor, the Respondent, the Respondent's School of Law student advocate (if any), the Panel members, and witnesses summoned to testify. Legal counsel, friends, relatives, or other

representatives of the Respondent are not permitted to attend. University Counsel is authorized to attend Hearings when determined to be appropriate by the Dean of Students and/or Faculty Advisor. A professional stenographer may also be present to memorialize the Hearing.

(c) The general format for Hearings will be as follows (exceptions may be made by the Dean of Students according to the nature of the case and any unique circumstances presented): presentation of charges and opening statement by the Dean of Students, opening statement by the Respondent, presentation of evidence by the Dean of Students, presentation of evidence by the Respondent, presentation of rebuttal evidence (if any) by the Dean of Students, closing statement by the Dean of Students, closing statement by the Respondent. The Hearing will then be concluded and the Respondent excused while deliberations ensue.

(d) Any relevant and material evidence may be offered at a Hearing without the necessity of conformity to legal rules of evidence. The Faculty Advisor shall determine the relevance and materiality of evidence offered and, keeping in mind the need to give the Respondent a full and fair opportunity to defend against the charge brought, may exclude cumulative, irrelevant, and/or immaterial evidence.

(e) Hearing participants are encouraged to resolve objections and work out any stipulations of fact at the earliest possible opportunity. Any unresolved objections to evidence exchanged before a Hearing must be made in writing to the Faculty Advisor before the Hearing (who will rule on that objection either before the Hearing commences or during the Hearing). Objections to the content of oral testimony offered only during a Hearing must be made promptly during the Hearing. A timely objection to evidence offered must be made in order to preserve that objection as a ground for review, reconsideration, or appeal.

## **6.6 Record of Administrative Honor Hearing**

(a) Hearings may be professionally transcribed or may be audio and/or video recorded.

(b) The Record of the Hearing shall consist, at a minimum, of the written notice to the Respondent of the Complaint; any written statements or requests of the Respondent; all documentary evidence presented at the Hearing; any transcript, audio, or video recording of any live or videoconference witness testimony (or in the absence of a transcript or recording, written summaries of this witness testimony prepared by the Faculty Advisor); any objections or rulings on any proposed evidence (prepared by the Faculty Advisor); and any verdict form prepared. If a request for a Review Panel, Request for Reconsideration, motion for a new Administrative Honor Hearing, and/or appeal is made, the request for a Review Panel, Request for Reconsideration, motion, and/or appeal and records of all actions relating to the Review Panel, Request for Reconsideration, motion, or appeal shall become part of the Record.

(c) The Dean of Students shall compile the Record. The Record shall be preserved by the School of Law. The Record may be referenced in future cases as precedent with the identity of the Respondent excised (unless the Respondent has waived the right to confidentiality).

(d) Upon written request, the Dean of Students shall deliver a copy of the Record to the Respondent. If a Request for Reconsideration or appeal is made, the Dean of Students shall deliver a copy of the Record to the School of Law Dean.

## **Article 7: Reconsideration and Appeal**

### **7.1 Final Decision, Execution of Sanction(s), and Publication of Decision**

(a) The decision of the Dean of Students in a situation involving a full confession becomes final when (i) the time for requesting reconsideration has passed without a Request for Reconsideration being made, (ii) when a timely Request for Reconsideration is decided by the School of Law Dean and the time for requesting an appeal has passed without an appeal being made, or (iii) when a timely appeal from a Request for Reconsideration is filed and decided.

(b) The result of an Administrative Honor Hearing (including a new Hearing after a motion for a new Hearing is granted due to newly discovered evidence or the School of Law Dean remands the case for a new Hearing upon Request for Reconsideration) becomes final when (i) the time for requesting review by an Honor Council Review Panel has passed without a request being made and the time for requesting reconsideration has passed without a Request for Reconsideration being made, (ii) when the time for requesting review by an Honor Council Review Panel has passed without a request being made and a Request for Reconsideration is timely filed and decided by the School of Law Dean and the time for requesting an appeal has passed without an appeal being made, (iii) when a timely request for review by an Honor Council Review Panel is made and the Review Panel does not find the Panel's decision on culpability arbitrary and capricious and the time for requesting reconsideration has passed without a Request for Reconsideration being made, or a timely Request for Reconsideration is filed and decided by the School of Law Dean and the time for requesting an appeal has passed without an appeal being made, or (iv) when a timely appeal from a Request for Reconsideration is filed and decided.

(c) When the decision of the Dean of Students in a situation involving a full confession or the result of a Hearing becomes final, the Dean of Students shall impose the sanction(s), if any. The Dean of Students subsequently shall email to the School of Law Student Body an announcement containing the outcome of the Hearing, including the charge, a brief summary of the evidence, whether a violation was found to have occurred, and any sanction(s) imposed. Unless the Respondent has waived the right to confidentiality, neither the Respondent's name nor any identifying information shall be published in

conjunction with this announcement. Similarly, no names of witnesses or Administrative Honor Panel members or Honor Council Review Panel members shall be published in conjunction with this announcement.

## **7.2 Request for Reconsideration**

- (a) The Respondent may request reconsideration by the School of Law Dean of any finding by an Administrative Honor Panel that the Respondent committed an Honor Code violation and/or any sanction(s) imposed based on that finding by filing a timely Request for Reconsideration. To be considered timely, a Request for Reconsideration must (i) be delivered to the School of Law Dean in writing (with a copy to the Dean of Students) within 10 days of the finding by the Administrative Honor Panel (or Honor Council Review Panel, if the Respondent requested such review) being provided to the Respondent; (ii) state whether the Respondent is requesting reconsideration of the finding(s) of culpability and/or sanction(s); and (iii) state in detail why the finding(s) of culpability and/or sanction(s) was or were arbitrary and capricious.
- (b) The Request for Reconsideration and copies may be delivered by hand-delivery, Certified mail (return receipt requested), and/or High Point University email. It will be deemed delivered to the School of Law Dean on the earliest of the day the Request for Reconsideration is hand-delivered, the day the mailed Request for Reconsideration is actually received as reflected on the return receipt, or the day the Request for Reconsideration is sent via High Point University email.
- (c) The School of Law Dean shall determine if the Request for Reconsideration is timely and will not consider any untimely Request for Reconsideration. The School of Law Dean shall limit his/her review of a timely filed Request for Reconsideration to the alleged errors identified in writing by the Respondent and shall consider only whether the challenged finding was arbitrary and capricious. The School of Law Dean may meet in person, virtually, or by telephone with the Respondent before making a decision on the Request for Reconsideration but may not consider new allegations of error presented by the Respondent in that meeting.
- (d) The School of Law Dean may affirm or reverse the Administrative Honor Panel's finding(s) of culpability; may affirm, reverse, or modify the sanction(s) imposed; or may remand the matter for a new Hearing on culpability and/or sanctions.
- (e) The School of Law Dean shall notify the Respondent (with a copy provided to the Dean of Students) of his/her decision in writing. Absent exceptional circumstances as determined by the School of Law Dean, the School of Law Dean shall notify the Respondent of his/her decision within 45 days of receiving the Request for Reconsideration.

## **7.3 Newly Discovered Evidence**

(a) At any time after a Respondent has been found to have committed a violation of this Honor Code, regardless of whether the finding has become final, the Respondent may file a motion with the Dean of Students for a new Administrative Honor Hearing on the basis of newly discovered evidence.

(b) A motion for a new Hearing shall be granted only if the Dean of Students determines that (i) the Respondent discovered new evidence since the conclusion of the Hearing; (ii) the failure to previously discover the new evidence was not due to the Respondent's lack of diligence; (iii) the evidence appears to be true and relevant; and (iv) had the evidence been presented at the Hearing, it likely would have affected the outcome.

(c) The Dean of Students shall grant or deny the motion within 14 days. If the Dean of Students denies the motion, he/she must notify the Respondent and provide the reasons in writing.

(d) If the Dean of Students denies the motion, the Respondent may file a Request for Reconsideration to the School of Law Dean. To be considered timely, the Request for Reconsideration must (i) be delivered to the School of Law Dean in writing (with a copy to the Dean of Students) within 7 days of being notified of the Dean of Students' denial; and (ii) state in detail why the Dean of Students' denial was arbitrary and capricious. The requirements for delivery of the Request for Reconsideration are those set forth in § 7.2(b).

(e) The School of Law Dean shall determine if the Request for Reconsideration is timely and will not consider any untimely Request for Reconsideration. The School of Law Dean shall limit his/her review of a timely filed Request for Reconsideration to the alleged errors identified in writing by the Respondent and shall consider only whether the Dean of Students' denial was arbitrary and capricious. The School of Law Dean may meet in person, virtually, or by telephone with the Respondent before making a decision on the Request for Reconsideration but may not consider new allegations of error presented by the Respondent in that meeting.

(f) The School of Law Dean may affirm or reverse the denial of the motion for a new Hearing and shall notify the Respondent (with a copy provided to the Dean of Students) of his/her decision in writing. Absent exceptional circumstances as determined by the School of Law Dean, the School of Law Dean shall notify the Respondent of his/her decision within 14 days of receiving the Request for Reconsideration. The School of Law Dean's decision on the Request for Reconsideration of the motion for a new Hearing is final.

## **7.4 New Honor Hearing**

(a) If the Dean of Students grants the motion for a new Hearing based on newly discovered evidence, if the School of Law Dean reverses the denial of the motion for a

new Hearing based on newly discovered evidence, or if the School of Law Dean remands the Respondent's case for a new Hearing on culpability and sanctions, the findings reached in the previous Hearing are vacated and no longer valid, and any references to the findings reached in the previous Hearing shall be removed from the Respondent's file. If the School of Law Dean remands the Respondent's case for a new Hearing on sanctions only, the finding on sanctions reached in the previous Hearing is vacated and no longer valid, and any references to those sanctions shall be removed from the Respondent's file.

- (b) The Dean of Students shall notify the Respondent and the President of the Honor Council of the date of the new Hearing within 14 days of the decision by the Dean of Students or School of Law Dean to award a new Hearing. Absent exceptional circumstances as determined by the School of Law Dean, the new Hearing shall be scheduled within 45 days of the decision to grant a new Hearing.
- (c) No Faculty Member or Honor Council member that served on the previous Panel or Review Panel shall serve on the new Panel or on the new Review Panel (if requested).
- (d) The new Hearing will otherwise proceed in accordance with this Honor Code, and the Respondent retains all rights contained herein.

## **Article 8: Administration**

### **8.1 Removal of Honor Council Members**

A member of the Honor Council will be removed by the Dean of Students if convicted of violating the Honor Code, if placed on academic or disciplinary probation, or if the member otherwise fails to maintain the minimum requirements of the position. A member of the Honor Council may be removed by a majority vote of the School of Law Faculty if he/she is found to have breached confidentiality expectations, to have failed in or neglected his/her duties, or to have abused the office.

### **8.2 Time Limits**

Any time limits contained herein may be waived by mutual agreement or modified by High Point University or School of Law in any situation they deem proper.

### **8.3 Notice**

Notice to a student pursuant to the Honor Code may be made by Certified Mail to a student's official address of record with High Point University and/or a student's campus address if assigned student housing, and/or by email to a student's official High Point University email account. Notice to a student's official High Point University email account shall be deemed actually received by such student on the day the email is sent.

## **8.4 Dean's Authority to Appoint Designee**

All duties assigned in the Honor Code to the Dean of Students may, at the School of Law Dean's discretion, be performed by another designee of his/her choosing at any point in the Honor process, and the decision to appoint a designee may not serve as a basis for review, reconsideration, or appeal.

## **8.5 Amendments**

Any member of the HPU Community may propose amendments to this Honor Code. Any proposed amendment must be forwarded to the SBA for opportunity to review and comment before being presented to the Law Faculty and Honor Council for a vote. A proposed amendment shall be ratified only if a majority of the Law Faculty and a majority of the Honor Council vote to approve it after reviewing all feedback on the proposed amendment from the SBA.

# **Article 9: Temporary Provisions**

## **9.1 Necessity**

The School of Law will open in August 2024 with its inaugural class of first-year students. The School of Law Faculty and Administration recognize that certain provisions of this Honor Code will not go into effect immediately because there will not be an Honor Council comprised of students when the School of Law first opens. The School of Law Faculty and Administration anticipate that this Code will take full effect beginning with the 2026-27 academic year, when it will be possible to have an Honor Council comprised of 2L and 3L students.

## **9.2 Applicability of Articles 1 through 4**

Articles 1 through 4 of this Honor Code shall be in full effect beginning with the 2024-25 academic year.