

UNIVERSITY OF
DENVER
COLLEGE OF LAW

CODE OF
ACADEMIC
CONDUCT

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CODE OF ACADEMIC CONDUCT

I PURPOSE

(a) Recognizing that, as students in preparation for entrance to the legal profession, we are committed to the highest principles of professional conduct, we the students of the University of Denver College of Law adopt this Code of Academic Conduct. The purpose of this Code of Academic Conduct is to establish rules and procedures by which the conduct of students in academic matters shall be governed at the College of Law.

(b) Recognizing that no code or set of rules can be framed which will adequately particularize all the duties of the law student in the varying phases of student life, or in all the relations of a professional career, this Code is intended to guide students in the pursuit of their academic affairs. This Code is not to be construed as a limitation on the broader scope of professional responsibility governing law students and lawyers alike and should in no way interfere with any other rules and regulations governing that professional responsibility.

(c) Recognizing that no system can operate effectively without the cooperation of the participants of the system, THIS CODE IS ESTABLISHED IN THE BELIEF THAT THE SYSTEM CREATED BY IT CAN ONLY BE EFFECTIVE IF EVERY STUDENT IS FULLY CONSCIOUS OF HIS/HER RESPONSIBILITIES UNDER IT AND IS IN SYMPATHY WITH THE PRINCIPLES UPON WHICH THIS CODE IS BASED.

II SCOPE

(a) This Code is intended to apply to all academic matters at the University of Denver College of Law such as, but not limited to, examinations, papers, law review service, clinical education programs, and all other activities which may earn a student credit for graduation. This Code is also intended to cover participation by all students at the College of Law participating in academic matters, whether or not enrolled for the purpose of obtaining a degree from the College of Law. The primary relationship among students in any educational environment is an academic one and this Code is limited to that relationship.

(b) The procedures established by this Code are designed to be the exclusive procedures for dealing with violations within the ambit of this Code. Sanctions for violations of this Code shall not be imposed except through the process of this Code, and then only for violative conduct set forth in [Section III](#).

(c) Proceedings initiated or actions taken under this Code shall not be considered to be in the nature of disciplinary action unless so designated by the Dean of the College of Law in the final imposition of a sanction pursuant to [Section X \(f\) \(1\)](#) of this Code.

III PROHIBITED CONDUCT

(a) All students enrolled at the College of Law are deemed to have knowledge of what constitutes prohibited conduct under this Code pursuant to [Section XV \(a\)](#) of this Code. The following shall be violations of this Code of Academic Conduct whether done knowingly or negligently:

(1) EXAMINATIONS

(A) During an examination, take-home examination, or makeup examination:

(i) To use materials other than those authorized by the instructor; or

(ii) To give, solicit, receive, take, or use any information or assistance other than that which is specifically permitted by the examination instructions; or

(iii) To engage in any act specifically prohibited by the written or oral instructions governing the examination.

(B) In the case of a student who is taking or has taken an examination, to discuss that examination with anyone whom he/she knows, or should know, is taking or will be taking the same examination, unless permitted by the written or oral instructions governing the examination.

(C) To begin an examination before the starting time designated by the person administering the examination, or to continue to write an examination after the expiration of the time allotted by the instructor and/or person administering the examination.

(2) WRITING ASSIGNMENTS

(A) Concerning the preparation of research or other writing assignments:

(i) To engage in any acts specifically prohibited by the written or oral instructions governing the assignment; or

(ii) To submit as one's own work the work or part of the work of another; or

(iii) To plagiarize, which is defined generally, though not exclusively, as using without due credit the works, expressions, phraseology, or productions of another; or

(iv) To make misrepresentations as to work done toward the satisfaction of the requirements for a grade or credit.

(3) USE OF THE LAW LIBRARY

(A) Concerning the use of the University of Denver College of Law Library, to take or attempt to take without authorization, to conceal or attempt to conceal, or to destroy or attempt to destroy material belonging to the Library.

(b) Failure, knowingly or without justification, to cooperate with the Honor Board or with the Review Board in efforts to investigate, hear, or review charges brought under this Code, is a violation. Silence on the part of any respondent brought before the Honor Board shall not be construed as a failure to cooperate subjecting him/her to an additional violation on that ground.

(1) A student may seek assistance from a professor or member of the administration in determining the proper rule in a particular situation.

(2) It is the duty of each student to monitor himself/herself concerning the specific time designated for beginning or ceasing to take an examination. A student should not rely on any other person to inform him/her that the examination time has expired.

(3) The general provisions of the disciplinary procedures at the University of Denver pertain to such activities as stealing. [Subsection \(a\) \(3\) \(A\)](#) concerning the use of the Law Library is not intended to be a vehicle by which a student may be subjected to double jeopardy with respect to a violation of [subsection \(a\) \(3\) \(A\)](#). Therefore, in the event that jurisdiction is actually assumed pursuant to the general disciplinary procedures of the University before the Honor Board has assumed jurisdiction, then such fact should be made known to the Honor Board by the respondent. The Honor Board should proceed accordingly.

IV ADMINISTRATION OF THE CODE

All students, including members of the Honor Board, faculty members, and members of the administration have an affirmative duty to take constructive action under this Code in the event of committing or observing a violation or an apparent violation of this Code. Constructive action may include, but shall not be limited to, any or all of the following actions:

- (a) Reporting the matter formally to a member of the Honor Board under the procedures set forth in [Section V \(a\)](#) of this Code.
- (b) Discussing the matter in general terms, using no names or identifying facts, with one or more members of the Honor Board to consider whether a formal complaint should be filed. After such consultation, the individual taking such constructive action has the responsibility to decide whether the matter should be formally reported to a member of the Honor Board.
- (c) Discussing the matter in general terms, using no names or identifying facts, with one or more members of the faculty to consider whether a formal complaint should be filed. After such consultation, the individual taking constructive action has the responsibility to decide whether the matter should be reported formally to a member of the Honor Board.
- (d) Discussing the matter with the individual allegedly in violation of this Code. If such discussion does not resolve doubts about the possibility of a violation, the matter should be formally reported to a member of the Honor Board.
 - (1) Although constructive action is not limited to the above, any action taken should be similar in nature, such as discussing the matter with a neutral party.

V REPORTING SUSPECTED VIOLATIONS

- (a) If after taking constructive action under [Section IV](#) of this Code, a person believes that the matter should be formally reported to the Honor Board, the person should immediately contact any member of the Honor Board. The Honor Board member shall inform the complainant that he/she should submit a written complaint, limited to the complainant's allegations, the name(s) of the alleged violator(s), and a general description of the alleged violative conduct.
- (b) The informed member of the Honor Board shall, after receipt of the written complaint, request that the Chairperson of the Honor Board:
 - (1) Convene the Board at the earliest possible and practical opportunity for the initial hearing in the case; and
 - (2) Notify the alleged violator (hereinafter referred to as the respondent) in writing of:
 - (A) The general nature of the complaint against him/her;
 - (B) His/her present and ongoing right to counsel as provided in [Section VI](#) of this Code;

- (C) The date, time, and place set for the initial hearing;
- (D) His/her right to be present at the initial hearing; and
- (E) His/her rights in the selection of a Code Advocate in the case.

VI RIGHTS OF THE RESPONDENT

(a) The respondent shall have the right to retain student or outside counsel at any time and such right shall continue throughout all proceedings to which he/she is a party. The respondent shall have the right to have such counsel present at any time the respondent himself/herself may be present at the proceedings under this Code. In any and every case where counsel is retained by the respondent, it is understood that said counsel, whether student or outside counsel, shall adhere to the [Colorado Code of Professional Responsibility](#) and shall be bound to follow the procedures and provisions of this Code.

(b) A member of the Honor Board may be disqualified at any time from further participation in an individual case upon a motion by the respondent, or by a member of the Honor Board and in either case a determination by a majority of the remaining members of the Honor Board that the continued participation of the member in question could reasonably be found to seriously jeopardize the fairness of the proceedings. Such motion shall be made part of the whole record in the case.

If such disqualification(s) would reduce the Investigative Panel and/or the Adjudicative Panel below a quorum, the President of the Student Bar Association shall appoint from among the members of the Student Bar Association Senate as many Senator(s) as necessary to provide a quorum for proceedings in that case. These appointed members shall be subject to all responsibilities of Honor Board members.

(c) In the event that a respondent is alleged to have committed two or more violations of this Code arising out of two or more unrelated sets of facts or circumstances, the respondent may, at the initial hearing and before the selection of the Code Advocate, request a separate proceeding concerning each such alleged violation. Such request shall be granted unless a majority of the Honor Board determines that the rights of the respondent would not be prejudiced by a consolidated proceeding.

(d) In the event that the complaint names two or more respondents whose alleged violations of this Code arise out of the same set of facts or circumstances, each such respondent may, at the initial hearing and before the selection of the Code Advocate, request a separate proceeding as to his/her alleged violation. Such request shall be granted unless a majority of the Honor Board determines that the rights of the respondents would not be prejudiced by a consolidated proceeding.

(e) A complete tape recording shall be made of the initial hearing, investigatory hearing, and adjudicatory hearing, if one is necessary, which recording shall be made available to the Review Board on review pursuant to [Section XI](#) of this Code. If there is a finding of insufficient cause to proceed with an adjudicatory hearing or a finding of no violation at the adjudicatory hearing, the Chairperson shall destroy the tape recording after the termination of all proceedings under this Code. If there is a finding of a violation, the Chairperson shall retain the tape recording for uses consistent with the provisions of this Code.

(f) All proceedings of the Honor Board and of the Review Board shall be conducted in strict confidentiality, except that the adjudicatory hearing may be open to the public at the request of the respondent. The findings of the Boards may also be made public upon a motion by the respondent.

VII RESPONSIBILITIES OF THE HONOR BOARD

The Honor Board, collectively and individually, shall be charged with the following duties:

(a) To keep all matters of the Honor Board in strict confidentiality.

(b) To decide all cases in fundamental fairness.

(c) To publish any interpretation of this Code arising out of a determination made in a particular case which the Board, in its discretion, deems to be fundamental, whether the interpretation is made by the Honor Board or the Review Board, so as to put the entire student body on notice as to the meaning of this Code. All such publications shall be made in such a manner so as to preserve the anonymity of the respondent and all others involved. All such publications and any other publications under this Code shall be posted on the Dean's bulletin board for a period of at least two weeks during an academic quarter.

(d) To make available to all respondents the permanent records of the Honor Board, as defined in [Section XIV](#) of this Code, in order that such respondents may make use of the precedent established by the existing and all previous Honor and Review Boards.

(e) At the beginning of each academic year, to solicit student volunteers willing to represent any respondent before the Honor Board. Upon the request of a respondent who cannot or does not wish to procure his/her own counsel, the Honor Board shall make the names of these volunteers available to such respondent.

(f) In an effort to avert potential violations or interpretive problems concerning this Code, to assist students, upon request, in situations which involve the possible application of this Code.

VIII INITIAL HEARING

(a) In each case, at the initial hearing of the Honor Board, the Board shall, after a determination that a quorum is present:

(1) Explain fully to the respondent the procedures to be followed by the Honor Board under this Code and the rights of the respondent in the context of those procedures; and

(2) Conduct the selection of the Code Advocate from among its student members, not including the Chairperson. To avoid prejudice, the respondent shall draw the name of one student member of the Honor Board. If that person is acceptable to the respondent, that person shall be designated as the Code Advocate for that case. If for any reason the first person whose name is drawn is unacceptable to the respondent, the respondent may, without revealing the identity of the first person drawn, decline to allow that person to serve as Code Advocate. Thereafter, the respondent shall draw additional names, having the right to challenge and disqualify from serving as Code Advocate such individuals only upon a showing of just cause. Disqualification as Code Advocate shall not amount to disqualification under [Section VI \(b\)](#) of this Code.

(b) The Code Advocate, whether a member of the Honor Board or not, shall be charged with the duty to fairly investigate the complaint against the respondent. In the performance of this duty the Code Advocate shall:

(1) Immediately upon his/her selection and thereafter for the duration of the case, refrain from discussing the case with either the members of the Honor Board or any other person except as necessary for the purposes of the investigation. If drawn from the membership of the Honor Board, the Code Advocate shall not participate in any deliberations or votes in the case.

(2) Conduct the investigation in a fair and impartial manner, gathering information and interviewing witnesses, both supporting and refuting the allegations.

(3) At all times, make available to the respondent all evidence, both exculpatory and inculpatory, generated by his/her investigation.

(c) The Chairperson shall then divide the remaining student members of the Board, including himself/herself, into two panels, each of three members with one

alternate. The Chairperson shall designate one panel as the Investigative Panel for the case, and the other as the Adjudicative Panel for the case. Each Panel shall select one of its members to conduct the hearing before it in a proper and orderly manner. The Investigative Panel shall determine at an investigatory hearing whether there is sufficient cause to go forward. If the Investigative Panel determines that there is sufficient cause to go forward, an adjudicatory hearing shall be conducted before the Adjudicative Panel pursuant to [Section X](#). Members of the Board may be assigned by the Chairperson from one panel to the other, but in no event shall a member who has participated as a member of the Investigative Panel in a particular case be assigned to the Adjudicative Panel in the same case. The non-voting faculty participant may be present at all hearings conducted by the Honor Board and its panels.

COMMENTS:

1. The Code Advocate is chosen from the membership of the Honor Board in order to promote continuity in the responsibilities and high standards of careful investigation and to maintain an atmosphere of confidentiality, aimed at protecting the reputations of both the respondent and the complainant. However, the Board may at any time appoint a student who is not a member of the Honor Board as Code Advocate if a majority of the Board believes that such action would provide a fairer hearing.
2. The purpose of the two-panel system is to insure that the determination at the adjudicatory hearing, of whether a violation has occurred, is based solely on the evidence presented at the adjudicatory hearing and is not influenced by prior knowledge of or exposure to such evidence. Accordingly, although the non-voting faculty participant may be present at both investigative and adjudicative hearings, he/she should in no way contravene this purpose.
3. Throughout the year, in dividing the Honor Board into Investigative and Adjudicative Panels, the Chairperson should provide each member with the opportunity to serve as a member of and as an alternate for both Panels.

IX INVESTIGATORY HEARING

(a) Upon completion of his/her investigation, the Code Advocate shall notify the Chairperson of the Honor Board. The Chairperson shall arrange for a hearing of the Investigative Panel at the earliest possible time. No members of the Adjudicative Panel for that case may be present. At that hearing, upon a determination that a quorum is present, the Code Advocate shall present his/her report of facts to the Panel in the presence of the respondent.

The Panel shall then dismiss the respondent, his/her counsel, the Code Advocate, and any non-members of the Panel, except the non-voting faculty participant. The Panel shall then, by majority vote, determine whether there is sufficient cause to

go forward. The Panel's decision shall be based solely upon the facts presented, interpreting them in a light most favorable to the respondent. If the Panel feels that there are insufficient facts upon which to base a determination, the Panel may, but need not, renew the investigation.

(1) Upon a determination of sufficient cause, the Panel shall, upon a majority vote, determine the exact charges against the respondent under [Section III](#) of this Code. The Panel shall then notify the respondent and the Code Advocate of the determination of sufficient cause and of the exact charges against the respondent, and shall make available to the respondent a complete copy of the Code Advocate's report.

(2) Upon a determination that there is insufficient cause to go forward, the Panel shall notify the respondent and the Code Advocate that all proceedings before the Honor Board concerning the complaint have been terminated.

(b) Upon a determination of sufficient cause, the Code Advocate shall arrange with the Chairperson of the Honor Board for a hearing and adjudication by the Adjudicative Panel of all evidence. The time and date for such hearing and adjudication shall be set to permit the respondent sufficient time to prepare his/her response to the charge(s) and the evidence.

X ADJUDICATORY HEARING

(a) For the purposes of this section, "party" or "parties" shall mean the respondent, his/her counsel, and the Code Advocate.

(b) At the designated time and place for the hearing, the Adjudicative Panel shall determine that:

(1) A quorum is present;

(2) All parties are present and prepared to proceed; and

(3) All other persons have left the room unless the respondent has requested that the hearing be open to the public.

(c) At the opening of the adjudicatory hearing the following motions may properly be made by any party. Upon the presentation of such motions, the Adjudicative Panel must issue a prompt ruling by a majority vote.

(1) A motion to continue the proceedings to a later date. Only one such motion will be granted to any one party as a matter of course without a showing of just cause. Motions for additional continuances shall only be granted after a showing of just cause.

No continuance shall be granted which exceeds a reasonable length of time under the circumstances.

(2) A motion to exclude witnesses except for that time when their testimony is being heard. Such a motion need not show cause, but shall include provisions, satisfactory to the Panel, for the prompt summoning and appearance of the witnesses.

(d) The respondent shall then have the opportunity to enter a plea. In the event of an entry of a plea of "no violation", the hearing shall proceed according to [subsection \(e\)](#). In the event of an entry of a "violation" plea to the charge(s) against the respondent, the Panel shall proceed in accordance with [subsection \(e\)\(12\)](#) of this Section.

(e) The adjudicatory hearing shall then proceed as follows:

(1) The Code Advocate shall present all the evidence developed in his/her investigation in light of the charges against the respondent.

(2) Following the presentation of evidence by the Code Advocate, the Panel may, on its own motion, find that a case for clear and convincing evidence has not been made and thereby dismiss all or part of the charges against the respondent.

(3) Following the presentation of evidence by the Code Advocate, the respondent may present any evidence he/she has developed.

(4) All procedures of this Code are patterned after a non-criminal administrative proceeding under which all questions involving criteria for the admissibility of evidence should be determined. Therefore, in the presentation of all evidence, the operation of the rules of evidence, including the hearsay rule and its exceptions, shall be relaxed. Any oral or documentary evidence may be received. However, the Panel, by a majority vote, shall exclude unreliable, irrelevant, immaterial, or unduly repetitious evidence, but for purposes of the record, offers of proof are allowed.

(5) The Adjudicative Panel shall have the power to summon all necessary witnesses to testify at the adjudicatory hearing. Failure, knowingly or without justification, by a summoned witness to appear or testify is a failure to cooperate pursuant to [Section III \(b\)](#) of this Code.

(6) The respondent shall have the right to summon witnesses to testify on his/her behalf through the Adjudicative Panel pursuant to [Section X \(e\) \(5\)](#) of this Code.

(7) Witnesses shall first be questioned by the party which summons them, and thereafter, they may be questioned by the other party, and then by the members of the Panel.

(8) Strict distinctions between direct, cross, or redirect examination are not required. The primary consideration in every stage of the examination procedure is one of fundamental fairness to all concerned.

(9) Following the presentation of all evidence by the Code Advocate and the respondent, including questions by the student members of the Panel as to such evidence, the Code Advocate and the respondent may, but are not required to, present closing statements. It should be understood that the respondent shall always, in every case, have the right to be the last to speak. The Panel may not interpose questions during the closing statements, but the Panel may ask questions regarding the closing statements and after both statements are finished.

(10) Following closing statements, if any, the Panel shall exclude from the hearing room all persons, including the Code Advocate, and the respondent, who are not voting members of the Adjudicative Panel, except the non-voting faculty participant. The Panel shall then deliberate and decide whether the conduct evidenced constitutes a violation of this Code. During such deliberation the Panel may recall the respondent and the Code Advocate, but only together, and pose questions in clarification of the evidence previously presented. No new evidence may be introduced at that time. No one shall be found to have violated this Code except on the determination by the Adjudicative Panel that conduct constituting a violation has been established by clear and convincing evidence. Such a finding may be made only by a majority vote of the Panel as defined in [Section XIV \(e\)](#).

(11) Upon a finding that conduct constituting a violation has NOT been established, the Panel shall so notify the respondent. Such a finding shall establish the innocence of the respondent and shall bar all further action in his/her case, as regards that specific charge(s). After dismissal of all persons, including the Code Advocate and the respondent, who are not voting members of the Adjudicative Panel, except the non-voting faculty participant, a member of the Panel voting in the majority shall be appointed to prepare a statement of facts and findings of the case based upon all records. The Code Advocate's records and all tape recordings of all proceedings connected with the case may be used in preparing said statements of facts and findings. The statement of facts and findings shall be written in accordance with [Appendix H](#) of this Code.

A member voting in the minority may also submit a dissenting opinion, drafted in any form. Such member may also use records of the case to prepare his/her dissent. Upon termination of the use of records of the case by any members of the Adjudicative Panel for the purpose of writing the statement of facts and findings and/or any dissents, the Chairperson shall be responsible for the destruction of all such records except the statement of facts and findings and any dissents. All such statements and opinions, with names and identifying facts deleted, shall become part of the permanent records of the Honor Board for use in later cases. The respondent may have a copy of such statements and opinions upon request.

(12) Upon a finding that conduct constituting a violation HAS been established, the Panel shall immediately so notify the respondent. The respondent shall then immediately be given an opportunity to present statements in mitigation. The Code Advocate, respondent, and any persons not members of the Adjudicative Panel, except the non-voting faculty participant, shall then be dismissed and the Panel shall consider all mitigating and extenuating circumstances presented to it, if any, in reaching a conclusion as to the seriousness of the violation and the sanction to be recommended. Once the Panel has determined the recommended sanction, the respondent shall immediately be so notified.

After dismissal of the Code Advocate, the respondent and any other persons not members of the Panel, except the non-voting faculty participant, the Panel shall appoint a member voting in the majority to prepare a statement of facts and findings of the case, including the sanction to be recommended. A member voting in the minority may also submit a dissenting opinion. The statement of facts and findings of the case and any dissenting opinion shall be prepared in the manner prescribed in [Appendix H](#) of this Code. All the records of the case, including the statement of facts and findings and any dissenting opinion shall be preserved by the Chairperson until all appeal procedures have been terminated or until the time for submitting a petition for review pursuant to [Section XI](#) of this Code has elapsed. Thereafter, all records of the case, including the statement of facts and findings and any dissenting opinion shall be dealt with in the same manner as is prescribed in [subsection \(e\) \(11\)](#) of this Section.

(f) Sanctions:

(1) The authority to impose any particular sanction resides in the Dean of the College of Law. The power of the Adjudicative Panel is only to recommend that a particular sanction be imposed. The recommendation of the Adjudicative Panel, although not binding, should be adhered to whenever possible.

(2) If the recommended sanction in any case involves the respondent's grade or credit for a course, the Adjudicative Panel shall obtain approval of the recommended sanction from the professor for that course before submitting the recommended sanction to the Dean.

(3) In any particular case, the Adjudicative Panel may recommend a corrective sanction or a disciplinary sanction. The Adjudicative Panel shall, both in notifying the respondent of the recommended sanction and in its statement of facts and findings, clearly specify under which of the following subsections a sanction is recommended.

(A) CORRECTIVE SANCTIONS

A corrective sanction shall be recommended where the Adjudicative Panel in its discretion determines that, in view of all circumstances, a violation does not warrant disciplinary action but does require admonition of the respondent and/or remedy of the consequences of the violation. Corrective sanctions shall not be construed to be in the nature of disciplinary action. Sanctions recommended under this subsection may include:

- (i) Admonition through temporary annotation of the respondent's official transcript showing the violation(s) and attachment of the statement of facts and findings and mitigating circumstances for a period not to exceed one year.
- (ii) A lower grade in the course in which the violation occurred.
- (iii) A lower grade for the particular examination or assignment out of which the violation arose.
- (iv) Restitution for library materials taken or destroyed.
- (v) Any other measure the Adjudicative Panel deems appropriate to rectify the consequences of the violation.

(B) DISCIPLINARY SANCTIONS

For any violations of this Code for which a sanction under this subsection is recommended, the official transcript of the violator shall be annotated to show the violation with an attached statement of facts, findings, and mitigating circumstances. Sanctions under this subsection may include:

- (i) Any sanction set forth in [Section X \(f\) \(3\) \(A\)\(ii\)](#) through [\(v\)](#).
- (ii) Public reprimand through publication of the statement of facts and findings in the case.
- (iii) No credit in the course in which the violation occurred.
- (iv) No credit for all courses in the quarter in which the violation occurred.
- (v) Suspension for a period of up to one year. When suspension is recommended, credit for all courses taken during the quarter in which the violation occurred may, but need not, be withheld.
- (vi) Expulsion from the College of Law.
- (vii) Any other measure the Adjudicative Panel deems appropriate considering the seriousness of the violation.

(g) The imposition of any recommended sanction shall be delayed until appeal procedures have terminated or until the time in which to appeal has elapsed, at which time the recommended sanction shall be forwarded along with the statement of facts and findings and any dissenting opinion to the Dean of the College of Law.

XI APPEAL PROCEDURE

(a) Any final decision of the Adjudicative Panel in which a sanction has been recommended may be appealed to the Review Board upon the petition of the individual against whom the sanction has been recommended.

(b) Scope of appellate review:

(1) The findings of fact of the Adjudicative Panel shall be considered to be conclusive unless clearly erroneous on the whole record.

(2) The Review Board may fully review the action taken and the sanction recommended by the Adjudicative Panel. The Review Board may then, by majority vote, affirm the findings of the Adjudicative Panel, affirm or reduce the recommended sanction, reverse and remand the case to the Adjudicative Panel for further proceedings, or reverse and dismiss all or part of the charges. The Review Board may also hear the case de novo if it determines, by a four-fifths majority, that the Panel could not render a fair

and impartial decision on remand. In any de novo hearing conducted by the Review Board, the Review Board shall be guided by the procedures applicable to an original proceeding by the Adjudicative Panel insuring that the respondent shall have all of the due process rights he/she would have in proceeding before the Adjudicative Panel.

(c) Procedure for Review:

(1) A petition for review must be submitted to the Chairperson of the Review Board within thirty (30) days after the Adjudicative Panel has decided that a sanction should be recommended. In the interest of fairness to the individual found in violation of this Code, the appeal process should be expedited to the extent possible and reasonable.

(2) Upon receipt of the petition, the Chairperson of the Review Board shall immediately forward a copy to the Chairperson of the Honor Board.

(3) The Chairperson of the Honor Board shall then, within ten (10) days after receipt of a copy of the petition, submit the whole record of the case, as defined in [Section XIV \(f\)](#) of this Code, to the Review Board.

(4) The Chairperson of the Review Board shall convene a meeting of the Review Board at the earliest possible opportunity following receipt of the whole record of the case.

(5) In making its review, the Review Board may consider the whole record of the case. The individual found to have violated this Code shall be allowed to present, through oral and/or written argument, his/her reasons for a change in the findings of the Adjudicative Panel. Such reasons shall include, but shall not be limited to, the existence of new evidence not presented or considered by the Adjudicative Panel and arguments which go to the fairness and impartiality of the hearing before the Adjudicative Panel within the meaning and spirit of this Code. But failure by the Investigative or Adjudicative Panels to follow the precise procedures set forth under this Code shall be deemed harmless error unless it is clearly shown to have caused prejudice or to have violated minimum due process rights of the respondent. A member of the Adjudicative Panel voting in the majority and the Code Advocate shall appear in rebuttal.

(6) Following argument and review of the whole record, the Review Board shall make its determination in closed session pursuant to [subsection \(b\) \(2\)](#) of this section.

XII COMPOSITION OF THE HONOR BOARD

(a) Generally:

The Honor Board will be composed of one non-voting faculty member, selected by the faculty, and nine members from among the student body of the University of Denver College of Law, to be elected in accordance with the procedures set forth in [subsection \(d\)](#) of this section. Newly elected members of the Honor Board shall take office immediately upon election. The newly formed Board shall have jurisdiction over any case pending before the prior Board which has not progressed past the procedures outlined in [Section VIII \(a\) \(2\)](#) of this Code. The names and phone numbers of all current Honor Board members shall be posted permanently and conspicuously on the Student Bar Association bulletin board.

(b) Eligibility:

Any student at the College of Law in good standing who shall not graduate prior to the completion of the term he/she seeks shall be eligible to serve on the Honor Board.

(c) Nominations:

Nominations shall be held seven days prior to regular elections and shall take place for three days. The nomination of each candidate must be supported by a petition of not less than ten (10) signatures of students eligible to vote for the position sought by the nominee. Completion of the nomination form available shall suffice, although any other similar form is also acceptable.

(d) Elections:

(1) Regular elections. Regular elections will be held during the Spring Semester of each academic year under the direction of the Senate of the Student Bar Association. Members of the Honor Board shall be elected from among those properly nominated as follows:

(A) MEMBERS OF THE DAY DIVISION

(i) who have completed not more than one academic semester in law school shall elect two (2) students from among those nominated who have also completed not more than one academic semester in law school. The student receiving the most votes shall serve a two-year term. The student receiving the next highest number of votes shall serve a one-year term.

(ii) who have completed more than two academic semesters in law school shall elect two (2) students from among those nominated who have also completed more than two

academic semesters in law school. The two students receiving the most votes shall each serve a one-year term.

(B) MEMBERS OF THE EVENING DIVISION

(i) who have completed not more than one academic semester in law school shall elect one student from among those nominated who have also completed not more than one academic semesters in law school. The student receiving the most votes shall serve a two-year term.

(ii) who have completed more than two academic semesters in law school shall elect two (2) students from those nominated who have also completed more than two academic semesters in law school. The two students receiving the most votes shall each serve a one-year term.

(e) Vacancies:

(1) A position on the Honor Board shall be deemed vacant

(A) upon receipt by the Senate of the Student Bar Association of a written resignation addressed to the Senate of the Student Bar Association; or

(B) by the failure of the person holding the position to register for two semesters in any three consecutive semesters falling within his/her term as determined by the administration and faculty of the College of Law; or

(C) by the member's termination of studies at the College of Law; or

(D) by the member's death or incapacity; or

(E) upon the member's removal by the Dean of the College of Law pursuant to a petition showing good cause for such removal submitted by all the remaining members of the Honor Board.

(2) In the event of a vacancy, the Honor Board shall immediately notify the division affected. This notice shall state the position vacated, which division (as defined in [subsection \(d\)](#) of this section) is affected by the vacancy and when elections to fill the vacancy shall be held. Elections shall take place within four weeks of the notification and shall be governed by [subsection \(d\)](#) of this section. The student elected to fill the vacated position shall serve on the Honor Board for the remainder of the

unexpired term of the position vacated. The student elected shall take office immediately upon election.

(3) In the event the Honor Board determines that the vacancy should be filled before special elections are held, the President of the Student Bar Association shall appoint a member of the Student Bar Association Senate to serve as a member of the Honor Board in the interim.

(4) In the event the Chairperson of the Honor Board is the student who has vacated his/her position on the Board, the Board shall not elect a new permanent Chairperson, pursuant to [subsection \(f\)](#) of this section, unless all elected members are present.

(f) Chairperson:

(1) After each regular election, the Honor Board shall elect from among its student members a Chairperson. The Honor Board shall not elect a permanent Chairperson unless all nine student members are present.

(2) The Chairperson's duties shall include the following:

(A) Notifying all members of the Honor Board and the non-voting faculty participant of pending meetings and hearings;

(B) Conducting meetings and hearings of the Board in a proper and orderly manner;

(C) Keeping and maintaining all permanent records of the Honor Board;

(D) Notifying the Dean of the College of Law of any and all findings of violations and recommended sanctions; and

(E) Any other duties specifically required of the Chairperson under other sections of this Code and/or which the Honor Board might deem necessary to aid the efficient and fair operation of this Code.

(3) The Chairperson shall have the right to participate in every case and vote as any other member of the Honor Board in all business conducted by the Honor Board, except as otherwise provided by this Code.

(g) Non-voting Faculty Participant:

A member of the faculty of the University of Denver College of Law, designated by the faculty of the College of Law as a non-voting participant on the Honor Board, shall have the right to participate in all meetings and to take part in the

deliberations of the Honor Board. The non-voting faculty member is a part of the Honor Board in order that the Honor Board may benefit from the faculty's experience and knowledge; however, the proceedings of the Honor Board are intended to be primarily a student process.

XIII COMPOSITION OF THE REVIEW BOARD

(a) The Review Board will be composed of five (5) members as follows:

- (1) The President of the Student Bar Association;
- (2) Two members of the faculty of the College of Law to be selected in any manner and for terms to be determined by the faculty;
- (3) The Associate or Assistant Dean for Academic Affairs of the College of Law, or his/her representative, who shall serve as Chairperson of the Review Board. The Chairperson shall be counted in determining a quorum and shall have a vote in all matters considered by the Board.

XIV DEFINITIONS

For the purposes of this Code:

(a) The term "student" means any individual participating in any academic matter at the University of Denver College of Law, who is not a member of the faculty or administration.

(b) The term "academic matter" means:

- (1) Any course of study offered by the University of Denver College of Law including, but not limited to, examinations, research, and any other assignment to be done for a course, whether it is to be before, during, or outside the time allotted for class.
- (2) Any work which is done in whole or in partial satisfaction of requirements to receive credit for participation in any activity for which credit is given, without reference to the locus of such activity, including but not limited to, internships and externships.

(c) The term "quorum" as applied to the Honor Board shall mean:

- (1) With respect to an initial hearing under Section VIII of this Code, at least five (5) members eligible to vote in the matter pending before the Honor Board.

(2) With respect to hearings conducted by the Investigative and Adjudicative Panels of the Honor Board, all three (3) members of each panel, in the event a quorum of the Adjudicative Panel cannot be assembled at any time during the proceedings before that Panel due to the creation of a vacancy, the vacancy shall be filled pursuant to [Section XII \(e\)](#) of this Code and the Panel shall hold a new adjudicatory hearing unless the respondent and the remaining members of the Panel waive the requirement of a quorum and continue the proceedings as if a quorum were present.

(3) With respect to all other business conducted by the Honor Board as a whole, at least five (5) voting members of the Honor Board, unless otherwise provided.

(d) The term "quorum" as applied to the Review Board shall mean all five (5) members of the Review Board. The procedures of the Student Bar Association and the faculty provide for the replacement or substitution of their representatives under certain circumstances.

(e) Except as otherwise provided, the term "majority" for proceedings conducted by the Honor Board, the Investigative Panel, the Adjudicative Panel, and the Review Board shall mean a simple majority of those members present and voting.

(f) Records:

(1) The term "permanent records of the Honor Board" shall mean written statements of facts and findings, dissenting opinions, and written opinions by the Review Board, with names and facts identifying the individual(s) deleted, and any other materials which may be helpful to the operation of the Board.

(2) The term "whole record of the case" with respect to a particular case, shall mean the written complaint, the investigator's records, the Code Advocate's records, all tape recordings, physical evidence, statements of facts and findings by the Adjudicative Panel, and any dissenting opinions.

XV OPERATION

(a) All incoming students to the College of Law shall be given a copy of this Code with matriculation materials. As a condition of matriculation, each incoming student shall be required to submit to the Chairperson of the Honor Board a statement that he/she will read and be bound by the provisions and actions of the Code of Student Conduct of the University of Denver College of Law. The statement shall be submitted to the administration of the College of Law for permanent retention in each student's academic file.

(b) The Honor Board shall present an informational program introducing themselves and the operation of the Code to the incoming class as part of the fall orientation program.

XVI AMENDMENTS

This Code of Academic Conduct may be amended by an affirmative vote of two-thirds (2/3) of the voting members of the Student Bar Association Senate under the powers of Article III, Section 7 of the Constitution of the University of Denver College of Law Student Bar Association and shall become effective only upon the adoption by a majority vote of the members of the Student Bar Association (voting within two weeks after the passage of the amendment by the Senate); acceptance by the faculty of the College of Law; and acceptance by the Board of Trustees of the University of Denver.

XVII ADOPTION, ACCEPTANCE, IMPLEMENTATION, AND REVOCATION

(a) This Code of Academic Conduct shall not be effective until adopted by a majority of the members of the Student Bar Association who vote in a special election for that purpose, and accepted by the faculty of the College of Law, by the Dean of the College of Law, and by the Board of Trustees of the University of Denver in accordance with their respective established procedures. Upon adoption, copies of this Code shall be made available to all students at the College of Law. Beginning on the first day of the Winter Quarter of the 1981-82 academic year, this Code shall be binding upon all students and members of the faculty and administration at the College of Law.

(b) Upon acceptance of this Code of Academic Conduct, the then-existing members of the Honor Board shall continue in their respective positions until each of their terms expire and regular elections, pursuant to [Section XII](#) of this Code, shall take place.

(c) Continued operation of this Code of Academic Conduct shall be subject to revocation by the Board of Trustees of the University of Denver, by the faculty of the College of Law, or by the students of the College of Law in accordance with their respective established procedures.