

THE ALEXANDER BLEWETT III SCHOOL OF LAW HONOR CODE

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CHAPTER 1- INTRODUCTION

▫ 1-101 - PREAMBLE

The American Bar Association and the Montana Supreme Court establish standards of skill and conduct to which a Montana attorney must conform. The Alexander Blewett III School of Law requires law students to conform to similar standards. Honor and integrity among law students are essential to develop competent and ethical attorneys, and this Honor Code seeks to develop a pattern of conduct for students to follow in the practice of law. This Code is intended to foster these professional qualities and, when appropriate, to educate students, including those accused of violating this Code, those involved in the enforcement of this Code, and the student body as a whole.

▫ 1-201 - DEFINITIONS

In this Honor Code, unless the context requires otherwise, the following definitions apply.

- (a) "Accused Student" means a student identified in an informal complaint as having allegedly violated the Code. An Accused Student must have applied for admission to the Law School, been admitted to the Law School, or enrolled in a course offered by the Law School at the time of the alleged violation, but need not have been enrolled when proceedings under this Code began.
- (b) "Associate Dean" means the Associate Dean of The Alexander Blewett III School of Law, and the Associate Dean's designee.
- (c) "Chair" means the faculty member selected to be chair of the Honor Code Committee by members of the Committee.
- (d) "Code" means this Honor Code.
- (e) "Committee" means the standing Honor Code Committee. Once a formal hearing on the merits has commenced before the Committee, it shall determine, pursuant to the provisions of this Code, whether an Accused Student has committed the alleged violation(s) and appropriate sanction.

(f) "Counsel" means Faculty Counsel and Student Counsel collectively, who, pursuant to the provisions of this Code, have the authority to review, investigate, charge and prosecute alleged violations of the Code.

(g) "Dean" means the Dean of The Alexander Blewett III School of Law, and the Dean's designee.

(h) "Dismissed complaint file" means the file, electronic or paper, in which copies are retained of any informal complaints that are submitted to Counsel but which are dismissed as untimely or unfounded without a formal complaint being prepared. The dismissed complaint file shall be maintained by the Dean or Associate Dean. Access shall be limited to the Dean, Associate Dean, Director of Students and Faculty Counsel. Documents in this file shall be retained for at least five years but may then be purged at the discretion of the Dean pursuant to Law School record retention policies.

(i) "Faculty Counsel" means a member of the Law School faculty designated by the Dean to review, investigate and prosecute alleged violations of this Code, with the assistance of Student Counsel. Faculty Counsel shall be appointed in the fall by the Dean for a one-year term, and may serve multiple terms, subject to the discretion of the Dean. If the appointed Faculty Counsel cannot fulfill these duties for any reason, the Dean shall appoint a replacement faculty member to serve either in connection with a particular case or as otherwise needed. Subject to the provisions of this Code, Faculty Counsel retains authority to determine whether to prosecute alleged violations and to resolve alleged violations at any time before the Committee begins a formal hearing on the merits. To further the educational function of this Code, Faculty Counsel should generally allow Student Counsel to have a significant role in the process, including allowing Student Counsel to present evidence and argument at the hearing. However, Faculty Counsel retains the discretion to handle all of Counsel's duties if Faculty Counsel believes doing so is necessary to ensure proper enforcement of the Code.

(j) "Formal complaint" means the written complaint prepared by Counsel to initiate proceedings under this Code against an Accused Student after Counsel has determined probable cause exists to support the allegations in an informal complaint. A formal complaint shall identify the Code violation(s) alleged, concisely identify material facts Counsel has identified to date that support the alleged violation(s), and identify the person or persons who filed the informal complaint.

(k) "Informal complaint" means a signed written complaint submitted to Counsel alleging a violation of the Code. An informal complaint shall identify which provisions of the Code the complainant believes have been violated and by whom, state the relevant facts, and include any relevant documentary or other physical evidence the complainant possesses.

(l) "Law School" means The Alexander Blewett III School of Law.

(m) "Permanent academic record" means an Accused Student's official law school file.

Copies of disciplinary records placed in an Accused Student's permanent academic record pursuant to Chapters 4 and 6 of this Code shall be provided by the Dean to all bar associations, professional licensing authorities, and other entities that provide a proper release of information under the Family Educational Rights and Privacy Act ("FERPA"). Educational institutions that the Accused Student is attending or seeking to attend shall be given copies of disciplinary records upon request regardless of whether they have provided a proper release.

(n) "Prosecuted complaint file" means the file, electronic or paper, in which copies are retained of all formal complaints prepared by Counsel, along with copies of all relevant documents memorializing the disposition of complaints, including any written agreements between Accused Students and Counsel and any written decisions of the Committee. The prosecuted complaint file shall be maintained by the Dean or Associate

Dean. Access shall be limited to the Dean, Associate Dean, Director of Students and Faculty Counsel. Documents in this file shall be retained for at least five years but may then be purged at the discretion of the Dean pursuant to Law School record retention policies.

(o) "Register of complaints" means the ledger, electronic or paper, in which Faculty Counsel briefly describes all written complaints received, along with their disposition and any sanction imposed. The register shall be maintained by the Dean or Associate Dean. Access shall be limited to the Dean, Associate Dean, Director of Students, and Faculty Counsel. The register is intended to be a permanent record of Honor Code proceedings at the Law School and shall not be purged regardless of other Law School record retention policies.

(p) "Student" means a person enrolled in any course offered by the Law School or a person accepted for admission or readmission.

(q) "Student Counsel" means a first- or second-year law student elected by the student body at the end of spring semester to assist Faculty Counsel in reviewing, investigating and prosecuting violations of the Code. Student Counsel's term shall be one year, starting with the first day of class fall semester, and no student shall serve more than one term. Subject to the discretion of Faculty Counsel, Student Counsel will assist in the review, investigation, and charging of alleged violations, as well as be

primarily responsible for presenting evidence and arguments to the Committee at formal hearings.

In the event the elected Student Counsel cannot fulfill these duties for any reason, the Student Bar Association president shall appoint a replacement to serve either in connection with an individual case or as otherwise needed.

(r) "Student Conduct Code" means the code of conduct applicable to all students at The University of Montana.

(s) "University" means The University of Montana.

▫ 1-301 - JURISDICTION

The following procedures govern alleged violations of the Code. The Law School's authority to take action against a student is subject to state and federal law and the policies of the Montana Board of Regents and the University.

▫ 1-401 - GENERAL PROVISIONS

(a) A student violates the Code when the student attempts to violate it.

(b) A student violates the Code when the student acts knowingly, as defined in Montana Code Annotated § 45-2-101.

(c) The Associate Dean or Director of Students shall insure that each new student receives a paper copy of this Code or is informed where an electronic copy can be found on the Law School's Web site. However, students are conclusively presumed to know the contents of the Code regardless of whether they were given a copy of the Code or informed where a copy could be found, and lack of knowledge is not a defense to an alleged violation of the Code.

CHAPTER 2 - VIOLATIONS

▫ 2-101 - MISCONDUCT OBSTRUCTING ENFORCEMENT OF THE CODE

(a) A student (other than the Accused Student) whom Counsel requests to interview or whom the Committee requests to appear as a witness violates the Code by

failing to comply, unless noncompliance is based on the student's reasonable belief that the information sought is protected by a valid privilege recognized under Montana law. Counsel and the Committee shall make reasonable accommodations regarding scheduling of interviews or testimony.

(b) A student violates the Code by knowingly making false statements, misrepresenting material facts or failing to state material facts to Counsel or the Committee, except that an Accused Student who chooses not to discuss allegations against the Accused Student with Counsel or testify before the Committee does not violate the Code by failing to state material facts to Counsel or the Committee.

(c) A student violates the Code by failing to comply with a final order of the Committee imposed under Chapter 6.

(d) A student violates the Code when the student knows that a violation of this Code has occurred but fails to report the suspected violation as provided in Chapter 3. However, it is not a violation of the Code for a student to fail to report another student's suspected failure to report a violation of the Code. Nor is it a violation of this provision for an Accused Student to decline to be interviewed by the Counsel, or to decline to testify before the Committee, about the Accused Student's own alleged violation.

▫ 2-201 - MISCONDUCT INVOLVING WRITING

(a) A student violates the Code by incorporating into work the student offers for credit passages taken either word for word or in substance from work of another person, unless the student credits the original author and identifies the original author's work with quotation marks, footnotes, citations, or other appropriate attribution.

(b) A student violates the Code by offering for credit as the student's work any work prepared by another person.

(c) A student violates the Code by offering for credit work the student has previously either prepared for compensation or offered for credit, unless the student secures the instructor's written permission in advance of submission.

(d) A student violates the Code by offering for credit work prepared in collaboration with another person unless the student secures the instructor's written permission in advance of submission. Unless the instructor so states in a written instruction, a student does not prepare work in collaboration with another person if the

student merely discusses with such other person matters relevant to the work in question.

¶ 2-301 - MISCONDUCT INVOLVING EXAMINATIONS AND OTHER ASSESSMENTS

(a) A student violates the Code by using during an examination or assessment materials not authorized by the instructor, or by improperly using during an examination or assessment materials authorized for limited use by the instructor.

(b) A student violates the Code by taking an examination or assessment for another student, or by permitting another person to take an examination or assessment for him or her.

(c) Unless authorized by the instructor, a student violates the Code by giving, receiving, or obtaining information pertaining to questions on an examination or assessment before or during the examination or assessment period, except as provided in ¶ 2-301(a).

(d) A student taking an examination or assessment violates the Code by failing to comply with instructions given by administrative personnel or faculty administering the examination or assessment.

(e) A student who has taken an examination or assessment and a student who will take the same examination or assessment each violate the Code by discussing its contents with each other.

¶ 2-401 - MISCONDUCT INVOLVING PROPERTY

A student violates the Code by taking, keeping, misplacing, or damaging the property of the University or of another person if the student knows or should reasonably know that the student would, by such conduct, obtain an unfair academic advantage.

This section is intended to include, but not be limited to, materials in the library of the Law School. Other violations of library rules are not covered by the Code, but shall remain subject to the rule-making authority of the Law Librarian, the Dean, or such other person or body at the University empowered to deal with violations of library rules.

▫ 2-501 - MISCONDUCT INVOLVING MISREPRESENTATION

A student violates the Code by misrepresenting facts or failing to state facts necessary to make those statements made not misleading about the student or another person to the faculty or administrative staff of the University, or of the Law School, for the purpose of obtaining an academic or financial benefit, avoiding liability under this Code, or injuring another student academically or financially. In addition to prohibited misrepresentations and omissions that are committed by a student while enrolled or attending classes in the Law School, this provision also applies to prohibited misrepresentations or omissions made during the process of applying for admission to the Law School.

▫ 2-601 - MISCONDUCT INVOLVING THE UNIVERSITY STUDENT CONDUCT CODE

Law students are also subject to The University of Montana Student Conduct Code. Any misconduct that violates the University Student Conduct Code also violates this Code and may be prosecuted by the Law School. Alleged non-academic misconduct that violates this Code only by violating the Student Conduct Code shall be referred to the University's Vice President for Student Affairs for investigation and potential prosecution pursuant to Part V of the Student Conduct Code. Students who are sanctioned by the University for violating the Student Conduct Code may receive additional sanction from the Law School under this Code if, after reviewing all relevant documents, Counsel determines additional sanction may be appropriate and files a Complaint with the Honor Code Committee, which shall determine whether to impose any additional sanctions, pursuant to Chapter 6 of this Code.

▫ 2-701 - MISCONDUCT INVOLVING THE UNIVERSITY STUDENT CONDUCT CODE

Nothing in this policy shall be construed as contradicting the provisions of Policy 302 of the Montana Board of Regents of Higher Education Policy and Procedures Manual, University Operating Policy 250 on free speech, University Operating Policy 735 on discrimination, harassment, and retaliation, any other provisions of the Student Handbook, including the Law School Honor Code, or the University of Montana Student Conduct Code.

Students may not prevent or substantially interfere with law school functions or approved activities. Substantial interference means making it impracticable or unsafe to continue with the functions or activities in question through the student's disruptive conduct.

CHAPTER 3 - COMPLAINTS AND INITIAL REVIEW

(a) A person accusing a student of a violation of the Code shall submit an informal signed written complaint to Counsel. The complainant shall submit the complaint within 90 days after the occurrence of the alleged violations or within 90 days after the complainant knows of or reasonably should have known of the alleged violation.

(b) Upon receiving a signed complaint, Counsel shall conduct a preliminary investigation to determine whether probable cause exists to support the alleged violation(s). During this preliminary investigation, Counsel shall notify the Accused Student of the substance of the complaint, but shall not disclose the identity of complainant at this time. After informing the Accused Student of the rights set forth in Chapter 5, Counsel shall offer the Accused Student the opportunity to discuss the allegations and provide a written response.

(c) If the complaint is untimely, or if Counsel finds no probable cause to believe that the Accused Student violated the Code, or if the instructor of a course in which the alleged violation occurred prefers to handle the matter directly, Counsel shall dismiss the complaint and notify the Accused Student and the complainant of the dismissal. No reference to any complaints dismissed at this stage shall be included in the Accused Student's permanent academic record. However, the informal complaint and the disposition of it shall be listed in the register of complaints and a copy of the informal complaint shall be placed in the dismissed complaint file.

(d) If Counsel finds probable cause to believe that the Accused Student committed an alleged violation, or any other violations discovered during the investigation, Counsel shall proceed pursuant to Chapter 4.

CHAPTER 4 - PROSECUTING A COMPLAINT

(a) If Counsel's initial investigation determines there is probable cause to support the initial complaint, Counsel shall prepare a formal complaint against the Accused Student.

(b) Before presenting a copy of the formal complaint to the Chair of the Committee, Counsel may offer the Accused Student an informal disposition in which the student would accept responsibility and agree to a sanction proposed by Counsel, including but not limited to the sanctions listed in § 6-601, subject to the following limitations.

(1) Only if Counsel (i) determines an admitted violation is minor, and (ii) the Accused Student has no prior admitted or proven violations, may the complaint be informally disposed of with private reprimand or other sanction that does not require inclusion of the complaint and disposition in the student's permanent academic record.

(2) In all other informal dispositions, including if the Accused Student chooses to voluntarily withdraw from the Law School rather than contest the allegations, the complaint and relevant documents memorializing its resolution will become a part of the student's permanent academic record.

(3) In determining an appropriate sanction for informal resolution of admitted violations, Counsel shall consider the evidence, as well as any additional relevant factors, including but not limited to: (i) the context of the alleged violation, (ii) whether the violation was intentional, (iii) the mental and emotional condition of the Accused Student at the time of the violation, (iv) the Accused Student's candor and demeanor concerning the alleged violation, and (v) whether the violation resulted in substantial benefit to the Accused Student or substantial detriment to others.

(c) If the Accused Student rejects a proposed sanction offered by Counsel to informally resolve the complaint, Counsel shall present a copy of the formal complaint to the Chair of the Committee to initiate proceedings under Chapter 6 of this Code. Counsel shall also serve the formal complaint on the Accused Student either in person or by certified mail sent to the student's last address of record.

(d) After initiating formal proceedings, Counsel retains the authority to resolve the complaint through an agreement in writing with the Accused Student, subject to the other provisions of this Chapter, at any time before the Committee's hearing on the merits has begun.

(e) After a formal complaint has been resolved, the complaint and its disposition shall be listed in the register of complaints. Copies of all formal complaints and relevant documents memorializing their disposition, including any written agreements between the Accused Student and the Counsel and any decisions of the Committee, shall be placed in the prosecuted complaint file.

(f) After a formal complaint has been resolved, the Dean shall prepare a brief summary of the nature of the complaint and its disposition, with the Accused Student's name and all identifying information redacted. The Dean shall: (1) post and maintain the summary on the Law School's internal learning management system (e.g., Blackboard or Moodle) and (2) disseminate the summary to all students, staff, and faculty through email or similar means.

(g) The existence of a pending charge against a student otherwise entitled to graduate from the Law School shall not prevent the student's participation in graduation ceremonies. However, pending resolution of the charge, the Law School shall withhold the student's degree. The existence of the charge shall not be included in the student's permanent academic record unless the charge has been admitted or proven. Any bar association providing a proper release of information under the Family Educational Rights and Privacy Act ("FERPA") shall be notified of the pending charge by formal letter from the Deans' Office. Denial of a degree to a graduating student may be imposed as a sanction for an admitted or proven violation of this Code even if all other graduation requirements are met. If the Committee cannot decide the matter in time for an Accused Student who would otherwise graduate to take the next bar examination, or in other exigent situations, and if the Associate Dean and the Accused Student agree, the Associate Dean shall review the record, conduct any additional investigation as warranted, make a final determination of the merits of the complaint, and impose sanctions as provided in Chapter 6 of this Code.

CHAPTER 5 - RIGHTS OF THE ACCUSED STUDENT

(a) After an informal complaint is made to Counsel, an Accused Student has the right to be told the nature of the complaint and to discuss the allegations and provide a written response to Counsel before a formal complaint is prepared. Verbal and written statements an Accused Student chooses to make are subject to § 2-101(b) of the Code.

(b) After Counsel has prepared and served a formal complaint, the Accused Student has the right to:

- (1) Have sufficient time (generally at least 21 days from when the student was served with the formal complaint) to prepare for a hearing on the merits before the Committee;
- (2) Appear personally before the Committee and testify under oath;
- (3) Retain, at the student's expense, counsel or a representative of the student's choice, except that a student cannot be represented by a current member of the Law School faculty;
- (4) Present relevant evidence to the Committee;
- (5) Make a brief opening statement to the Committee and brief concluding statement, neither of which shall be longer than 15 minutes.
- (6) Examine and cross-examine witnesses;
- (7) Require the Committee to request the presence of witnesses and the production of documents or other evidence, pursuant to Committee procedures;
- (8) Refuse to testify, although a logical inference may be drawn by the Committee from that refusal but cannot be the sole basis for finding that the Accused Student violated the Code;
- (9) Have any hearing closed to the public, or open at the Accused Student's request unless a closed hearing is necessary to protect the overriding individual privacy right of others, as determined pursuant to § 6-301 of the Code;

- (10) Be presumed innocent until a majority of the Committee is convinced by clear and convincing evidence that the student engaged in the alleged conduct and that the conduct violated the Code provision(s) identified in the formal complaint;
- (11) Receive a copy of the Committee's written decision;
- (12) Appeal the decision to the Dean in writing within five business days of receiving the Committee's written decision; and
- (13) Waive any of these rights by notice in writing to the Committee, or by failure to appear after being duly served with the formal complaint and notice of the hearing.

CHAPTER 6 - THE HONOR COMMITTEE

¶ 6-101 - MEMBERSHIP OF THE COMMITTEE

- (a) The Committee shall consist of three student members and two faculty members Any Committee member who has accused the student of the violation or has been a witness to the alleged violation will be replaced by an alternate chosen pursuant to subsection (b) below.
- (b) The Committee membership will be determined as follows:
 - (1) The Chair will be one of the faculty members of the Committee selected by anonymous vote of the Committee.
 - (2) The faculty members of the Committee, including any necessary alternates, shall be selected by the Dean of the law school. If not enough faculty members are available to serve on the Committee, the Dean shall appoint alternates from the legal community.
 - (3) The student members of the Committee shall be selected annually by their fellow class members. Each class shall elect one representative and one alternate to the Committee. If necessary, the Student Bar Association president shall select a replacement for any student representative or alternate.

▪ 6-201 - FUNCTIONS OF THE COMMITTEE

After receiving a formal complaint from Counsel, the Committee shall:

- (a) Promptly notify the Accused Student and Counsel in writing of the time and place of the initial scheduling hearing, which shall be within ten business days of when the Chair receives the formal complaint, unless reasonable cause for delay exists. Notice to the student either shall be served personally or by certified mail to the student's last address of record;
- (b) At the scheduling hearing:
 - (1) Set a time and place for the hearing on the merits, in consultation with the Accused Student and Counsel, but which shall be within 30 days of the scheduling hearing, unless reasonable cause for delay exists;
 - (2) Notify the Accused Student of the rights set forth in Chapter 5; and
 - (3) Require the Accused Student and Counsel to identify all witnesses who will likely testify at the hearing on the merits and any documentary or other physical evidence that will likely be presented;
- (c) Request the presence of witnesses and the production of documentary and other evidence identified by the Accused Student or the student's representative;
- (d) Hear testimony and argument and evaluate evidence;
- (e) Determine by majority vote whether clear and convincing evidence establishes that the Accused Student committed the alleged violation(s) of the Code;
- (f) Determine the appropriate sanction if the Committee determines the Accused Student has committed the alleged violation(s) of the Code; and
- (g) Prepare a brief written decision explaining the basis for the Committee's determination and any sanctions imposed.

¶ 6-301 - PROCEDURES OF THE COMMITTEE

(a) Hearings before the Committee shall ordinarily be closed to the public. A hearing shall be open if requested by the Accused Student, unless the Chair and Associate Dean agree that closure of the proceedings is necessary to protect the overriding individual privacy rights of others.

(b) Each member of the Committee, on his or her initiative or in response to a challenge by the Accused Student to the member's fairness or objectivity, must decide whether he or she can judge the case before the Committee with fairness and objectivity.

(c) The Committee shall hold a scheduling hearing on any formal complaint within ten business days of its receipt by the Chair unless reasonable cause for delay is shown by the Accused Student, Counsel, or the Committee.

(d) The Committee shall hold a hearing on the merits of a formal complaint within 30 days of the scheduling hearing unless reasonable cause for delay is shown by the Accused Student, Counsel or the Committee.

(e) In conducting a hearing on the merits, the Committee shall:

(1) Proceed informally and provide reasonable opportunities consistent with the requirements of Chapter 5 for witnesses to be heard at the request of Counsel or the Accused Student;

(2) Receive all evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, regardless of whether the evidence would be admissible in a court of law, except that irrelevant, immaterial, and unduly repetitious evidence shall be excluded, and the rules of privilege recognized by Montana law shall apply;

(3) Exclude from the hearing all witnesses except those identified by a party as an expert; and

(4) Presume an Accused Student innocent until a majority of the Committee

is convinced by clear and convincing evidence that the student committed the alleged violation(s).

(f) If the Committee finds that the Accused Student has committed the alleged violation(s), it shall hold a separate hearing immediately after the conclusion of the hearing on the merits, or at another time convenient to the parties, and provide the Accused Student and the Counsel an opportunity to offer evidence or argument regarding an appropriate sanction.

(g) In determining an appropriate sanction for proven violations, the Committee shall consider the admitted evidence, arguments presented, the student's candor and demeanor toward Counsel and the Committee, and whether the Accused Student has admitted to or been found guilty of prior violations of the Code, regardless of whether those violations are part of the student's official academic record. Sanctions must be approved by a majority of the Committee.

(h) The Committee shall dismiss with prejudice a complaint that it concludes is untimely or fails to allege a violation of the Code.

(i) At the conclusion of its deliberations, the Committee shall state in writing, signed by each concurring member of the Committee, the verdict of the Committee as to each alleged violation of the Code and each sanction imposed.

(j) Within ten business days after issuing its verdict, the Committee shall write a brief decision stating the reasons for it. The Chair of the Committee shall provide copies of the decision to the Accused Student, either personally or by certified mail to the student's last address of record, and to the Counsel, the Associate Dean and the Dean.

(k) The Committee shall make an audio or video recording of its hearing to allow review of the proceedings if an appeal is taken. The Accused Student may have a transcribed copy of the recording prepared at the student's expense. If necessary for recording purposes, a Law School representative otherwise not authorized to attend the hearing may do so, but that person must agree to be bound by the confidentiality provisions of §6-501 of this Code.

(l) The Committee's determination of guilt and appropriate sanction is final in any case not appealed to the Dean within five business days of the student's receipt of a copy of the Committee's written decision. If after reasonable effort a copy of the decision cannot be delivered in person or by certified mail to the Accused Student, then the determination of guilt and sanction become final 20 days after the Committee issued its written decision.

(m) The Committee may proceed with a hearing and render a default judgment in any case where an Accused Student fails to appear after receiving reasonable notice of a hearing of allegations against the student. Such a default judgment may be appealed as provided in Chapter 7.

¶ 6-401 - DUTIES OF THE CHAIR

The Chair of the Committee shall:

(a) Call and preside over Committee hearings, and set the time and place of all hearings, in consultation with other Committee members, Counsel and the Accused Student;

(b) Issue requests for the presence of witnesses and the production of documents in the name of the Committee;

(c) Order video recorded depositions to preserve the testimony of witnesses who cannot appear personally before the Committee, if deemed necessary;

(d) Direct the course of hearings and the preparation of the hearing record;

(e) Rule on motions, the admissibility of evidence and testimony, and the applicability of any privileges;

(f) Assign the duty of preparing decisions and opinions and approve the form of the final product; and

(g) Notify the proper persons of the Committee's decision.

¶ 6-501 - CONFIDENTIALITY

The Law School complies with the principles of privacy found in the Montana Constitution, Montana Code Annotated, and the Family Educational Rights and Privacy Act.

(a) All allegations, investigations, statements, hearings, and determinations in connection with Committee proceedings shall be treated as confidential, except as required or permitted by law or this Code.

(b) In the course of ongoing investigations and prosecutions, persons involved in Honor Code proceedings shall disclose information concerning the proceedings only to those persons to whom disclosure is reasonably necessary to further the proceedings, except that an Accused Student may freely discuss the proceedings.

(c) The Law School, including individuals involved in a disciplinary proceeding, may disclose the results of the proceeding (including those that result in private reprimands) and sanction imposed only to those who:

(1) have a legitimate educational interest, which includes but is not limited to Law School faculty;

(2) need to know the results for purposes of record-keeping, enforcement of

the sanctions, further proceedings, admission or graduation from other educational institutions, or compliance with applicable law; or

(3) have provided a proper release of information.

(d) The fact that a disciplinary proceeding has been concluded and the nature of any sanction may be disclosed. The Campus Security Act of 1990 allows, but does not require, disclosure of the results to alleged victims of violent crimes.

▫ 6-601 - AUTHORIZED DISCIPLINARY SANCTIONS

The Committee shall impose one or more of the following sanctions for violation of any provision of Chapter 2. With the exception of a private reprimand, all sanctions shall be included in the Accused Student's permanent academic record.

(a) Private reprimand. A written finding that the student has violated this Code, given to the student but not made part of the student's permanent academic record. A private reprimand must include the statement that continuation or repetition of the conduct leading to the reprimand, or any other misconduct, will usually result in a more serious disciplinary sanction. A private reprimand must also explain why a more serious sanction was not appropriate.

(b) Formal reprimand. A written finding censuring a student for violating the Code and placed in a student's permanent academic record. A formal reprimand will include the statement that continuation or repetition of the conduct leading to the reprimand, or other misconduct, will usually result in a more serious disciplinary sanction.

(c) Failing or reduced grade. An entry on the student's official transcript of a failing or reduced grade in a course in which a violation of the Code occurred along with a written explanation of the reason. This sanction is subject to approval of the faculty member teaching the course.

(d) Restitution. Requiring the student to pay for damage to or loss of University or other property and for injury to persons. Failure to make arrangements for such restitution will result in cancellation of the student's registration and will prevent the student from re-registering.

(e) Disciplinary probation. Placing specified conditions upon the student's continued attendance in the School of Law. Any further misconduct will automatically raise the question of suspension or expulsion from the Law School. Disciplinary probation may be for a specified term or for an indefinite term that may extend to graduation or other termination of the student's enrollment in the Law School.

(f) Suspension. Exclusion from all classes, exams, and activities of the Law School for a specified period. The suspension may commence immediately or at the start of the following semester. An immediate suspension prevents the student from receiving any course credit for classes in which the student is then enrolled.

(g) Indefinite suspension. Exclusion from all classes, exams, and activities of the Law School for an indefinite period. Readmission is possible, but only upon approval of the faculty.

(h) Expulsion. Permanent exclusion from the Law School, which includes denial of the award of a degree if the student has otherwise satisfied requirements to graduate. Absent a finding by the Committee of extenuating circumstances, expulsion shall be presumed to be the appropriate sanction for any misrepresentations or omissions prohibited under § 2-501 that i) were made during the process of applying for admission to the Law School, and ii) without which the Committee determines the Accused Student likely would not have been admitted.

CHAPTER 7 - APPEALS

(a) Decisions of the Committee imposing any sanction may be appealed by the Accused Student to the Dean of the Law School by submitting a written petition stating

the basis for the appeal within five business days of receiving in person or by certified mail the written decision of the Committee.

(b) Decisions by the Dean are subject to review by the University President in a manner consistent with the President's review of decisions of the Academic Court and University Court. See *The University of Montana Student Conduct Code*, §§ IV.C.5. & V.G.4. Decisions of the President are final.

(c) Both the appeal to the Dean and the review by the President are limited to the following two issues:

(1) Whether the evidence provides a reasonable basis for the resulting finding and disciplinary sanction; or

(2) Whether specific alleged procedural errors were so substantial as to deny a fair hearing.

(d) The student may seek further administrative review by the Commissioner of Higher Education and the Board of Regents pursuant to Montana University System Policy and Procedures Manual, 203.5.2.

CHAPTER 8 - EFFECTIVE DATE OF THIS CODE

(a) The effective date of this Code is August, 2011.