

TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW

CODE OF STUDENT CONDUCT AND DISCIPLINARY PROCEDURES

AS ADOPTED 5/20/86 WITH AMENDMENTS THROUGH 4/12/95

I. GENERAL PROVISIONS

A. Jurisdictional Statement.

This Temple University School of Law Code of Student Conduct and Disciplinary Procedures ("Code") governs law student conduct and proceedings regarding violations of this Code. This Code is intended to modify the general University Student Rights, Code of Conduct and Disciplinary Procedures and to supersede the general University Code and Procedures for TLS students.

B. Responsibilities of Law School Community.

Except as otherwise specifically provided, it is the responsibility of all members of the Law School community to cooperate fully in the enforcement and implementation of this Code, including but not limited to, reporting violations of the Code of which the person has personal knowledge and providing information, testimony, and evidence at any investigation into or hearing on alleged violations of the Code.

C. Authority of Faculty.

(1) Except as otherwise specifically provided, the Code does not affect the inherent authority of each Law School professor to conduct and to regulate classes in accordance with the Regulations of the Faculty of the School of Law.

(2) The Code does not affect any existing right or obligation of any Law School Faculty member or Administrator to make a report to appropriate Bar Examiners concerning the prospective fitness of any TLS student for the practice of law.

(3) If a professor believes that a student has violated the Code with regard to an examination or paper written for the professor or otherwise involving the professor's course:

(a) The professor shall grade the examination, paper, or course on the merits without regard to the perceived Code violation.

(b) The professor shall promptly report the perceived Code violation to the Law School Counsel, and the matter shall proceed as provided under the Code.

(c) If Law School Counsel decides not to charge the student involved, or the Law School Discipline Committee decides after a hearing that no violation has occurred, or the Law School Review Panel determines that the evidence is not sufficient to support the Committee's determination of a violation, the grade previously entered by the professor shall be the final grade for the examination, paper, or course.

D. Notice of Provisions; Ignorance No Defense.

Copies of this Code shall be available and prominently posted throughout the Law School at all times and shall be provided to each incoming TLS student. TLS students are responsible for knowing the contents of the Code; such knowledge shall be presumed conclusively. Ignorance of the Code provisions shall not constitute a defense in any proceeding against a student.

E. The Code shall not affect the rights of any member of the Law School community to free speech, peaceful assembly, and petition. These rights shall not be abridged by any representative or official action of the School of Law.

II. STUDENT CONDUCT

It shall be a violation of this Code for a TLS student knowingly to do or to attempt to do or to assist in any of the following:

- A. give or secure information about an examination, except as authorized by the examining professor;
- B. consult or copy from books, papers, or notes of any kind during an examination, except as authorized by the examining professor;
- C. continue to write an examination when the proctor has announced that the time allotted has elapsed;
- D. plagiarize or use unauthorized materials in work submitted in any academic pursuit or Law School competition, including but not limited to, guided research or seminar papers, examinations, Law Review, and Moot Court; (See also Faculty Policy on Plagiarism in Appendix II)
- E. for a student taking a make-up exam, discussing the examination with a student who took the examination at any earlier time, and for a student who took an examination at the regularly scheduled time, discussing the examination with a student taking a make-up;
- F. fail to report any violation of this Code about which the student has personal knowledge;
- G. refuse otherwise to cooperate in any proceedings under the Code, including but not limited to failing to provide or providing false information, testimony, or other evidence during an investigation or hearing;
- H. interfere or attempt to interfere with the appearance or testimony of any person before the Law School Discipline Committee;
- I. misrepresent the student's academic achievement, record, or other activities in connection with seeking employment, financial aid, scholarly awards, acceptance into any program at an educational institution, or any other thing of value;
- J. communicate to a member of the Faculty or Administration serious falsehoods concerning official business of the Law School, including the application process to obtain admission to the Law School;
- K. ask for or receive any fee, compensation, or other thing of value as remuneration from any client for whom the student rendered services as would be rendered by an attorney to a client, in connection with a Law School related activity;
- L. carry on any activity on Law School property for personal profit, without the express written consent of the Dean of Students;
- M. violate any Law School rule, regulation, or order duly promulgated by the Faculty or Dean and prominently posted, except when procedures and sanctions are already provided elsewhere with regard to the rule, regulation, or order;
- N. violate any duly promulgated and prominently posted rule, regulation, or order of the University, applicable to the School of Law;
- O. disclose his or her examination number to a Faculty member in violation of the anonymous grading system;

P. misappropriate or fail to account for any funds advanced to the student by the Law School;

Q. seriously and unreasonably disrupt, interfere with, or attempt to disrupt or interfere with the conduct of classes or any other normal or regular activities of the Law School;

R. engage in a course of conduct, including but not limited to stalking, directed at a member of the Law School community which would cause a reasonable person in the victim's position severe emotional distress or which would place a reasonable person in the victim's position in fear of bodily injury or death, provided that this provision shall not be interpreted to abridge the right of any member of the Law School community to freedom of expression;

S. commit any theft or robbery on Law School property; make any seriously intended threat of bodily harm or commit any act of physical violence toward a member of the Law School community; or hide, destroy, or deface any Law School property, including Law Library materials;

T. be convicted of a crime that reflects adversely on the student's trustworthiness, honesty, or fitness to be a lawyer in any other respects; and

U. engage in conduct, not otherwise covered by any other provision of the Code, involving dishonesty, fraud, deceit or misrepresentation with regard to activities or programs related to the Law School, which adversely reflect upon his or her fitness to remain a student at the Law School.

III. SANCTIONS

A. Upon determining that a student has violated the Code, the Law School Discipline Committee may impose as a sanction any regulation of the Student's connection with the University or Law School, including warning, reprimand, probation, exclusion from one or more Law School or University activities, suspension, or permanent expulsion.

B. In addition, and irrespective of any other sanction, the Committee may notify the Registrar to enter a grade of "F" in any course involved in the violation, except that where the Committee determines that the Student gained an unfair advantage by continuing to write an examination after a proctor had announced that the time allotted had elapsed the Committee may notify the Registrar to reduce by one (1) grade the grade assigned for the course involved or to enter administrative credit for the course involved.

C. Whatever sanction is imposed shall bear a reasonable relationship to the severity of the violation that the Committee has determined occurred, except that the Committee may also consider with regard to sanction the Student's background, including the Student's record of prior violations or lack of violations.

IV. DISCIPLINARY PROCEDURES

A. Law School Discipline Committee.

(1) There shall be a Law School Discipline Committee ("Committee") composed of four (4) TLS student members and three (3) TLS Faculty members.

(2) The Faculty members shall be elected by the Faculty as a whole at the first regularly scheduled Faculty meeting in the Fall semester. The Faculty members of the Committee shall serve for one (1) year terms.

(3) Two (2) Faculty alternates shall also be elected each year in the manner described above. Each alternate shall serve for one (1) year.

Alternates shall participate as Committee members only as expressly provided.

(4) The student members shall each serve for one (1) year. The student members shall be selected and shall serve as follows:

(a) Seven (7) students to serve as Committee members shall be elected with class officers in elections at the beginning of the Fall semester, one (1) student from each division--first year day, first year evening, second year day, second year evening, third year day, third year evening, and fourth year.

(b) The seven (7) students elected shall be designated **B** A, B, C, D, E, F, G, and shall serve as Committee members at hearings on the following rotation basis: first hearing -- A, B, C, D; second hearing -- B, C, D, E; third hearing -- C, D, E, F; fourth hearing -- D, E, F, G; fifth hearing -- E, F, G, A; etc. Alternates, where needed to serve as expressly provided in this Code, shall be selected to serve on the same rotation basis.

(5) Each school year the Committee shall elect from its members a Faculty member to be the Committee Chairperson.

B. Hearing Judge.

(1) The Dean of the Law School shall appoint a TLS Faculty member to preside over hearings on alleged violations of the Code. The appointment shall be subject to ratification by a majority vote of the Faculty at the first regularly scheduled Faculty meeting in the Fall semester. The Hearing Judge shall serve a one (1) year term.

(2) An alternate Hearing Judge shall be selected each year in the manner described above. The alternate Judge shall serve only when the regular Judge is unable to preside.

(3) The Hearing Judge shall conduct the hearings in a neutral and detached fashion and shall rule on the admission of evidence. The Judge shall not participate in any deliberations, fact findings, applications, or determinations of the Committee. The Hearing Judge shall also have the power to modify any time limits of this Code upon a showing that special circumstances require the modification.

C. Preliminary Procedures.

(1) Any member of the Law School community with personal knowledge about a violation of the Code shall report the violation to the Law School Counsel.

(2) Law School Counsel shall determine whether probable cause exists to charge the alleged student violator ("Student") with violation of the Code and, if so, shall determine whether to charge the Student. Counsel's determinations of whether probable cause exists and whether to charge shall not be reviewable.

(3) Law School Counsel shall conduct an investigation before making a determination to charge the Student. Before making a determination to charge the Student, Counsel shall also notify the Student in writing of the nature of the alleged violation, including the section(s) of the Code violated, and the results of the investigation, and shall provide the Student a reasonable time (not less than five (5) days) to respond to the investigation. In the event that the investigation concludes during an examination period, the reasonable time to respond shall begin at the conclusion of the student's last examination.

(4) If Counsel decides not to charge the Student, Counsel shall immediately notify the person who made the initial report and the Student. Counsel may later reopen the investigation and make a different decision based upon new evidence that was not discovered before the original decision despite Counsel's exercise of reasonable diligence. If Counsel later reopens the investigation, Counsel shall, before making a determination to charge the Student, notify the Student in writing of the results of the reopened investigation and shall provide the Student a reasonable time (not less than five (5) days) to respond.

(5) If Counsel decides to charge the Student, Counsel shall immediately notify the Committee Chairperson in writing. Counsel's written notice shall set forth the nature of the violation(s) charged, including the section(s) of

the Code violated, and a summary of the facts supporting the charge sufficient to provide the Student reasonable notice of the nature of the charge.

(6) Within three (3) days after receipt of Law School Counsel's charging notice, the Chairperson shall notify the other Committee members and shall schedule a hearing for a date not sooner than twenty (20) days thereafter, unless special circumstances require an earlier date.

(7) At the same time that the Committee members are notified, the Chairperson shall mail or hand deliver to the Student a written notice of the charge and of the date, time, and place for the hearing. A copy of Law School Counsel's written charging notice to the Chairperson shall be attached to the Chairperson's written notice to the Student.

(8) (a) If the charges are brought during an examination period or during the reading period between the end of scheduled classes and the beginning of examinations, the Student upon request shall be granted a continuance of the hearing until at least fourteen (14) days after the end of the examination period.

(b) If the hearing is scheduled during a Law School recess or vacation, the Student or Law School Counsel shall be granted a continuance upon showing that any material witness is not reasonably available to appear at the hearing. The continuance shall be granted until the witness becomes reasonably available.

(c) Request for any such continuance shall be made as soon as practicable and in writing.

(9) At least seven (7) days before the hearing, Law School Counsel and the Student shall exchange witness lists, containing the names, addresses, and telephone numbers of any persons they may call as witnesses at the hearing, and lists designating any documents or physical evidence they may present at the hearing. Any person, document, or physical evidence not included on these lists shall be precluded from testifying or being presented at the hearing, unless the Hearing Judge determines that good cause existed, apart from tactics, for not including the person, document, or physical evidence on the lists. In that event, the Hearing Judge shall upon request grant the adversary a continuance of a reasonable time to prepare to meet the testimony of this witness or to deal with the document or physical evidence.

(10) Law School Counsel and the Student each have the right to challenge the Hearing Judge or any member of the Committee for cause, as follows:

(a) for a Faculty member or Hearing Judge, that the Faculty member's or Judge's academic activity is that from which the violation arises or that the Faculty member or Judge will be a witness at the hearing;

(b) for a student member, that the student member either was involved in the alleged violation, or reported the alleged violation, or will be a witness at the hearing; and

(c) for any member or the Hearing Judge, that the member or Judge has a personal bias or prejudice concerning either party or is otherwise incapable of making a fair, impartial, and objective determination.

(d) Any challenge for cause shall be made in writing at least five (5) days before the date of the hearing. The Hearing Judge shall determine the challenge of any member. If the Judge grants the challenge, the Judge shall designate an appropriate alternate to replace the challenged member for this proceeding. The Dean of the Law School shall determine a challenge of the Hearing Judge.

(11) The Hearing Judge and any member of the Committee shall disqualify himself or herself from participating in a proceeding when the Judge or member has a personal bias or prejudice concerning either party or otherwise feels incapable of making a fair, impartial, and objective determination in the proceeding. The Hearing Judge shall designate an appropriate alternate to replace a disqualified member for this proceeding, and the alternate Hearing Judge shall replace the disqualified Judge.

(12) The case to support the charge shall be prepared and presented by Law School Counsel (or Counsel's designee).

(13) The Student has the right to representation at all stages of the proceedings by counsel or an advisor of his or her choice, or the Student may proceed *pro se*. Except for Discipline Committee members, the Hearing Judge, alternates, and Review Panel members, any member of the Law School community may represent or advise the student.

D. Hearing Procedures.

(1) The Student shall be present at the hearing with or without counsel or an advisor. The Committee may proceed with the hearing and determination in the Student's absence when the Student fails to appear without justification, as determined by the Hearing Judge.

(2) All Committee members must be present at the hearing. If a member is unable to attend, the Hearing Judge shall designate an appropriate alternate to replace the absent member for this proceeding.

(3) At the beginning of the hearing before the presentation of any evidence, Law School Counsel and the Student (or Student's counsel or advisor) shall have ten (10) minutes each for an opening statement. The Hearing Judge may allot more time for opening statements.

(4) Any party may require admissible testimony and evidence from any member of the Law School community and may present evidence and call witnesses from outside the Law School community, provided the witnesses and evidence was included on the lists exchanged under Section IV.C.(9). The Committee may also require admissible testimony and evidence from any member of the Law School community and may present evidence and call witnesses from outside the Law School community. Except to the extent that hearsay is admitted, no testimony shall be considered unless the opposing party has been afforded a reasonable opportunity for cross-examination.

(5) The rules of evidence shall not be binding except as follows:

(a) Evidence shall be admissible only if it is relevant and not merely cumulative.

(b) Pennsylvania law of privileges shall be recognized.

(c) Hearsay is admissible so long as it meets any of the exceptions to the hearsay rule contained in the Federal Rules of Evidence, including the residual or other exceptions provision of the Rules.

(6) (a) At the hearing, the Student shall have a privilege not to testify, and the Student's failure to testify shall not be the basis for any adverse inference.

(b) The Student also retains the right to assert his/her constitutional privilege against self-incrimination if the answer to any question might reasonably provide a link in the chain of evidence of a criminal violation under state or federal law. Any assertion of this privilege shall be determined by the Hearing Judge.

(7) (a) If the Student is charged with more than one violation of the Code, the Hearing Judge may order separate hearings for any violations that are not based on the same conduct, incident, or episode and are otherwise unrelated.

(b) If more than one Student is charged with violations based on the same conduct, incident, or episode, the Hearing Judge may order a separate hearing for each Student.

(8) In a case where the charge is plagiarism or collaboration, if the Committee determines after comparing the writings in question that substantial similarities exist between or among them, that may be sufficient to sustain the charge of plagiarism or collaboration against the Student unless the Committee determines that it is rebutted by competent evidence.

(9) At the conclusion of the hearing, Law School Counsel and the Student (or Student's counsel or advisor) shall have fifteen (15) minutes each for closing argument. The Hearing Judge may allot more time for closing argument.

- (10) (a) At the conclusion of the hearing the Committee shall decide whether a violation has occurred. Except for a charge of violation of Section II.U., the Committee shall decide that a violation has occurred only if five (5) of the members, including any alternates who participated in the hearing, determine that a violation was proven by clear and convincing evidence. With regard to a charge of violation of Section II.U., the Committee shall decide that a violation has occurred only if the Committee members, including any alternates who participated in the hearing, unanimously determine that a violation was proven by clear and convincing evidence.
- (b) If the Committee does not decide that a violation has occurred, the charge shall be dismissed with prejudice and no record of the charge or the proceeding shall be made or kept in the Student's file or transcript. The Committee Chairperson shall immediately notify the Student in writing of the dismissal.
- (c) If the Committee decides that a violation has occurred, it shall support that decision by preparing in writing brief findings of fact and the application of the provisions of the TLS Code to these factual findings.
- (11) (a) If the Committee decides that a violation has occurred, a second hearing shall be held before the same members and alternates on the issue of sanction. This sanction hearing shall be held as soon as practicable after the determination of violation. Additional evidence and testimony regarding the occurrence of the violation shall not be presented at the sanction hearing, but either party may present evidence and testimony regarding the Student's background and character. Law School Counsel and the Student (or the Student's counsel or advisor) may also make brief argument on sanction.
- (b) The Committee shall determine the sanction to be imposed by majority vote of the members and alternates participating in the hearing. The Committee shall promptly notify the Student and Law School Counsel of the sanction to be imposed.
- (c) The Committee shall prepare a brief written report of its reasons for selecting the sanction to be imposed.
- (12) Within seven (7) days after the conclusion of the hearings, the Committee shall forward to the Dean, Law School Counsel, and the Student copies of the Committee's written findings and applications and of its written report regarding the sanction.
- (13) Procedural errors in any aspect of the proceedings shall not be grounds to dismiss the charges unless the Hearing Judge is convinced that the error would prevent the Student from ever obtaining a fair hearing or that there is a substantial likelihood that the outcome of the hearing would be different but for the error. The Hearing Judge shall prepare a written report in support of his or her determination only if the Student or Law School Counsel file a Petition for Review of that determination under Section VI.

V. CONFIDENTIALITY, RECORDS, PUBLICITY & FINALITY

- A. All disciplinary procedures and proceedings and any records thereof shall be confidential. A videotape recording shall be made of all proceedings at the violation and sanction hearings and shall be preserved for six (6) years. The deliberations of the Committee shall not be videotaped or recorded.
- B. The Committee's written findings of fact and application of the TLS Code to the facts found and its written report regarding the sanction shall be maintained by the Committee with the Student's name deleted.
- C. After the matter has become final the Dean shall carry out the decision of the Committee and shall post prominently throughout the Law School a notice stating the violation and sanction as determined by the Committee (and upheld upon review), with a brief summary of the facts supporting the violation and sanction sufficient to provide the Law School community reasonable notice of the nature of the violation.

D. A matter shall be considered final after the Committee has made its determination and the time for seeking review has passed without the filing of a Petition for Review or, if a Petition for Review was filed, after completion of the review process.

E. A record of any violation found and the sanction imposed, as well as the Committee's written findings and applications and its written report regarding sanction, shall be maintained in the Student's official Law School file. In addition, the Committee may direct the Registrar to note the violation and sanction on the Student's transcript.

VI. REVIEW

A. Law School Review Panel. There shall be a Law School Review Panel ("Review Panel") composed of five (5) Faculty members and four (4) student members, as follows:

- (1) The Faculty members shall be the members of the Administrative and Academic Standing Committee.
- (2) The student members shall be other than first year students and shall be appointed by the President of the Student Bar Association at the beginning of each TLS school year.
- (3) The Chairperson of the Administrative and Academic Standing Committee shall be the Chairperson of the Review Panel.

B. Grounds for Review.

- (1) The Student may seek review on the following grounds:
 - (a) availability of new evidence;
 - (b) insufficiency of evidence presented to support the Committee's determination that a violation occurred;
 - (c) imposition of excessive sanction; and
 - (d) procedural errors, rulings on challenges to Committee members or the Hearing Judge, and rulings at the hearing sufficient to require dismissal or a new hearing.
- (2) Law School Counsel may seek review on the following grounds:
 - (a) imposition of inadequate sanction; and
 - (b) improper dismissal by Hearing Judge for procedural errors.

C. Standards of Review and Remedies.

- (1) The Student shall be entitled to a new disciplinary hearing because of new evidence if the Student convinces the Review Panel that
 - (a) the new evidence was not discovered until after the original hearing despite the exercise of reasonable diligence by the Student (and the Student's counsel or advisor); and
 - (b) the new evidence would probably have caused the Committee to determine that no violation occurred had the new evidence been presented at the original hearing.
- (2) The Student shall be entitled to a determination that no violation has occurred because of insufficient evidence to support the Committee's determination if the Review Panel concludes that, taking all the evidence presented at the hearing in the light most favorable to the Committee's determination and drawing from the evidence all the reasonable inferences that support the Committee's determination, no reasonable person could determine that a violation was proven by clear and convincing evidence.

(3) The Student shall be entitled to a dismissal of the charges if the Review Panel determines that the Hearing Judge's failure to dismiss for procedural errors under Section IV.D.(13) was clearly erroneous, unless the errors can be cured at a new hearing, in which event a new hearing shall be held.

(4) The Student shall be entitled to a new hearing if the Review Panel determines that rulings to challenges of Committee members or the Hearing Judge or rulings at the hearing were clearly erroneous.

(5) Law School Counsel shall be entitled to reinstatement of charges that were dismissed by the Hearing Judge for procedural errors under Section IV.D. (13) if the Review Panel determines that the dismissal was clearly erroneous.

(6) The Review Panel may increase or decrease the sanction imposed by the Committee if six (6) members of the Review Panel determine that the sanction imposed was clearly inadequate or clearly excessive. The Review Panel shall give substantial deference to the sanction imposed by the Committee.

D. Procedures for Review.

(1) If either the Student or Law School Counsel seek review, that party shall file a Petition for Review setting forth with particularity the grounds for review and the specific reasons asserted in support of those grounds. The Petition shall be filed with the Chairperson of the Review Panel within seven (7) days after receiving notice of the sanction imposed by the Committee or of a dismissal for procedural errors by the Hearing Judge.

(2) The Review Panel Chairperson shall schedule a meeting on the Petition as soon as is practicable and shall distribute to the Panel members copies of: (a) the Petition, (b) the Committee's written findings of fact and applications, (c) the Committee's written report regarding the sanction, and (d) the Hearing Judge's report in support of his or her determination regarding procedural errors if the petition seeks review of that determination.

(3) Except when the Student asserts the availability of new evidence, review shall be based solely upon the videotaped record of the hearings, the Committee's written findings of fact and applications, the Committee's written report regarding the sanction, the Hearing Judge's written report regarding procedural errors, and the presentations of the parties.

(4) The videotaped record of the hearings need not be shown at the Review Panel meeting. The record shall be available in advance of the meeting for viewing by Panel members.

(5) Presentations by the parties shall be made in writing, unless the Review Panel permits oral presentations.

(a) A copy of each written presentation shall be distributed to each Review Panel member at least three (3) days in advance of the meeting.

(b) If oral presentations are permitted, the parties shall each have fifteen (15) minutes for oral presentation.

(c) Even if oral presentations are not permitted, the parties and the Committee shall be available at the time of the meeting for questioning by Review Panel.

(6) The Review Panel shall only consider those grounds and those reasons asserted in support of these grounds that were set forth with particularity in the Petition for Review.

(7) The Review Panel shall promptly notify the Dean, Law School Counsel, the Student, and the Committee Chairperson of its determination. Except as provided below, the Panel's determination shall be final and not subject to review by the plenary Faculty.

(a) If the Panel's determination is that the Student is entitled to a new hearing or that the Hearing Judge improperly dismissed the charges, the Committee Chairperson shall schedule a hearing as soon as practicable and the matter shall proceed as provided in this Code.

(b) If the Panel's determination is that the evidence was insufficient to support the Committee's determination that a violation occurred or that the charge should be dismissed for procedural errors, the charge shall be dismissed with prejudice, and no record of the charge or the proceedings shall be made or kept in the Student's file or transcript.

(c) If the sanction imposed by the Committee and upheld by the Panel or imposed by the Panel is either suspension or permanent expulsion of the Student, the sanction shall be automatically reviewed by the plenary Faculty.

(d) Otherwise, the Panel's determination shall be final and the Dean shall thereafter carry out that determination.

(8) Faculty Review of Suspension or Expulsion.

(a) When a sanction of suspension or expulsion is imposed by the Committee and upheld by the Review Panel or is imposed by the Review Panel, the matter shall be placed on the agenda for the next regularly scheduled Faculty meeting after the Review Panel's determination.

(b) The plenary Faculty may decrease the sanction only if the decrease is approved by a three-fifths (3/5) vote of the Faculty members present.

(c) Review of the sanction shall be based solely upon the videotaped record of the hearings, the Committee's written findings of fact and applications, the Committee's written report regarding the sanction, a written report by the Review Panel regarding sanctions, and the presentations of the parties. The Faculty shall give substantial deference to the sanction imposed by the Committee and/or Review Panel.

(d) The videotaped record of the hearings shall not be shown, except for good cause, at the Faculty meeting when the sanction is reviewed. The record shall be available in advance of the meeting for viewing by Faculty members and they are encouraged to view the record.

(e) Presentations by Law School Counsel and the Student may be made in writing, or orally, or both. A copy of each written presentation shall be distributed to each Faculty member at least three (3) days in advance of the meeting. If oral presentations are made, the parties shall each have fifteen (15) minutes for oral presentation. Reasonable limitations may be imposed on questioning of the parties and discussion by individual Faculty members.

VII. AMENDMENTS

A. Any proposed amendment to this Code shall be referred to the Committee, which shall recommend by majority vote whether to approve the proposed amendment. The Committee shall report the proposed amendment and the Committee recommendation to the Faculty at the next regularly scheduled Faculty meeting.

B. The Faculty shall consider the Committee's recommendation and shall decide, by a majority vote of the members present at the meeting, whether to approve the proposed amendment.

C. If the Faculty approves the proposed amendment, the proposed amendment shall be referred to the Council of the Student Bar Association ("SBA Council").

(1) SBA Council shall publish the proposed amendment in *Class Action* for three (3) consecutive weeks.

(2) SBA Council shall then consider the amendment at its next regularly scheduled meeting after completion of the publication process.

(3) The proposed amendment shall be finally approved and shall become part of the Code if approved by two-thirds (2/3) of the voting members of SBA Council present at the meeting.

(4) If two-thirds (2/3) of the voting members of the SBA Council present at the meeting do not approve the proposed amendment, the proposed amendment shall be referred to the student body as a whole for a binding referendum, within 30 days.

(5) If at least 50% of the student body votes in the referendum, the proposed amendment shall be finally approved and shall become part of the Code if approved by a majority of the students voting. If less than 50% of the student body vote in the referendum, the results will be considered non-binding and will be submitted to the Faculty for the purpose of expressing student opinion. At the next regularly scheduled Faculty meeting, the Faculty may then reconsider and change its vote on the proposed amendment by a majority vote. If the Faculty does not change its vote, the proposed amendment shall become part of this Code.

D. If the Faculty does not approve the proposed amendment, the Student Bar Association may conduct a non-binding referendum of the student body as a whole, for the purpose of expressing student opinion on the proposed amendment.

VIII. EFFECTIVE DATE

This Code shall only apply to conduct, incidents, and episodes that took place after the date on which the Code is finally adopted, May 20, 1986.