



Georgia State University
College of Law

Honor Code

Approved, as amended Nov. 17 1982, Dec. 6
1988, May 14 1998, April 15, 2004.

TABLE OF CONTENTS

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- Section 1. Title, Application, and General Rules. 1
- Section 2. Trial Body and Jurisdiction. 2
- Section 3. Duties of Students Under the Honor Code. 4
- Section 4. Academic Misconduct. 5
- Section 5. Roll Calls. 7
- Section 6. Pre-professional Misconduct. 8
- Section 7. Plagiarism and Related Offenses. 8
- Section 8. Misconduct Relating to Other Persons. 9
- Section 9. Misconduct Relating to Property. 11
- Section 10. Other Personal Misconduct. 12
- Section 11. Reserved 13
- Section 12. Procedures for Reporting, Investigating, and Adjudicating
Possible Violations of the Code. 13

**This document supercedes all
prior versions of the Georgia
State University College of Law
Honor Code, including the
version in the 2004-2005 Georgia
State University College of Law
Bulletin.**

Honor Code
Georgia State University
College of Law

(Approved, as amended Nov. 17 1982, Dec. 6 1988,
May 14 1998, April 15, 2004)

Section 1. Title, Application, and General Rules.

- (a) This document is the Honor Code of the Georgia State University College of Law (hereinafter "Code"). It applies to all students who enroll for any academic credit in the College of Law, and applies to any aspect of their association with the College. If any provision of this Code is inconsistent with any provision of the College of Law Bulletin or any other code of conduct applicable at Georgia State University, this Code shall govern.
- (b) Each student has a duty to read the Code. Ignorance of any provisions in this Code shall not be a defense to any violation of the Code.
- (c) Except as otherwise provided in this Code, any notice requirement in this Code may be satisfied by mailing to the address last provided by the student to the administration or by sending an e-mail to the address assigned the student by the College of Law.
- (d) As used in this Code, reference to the "Dean" or "Associate Dean" shall mean the Dean and Associate Dean of the College of Law and shall include anyone designated by either of them to perform any act required of them under this Code.
- (e) This Code, as amended on April 15, 2004, shall apply to any violations which occur on or after June 1, 2004. Violations which occurred prior to June 1, 2004 shall be governed by The Code of Student Conduct, as set forth in the College of Law Bulletin 2003-2004.

- (f) Amendments to this Code shall not be effective until they have been posted in the College of Law for at least 30 days.
- (g) Failure to comply with any deadlines or time requirements in this Code, other than those providing minimum time periods to give a student notice, shall not be the basis for dismissal or appeal on behalf of a student charged with violations of this Code.

Section 2. Trial Body and Jurisdiction.

- (a) Trial Body. As used in this Code, "trial body" means either the Honor Court or the Faculty Honor Code Committee, acting under authority provided by this Code.
- (b) Honor Court.
 - (1) The Honor Court shall be elected pursuant to the Constitution of the Student Bar Association of the College of Law. Except as otherwise provided in this Code, the Honor Court has jurisdiction to determine violations of Sections 4 and 5 of this Code. If a student charged with a violation of such Sections so requests the Associate Dean in writing within one week of the initial notification of the charge(s) as provided in section 12(b) of this Code, the charge will be heard by the Faculty Honor Code Committee. Except as otherwise provided in this Code, when a student is charged with violations of Sections 4 and 5 of this Code in addition to violations of other sections of this Code, the charge will be heard by the Faculty Honor Code Committee.
 - (2) The Honor Court is subject to all the rules and procedures set forth in this Code. The Honor Court shall adopt additional written rules and procedures for its own governance which meet with the approval of the faculty.

(c) Faculty Honor Code Committee.

(1) A Faculty Honor Code Committee (hereinafter "Committee") shall be appointed by the Dean of the College of Law with jurisdiction to determine all violations of the Code not specifically assigned to the Honor Court and any other violations of the Code referred to it by this Code or the approved rules and procedures of the Honor Court. When acting as a trial body, the Committee is subject to all the rules and procedures set forth in this Code. The Committee shall consist of five members of the full-time faculty, who shall be appointed to serve terms of three years. The Dean shall appoint the Chair and all members of the Committee. No appointee who has served a full term of three years shall be eligible for reappointment to the Committee until one year after termination of his or her last term. Vacancies which arise shall be filled by appointment of the Dean for the remainder of any unexpired term. The Chair of the Committee shall be a tenured full professor.

(2) The Chair may develop and promulgate written rules of procedure for the hearings, preside over hearings, rule on any procedural or evidentiary matters related to such hearings, and execute any notice provisions required of the Committee by this Code or the Committee's rules.

(3) When the Committee must be convened to hear a case under this Code, the Chair of the Committee shall choose two of the members of the Committee to hear the case with the Chair. The Chair may, in his or her discretion, disqualify a member of the Committee from sitting in a case. The Dean may, in his or her discretion, disqualify the Chair from sitting in a case, in which event the Dean shall appoint another member of the Committee to perform the duties of the Chair for that case. The Chair or any member of the faculty appointed to hear a case may recuse himself or herself at his or her discretion, in

which event the Chair shall appoint a replacement from the Committee members. In the event that reasons for disqualification or other matters preclude the selection of three (3) members of the Committee to sit on a case, the Dean shall appoint other faculty members to sit by designation for that proceeding only.

Section 3. Duties of Students Under the Honor Code.

It shall be a violation of the Code for a student to:

- (a) fail to report a possible Code violation in accordance with Section 12(a) of this Code;
- (b) fail to cooperate fully with a prosecutor, investigator, or any other person engaged in an authorized investigation of any matter under this Code;
- (c) fail to appear and testify before the trial body assembled for any proceeding conducted under this Code, if requested to do so in writing by the trial body through its presiding officer or by a student whose alleged Code violation is being heard by the trial body;
- (d) make any communication in any proceeding connected with this Code or to any person conducting an investigation pursuant to this Code which is false or misleading or contains a material misrepresentation or omits any fact necessary to make the communication as a whole not materially misleading;
- (e) reveal any confidential information regarding investigations or proceedings under this Code in violation of Section 12(h).

In the event that a student charged with a violation of Sections 4 or 5 of this Code which is being investigated and tried by the Honor Court violates a provision of Section 3 in the course of the

investigation or trial, the violation of Section 3 shall be investigated and tried by the Honor Court without any right of the student to seek transfer of any charges to the Faculty Honor Code Committee as otherwise allowed by Section 2(b).

Section 4. Academic Misconduct.

- (a) It shall be a violation of the Code for any student to obtain or seek to obtain an unfair academic advantage for himself or herself or any other student.
- (b) Examinations.
 - (1) No student shall cheat on an examination. By way of illustration only, and not by way of limitation, the following are examples of conduct which constitutes cheating on an examination.
 - (A) Attempting to give or receive, or actually giving or receiving, unauthorized assistance during an examination.
 - (B) Possession during an examination of any books or other materials not authorized by the instructor or the Associate Dean;
 - (C) When all the students in a course do not take the examination at the same time, any discussion in the presence of a student who has not taken the examination, concerning the examination or any substantive matter in the course.
 - (2) No student shall take an examination except in a location designated by the instructor or proctor.
 - (3) No student shall violate examination time limitations.

- (4) No student shall sign a pledge declaring, verbatim or in substance, that he or she has neither given nor received any improper aid in connection with the examination, nor committed or witnessed any other possible violation of this Code in connection with an examination, when such student knows or reasonably should know that such statement is false or misleading.

- (c) Library.

No student shall disobey any rules, whether posted or otherwise made generally known to the student body, regarding the use of any library materials, supplies, or equipment. By way of illustration only, and not by way of limitation, the following are examples of violations of this Code section:

- (1) The removal of library materials, supplies, or equipment from the law library without first checking them out;
- (2) Any unauthorized removal of any materials, supplies, or equipment from the reserve collection;
- (3) Any mutilation of, marking in, or defacement of any library materials, supplies, or equipment;
- (4) Any intentional mis-shelving, concealment, or secreting of library materials, supplies, or equipment;
- (5) Creating, by any loud, boisterous, or other disruptive behavior, a disturbance that obstructs normal library functions;
- (6) The unauthorized use of any materials, supplies, equipment, or services, including but not limited to computers, computer diskettes and supplies, video

equipment, databases, and materials in the microform/microfiche collection.

(d) Tape Recording Classes.

No student shall record any class through use of audio or video recording equipment or similar means without the express, advance permission of the instructor or the Dean.

Section 5. Roll Calls.

It shall be a violation of the Code for any student to engage in any false or misleading conduct regarding the roll of class or other College of Law function. By way of illustration only, and not by way of limitation, the following are examples of such conduct under this section:

- (a) Signing the roll on behalf of another person to indicate falsely that other person's presence;
- (b) Having or attempting to have another person sign a roll for one to indicate falsely one's presence;
- (c) Answering a roll call on behalf of a person who is not then present;
- (c) Having or attempting to have another answer a roll call on behalf of oneself when one is not present;
- (d) Failing to indicate one's presence in class when one is called upon by the instructor;
- (e) Signing the roll and then departing before the end of the class;
- (f) Holding on to a roll call sheet so that late arriving students may sign it.

Section 6. Pre-professional Misconduct.

It shall be a violation of the Code for any student to engage in any conduct in connection with any activities of the College of Law which raises a substantial question as to that student's honesty, trustworthiness, or moral fitness to practice law or become a member of the legal profession. A violation of this section shall be charged only when the student's conduct does not violate any other specific section of this Code.

Section 7. Plagiarism and Related Offenses.

It shall be a violation of the Code for any student to commit plagiarism or a related offense.

(a) Plagiarism.

It shall be a violation of this section for any student to plagiarize with the intent to gain any academic advantage thereby.

(1) Definition. Plagiarism is the inclusion of ideas or passages taken from another in one's own written work without properly attributing the source. When one is using the words of another verbatim, proper attribution of the source requires the use of quotation marks or other conventions to indicate clearly that fact. Plagiarism includes rewriting or paraphrasing the ideas or passages of another if the source is not properly attributed.

(2) For purposes of this section, a student's intent to gain academic advantage can be inferred from facts indicating that the student knew, or it was so obvious the student must have known, that his or her work contained plagiarism which could mislead the instructor as to the extent of the student's original contribution to the work. It shall be no defense under this section that a student was unaware of this section or the definition of plagiarism

herein. Students are obligated to learn the rules for the proper attribution of sources.

- (b) No student shall seek to obtain an unfair academic advantage for himself or herself or any other student in the submission of any paper, project, or other written work submitted for academic credit or any other academic purpose in the College of Law. By way of illustration only and not by way of limitation, the following are examples of violations of this section:

- (1) Submitting the same or substantially the same written work for academic credit in more than one course without express permission of the instructors in both courses.
- (2) Submitting the work of another student as one's own, or allowing a student to submit another's work as their own. Plagiarizing the work of another student or allowing another student to plagiarize the student's work.
- (3) Violating any rules governing the preparation and submission of written work for law review, moot court, or similar competitions to achieve an unfair advantage in such competition.
- (4) Failing to indicate clearly to the instructor that one's written work was submitted after the announced deadline for such submissions.
- (5) Fabricating references or citations in any written work submitted for credit.

Section 8. Misconduct Relating to Other Persons.

It shall be a violation of the Code for a student to commit any of the following acts in connection with any activities of the College of Law or Georgia State University:

- (a) Any act or threat of violence intended to injure, coerce, intimidate, abuse, or harass another person or persons.
- (b) Reckless or deliberate endangering of other persons on University premises. By way of illustration only and not by way of limitation, examples of such conduct are the unauthorized possession of any weapon, arson, the false reporting of fires, the improper activation of fire alarms, or the false reporting of bomb threats.
- (c) Actions, threats, or abusive utterances, directed toward any student, faculty or staff member which, if directed by one attorney toward another, or by an attorney toward a judge, would constitute professional misconduct under the Georgia Rules of Professional Conduct, unless such actions or utterances are constitutionally protected.
- (d) Creating by loud, boisterous, or other disruptive behavior during any class a disturbance which obstructs normal classroom activities or decorum.
- (e) Serious, willful disregard of the rights of others in a manner which calls into question the personal fitness of the individual to practice law or become a member of the legal profession.
 - (1) Verbal abuse of another which is likely to provoke a physical altercation;
 - (2) Threatening to harm another by force, terror, or defamation;
 - (3) Knowing dissemination of false or misleading information calculated to injure the reputation, or interfere with the career choices, of another;

- (4) Harassing or persecuting any student, faculty, or staff member because of that person's race, gender, religious beliefs, sexual orientation, nationality, or handicap;
- (5) Sexual harassment of any student, including but not limited to the making of persistent, unwelcome sexual overtures or persistent efforts to embarrass or humiliate a student with comments or behavior of a sexual nature;
- (6) Making, in connection with this Code, any accusation, or asserting any claim or defense, or taking any other position, with respect to which there exists no substantial justification, or which is interposed primarily for delay, harassment, or other improper purposes.
- (f) Any conduct or action against another person or persons which constitutes a criminal offense, whether or not that conduct or action has in fact been the subject of criminal proceedings.

Section 9. Misconduct Relating to Property.

It shall be a violation of the Code for any student to commit any of the following acts in connection with any activities of the College of Law or Georgia State University:

- (a) Theft or larceny, in any form, of any property;
- (b) Deliberate destruction, damage, abuse, or defacement of private or University property, or of property under the care or custody of the University;
- (c) Unauthorized use of telephones or other telecommunications equipment, or unauthorized charging of long distance telephone calls to the University;

- (d) To the extent not treated as a violation of Section 4(c), unauthorized use of University computers or computer-assisted legal research systems;
- (e) Unauthorized entry of University buildings at any time during which the buildings are closed, or unauthorized entry into offices or nonpublic areas of University buildings;
- (f) Unauthorized possession of equipment, supplies, or other property of the University, or of property under the care or custody of the University; and unauthorized possession or duplication of keys which give access to any university buildings or to rooms or facilities in the University;
- (f) Any action or conduct relating to property including but not limited to possession of contraband which constitutes a criminal offense, regardless of whether that action or conduct has in fact been the subject of criminal proceedings.

Section 10. Other Personal Misconduct.

It shall be a violation of the Code for any student to commit any of the following acts in connection with any activities of the College of Law or Georgia State University:

- (a) Deliberately furnishing false or misleading information on any admission application or registration or other communication of any sort with the College of Law or Georgia State University;
- (b) Deliberately furnishing false or misleading information on any resume, letter, or other communication of any sort to apply for any legal position outside the College of Law. The student's obligation includes a duty to correct any statements to prospective employers, which although

accurate when made, subsequently become false or misleading;

- (c) Attending class, or persistently or repeatedly being present on University premises, while under the influence of intoxicants or of drugs which have not been prescribed by a physician.

Section 11. Reserved

Section 12. Procedures for Reporting, Investigating, and Adjudicating Possible Violations of the Code.

- (a) Any person who witnesses a possible Code violation or otherwise has a reasonable basis to believe a violation of the Code has occurred shall report the possible violation as soon as practicable to at least one of the following individuals: the instructor in the course involved (if applicable), any member of the Honor Court, or the Associate Dean of the College of Law. When an instructor or member of the Honor Court receives a report of an Honor Code violation, they shall immediately relay the report to the Associate Dean.
- (b) Initial investigation. When a possible violation is reported, the Associate Dean, within one week, shall make a preliminary determination whether the possible violations fall within the jurisdiction of the Honor Court or the Faculty Honor Code Committee, as provided by this Code and shall, in writing, direct either the Chief Magistrate of the Honor Court to proceed as provided in subsection (b)(1) below, or a faculty investigator to proceed as provided in subsection (b)(2) below. After such direction, the Associate Dean shall, absent exceptional circumstances making notice inappropriate, as soon as practicable, notify the student(s) being investigated, inform the student(s) of the nature of the complaint and the specific sections of the

Code that allegedly have been violated, any rights the student(s) may have under section 2(b)(1) of this Code, and explain the procedures for resolving the issues raised by the complaint. The Associate Dean may amend the notice to the student(s) to add additional charges after investigation by the Honor Court or Faculty Honor Code Committee where warranted by the findings of said investigation. An amended notice will not provide the student(s) with an additional option under section 2(b)(1) to transfer the proceeding to the Faculty Honor Code Committee.

(1) Honor Court Investigations. When a possible violation is directed by the Associate Dean for determination by the Honor Court, the Chief Magistrate shall appoint a prosecutor (selected pursuant to Section 12(b)(1)(A)) to investigate the pertinent facts of the alleged violation and report in writing to the Associate Dean and the Chief Magistrate within 30 calendar days. The report shall address at least the following matters: (i) whether there is probable cause to believe that a violation of the Code has been committed by the student who is the subject of the investigation; (ii) which Code sections, if any, have possibly been violated; and (iii) what person or persons are believed to possess knowledge that is relevant to the matter. In making a determination of probable cause, the prosecutor shall, absent exceptional circumstances making notice inappropriate, provide the student, who is the subject of the investigation, with the opportunity to make a statement if he or she desires.

(A) Upon election to office, or as soon thereafter as is practicable, the Honor Court Justices shall select five students (none of whom shall be first-year students) who with the selected students' consent shall serve as prosecutors. No member of the Honor Court may serve as a prosecutor.

(B) Probable Cause Finding. (i) Upon a finding by the Chief Magistrate and the Chair of the Honor Code Committee that there exists probable cause to believe that a violation of Sections 4 or 5 of the Code has occurred, the Chief Justice shall set a time for the alleged violator to have a hearing before the Honor Court. Upon a finding by the Chief Magistrate and the Chair of the Honor Code Committee that there exists probable cause to believe that a violation of Sections 3, 6, 7, 8, 9, or 10 of this Code has occurred, the Associate Dean shall refer the case to the Faculty Honor Code Committee for all further proceedings. (ii) If probable cause is not found, the matter shall be closed. The Associate Dean shall send a letter to the subject student reporting the finding of no probable cause and informing the student that he or she may be required by bar admission authorities to report this matter but that the student is authorized to include in any such report that the matter was "dismissed at the first opportunity for lack of probable cause."

(2) Faculty Investigations. When the Associate Dean determines that reported violations of the Code should be referred to the Faculty Honor Code Committee, the Associate Dean shall appoint a faculty member who is not a member of the Faculty Honor Code Committee to investigate the pertinent facts of the alleged violation and report in writing to the Associate Dean within 30 calendar days. The report shall address at least the following matters: (i) whether there is probable cause to believe that a violation of the Code has been committed by the student who is the subject of the investigation; (ii) which Code sections, if any, have possibly been violated; and (iii) what person or persons are believed to possess knowledge that is relevant to the matter. In making a determination of

probable cause, the investigator shall, absent exceptional circumstances making notice inappropriate, provide the student, who is the subject of the investigation, with the opportunity to make a statement if he or she desires.

(A) Assistance for Investigator. If the investigator determines that the nature of the case requires the services of a person to gather, develop, or prepare evidence in the case, upon the request of the investigator the Associate Dean shall appoint such a person.

(B) Probable Cause Finding.

(i) Upon a finding by the faculty investigator that there exists probable cause to believe that a violation of Section 3, 6, 7, 8, 9, or 10 of this Code has occurred, (or Section 4 or 5 if the student opted to submit the case to the jurisdiction of the Faculty Honor Code Committee), the Associate Dean shall promptly forward the report to the Chair of the Faculty Honor Code Committee who shall set a time for the alleged violator to have a hearing before the trial body. Upon a finding by the faculty investigator that there exists probable cause to believe that a violation of Sections 4 or 5, and no other Sections, has occurred, the Associate Dean shall promptly forward the report to the Chief Justice of the Honor Court who shall set a time for the alleged violator to have a hearing before the Honor Court unless the student never had the opportunity under Section 2(b)(1) to exercise the option to transfer the case to the jurisdiction of the Faculty Honor Code Committee in which

case the student shall have one week from notice by the Chief Justice to exercise such option as defined in Section 2(b)(1).

(ii) In the event that the investigative report indicates that there is not probable cause to proceed, the matter shall be closed and the Associate Dean shall send a letter to the subject student reporting the finding of no probable cause and informing that student that he or she may be required by bar admission authorities to report this matter but that the student is authorized to include in any such report that the matter was "dismissed at the first opportunity for lack of probable cause."

(c) Hearings Before a Trial Body.

(1) The presiding officer of the trial body shall be the Chief Justice in the case of proceedings before the Honor Court, and the Chair in the case of proceedings before the Faculty Honor Code Committee.

(2) The manner of conducting the hearing by trial bodies shall be determined by this Code and any supplementary written rules of the body as approved by the faculty. Prior to the hearing, the presiding officer shall consult with the prosecutor or investigator appointed under this Code to determine which witnesses should be asked to be present at the hearing, though this procedure in no way limits or substitutes for the subject student's right to request the attendance of witnesses in his or her own behalf at the hearing. If possible, the trial body should try to procure the attendance at the hearing of at least one person who can testify from personal knowledge as to the alleged misconduct. No persons other than those present at the

request of the trial body shall be allowed to be present during the hearing. The subject student shall have the right to be present at all times during the hearing of evidence. The trial body has the discretion to sequester all other witnesses.

(3) Assistance for Trial Bodies. Ordinarily, the person who investigated the charges and found probable cause to believe that a violation occurred shall be responsible for presenting the case against the subject student to the trial body but if the presiding officer of a trial body determines that someone other than the prosecutor or faculty investigator should present the case, upon the request of the presiding officer the Associate Dean shall appoint such a person.

(4) A student whose possible violation of the Code is the subject of a hearing by a trial body shall be provided:

(A) Written notice of the time and place of such hearing, to be mailed or e-mailed to the alleged violator not less than 10 calendar days before the date of the hearing, which notice shall contain a specification of the violation(s) with which the student is charged, and a copy of the investigative report with all attachments;

(B) An opportunity to appear at the hearing, with a representative who may, but need not, be an attorney; and

(C) An opportunity at the hearing to (i) be present during the presentation of all testimony to the trial body; (ii) examine all documentary evidence that the trial body has entered into the record of the proceedings; (iii) cross-examine any witnesses who testify against him or her; (iv) present witnesses to

testify on his or her behalf and present other evidence, subject to the discretion of the presiding officer of the trial body to exclude evidence that is irrelevant or cumulative; (v) argue the law and facts to the trial body after all the evidence has been presented.

- (5) The presentation of oral testimony at any hearing provided for under this Code shall be tape recorded in a manner suitable for transcription. At the discretion of the presiding officer of the trial body or upon motion of the subject student, other parts of the hearing also may be tape recorded, but in no event shall the deliberations of the trial body be tape recorded. All tape recordings of the hearing, transcriptions thereof, and any other physical, documentary, or demonstrative material received in evidence at the hearing shall constitute the official record of the hearing.
- (d) Findings By a Trial Body. Any violations must be established by clear and convincing evidence and the unanimous concurrence of the members of the trial body. The trial body shall base its determination as to whether a violation has occurred and what sanction or sanctions, if any, should be recommended solely on the evidence contained in the official record of the hearing. If the trial body determines that a violation has occurred, upon request of the presiding officer, the Associate Dean shall furnish the trial body a summary description of any previous charges of Honor Code violations, and their disposition, against the alleged violator, and such description may be considered by the trial body in determining the appropriate sanction. Regardless of its decision as to whether a violation has occurred or what sanction or sanctions, if any, it should recommend, the trial body shall prepare a written statement setting forth (1) its findings of fact; (2) its conclusions concerning the existence of any violations of

particular provisions of this Code; (3) and the sanction or sanctions, if any, it recommends be imposed against the subject student. A copy of such written decision shall be delivered, as soon as possible, to the Dean and to the subject student. A trial body that has found a student in violation of this Code and is considering a sanction of suspension for one semester or more or permanent dismissal or similar sanctions must defer further deliberation on sanctions until the student has been informed of the trial body's finding of a violation and has been given an opportunity to present any evidence, in person or in writing, relating to mitigation of the sanction or sanctions.

- (e) Sanctions. Possible sanctions imposed against a student for violation of this Code include, but are not limited to, the following or any combination of the following:
- (1) permanent dismissal from the College of Law;
 - (2) suspension;
 - (3) a reprimand;
 - (4) notation of violation on the student's permanent record. Any finding of a violation of this Honor Code, unless it is overturned by subsequent proceedings, must be noted on a student's official record at the College of Law.

A separate file shall be maintained by the College of Law of findings of probable cause that an Honor Code violation has occurred. Any such finding can be shared with appropriate Fitness Committees of State Bar organizations.

In no event shall the trial body recommend the imposition of a particular grade as a sanction for a violation under this Code. However, if the violation arose from activity related to a course or

other graded activity, the trial body shall inform the faculty member charged with grading that course or activity of its decision and recommendations. The faculty member may then impose or adjust any grade in light of the trial body's findings.

(f) Decision and Review by the Dean.

(1) All recommendations for sanctions by a trial body are made to the Dean, who may impose the recommended sanctions or lesser ones in his or her discretion. Subject to Section 12(f)(2) of this Code, the Dean must impose as a sanction at least a notation of violation on the student's permanent record. The Dean shall inform the student in writing of the sanctions imposed. Any sanctions imposed by the Dean shall be based only on the official record of the hearing and the findings of fact and conclusions submitted by a trial body. The Dean shall refer any offers of evidence that are outside the record to the presiding officer of the trial body who shall treat the offer of such additional evidence as a motion to reopen the record to permit the consideration of new evidence. If the presiding officer finds that the new evidence could not reasonably have been presented at the hearing and the evidence is material to the finding that there was a violation of the Code, the presiding officer shall withdraw the trial body's findings of fact and recommendations regarding sanctions and reconvene the trial body that made the initial recommendation to the Dean to receive the new evidence. If the new evidence relates only to possible sanctions, the presiding officer may either reopen the hearing to consider the new evidence or return the evidence to the Dean for his or her consideration in deciding the appropriate sanctions. If the new evidence reasonably could have been presented at the hearing, or if the evidence is immaterial or cumulative of evidence already in the record, the presiding officer may refuse to reopen the hearing or otherwise add the evidence to the record forwarded to the Dean.

(2) If the Dean, in his or her discretion, based upon a review of the written findings of facts and conclusions submitted by a trial body and the official record of the hearing, decides that further proceedings should be held regarding the matter, the Dean may:

- (A) remand the matter to the trial body which held the original hearing for further proceedings consistent with the Dean's written order to that effect;
- (B) order a de novo hearing before the Faculty Honor Code Committee if the original hearing was held before the Honor Court;
- (C) order a de novo hearing before a newly constituted trial body made up of three faculty members, chosen by the faculty at the next regularly scheduled faculty meeting, who are tenured and had no role in the investigation or deliberation of the matter at issue; provided, the Dean may select this option only once for any single case.

(3) Any final decision of the Honor Court or Faculty Honor Code Committee finding that a student violated this Honor Code and any final decision of the Dean regarding imposition of sanctions against a student for any violations of this Code may be appealed according to the following procedures. The student may appeal to the Provost of the University, in writing, within 14 calendar days of receiving written notice of sanctions from the Dean pursuant to section 12(f)(1), above. The Provost shall rule on the appeal and give written notice to the student of the Provost's decision. The same time limits and procedures shall apply to appeals from the Provost's decision to the President of the University and from a decision of the President to the Board of Regents. The sole basis for appeal at any level is that the student's rights to due process were substantially violated by the College of Law's

proceedings against the student. It shall not be a basis for appeal that the Honor Court or Faculty Honor Code Committee had insufficient evidence to find a violation of the Honor Code or that the Dean should have granted a new hearing under section 12(f)(2) of this Code. The subject student shall have access to the official record of the proceedings against the student.

(g) Investigative Report; Subsequent Charges.

(1) An investigative or prosecutor's report submitted to the Associate Dean or Honor Court shall include a report on all possible violations of this Code known to the investigator or prosecutor at the time the report is submitted. If, after the investigative or prosecutor's report is submitted to the Associate Dean or Honor Court but before the trial body's findings have been submitted to the Dean, the Associate Dean or Honor Court is informed of additional possible violations of the Code by the alleged violator, the Associate Dean or Honor Court shall suspend any hearing regarding the initial violations until the additional possible violations have been investigated and the report thereon submitted to the Associate Dean or Honor Court pursuant to this Code.

(2) No student shall be charged with a violation of this Code if:

(A) the alleged violation has already been the subject of a hearing before a trial body against the student and that trial body has submitted its findings to the Dean pursuant to section 12(d); or

(B) the alleged violation arose out of the same conduct or transaction that served as the basis for a charge of alleged violations that have already been the subject of a hearing against the student before a

trial body and that trial body has submitted its findings to the Dean pursuant to section 12(d).

Provided, that nothing in this section shall limit the right to conduct any additional proceedings under section 12(f) of this Code.

(h) Confidentiality of All Proceedings and Records.

(1) Any student who was a member of a trial body, investigated a possible violation of the Code pursuant to the Code, or was present during a hearing or other proceeding before a trial body (except a student charged at such a hearing with having committed a Code violation), shall reveal nothing learned in the course of such investigations, hearings, or other proceedings nor anything contained in any records or documents related to such investigations, hearings, or other proceedings, except as provided below.

(2) The Dean or Associate Dean may disclose information concerning probable cause findings that a violation of the Honor Code has occurred and any finding of a violation of the Honor Code:

(A) Upon the written request of the student who was the subject of such proceedings;

(B) To bar admission authorities of this or any other jurisdiction to which the subject student has applied for admission to practice law;

(C) To an investigator or trial body acting pursuant to this Code when it appears that the information is necessary to determine whether a Code violation has occurred or to determine the appropriate sanctions to recommend;

(D) To any officials of Georgia State University or the University System of Georgia pursuant to statutes, rules, and regulations of said institutions;

(E) To defend the College of Law, any of its faculty, Georgia State University, or the University System of Georgia from any charges, claims, or complaints lodged against them;

(F) In order to improve the student body's understanding and appreciation of this Code, the Chair of the Faculty Honor Code Committee shall report annually to the student body the nature of the charge and penalty assessed in those cases where it has been determined that there was a violation of the Code. In preparing this report, the Chair of the Faculty Honor Code Committee shall avoid, to the extent possible, identifying the student who was the subject of the proceeding and the witnesses or potential witnesses in the case.

(3) All documents, tape recordings, or other materials produced or submitted in connection with investigations and proceedings under this Code, and any copies thereof except those delivered to the subject student, shall, within a reasonable time after conclusion of any such proceedings involving a student, be delivered to and kept in a secure place by the Dean.