

REGENT UNIVERSITY SCHOOL OF LAW HONOR CODE

(Revised April 30, 2024)

Article 1: Introduction

1.1 Preamble

In keeping with the Christian mission of Regent University School of Law (RUSL), the Honor system shall be conducted in accordance with biblical principles. The RUSL Honor Code (Honor Code) presumes that while pursuing a legal education, RUSL students will honorably conduct themselves with honesty and integrity in all matters. The purpose of the Honor Code is to establish specific expectations and standards to govern student conduct in such matters. This document is not a contract and does not establish a contractual relationship. Regent University and RUSL reserve the right to suspend the policies and/or procedures contained herein entirely, to implement other policies and/or procedures in any situation they deem proper, or to circumscribe these policies and/or procedures in any situation they deem proper.

1.2 Persons Covered

All J.D. and LL.M. students enrolled at RUSL are subject to the Honor Code. All other students enrolled at RUSL are subject to the academic integrity policies and procedures of Regent University contained in the most current edition of the Regent University Student Handbook (or its equivalent, however titled). The Honor Code covers conduct while a J.D. or LL.M. student is enrolled at RUSL. The RUSL Administration, Faculty, and Honor Council have jurisdiction over violations of the Honor Code whether the matter is reported prior to or after a student's separation or degree conferral from RUSL, provided that all such allegations are brought within 2 years of the student's separation or degree conferral from RUSL. No student shall be subject to a complaint under the Honor Code more than 2 years after that student's separation or degree conferral from RUSL.

1.3 Scope

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

1.4 Constructive Notice

Every RUSL J.D. and LL.M. student is responsible for knowing and complying with all provisions of the Honor Code. The Honor Code shall be posted on the RUSL website and made available in the RUSL Student Affairs and Records Office and in the office of the Dean for Student Affairs (DSA). Every fall during Orientation week, and within the first 3 weeks of each Fall and Spring semester in each first-year Legal Analysis, Research, and Writing class (or its equivalent, however titled), members of the Honor Council shall give a presentation to students to outline the Honor Code and a student's rights and responsibilities contained therein.

1.5 Definitions

- (a) Accessory—An individual who provides assistance or aids a principal offender in the commission of an Honor violation without directly partaking in its commission, including (but not limited to) helping a principal offender escape from punishment for an Honor violation by concealing evidence or providing false testimony.
- (b) Accomplice—An individual who voluntarily and with common intent unites with a principal offender in the commission of an Honor violation.
- (c) Accused—An RUSL J.D. or LL.M. student accused of an Honor Code violation.
- (d) Accuser—An individual who is adversely affected by, witnesses, or has other credible evidence of a potential Honor Code violation and who reports an allegation against the Accused.

- (e) Administration—The RUSL Dean, Associate Deans, and/or Assistant Deans. The RUSL Dean, Associate Deans, and/or Assistant Deans also serve as Faculty Members.
- (f) Arbitrary and Capricious—A willful and unreasonable action without consideration of or in disregard of facts or the Honor Code or RUSL/Regent University policy. Ordinarily, this phrase is synonymous with bad faith or failure to exercise honest judgment.
- (g) Assessment—Any quiz, test, midterm, exam, or other graded evaluation of a student’s knowledge and/or application of course material.
- (h) Clear and Convincing Evidence—An allegation or argument is highly probable. This standard of proof is greater than the “preponderance of the evidence” standard commonly used to prove civil liability but less than the “beyond a reasonable doubt” standard commonly used to prove criminal liability.
- (i) Complaint—An allegation of an Honor Code violation by an Accused that the DSA, after investigation, has determined is supported by probable cause and will be referred to an Administrative Honor Hearing.
- (j) Day—Calendar day.
- (k) Dean for Student Affairs (DSA)—The RUSL administrator with primary responsibility for student affairs, however titled. If the DSA has a conflict of interest or is unavailable or otherwise unable to perform the duties specified herein, the RUSL Dean shall appoint another member of the RUSL Administration or Faculty (other than the Honor Council Faculty Advisor) to perform these duties until the DSA can resume the performance of those duties.
- (l) Exceptional Circumstances—Circumstances that are unusual, unforeseen, and/or extraordinary.
- (m) Faculty Advisor—The Faculty Member with primary responsibility for serving as the advisor to the Honor Council.
- (n) Frivolous Complaint—A Complaint in support of which the Accuser can present no rational argument based upon the evidence and/or Honor Code.
- (o) Instructor—Any individual who teaches a course at RUSL.
- (p) Faculty—All full-time Instructors who are entitled to vote at RUSL Faculty meetings.
- (q) Faculty Member—A member of the RUSL Faculty.
- (r) Preponderance of the Evidence—Evidence that as a whole shows that culpability is more probable than not (i.e., more than 50%).
- (s) Proof Beyond a Reasonable Doubt—There is no other reasonable explanation that can come from the evidence as a whole; the factfinder must be virtually certain of culpability.
- (t) Purposely—A student acts purposely regarding conduct or causing a result if it is the student’s conscious objective to engage in conduct of that nature or to cause such a result.
- (u) Regent Community—All Regent University and RUSL Administrators, Faculty Members, Instructors, Student Body members, and staff members.
- (v) Respondent—An Accused who becomes the subject of a Complaint to be determined at an Administrative Honor Hearing.
- (w) Student Body—All currently enrolled degree-seeking students and all other persons enrolled in an RUSL course.

Article 2: Violations, Instructor Prerogative, and Student Obligations

2.1 Violations

It shall be a violation of the Honor Code for a J.D. or LL.M. RUSL student to engage in any of the following actions:

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

- assistance in an assignment or assessment that are prohibited by the Instructor or other designated authority;
- iv. Bringing materials, devices, and/or other items to any assessment that are prohibited by the Instructor or other designated authority (whether such materials, devices, and/or items are actually accessed, used, or attempted to be accessed or used);
- v. Soliciting, accessing, and/or using or attempting to use solutions/assignments/work product from online websites or other electronic platforms;
- vi. Unauthorized collaboration;
- vii. Negligently failing to keep one's work product secure from cheating or attempted cheating by others; or
- viii. Providing unauthorized materials and/or assistance (including, but not limited to, transmitting and/or posting, or enabling of transmitting and/or posting, of assignments, assessments, class materials, and/or solutions on websites and/or other electronic platforms and/or via other electronic means);
- (c) Stealing or misusing, or attempting to steal or misuse, library property, including (but not limited to)
 - i. Marking, labeling, tearing, or otherwise mutilating library materials (even if to assist other students);
 - ii. Removing materials from the library without proper authorization; or
 - iii. Depriving students of the opportunity to use materials meant to be in the library for the use of all students by hiding or destroying those materials;
- (d) Stealing or attempting to steal the tangible or intangible property of another, including (but not limited to)
 - i. Accessing, taking, and/or reproducing another student's work product/course materials without permission;
 - ii. Accessing and/or taking an assignment, assessment, or other academic work of an Instructor or other designated authority from a classroom, testing space, the Instructor or other designated authority's office, or space designated for student review of the material without permission; or
 - iii. Taking photographs of or otherwise reproducing or replicating an Instructor or other designated authority's assignment, assessment, or other academic work or the contents thereof without permission;
- (e) Abusing Honor Code processes, including, but not limited to, making a Frivolous Complaint, breaking confidentiality requirements, or lying or purposely withholding relevant information during any Honor Code investigation or Administrative Honor Hearing;
- (f) Failing to report within 14 days a suspected Honor Code violation to the DSA when a student has reasonable cause to believe that such a violation has occurred;
- (g) Failing or refusing to comply with § 2.4;
- (h) Failing or refusing to comply with § 2.5;
- (i) Acting, or attempting to act, as an accomplice or accessory to an act that violates the Honor Code;
- (j) Communicating, in any place or in any manner or forum, after one has taken an assessment, the contents of that assessment to a person who has not yet taken that assessment in the current semester; or
- (k) Communicating, after one has taken an assessment, the contents of that assessment in any place or in any manner or forum where a reasonable person should know that the communication could be heard or discovered by another student who is scheduled to take the assessment but has not yet done so in the current semester.

2.2 Instructor Prerogative

- (a) The written course policies or instructions of an Instructor or other designated authority may supplement the provisions in § 2.1.
- (b) Independent of the Honor Code, Instructors have discretion to impose penalties for course-related misconduct, consistent with and subject to the review and appeal provisions in the RUSL Policies and Procedures Manual, the Regent University Faculty and Academic Policy Handbook, and the Regent University Student Handbook.
- (c) To the extent course-related misconduct becomes the subject of a Complaint under the Honor Code and the

Respondent is sanctioned under the Honor Code for the misconduct, Instructors may separately penalize the misconduct, but all sanctions imposed are then governed by the Honor Code and its review and appeal provisions.

2.3 Other Conduct Standards

- (a) RUSL Administration, Faculty, and Instructors shall have the authority to consider allegations of violations specified in § 2.1, for supplemental violations contained in the written course policies or instructions of an Instructor or other designated authority, or for other allegations of misconduct deemed by the RUSL Administration to violate the spirit of this Honor Code. The list of violations in § 2.1 is not intended to constitute an all-inclusive list of offenses for which a student may be disciplined under the Honor Code but rather to give examples of the types of behavior punishable hereunder. Any misconduct deemed by the RUSL Administration to violate the spirit of the Honor Code shall be dealt with as though it were expressly prohibited herein.
- (b) All other student conduct standards shall be enforced primarily by Regent University Administration and staff. RUSL students must be mindful of their duty to abide by all of these conduct standards and their obligation to hold each other accountable to act in accordance with them, including taking appropriate steps to ensure that the standards are upheld.

2.4 Student Certification

- (a) RUSL students must write and sign the following certification on every submission for a grade or credit in a course or for any RUSL academic competition (e.g., writing on to Law Review or other journal, competing in an intramural moot court competition, etc.): “On my honor, I hereby certify that I have neither given nor received unauthorized aid on this [exam, paper, assignment, etc.].” Instructors, supervising Faculty Members, and/or other designated authorities have discretion to modify the wording of required certifications in their courses or in conjunction with extracurricular activities they supervise.
- (b) If the document must be submitted anonymously, the student must write his/her exam or other identification number to substitute for the signature.
- (c) If a student does not provide this signed certification, the Instructor, supervising Faculty Member, or other person receiving the submission must notify the student in writing to give the student an opportunity to submit a signed certification. If the student fails or refuses to do so within 3 days of being notified, no credit will be given for the submission and the matter will be referred to the DSA for review pursuant to § 5.1 below.

2.5 Duties to Cooperate, Appear, and Testify

- (a) All RUSL students must cooperate with any Honor Code investigation conducted by RUSL Administration or Faculty by providing full and truthful information. All RUSL students must appear and (with the exception of a Respondent, who cannot be forced to testify at his/her own Administrative Honor Hearing) must testify fully and truthfully if called to testify as a witness at an Administrative Honor Hearing. No common law or statutory spousal privilege applies to the testimony of an RUSL student in conjunction with the Honor Code.
- (b) If a Respondent fails to appear at and/or participate (either personally or via an RUSL student advocate) in a scheduled and duly noticed Administrative Honor Hearing, the Administrative Honor Hearing will continue without the Respondent's participation, and a decision will be made about the alleged conduct in the Respondent's absence and/or without the Respondent's participation. A Respondent who fails to attend his/her scheduled and duly noticed Administrative Honor Hearing (either personally or via an RUSL student advocate) or who impedes or fails to comply with the Honor process automatically waives his/her right to any reconsideration or appeal from any decision reached on his/her conduct, including any sanction(s) imposed.
- (c) If an RUSL student fails to cooperate with any Honor Code investigation conducted by RUSL Administration

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

2.6 Duty to Report

- (a) If a student has reasonable cause to believe that an Honor Code violation has occurred, the student must report such violation to the DSA within 14 days of having such cause.
- (b) Consistent with the principles in Matthew 18, before reporting such violation to the DSA, it is strongly recommended that a student discuss his/her concerns with the student(s) suspected of committing the violation. If, after discussion, the student suspecting a violation remains satisfied that reasonable cause exists to believe that an Honor Code violation has occurred, that student should report the allegation to the DSA within the 14-day period and should encourage the other(s) to report his/her own conduct to the DSA before the 14-day period elapses. If, however, after this discussion, the student previously suspecting a violation is convinced that no Honor Code violation has occurred, that student need not report the allegation to the DSA.
- (c) Once a suspected violation is reported, the DSA shall have discretion to decide whether the Accuser must confront the Accused directly before a matter can proceed. Failure to confront does not constitute an Honor Code violation or deprive the DSA of the ability to proceed with an investigation concerning the allegation.

2.7 Confidentiality

- (a) In the absence of a written waiver of confidentiality by the Accused/Respondent, individuals involved in any part of an Honor Code investigation or proceeding, including (but not limited to) the Accuser/Complainant, the Accused/Respondent, witnesses, Administrative Honor Panel and Honor Council Review Panel members, and members of the Honor Council, shall not reveal information about an allegation, investigation, Complaint, or Honor proceeding except as provided below.
- (b) Confidentiality requirements do not apply to the DSA or other RUSL Administrator, Instructor, or Faculty Member investigating an allegation of misconduct under the Honor Code when those individuals are interviewing potential witnesses or discovering or collecting potential evidence of an Honor Code violation.
- (c) Confidentiality requirements do not apply between or among the DSA and members of an Administrative Honor Panel who are responsible for presenting and/or examining evidence and/or deliberating on an allegation or Complaint. In determining appropriate sanctions for an Honor Code violation, the DSA may disclose information to members of an Administrative Honor Panel relating to prior honor-related offenses a Respondent committed at RUSL or any other institution, and a Respondent waives any right to privacy in that information being disclosed for that purpose.
- (d) Confidentiality requirements do not apply between or among the DSA and members of an Honor Council Review Panel who are responsible for reviewing upon the Respondent's request the decision of an Administrative Honor Panel and the record of an Administrative Honor Hearing.
- (e) The DSA, members of an Administrative Honor Panel, members of an Honor Council Review Panel, and the RUSL Dean may disclose information about an Honor Code investigation or proceeding upon request to the DSA, the RUSL Dean, or Regent University/RUSL Administration, Faculty, or staff in conjunction with a Request for Reconsideration, appeal, or motion for new Administrative Honor Hearing filed by a Respondent,

and a Respondent waives any right to privacy in that information being disclosed for that purpose.

- (f) Any RUSL student, Regent University or RUSL Administrator, RUSL Faculty Member, RUSL Instructor, or any other individual with involvement in the allegation against a Respondent may disclose information related to the Respondent's case in any legal or administrative action filed by the Respondent or his/her agent or otherwise designated authority against Regent University, RUSL, and/or any member of the Regent Community, and a Respondent waives any right to privacy in that information being disclosed in conjunction with that proceeding.
- (g) Regent University and RUSL reserve the right to report the findings, results, and a summary of any part of the Honor process, including but not limited to the Honor Code investigation, Administrative Honor Hearing, Honor Council Review Panel, and/or requests for reconsideration or appeal, to state boards of bar examiners and bar-related officials, other academic institutions, and any other parties with a need to know, and a Respondent waives any right to privacy in that information being disclosed.
- (h) Once final, the DSA may announce via email to the RUSL Administration, Faculty, Instructors, staff, and Student Body the outcome of any Honor proceedings, including the violation charged, a brief summary of the evidence, whether a violation was found to have occurred, and any sanction(s) imposed. Unless the Respondent has waived the right to confidentiality, neither the Respondent's name nor any personally identifying information shall be published in conjunction with this announcement. Similarly, no names of witnesses or Administrative Honor Panel or Honor Council Review Panel members shall be published in conjunction with this announcement.
- (i) All documents, tape recordings, or other materials produced or submitted in connection with Honor Code investigations and proceedings, shall, for a reasonable time after the conclusion of any such proceedings, be maintained by the RUSL Student Affairs and Records Office, and confidentiality requirements do not apply to staff of that office who are responsible for maintaining the information.
- (j) If an RUSL student or RUSL Faculty Member approaches an Honor Council member to discuss a potential Honor Code violation, the Honor Council member should inform the student or Faculty Member of the Honor Council member's potential conflict of interest in listening to the details of the allegation and should direct the student or Faculty Member to speak with the DSA. If the Honor Council member hears or otherwise receives the details of a suspected violation, the Honor Council member must report the allegation to the DSA and may need to recuse himself/herself if appointed to serve on the Administrative Honor Panel that will hear the Complaint or on the Honor Council Review Panel reviewing the result of the Administrative Honor Hearing.
- (k) The Accused/Respondent may waive his right to confidentiality in Honor Code investigations or proceedings at any time by submitting a request in writing to the DSA and/or by filing a waiver of confidentiality under the Family Educational Rights and Privacy Act (FERPA).

Article 3: Standard of Proof and Sanctions

3.1 Standard of Proof

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

3.2 Sanctions

Possible sanctions for violating the Honor Code include (but are not limited to) the following (and more than one sanction may be

imposed in accordance with the provisions of the Honor Code):

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

3.3 Absolution

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

Article 4: Honor Council Positions and Selection

4.1 Honor Council Members

- (a) The RUSL Faculty shall determine the size of the Honor Council annually, and the Honor Council shall at no time consist of fewer than 12 members. To be eligible for a position on the Honor Council, an RUSL student must
 - i. Be enrolled in, and have completed at least one semester of study at, RUSL;
 - ii. Plan to be enrolled at RUSL for both semesters of the next academic year;
 - iii. Have and continue to maintain at least a cumulative law GPA of 2.500;
 - iv. Have a demonstrated record of honesty, integrity, and good conduct, including but not limited to having no record of academic or other dishonesty and no adverse disciplinary record; and
 - v. Be selected according to the provisions of paragraph (b) below.

(b) Provisions Governing Honor Council Selection and Membership

- i. Once chosen as a member of the Honor Council, a student remains on the Honor Council until the member graduates, withdraws from RUSL, takes a leave of absence, resigns, fails to be elected in a subsequent retention vote, or is removed pursuant to § 7.1 below. During the time that a student serves on the Honor Council, the student waives any privacy rights in his/her student record as to information pertaining to his/her honesty, integrity, character/fitness, and general conduct such that the RUSL Administration and Faculty may access and discuss this information. Current Honor Council members are not required to re-submit a membership application but must declare their interest in serving on the Honor Council by February 15. The names of current Honor Council members who declare their interest shall be placed on the ballot for a vote of retention.
- ii. The incoming Honor Council members shall be chosen no later than April 5 each spring semester.
- iii. The RUSL Faculty shall decide whether and when to fill vacant spots on the Honor Council created during the school year. If the RUSL Faculty desires a replacement member, the vacant spot will be advertised to the RUSL Student Body, and the procedures in paragraphs (iv) through (viii) will be followed. The RUSL Faculty shall determine by majority vote, based on a review of all Candidates' applications and any Candidate interviews, which Candidates are approved to be selected to serve as a replacement member of the Honor Council. The replacement member must be of the same class year as the vacating member and meet all other eligibility requirements. The

RUSL Faculty shall then vote to determine which Candidate to appoint to the vacancy; the Candidate receiving the highest number of votes will serve the duration of the vacating member's term. If the replacement member desires to serve on the Honor Council the subsequent year, he/she must follow the procedures to be elected to the Honor Council as if he/she were applying to serve on the Honor Council for the first time.

- iv. Students who apply to serve on the Honor Council waive any privacy rights in their student record as to information pertaining to their honesty, integrity, character/fitness, and general conduct such that the RUSL Administration and Faculty may access and discuss this information. An eligible student may apply to be a member of the Honor Council by submitting the following documents to the Honor Council President by February 15:
 - (A) A statement detailing why the student desires to serve on the Honor Council and describing in detail the student's qualifications to serve;
 - (B) A letter of recommendation from a Law Faculty member; and
 - (C) 2 letters of recommendation from current RUSL students.
- v. The Honor Council President shall forward a list of all Candidates for the incoming Honor Council, including each Candidate's submissions pursuant to paragraph (iv) above, to the DSA no later than February 20.
- vi. The RUSL Faculty shall review all Candidates' applications and, if desired, appoint one or more Members of the Faculty on its behalf to interview any Candidate. Although the Faculty may interview any Candidate for any reason, it must interview a Candidate whose honesty, integrity, character, or conduct has been questioned in any way prior to making a final decision regarding which Candidates to approve.
- vii. If the RUSL Faculty determines that there are insufficient qualified Candidates for the Honor Council, the Faculty may solicit applications from other eligible students, and any such student who complies with the requirements of paragraph (iv) above then becomes a Candidate.
- viii. The RUSL Faculty shall determine by majority vote, based on a review of all Candidates' applications and any Candidate interviews, which Candidates will be approved to be eligible to be selected to serve on the incoming Honor Council (Approved Candidates). The Faculty shall also determine by majority vote how many members will serve on the incoming Honor Council and how many members of the incoming Honor Council must be selected from each RUSL class.
- ix. No later than March 15, the DSA shall forward the list of Approved Candidates to the Honor Council President. The Honor Council President will electronically post each Approved Candidate's submissions for review by all currently enrolled RUSL J.D. and LL.M. students at least 72 hours before the election referenced in paragraph (x) and must notify all currently enrolled RUSL J.D. and LL.M. students where the information will be posted.
- x. No later than April 1, the Honor Council will hold an election to select the members of the incoming Honor Council under the following terms:
 - (A) All currently enrolled RUSL J.D. and LL.M. students are eligible to vote. Votes will be cast using a weighted ballot. Under a weighted ballot, a student may cast up to the maximum number of votes for 2L Approved Candidates as the Faculty has approved vacancies for members of that class and up to the maximum number of votes for 3L Approved Candidates as the Faculty has approved vacancies for members of that class. (For example, if the Faculty determines that there will be 5 2L members and 7 3L members on the incoming Honor Council, each voter may cast up to 5 votes for 2L Approved Candidates and 7 votes for 3L Approved Candidates). Each student may cast as many votes for an individual Approved Candidate as the student desires

(e.g., a student may cast all 5 2L votes for one 2L Approved Candidate, or divide votes up among different 2L Approved Candidates as the voter desires). Students are not limited to voting for members of their own class; and

- (B) The students from each class receiving the highest number of votes (with the number determined by the Faculty in accordance with paragraph (x) above) will be the incoming Honor Council members; and
- (C) Any ballot on which a student casts more than the number of authorized votes must be discarded; and
- (D) The election may be held in person or via electronic vote, based on the majority vote of the Honor Council. An electronic vote may be used only if the voting period is open for at least 24 hours beginning on the day of the election, students voting are required to log onto a secure site requiring a personal identification and password to receive their ballot, and the names of Approved Candidates are listed alphabetically on the ballot within each law school class (2L and 3L). The Honor Council President shall count the votes as outlined in (A)-(C) above and shall present the results of the election within a reasonable time to the RUSL Administration and Faculty and to members of the Student Body eligible to vote.

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

- (c) After the incoming Honor Council is selected, Honor Council members who are eligible for and interested in the positions of Honor Council President and Honor Council Vice President must submit a concise statement detailing why the incoming member desires to serve as President or Vice President. This statement, along with any supporting documentation or letters of recommendation, must be submitted to the DSA by April 10. By April 20, the RUSL Faculty shall determine which Honor Council members will be eligible for the positions of President and Vice President, and the DSA shall forward the names of those members to the current President.
- (d) By April 30, the current President shall call an organizational meeting of the members of the incoming Honor Council, who shall, by a majority vote, elect, from among the Candidates deemed eligible by the RUSL Faculty, an incoming Honor Council member to be the incoming President, and an incoming Honor Council member to be the incoming Vice President (who shall perform the duties of the President in the absence or unavailability of the President). The incoming President shall be chosen first, then the incoming Vice President. If, after the first vote, no Candidate for a position obtains a majority vote, then another vote must be taken from among the top 2 vote-getters only, and the Candidate who receives the most votes during the re-vote shall be the one appointed to the position. Although a vote for President and for Vice President will be taken every year, the current President and/or Vice President may run for reelection if otherwise eligible for the position.
- (e) To be eligible to be a Candidate for President or Vice President, an Honor Council member must
 - i. Have a cumulative law GPA of at least 2.700;
 - ii. Have taken (and passed with a B- or higher), or be currently enrolled in and passing, Professional Responsibility;
 - iii. Have served on the Honor Council for at least 2 semesters; and
 - iv. Before the vote, be approved as an eligible Candidate by the RUSL Faculty.

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

- (f) The President shall attend all meetings of the Honor Council. The President will select Honor Council members to serve on Administrative Honor Panels and Honor Council Review Panels, and he/she may serve in those roles. Every fall during Orientation week, and within the first 3 weeks of each Fall and Spring semester in each Legal Analysis, Research, and Writing class (or its equivalent, however titled), members of the Honor Council shall give a presentation to students for the purpose of outlining the Honor Code and students' rights and responsibilities contained therein. The presentation will be in a form approved by the President and DSA and presented by the President and any additional Honor Council members selected by the President.

4.2 Faculty Advisor

The RUSL Dean shall appoint an RUSL Faculty Member to serve as the Faculty Advisor to the Honor Council. The Faculty Advisor will serve the Honor Council in an advisory capacity and perform the other duties specified herein. If the Faculty Advisor is unavailable or otherwise unable to perform the duties specified herein, the RUSL Dean shall appoint another RUSL Faculty Member to serve as Faculty Advisor Pro Tempore until the Faculty Advisor can resume the performance of those duties.

Article 5: Honor Proceedings

5.1 Initial Investigation

- (a) Students, Instructors, and Faculty Members have a duty to report suspected Honor Code violations to the DSA within 14 days when they reasonably believe, based on the available evidence, that a violation has occurred.
- (b) The DSA is responsible for conducting an initial investigation into any suspected violation of the Honor Code. The DSA will promptly gather and examine all information related to the allegation against the Accused and will fully document all steps taken and information discovered in the investigation. To the extent a suspected violation relates to a particular course or extracurricular activity, the DSA may first require the Instructor of the course or the Faculty Member with primary supervisory responsibility for the extracurricular activity to investigate the matter, in which case the Instructor or Faculty Member will promptly gather information related to the allegation against the Accused, keep detailed notes of all steps taken in gathering the information, and submit a report containing all relevant information and any preliminary findings to the DSA. Once receiving such a report, the DSA may conduct further investigation into the allegation against the Accused and document any additional steps taken and information discovered.
- (c) After gathering and examining all the gathered information relating to the alleged Honor Code violation, the DSA must reach a preliminary conclusion as to whether there is probable cause to believe the Accused has committed an Honor Code violation.
- (d) If the DSA concludes that there is not probable cause to believe the Accused has committed an Honor Code violation, then no further action is required.
- (e) If the DSA preliminarily concludes that there is probable cause that an Honor Code violation occurred, he/she shall notify the Accused in writing of that preliminary conclusion and the basis for that conclusion. Even if the Accused already has been contacted in the initial investigation, the DSA shall give the Accused a reasonable opportunity to respond to the allegation in writing. In addition to notifying the Accused of the opportunity to respond in writing, the DSA shall also discuss, if possible, the allegation with the Accused in person, by telephone, or by other remote means.
- (f) Within 10 days of being notified about the allegation, the Accused may respond to the allegation in writing to the DSA.
- (g) If, after receiving and considering a further written statement from the Accused, the DSA concludes that no probable cause exists that a violation of the Honor Code occurred, the DSA shall dismiss the allegation for lack of probable cause and notify the Accused in writing of that determination within 7 days of reaching that

decision. The DSA may, but need not, provide a written statement justifying the decision to dismiss an allegation for lack of probable cause.

- (h) If the Accused does not respond to the allegation within 10 days, or if after receiving and considering the Accused's written statement, the DSA remains persuaded that probable cause exists to believe that the Accused committed an Honor Code violation, the allegation becomes a Complaint and the Accused becomes the Respondent.
- (i) If at any point in the Honor process the Accused/Respondent fully confesses to any alleged violation(s), the DSA will have sole responsibility for determining the appropriate sanction(s) for the violation(s) and may impose any of the sanctions in § 3.2(a)-(h). The DSA shall notify the Accused/Respondent in writing of the sanction(s) within 7 days of reaching a decision on the sanction(s) to be imposed. The decision of the DSA in such a situation is not subject to review by an Honor Council Review Panel.
- (j) If the Accused does not fully confess to all alleged violations of the Honor Code and there remain genuine issues of material fact to be determined on any alleged violation, the Complaint will be referred for determination at an Administrative Honor Hearing. The DSA shall notify the Respondent and the President of the Honor Council in writing of the Complaint (including the alleged violation and a brief summary of the facts supporting probable cause that the violation was committed) and the referral within 7 days of reaching that decision.

5.2 Administrative Honor Hearing

- (a) Within 10 days after notification to the Respondent of a Complaint to be determined by an Administrative Honor Hearing ("Hearing"), the DSA shall provide the Respondent with a date and time for the Hearing.
- (b) Except in exceptional circumstances as determined by the DSA, Hearings will take place within 45 days following notification to the Respondent of the basis for the Complaint.
- (c) An Administrative Honor Panel ("Panel") will be convened for purposes of the Hearing. The Panel will consist of 5 members: 3 members of the Honor Council appointed by the Honor Council President and 2 disinterested Faculty Members appointed by the DSA. Neither the RUSL Dean nor the Faculty Advisor may serve on a Panel. One of the Faculty Members will serve as foreperson of the Panel. The foreperson shall maintain order during Panel deliberations and be the spokesperson for the Panel, including recording all votes and findings of the Panel and reporting votes and findings to the Faculty Advisor. Only the members of the Panel shall be present during deliberations, during which the members may review any information or materials presented during the Hearing. The Faculty Advisor shall answer any questions the Panel has about the Honor Code or the Honor proceedings.
- (d) Any member appointed to the Panel may ask the Faculty Advisor to be recused from serving on the Panel if the member believes he/she has a bias, relationship, personal knowledge, or interest in the matter that would cause him/her to not be objective in deciding the matter. The decision of the Faculty Advisor to permit or prohibit recusal or to strike a member of the Panel in any particular situation is final and may not be the basis for review, reconsideration, or appeal. If one or more Honor Council members are recused from the Panel or stricken for good cause, the Honor Council President will appoint replacement disinterested Honor Council member(s). If one or more Faculty Members of the Panel are recused from service or stricken for good cause, the DSA shall appoint replacement disinterested Faculty Member(s) to serve.
- (e) If at any point during the Hearing and deliberation process, the Faculty Advisor determines that any Panel member is impeding the Honor process, not participating in good faith, or is unable or unwilling to follow the requirements of this Code, the Faculty Advisor may remove that Panel member. The Faculty Advisor may choose to appoint a replacement disinterested member to serve on the Panel, but need not do so if the proceedings have sufficiently progressed to a point that a replacement member would be unable to effectively and/or fairly serve.

- (f) The Hearing shall consider all charges against the Respondent. Any documents that the DSA would like considered must be provided to the Respondent and the Faculty Advisor no later than 7 days before the Hearing. Likewise, the identities of any witnesses who will testify in person or by videoconference, along with a notation as to which witnesses will testify via each method, must be provided to the Respondent and the Faculty Advisor no later than 7 days before the Hearing. Any documents that the Respondent would like considered must be provided to the DSA and the Faculty Advisor no later than 5 days before the Hearing. Likewise, the identities of any witnesses who will testify in person or by videoconference, along with a notation as to which witnesses will testify via each method, must be provided to the DSA and the Faculty Advisor no later than 5 days before the Hearing. Any documents that the DSA would like considered as rebuttal evidence must be provided to the Respondent and the Faculty Advisor no later than 3 days before the Hearing. Likewise, the identities of any additional witnesses who will testify on rebuttal in person or by videoconference, along with a notation as to which witnesses will testify via each method, must be provided to the Respondent and the Faculty Advisor no later than 3 days before the Hearing.
- (g) Witnesses from the Regent Community must appear in person unless exceptional circumstances (as determined by the Faculty Advisor) prevent an in-person appearance, in which case witnesses should appear by videoconference. Witnesses outside the Regent Community may appear in person or by videoconference. If exceptional circumstances (as determined by the Faculty Advisor) prevent either a live appearance or videoconference appearance, a telephonic appearance may be permitted. If exceptional circumstances (as determined by the Faculty Advisor) prevent a telephonic appearance, a written statement by the witness may be considered by the Panel. A witness's live, videoconference, or telephonic appearance does not prohibit the consideration by the Panel of a written statement by that witness. After receiving the witness lists, the Faculty Advisor is responsible for summoning to the Hearing the witnesses who will testify in person, by videoconference, or by telephone, and for arranging for any necessary videoconferencing or telephonic technology for the Hearing. The decision on the format of a witness's testimony is final and may not be the basis for review, reconsideration, or appeal.
- (h) The DSA and Panel members may question the Respondent and any witnesses called during the Hearing. The Respondent, if present, may question any witnesses called during the Hearing, unless the Respondent has an RUSL designated student advocate. If the Respondent has an RUSL designated student advocate who is present, only the student advocate may question any witnesses called during the Hearing.
- (i) The only individuals present for deliberations will be the members of the Panel, and the members may review any information or materials presented during the Hearing.
- (j) The Panel will first consider whether there is clear and convincing evidence that an Honor Code violation has occurred. Only if all members of the Panel find clear and convincing evidence of a violation will the Panel then consider the appropriate sanction(s) for the violation. If the Panel finds clear and convincing evidence of a violation, the Faculty Advisor will inquire of the DSA whether the Respondent has a record of any previous honor-related offenses. If so, the DSA will present a written description to the Panel of these previous offenses and Panel deliberations will then resume to determine appropriate sanction(s).
- (k) The Panel will consider the Respondent's state of mind, the nature and gravity of the violation, and any prior honor-related offense(s) by the Respondent in the nature of any sanction(s) imposed, and the Panel may impose any sanction listed in § 3.2(a)-(h). All members of the Panel must agree on the appropriate sanction(s).
- (l) The foreperson shall complete a verdict form prepared by the DSA containing the decisions and votes of the Panel on each question. The foreperson shall transmit the completed verdict form to the Faculty Advisor at the conclusion of the deliberations. Any irregularities on the completed verdict form will result in the Panel promptly being reconvened by the Faculty Advisor to correct the irregularities in whatever manner is required consistent with the Panel's deliberations and votes. Once the verdict form is determined by the Faculty Advisor to be in proper form, free of any irregularities, the Faculty Advisor shall transmit the verdict

form to the DSA. The DSA shall retain the verdict form until such time as a decision is final, at which time the Student Affairs and Records Office shall retain the verdict form containing the decisions and votes of the Panel on each question.

- (m) Votes during deliberations may be taken as necessary. However, no determinations made by vote may be disturbed in subsequent deliberations once the meeting in which the full Panel was present has been adjourned.
- (n) Within 14 days following the Hearing, the Respondent will be notified of the Panel's decision on culpability (and the basis thereof) and the sanction(s) imposed, if any. The decision will be conveyed by the DSA and shall include a notification of the Respondent's ability to request review by an Honor Council Review Panel, reconsideration, and/or appeal, if applicable.
- (o) If the Panel is unable to make a finding of violation or full absolution within 3 days of the conclusion of the Hearing, the DSA shall order the deliberations ended and note in the Respondent's file that he/she was prosecuted but not convicted and thus not subject to any penalty other than a notation in the Respondent's file of the outcome.

5.3 Honor Council Review Panel

- (a) Within 10 days after being notified of the Panel's finding of a violation, the Respondent may request of the DSA in writing that the Panel's decision(s) on culpability be reviewed by an Honor Council Review Panel ("Review Panel"), comprised of 3 disinterested members of the Honor Council (none of which served on the Panel originally hearing the case against the Respondent) appointed by the Honor Council President. If the Respondent does not request a review by a Review Panel, the Respondent may still pursue any available reconsideration or appeal options outlined below; if neither reconsideration nor appeal is sought, the Panel's decisions on culpability and sanctions become final.
- (b) Any member appointed to the Review Panel may ask the Faculty Advisor to be recused from serving on the Review Panel if the member believes he/she has a bias, relationship, personal knowledge, or interest in the matter that would cause him/her to not be objective in deciding the matter. The decision of the Faculty Advisor to permit or prohibit recusal or to strike a member of the Review Panel in any particular situation is final and may not be the basis for reconsideration or appeal. If one or more Honor Council members are recused from the Review Panel or stricken for good cause, the Honor Council President will appoint replacement disinterested Honor Council member(s) to serve on the Review Panel. If there are insufficient disinterested Honor Council members to serve as replacements, the RUSL Dean may appoint a disinterested Faculty Member to fill any vacant position on the Review Panel in lieu of a disinterested member of the Honor Council.
- (c) Except in exceptional circumstances as determined by the DSA, the Review Panel will convene within 21 days following the Respondent's written request for a Review Panel. Within 7 days of receiving the Respondent's request for a Review Panel, the DSA will notify the Respondent of the date the Review Panel will convene.
- (d) The Review Panel shall convene and consider all charges against the Respondent. It must review all information and materials presented at the Hearing, any evidence of prior honor-related offenses by the Respondent, as well as the Panel's verdict form containing the decisions and votes of the Panel on each question. If any transcript, audio recording, or video recording of the Hearing is procured and available, the Review Panel must review it. The Review Panel must also review any written submissions that the DSA or the Respondent provides before the Review Panel convenes on whether the Administrative Honor Panel's decision(s) on the Respondent's culpability was arbitrary and capricious.
- (e) Prior to beginning deliberations, the Review Panel shall, by majority vote, select a foreperson, who shall maintain order during deliberations and be the spokesperson for the Review Panel, including recording all

votes and findings of the Review Panel and reporting votes and findings to the Faculty Advisor. Only the members of the Review Panel shall be present during deliberations. The Faculty Advisor shall answer any questions the Review Panel has about the Honor Code or the proceedings.

- (f) The Review Panel will determine only whether the Panel's decision(s) on the Respondent's culpability was arbitrary and capricious. Only if all members of the Review Panel determine a decision was arbitrary and capricious will the Panel's decision on culpability be overturned. If all members of the Review Panel are unable to make a determination that the Panel's decision(s) on culpability was arbitrary and capricious, the decision of the Panel will stand. In the event that the Review Panel decides a decision on culpability was arbitrary and capricious, the Review Panel's decision is final, the Respondent shall not be subject to any sanction for the alleged violation, and the DSA shall place a letter in the Respondent's file indicating that an Administrative Honor Hearing was held in the Respondent's case and the "Honor Council Review Panel found no violation."
- (g) The foreperson shall complete a verdict form prepared by the DSA containing the decision and vote of the Review Panel on the question of whether the Panel's decision on culpability was arbitrary and capricious. If the Review Panel finds the decision on culpability was arbitrary and capricious, the Review Panel must provide a written explanation for the decision. The foreperson shall transmit the completed verdict form and any accompanying written explanation to the Faculty Advisor at the conclusion of the deliberations. Any irregularities on the completed verdict form and/or written explanation will result in the Review Panel promptly being reconvened by the Faculty Advisor to correct the irregularities in whatever manner is required consistent with the Review Panel's deliberations and votes. Once the verdict form and any written explanation are determined by the Faculty Advisor to be in proper form, free of any irregularities, the Faculty Advisor shall transmit the verdict form to the DSA. The DSA shall retain the verdict form and any written explanation until such time as a decision is final, at which time the Student Affairs and Records Office shall retain the verdict form containing the decision and votes of the Panel and any written explanation for the decision.
- (h) Votes during deliberations may be taken as necessary. However, no determinations made by vote may be disturbed in subsequent deliberations once the meeting in which all members of the Review Panel were present has been adjourned unless an irregularity in the verdict form reveals a need for the Review Panel to reopen deliberations and/or recast votes after being reconvened by the Faculty Advisor.
- (i) Within 7 days of receiving the Review Panel's verdict form from the Faculty Advisor, the DSA shall notify the Respondent in writing of the Review Panel's decision(s). The decision shall include a notification of the Respondent's ability to request a reconsideration, if applicable.

5.4 Rights of the Respondent

The Respondent shall have the following rights:

- (a) To be present at his/her Hearing, raise objections, argue, and present relevant evidence to the Panel for consideration. However, should the Respondent elect not to attend, or fail to attend, in person or via an RUSL student advocate, a Hearing after proper notice of the Hearing was given, the Hearing may proceed in his/her absence. If the Respondent before the Hearing submits documents or witness information ahead of the properly noticed Hearing but then elects not to attend, or fails to attend, in person or via an RUSL student advocate, the Panel may consider this evidence, but is not required to do so. If, after receiving proper notice of the Hearing, the Respondent elects not to attend, or fails to attend, in person, but the Respondent sends an RUSL student advocate in his/her place, the RUSL student advocate must be the one to offer any evidence on behalf of the Respondent, to question witnesses, to offer arguments, and to raise objections;
- (b) To review all documents that may be relied upon by a Panel in making its decision;

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

5.5 Format of Administrative Honor Hearing

- (a) Formal court procedures and state and federal rules of procedure and evidence do not apply.
- (b) Hearings are closed proceedings; except as provided herein, the only individuals allowed to attend a Hearing are the DSA, the Faculty Advisor, the Respondent, the Respondent's RUSL student advocate (if any), the Panel members, and witnesses summoned to testify. Legal counsel, friends, relatives, or other representatives of the Respondent are not permitted to attend. University Counsel is authorized to attend Hearings when determined to be appropriate by the DSA and/or Faculty Advisor. A professional stenographer may also be present to memorialize the Hearing.
- (c) The general format for Hearings will be as follows (exceptions may be made by the DSA according to the nature of the case and any unique circumstances presented): Prayer by Faculty Advisor, presentation of charges and opening statement by the DSA, opening statement by the Respondent, presentation of evidence by the DSA, presentation of evidence by the Respondent, presentation of rebuttal evidence (if any) by the DSA, closing statement by the DSA, closing statement by the Respondent. The Hearing will then be concluded and the Respondent excused while deliberations ensue.
- (d) Any relevant and material evidence may be offered at a Hearing without the necessity of conformity to legal rules of evidence. The Faculty Advisor shall determine the relevance and materiality of evidence offered and, keeping in mind the need to give the Respondent a full and fair opportunity to defend against the charge brought, may exclude cumulative, irrelevant, and/or immaterial evidence.
- (e) Hearing participants are encouraged to resolve objections and work out any stipulations of fact at the earliest possible opportunity. Any unresolved objections to evidence exchanged before a Hearing must be made in writing to the Faculty Advisor before the Hearing (who will rule on that objection either before the Hearing commences or during the Hearing). Objections to the content of oral testimony offered only during a Hearing must be made promptly during the Hearing. A timely objection to evidence offered must be made in order to preserve that objection as a ground for review, reconsideration, or appeal.

5.6 Record of Administrative Honor Hearing

- (a) Hearings may be professionally transcribed or may be audio and/or video recorded.
- (b) The Record of the Hearing shall consist, at a minimum, of the written notice to the Respondent of the Complaint; any written statements or requests of the Respondent; all documentary evidence presented at the Hearing; any transcript, audio, or video recording of any live or videoconference witness testimony (or in the absence of a transcript or recording, written summaries of this witness testimony prepared by the Faculty Advisor); any objections or rulings on any proposed evidence (prepared by the Faculty Advisor); and any verdict form prepared. If a request for a Review Panel, Request for Reconsideration, motion for a new Administrative Honor Hearing, and/or appeal is made, the request for a Review Panel, Request for Reconsideration, motion, and/or appeal and records of all actions relating to the Review Panel, Request for Reconsideration, motion, or appeal shall become part of the Record.
- (c) The DSA shall compile the Record and shall transmit it after all Honor proceedings have concluded to the RUSL Student Affairs and Records Office. The Record shall be preserved by the RUSL Student Affairs and Records Office. The Record may be referenced in future cases as precedent with the identity of the Respondent excised (unless the Respondent has waived the right to confidentiality).
- (d) Upon written request, the DSA shall deliver a copy of the Record to the Respondent. If a Request for Reconsideration or appeal is made, the DSA shall deliver a copy of the Record to the RUSL Dean or the Executive Vice President for Academic Affairs for Regent University (EVP).

Article 6: Reconsideration and Appeal

6.1 Final Decision, Execution of Sanction(s), and Publication of Decision

- (a) The decision of the DSA in a situation involving a full confession becomes final when (i) the time for requesting reconsideration has passed without a Request for Reconsideration being made, (ii) when a timely Request for Reconsideration is decided by the RUSL Dean and the time for requesting an appeal has passed without an appeal being made, or (iii) when a timely appeal from a Request for Reconsideration is filed and decided.
- (b) The result of an Administrative Honor Hearing (including a new Hearing after a motion for a new Hearing is granted due to newly discovered evidence or the RUSL Dean remands the case for a new Hearing upon Request for Reconsideration) becomes final when (i) the time for requesting review by an Honor Council Review Panel has passed without a request being made and the time for requesting reconsideration has passed without a Request for Reconsideration being made, (ii) when the time for requesting review by an Honor Council Review Panel has passed without a request being made and a Request for Reconsideration is timely filed and decided by the RUSL Dean and the time for requesting an appeal has passed without an appeal being made, (iii) when a timely request for review by an Honor Council Review Panel is made and the Review Panel does not find the Panel's decision on culpability arbitrary and capricious and the time for requesting reconsideration has passed without a Request for Reconsideration being made, or a timely Request for Reconsideration is filed and decided by the RUSL Dean and the time for requesting an appeal has passed without an appeal being made, or (iv) when a timely appeal from a Request for Reconsideration is filed and decided.
- (c) When the decision of the DSA in a situation involving a full confession or the result of a Hearing becomes final, the DSA shall impose the sanction(s), if any. The DSA subsequently shall post on at least one bulletin board in Robertson Hall and in at least one email to the RUSL Student Body, an announcement containing the outcome of the Hearing, including the charge, a brief summary of the evidence, whether a violation was found to have occurred, and any sanction(s) imposed. Unless the Respondent has waived the right to confidentiality, neither the Respondent's name nor any identifying information shall be published in conjunction with this announcement. Similarly, no names of witnesses or Administrative Honor Panel

members or Honor Council Review Panel members shall be published in conjunction with this announcement.

6.2 Request for Reconsideration

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

6.3 Appeal from Decision on Request for Reconsideration

- (a) The Respondent may appeal the RUSL Dean's decision on the Request for Reconsideration to the Executive Vice President for Academic Affairs for Regent University with copies provided to the RUSL Dean and DSA.
- (b) The timeline and method of transmission for submitting the appeal, as well as the method of transmission of the EVP's response, will be those set forth in the current version of the Regent University Student Handbook (or its equivalent, however titled) in the section governing student procedures for appealing academic integrity decisions to the EVP.
- (c) In the appeal, the Respondent must state in detail why the decision by the RUSL Dean on the Respondent's Request for Reconsideration was arbitrary and capricious, and the EVP shall limit his/her review of the matter to the alleged errors identified in the written appeal. At any time before making a final decision, the EVP may consult with the RUSL Dean, the DSA, and/or other Regent University/RUSL Administration, Faculty, or staff regarding the Respondent's case and may review any evidence related to the Respondent's case without the EVP or any of the consulted individuals committing any breach of confidentiality.
- (d) The EVP may affirm, reverse, or modify the RUSL Dean's decision, and the decision of the EVP shall be final.

6.4 Newly Discovered Evidence

- (a) At any time after a Respondent has been found to have committed a violation of this Honor Code, regardless of whether the finding has become final, the Respondent may file a motion with the DSA for a new Administrative Honor Hearing on the basis of newly discovered evidence.
- (b) A motion for a new Hearing shall be granted only if the DSA determines that (i) the Respondent discovered new evidence since the conclusion of the Hearing; (ii) the failure to previously discover the new evidence was not due to the Respondent's lack of diligence; (iii) the evidence appears to be true and relevant; and (iv) had the evidence been presented at the Hearing, it likely would have affected the outcome.
- (c) The DSA shall grant or deny the motion within 14 days. If the DSA denies the motion, he/she must notify the Respondent and provide the reasons in writing.
- (d) If the DSA denies the motion, the Respondent may file a Request for Reconsideration to the RUSL Dean. To be considered timely, the Request for Reconsideration must (i) be delivered to the RUSL Dean in writing (with copies to the DSA and the Student Affairs and Records Office) within 7 days of being notified of the DSA's denial; and (ii) state in detail why the DSA's denial was arbitrary and capricious. The requirements for delivery of the Request for Reconsideration are those set forth in § 6.2(b).
- (e) The RUSL Dean shall determine if the Request for Reconsideration is timely and will not consider any untimely Request for Reconsideration. The RUSL Dean shall limit his/her review of a timely filed Request for Reconsideration to the alleged errors identified in writing by the Respondent and shall consider only whether the DSA's denial was arbitrary and capricious. The RUSL Dean may meet in person, virtually, or by telephone with the Respondent before making a decision on the Request for Reconsideration but may not consider new allegations of error presented by the Respondent in that meeting.
- (f) The RUSL Dean may affirm or reverse the denial of the motion for a new Hearing and shall notify the Respondent (with a copy provided to the DSA) of his/her decision in writing. Absent exceptional circumstances as determined by the RUSL Dean, the RUSL Dean shall notify the Respondent of his/her decision within 14 days of receiving the Request for Reconsideration. The RUSL Dean's decision on the Request for Reconsideration of the motion for a new Hearing is final.

6.5 New Honor Hearing

- (a) If the DSA grants the motion for a new Hearing based on newly discovered evidence, if the RUSL Dean reverses the denial of the motion for a new Hearing based on newly discovered evidence, or if the RUSL Dean remands the Respondent's case for a new Hearing on culpability and sanctions, the findings reached in the previous Hearing are vacated and no longer valid, and any references to the findings reached in the previous Hearing shall be removed from the Respondent's file. If the RUSL Dean remands the Respondent's case for a new Hearing on sanctions only, the finding on sanctions reached in the previous Hearing is vacated and no longer valid, and any references to those sanctions shall be removed from the Respondent's file.
- (b) The DSA shall notify the Respondent and the President of the Honor Council of the date of the new Hearing within 14 days of the decision by the DSA or RUSL Dean to award a new Hearing. Absent exceptional circumstances as determined by the RUSL Dean, the new Hearing shall be scheduled within 45 days of the decision to grant a new Hearing.
- (c) No Faculty Member or Honor Council member that served on the previous Panel or Review Panel shall serve on the new Panel or on the new Review Panel (if requested).
- (d) The new Hearing will otherwise proceed in accordance with this Honor Code, and the Respondent retains all rights contained herein.

Article 7: Administration

7.1 Removal of Honor Council Members

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

7.2 Time Limits

Any time limits contained herein may be waived by mutual agreement or modified by Regent University or RUSL in any situation they deem proper.

7.3 Notice

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

7.4 Dean's Authority to Appoint Designee

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

7.5 Amendments

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