

HONOR CODE FOR THE WASHINGTON COLLEGE OF LAW

Article I Introduction

- (A) American University Washington College of Law (“WCL” or “law school”) students shall adhere to the highest applicable ethical standards of integrity, professional conduct, personal conduct, and academic honesty and shall conform to the requirements of all regulations governing academic, clinical, and cocurricular programs with which they become associated. This obligation extends to students’ academic and nonacademic interactions with students, faculty, administrators, and staff, and students of other law schools, colleges, and universities, and clients, coworkers, and institutions including but not limited to courts, agencies, organizations (whether governmental or private), nonprofit entities, corporations, and law firms with which the student may come into contact.
- (B) It is the duty and obligation of every member of the WCL community— faculty, administrators, staff, and students—to assist students in abiding by this Honor Code by counseling compliance and, unless the relationship is subject to the attorney-client or other recognized privilege, by (1) reporting facts which establish reasonable grounds to believe a violation has occurred and (2) assisting those responsible for administering the Honor Code in determining whether a violation has occurred.
- (C) Publication of this Honor Code in the *Washington College of Law Catalog* and/or on the WCL Web site constitutes notice to all WCL students of its provisions, and they are presumed to be familiar with its terms.

Article II Jurisdiction

- (A) All WCL students are covered by this Honor Code, and an individual shall be subject to its provisions for any events or incidents that occurred while he or she was a student. For purposes of this Honor Code, WCL students include individuals auditing courses or receiving credit from WCL.
- (B) In the absence of any conflict with specific items covered by this Honor Code, the American University Codes, Policies and Guidelines (or any successor) shall be applicable to all individuals subject to the WCL Honor Code. Furthermore, the standards set forth in the American Bar Association Model Rules of Professional Conduct shall be deemed incorporated in this Honor Code. A student also should be aware that during his or her participation in any WCL-sponsored or -affiliated program (including but not limited to a clinic, externship, field component, law journal, or cocurricular activity) the conduct standards, rules, or regulations of the relevant court, nonprofit entity, government agency, law journal, or organization will also be applicable to him or her but will not prevent the student from being subject to the jurisdiction of this Honor Code.
- (C) The Conduct Council of the Division of Student Life of American University does not have jurisdiction over students of the Washington College of Law.

Article III Honor Code Prosecution Team

- (A) There is hereby established an Honor Code Prosecution Team (“Prosecution Team”), which shall consist of a member of the full-time faculty or bar-admitted staff who is not then a member of the Standards, Library, and Technology Committee (or its successor) and who is selected by the dean of the law school or by another person designated by the dean of the law school and a student selected by the president of the Student Bar Association (“SBA”) or by the president’s designee.
- (1) The faculty prosecutor shall be appointed for a term of one academic year; the appointment shall be the equivalent of a major faculty committee assignment. If the dean of the law school determines that an appropriate full-time faculty or bar-admitted staff member(s) is not available to serve for a term of one academic year or that additional assistance is needed, the dean of the law school may designate one or more faculty or bar-admitted staff member(s) or other person(s) to prosecute violations of the Honor Code.
- (2) The student prosecutor shall be selected for a term of one year. If the student cannot fulfill his or her functions as prosecutor for either the entire year or for a particular investigation or matter, the SBA president or his or her designee shall appoint another student as necessary. In the event that the SBA president or vice-president has a real or apparent conflict of interest in the matter under investigation, the responsibility for nominating a substitute student Honor Code prosecutor shall fall to the SBA president pro tempore. The president pro tempore shall nominate three students who are in their last year of law school, one of whom will be selected by the associate dean for student affairs to act as the substitute student Honor Code prosecutor.
- (B) The prosecution of alleged Honor Code violations shall be performed by the Honor Code Prosecution Team.

Article IV Academic Violations

- (A) It shall be a violation of the WCL Honor Code for a student to fail to comply with the rules, procedures, or requirements adopted by any law school program, member of the faculty, or instructor.
- (B) Without derogation from anything contained in other parts of this Honor Code, the following specific rules relating to academic integrity shall apply to:
- (1) Work products submitted in connection with a law school course or program requirement. A student shall not plagiarize by, including, but not limited to:
- (a) incorporating into works he or she offers in compliance with such program any passages taken either word for word or in substance from any work of another, unless the student credits the original author’s work by quotation marks and footnotes or other appropriate written explanation;
- (b) offering in compliance with such program any work prepared by another;

- (c) offering in compliance with such program the student's own work substantially included in work submitted in compliance with the requirements of another program at this or any other law school, college, or university, unless prior to such offer the student secures the permission of the professor in charge of the program; or
 - (d) collaborating with another person on work offered in compliance with such program unless the student secures the permission of the professor in charge prior to such collaboration. A student shall not be deemed to have collaborated with another if, with the instructor's prior permission, he or she merely discusses with others a matter relevant to the work in question or, also with the instructor's prior permission, obtains assistance in style, grammar, or proofreading.
- (2) Examinations.
- (a) All students must obtain an anonymous grading number in a manner established by the law school registrar. By accepting the anonymous grading number the student agrees to neither receive assistance from nor give assistance to any other person during the examination. The anonymous grading number shall appear as an identifier on or in the examination book returned to the professor in charge or his or her designee at the end of the examination.
 - (b) All examinations must be taken on the day and at the time and in the place indicated.
 - (c) A student shall not violate the law school security maintained for the preparation and storage of examinations. A student who, with or without violating such security, is advised as to the contents of all or any part of any exam shall immediately inform the associate dean for student affairs of these events.
 - (d) A student must comply with all instructions given by the professor in charge of the examination and shall not take the examination to any locations other than those designated for the class generally or otherwise specifically authorized.
 - (e) A student may bring into the examination room only those items previously authorized by the professor in charge.
 - (f) A student, during an examination, shall not use materials not authorized by the instructions given for the examination, nor shall he or she discuss the examination with any person other than the professor in charge or his or her designee.
 - (g) A student shall not take an examination for another student, nor shall he or she permit another person to take an examination for him or her.
 - (h) A student shall not remove from the examination room a copy of the examination or any portion thereof, or any preliminary notes made by him or her in answering the examination, unless such removal is specifically authorized by the professor in charge or his or her designee.
 - (i) A student shall not act in any manner that would unreasonably

interfere with other examinees during an examination.

- (j) Where a student's conduct unreasonably interferes with other examinees, the proctor shall report the matter immediately to the professor in charge or his or her designee, who may order the student to leave and may prevent the student from continuing the examination. The matter shall promptly be reported to the associate dean for student affairs, who will take action as provided in Article VI(A).
- (k) It is the obligation of each student to check that the student received a full examination paper and to assure that the answers are returned to the professor in charge, or his or her designee, at the time indicated at the end of the examination.
- (l) Where a student is suspected of cheating during the examination, the proctor shall report the matter to the professor in charge, or his or her designee, who shall indicate on the examination answer the time of such discovery, the nature of the alleged cheating discovered, and the questions answered prior to the discovery of the alleged cheating. The matter shall be reported immediately to the associate dean for student affairs, who will take action as provided in Article VI(A).
- (m) A student who has taken a particular examination and a student who will take that examination at a subsequent time or date shall not discuss it with each other, and a student who has deferred the taking of an examination shall not attempt to ascertain its contents.

Article V Other Violations

(A) Misrepresentations Generally.

A student may not knowingly misrepresent facts about himself, herself, or any other person in connection with obtaining an academic or financial benefit for himself, herself, or another person, or with the intention to injure another person academically or financially. A student shall not provide untrue information for the purpose of admission to, registration at, or withdrawal from this or any other law school, college, or university, or the programs thereof, or for any use in connection with seeking employment. The obligations set forth in this paragraph are continuing, and the requirement of accuracy and truthfulness extends beyond the filing of any application, résumé, or similar document or assertion. Notice of material changes in circumstances must be provided to persons relying on such documents or assertions.

(B) Misrepresentations of Qualifications.

Other than an innocent and unknowing misstatement, it shall be a violation of this Honor Code for a student requesting certification by the law school as required by a bar association, bar examiner, court, or agency to misrepresent to the law school that he or she has complied with all prerequisites as to which he or she requests certification, including, where applicable, attendance for the number of classes, completion of required credit hours, and attendance for the required number of hours of instruction.

(C) Library.

To facilitate the broadest possible student access to library resources, students shall not:

- (1) tear, mark, tamper with, or otherwise deface, destroy, impair, or disable library materials or equipment;
 - (2) prevent in any way the use of library materials or equipment by others;
 - (3) remove library materials or equipment from the library without complying with established library procedures;
 - (4) conduct himself or herself in a manner which would unreasonably interfere with the use of the library by others; or
 - (5) violate any library rule, duly posted or otherwise communicated to WCL students.
- (D) Cocurricular or Other WCL-Sponsored or -Affiliated Activities.
- (1) It shall be a violation of this Honor Code for students to violate the standards, procedures, rules, and regulations of WCL cocurricular or other WCL-sponsored or -affiliated activities, including but not limited to: law journals, moot court, mock trial, or any other organizations sponsored by or in any way affiliated with WCL. The standards, rules, procedures, and regulations of cocurricular organizations may also apply to the student but will not prevent this Honor Code from exercising jurisdiction over the student.
 - (2) It shall be a violation of this Honor Code for students to violate any WCL or American University policy regarding conduct or use of equipment and facilities.
- (E) Obligation to Report and Assist.
- (1) It shall be a violation of this Honor Code for any person subject to this Honor Code to fail to report facts which establish reasonable grounds to believe a violation has occurred, or to fail to assist the Prosecution Team in determining whether an Honor Code violation has occurred.
 - (2) It shall be a violation of this Honor Code for any person subject to this Honor Code to interfere with or seek to obstruct the filing of a complaint, or the investigation or prosecution of an allegation of an Honor Code violation.
- (F) Requirements of Enrollment in Law School Programs and Activities.
- Every registration for participation in a law school program, including academic and cocurricular activities, shall be deemed a representation of compliance with the requirements upon which enrollment is predicated, unless the WCL registrar is notified by the faculty member that enrollment is authorized. The registrar will forward the petition to the professor in charge of the program. The dean of the law school or his designee will make a determination on the petition after consultation with the professor in charge of the program. Should any material change occur involving the qualification of a student to participate in a program, the student shall inform the professor in charge promptly and, where necessary, withdraw or submit a petition for a waiver of a requirement for participation in the program to the registrar for determination. All prerequisites printed in the Washington College of Law Catalog, or posted by the registrar during the period of enrollment,

or distributed through electronic media to the WCL community shall be deemed to have been duly communicated to a student.

(G) Course Requirements.

A student, by participating in a final examination, submitting a final paper, or otherwise completing course requirements shall be deemed to represent that he or she has attended and participated in the course or program as required by the faculty member or academic program. A professor (or his or her designee) in charge of the course or program at issue shall offer evidence to the Prosecution Team or Honor Code Committee, as appropriate, that a student has not fulfilled a particular announced requirement.

Article VI Procedures

- (A) Any person having knowledge of facts which establish reasonable grounds to believe a violation of any provision of this code has occurred must advise the associate dean for student affairs. The associate dean for student affairs may require a written statement of the reasonable grounds to support a belief that a violation has occurred. The associate dean for student affairs shall, in appropriate cases, attempt to resolve the matter and may seek the assistance of other university resources. If the associate dean for student affairs is unable to resolve such a matter or believes that the matter is inappropriate for him or her to resolve, the associate dean for student affairs shall forward the matter to the Prosecution Team.
- (B) Within a reasonable amount of time after receiving a referral from the associate dean for student affairs, the Prosecution Team shall investigate and determine if a claimed violation is supported by sufficient evidence. If the Prosecution Team believes that there is evidence to support a finding of an Honor Code violation, it shall attempt to resolve the matter, including meeting with the student against whom a claimed violation of the Honor Code has been made. Any statement made by such student specifically relating to the terms of a potential voluntary resolution in precharge settlement discussions with the Prosecution Team shall not be admissible as evidence in any subsequent Honor Code proceeding against the student.
- (C) The student may retain counsel at his or her own expense or bring a representative of his or her own choosing and expense to meetings with the Prosecution Team.
- (D) In the event that the Prosecution Team cannot agree to resolve a matter at this stage, the view of the faculty prosecutor shall prevail. Such a resolution may include any sanction set forth in Article VIII. The respondent and Prosecution Team must agree on the proposed sanction. If the Prosecution Team settles with the accused student, the settlement is final and not subject to appeal. If the matter is not otherwise resolved, the Prosecution Team shall prepare a statement of charges setting forth the claimed violation(s) of the Honor Code, and shall serve the respondent with the statement of charges and provide a copy to the dean of the law school.
- (E) Within a reasonable time of receipt of the statement of charges, the dean of the law school shall constitute an Honor Code Committee of at least five

members, consisting of at least three full-time tenured faculty members and at least two student members. The chair of the Honor Code Committee shall be the faculty member on the committee with the longest tenure at WCL. The ratio of faculty to students on the Honor Code Committee shall be 3:2. The student members shall be appointed by the president of the Student Bar Association or his or her designee as set forth in Article III(A)(2).

- (F) Decisions of the Honor Code Committee shall be made by majority vote.
- (G) Upon appointment, the Honor Code Committee shall have exclusive jurisdiction to adjudicate the case and manage its conduct subject to the provisions of Article II.
- (H) Within a reasonable time after the committee has been constituted, the chair of the Honor Code Committee shall convene a meeting to establish a date and time for an initial appearance and shall notify the respondent and the Prosecution Team of such date and time, giving the respondent adequate time to prepare for such initial appearance. At the initial appearance, the Honor Code Committee shall not consider the merits of the case other than on an admission of liability, a motion to dismiss, or other dispositive motion. At that time, the Honor Code Committee shall establish a date and time for a hearing on the merits of the case, if necessary, giving the respondent adequate time to prepare for such hearing on the merits. With regard to the matters in this paragraph only, there shall be no appeals of the Honor Code Committee's decision except when it grants a respondent's motion to dismiss or other dispositive motion. The Prosecution Team may then appeal such final order pursuant to Article IX.
- (I) The respondent shall be entitled to representation by counsel in a proceeding before the Honor Code Committee and any appeal. If the respondent desires to be represented by counsel but is unable to afford counsel, respondent may apply to the dean of the law school to appoint counsel. Eligibility for consideration of appointed counsel shall be based on respondent's financial need taking into account all resources available to the student. The dean of the law school will decide whether respondent qualifies for appointed counsel; this decision is not appealable. The dean of the law school may appoint counsel any time after the respondent is served with a statement of charges and a copy is provided to the dean of the law school. The dean of the law school will establish a pro bono roster of attorneys from which he or she will appoint counsel. The decision of whom to appoint is not appealable.
- (J) If a respondent fails to appear at a properly noticed hearing or proceeding the Honor Code Committee may enter a default decision against the absent party.
- (K) After the Prosecution Team has filed a statement of charges, the Prosecution Team may resolve a matter by a negotiated settlement with the respondent, including findings of fact and recommended sanction(s), subject to approval of the dean of the law school. In the event the Prosecution Team is unable to agree whether or not to recommend a negotiated settlement, the view of the faculty prosecutor shall prevail. If the dean of the law school approves the negotiated settlement, the respondent waives the right to appeal. If the dean of the law school rejects the negotiated settlement, the dean of the

law school shall inform the Prosecution Team and the respondent of this fact. In such event, neither the findings of fact, recommended sanction(s), nor any statements made during negotiated settlement discussions shall be admissible as evidence in any subsequent Honor Code proceeding against the respondent.

- (L) In all Honor Code investigations or proceedings involving conduct that falls within the scope of the Clery Act, 20 U.S.C. § 1092(f), the Department of Education (DOE) regulations promulgated there under 34 C.F.R. § 668.46, or Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., (or their successors) in which both the complainant and the respondent are subject to this Honor Code, both the complainant and the respondent shall be entitled to counsel as set forth in Article VI(C) and Article VI(I).
- (M) In all Honor Code investigations or proceedings involving conduct based upon sex, race, color, national origin, disability, religion, or sexual orientation in which both the complainant and the respondent are subject to this Honor Code, the faculty Honor Code prosecutor or the associate dean for student affairs may direct that both the respondent and the complainant refrain from contact with the other, either directly or indirectly, during the pendency of the Honor Code investigation and any proceeding initiated based upon the allegations.

Article VII Hearing Procedures

- (A) Generally.
 - (1) All hearings shall be in closed session unless the respondent(s) and complainant(s) agree that the hearing be open to the public.
 - (2) All hearings shall be recorded by video or audio media.
 - (3) The deliberations of the Honor Code Committee shall be closed to the public and not recorded by video or audio media.
- (B) Evidentiary Rules: Apart from common law and constitutional privileges, rules of evidence in courts of law shall not, as such, be applied. The reliance upon evidence shall be determined by fundamental principles of fair play.
- (C) Standard of Proof: The standard of proof to be applied by the Prosecution Team, the Honor Code Committee, and the Appellate Panel for demonstrating violations of this Honor Code is clear and convincing evidence, except in adjudicating allegations of sexual harassment, including allegations of any unwelcome conduct of a sexual nature, and matters involving harassment or conduct based on race, religion, color, national origin, disability, or sexual orientation, the standard of proof to be applied by the Prosecution Team, the Honor Code Committee, and the Appellate Panel shall be preponderance of the evidence.
- (D) Pretrial discovery is not available except as the Honor Code Committee may permit in its discretion; interlocutory appeals are not permitted.
- (E) Order of Proceedings.
 - (1) The Prosecution Team shall present the case by calling witnesses who shall be subject to cross-examination by the respondent or by his or her counsel. Members of the Honor Code Committee may ask additional

- questions based on the evidence presented in direct or cross-examination.
- (2) The respondent (or the respondent's representative) shall present the respondent's case. The respondent need not testify in person. The respondent, when he or she elects to testify, and other witnesses shall be subject to cross-examination by one member of the Prosecution Team. Members of the Honor Code Committee may ask additional questions based on the evidence adduced in direct or cross-examination.
 - (3) The Honor Code Committee may permit rebuttal evidence to be presented by the Prosecution Team, may permit the respondent (or the respondent's representative) a rejoinder to such rebuttal, and shall permit final statements by the Prosecution Team and by the respondent (or the respondent's representative).
 - (4) Within a reasonable time after the hearing on the merits ends, the Honor Code Committee shall advise the respondent (and respondent's representative), the Prosecution Team, and the dean of the law school of its findings on the merits. The findings shall be in writing and shall indicate the relevant facts upon which the decision is based and shall specify the provision of the Honor Code at issue.
 - (5) Unless the respondent has availed himself or herself of the opportunity to do so at the hearing on the merits, the respondent shall have the right as to any sanction to present evidence in mitigation, adduce character witnesses, and make a separate argument on sanctions. The Prosecution Team also may present evidence, call witnesses, and make an oral argument on sanctions.
 - (6) Within a reasonable time after the hearing on sanctions ends, the Honor Code Committee shall advise the respondent (and the respondent's representative), the Prosecution Team, and the dean of the law school of any sanction it has determined to impose.
 - (7) Both the respondent and the complainant shall be informed of the outcome of the disciplinary proceeding, including any sanctions imposed, to the extent required by the Clery Act, Title IX, and/or other applicable law or regulation.
 - (8) There shall be no appeals from decisions of the Honor Code Committee made during the hearing, except those which are final and adverse to the moving party and terminate the proceedings.

Article VIII Sanctions

- (A) The Honor Code Committee may impose, among others, the sanctions listed below, either singularly or in combination, as it deems appropriate:
 - (1) Admonition: An oral censure that he or she is violating or has violated the Honor Code.
 - (2) Warning: Notice, in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be the cause for the imposition of a more severe sanction.
 - (3) Reprimand: A written censure for violation of the Honor Code.
 - (4) Restitution: An order to reimburse WCL, American University, or other

- victims for physical damage to or misappropriation of property.
- (5) Probation: A student may be placed on probation for a specified period of time. If a student violates the code during probation, then upon a finding of guilt for the subsequent violation the Honor Code Committee will consider the student's probationary status when determining sanctions. Probation may also require specific action or omissions on the part of the respondent.
 - (6) Suspension:
 - (a) Suspension of eligibility for participation in WCL-sponsored or -affiliated cocurricular activities;
 - (b) Suspension of eligibility for law school-recognized offices;
 - (c) Suspension of eligibility for specific law school programs; or
 - (d) Suspension from the law school for an indicated period of time.
 - (7) Reduction or elimination of grade or credits: the Honor Code Committee may reduce or eliminate a grade or credits in a program in which the respondent was found guilty of academic dishonesty, and/or revoke an award or recognition for academic performance or other activity.
 - (8) Expulsion: Termination of student status.
- (B) Record of Proceedings
- (1) A decision not to enter anything in the student's record or to remove a notation from the student's record does not relieve the student of, or prevent the law school from, discharging their respective ethical obligations to advise any court or bar examining authority regarding the character and fitness of the student to practice law of the existence of any Honor Code proceedings, findings, and sanctions recommended and imposed.
 - (2) When the Honor Code Prosecution Team determines that evidence of an Honor Code violation exists, a notation of the proceeding and its outcome shall be made on the student's file maintained by the registrar and/or the associate dean for student affairs.
 - (3) The Honor Code Prosecution Team may, as part of a voluntary resolution, authorize removal of this notation from the student's file after a set period of time.

Article IX Appeals

- (A) A petition of appeal from the final determination (a decision on the merits and, if applicable, the imposition of a sanction) of the Honor Code Committee shall be addressed to the dean of the law school, and shall be filed within two weeks of the respondent's receipt of the Honor Code Committee's final determination.
- (B) A petition of appeal must be in writing and shall set forth any errors of law to be reviewed on appeal.
- (C) The appeal will review issues of law, not facts.
- (D) Within a reasonable time of receipt of the petition of appeal, the dean of the law school shall convene an ad hoc Appellate Panel.
- (E) The Appellate Panel shall consist of two associate deans chosen by the dean

of the law school and a third-year (full-time) or fourth-year (evening) student chosen by the SBA. The chair of the Appellate Panel shall be the associate dean on the Appellate Panel with the longest tenure as an associate dean at WCL.

- (F) All decisions of the Appellate Panel shall be made by majority vote.
- (G) There shall be no oral presentation unless requested by the Appellate Panel.
- (H) The Prosecution Team and/or the respondent, as the case may be, shall file a response within two weeks of receipt of the petition. Any further filings are by the permission of the chair of the Appellate Panel.
- (I) The Appellate Panel may reduce, but not increase, a sanction. A report to a bar examining authority or other organization pursuant to Article XII shall not be deemed an increase in a sanction.
- (J) The Appellate Panel may affirm, modify, vacate, or remand the matter to the Honor Code Committee to determine a matter in accordance with its instructions.
- (K) The Appellate Panel shall advise the respondent (or respondent's representative), the Prosecution Team, and the dean of the law school of its disposition of the appeal within two weeks of the last filing contemplated by Article IX(H).
- (L) Both the respondent and the complainant shall be informed of the outcome of the disciplinary proceeding, including any sanctions imposed, to the extent required by the Clery Act, Title IX, and/or other applicable law or regulation.

Article X Conflicts of Interest

- (A) The existence of a real or apparent conflict of interest or other grounds for recusal of a member of the Prosecution Team, Honor Code Committee, or Appellate Panel may be raised by a member of the Prosecution Team, a member of the Honor Code Committee, a member of the Appellate Panel, the complaining witness, the respondent, the dean of the law school, or any other person with an interest in the matter. For good cause shown, a member of the Prosecution Team, Honor Code Committee, or Appellate Panel shall recuse himself or herself. If such a member does not elect recusal, the dean of the law school or his or her designee shall determine if, for good cause shown, the individual should be recused and another member appointed for the pending matter.

Article XI Form, Announcement, and Publication of Decisions

- (A) Decisions of the Honor Code Committee and the Appellate Panel shall be in writing and shall comply with the content specificity requirements of Article VII(E)(4). Voluntary resolutions between the respondent and the Prosecution Team must be in writing. Decisions or recommendations of the associate dean for student affairs made under this Honor Code are not required to be in writing.
- (B) A voluntary resolution with the Prosecution Team, a final determination of a violation of the Honor Code by the Honor Code Committee, and/or a decision of the Appellate Panel shall be distributed through electronic or printed media, or by any other appropriate means of communication to the

law school community. Such announcement shall appear at least twice and shall contain the substance of the charges, decision, and sanction(s) without disclosing the name(s) of the respondent(s). This publication shall not take place until proceedings by the Honor Code Committee and/or the Appellate Panel, including any remand, have been completed. Decisions of the Honor Code Committee shall be publicly announced to the law school community not earlier than two weeks after the respondent receives notice of the final decision. If the respondent files a timely petition of appeal, then notice shall not be publicly announced to the law school community until the Appellate Panel has completed its work. If the Appellate Panel remands a decision of the Honor Code Committee, announcement to the law school community shall not occur until after completion of subsequent proceedings.

- (C) Announcement and/or publication of decisions shall not be deemed to be an increase in the sanction.
- (D) A respondent found not to have violated the Honor Code may request that the finding to this effect be published, as above.
- (E) The Office of the Dean of the Law School shall maintain records of all proceedings conducted under the Honor Code. The Prosecution Team shall have access to these records as a guide for prosecutorial decision making.
- (F) Subsequent Honor Code Committees and Appellate Panels shall have discretion to consider past written decisions in their deliberations. Written decisions of the Honor Code Committees and Appellate Panels are not mandatory authority and do not carry precedential weight.
- (G) A summary of all charges, proceedings, and outcomes shall remain on file with the Office of the Dean of the Law School for public review subject to the law school's record retention policy. Names and other identifying information of students/community members shall be removed as necessary to protect confidentiality.

Article XII Law School Reports to Bar Examining and Other Authorities or Agencies, Student Files

- (A) Subject to the Family Educational Rights and Privacy Act (F.E.R.P.A.), 20 U.S.C. § 1232(g), 34 C.F.R. pt. 99, and any other applicable statute or lawful regulation, the law school shall report to any bar examining authority or other authorities or agencies inquiring of the law school about the character and fitness of a student or graduate to practice law, for employment, or for a position of public trust the fact that a student or graduate has been, or is, the subject of a proceeding under this Honor Code. Such a report shall be made regardless of a voluntary resolution, the outcome of a proceeding following the issuing of a statement of charges in Article VI(D), or the final decision of the law school to place an entry on a student's or graduate's permanent academic record that a report or synopsis of the proceeding shall have been placed in a student's folder. The report in the student's file shall be sufficiently detailed to permit a reader to know the essential facts, the outcome of the proceeding, the sanctions assessed, if any, and shall include all exculpatory or explanatory material.

- (B) WCL shall not maintain a record or report an investigation by the Honor Code Prosecution Team that does not result in a determination of clear and convincing evidence of an Honor Code violation and the student need not report the investigation to the any bar examining authority or other authorities or agencies inquiring about the character and fitness of a student or graduate to practice law, for employment, or for a position of public trust.