

15. WILLIAM S. BOYD SCHOOL OF LAW STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

Philosophy

Acceptance to the William S. Boyd School of Law represents much more than just admission to the study of an intellectual discipline. It represents the first step toward full participation in a profession entrusted with protecting the rights of people everywhere. The privilege of admission comes with a unique set of responsibilities not only to fellow students, but to the law school, to the legal profession, and to the public. The legal profession demands the highest degree of trustworthiness, honesty and public integrity. As future members of that profession, students of the William S. Boyd School of Law are bound to observe principles that reflect the same high standards that govern the practice of law. Students who abide by long-established principles of honor and integrity will not have their conduct questioned. This Student Code of Honor and Professional Responsibility (the Honor Code) sets forth conduct that is unacceptable, and therefore, prohibited. This Honor Code establishes minimum standards for student professional responsibility. The standards of conduct in this Honor Code are in addition to the standards set forth in the UNLV Student Conduct Code, and violations of this Honor Code will be subject to the procedures and sanctions of this Honor Code, as set forth below.

The Law School's mission is to promote a community where each student can obtain an outstanding legal education. To that end, this Honor Code is not intended to regulate ideas, but to foster an atmosphere of professionalism, trust, mutual respect, civility, and accountability in which those ideas can be created and explored. Upon admission, all students become part of the Law School community and share in its mission. Accordingly, by matriculating at the William S. Boyd School of Law, students accept the responsibilities set forth by this Honor Code, including the responsibility to participate in its implementation. As described below, the failure to uphold these responsibilities violates the terms on which the community is based and may result in disciplinary action.

I. AUTHORITY

The Dean of the William S. Boyd School of Law is responsible for enforcing the Honor Code. The authority is delegated to the Associate Dean for Administration and Student Affairs (Associate Dean), or other person designated by the Dean, and a Hearing Panel of faculty and students to be appointed by the Dean.

II. CONDUCT PROHIBITED

The following conduct is prohibited and may result in disciplinary action, including dismissal, from the William S. Boyd School of Law: academic dishonesty; misrepresentation; wrongful use or procurement of goods, services or information; or unlawful conduct.

- A. Academic dishonesty includes, but is not limited to:
 - 1. Cheating. Cheating is an act of fraud or deception by which a student gains or attempts to gain a benefit or an advantage, or attempts to provide a benefit or advantage to another student; and
 - 2. Plagiarism. Plagiarism is copying the words or ideas of another and representing them to be one's own. Plagiarism can occur even though the student did not intend to plagiarize the words of another.

- B. Misrepresentation includes, but is not limited to:
 - 1. Furnishing material information in the law school application process that the student knows to be false;
 - 2. Falsely representing one's qualifications on a resume, in an interview, or in an application for employment or subsequent academic studies;
 - 3. Forging or altering transcripts, or other university documents;
 - 4. Falsely signing another student's name;
 - 5. Knowingly making a false accusation that a student committed acts that may be in violation of the Honor Code; and

6. Any misrepresentation by which the student gains or attempts to gain an unfair advantage from the university, faculty, students or staff.
- C. Wrongful use or procurement of goods, services, or information includes, but is not limited to:
 1. Stealing, destroying, damaging or hiding library materials;
 2. Stealing, destroying or damaging university property or the property of other students; and
 3. Unauthorized use of on-line legal research resources.
 - D. Unlawful conduct includes, but is not limited to: The commission of any felony or misdemeanor (except for misdemeanor traffic violations), whether defined by federal, state, or local law. Such conduct may result in disciplinary action. All law students have a continuing obligation to disclose to the office of the Associate Dean any conviction while they are students of the Law School.
 - E. Reporting violations of this Honor Code. Students should report incidents they reasonably believe violate this Honor Code. Students are reminded that as members of the bar they will have the obligation to report professional misconduct. Nevada Supreme Court Rule 202 provides: A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority. See also ABA Model Rules of Professional Conduct 8.3.

III. DISPOSITION OF COMPLAINTS

- A. Reporting Complaints. Any person knowing of an incident that may constitute a violation of the Honor Code should report the incident to the Associate Dean, or the Dean, or the Associate Dean for Academic Affairs.
- B. Investigation of Complaints. When the Associate Dean receives information of an incident that may constitute a violation of the Honor Code, the Associate Dean shall promptly conduct an investigation.
- C. Resolving Complaints. If, upon completion of the investigation, the Associate Dean determines that there are grounds for believing that a student has violated the Honor Code, the Associate Dean shall either (1) attempt to resolve the complaint informally, or (2) refer the complaint to a Hearing Panel for formal resolution.
 - a. Informal Resolution. The Associate Dean may informally resolve the complaint with the consent of the person charged and the approval of the Dean of the Law School by:
 1. Conciliating with the parties;
 2. Permitting the complainant to voluntarily drop the complaint; or
 3. Permitting the person(s) charged to voluntarily accept disciplinary sanctions.

If the student accepts the decision and sanctions recommended by the Associate Dean, and the Dean approves the decision and sanctions, there is no further appeal and the matter is concluded. If the student rejects there commended sanctions, the Associate Dean shall schedule a formal hearing. Any written notice required under this section shall be provided to the student in person or by certified mail, return receipt requested.
 - b. Formal Resolution. If upon completion of the investigation, the Associate Dean determines that the matter should be referred to a Hearing Panel for formal resolution or if the complaint is not informally resolved, the Associate Dean will refer the matter to a Hearing Panel for a formal proceeding.
 1. Hearing Panel. A Hearing Panel will be appointed by the Dean. The Panel shall consist of three (3) members of the Law School faculty, and two (2) Law School students from a list recommended by the Student Bar Association. The Dean shall designate one of the faculty appointees as Chair of the Hearing Panel. Where circumstances warrant, the Dean may appoint UNLV faculty from outside the Law School to the Hearing Panel in place of one or more Law School faculty.

2. Notice of the Charges. The Associate Dean shall state in writing the grounds upon which the complaint is based and shall furnish a copy to the student and to the Chair of the Hearing Panel.
3. Notice of the Hearing. The Chair of the Hearing Panel shall prepare and provide to the Associate Dean and the student a notice containing the following:
 - i. the date, time and place of the hearing;
 - ii. the student's right to bring witnesses and provide documentary evidence at the hearing;
 - iii. the student's right to have an advisor (for example, an attorney, family member, fellow student, or faculty member) present and represent him/her at the hearing; and
 - iv. a date by which the Associate Dean and the student shall furnish to each other and the chair of the Hearing Panel a list of witnesses and documents that may be introduced at the hearing.
4. Ex Parte Contacts. The members of the Hearing Panel shall not have any ex parte communications regarding the substance of the matter before the Panel.
5. Hearings. The Chair of the Hearing Panel will preside over the hearing. Unless the Hearing Panel decides that a different procedure is required, the Associate Dean shall present the evidence supporting the charges first, and the student will then present his/her side of the case. The members of the Hearing Panel, the Associate Dean, and the student shall have an opportunity to examine the witnesses and the evidence. The Hearing Panel may consider all evidence that has probative value. The rules of evidence applicable to court proceedings shall not apply.
6. Standard of Proof. At the conclusion of the proceedings, the Hearing Panel shall consider the charges. It may affirm the charges only upon a showing of clear and convincing evidence of a violation and by majority vote.
7. Written Decision and Recommendation. The Hearing Panel shall prepare a written explanation of its decision, which may include any dissenting views. If it has voted to affirm the charges, the Hearing Panel shall recommend a sanction. The Hearing Panel shall furnish its written explanation and recommendation to the Dean, the Associate Dean, and the student.
8. Appeals. The student shall have ten (10) law school working days after receipt of the Hearing Panel's decision and recommendation to appeal the decision and recommendation to the Dean. Procedural irregularities are appealable only when they result in actual prejudice. The Dean may request the views of the Associate Dean and the Hearing Panel.
9. Final Decision. The Dean may approve or disapprove the Hearing Panel's decision and recommendation. If the Dean decides to modify the sanction, he shall consult with the Hearing Panel. If there is no appeal, the Dean's decision shall be final. Any further appeal to the President of the University or her/his designee or the Board of Regents will be governed by their respective procedures Article IX of the UNLV Student Conduct Code.

IV. SANCTIONS

Depending on the seriousness of the violation, the following sanctions may be recommended by the Associate Dean or Hearing Panel and imposed by the Dean. These sanctions may be imposed in any order or combination. The Dean may report violations to the appropriate State Bar.

- A. Expulsion. A student who is expelled may not be readmitted to the William S. Boyd Law School. The official transcript of the student shall be marked Disciplinary Expulsion and the effective date.
- B. Suspension. A student who is suspended suffers temporary termination of student status for a specified academic term or terms with reinstatement thereafter. The official transcript of the student shall be marked Disciplinary Suspension and the term.
- C. Probation. If a student is placed on probation, the student must satisfy the terms of the probation for a specified period of time.

- D. **Warning Notice.** If a violation is minor, a student may receive a written warning. The warning notice may state that continued or repeated violation of the Honor Code may be cause for further disciplinary action.
- E. **Reduction in Grade or Failing Grade.** If a violation is related to a particular course, a student may receive a reduction in grade or a failing grade in the course.
- F. **Restitution.** A student may be required to reimburse the legal owners for a loss due to defacement, damage, fraud, theft, or misappropriation of property. Reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. The failure to make restitution shall be cause for more severe disciplinary action.
- G. **Loss of Law School Privileges.** A student may lose law school privileges, including the loss of law library borrowing privileges; expulsion from extra-curricular or cocurricular programs such as Law Journal, Society of Advocates, SBA, or other student organizations; or reduction of registration priority.
- H. **Other Sanctions.** In addition to these formal sanctions, a student may be required to perform community service, to seek academic or personal counseling or other specialized supportive service, or to participate in a specified activity or program.

V. ADOPTION AND AMENDMENT

This Honor Code and any amendments thereto become effective upon the approval of a majority of the students voting, approval by a majority of the faculty and deans, present and entitled to vote; and upon the approval of the Provost and President of the University of Nevada, Las Vegas, and the Board of Regents. Any person may petition to amend the Honor Code. The petition shall be submitted to the Honor Code Committee for consideration and recommendation to the students and faculty. Any amendment or any petition to amend the Honor Code signed by at least one-third of the student body shall be referred to the students and faculty for approval.