NORTHWESTERN UNIVERSITY SCHOOL OF LAW
THE JUNIOR BAR ASSOCIATION
THE HONOR CODE

PREAMBLE

WHEREAS the Junior Bar Association recognizes the necessity and desirability of encouraging an awareness and understanding of the duties and principles of conduct required of members of the Northwestern University School of Law student body and of the legal profession; and

WHEREAS such standards of action can best be developed by placing upon the individual student the responsibility of effectuating what his intellect tells him ought to be done:

NOW, THEREFORE, THE JUNIOR BAR ASSOCIATION, in recognition of the belief that high standards of integrity and honesty will best be achieved through self-discipline, promulgates the following statement of principles and procedures, to be known as "The Honor Code," and to be applicable to all phases of law school activity.

ARTICLE I
THE CODE OF HONOR

To further excellence of character and to assure all members of the Junior Bar Association of an equal opportunity to learn and achieve recognition while at law school, adherence to certain standards of conduct, either express or implied, is expected of the individual student. While certain misconduct, of a non-academic nature, may not, in and of itself, constitute a violation of The Honor Code, such misconduct, when accompanied by acts of dishonesty, may give rise to a violation. Thus, the basic postulate of The Honor Code is that <u>there is no end which will justify the use of dishonest means.</u>

The Honor Code shall have been violated upon the occurrence of any dishonest act, which may be encompassed within the terms - <u>lying, stealing or cheating</u> - where such act:

(1) was done with the intent to avoid or circumvent established rules and procedures governing any phase of law school activity.
(2) will infringe upon the rights of other students by creating an unfair competitive advantage in promoting the interests of one student over those of another, or
(3) will reflect adversely upon or discredit Northwestern University or the School of Law.

Although primary responsibility for adherence to and enforcement of The Honor Code rests with the individual student, it shall be the duty of each member of the Junior Bar Association to report any violation of which he has personal knowledge. Failure to comply with this duty shall be, in itself, a violation of The Honor Code.

ARTICLE II
PRE-HEARING PROCEDURE

Section 1: A charge may be presented only by a law student, ex-law student, member of the Faculty, or an employee of Northwestern University.

Section 2: A charge must be presented within one year of the alleged violation.

Section 3: Any person, designated in Art. II, §§ 1, having reasonable cause to believe that (1) another, while a student at this law school, has violated The Honor Code, or (2) The Honor Code has been violated, although the violator is unknown, shall present a written charge to any member of the Board of Governors, hereinafter referred to as the "Board," stating the nature of the alleged violation and the name of the accused, if known.

Section 4: Upon receipt of a charge, the Chairman of the Board shall promptly appoint and authorize an investigation Committee to investigate the alleged violation, to examine possible witnesses, and to determine who may have committed the alleged violation. The Committee shall consist of the Vice President of the Junior Bar Association and two Board members, representing, if possible, each of the classes other than that of the individual accused of the violation.

Section 5: Within one week from the time of their appointment, the members of the Investigation Committee shall meet with the Chairman of the Board to determine the adequacy and sufficiency of the evidence. The chairman, at his discretion, may extend the period of investigation for a reasonable time, for the purpose of acquiring additional evidence.

The Chairman and the Committee shall then meet to determine the necessity and desirability of a hearing, and if convinced by a preponderance of the evidence that The Honor Code has been violated and that the violator is known, then the charge is to be presented to the Board for a hearing. If not convinced, the charge is to be dismissed andall interested parties are to be notified by the Chairman.

Section 6: The Board, upon receiving the charge, shall promptly notify the accused, by a "formal charge," of (1) the nature of the alleged violation, (2) the witness(es), when known, that will testify against him, (3) his rights under The Honor Code, and (4) the time, date and procedure for the hearing. A hearing must be held as soon after the issuance of the formal charge as possible, and the date of such hearing shall be determined by the Chairman.

ARTICLE III
HEARING PROCEDURE

Section 1: The Chairman of the Board shall preside, and shall, first, state briefly: (1) the scope of the hearing--what the charge is, who is bringing the charge and the jurisdiction of the Board, (2) the procedure to be followed during the hearing and the manner in which the decision will be made known to the accused, (3) the possible penalties which may be imposed should a violation of The Honor Code be proved, and (4) the rights of the accused following the hearing.

Section 2: The Vice President of the Junior Bar Association, who has served as a member of the Investigation Committee, shall, because of his knowledge of of and familiarity with the facts, present the charge and all evidence against the accused. His sole function is to acquaint the accused and the Board with any and all evidence concerning the alleged violation. He shall not participate in voting upon the final decision.

Section 3: The accused may select either (1) himself, or (2) a person, other than a Board member, who is currently enrolled as a student at this law school, to represent him. Because this Honor Code is a student code of conduct, no non-student may participate in an Honor Code violation hearing except as a witness. If the accused should select someone other than himself to represent him, any communications between the accused and his representative shall notbe subject to the provisions of The Honor Code.

Section 4: The hearing shall be governed by the following rules of procedure:

(1) The accused shall first be given the right to plead either "guilty" or "not guilty" to the formal charge. He may, at the discretion of the Chairman, make a brief opening statement.

(2) Witnesses and evidentiary matter may be presented, at the discretion of the Chairman, without regard to strict compliance with the ordinary rules of evidence.

(3) Both the Vice President of the Junior Bar Association, and the accused, or his representative, may present witnesses on their behalf, and each shall have the right to cross-examine any witnesses called by the other. The Board shall likewise have the right to cross-examine any witness.

(4) The Chairman of the Board, at his discretion, may (a) require any person subject to The Honor Code, who has knowledge of the alleged violation, or (b) request any person not subject of The Honor Code, to appear, if possible, as a witness.

(5) Both the Vice President of the Junior Bar Association, and the accused, or his representative, shall have the right to make closing statements.

ARTICLE IV
POST-HEARING PROCEDURE

Section 1: A finding of a violation of The Honor Code must be supported by evidence which will convince at least six members of the Board beyond a reasonable doubt that the accused has committed this dishonest act.

Section 2: The following penalties, not intended to be exclusive, may be imposed, upon a finding of a violation, by a majority of the Board: expulsion, suspension, notation on the student's permanent record, public censure, writing of a theme, or restoration of conditions as they existed prior to the damage caused by the violation.

Section 3: The record of the hearing and the opinion of the Board shall be preserved. The Secretary of the Board shall keep an accurate record of all proceedings. The Chairman, at his discretion may utilize alternative means (stenographer or tape recording) of preserving the record of the hearing. The Chairman shall designate the Secretary, or another member of the Board, to write an opinion which shall include: (1) the facts leading up to the alleged violation, (2) the findings and decision of the Board, (3) the recommended penalty, and (4) a recommendation as to whether the violation, if one is found, should be noted on the student's permanent record.

Section 4: The Chairman shall then notify the accused of the decision, the penalty, and any rights he might have.

Section 5: The formal charge, the record and the opinion shall then be submitted to the Faculty for their approval in accordance with the procedures established by the Faculty.

Section 6: The Chairman shall then notify the accused of the Faculty's decision.

Section 7: All matters relating to the hearing shall be kept secret until the Faculty has completed its review and has reached a final decision. Subject to the possible recommendation of the Faculty, the Chairman shall have the power to publish or to refrain from publishing the results of the hearing, as approved, rejected or modified by the Faculty.

Section 8: The penalty, as determined by the Board and approved by the Faculty, shall be enforced in a manner so prescribed by the Faculty

ARTICLE V
AMENDMENT AND EFFECTIVE DATE

Section 1: Adjudications under the Honor Code shall be consistent with previous decisions and penalties of the Board, unless overruled. All opinions of the Board and procedures and rulings of any Junior Bar Association Committee shall be kept on file and shall be incorporated into The Honor Code.

Section 2: This Honor Code shall be interpreted by the Board of Governors. Amendments must be recommended by the Board and approved by the members of the Junior Bar Association.

Section 3: The Honor Code of April 11, 1962, is hereby repealed, and this Honor Code shall be given full force and effect as of May 1, 1963.

September, 1963