

## VII. HONOR CODE AND DISCIPLINARY PROCEDURES



### A. DEFINITIONS

#### 1. ACADEMIC PROGRAM

"Academic Program" means any graduate or undergraduate course, independent study or research for academic credit, internship, externship, clinical program, practicum, field placement, or other form of study or work offered in furtherance of the academic mission of the School of Law. Academic work includes any work performed or assigned to be performed in connection with any Academic Program. Academic Program includes Extracurricular Activities.

#### 2. ADVISOR

"Advisor" means any person chosen by the Student to represent the Student and to present arguments and evidence on the Student's behalf to a Hearing Panel.

#### 3. CHAIR OF THE HEARING PANEL

"Chair of the Hearing Panel" means a faculty member nominated by the Dean to serve the role of carrying out the duties specified in Section 3 of these Procedures.

#### 4. CODE

"Code" means the University of South Carolina School of Law Honor Code.

#### 5. DAY

"Day" means the period of time as computed under Rule 6(a) of the South Carolina Rules of Civil Procedure.

#### 6. DEAN

"Dean" means the Dean of the School of Law or a designee of the Dean.

#### 7. EXTRACURRICULAR ACTIVITY

"Extracurricular Activity" means an activity performed by a Student associated with the School of Law or the University of South Carolina that falls outside the realm of normal school curriculum. Extracurricular Activity includes, but is not limited to, participation on Moot Court and Mock Trial teams, law journals, and other student organizations.

#### 8. HEARING PANEL

"Hearing Panel" means a 5 member panel designated to determine whether a Student has violated the Code and, if so, to determine what sanction that Student should receive. The Hearing Panel is

comprised of 3 full-time faculty members, appointed by the Dean, and 2 Honor Council members, selected by the Chair of the Honor Council.

**9. INVESTIGATOR**

"Investigator" means a person appointed by the Dean for purposes of carrying out the duties of Sections 4.2 and 4.3. The Investigator may not be the Presenting Party.

**10. INSTRUCTOR**

"Instructor" means any person designated by the School of Law to teach or otherwise counsel students in an Academic Program.

**11. PRESENTING PARTY**

"Presenting Party" means a person appointed by the Dean whose purpose is to present the case against the Student on behalf of the School of Law. The Presenting Party may not be the Dean or the Investigator.

**12. SCHOOL OF LAW**

"School of Law" means the University of South Carolina School of Law.

**13. STATEMENT OF ALLEGATIONS**

"Statement of Allegations" means a document prepared by the Presenting Party for the purposes of notifying the Student of the facts alleged to constitute a violation of the Code and informing the Hearing Panel of the matter before them.

**14. STUDENT**

"Student" means any person who has accepted admission to the School of Law and has neither graduated, transferred to another institution or field of study, withdrawn, nor been expelled.

**15. UNIVERSITY COMMITTEE**

"University Committee" means the University Academic Responsibility Committee. This committee consists of five faculty members, two undergraduate students, and two graduate students. 3

## **B. HONOR CODE**

### **PREAMBLE**

The preparation of Students for service in the legal profession requires not only academic rigor, but also adherence to the high standards of personal character and integrity expected of attorneys. As with the standards of the legal profession, the foundation of this Code is self-regulation. Whenever a Student is uncertain as to whether conduct would violate this Code, it is the Student's responsibility to seek clarification from the Instructor in the affected Academic Program prior to engaging in such conduct.

### **SECTION 1. GENERAL APPLICABILITY.**

The following rules govern the conduct of all Students at the School of Law. Former Students of the School of Law remain subject to this Code for violations committed while a Student. An applicant who later becomes a Student at the School of Law is subject to this Code with respect to any statements or representations made in connection with the application process.

### **SECTION 2. PROHIBITIONS .**

#### **2.1 A Student shall not lie.**

A lie includes any form of dishonesty or misrepresentation, including the making of a statement known to be false or the willful omission of a material fact necessary to avoid a misrepresentation of the truth. A Student's knowledge of a statement's falsity may be inferred from the circumstances. This rule applies only to statements or omissions made in connection with an Academic Program at the School of Law. Examples include, but are not limited to, a Student's communications with faculty, staff, or other Students of the University relating to academic issues; communications made in connection with the Student's use of University facilities or services; and communications made while enrolled at the School of Law with third persons, such as a prospective employer, regarding the activities or record of the Student.

#### **2.2 A Student shall not cheat or plagiarize.**

For purposes of this rule, cheating is construed broadly to include using unauthorized materials, disregarding a professor's rule of anonymity, giving or receiving any unauthorized assistance in the completion of any academic course work, paper, examination, or in connection with a Student's participation in any Extracurricular Activity. Plagiarism is the use or close imitation of the language and thoughts of another author and the representation of them as one's original work. Plagiarism includes quoting, paraphrasing, or otherwise using another's words or ideas as one's own without crediting the source in a way that clearly indicates the nature and extent of the source's contribution to the Student's work. An act of cheating or plagiarism in which the Student does not actually obtain a benefit from the conduct is an offense under this section. An act of cheating or plagiarism without specific intent is an offense under this section.

#### **2.3 A Student shall not commit any criminal act.**

For purposes of this rule, a criminal act is one that reflects adversely on a Student's honesty, trustworthiness, or fitness for admission to the practice of law. This rule will be interpreted in accordance with the Model Rules of Professional Conduct § 8.4 (2008).

Any criminal act that reflects adversely on the Student's honesty, trustworthiness, or fitness for admission to the practice of law and which occurs during the time that a Student is subject to this Code is a violation of this rule, regardless of where the conduct occurs. A conviction or plea of guilty in a criminal matter is conclusive proof that the Student committed the act that is the subject of that conviction or plea. The absence of a criminal conviction does not preclude a finding that a criminal act occurred for purposes of this rule.

### **SECTION 3. DUTIES.**

#### **3.1 A Student shall report those who they believe have violated this Code.**

A Student who has information sufficient to create a reasonable belief that another Student has violated this Code shall promptly report that information either to the Instructor in the affected Academic Program or to the Dean.

#### **3.2 A Student shall testify fully and truthfully in regard to a Code violation when called to do so.**

## **C. DISCIPLINARY PROCEDURES**

### **SECTION 1. GENERAL APPLICABILITY.**

The following procedures govern enforcement of the Code at the School of Law. A revision of the Code or these Procedures may be adopted upon approval by a majority of both the faculty and the Honor Council, and only after the proposed revisions have been posted for Student comment either in the School of Law building or on an internet vehicle for a minimum of 12 Days.

### **SECTION 2. REPORT OF ALLEGED VIOLATION.**

**2.1 Reports by Instructor.** Any Instructor in an Academic Program who reasonably believes that a Student may have violated the Code shall report in writing the facts giving rise to that belief to the Dean.

**2.2 Report by Persons Other than Instructor.** Any person, other than the Instructor, who believes that a Student may have violated the Code shall report in writing the facts giving rise to that belief to either the Instructor of the Academic Program in which the violation allegedly occurred or to the Dean. In the event that a Student reports an alleged violation only to the Instructor, the Instructor shall inform the Dean in writing the facts alleged. A report must include the identity of the reporting person.

### **SECTION 3. DISPOSITION OF AN ADMITTED VIOLATION.**

**3.1 Admission of Violation.** An accused Student may, at any time, admit a violation of the Code by providing to the Dean a written statement admitting the allegation. If an Investigator has not been appointed pursuant to Section 4.1 prior to the admission of a violation under this Section, the Dean shall promptly appoint an Investigator to conduct a sufficient investigation to determine any additional facts relevant to the admission. If a Presenting Party has not been appointed pursuant to Section 4.5 prior to the admission of a violation under this Section, the Dean shall promptly appoint

a Presenting Party to carry out the responsibilities set forth in Sections 3.2 and 4.9. The matter shall thereafter be handled as provided in Section 3.2.

### **3.2 Sanctions Hearing.**

(a) If the accused Student admits, pursuant to Section 3.1, that a violation has occurred, the Dean shall convene a Hearing Panel to hear the matter for the sole purpose of determining the appropriate sanction, as set forth in Subsection 4.9(b). This hearing must occur at the later of either the Investigator's completion of the investigation or not less than 5 Days, nor more than 21 Days, after the date on which the Dean has received the written statement of admission from the Student.

(b) At the conclusion of any matter in which a violation has been admitted, the Dean shall notify the School of Law Registrar, the University Office of Student Development, and any other appropriate University offices of the offense and the sanction imposed.

## **SECTION 4. DISPOSITION OF CONTESTED ALLEGATIONS.**

**4.1 Appointment of Investigator and Notice to Accused.** Upon receiving a written report of an alleged violation of the Code, the Dean shall gather relevant information regarding the allegations. The Dean may consult with the Chair of the Honor Council regarding whether to initiate a formal investigation. If the Dean decides that the matter warrants a formal investigation, the Dean shall appoint one or more Investigators. Upon appointment of the Investigator, the Dean shall promptly notify the accused Student of the allegations by letter, addressed to the Student, delivered personally or by first-class mail to the accused Student's permanent address on record at the School of Law. The notice must inform the Student of the following:

- (a) An investigation is being conducted into a possible Code violation,
- (b) The general nature of the alleged violation,
- (c) The name of the Investigator,
- (d) At the conclusion of that investigation, the matter, and any other matters discovered during the course of the investigation, will either be closed or prosecuted in accordance with these Procedures;
- (e) If the Student either does not respond or is found to have committed the offense described, the Student may receive one or more of the sanctions described in Section 5.1.

**4.2 Conduct of Investigation.** The Investigator may interview witnesses, including the accused Student, and review any documents or other information that may assist in determining facts relevant to the alleged violation. An accused Student who refuses to answer inquiries regarding the matter shall not be subject to additional discipline for doing so. Finders of fact may, however, draw appropriate inferences from the accused Student's refusal to answer questions.

**4.3 Submission of Investigation Report.** The Investigator shall submit a written report to the Dean within 14 Days after appointment, unless the Dean has granted a reasonable extension of

time. The investigation report must summarize the factual findings of the investigation. It must also contain a recommendation regarding potential actions under Section 4.4.

**4.4 Action by Dean Upon Receipt of Investigation Report.** Upon submission of the written investigation report, the Dean shall, within a reasonable period of time (generally not more than one week) take one of the following actions. In making the decision about the appropriate course of action, the Dean shall consult confidentially with the Chair of the Honor Council.

(a) If the Dean determines that the allegations in the investigation report, even if proven to be true, would not constitute a Code violation, the Dean may close the matter. The Dean shall, either personally or in writing, promptly notify the accused Student, the person who initially reported the allegation, and the Instructor in the affected Academic Program that the matter has been closed with a finding that no violation of the Code occurred.

(b) If the Dean determines that the allegations in the investigation report, if proven to be true, would constitute a Code violation, the Dean shall refer the allegation to the Hearing Panel for hearing and disposition as provided in Section 4.5.

(c) If the Dean determines that additional investigation of the original allegations or of additional allegations is needed, the Dean may request further investigation of the matter prior to disposition under either paragraph (a) or (b) above.

#### **4.5 Referral of Allegations to the Hearing Panel.**

(a) Upon a decision by the Dean to refer a matter for hearing, the Dean shall appoint a Presenting Party. The Presenting Party shall prepare a Statement of Allegations. No more than 14 days after being nominated by the Dean, the Presenting Party shall provide the Statement of Allegations to the Chair of the Hearing Panel (Chair), along with a list of witnesses likely to be called to testify at the hearing, including the Investigator, and copies of any documents likely to be produced at the hearing.

(b) The Presenting Party shall request information regarding any prior violation by the accused Student of the Code or any history of academic discipline for dishonesty as disclosed on the accused Student's application for admission to the School of Law. The Presenting Party shall not reveal such information to the Hearing Panel until the sanction phase of the hearing according to Subsection 4.9(b).

(c) Not less than 3 Days prior to the hearing date as set in Section 4.6, the accused Student and the Presenting Party shall provide the Chair and the opposing party, either personally or by first-class mail, a list of witnesses likely to be called to testify at the hearing and copies of any additional documents likely to be produced.

(d) Not less than 3 days prior to the hearing date as set in Section 4.6, the accused Student shall provide notice to the Chair and the Presenting Party, either personally or by first-class mail, if the Student intends to have an Advisor present at the hearing.

(e) The Chair may delay the hearing or exclude from the hearing any witnesses or documents not identified prior to the hearing, as required by Subsection 4.5(c), if the lack of prior notice would unfairly prejudice either party. The Chair, at its discretion, may delay the hearing or refuse to allow the person selected by the Student as an Advisor to participate actively in the hearing, if the required notice of that person's intended presence is not provided as required in Subsection 4.5(d).

(f) No Hearing Panel member shall consider a matter in which that person is unable to serve with impartiality. If an accused Student believes that a member of the Hearing Panel should be recused for partiality, the accused Student shall notify the Dean in writing not less than 96 hours prior to the scheduled hearing, showing cause why a member should be removed from consideration of the matter. If a member is removed or unable to serve, a substitute shall be appointed as set forth in the Hearing Panel definition.

**4.6 Hearing Date.** Upon receiving the Statement of Allegations, the Chair shall set a date for a hearing, to be held not less than 14 Days nor more than 21 Days after notice to the accused Student of the hearing is mailed or personally delivered to the accused Student, as provided under Section 4.7. Notice of the hearing date also shall be sent to the Instructor in the affected Academic Program. The time provisions of this section may be waived by the Chair, with the consent of both the accused Student and the Presenting Party.

**4.7 Notice to Accused Student.** Upon setting the Hearing Date, the Chair shall deliver to the accused Student, either personally or by first-class mail to the Student's permanent address on record with the School of Law, the following information:

- (a) A copy of the Statement of Allegations;
- (b) A copy of these Procedures and of the Code;
- (c) The Presenting Party's list of possible witnesses and copies of any documents likely to be presented at the hearing;
- (d) A list of the names of the members of the Hearing Panel and notice of the Student's right to request recusal of one or more panel members;
- (e) Notice of the time and place of the hearing;
- (f) Notice of the right to be accompanied by an Advisor at the hearing and the duty to notify the Chair, no less than 3 Days before the hearing is scheduled, of the Student's intention to have an Advisor present at the hearing;
- (g) Notice of the right to an open hearing and the duty to exercise this right by notifying the Chair no less than 3 days before the hearing is scheduled.
- (h) Notice that the Student must provide a list of witnesses and documents to the Chair and the Presenting Party no less than 3 Days before the scheduled date of the hearing;

- (i) Specific notice that the hearing is the Student's opportunity to defend against the allegations brought and that one or more sanctions specified in Section 5 may result from a finding that any violation occurred.

**4.8 Attendance at Hearing.** All hearings must remain confidential and closed to persons other than the Hearing Panel, the Presenting Party, the Instructor in the affected Academic Program, the witnesses during the time of their testimony, the accused Student, and the Advisor unless an open hearing is requested in writing by the accused Student not less than 3 Days prior to the hearing. Nothing in this Section shall be construed to diminish the Chair's authority to take any necessary measures to maintain order and decorum during a hearing, including the removal of any persons acting in a disruptive manner. In the event that the accused Student does not appear at the appointed time and place for the hearing, and the absence is without excuse, the Hearing Panel may elect to hear the matter in absentia. The Instructor in the affected Academic Program may attend the hearing in its entirety, but may not participate in the hearing unless called by either side as a witness or otherwise questioned by the Hearing Panel.

**4.9 Conduct of the Hearing.** The hearing shall be conducted in two parts, set forth in paragraphs (a) and (b) of this Section. Hearing Panel members must be physically present for the hearing.

- (a) **Violation Hearing.** At the outset of the violation hearing, the Chair shall provide each member of the Hearing Panel with a copy of the Statement of Allegations or shall read aloud the Statement of Allegations in its entirety. The Presenting Party appointed pursuant to Section 4.5 shall proceed by presenting evidence supporting the allegations set forth in the Statement of Allegations. The Presenting Party may present and question witnesses and offer other relevant evidence in support of the allegations. The accused Student or the Advisor shall have the right to question the witnesses. At the conclusion of the Presenting Party's case, the accused Student or the Advisor may present and question witnesses and offer any other relevant evidence for the purpose of defending against or mitigating the allegations set forth in the Statement of Allegations. The Presenting Party may question witnesses offered by the accused Student. Formal rules of evidence do not apply and any relevant evidence is admissible, including hearsay, unless excluded by the Chair for good cause. Members of the Hearing Panel also may question any witness presented by the Presenting Party or the accused Student. After all evidence has been presented, the Presenting Party may make a closing statement to the Hearing Panel followed by a closing statement by the accused Student or the Advisor. The Presenting Party may then offer a rebuttal statement.

The Hearing Panel will then deliberate in private until a decision is reached on each allegation. In order to find a violation, the Hearing Panel must determine by a majority vote that facts sufficient to constitute a violation have been proven by clear and convincing evidence. If the Hearing Panel determines that a violation has not been adequately proven, the Hearing Panel shall prepare written findings of fact and conclusions dismissing the allegation. The Chair shall send a copy of the findings and conclusions to the accused Student and to the Presenting Party. Written notice of the findings and conclusions shall also be sent to the Dean and the Instructor in the affected Academic Program.

(b) **Sanction Hearing.** If the Hearing Panel determines that a violation has been mitigation of the offense for the purpose of determining a sanction. The Presenting Party shall at this time provide the Hearing Panel with information regarding the Student's history of academic dishonesty as provided for in Subsection 4.5(b). The Presenting Party may also call witnesses or present other relevant evidence in mitigation or in aggravation of the offense. The Student or the Advisor has the right to question the Presenting Party's witnesses. The Student may then call witnesses or present relevant evidence in mitigation of the offense. The Presenting Party may question the Student's witnesses. The Student may make a personal statement to the Hearing Panel. The Hearing Panel shall then deliberate in private and agree upon an appropriate sanction, as set forth in Section 5, by majority vote. The Hearing Panel shall, within 5 Days, deliver personally or send by first class mail to the permanent address of the Student on record with the School of Law, written findings of fact and conclusions, along with notice of sanctions imposed, to the Student, the Dean, the Presenting Party, the Instructor in the affected Academic Program, the School of Law Registrar's Office, and the University Office of Student Development.

**4.10 Record of Hearing.** An audio recording or other record of the hearing must be made and retained in the Office of the Dean.

**4.11 Written Report of Hearing.** The Hearing Panel shall prepare a report to be given to the Dean summarizing the matter and the disposition of the matter.

## **SECTION 5. SANCTION.**

**5.1 Sanction Options.** The following sanctions may be imposed upon a Student found to have violated the Code:

- (a) Permanent expulsion from the School of Law;
- (b) Definite suspension from the School of Law for a period of not less than one semester;
- (c) Reprimand to be administered orally by the Chair to the Student, with a record of the reprimand to be maintained in the Office of Student Development and the School of Law Registrar's Office (first offense only);
- (d) A Letter of Warning from the Chair to be recorded in the Office of Student Development and the School of Law Registrar's Office (first offense only);
- (e) Revocation of admission to the School of Law or revocation of degree;
- (f) Any combination of the above sanctions.

**5.2 Aggravating Factors.** A history of discipline for academic dishonesty will be treated as a significant aggravating factor in determining the appropriate sanction for a subsequent offense. The sanctions provided for in this Section are intended to be disciplinary.

**5.3 Independent Academic Discipline.** Nothing in these procedures, including the imposition of any sanction, shall be interpreted to limit the academic authority of an Instructor to determine an appropriate grade for a Student. If an Instructor determines that, because of academic dishonesty, a Student's performance in an Academic Program merits a grade reduction or a failing grade, the Instructor's authority to award such an appropriate grade is not limited by the imposition of any sanction under this Section.

**5.4 Execution of Sanction.** The Dean shall notify proper University offices of the sanction imposed on the Student.

## **SECTION 6. APPEALS.**

**6.1 Grounds for Appeal of Dismissal.** Upon a dismissal of an allegation by the Hearing Panel, the Presenting Party may appeal the decision to the University Committee of Academic Responsibility ("University Committee") only on the ground that the Hearing Panel erred in its conclusion that the facts as set forth by the Hearing Panel in its written findings did not constitute a violation of the Code.

**6.2 Grounds for Appeal of Finding of Violation.** Upon the finding of a violation by the Hearing Panel, the accused Student may appeal the decision to the University Committee on any or all of the following grounds:

- (a) that specific procedural rules were not followed, resulting in prejudice to the accused Student;
- (b) that the facts as set forth by the Hearing Panel in its written findings of fact do not establish a violation of the Code;
- (c) that there is no evidence in the record to support a finding of fact by the Hearing Panel;
- (d) that there is specific evidence of improper bias on the part of any member of the Hearing Panel;
- (e) that there is specific new evidence, which could not reasonably have been discovered prior to the hearing and which likely would have changed the outcome of the hearing.

**6.3 Appeal of Sanction.** Either the Presenting Party or the accused Student or both may appeal the sanction imposed by the Hearing Panel on the ground that the sanction is unjust or inappropriate.

**6.4 Notice of Appeal.** A party appealing the decision rendered or sanction imposed by the Hearing Panel must notify the Chair of the University Committee in writing not later than ten (10) business days after the written findings of fact and conclusions are sent to the party appealing. The Notice of Appeal should set forth the specific ground or grounds of the appeal. Copies of any Notice of Appeal shall be sent to the Presenting Party or the accused Student (whichever did not file the notice of appeal), the Dean, the University Office of Student Development, the School of Law Registrar's Office, and the Instructor in the affected Academic Program.

**6.5 Access to Record.** Upon receiving a Notice of Appeal, the Chair of the University Committee promptly shall request from the Chair of the Hearing Panel a copy of the record of hearing, as prepared pursuant to Section 4.11. Upon receiving the record, the Chair of the University Committee shall notify the Presenting Party and the accused Student of its availability. Both parties shall have ten (10) business days after notice of the record's availability is sent in which to submit to the Chair of the University Committee any further written argument or information from the record to substantiate or refute the appeal.

**6.6 Consideration of Appeal.** After receiving the Record of Hearing and any written materials provided under Section 6.5, the University Committee shall meet to consider the matter. The University Committee may decide the matter on the written record or may allow the accused Student and the Presenting Party to appear before the University Committee upon reasonable notice. The University Committee promptly shall issue a written opinion either

- (a) affirming the decision of the Hearing Panel;
- (b) remanding the matter to the Hearing Panel with a clear statement of specific reasons for requiring further consideration of the merits, the sanction, or both;
- (c) reversing or modifying the decision of the Hearing Panel as to the merits, the sanction, or both. (The University Committee also may, for example, affirm a matter in part, such as by affirming a finding of a violation, and remand in part, such as for reconsideration of sanction.)

The Chair of the University Committee shall send copies of the written opinion to the Instructor of the affected Academic Program, the Dean, and the University Office of Student Development. The Dean shall notify the Chair of the Hearing Panel and, if the matter is remanded, shall instruct the Chair to reconvene the Hearing Panel for any further proceedings that may be required.

## **SECTION 7. PUBLIC NOTIFICATION OF DISPOSITION.**

The Dean shall compile the Hearing Panel reports, as required by Section 4.11, not less than annually. The Chair of the Honor Council shall publish these reports to Students and faculty within the School of Law by public posting, distribution, or other appropriate means. The report shall not contain any information that would identify the parties or witnesses to the proceedings.

## **SECTION 8. EFFECTIVE DATE.**

These Procedures as amended on May 4, 2010, take effect on August 19, 2010, and apply to all matters reported on or after August 19, 2010. The amended procedures also apply to any matters pending on that date unless, in the opinion of the Dean, the former procedures should apply in a particular case in the interest of fairness or because it would not be feasible to apply the amended procedures to the matter already pending.

## D. PROVISIONS ON ARREST REPORTING

With the adoption of the School of Law Honor Code in August 2010 and the South Carolina Supreme Court's new requirement that the School of Law certify a graduate's fitness for admission to practice, a law student who is **arrested for, charged with, or convicted of (including entry of a plea other than not guilty) any offense other than a minor traffic violation for which a fine of \$100 or less was imposed** must report that information to the School of Law. This process replaces the prior obligation to report an arrest to the University's Office of Student Judicial Programs, although the School of Law will notify OSJP when a law student is arrested, as required by University policy.

Relevant provisions from the Honor Code are as follows:

### PREAMBLE

The preparation of Students for service in the legal profession requires not only academic rigor, but also adherence to the high standards of personal character and integrity expected of attorneys.

### SECTION 1. GENERAL APPLICABILITY.

The following rules govern the conduct of all Students at the School of Law. Former Students of the School of Law remain subject to this Code for violations committed while a Student.

### SECTION 2. PROHIBITIONS .

#### 2.3 A Student shall not commit any criminal act.

For purposes of this rule, a criminal act is one that reflects adversely on a Student's honesty, trustworthiness, or fitness for admission to the practice of law. This rule will be interpreted in accordance with the Model Rules of Professional Conduct § 8.4 (2008).

Any criminal act that reflects adversely on the Student's honesty, trustworthiness, or fitness for admission to the practice of law and which occurs during the time that a Student is subject to this Code is a violation of this rule, regardless of where the conduct occurs. A conviction or plea of guilty in a criminal matter is conclusive proof that the Student committed the act that is the subject of that conviction or plea. The absence of a criminal conviction does not preclude a finding that a criminal act occurred for purposes of this rule.

In addition, as of August 2010, the Office of Bar Admissions of the Supreme Court of South Carolina adopted a requirement, already existing in many other jurisdictions, that applicants for admission to the Bar must obtain a character and fitness certificate from their law school. Questions relating to discipline include the following:

From the records in your office, including the applicant's law school application, and from your personal knowledge, [indicate if the applicant has ever been]:

- accused of a violation of the honor code or student conduct code, placed on academic or disciplinary probation, suspended, expelled, requested to withdraw, or otherwise subjected to discipline for academic or personal conduct reasons by any educational institution?
- a party to legal or administrative proceedings?

- charged with, arrested for, or convicted of any traffic or criminal offense?
- accused of a violation of trust?

If you are arrested for, charged with, or convicted of an offense other than a minor traffic violation, you must report that fact to Susan Palmer, Associate Dean for Student Affairs, within 72 hours of the event. You may notify Dean Palmer in person, by e-mail, or by phone. If Dean Palmer is not available, you may see Dean Holley-Walker. You will be asked to complete a short form giving relevant information including the date, location, nature of the charge, jurisdiction, a summary of the circumstances leading to the event reported, and the anticipated timetable for disposition, if known. If the matter has not been finally resolved at the time of your initial report, you will also have a continuing obligation to notify the Law School when the matter is resolved.

**Contact information:**

Susan Palmer, Associate Dean for Student Affairs  
Room 105a, School of Law  
803.777.6843  
[spalmer@law.sc.edu](mailto:spalmer@law.sc.edu)

Danielle Holley-Walker, Associate Dean for Academic Affairs  
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