THE STUDENT CODE OF PROFESSIONAL CONDUCT
(Adopted April 19, 2017)

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1. INTRODUCTION

A. Preamble
Students of Texas Tech University School of Law are expected to maintain the highest ideals of academic and social conduct. The purpose of the Student Code of Professional Conduct is to ensure students maintain high standards of professionalism in all local, state, national, and international communities, interact with School of Law students, faculty, staff, and community with the utmost respect, and represent the School of Law in a dignified manner. This Code also serves a pedagogical purpose, connecting law-student behavioral expectations to professional behavioral expectations for lawyers and legal professionals.

It is important students understand what will be expected of them when they become lawyers. The Rules of Professional Conduct, published by each state’s respective bar, describes these expectations. This Code is intended to parallel the expectations and professional behavior of a practicing attorney.

B. Scope
The Student Code of Professional Conduct applies to all students admitted to Texas Tech University School of Law. Students are responsible for their conduct at the law school and the University; they also will be responsible for their off-campus and virtual and online conduct when the law school’s programs, activities, or reputation, the student’s ability to practice law, or the professional well-being of other School of Law students, faculty, or staff are implicated.

This Code applies as well to the actions of law school student organizations. References to students in this Code include student organizations.

This Code governs conduct at all times — from submission of an application for admission through graduation. An investigation may arise regarding a graduate when the conduct in question occurred before graduation. If a Student Code of Professional Conduct matter is pending when a student is scheduled to graduate, the student’s degree may be withheld at least until the matter is resolved.

C. Relation to the Honor Code & University Code of Student Conduct
The Student Code of Professional Conduct and the Honor Code are two of the three codes that govern the conduct of law students at Texas Tech University. The third is the Texas Tech University Code of Student Conduct, which can be found in the University Student Handbook. Law students are held to standards different from those of other students at the University because they intend to enter a profession that has its own stated expectations of character and ethical behavior.

The Honor Code and the Student Code of Professional Conduct set out guidelines and expectations for appropriate behavior and professional decorum; the Honor Code primarily governs academic matters while this Code governs primarily non-academic matters. The faculty Honor Code Investigator and the Honor Council typically resolve matters relating to the Honor
Code, while the Dean’s Delegate (typically the Associate Dean of Student Life) most often resolves matters involving the Student Code of Professional Conduct.

The School of Law partners with the University in attempting to provide a disciplinary process to law students that addresses problem behavior fairly and respectfully. This Code typically will govern the conduct of law students in cases where the Student Code of Professional Conduct and the University Code of Student Conduct might apply concurrently. The Dean will confer as necessary with appropriate University officials when questions arise concerning whether this Code, the University Code of Student Conduct, or both should apply.

2. PROFESSIONAL CONDUCT VIOLATIONS

Lawyers are held to high standards of personal and professional behavior. As such, law students are expected to conduct themselves in a manner that is professional, dignified, and respectful, befitting the requirements of good character and fitness to practice law. When a student applies for admission to the Bar, the Dean (or designee) must certify that student’s good character and fitness. The following non-exhaustive list provides illustrations of conduct that may violate this Code.

A. Policy Violations
A student who violates any other School of Law or Texas Tech University published policies, rules, or regulations may violate this Code.

B. Legal Violations
A student who violates or is convicted of any federal, state, local law, ordinance, or regulation may violate this Code. Prosecution for criminal acts on or off campus will not preclude action by the School of Law if such acts also violate this Code.

C. Disruptive Conduct
A student who engages in conduct that disrupts the normal operation or educational mission of the School of Law, its students, faculty, staff, or guests may violate this Code. Normal operations include, but are not limited to, studying, teaching, research, disciplinary procedures, or fire, police, or emergency services.

D. Harmful or Threatening Behavior
A student may violate this Code by engaging in conduct that harms, threatens, or endangers the physical or emotional health or safety of self and others, including but not limited to:

1. **Assault**: causing physical harm to another individual. Causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative.
2. **Harassment**: engaging in behavior that is sufficiently severe, pervasive or persistent as to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the School of Law;

3. **Bullying or cyberbullying**: engaging in repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally.

**E. False Reports**
A student may violate this Code by making a false report against a member of the School of Law community alleging a violation of this Code, local, state, or federal law.

**F. Failure to Comply with Official Requests**
A student may violate this Code by failing to comply with requests or directives of School of Law officials acting within the scope of their duties.

**G. Violation of Professional Duties**
A student may violate this Code by failing to uphold professional or fiduciary obligations including, but not limited to, performance related to clinical programs, student-bar association activities, leadership in student organizations, maintenance of financial records, and pro bono activities.

**H. Failure to Comply with Official Sanctions or Directives**
A student may violate this Code by failing to comply with the sanctions or directives issued by the Dean, the Honor Council, the Honor Code Investigator, the Dean's Delegate, or another official of the School of Law or Texas Tech University.

**I. Financial Default**
A student may violate this Code by defaulting on any financial obligations to the School of Law or Texas Tech University without making payment arrangements in a timely manner.

**J. Repeated Unprofessional Conduct**
A student may violate this Code by engaging in repeated incidents of unprofessional behavior. While one event alone may not constitute a violation, repeated incidents may rise to the level of a violation of this Code when the behavior raises a question about a student’s character and fitness.

**K. Other Unprofessional Conduct**
A student may violate this Code by engaging in other unprofessional conduct including, but not limited to, using obscenities or using degrading, abusive, or offensive language or gestures, except when discussing such matters from an academic perspective. This Code parallels what is expected of law students once they become practicing attorneys.
3. PROCESS

A. General Provisions
Proceedings under this Code are intended to be part of a non-adversarial process to resolve matters relating to a student's conduct or professionalism. As such, a student or organization cannot be represented by an attorney or other person at the educational conference or any other proceeding under this Code. A student or organization is free to retain counsel who can be present at a proceeding, but who cannot participate in the proceeding. The student or representatives of the organization, however, can confer with counsel outside the conference room or other proceeding. A member of the Texas Tech University faculty, staff, or student body cannot serve as counsel for any student or organization during any process under this Code.

B. Referral & Determination to Investigate

1. Referral. Students, as well as other members of the law school and University communities, may consult with the Dean’s Delegate about a possible violation of this Code.

2. Determination to Investigate. During or following the referral consultation, the Dean’s Delegate may informally contact the student or organization to ascertain whether an investigation is necessary to determine if probable cause exists to believe that a student or organization has violated this Code.

If the Dean's Delegate determines that no investigation is necessary, the matter will be closed, and the Delegate shall prepare a report for the Dean of this determination. The Delegate shall send a copy of the report to the student or organization (including the organization’s faculty advisor). The person consulting with the Dean’s Delegate may request review by the Dean of the determination not to investigate. If the Dean deems it appropriate, the Dean's Delegate will conduct an investigation as described below.

If the Dean's Delegate determines that an investigation is necessary, the Delegate shall commence the investigation as promptly as the circumstances permit. The Delegate shall give written notice of the investigation to the subject student or organization (including the organization’s faculty advisor). The notice shall include a brief statement of the nature of the matter together with a brief summary of the procedures under this Code. Notice ordinarily shall be given prior to commencing the investigation, but may be given after commencement of the investigation if, in the Delegate’s opinion, exigent circumstances exist.

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C. Interim and Other Administrative Actions
At any time after receiving a referral, the Dean’s Delegate may take any of the following interim and administrative actions.

1. **Interim Action.** If the Dean's Delegate believes that exigent circumstances exist, the Delegate may take interim action while the process under this Code is pending. In the case of a student, exigent circumstances include evidence that the student (i) represents a threat of serious harm to himself or herself, to others, to the property of others, or to the normal operations of the School of Law; or (ii) faces allegations of a serious criminal activity.

   In the case of a student, interim action may include restrictions placed on the student or separation of the student from the law school community. In the case of an organization, interim action may include the suspension of an organization’s activities. Interim action is not a sanction. Instead, it is an effort to protect the safety and well-being of the student involved and the School of Law community.

   If circumstances permit, the Delegate will provide written notice to the student or organization of the decision to impose an interim action. Otherwise, the Delegate will communicate the decision orally to be followed by written notice. The interim action will be effective immediately, and will remain in effect until a final determination has been made or until the Delegate determines that the reasons for imposing the interim action no longer exist. Failing to comply with interim action restrictions may result in an additional violation of this Code.

   A student or an organization subjected to interim action may seek review of the action by the Dean. If the Dean determines that the circumstances of the matter do not require interim action, the Dean's Delegate will remove the restrictions placed on the student or organization.

2. **Referral to Honor Code Investigator.** The Dean's Delegate may consult with the Honor Code Investigator to determine whether the matter should proceed under this Code, the Honor Code, or both. The Honor Code typically will be selected to resolve cases in which an academic issue dominates, and this Code typically will be selected to resolve cases in which an issue of professional behavior dominates. If the Delegate and the Investigator do not agree, they shall consult with the Dean (or the Dean’s designee for this purpose), and the Dean will decide.

   If the determination is that the matter should proceed under the Honor Code, whether in lieu of or in conjunction with a proceeding under this Code, the Investigator will proceed with the referred matter in accordance with the provisions of the Honor Code.

3. **Special Appointment for Professional Conduct.** If the Dean's Delegate does not have a J.D. and determines that the matter involves primarily an issue relating to professionalism, the Delegate shall consult with the Dean (or the Dean’s designee for this
purpose), and the Dean may appoint a person with a J.D., who shall be a faculty or staff member, to act in the place of the Delegate. In such instance, the Delegate will serve as a resource to the appointee and may assist in the conduct of any educational conference, but the appointee will make all determinations allocated to the Delegate under this Code, including whether a violation has occurred, and, if so, recommending one or more sanctions to the Dean.

4. **Special Appointment for Possible Serious Sanctions.** If the Dean's Delegate believes at any time that the matter appears serious enough that a determination of a violation may result in a recommendation of suspension or expulsion, the Delegate shall consult with the Dean (or the Dean’s designee for this purpose) and the Dean may appoint an Advisory Committee to act in the place of the Delegate. The Advisory Committee will consist of two faculty members and one student. If an Advisory Committee is appointed, the Delegate will serve as a resource to the Committee and may assist in the conduct of any educational conference, but the Committee will make all determinations allocated to the Delegate under this Code, including whether a violation has occurred, and, if so, recommending one or more sanctions to the Dean.

**D. Investigation & Probable Cause Determination**
Following a determination to investigate under Part 3.B., the Dean’s Delegate will conduct a factual investigation of the alleged conduct to determine whether probable cause exists to believe that a violation of this Code has occurred. The Delegate may, among other things, contact students and others about their alleged involvement, send an email message to the student body requesting individuals with information to come forward, or communicate with professors who have information regarding the allegations. Students have a duty to cooperate during the investigation process. Students also have an obligation to respond in a timely manner to communications related to the investigation. During the investigation process, the Delegate will act with the utmost care to keep the identity of the involved students confidential.

If the Delegate determines after an investigation that no probable cause exists to believe that a violation of this Code has occurred, the Delegate will prepare a memorandum to that effect for the Dean and dismiss the matter. The Delegate shall send a copy of the memorandum to the student or organization (including the organization’s faculty advisor).

If the Dean's Delegate determines instead that probable cause exists to believe that the student or organization violated this Code, the Delegate will hold an educational conference with the student or organization, as described in Part 3.E.

**E. Educational Conference & Determination of Violation**

1. **Notice & Nature of Conference.** Following a determination of probable cause, the Dean’s Delegate shall give written notice to the student or organization (including the organization’s faculty advisor) and schedule a time for an educational conference. During the educational conference, the Delegate and the student or the organization’s representatives will discuss the relevant sections of this Code and the nature of the conduct that is the basis for the violation. The Dean’s Delegate will summarize the
information gathered during his or her investigation and give the student or organization a reasonable opportunity to respond.

2. **Further Investigation or Conferences.** Following the response, the Delegate may determine that further investigation or educational conferences or both would be appropriate. In that instance, the Delegate shall conduct such further investigation and schedule such further conferences as the Delegate deems necessary.

3. **Evidentiary Standard & Culpability.** If the Delegate determines that no further investigation is necessary, or following such further investigation and conferences as the Delegate deems necessary, the Delegate shall determine whether it is more likely than not that a violation has occurred. The Delegate may find a violation based on a student's intentional, knowing, reckless, or negligent act.

4. **Determination.** If the Delegate determines that it is more likely than not that no violation occurred, the matter will be closed and the Delegate will advise the student or the organization (including the organization’s faculty advisor) in writing of this determination. The Delegate shall prepare a report for the Dean of the findings and the determination of no violation as provided in Part 6., and shall forward a copy of the report to the student or organization (including the organization’s faculty advisor).

   If the Delegate determines that it is more likely than not that the student violated this Code, and after taking into account any mitigating or aggravating factors as provided in Part 3.G., the Delegate will recommend the sanction or sanctions the Delegate deems appropriate as provided in Part 4. The Delegate will advise the student or the organization (including the organization’s faculty advisor) in writing of this determination and the recommended sanctions. The Delegate shall prepare a report for the Dean of the findings, the determination of a violation, and any recommended sanctions as provided in Part 6., and shall forward a copy of the report to the student or organization (including the organization’s faculty advisor).

**F. Failure to Appear**
A student or an organization that fails to attend an educational conference will forfeit the right to respond, absent some extenuating circumstance. If the student or organization fails to attend or fails to respond to requests to participate, the Dean’s Delegate may proceed to recommend a sanction.

**G. Mitigating or Aggravating Factors**
The Dean’s Delegate may consider mitigating or aggravating factors in recommending sanctions. The following non-exhaustive list provides examples of such factors.

1. **Pre-referral admission:** When a student or organization voluntarily admits misconduct to the Dean’s Delegate before learning that someone has referred the matter or is about to refer the matter, the Dean’s Delegate may consider the admission as a mitigating factor.
2. **Other admissions**: An admission after a referral has been made may still have some mitigating value. However, a post-referral admission is not as strong a mitigating factor as pre-referral admission.

3. **Cooperation**: The Dean’s Delegate may consider how cooperative the student or organization was during the process. This includes, but is not limited to, whether the student or organization responded timely and respectfully to inquiries and requests for meetings, provided requested information, and dealt honestly with the Dean’s Delegate and those involved with the process.

4. **Intent/discriminatory motive**: The Dean’s Delegate may consider intent when recommending sanctions. A violation of this Code that is malicious, willful, intentional, reckless, or grossly negligent may be an aggravating factor. However, where conduct may be considered merely negligent, accidental, or careless, the sanction may be less severe. If a student or organization has violated this Code and also directed the conduct intentionally toward a person or group because of race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, gender expression, gender identity, status as a protected veteran, marital, or parental status of the targeted group or person, the Dean’s Delegate may find the discriminatory motive to be an aggravating factor in recommending sanctions.

5. **Degree of harm or seriousness of offense**: The degree of harm to others and the seriousness of the violation are relevant factors in recommending sanctions.

6. **Prior violations**: The Dean’s Delegate may consider prior violations of the Honor Code or this Code as aggravating factors.

7. **Willingness to make restitution**: The Dean’s delegate may consider a student’s or organization’s willingness to make restitution. Restitution may include compensation for loss, damage, or injury; in the form of appropriate service or monetary or material replacement.

### 4. SANCTIONS

For any violation of this Code, the Dean’s Delegate may recommend to the Dean one or more sanctions that the Delegate considers appropriate. The following list of options is not exhaustive. All sanctions imposed will be included in the student's file.

1. Written reprimand.
2. Letter of apology or explanation of conduct.
3. Restorative sanctions including, but not limited to, a reflective paper, community service, or counseling.
4. Disciplinary probation, which is a prescribed period during which conditions imposed as sanctions must be met or during which time the student’s conduct will be subject to review.

5. Sanctions for student groups may include any of the above for individuals of the group. In addition, the School of Law may suspend the group’s recognition, funding, or both.

6. Suspension from the School of Law for one or more semesters.

7. Expulsion from the School of Law.

Typically, only an Advisory Committee, acting in the place of the Dean’s Delegate as described in Part 3.C.4 above, would recommend the sanctions of suspension and expulsion.

5. REVIEW

If the student consents to the sanctions to be imposed, the Dean shall impose the recommended sanction(s) and send written notice to the Dean's Delegate. The Delegate shall forward a copy of the notice to the student or organization (including the organization's faculty advisor) and to any other necessary persons.

If the student does not consent, the student may request in writing a review by the Dean, asking that the sanction or sanctions be reduced or vacated. The student must include reasons for the request and must submit it to the Dean no later than 30 calendar days from the date of the Delegate’s report to the Dean and the student. The Dean may impose, modify, or vacate any sanction recommended, but may not increase the severity of a sanction. The Dean will notify the Dean's Delegate of his or her decision, and the Delegate will then notify the student and any other necessary persons.

There is no further right to appeal or review within the University.

6. RECORD KEEPING AND REPORTING

The Dean’s Delegate will record the findings, determination, and sanction(s) and will ensure that the record is filed in the student’s permanent file.

The School of Law will report all investigations of alleged violations to the extent required by the Texas Board of Law Examiners (BLE) or similar authorities in other states, regardless of whether violations of this Code were found. Students found to have violated the Student Code of Professional Conduct will likely face formal hearings before the BLE or similar authorities in other states to determine the students' character and fitness to practice law.