

Article 10. Plea Agreements

10.01

At any point following the preliminary investigation and the recommendation of the Subcommittee, the Hearing Panel shall be empowered to enter into a plea agreement with the accused student on behalf of the SC Committee.

10.02

As a condition of any plea agreement, the accused student must unequivocally admit and accept responsibility for the misconduct as stated within the plea agreement and consent to the sanction imposed by the SC Committee.

10.03

Before entering into a plea agreement, the Hearing Panel, by a simple majority of the voting members, must determine that: (a) sufficient evidence exists to demonstrate that the accused student committed misconduct constituting a violation of the SCC; (b) that the sanction imposed by the plea agreement is appropriate; and (c) that the plea agreement is acceptable.

10.04

The plea agreement must expressly warn the accused student that he/she may seek legal counsel prior to executing the agreement, subject to the caveats set forth in Article 6.12 of this SCC. Nothing within this provision, however, should be construed to indicate that the School of Law or any of its agents or employees either is responsible for securing, providing, or recommending specific legal counsel or is encouraged to do so.

10.05

The plea agreement shall expressly warn the accused student that execution of the agreement will constitute a waiver of the right to appeal any alleged procedural error in the disciplinary proceedings, whether known or unknown at the time of execution, pursuant to Article 9 of the SCC.

10.06

The plea agreement shall be written and signed by the accused student and the Assistant Dean of Student and Career Services. The Assistant Dean of Student and Career Services shall not sign the agreement without the approval of a simple majority of the voting members of the Hearing Panel.

10.07

The Hearing Panel, in its sole discretion, may reduce, alter, and/or amend the allegations of misconduct against the accused student within the plea agreement, so long as said amendments do not increase the level of accused sanction to which the student has agreed without notice to the accused student and an opportunity for the accused student to withdraw acquiescence to the agreement. Furthermore, the Hearing Panel, in its sole discretion, may consider the plea as a mitigating factor for purposes of imposing its sanctions within the plea agreement. However, nothing within this section shall be construed to provide the accused student with a right to an exercise of such discretion.

10.08

Once a plea agreement is properly executed in compliance with this rule, the matter shall be terminated, and notwithstanding any errors that may have occurred during the preliminary investigation or any other portion of the disciplinary proceedings, whether known or unknown at the time of execution, no right to appeal shall be preserved regardless of the alleged error's severity, type, potential for repetition, or import.

10.09

Notwithstanding the termination of a matter pursuant to Article 10.08, the SC Committee shall maintain jurisdiction over the matter until such time as the imposed sanctions are fully completed. Furthermore, the right, ability, and jurisdiction of the SC Committee to impose further sanctions for the student's failure to fully comply with the sanctions shall be preserved until all of the sanctions imposed within the plea agreement are completed, as more specifically stated in Articles 8.05 and 8.06 of this SCC.

10.10

For purposes of any vote pursuant to this rule, each member of the Hearing Panel, regardless of rank, shall have one vote.

10.11

In the event the Assistant Dean of Student and Career Services is unavailable to sign the plea agreement, the Chair shall sign the plea agreement. In the event neither the Assistant Dean of Student and Career Services nor the Chair is available to sign the plea agreement, the Dean shall appoint an acting Chair to sign the plea agreement from among the remaining SC Committee members who comprise the Hearing Panel.