

**ST. THOMAS UNIVERSITY
SCHOOL OF LAW**



HONOR CODE

TABLE OF CONTENTS

PREAMBLE..... 1

ARTICLE I. GENERAL MATTERS. 1

Section

1.01 Jurisdiction. 1

1.02 Knowledge of Authorities. 1

1.03 Scope. 1

1.04 Time Limits..... 1

1.05 Notice. 2

1.06 Adherence..... 2

1.07 Confidentiality..... 2

ARTICLE II. VIOLATIONS. 2

Section

2.01 Academic Misconduct Violations. 2

2.02 Code Enforcement Violations. 4

2.03 Duty to Comply. 4

2.04 Duty to Report. 4

2.05 Attempt; Aiding and Abetting; Conspiracy. 4

2.06 Imposition of Sanctions. 4

ARTICLE III. HONOR COUNCIL & PROCEDURES..... 5

Section

3.01 Honor Council. 5

3.02 Formation of Honor Council..... 5

3.03 Complaint. 5

3.04 Hearing. 6

3.05 Sanctions..... 7

ARTICLE IV. APPEALS..... 7

Section

4.01 Right to Appeal..... 7

4.02 Time to Appeal. 8

4.03 Review..... 8

ARTICLE V. EFFECTIVE DATE. 8

PREAMBLE

The legal profession is responsible for enforcing its own standard of conduct. A lawyer's conduct shall exemplify the highest of ethical standards. Accordingly, each student who joins the St. Thomas University School of Law community agrees to adopt a commitment to academic integrity, trust, and respect in adhering to the principles of self-regulation and high ethical behavior reflected in the following Honor Code.

ARTICLE I. GENERAL MATTERS.

Section 1.01. Jurisdiction.

Any alleged Code violation will be heard and determined as provided herein.

Section 1.02. Knowledge of Authorities.

Students are presumed to know the provisions of the Code, the policies and rules of St. Thomas University and the Law School, and the policies and rules of courses in which the students are enrolled.

Section 1.03. Scope.

(A) **Relationship with Criminal and Civil Law.** The Code operates concurrently with processes of criminal and civil law. The Law School may within its discretion postpone Code processes pending the outcome of criminal proceedings. A student must disclose to the Assistant Dean for Student Affairs any accusation of a violation of the law, or any charge, arrest, or conviction of the law that arises after submitting an admissions application. Disclosure must be within thirty days of the earlier of the accusation, charge, arrest, conviction. A student has a continuing responsibility to insure that the admissions application is complete and correct.

(B) **Relationship with Administration Powers.** The Code governs only matters within its substantive scope. The Law School Administration may within its discretion respond to any misconduct, such as non-academic misconduct, not within the Code's scope. Some misconduct not involving academic dishonesty may render a student potentially unfit for continuation at the Law School and to enter the legal profession. Those matters may be concurrently or divergently addressed by both the Administration and the Honor Council. The Administration may act to preserve the safety and security of any person or property, even when a matter falls within the Code's substantive scope, regardless of whether Code processes are initiated.

(C) **Relationship with Faculty Powers.** Academic freedom of the faculty shall not be restricted, even when a matter falls within the Code's substantive scope, regardless of whether Code processes are initiated. The Honor Council may within its discretion defer to a course professor an academic assessment pending a decision.

Section 1.04. Time Limits.

An accused may agree to extend or waive any procedural time limit. Extension of time does not relieve the accused of responsibility for Code violations.

Section 1.05. Notice.

When the Code calls for notice to a student, it shall be sufficient to deliver notice in person or via electronic mail to the student's St. Thomas University account.

Section 1.06. Adherence.

The Code is designed to anticipate irregular and exceptional circumstances. Nevertheless, anticipation of all eventualities is impossible. When strict adherence to Code procedures is impossible or impracticable, it shall be sufficient that persons charged with responsibilities under the Code act reasonably and consistently with the Code's spirit and intent so as to achieve justice while also preserving the rights of all persons involved.

Section 1.07. Confidentiality.

The confidentiality of all Honor Code processes, including any records or materials obtained, shall be indefinitely maintained, except as required by law, requirements of state bar associations, or other licensing authorities.

ARTICLE II. VIOLATIONS.

Section 2.01. Academic Misconduct Violations.

Academic misconduct includes the curricular and extracurricular, regardless of whether academic credit is awarded. It shall be a Code violation for a student to commit any of the following acts or omissions. The acts or omissions and examples provided below are offered merely to illustrate the types of obligations imposed and not meant to be exhaustive.

(A) Cheating.

- (1) To give or secure any information about an examination or other academic assignment except as authorized by the course professor.
- (2) To use, if prohibited by the course professor, any book, notes, other person's work, or materials for an examination or academic assignment.
- (3) To fail to follow all instructions concerning examination administration, regardless of whether such behavior is done intentionally, negligently, or otherwise, including but not limited to writing after time expires, taking an examination or other materials from the testing room, engaging in any form of unauthorized collaboration, and possessing or accessing, or attempting to access any devices or materials not expressly authorized by the course professor.
- (4) To take, conceal, withhold, destroy, damage, or abuse property without authorization when the act deprives a student of property for an academic purpose, or to otherwise impede another student's academic work.
- (5) To copy, consult, or use, for an academic purpose, another student's work or to allow another student to access your work without the authorization of both that student and the course professor.

(B) Plagiarizing. To take the written work of another and pass it off as one's own for an academic purpose. The following are examples but not an exhaustive list:

- (1) Misappropriation: use of someone else's work, words, thoughts or ideas without unambiguous acknowledgement.

- (2) Multiple submissions: A student shall not submit work which was submitted in compliance with requisites for another class or program at this or any academic institution without permission of the course professor. This provision shall also apply to work submitted for law school credit which was previously completed in satisfaction of non-academic work requirements.
- (3) Unauthorized collaboration: A student shall not submit or allow another student to submit work, including writing samples, produced in collaboration with another without permission of the course professor. This includes collaboration with respect to substantive content, as well as the writing style, grammar, proofreading or citation form.

(C) Misconduct Involving Library Materials. A student shall not:

- (1) Tear, deface, destroy or otherwise dispose of materials or equipment.
- (2) Disrupt others with respect to use of materials, equipment, or resources.
- (3) Remove materials without complying with established library procedures.
- (4) Engage in conduct that unreasonably interferes with others' use of materials, equipment, or resources or that violates a library rule.

(D) Misrepresentation.

- (1) To misrepresent a material fact with respect to any academic requirement.
- (2) To represent work of another as one's own or one's own work as work of another; to allow another student to represent your work as his or her work; to represent oneself as another; or to procure representation of another as oneself.
- (3) To misrepresent attendance in class, either of oneself or of another.
- (4) To misrepresent, including a failure to disclose, any material fact concerning qualification for admission to the Law School or its programs.

(E) Other Offenses.

- (1) To create any material and substantial disruption of the Law School academic environment.
- (2) To violate any rule of professional conduct when a student is enrolled in a clinical program conducted by the Law School.
- (3) To, recklessly or intentionally, furnish false or misleading information, or to withhold material information, on any Law School or other government document, or on any document intended to secure employment, admission to an academic program, or similar opportunity.
- (4) To use network or computer access inappropriately, in a way that affects a class or other student's academic work. Non-exhaustive examples include tampering with another student's account, stealing a student's work through electronic means, or knowingly spreading a computer virus.
- (5) To appear in a Law School academic environment, any Law School sponsored event or any event where the student is acting as a representative of the Law School, while noticeably under influence of alcohol or other intoxicants.
- (6) To violate any [University or Law School] policy, procedure, rule or regulation.

(F) General Unfitness. Any act which reflects adversely upon a student's fitness to practice law, or endangers or discredits the Law School community, including but not limited to,

acts involving violence, dishonesty, criminal conduct, breach of trust, or unprofessional conduct, or acts that interfere with the administration of justice or Law School policy.

(G) Serious Risk.

- (1) A student who in the Dean of the Law School's discretion poses a risk of serious harm to the Law School community or violates an order designed to protect safety of others shall be immediately expelled.
- (2) A student who is arrested for a felony or misdemeanor or who failed to disclose in his or her Law School application an arrest for a felony or misdemeanor that in the Dean's discretion raises a serious issue of the student's fitness for practice may in the Dean's discretion be immediately suspended.
- (3) A student under (1) or (2) shall be afforded due process under the Code at a later date.

Section 2.02. Code Enforcement Violations.

- (A) To knowingly fail to report another student's violation.
- (B) To knowingly make a false report of another student's violation, to knowingly make a false or materially incomplete report, or to give false or materially incomplete testimony in an investigation or proceeding.
- (C) To falsify, destroy, or place beyond the reach of an officer acting under the Code any documents, testimony, or other evidence material to an investigation or other process.
- (D) To fail, without reasonable excuse, to appear as a witness or testify when called.
- (E) To breach a duty of confidentiality.

Section 2.03. Duty to Comply.

All students shall comply with the Code's provisions.

Section 2.04. Duty to Report.

All students shall report to the Associate Dean for Academic Affairs, Assistant Dean for Student Affairs, or Assistant Dean for Academic Support any incident where known facts indicate a significant likelihood of a Code violation.

Section 2.05. Attempt; Aiding and Abetting; Conspiracy.

It shall be a violation of the Code to attempt to commit any offense; to aid or abet in the commission of any offense; or to participate in a conspiracy to commit or hide any offense.

Section 2.06. Imposition of Sanctions.

- (A) A sanction may be imposed on a probationary or temporary basis.
- (B) In selecting a sanction, any relevant information may be considered, and the following factors shall be considered:
 - (1) Nature and seriousness of harm posed to academic integrity of the Law School.
 - (2) Circumstances of the violation, including aggravating and mitigating factors.
 - (3) Need to uphold and promote respect for the Code and to deter future violations.
 - (4) Reconciliation of the responsible student with the Law School community.
 - (5) Comments of the responsible student relevant to sanction selection.
 - (6) State of mind of the responsible student.

ARTICLE III. HONOR COUNCIL & PROCEDURES.

Section 3.01. Honor Council.

The Honor Council shall consist of seven members: three Law School students, three full-time faculty members, and the Associate Dean for Academic Affairs.

Section 3.02. Formation of the Honor Council.

- (A) **Faculty Representatives.** At conclusion of spring semester, the Law School Administration shall choose three faculty members to serve on the Council during the subsequent summer and academic year. The Associate Dean for Academic Affairs shall be the chairperson. If one or more of the faculty members are unable to participate in disposition of any case, the Dean of the Law School may appoint a substitute faculty member to act with regard to that case.
- (B) **Student Representatives.** During spring semester, the Law School student body shall elect three representatives to serve on the Council during the subsequent summer and academic year. One representative shall be a second-year student and two shall be third-year students. A student must be in good academic standing during candidacy and election, shall maintain good academic standing, and have not been convicted of a Code violation. If one or more of the student members are unable to participate in disposition of any case, the Student Bar Association President may appoint a substitute student member to act with regard to that case.

Section 3.03. Complaint.

- (A) Any member of the Law School community may submit a complaint alleging that a student has violated one or more Code provisions.
- (1) A complaint shall consist of a written statement identifying the name of the accused and nature of the suspected violation.
 - (2) Complaints shall be submitted to the Associate Dean for Academic Affairs, Assistant Dean for Student Affairs, or Assistant Dean for Academic Support.
 - (3) The Council shall not be used to resolve personal conflicts.
- (B) The chairperson shall within seven days [of receipt] review the complaint and determine if the allegations are acceptable for the Council's disposition.
- (1) If the chairperson determines that the complaint is unacceptable, then the complaint shall be dismissed, and the complainant so notified. No negative record shall be made with regard to the complaint.
 - (2) If the chairperson determines that the complaint is acceptable:
 - a. During the school year, then the chairperson shall convene the Council within two weeks from acceptance of the complaint.
 - b. At any time other than during the school year, then the chairperson shall convene the Council within a reasonable time.
- (C) Once convened, the Council shall determine whether it is necessary to appoint one or more Council members to conduct a preliminary investigation. If investigation is necessary, then the Council shall determine the method to be employed and time period for gathering information and reporting to the Council.
- (D) After any investigation and reporting, the Council shall determine whether credible evidence exists to proceed to a hearing. If the Council finds no credible evidence, then

the matter shall be deemed concluded and disposition recorded. If the Council finds credible evidence, then the procedure outlined in § 3.04 shall be followed.

- (E) The Associate Dean for Academic Affairs may invite the accused to informally discuss the allegations with a view to summary disposition. If the accused so requests and the Associate Dean determines that summary disposition is appropriate, the case may proceed, based upon a written acknowledgment by the accused that he or she committed an act in violation of this Code, to the Council's disposition solely of the imposition of sanctions.

Section 3.04. Hearing.

(A) Notice.

- (1) The Council shall notify the accused of a hearing date [and the identity of the Hearing Panel] within 10 business days of the determination to proceed to a hearing.
- (2) The Council may set the hearing at a later date due to the unavailability of witnesses or evidence, or in other extenuating circumstances.
- (3) After the determination to proceed but before the hearing, the Council within its discretion may meet to consider any preliminary matters, including the accused's request to sever parties or to have discreet violations heard separately.
- (4) The accused is entitled to postponement of the proceedings if either:
 - a. Evidence that may clear him or her is not presently available at the hearing and will be available at a later time, within reason, or
 - b. If an emergency situation arises that will not allow the student to participate in the hearing at that time.

- (B) **Hearing Panel.** The Hearing Panel shall consist of the Associate Dean for Academic Affairs and the other Council members.

(C) Challenges.

- (1) The accused may in writing petition for recusal of any Hearing Panel member for good cause.
 - a. The petition must be delivered to the Council within three business days after receipt of the hearing notice.
 - b. If the petition is not delivered within three days, then it will be denied.
- (2) Any Council member may withdraw from the hearing for good cause.
- (3) If a Council member is excused under (1) or (2), then the remaining Council members shall hear the case.

(D) Hearing Procedures.

- (1) The hearing is an inquisitorial, not adversarial, proceeding in which formal rules of evidence are inapplicable. The Hearing Panel decides what documentary evidence to request, what witnesses to call, and what questions to present. The chairperson has the final authority over all evidentiary and scheduling matters.
- (2) The accused shall have the right to have any one personal representative, including a family member, student, friend, or retained counsel, attend but not participate in the hearing. Faculty members shall not serve as a representative. The Council may call witnesses, request evidence, or ask questions.
- (3) The accused shall have only the following rights at the hearing:
 - a. To be present during all testimony and to request further questions at the conclusion of the testimony.

- b. To request witnesses. The chairperson may require an offer of proof and decide to exclude the testimony, in whole or in part, of a witness if considered to be irrelevant, duplicative, or otherwise unnecessary.
 - c. To make an opening and closing statement.
 - d. To refuse to answer any incriminating question.
 - e. To testify and submit materials believed to be relevant.
- (4) All proceedings and hearings are closed.
 - (5) The accused's unreasonable failure to appear at the hearing shall entitle the Hearing Panel to render a decision against the accused.
- (E) Adjudication.**
- (1) At conclusion of the hearing, the Council shall deliberate in secret.
 - (2) If a majority of the Council finds by clear and convincing evidence that the accused committed acts violating the Code, the accused shall be found guilty.
 - (3) If the Council finds that the accused is guilty, an appropriate sanction shall be determined by a majority vote.
 - (4) The Council shall notify the accused of the disposition within a reasonable time.
 - (5) All information regarding identity of the accused shall remain confidential.

Section 3.05. Sanctions.

Upon a finding of guilt under the Code, specific sanctions may include but are not limited to one or more of the following:

- (A) Revocation of degree.
- (B) Expulsion.
- (C) Suspension.
- (D) Disciplinary probation.
- (E) Public or private written reprimand.
 - (1) Written reprimand may become a temporary or permanent part of the student's academic file, to be included with any transcript.
 - (2) Notice to be publicly posted indicating the nature of the violation and a warning that future, similar conduct may warrant a more serious sanction.
- (F) Denial of course credit.
- (G) Involuntary withdrawal from a course.
- (H) Downward disciplinary grade adjustment for an assignment or course.
- (I) Dismissal or suspension from participation in a Law School activity.
- (J) Restriction of library or other Law School privileges.
- (K) Service to the Law School or the community.
- (L) Restitution to the Law School or other appropriate entity.
- (M) Public discussion, only if the accused consents in writing.
- (N) Any other reasonable sanction not included in this list.

ARTICLE IV. APPEALS.

Section 4.01. Right to Appeal.

The accused shall have the right to appeal in writing the Council's finding of guilt, the sanctions imposed, or both, to the Dean of the Law School. The appeal shall indicate the reasons for appeal.

Section 4.02. Time to Appeal.

Appeal of the Council's decision or sanctions shall be made to the Dean within 10 business days of the Council's disposition notice. Should the accused require additional time, a request for such must be made within the same two-week period. The Dean may within his or her discretion grant additional time.

Section 4.03. Review.

With respect to sanctions, the Dean may within his or her discretion alter the penalty by either ameliorating or making more severe the punishment imposed. The Dean's decision is final.

ARTICLE V. EFFECTIVE DATE.

This Code supersedes all previous codes of student conduct promulgated by the Law School, shall become effective [when approved by majority vote of the full-time faculty] at the commencement of the Fall 2012 semester, and may be amended at any time in the same manner as ratified.

[Approved by the Faculty of St. Thomas University School of Law, greater than 2/3 votes on September 18, 2012.]