

ST. THOMAS UNIVERSITY SCHOOL OF LAW



HONOR CODE

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PREAMBLE

The legal profession is responsible for enforcing its own standard of conduct. A lawyer's conduct shall exemplify the highest ethical standards. Accordingly, each student who joins the St. Thomas University School of Law ("Law School") 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 Honor "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, or conviction. A student has a continuing responsibility to ensure the admissions application is complete and correct.
- (B) **Relationship with Administration Powers.** The Law School Administration may within its discretion respond to any misconduct. 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 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 by the Office of the Associate Dean, except as required by law, requirements of state bar associations, or other licensing authorities. Confidentiality may be waived by the accused and/or as part of a sanction imposed under section 305.

ARTICLE II. VIOLATIONS.

Section 2.01. Academic Misconduct Violations.

Academic misconduct includes both curricular and extracurricular conduct, 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 or possess, 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 person's work or to allow another student to access your work without the authorization of both that student and the course professor.
- (6) To consult with, or seek guidance or feedback from, any person with regard to any assignment or examination, unless such collaboration is expressly allowed by the professor.
- (7) To solicit any other student or person to provide unauthorized assistance with regard to any assignment or examination.

- (1) **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 previously submitted in compliance with requisites for another class or program at this or any academic institution without permission of the course professor. This provision also shall apply to work submitted for law school credit that was completed previously 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 person 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.
- (2) **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.

(B) 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.

(C) 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 or *pro bono* 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 document, including the law school application, 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 at the Law School or University, at any Law School or University sponsored event, or any event in which the student is acting as a representative

- of the Law School or University, while noticeably under the influence of alcohol, other intoxicants or substances.
- (6) To violate any [University or Law School] policy, procedure, rule, or regulation.
- (1) **General Unfitness.** Any act, or failure to act, whether on campus or elsewhere and whether directed towards members of the legal community, the general public or members of the Law School and University community:
- (2) that reflects adversely upon a student's fitness to practice law, or endangers any member of the public and/or any member of the Law School or University community, including but not limited to, acts involving violence, threats of violence, bullying or intimidation, criminal conduct (of any kind), or any other unprofessional conduct that interferes with the administration of justice or University or Law School policy.
- (3) that reflects adversely upon a student's fitness to practice law, including but not limited to, fraud, misrepresentation, dishonesty, breach of trust, abuse of process or any unprofessional conduct that interferes with the administration of justice or University or Law School policy.
- (4) Serious Risk and/or Arrest.
- (5) 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.
- (6) 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 of the Law School's discretion raises a serious issue of the student's fitness for practice may in the Dean of the Law School's discretion be immediately suspended.
- (7) 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 Professionalism any incident in which 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 as Chair (or his or her designee of a "Hearing Officer" as provided below).

Section 3.02. Formation of the Honor Council.

- A. **Faculty Representatives.** At the conclusion of the 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 Chair. If one or more of the faculty members are unable to participate in disposition of any case, the Dean of the Law School or the Associate Dean for Academic Affairs 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 shall 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 or the Associate Dean for Academic Affairs may appoint a substitute student member to act with regard to that case.

- C. **Chair.** The Associate Dean for Academic Affairs shall be the Chair but may, in his or her discretion, appoint any other Associate Dean, Assistant Dean, or Tenured Faculty member to serve as Hearing Officer with regard to the disposition of any individual complaint. In the event a Hearing Officer is appointed, he or she assumes all the duties and responsibilities set out herein with regard to the Chair for purposes of disposition of that complaint.
- D. **Conflict of Interest.** No student, faculty member, or member of the administration shall serve on the Honor Council with regard to the disposition of a complaint, if that student, faculty member, or member of the administration is deemed by the Chair to have a conflict of interest or likely to be a material witness.

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 Professionalism. All complaints ultimately shall be forwarded to the Associate Dean for Academic Affairs.
 - (3) The Honor Council shall not be used to resolve personal conflicts.
- (B) Upon receipt of a complaint, the Associate Dean for Academic Affairs shall determine if he or she will sit as Hearing Officer with regard to the disposition of the complaint or appoint an alternative Hearing Officer as provided herein. The Hearing Officer acts in lieu of the Chair with regard to the disposition of the specific complaint. He or she serves as the presiding member of the Honor Council for purpose of disposition of the complaint. Once that determination is made, the Hearing Officer shall within seven days [of receipt] review the complaint and determine if the allegations are acceptable for the Council's disposition.
 - (1) If the Hearing Officer determines that the complaint is unacceptable because it does not allege a violation of the Honor Code, or the process is being misused under §3.03(A)(3) or both, 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 Hearing Officer determines that the complaint is acceptable:
 - a. during the school year then the Hearing Officer shall convene the Council within two weeks from acceptance of the complaint;
 - b. at any time other than during the school year then the Hearing Officer shall convene the Council within a reasonable time.
 - c. the Hearing Officer may invite the accused to informally discuss the allegations with a view to summary disposition. If the accused so requests and the Hearing Officer 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, and the Hearing Officer may issue a warning and may impose any sanction provided in Section 3.05.

- (C) Once convened, the Honor Council shall determine whether it is necessary to appoint one or more Honor Council members to conduct a preliminary investigation. If investigation is necessary then the Honor Council shall determine the method to be employed and the time period for gathering information and reporting to the Honor Council.
- (D) After any investigation and reporting, the Honor Council shall determine whether credible evidence exists to proceed to a hearing. If a majority of the Honor Council finds no credible evidence then the matter shall be deemed concluded and disposition recorded. If a majority of the Honor Council finds credible evidence then the Honor Council may take one or more of the following actions:
 - a. continue to investigate the matter if further investigation is warranted;
 - b. issue a warning to the accused, which may include terms and conditions with regard to prospective behavior;
 - c. proceed to a hearing as set out in section 3.04.

Section 3.04. Hearing.

(A) Notice.

- (1) The Hearing Officer shall notify the accused of a hearing date [and the identity of the Hearing Panel] within ten business days of the determination to proceed to a hearing.
- (2) The Honor 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 Honor 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 Hearing Officer and the other Honor 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 Honor 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 Honor Council member may withdraw from the hearing for good cause.
- (3) If an Honor 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 Hearing Officer 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 Honor 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 Hearing Officer 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 Honor Council shall deliberate in secret.
- (2) If a majority of the Honor Council finds by clear and convincing evidence that the accused committed acts violating the Honor Code, the accused shall be found guilty.
- (3) If the Honor 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, unless disclosure of the incident becomes one of the sanctions imposed under Section 3.05.
- (8)

Section 3.05. Sanctions.

Upon a finding of guilt under the Honor 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 will become a permanent part of the student's academic file.
 - (2) Notice may be publicly posted or disseminated indicating the nature of the violation and any sanctions imposed.
- (F) Notation of the violation on the student's transcript.
- (G) Denial of course credit.
- (H) Involuntary withdrawal from a course.
- (I) Downward disciplinary grade adjustment for an assignment or course.
- (J) Dismissal or suspension from participation in a Law School activity or organization.

- (K) Restriction of library or other Law School privileges.
- (L) Service to the Law School or the community.
- (M) Restitution to the Law School or other appropriate entity.
- (N) A written acknowledgement and apology to persons adversely affected by student's behavior.
- (O) Loss of eligibility for any scholarship, grant, or compensation from the Law School, University, or outside entity.
- (P) Loss of eligibility to receive any award or recognition for *pro bono* services or academic achievement.
- (Q) Stay or suspension of sanction. Any sanction provided herein may be stayed or suspended for a period of time, or conditional upon the student's compliance with other terms and conditions including, but not limited to,
 - (1) No further violations or allegations of violations of the Honor Code; or
 - (2) Compliance with a prescribed course of treatment or adherence to other behavioral requirements as set out by the council; or both.
- (R) 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 Honor 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 Honor Council's decision or sanctions shall be made to the Dean within ten business days of the Honor 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 Honor Code supersedes all previous codes of student conduct promulgated by the Law School, shall become effective at the commencement of the Fall 2018 semester, and may be amended at any time with notice provided to the student body.

[The Honor Code was approved by the Faculty of St. Thomas University School of Law, on September 18, 2012.] Amended July 2018 and August 2019.