

# University of Mississippi School of Law

## The Student Body Honor Code

### *I. Honor Council & Purpose*

The purpose of the Honor Code is to encourage professional and academic integrity at the University of Mississippi School of Law. Integrity itself maintains the legal profession. Academic integrity fosters common respect and accountability and is best implemented through rehabilitative efforts and enforcement. The nature and purpose of the Law School's Honor Code System is to allow the students the greatest possible freedom in the pursuit of their studies without the necessity of supervision or proctoring by the faculty. It further purports to develop the highest possible professional standards of honesty, dependability, and absolute integrity in the student body in all matters pertaining to the law and to legal studies. Enrollment in the Law School constitutes a student's pledge that he or she will in all matters conduct himself or herself in accordance with the provisions herein stated. Section 1.2 addresses the specific types of conduct and behavior subject to the Honor Code.

### *Scope*

1.1 The Honor Council shall implement the Honor Code, serve as the Judicial Branch of the Law School Student Body (LSSB), and shall perform such other duties as are or may be set forth in this and other ARTICLES of this Constitution as amended from time to time.

1.1 (a) "Such other duties . . ." includes rendering judicial opinions to act as binding authority.

(1) When a student obtains an ambiguous explanation of the Honor Code from a professor in any class, particularly regarding class assignments and/or examinations, the student shall assume the Honor Code will follow the strictest interpretation with respect to that class.

1.2 Conduct Subject to the Honor Code. The Honor Code oversees all student conduct related in any way to the academic program. Conduct, when related to the academic program, includes, but is not limited to: examinations, course assignments, course attendance and other course responsibilities, written assignments and other written work, research papers and other research work, work outside the Law School for academic credit or otherwise connected with a course, special projects, communication with other members of the academic community, web postings, Law Journals and Reviews, Moot Court, and student organizations. Also, the Honor Code applies to all student behavior involving academic use of the Law School premises, including the library, computer and electronic resources, and Internet resources. Furthermore, the Honor Code remains in full force and effect during the summer and intersession periods in addition to visits to other law schools for academic purposes. Also, Section 5.3 elaborates as to what constitutes disruptive behavior.

1.3 When the Student Honor Code Applies. The Student Honor Code applies to all students admitted to The University of Mississippi School of Law. It governs all behavior during a student's tenure at the Law School, beginning with the application for admission and continuing through graduation. Also, The Honor Code applies to law students enrolled in courses, programs, and activities sponsored or co-sponsored by the Law School, including those for which a student receives academic credit.

1.4 The Honor Council Chairman or a representative shall speak during orientation to each incoming First Year class regarding the Honor Code. This discussion will occur both at the First Year orientation for the summer semester and again at the First Year orientation for Fall semester.

1.4 (a) The Honor Council will assume that each individual student undertakes the responsibility to understand the Honor Code's rules and procedures after receiving the information set forth by the Honor Council Chairman or representative during the Honor Code discussion at orientation.

(1) Any violations regarding First Year students who begin studies in the summer are to be reported directly to the Honor Council Chairman.

1.5 If any changes or amendments to the Honor Code are made, the Honor Council Chairman must either e-mail an electronic copy or disperse printed copies of the amended code or amended provision to the student body.

### ***Definitions***

- 1.6 "Dean" refers to the Dean of The University of Mississippi School of Law, or that person's designee.
- 1.7 "Law School" or "School of Law" means The University of Mississippi School of Law.
- 1.8 "Notice" means written notice and includes e-mail messages.
- 1.9 "Writing" includes written correspondence mailed to a student or an e-mail message sent to or from a student's e-mail account.
- 1.10 "Probable cause" exists when all available information demonstrates a substantial likelihood that the accused committed a violation of the Honor Code. All information used for purposes of determining probable cause must be relevant and credible.
- 1.11 "Proceedings" include all communications, correspondence, evidence, witness statements, testimonies, verdicts, and voting counts from the time the violation is presented to the Honor Council to the time it is closed.

### ***II. Composition***

- 2.1 The Honor Council shall be composed of a Chairman and eight (8) student members, plus a member of the faculty or administration approved by the Honor Council upon agreement or by majority vote.
  - 2.1 (a) The Honor Council Chairman may appoint a judiciary assistant, subject to approval by a majority vote of the Honor Council, following his or her election in the Spring, but before the upcoming fall semester.
- 2.2 Three (3) students in good standing shall be elected from the First Year class at the beginning of the fall semester each year; three (3) students in good standing from the rising Second Year classes and two (2) students in good standing from the rising Third Year class shall be elected during the spring semester each year. All eight (8) members shall serve for the fall and spring semesters or until he or she ceases to be a regular student, if such event occurs before expiration of the term of office. In order to be in "good standing" for this purpose, a student must not be on probation and must not be the subject of any previous Honor Code sanction.
- 2.3 The Chairman, who must be from the rising Third Year class of the Honor Council, shall be elected by the entire student body at the end of the Spring semester each year and shall serve a term of one (1) year or until he or she ceases to be a regular student, if such event occurs before expiration of one (1) year.
- 2.4 Should a vacancy occur, the un-expired term shall be filled in accordance with ARTICLE II, Section 5, of this Constitution.
- 2.5 The faculty member of the Honor Council shall be appointed at the discretion of the Honor Council and shall serve for the entire school year until a new Honor Council and Chairman are elected. The Honor Council will nominate faculty members and select a faculty advisor by majority vote or agreement among the Council. After selecting an advisor, the Chairman will present the Council's decision to the individual faculty member. The faculty member may either accept or decline the Council's request. If the member declines, the Honor Council will select another faculty member.
  - 2.5 (a) Except as noted to the contrary in this ARTICLE, the Council's faculty or administrative advisor, shall be present in the proceedings and deliberations of the Honor Council's Honor Board but shall not have voting power, pursuant to Section 4.6. In the event that the faculty member is disqualified from participation in a particular proceeding under Section 4.14 of this ARTICLE, the Honor Council will choose a substitute faculty member. The Honor Council will confer with the Dean in regards to the substituted faculty member, to serve in place of the disqualified faculty member for purposes of such proceeding.
- 2.6 The Chairman shall appoint one (1) student member of the Honor Council to serve as Secretary. This appointment should be submitted to the remaining Honor Council members for approval by majority vote. The Secretary shall have

responsibility for the record-keeping function of the Honor Council, which shall include maintaining an appropriate permanent record of all charges investigated and brought, all correspondence between the Honor Council and the parties involved, and all testimonies and statements submitted by witnesses, counsel, and representatives involved. The Secretary shall also have the responsibility for, and oversee, the recording of the proceedings in accordance with this ARTICLE. For the sake of discretionary purposes, the Honor Council Chairman and Secretary will handle sealing, delivery and destruction of such recordings and transcriptions. Each individual record shall be kept under the sole control and supervision of the Honor Council Chairman. Refer to Sections 4.9 and 4.10 for a comprehensive overview of the record policy.

2.6 (a) The Secretary shall be part of the Investigating Committee, and shall vote on matters of probable cause. Additionally, the Secretary is required to be present in hearings, if any, but will not be eligible to vote. Refer to Section 4.1 for substituted-student voting member procedures.

2.7 The outgoing Honor Council Chairman and Secretary are to properly transition the incoming Chairman and Secretary before the upcoming fall semester.

### ***III. Honor Council Investigating Committee***

Investigations may commence at any time, beginning with a student's law school application and continuing until a student graduates or after the student finishes a course or program if the conduct at issue occurs before the student graduates. If an Honor Code investigation is pending when a student is scheduled to graduate, the student's degree may be withheld until the matter is resolved.

3.1 The Chairman of the Honor Council shall designate three (3) members of the Honor Council, prior to, or at the beginning of the fall and summer terms: one (1) from the Third Year class, and one (1) from the Second Year class, and one (1) member from the First Year class after the First Year members are elected when the fall semester commences to serve as the Honor Council Investigating Committee for the entire school year. The names of the members and year and contact information shall be posted on the Law School's Web site and in the Honor Council office. The Investigating Committee designated for the summer term shall continue to serve until a new Investigating Committee is designated for the fall and spring semesters.

3.1 (a) The Honor Council Chairman will appoint a Second Year or Third Year class member as the Investigating Committee Chairman. The Investigating Chairman will also act as the representative from his or her class.

3.1 (b) Each member of the Investigating Committee will be required to sign an oath, kept by the Honor Council Chairman, which states that the members will act in a manner of complete impartiality and confidentiality in their investigation(s).

3.1 (c) Three Honor Council members are required to comprise the Investigating Committee. Since the First Year Honor Council members are not elected until the start of the fall semester, the process for selecting a short-term representative for the summer term should be determined by the Honor Council Chairman, Dean, and/or Dean of Students of the Law School. In a situation where a violation is brought during the Summer Term, the mentioned parties will determine the proper method for selecting a student to tentatively fill the open position of the First Year Representative on the Investigating Committee.

### ***Reporting a violation***

3.2 Alleged violations of the Honor Code shall be reported to a member of the Investigating Committee or the Honor Council Chairman. The individual who reports a violation shall remain anonymous throughout the entirety of the Investigating Committee process. The individual who reported the violation will testify at proceedings that follow the Investigating Committee's investigation. Detailed instructions on how to file a violation may be accessed through the Law School's Web site. An individual who files a violation must have knowledge of the standards provided in Section 4.5.

3.3 The Investigating Committee shall initiate an investigation into the alleged violation or offense. The Investigating Committee shall, in writing, notify the student accused of a violation that an investigation is being conducted. This notice shall inform the student that the investigation will be conducted with the utmost discretion and confidentiality, and will include a general statement of the accusation, but the notice shall not state any specific details of the alleged violation or reference who reported the violation. The accused shall not be informed of the details of the allegations until the case is closed due to lack of probable cause, or until notification of a hearing if probable cause is found. A copy of this notice shall be given to the Honor Council Chairman, the Dean, and to the law school faculty member who sits on the Honor Council. The Honor Council Chairman shall place a copy of the notice in the accused's Honor Council file. No one except for the Dean and the Honor Council Chairman shall have access to the individual's stored files once the case is closed. This Section shall be read in accordance to Section 4.9 and 4.10.

3.4 Upon completion of the investigation, the members of the Investigating Committee shall meet in private to evaluate the information they have gathered and determine whether there is probable cause to believe that a violation of the Honor Code occurred. The finding of probable cause shall be based upon a majority vote of the Investigating Committee members that such probable cause exists. The Investigating Chairman shall submit the Investigating Committee's decision to the Honor Council Chairman. Absent unusual circumstances, the Investigating Committee shall complete the investigation of whether probable cause exists within two (2) weeks of notification of an alleged violation.

3.4 (a) "Unusual circumstances" includes but *is not limited to*:

- (1) in the situation where a violation is brought within seven (7) days before Fall, Winter, Spring or Summer Break in accordance with Section 4.15,
- (2) in the situation where a large number of witnesses are necessary to interview, or
- (3) in the situation an investigating member or the accused experience
  - (i) a death in the family, or
  - (ii) a medical emergency
- (4) in the situation where a member for the Investigating Committee is unavailable.

3.5 Upon a finding of probable cause the Investigating Committee should turn over the case to the Attorney General. The Attorney General and the Honor Council Chairman shall schedule a hearing within thirty (30) days of issuing the case in accordance with Section 4.2 of this ARTICLE.

3.5 (a) "Turning the case over" means the Investigating Committee's duties are dispelled upon finding probable cause. Following the Investigative Committee's finding of probable cause, the Investigating Committee Chairman is REQUIRED to draft and submit a letter to the Dean, the Honor Council faculty member, and the Honor Council Chairman explaining why probable cause was found. The Investigating Chairman, pursuant to his or her discretion, may provide additional explanation or request a certain cause of action in regards to the committee's decision. The violated Code provision(s) shall be included in the letter. The Investigating Committee Chairman is required to send the accused a separate letter that states probable cause was found, and may also notify the accused by phone. However, the Investigating Committee Chairman does not have the authority to discuss the details of the Committee's session(s). This provision also acts in accordance with Sections 4.2 and 4.3.

3.6 If the members of the Investigating Committee find that there is not probable cause of an Honor Code violation, the Investigating Committee shall notify the Honor Council Chairman. The Honor Council Chairman shall promptly notify, in writing, the accused student, the Dean, and the member of the faculty on the Council, that no probable cause was found to suspect that a violation of the Honor Code occurred. The Committee's duties are also dispelled upon finding or not finding probable cause.

3.7 Neither the Investigating Committee nor the Attorney General shall disclose any of the matters, which transpired before them, and they shall conduct their affairs with the utmost discretion and confidentiality.

#### ***IV. The Honor Board***

The Honor Board acts as the voting body in the procedures that follow a finding of probable cause. The Honor Board's role and responsibilities are not to be confused with the role and responsibilities of the Faculty Honor Review Board Committee.

4.1 The Honor Board shall consist of the Chairman and those Honor Council members not serving on the Investigating Committee. The Attorney General will present the case.

4.1 (a) Each member of the Honor Board is required to sign an oath, kept by the Chairman, which states that the members will act in a manner of complete impartiality and confidentiality in their investigation(s).

4.1 (b) If an Honor Board member is not eligible to vote, or is unavailable to vote, due to conflicts of interest or other pertinent reasons, a LSSB senator who is approved at the beginning of the senator's term will vote in place of said absent Honor Board member. Only extreme circumstances will necessitate this substitution, including but not limited, to cases in which one voting member is no longer serving on the board and cases involving conflicts of interest. The LSSB Vice-President will nominate this voting senator. The nomination will be submitted first to the Honor Council for approval and then to the Senate. If two thirds (2/3) of the Senate approves the nomination, the senator will serve as the substituted Honor Board voting member.

#### ***Notice***

4.2 Upon receipt of charges from the Investigating Committee, the Investigating Committee Chairman shall notify the accused of his or her rights and of the date, time, and place for the hearing. The hearing shall take place no less than five (5) working (academic) days from the date the accused receives notice of the charges and the hearing. The Honor Council Chairman, upon reasonable request from the accused, shall grant a continuance and reschedule the hearing for a mutually convenient time to occur no more than ten (10) working (academic) days from the date the accused receives notice.

4.3 Notice to the accused shall also contain a statement of the specific charge(s) and the grounds, which, if proven, would justify punishment under the Honor Code system. The Honor Council Chairman also shall present to the accused any statements of the interested parties and witnesses submitted by the Attorney General.

4.3 (a) If probable cause is found and the case proceeds to an evidentiary hearing, the accused and any brought representation may have access to the formal statement(s) and evidence that the Investigating Committee reviewed and considered. The "Formal Statement" is the statement of the case and/or documentation created by the Investigating Committee.

#### ***Evidentiary Hearing***

4.4 On the day designated by the Honor Council Chairman, the Honor Board shall conduct an evidentiary hearing presided over by the Honor Council Chairman. The evidentiary hearing shall be closed unless the accused requests in writing for it to be open.

4.5 During the evidentiary hearing, the accused and witnesses shall be called to testify and shall be questioned by the Honor Board and the Attorney General. Similarly, the accused may call witnesses and examine them, as well as cross-examine witnesses called by the Attorney General. The accused and the Attorney General have the right to make opening and closing statements and to present oral argument. The accused may at his or her own expense, be represented by an attorney or another representative during the evidentiary hearing before the Honor Board, and throughout the academic disciplinary process, including appeals. The role of the attorney or representative is advisory only; he or she will not be permitted to make opening and closing statements, present arguments, question witnesses, or otherwise speak on behalf of, or advocate for, the accused. Neither the accused nor his or her attorney or representative shall have any right to be present during

deliberations by the Investigating Committee, Honor Board, or other body. This provision also complies with the specific filing and record destruction standards provided in Section 4.9 and 4.10.

### ***Punishment***

4.6 Upon completion of the evidentiary hearing before the Honor Board, the Honor Board shall retire in closed sessions to consider the guilt or innocence of the accused. The Attorney General is not allowed to participate in these deliberations nor shall he or she be entitled to vote. The Honor Council shall then vote in an en banc proceeding with all initial voting student members or those appointed to serve as voting members according to Section 4.1. The Honor Council's faculty or administrative advisor is required to be present in all Honor Board deliberations, but he or she shall not vote. A guilty verdict shall be found by the seven (7) voting members (seven student voting members) of the Honor Board upon a vote of at least five (5) to two (2). The burden of proof shall be clear and convincing evidence. This burden will rest with the Attorney General and shall not shift to the accused at any time.

4.7 Should a guilty verdict be rendered, the Honor Board shall then determine the appropriate punishment, which shall be based upon a majority vote of the participating Honor Board members. The latitude of punishment will be determined on a factual basis according to Honor Council precedent and administrative procedures. Section 5.3 provides the maximum and minimum punishments and types of conduct that constitute a violation.

4.8 The accused shall be notified of the Honor Board's findings after the Board reaches the decision(s) of guilt or innocence and the penalty under Sections 4.6 and 4.7. In any event, a written decision shall be given to the accused student within four (4) academic days of the completion of hearing. The written decision shall contain findings of fact, conclusions, and an explanation of the Honor Board's basis for action(s), including the Honor Board's penalty or sanction. A copy of the written decision shall be given to the Dean and to the instructor for the course in which the violation occurred, as well as to the accused student. The written decision shall be further published into the judicial opinions of the Honor Board in accordance with Section 7.2 of this ARTICLE. The Honor Board may, of its own accord and in the interest of justice, grant a new hearing.

4.8(a) If the accused is found innocent or if the investigation does not suffice to proceed into a hearing, in order to establish precedent or guidance the Honor Council reserves the right to render a judicial opinion, absent the specific party's name, on the particular issue, should a similar situation occur in the future. It is imperative that every case be an opportunity to establish the governing law, especially in accordance with policy concerns of the student body.

### ***Records***

4.9 Should the accused be found innocent, the tape(s) and any transcript(s) of the hearing shall be destroyed at the completion of the hearing.

4.9(a) The Honor Council Chairman and Secretary are responsible for destroying records of those who are innocent within forty-eight (48) hours of the party's graduation from Law School. A follow-up letter written by the Honor Council Chairman should be sent to the innocent for his or her records to ensure discretion. The Law School's Dean of Students will ensure and enforce record destruction.

4.10 Should the accused be found guilty, the Honor Council Chairman shall seal and deliver the tape(s) and any transcription(s) of the hearing to the office of the Dean. The tape(s) and any transcript(s) shall not be opened, except in the event of a rehearing or for necessary examination by the Dean in the event of an appeal to the Dean by the accused. The tape(s) and any transcript(s) may, be opened for reproduction by the accused in the event that he or she appeals the Honor Board's decision to the Dean and the Faculty Honor Board Review Committee. Similarly, the accused may, at his or her expense, have a transcript of the hearing prepared from the tape(s) or other record(s) of the hearing. [The Dean will publish the list of Faculty Honor Board Review Committee members to the Honor Council at the beginning of every Fall Semester.]

### ***Appeal***

4.11 The accused may appeal the decision of the Honor Board to the Dean of the Law School for review by the Faculty Honor Board Review Committee. The Faculty Honor Board Review Committee should consist or should be comprised of three (3) faculty members appointed by the Dean and one recommended by the student members of the Honor Council, and approved by the Dean.

4.11(a) Pursuant to the Dean's authorization, effective July 2011, the entire Honor Council by majority vote is allowed to submit a recommendation for one individual faculty member to serve on the Faculty Honor Board Review Committee.

4.11(b) The appeal must be filed with the Dean within ten (10) working days of the accused's receipt of the Honor Board's written decision. This appeal is on the record. It is not a de novo proceeding and the accused, but **not** his or her counsel or representative, may present oral arguments to the Dean and the Faculty Honor Board Review Committee, or may present in writing, the specific reasons for appeal if he or she does not wish to make oral arguments.

4.12 In the event of an appeal by the accused, the Dean shall promptly have the Faculty Honor Board Review Committee assess the record of the Honor Board's hearing and render a written decision affirming, modifying, or reversing the Honor Board's action, including the Board's recommendation of the penalty or sanction. The Faculty Honor Board Review Committee also has the authority to remand the matter to the Honor Board for a rehearing or for additional proceedings. The Dean shall adopt the Faculty Honor Board Review Committee's decision. *See* Section 4.11.

4.13 The decision of the Faculty Honor Board Review Committee and the Dean is final except in cases in which the penalty is dismissal or suspension. In those cases, the accused may, in writing, seek review from the Chancellor within five (5) working days of his or her receipt of the Dean and the Faculty Honor Board Review Committee's written decision. If the accused desires to appeal to the Chancellor's decision in cases involving dismissal or suspension, he or she may request a review of his or her case by the Mississippi Board of Trustees of State Institutions of Higher Learning by submitting a written application for review to the Board within thirty (30) days of his or her receipt of the Chancellor's written decision. Such appeal will be in accordance with the rules and regulations of the Board.

4.14 A member of the Honor Council shall recuse himself or herself in a proceeding in which an impartiality might reasonably be questioned, including but not limited to, instances where:

4.14 (a) He or she has a personal bias or prejudice concerning the accused, or personal knowledge of disputed evidentiary facts concerning the proceeding; or

4.14 (b) He or she or his or her spouse, or a person within the third degree of relationship (calculated according to the civil law system) or either of them:

(1) is the accused;

(2) is acting as a lawyer or representative in the proceeding;

(3) is known by the member to have an interest

(i) that could be substantially affected by the outcome of the proceeding; or

(ii) is to the member's knowledge likely to be a material witness in the proceeding.

4.15 A member who recuses himself or herself shall not participate in proceedings after such recusal and shall not vote on findings of probable cause or guilt. In the event of recusal of a member of the Honor Board or faculty member, the voting requirements shall remain in accordance with this ARTICLE. Other approved and appointed student substitutes will step in the place of the recused member(s) and act as a voting member for the purposes of maintaining a consistent and fair voting Board for each proceeding.

4.16 The Honor Council shall resolve charges brought in a reasonably expedient and timely manner. A reasonably expedient and timely manner shall not require the Honor Board to assemble, meet or deliberate during the break following fall semester or any vacation period during the regular school year. The Honor Council elected for the upcoming academic year will handle charges that arise during the last part of the spring semester. This Section may act in accordance with Section 3.1(c).

## *V. Honor Code: Violations & Punishments*

### *Violations*

5.1 Expectation of Honesty and Fairness: Honesty and fairness are essential elements of the academic environment of the Law School. Any action, which is contrary to these standards, is subject to academic discipline. This Section outlines, but does not limit, conduct which is clearly in violation of standards of honesty and fairness or which purposefully damages the academic environment.

5.2 Categories of Conduct Subject to Academic Discipline. Academic dishonesty includes, but is not limited to the following categories of behavior:

(1) Plagiarism. A student who represents someone else's work or ideas as his or her original work or ideas is subject to academic discipline. Students shall not copy verbatim, make minimal variations to, or paraphrase the written work of another without explicitly citing the original source of the material. Additionally, where the original source is cited, students should use quotation marks or the appropriate citation format to indicate any material that is copied verbatim. This provision is not limited to published material, material in the public domain, or material that is academic in content. It is impermissible for a student to copy or paraphrase the work of another student, copy answers to test questions, or permit anyone to perform academic work on his or her behalf.

(i) This provision provides a general definition for plagiarism. The facts and circumstances surrounding each class, assignment, or academic venture will necessarily be unique in nature. Whether an act constitutes plagiarism under this provision will be dependent on the policies established, guidelines provided, and expectations held by the relevant department, professor, or organization. The nature of an assignment, the instructions given, and the extent and manner of reliance on the ideas or work will all be taken into consideration. When in doubt, students are responsible for consulting applicable policy statements, professors, faculty, and organization leaders to clarify whether particular conduct constitutes plagiarism.

(2) Misrepresentation. A student who improperly presents information or work of another as his or her own is subject to academic discipline. Students shall not engage another person to take a test in his or her stead, inaccurately represent that functions or classes were attended, alter answers to test questions, alter grade report forms or class rolls, knowingly or recklessly compromise the integrity of the blind grading system, or alter, falsify, or misuse any law school documents in any way. A student who improperly presents information, misrepresents him or herself, or fails to disclose required information on his or her law school application for admission is also subject to academic discipline under this provision.

(3) Unauthorized Assistance or Collaboration. A student who gives or receives assistance on an examination, course work, or other academic exercise without the express prior authorization of the relevant instructor is subject to academic discipline. Students are responsible for knowing when collaboration is permissible. When in doubt,



students are responsible for consulting applicable policy statements, professors, faculty, and organization leaders to clarify whether particular conduct constitutes plagiarism.

- (i) Although the procedures for collaborative work may differ from course to course, there are frequent limitations to the extent that students may share information. Faculty members are encouraged to be as clear as possible about when collaboration is permitted and about what work must be completed independently. It is beneficial when these expectations are communicated in writing, especially in the course syllabus or when requested by students.

(4) Cheating. A student that uses unauthorized sources or material is subject to academic discipline. This includes, but is not limited to, the use of unauthorized electronic or wire sources in connection with an examination or other academic assignment, accessing prohibited materials during an examination, and the use of “blue books” in which information has previously been entered during a closed–book examination.<sup>2</sup> Students who engage in misrepresentation, prohibited collaboration, or plagiarism during a Law School organization competition are also subject to academic discipline. This list is not exhaustive and a course professor or organization may impose broader prohibitions or define these limitations in greater detail.

- (i) Conspiracy to cheat, engage in misrepresentation, plagiarize, or improperly collaborate also constitutes cheating under this provision.

- (ii) Other violations include, but are not limited to, accessing computer files, breaking or entering a locked or unoccupied office; using reference materials which have not been allowed by the instructor; using handwritten or printed notes during a "closed book/closed notes" test; stealing or hiding books or other materials from or in the library or other facilities; removing pages from library books or journals; and/or employing bribery, intimidation or harassment in an attempt to gain unfair advantage. This does not pertain to study supplements such as hornbooks, etc. that a student may use to understand the course and/or prepare for a course’s examination unless the professor specifically prohibits a certain study supplement.

5.3 Disruptive behavior in accordance with the entirety of this code and its interpretation is defined as disorderly behavior, which disrupts the academic environment violates the standard of fair access to the academic experience. Disruptive behavior in violation of the Honor Code, includes, but is not limited to, the following categories of behavior.

- (1) Purposeful acts. Purposeful acts include, but are not limited to, repeatedly shouting to, and inappropriately interrupting a seminar or visited speaker, purposely voting in a voting election ballot that the student knows does not correspond with his or her fall semester classification.
- (2) Harassment. Physically or verbally harassing an instructor or fellow student, or engaging in any type of disruptive behavior in a class situation which interferes with the ability of the professor to teach or other students to learn.
- (3) Facilities. A student who purposefully harms the facilities that support the academic environment should be subject to academic discipline. Damage to books, equipment, computers and other facilities violates the standard of fair access to the academic experience. This also includes making copies of academic materials when restricted or seizing materials without necessary approval or compliance with standard procedure.

5.4 Violations Are Not Limited to the Areas and Categories Given.

---

<sup>2</sup> According to 18 U.S.C. § 2510 (1) “‘wire communication’ means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of such connection in a switching station) . . . .” (West 2011). This includes, but is not limited to, e-mail, text messaging, or use of cellular devices.

- (1) The academic discipline procedure may be invoked whenever the principles of honesty and fairness are violated and/or the facilities that support the academic environment harmed. The categories in Section 5.2 are illustrative only (it is impossible to delineate or cite every possible violation), and any act, which violates the principles of honesty and fairness or harms the academic environment, may be subjected to academic discipline. For example, some acts, such as sabotage of another student's work or sabotage of an instructor's record, may not fall neatly into any one (1) of the areas listed above but are subject to academic discipline if they damage the academic environment.

#### 5.5 Parties in violation of the Code.

- (1) Students who knowingly allow someone else to represent your work as his or her own. In the violations described in the preceding subsections:
  - (i) the person who does the work and the person who improperly represents that work as his or her own.
  - (ii) A person who knowingly assists another person in improperly representing work is also subject to academic discipline.
  - (iii) The same is true of a person who knowingly collaborates with or assists another where such collaborations or assistance is impermissible.

- (2) Students who gain or attempt to gain an unfair advantage.

Students who violate the Law School's standards of honesty as listed in Sections 5.1, 5.2, and 5.6 with punishments include cheating in any form, including possession of or an attempt to gain possession of a test prior to its being given. An attempt to gain possession does not imply that one must physically have an original of the test or assignment.

5.6 Duty to Report Violation. When a student has a good reason to believe another student has violated the Honor Code, he or she shall inform a member of the Investigating Committee of the Honor Council Chairman. So important is the function of the student in implementing the Honor Code that his or her duty of reporting violations is considered as fully obligatory on the student as is the duty to refrain from violations of the Code. Consequences for intentional failure to report are provided in Section 5.5.

5.7 Penalties. Should the Honor Board of violating the Honor Code find a student guilty, the Board shall impose an appropriate penalty, which may include dismissal, suspension or punishment of a lesser nature. Determination of such punishment shall be based on a tiered system, which ranks the severity of violations and imposes sanctions approved by the Dean under each level. Consistent with the Law School's responsibility to the profession and to the community, all sanctions resulting from Honor Code violations shall be noted on the official transcript of the student sanctioned and shall be made available to bar officials. The tiered system is defined below by dividing punishments into categories of primary and secondary punishments. The tiered system's guidelines are advisory and the Honor Council is authorized to depart from these guidelines when appropriate. The Honor Council shall take in consideration the number of offenses or type of offense when calculating appropriate punishment.

(a) Primary or Maximum Punishments include and apply, but not limited to, the mentioned offenses.

- (1) Expulsion. Expulsion is applicable to acts such as plagiarism, improper collaboration, misrepresentation, and various forms of cheating
- (2) Suspension for a semester

(b) Secondary or Minimum Punishments include and apply, but not limited to, the mentioned offenses.

- (1) Letter placed in student's file
- (2) Private reprimand
- (3) Report by the law school to all bars in which the offender will be sitting
- (4) Recommendation by the Law School to the appropriate bar(s) to delay the offender's right to practice after he or she passes the bar

(c) Report. When deemed appropriate, a bi-weekly report or e-mail will be sent by the Honor Council Chairman to the student body and faculty of the amount of reported violations and the type of violation. However, due to circumstances regarding certain violations, those who are guilty having time to develop a strategy or destroy evidence may impair investigations. Therefore, the report will not be submitted until after a probable cause investigation has taken place, or potentially after a hearing has been completed.

5.6 The Honor Council shall have no authority to set grades. Grades shall be the exclusive domain of the faculty, and review of grades shall be via the grade appeal procedure in effect at the time. Students should be aware that assignment of an accused student's grade would generally be delayed until disposition of an Honor Council proceeding. The Dean of Students will submit the accused student's name and course in question to the Law School's Registrar.

#### ***VI. Impeachment***

6.1 The Honor Council is hereby empowered to conduct impeachment hearings concerning the Law School Student Body (LSSB) Officers or when the Dean indicates such impeachment hearings are necessary for a particular officer.

6.2 Law School Student Body Officers: Upon receipt of a written complaint, signed by one-fourth (1/4) of the Student Body, the Honor Board shall conduct an open hearing with regard to the complaint.

6.3 Upon a showing of dereliction of duty, incompetency, or other discrepancies that disqualify the LSSB Officer or other organizational officer pursuant to the Dean's discretion from any further service, the Honor Board may, by two-thirds (2/3) vote, impeach the officer.

6.4 Upon Impeachment of the officer, the Honor Board shall direct the vacant office to be filled within seven (7) days, in accordance with ARTICLE II, Section 5, of this Constitution.

#### ***VII. Constitutional Question***

7.1 The Honor Council shall have jurisdiction over any dispute arising under this Constitution.

7.2 Periodically, the Honor Council shall offer judicial opinions regarding the interpretation of the Honor Code. These opinions shall act as a common law body of precedent and serve as an interpretive guide for future decisions of the Honor Council.

7.3 The Honor Council shall document its judicial opinions, and make these opinions available to the student body for viewing. These judicial opinions shall protect the confidentiality of all parties involved.

7.4 Opinions may be issued upon the completion of a probable cause hearing or as a result of an investigation. The Honor Council reserves the right to further issue judicial opinions that will act as common law upon the student body concerning issues that the Honor Council feels are significant yet not fully detailed in this ARTICLE. It is within the discretion of the Honor Council as to when such opinions will be rendered. All judicial opinions will be available online as well as distributed to the student body via email.

7.5 To initiate a complaint, a written petition, stating the complaint and signed by one-fourth (1/4) of the Student Body, shall be delivered to the Chairman of the Honor Council, who shall set a date for a hearing. At this hearing, all interested parties will be given the opportunity to voice their respective opinions. After hearing all opinions, evidence and other

relevant testimony, the Honor Board in closed hearings, will review the complaint along with all relevant testimony and by constitutional interpretation shall settle the dispute. A majority vote of those Board members present will be final.<sup>3</sup>

---

<sup>3</sup> Areas and provisions of this code derive from Vanderbilt University Honor Code, Mississippi College School of Law Honor Code, The University of Virginia Honor Code, The University of Dayton School of Law Honor Code, and The University of Missouri-Columbia School of Law Honor Code.