THE HONOR CODE
THE COLLEGE OF LAW AT ARIZONA STATE UNIVERSITY
ACADEMIC YEAR 2003-2004

F. Honor Code

1. Preamble. The legal profession, a self-regulating association, depends on the integrity, honor, and personal morality of each member. Similarly, the integrity and value of an Arizona State College of Law degree depends on a reputation for fair competition. This Honor Code is intended as a measure to preserve the integrity of this school's diploma and to create an arena in which students can compete fairly and confidently. However, the execution of the Honor Code depends on student participation. Students should actively discourage other students from committing an ethical or academic violation. Any student who has personal knowledge of a violation should report that violation to the Vice Dean. Any student with questions about possible violations may in confidence contact the Vice Dean, in person or in writing.

2. Scope of Coverage. This Honor Code covers dishonesty concerning the educational programs of, requirements for admissions to, and graduation from the College of Law.

3. Honor Code Norms. Any act or omission occurring on or off campus which is dishonest or deceitful concerning the educational programs of, requirements for admission to, and graduation from the College of Law is a violation of the Honor Code. Unless otherwise specified, a negligent act or omission constitutes a violation of the Honor Code. Prohibited acts include but are not limited to:

   a. Providing or accepting assistance that is not authorized by the instructor on examinations, papers, or other course work.

      Example: Student A takes an exam on Wednesday. Student B has the exam deferred until Thursday. A calls B on Wednesday night and they discuss the exam. Both A and B have violated this provision.

   b. Violating rules governing the taking of examinations. Notes, outlines or other references may not be consulted during an examination, unless prior authorization to do so is given by the instructor.

      Examples: An instructor allows outlines at an examination only if solely prepared by the individual. Student A copies another student’s outline and brings it into the exam. A has violated this provision.

      Student X distributes an old examination to Student Y. The exam is not available through official law school sources. Both X and Y have violated this provision.
c. Plagiarism. Plagiarism is representing the words or ideas of another as one’s own. Quoting or paraphrasing another’s writing without acknowledging the author’s identity is a form of plagiarism. Ignorance, as to the meaning of plagiarism, is not a defense.

Example: Student A, writing a paper for a seminar, rephrases a passage from a law review article and fails to cite the source. A has violated this provision.

d. Submitting the same or substantially the same work for credit in more than one course.

Examples: Student T submits a paper previously submitted in an undergraduate course to fulfill the writing requirement for a law class. T has violated this provision.

Student P submits a paper that contains substantially the same research as used for a graduate course to fulfill the writing requirement for a law class. P has violated this provision.

Student H submits a paper for a seminar. Student H reuses portions of the seminar paper for an independent study. H has violated this provision.

e. Intentionally misusing library materials. Removing any part of a book, periodical, or pamphlet, or misshelving, concealing, or otherwise depriving other students of any library material is a form of such misuse.

Examples: Student A locates a Federal Supplement containing the leading case for her moot court assignment. Planning to return to make notes on the case, A intentionally misshelves the book on a shelf in Government Documents. A has violated this provision.

Student E takes a page out of a California Reporter instead of photocopying the page. E has violated this provision.

Student B underlines a portion of a case printed in a Federal Supplement. B has not violated this provision, but defacement of library materials may violate Law Library policies and subject Student B to other sanctions.

f. Giving information that is known to be false or that is intended to deceive to the faculty, staff or administration of the University, including tampering with evidence, or inducing another to testify falsely or to withhold testimony.

Examples: Student T falsifies T's race on T's law school application. T has violated this provision.
Student L changes the grade on an undergraduate transcript before submitting an application to the law school. L has violated this provision.

Student M requests a deferral for his contracts test, claiming serious illness in the family when there is no such illness. M has violated this provision.

Student U, who is accused of an Honor Code violation, convinces a friend, W, to claim W doesn't remember anything when called upon to testify at U’s hearing. W and U have violated this provision.

Student D submits a resume to the Placement Office. The resume misstates D’s GPA. D has violated this provision.

Student N asks for a test deferral, claiming that N has three tests on the same day. N actually has two tests on the same day but incorrectly recorded the date of his third test and honestly believed that three tests were scheduled. Because of the lack of intent and knowledge, there is no violation.

g. Knowingly falsely accusing a student of committing acts that may be a violation of the Honor Code.

Examples: Student S submits a written accusation of an Honor Code violation alleging that Student P cheated on the torts exam. Student S has no knowledge of this occurrence, but believes it may be likely because Student P has been bragging about his score on the test. S has violated this provision.

Student J submits a written accusation of an Honor Code violation alleging that Student P cheated on the torts exam because J saw P take a piece of paper from her purse. P actually took an allergy pill from her purse because she was suffering from an attack. There is no violation because J did not know that what P took was a pill.

4. Procedures

a. Honor Code Inquiries

1. The faculty member in charge of an assignment has the primary responsibility for adequately informing students in writing of the rules under which the assignment should be completed. Any questions about ambiguity in the rules should be raised initially with the faculty member.

2. Any student who has a question about the interpretation of the Honor Code as it applies to a particular assignment should raise the question with the faculty member who is in charge of the assignment. If the faculty
member is unable to assist the student in the application of the Honor Code, the student should seek the advice of the Vice Dean.

3. Any student who has a question about the application of the Honor Code in general should seek the advice of the Vice Dean.

b. Initial Reporting to the Vice Dean

Any individual who believes that a violation of the Honor Code may have occurred should report the matter to the Vice Dean. While the Vice Dean may urge the individual to move forward with a written complaint, the Vice Dean cannot require an individual to do so. The Vice Dean may not proceed with an Honor Code complaint solely on the basis of conversations with students, faculty, or staff if no written complaint or admission is filed with the Vice Dean.

c. Formal Institution of the Honor Code Process

1. Any person who wishes to institute the Honor Code process must submit a signed written statement alleging a violation of the Honor Code in sufficient detail to permit the Vice Dean∗ to proceed with the preliminary investigation and to provide the accused adequate notice of the nature of the alleged violation. If the signed written statement is insufficiently detailed to permit the investigation to proceed, the Vice Dean shall contact the individual who submitted the signed statement and ask for supplemental information in writing.

2. After a signed written statement alleging a violation of the Honor Code as described in Section 4C(1) is received by the Vice Dean, the Vice Dean shall engage in a preliminary investigation to determine whether there is probable cause to believe that a violation of the Honor Code has occurred. This investigation may include interviewing the complainant, the person accused, and any other person who may have knowledge or information which will assist the Vice Dean in the probable cause determination.

3. After a signed written statement alleging a violation of the Honor Code as described by Section 4C(1) is received by the Vice Dean, the Vice Dean will inform the Dean of the nature and circumstances of the complaint, including the name of the charged party.

4. If the Vice Dean determines that no probable cause exists that a violation of the Honor Code has occurred, the Vice Dean shall meet with the accused and inform the accused of the Vice Dean’s determination and the basis of the determination. The Vice Dean shall also meet with the person

∗ At the Dean’s discretion, the role normally performed by the Vice Dean in investigating charges under the Honor Code, deciding matters informally, and presenting formal charges to the Honor Code Board may be assigned to a member of the permanent faculty, when that assignment is in the best interest of the Law School.
who submitted the written complaint and inform the complaining party of the Vice Dean’s determination and the basis of the determination. The Vice Dean will send a copy of the no probable cause determination to both the accused and to the complainant. The Vice Dean will also inform the Dean, and any person whom the Vice Dean contacted during the probable cause investigation of the no probable cause determination. If the Vice Dean determines that no probable cause exists, no reference to the Honor Code complaint shall be placed in the student’s permanent record unless requested by the accused student.

5. If the Vice Dean determines that probable cause exists that a violation of the Honor Code has occurred, the Vice Dean will meet with the accused and inform the accused of the basis of the probable cause determination. The Vice Dean will, at or in advance of that meeting, provide the accused with a copy of the written report which summarizes the basis for the probable cause determination.

6. At the meeting between the accused and the Vice Dean, the Vice Dean will inform the accused that he or she may choose to have some person present for any further discussion between the Vice Dean and the accused. If the accused chooses to exercise this option, any further discussion between the Vice Dean and the accused will be postponed for a reasonable time, but in any event no longer than seven days, until the accused has found such a person.

7. The Vice Dean will explain the options available to the accused.

   a. In appropriate cases where institutional interests and the accused’s position suggest that informal resolution of the complaint may be consistent with the policies of the Honor Code, the Vice Dean may suggest informal resolution of the complaint.

   b. In cases where informal resolution is either inappropriate or is not acceptable to the accused, the accused will be informed that a hearing on the probable cause determination will be held before the Honor Code Hearing Board (hereinafter “Board”).

8. If the Vice Dean suggests and the accused is interested in pursuing informal resolution, the Vice Dean shall propose a resolution consistent with the purpose of the Honor Code, the nature of the violation, and the circumstances of the student. The accused may reject the proposed resolution without forgoing any of the rights provided under this code to a hearing. If the accused rejects the proposed resolution and a hearing on the alleged violation is held before the Board, the attempt at informal resolution shall not be disclosed to the Board.
9. If the Vice Dean and the accused reach an informal resolution of the complaint, the Vice Dean shall present the informal resolution of the complaint to the Dean in writing with a copy of the probable cause determination. If the Dean agrees to the informal resolution, the Dean will send a letter to the student which sets forth the terms of the informal resolution. If the Dean does not agree to the informal resolution, the Vice Dean shall inform the accused in writing that a hearing on the alleged violation will be held before the Board. Neither the existence of a proposed informal resolution nor its rejection by the Dean shall be disclosed to the Board.

10. If informal resolution is not appropriate or is unsuccessful, the Vice Dean will forward a copy of the written complaint and the probable cause determination to the Chair of the Board. The Vice Dean will also inform the Dean in writing that the Vice Dean has referred the matter to the Board.

11. The Board shall be a Standing Committee of the College. The Board shall consist of three faculty and three students. The Dean shall select the student members of the Board in April of each year. The Dean shall appoint a faculty member to chair the Board with due consideration of the quasi judicial function of the Board and the fact that the accused may be represented by counsel. The Dean also shall select one student alternate and one faculty alternate.

12. During the course of the Honor Code hearing, it is the responsibility of the Vice Dean to present the case in support of the determination of probable cause. The Board is not limited to the evidence presented by the Vice Dean, but may independently investigate the alleged violation. The Vice Dean should be available to respond to any questions which the Board has about the nature of the investigation or the basis upon which the Vice Dean determined the existence of probable cause.

d. Board Procedures

1. Pre-hearing Procedures

   a. Once a matter is submitted to the Board, the Chair of the Board shall schedule a hearing within fourteen (14) days. The fourteen day period may be extended by agreement of the Vice Dean and the accused or by the Chair for good cause.

   b. The Chair shall provide notice to the accused at least seven (7) days prior to the hearing date. The notice shall be delivered personally or by
mail to the accused and Vice Dean and shall include the following:

(i) A statement of the date, time, and location of the hearing;

(ii) A statement of the alleged violation of the Honor Code;

(iii) Notice of a right to representation by an attorney or other adviser;

(iv) A copy of the Honor Code;

(v) A list of the members of the Board.

c. No later than three (3) days before the hearing, the Vice Dean and the accused shall exchange and submit a list to the Chair of witnesses who may be called to testify at the hearing.

d. The accused may challenge the participation of any member of the Board on the grounds of bias by submitting a written statement setting forth the grounds of the challenge to the Chair at least three (3) days before the hearing. The Chair shall rule on the challenge unless the challenge is to the Chair, in which case the Chair shall designate a Board member to rule on the challenge.

e. At the request of the Vice Dean or the accused, the Chair may require the attendance of any witness if that witness is a student or employee of the College of Law or the University.

2. Hearing Procedures

a. The purpose of the hearing is to formulate a recommendation to the Dean as to (1) whether a violation of the Honor Code has occurred if the violation is not admitted by the accused, and (2) if a violation has occurred, the appropriate sanction.

b. The hearing shall be closed and recorded electronically or otherwise.

c. The Chair shall preside at the hearing and shall rule on all procedural matters. The Board may accept any evidence that reasonably prudent people would consider in making important
decisions in their lives. Irrelevant or repetitious evidence may be excluded.

d. The accused may be represented by an attorney or other advisor.

e. The Vice Dean and the accused may make a brief opening statement at the beginning of the hearing.

f. After any opening statements, the Vice Dean shall present the evidence which supports the charges. The Vice Dean shall bear the burden of showing by clear and convincing evidence that a violation of the Code has been committed. The accused may cross-examine any witnesses presented by the Vice Dean. Following presentation of evidence by the Vice Dean, the accused may present evidence. The Vice Dean may cross-examine any witnesses offered by the accused. With the permission of the Chair, rebuttal witnesses may be called and the Chair may alter the order of the presentation of evidence.

g. Board members may question any witness.

h. At the conclusion of the presentation of the evidence, the Vice Dean and the accused may make a closing statement.

3. Post-Hearing Procedures

a. At the conclusion of the Hearing, the Board shall meet and decide whether a violation of the Honor Code has occurred. If the Board determines that such a violation occurred, it shall recommend an appropriate sanction. The Board shall make a written report explaining the basis for its determination and any recommended sanction. Any member of the Board who dissents either from the determination of the existence or non-existence of a violation or on the appropriateness of any sanction will reduce the dissent to writing. The decision, and any dissent, shall be signed by the members of the Board and shall comprise the Report of the Board. A copy of the Report shall be given to the accused within two days of its issuance. If the accused wishes to respond to the Report the accused shall do so in writing within fourteen days of the issuance of the Report. The response must be signed and submitted to the Chair of the Board.

b. The Chair of the Board shall give the Dean of the College the Report of the Board and of any response to the Report by the accused. After the Dean has reviewed the Report and any response to the Report made by the accused the Dean may meet with members of the Board and the Vice Dean. The Dean shall allow the accused an
opportunity to meet with the Dean. The Dean shall make the final decision in any case brought before the Board.

c. The Dean shall inform the student in writing of the final determination of the Honor Code violation and any sanction.

d. A copy of the Dean’s written communication to the student shall be placed in the student’s permanent file at the College of Law.

e. The Dean shall inform the student body, the faculty and the College staff in writing of the nature of the alleged violation and his/her final decision in the case, including the sanction if one is imposed.

f. When the sanction imposed is suspension or expulsion from the College, the student who is subject to expulsion or suspension may appeal the Dean’s decision to the University Hearing Board pursuant to the University Student Code of Conduct.