

<b>The University of North Texas at Dallas Policy Manual</b>	Chapter 7
<b>7.024 College of Law Honor Code</b>	Student Affairs

### **I. POLICY STATEMENT**

In its preamble to the Model Rules of Professional Responsibility, the American Bar Association states: “A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice.” A legal education is the gateway to serving these roles as a lawyer, and a student’s legal education is itself a critical period in his or her professional formation. Thus, all students at the UNT Dallas College of Law are expected to abide by the high ethical and conduct standards needed to serve as representatives of clients, officers of the legal system, and public citizens with special responsibility for the quality of justice. In addition, Honor Code violations may adversely impact a student’s application for admission to the Bar of Texas and other states, as the Board of Law Examiners investigates the character and fitness of applicants to the Bar.

These expectations are expressed in and put into operation through two avenues: the Honor Code and the Code of Conduct. The Honor Code expresses the expectation that students will behave with academic integrity. The requirement of academic integrity means that a student will not cheat, plagiarize, or falsify in any academic matter. The Code of Conduct expresses the expectation that all members of the UNT Dallas College of Law community will conduct themselves in a manner that demonstrates civility as well as respect for the dignity, rights, safety, and property of others.

Because students, faculty, and administration have a vital interest in maintaining a community of academic integrity, all play a role in the administration and ongoing development of the Honor Code.

### **II. APPLICATION OF POLICY**

The Honor Code applies to all students at the UNT Dallas College of Law and to all academic matters. Students are expected to maintain the principles of academic integrity and to conform to the requirements of this Honor Code upon application for admission to the College of Law through the award of their degree or such time as there is a formal termination of the student relationship with the College of Law. Violations of the Honor Code will continue to be considered even if a student withdraws from the College of Law or graduates from the College of Law during the review process.

### **III. DEFINITIONS**

- A. **Academic Matters.** Any actions or activity related to a course or to satisfying the requirements for graduation, and any curricular and co-curricular activities connected to students’ academic and professional development including but not limited to moot court competitions, journals, externships and career services.
- B. **College of Law (“COL”).** The UNT Dallas College of Law.

- C. **Honor Council.** The entity trained to review alleged violations of the Honor Code and also to promote awareness of the Honor Code.

#### **IV. UNT DALLAS COLLEGE OF LAW HONOR COUNCIL**

- A. The COL Honor Council is entrusted by the COL Community to administer the COL Honor Code and to promote awareness of and education about the Honor Code. The COL Honor Council regularly reviews the Honor Code and may adopt bylaws and publish guidelines and information that are consistent with and further the effectiveness of the Honor Code.
- B. The nine (9) member Honor Council includes the Associate Dean of Academic Affairs, who will serve as chair of the Council, four (4) COL faculty members who will be appointed by the Dean of the College of Law, and four (4) students who will be appointed in the initial year of Honor Council operation by the Associate Dean of Academic Affairs but in all subsequent years will be selected and appointed by the officers of the COL Student Bar Association based on student applications and in accordance with procedures adopted by the COL Student Bar Association.
- C. Honor Council members will be appointed for a single academic term (August 1 through July 31), with faculty members permitted to serve consecutive appointments upon appointment by the Dean, and with students permitted to serve consecutive appointments in accordance with procedures adopted by the COL Student Bar Association.
- D. Upon appointment, all members of the Honor Council must agree to abide by an oath of confidentiality modeled after the oath taken by members of the State Bar of Texas Attorney Grievance Committee, which states:  
“I do solemnly swear (or affirm) that I will faithfully execute my duties as a member of the Honor Council of the UNT Dallas College of Law. I further solemnly swear (or affirm) that I will keep confidential all matters that come to my knowledge as a member of the Honor Council arising from or in connection with any Honor Code matter, unless permitted to disclose a matter in accordance with the Honor Code or unless ordered to do so.”

#### **V. CATEGORIES OF ACADEMIC MISCONDUCT**

All students of the UNT Dallas College of Law shall behave with academic integrity. Cheating, plagiarizing, or falsifying in any academic matter is a violation of this standard and constitutes academic misconduct.

The requirement of academic integrity has implications for the UNT Dallas College of Law community as well as for individual students. Academic misconduct undermines the common bond of trust, fairness, and ethical behavior within the College of Law community. Thus, all members of the College of Law community are under an obligation to report academic misconduct.

To a large extent, there is common understanding about what constitutes academic misconduct. Adults usually do not need a definition of cheating, plagiarizing, or falsifying to know whether they are engaging in that conduct. Yet some definitions, examples, and

guidelines are useful to include in this Honor Code. First, these can have a signaling and reinforcing effect. Second, these can educate students in areas as to which there may be less common understanding, such as the relationship between paraphrasing and plagiarism. Third, it is important to describe violations of this Code in sufficient detail to prevent misunderstanding about the scope and effects of this Code.

The COL Honor Code is not written with the specificity of a criminal statute, nor is it intended to cover every instance of potentially prohibited academic misconduct. Students may be disciplined for the following types of academic misconduct.

- A. **Cheating:** An act of deception or misrepresentation by which a student could gain an unfair advantage in an academic matters. Examples include:
  - 1. Obtaining information about a test or assignment other than by the methods or within the boundaries that the instructor has permitted.
  - 2. Seeking to make research resources unavailable to other students, such as hiding or destroying books or sources.
  - 3. Seeking or receiving any unauthorized assistance, or providing any unauthorized assistance to another, in connection with tests or assignments.
  - 4. Submitting work for credit on one course that the student has already submitted for credit in another course, unless authorized by the instructor.
  - 5. Taking additional time beyond the time authorized to complete an assignment or exam.
  - 6. Collaborating in an unauthorized way. At the College of Law, a student's work in curricular and co-curricular settings is often expected and in some cases required to be collaborative. However, in other instances, a student will be required to work individually, without collaboration or assistance. Unauthorized collaboration is collaboration that does not comply with the instructor's requirements relating to receiving assistance for or collaborating with others.
- B. **Plagiarism:** Presenting as one's own work any material obtained from another source, whatever the source – for instance text, Internet, digital materials, or materials prepared by other students. Intent is not required to constitute plagiarism; negligent plagiarism is a violation of the Honor Code. In general, obtaining and using materials from any source without proper attribution constitutes plagiarism. Whether plagiarism has occurred does not depend on the quantity of the material that is used. Plagiarism includes but is not limited to the following conduct:
  - 1. Verbatim copying another's work without proper attribution (quotation marks and citation to sources).
  - 2. Slightly paraphrasing otherwise verbatim material, even if the source is cited, without indicating that the passage is basically taken verbatim from the source.

3. Using another's ideas or concepts without proper attribution.
  4. Mixing verbatim or slightly paraphrased content from multiple sources without proper attribution of the underlying source.
- C. **Falsifying:** Lying, fabricating facts or sources, or misrepresenting facts or sources; including but not limited to:
1. Using a false excuse to avoid or be excused from an assignment or test.
  2. Falsely indicating the time at which an assignment is turned in.
  3. Falsifying the hours spent on an assignment or project when the number of hours spent is relevant to credit or grade awarded.
  4. Falsely indicating the presence of the student or another student for attendance in connection with any academic matter.
  5. Signing another student's name or allowing one's own name to be signed by another student in connection with any academic matter.
  6. Forging or altering student records or documents.
  7. Citing nonexistent authority or authority known not to support the proposition for which it is used.
- D. **Aiding or abetting an act of academic misconduct.** Assisting or aiding another to cheat, plagiarize or falsify, or participating in any effort to cover-up or hide a violation of the Honor Code.

## **VI. COMMUNITY OBLIGATION TO REPORT VIOLATIONS**

The COL is committed to maintaining a culture of professionalism and mutual respect. All members of the COL should expect and insist on academic integrity from themselves and all members of the community. Failure to exercise academic integrity undermines the common bond of trust, fairness, and ethical behavior within the COL community. If any student observes conduct that he or she believes violates this Honor Code, the student has an obligation to speak to the faculty member or to the Honor Code Representative. All members of the COL community must also report violations of academic integrity committed by others.

## **VII. SANCTIONS FOR ACADEMIC MISCONDUCT**

- A. The Honor Code does not require a particular sanction for a particular violation of the Honor Code. Rather, the full range of sanctions set out below is available for an Honor Code violation. Which sanction or sanctions are proper in a given case depends on circumstances including:
1. Flagrancy of the violation. Negligence or inadvertence is not, per se, a defense to an Honor Code violation, although negligent or inadvertent conduct sometimes will not constitute an Honor Code violation. The fact that conduct was negligent rather than intentional may mitigate a sanction; likewise, the fact that a student acted intentionally

may be an aggravating factor.

2. Harm to others.

3. Self-reporting of a violation before knowing that anyone else would report the violation.

4. Any other circumstances that, in the judgment of the Honor Code Hearing Panel, should be treated as aggravating or mitigating factors.

B. Possible sanctions for violation of the Honor Code include:

1. **Written Reprimand.**

2. **Educational Sanction.**

a. For Honor Code violations relating to a class or course credit, and with the concurrence of the instructor, an educational sanction may include:

i. Change of course grade, including change to a failing grade.

ii. Disallowing credit for an academic assignment or test, with or without an opportunity to resubmit or re-take an assignment or test.

iii. Removing academic credit for a course.

b. Failure to comply with the assignment may result in further discipline.

3. **Loss of Privileges.** Includes removal from student organizations or denial of privilege to participate in COL activities.

4. **Probation.** For a specified period of time and/or under specified conditions.

5. **Suspension.** For a specified period of time or until compliance with specified conditions is documented.

6. **Expulsion.** Permanent separation from the COL.

## VIII. PROCEDURES TO ADDRESS HONOR CODE VIOLATIONS

A. **Honor Code Representative.** The Dean of the College of Law will designate a senior administrator or faculty member to serve as the Honor Code Representative (HCR). The HCR will conduct a preliminary investigation of reported Honor Code violations. The HCR will also maintain records of all reported violations of the Honor Code and will provide an annual summary of violations and sanctions.

B. **Reporting Honor Code Violations.** Any member of the COL Community (faculty, student, staff or administrator) who has reasonable cause to believe that an Honor Code violation has occurred must report the violation to the HCR. Members of the COL faculty may also follow the procedures set forth in Section VIII.C. A written report to the HCR must include:

1. The name of the reporting person.

2. The date, time and location of the reported violation.
3. A complete description of the alleged violation.
4. Names of any potential witnesses or individuals with information related to the reported violation.

**X. Faculty Review of Possible Honor Code Violations.** If a faculty member believes that a student in his or her class has violated the Honor Code, the faculty member may either meet with the student to discuss the alleged violation or report the violation directly to the HCR without meeting with the student.

1. After meeting with the student:
  - a. If there is reasonable cause to believe that an Honor Code violation has occurred, the faculty member must report the alleged violation to the HCR. The report to the HCR is not a final conclusion that an Honor Code violation has occurred. The faculty report to the HCR must include:
    - i. The name of the reporting faculty member.
    - ii. The date, time and location of the reported violation.
    - iii. A complete description of the alleged violation.
    - iv. Names of any potential witnesses or individuals with information related to the reported violation.
  - b. If there is not reasonable cause to believe that an Honor Code violation has occurred, no further action will be taken by the faculty member.
2. A direct faculty referral for HCR review must be submitted to the Office of the Associate Dean for Faculty Affairs and copied to the student. The referral must include:
  - a. A full description of the alleged violation of the Honor Code.
  - b. A full summary of all information to be provided in response to the alleged violation, including information presented by the student to the HCR during the initial meeting if available.

**C. Preliminary Investigation of Honor Code violations by HCR.** The HCR will investigate written reports of violations of the Honor Code to determine whether there is reasonable cause to believe that a violation of the Honor Code occurred. The HCR will notify the student who is the subject of a reported violation and require the student to respond within seven (7) calendar days of the date of the notice to schedule a meeting to review the allegations and to offer a response. If a student fails to respond timely, the HCR will refer the reported violation for immediate review by the Honor Council.

1. At a meeting with the student, the HCR will review the reported violation and any information developed through the HCR's preliminary investigation. The student will be offered the opportunity to respond and to offer additional information for consideration by the HCR.

2. After the HCR concludes the preliminary investigation, if there is not sufficient information to provide reasonable cause to believe that a violation of the Honor Code occurred, the HCR will dismiss the reported violation.

3. If the HCR finds reasonable cause to believe that a violation of the Honor Code has occurred, the HCR will meet with the student to discuss options available to the student to address the Honor Code violation, including:

- a. Entering an Agreed Disposition; or,
- b. Requesting referral to the Honor Council for final determination.

4. A student must contact the HCR no more than (7) calendar days after the meeting to select an option to address the Honor Code violation. If the student fails to contact the HCR within seven (7) calendar days, the HCR will refer the reported violation to the Honor Council for final determination. The written referral to the HCR will include a full description of the alleged violation and a full summary of all information to be provided in response to the alleged violation, including information presented by the student to the HCR during the initial meeting if available.

**E. Agreed Disposition of Honor Code Violations.**

1. A student may resolve an Honor Code violation through an agreed disposition at any time during the Honor Code review process. An Agreed Disposition must be in writing and must include:

- a. An admission that the reported conduct constitutes a violation of the Honor Code.
- b. Waiver of the option for the Honor Council to consider the circumstances underlying the alleged violation of the Honor Code or to reach a final conclusion.
- c. Acknowledgement that the agreed disposition constitutes a finding that the student has violated the COL Honor Code and that the finding must be reported upon request on an application to sit for any bar exam.

2. Records of an agreed disposition will be maintained permanently by the Dean of Students in accordance with the COL Student Records Policy, with nonconsensual disclosure limited as set forth in the policy.

**F. Review of Honor Code violations by the Honor Council.** The Honor Council will review alleged violations of the Honor Code that are: directly referred by faculty; requested by a student after meeting with the HCR; or referred by the HCR due to lack of the student's participation or cooperation in the review process.

1. Upon receiving notice of a request for Honor Council review, the Chair of the Honor Council will appoint a five (5) member Honor Code Hearing Panel from among the members of the Honor Council. No member of the Honor Council may be appointed to serve on a Hearing Panel for a matter on which the Honor Council member has a conflict of interest. In addition to the Associate Dean for Academic Affairs or his or her designee, the Honor Code Hearing Panel must include:

- a. Two (2) students. If student members of the Honor Council are not available to serve on a panel within a reasonable period of time, the Dean of the College of Law may appoint substitute student members to the Hearing Panel in consultation with the President of the Student Bar Association.
- b. Two (2) members of the faculty. If faculty members of the Honor Council are not available to serve on a panel within a reasonable period of time, the Dean of

the College of Law may appoint substitute faculty members.

2. The Honor Council Hearing Panel is appointed on an as needed basis to:
    - a. Collect and review information, and make final determinations related to alleged violations of the Honor Code.
    - b. Determine appropriate sanctions based on violations of the Honor Code.
  3. The Honor Council Hearing Panel will select a chair from among the appointed faculty members or the Associate Dean for Academic Affairs (or his or her designee) to preside over the hearing and make all decisions related to procedure.
  4. As soon as practicable after receipt of the request for review, the Hearing Panel will notify the student, the faculty member, and HCR as appropriate about the date, time and place for the requested hearing.
- G. **Agreed disposition once a Hearing Panel is Convened.** Once a Hearing Panel has been convened, upon request of a student, the chair will convene a conference to include the student (and his or her representative), the HCR, and one student and one faculty member of the Hearing Panel to consider the possibility of an agreed disposition. An agreed disposition is subject to the requirements set forth in Section VIII.E., and any agreed disposition must be approved by the chair.

#### H. Hearing Panel Procedures

1. **Standard of Proof.** Evidence of a violation of the Honor Code must be proven through clear and convincing evidence.
2. **Record of Hearings.** All Panel Hearings will be recorded electronically and the record will be maintained in the Office of the Dean of Students. The record will be made available to the student upon request and a copy will be provided on request at the cost of the student.
3. **Student Representation.** Students are expected to represent themselves before the Hearing Panel. Students may be accompanied by counsel or another representative during the hearing; however the advisor or counsel may not participate in the hearing and may advise the student only during breaks. A student must notify the chair seven (7) days prior to a hearing if the student will be accompanied by counsel, so that an attorney from the University of North Texas System Office of General Counsel may also be present at the hearing.
4. **Notice of Witnesses and Exhibits.** No fewer than five (5) days before the hearing begins, the HCR and student must submit the names of witnesses and documents to be presented at the hearing to the chair of the Hearing Panel and to each other. Information received by the HCR or student after all other information is exchanged may still be introduced during the hearing upon providing reasonable notice to the other party.
5. **Close hearing.** Hearings are closed and the proceedings are confidential. Hearing Panel members and others participating in the hearing may not discuss the proceedings



prior to final resolution.

6. **Oath.** The chair of the hearing Panel will require all witnesses to take an oath to tell the truth.

7. **Opening and closing statements.** Both the HCR and the student may offer opening and closing statements with the HCR going first and last in the order of presentation.

8. **Presentation of evidence.**

a. The HCR will present evidence and call witnesses followed by the student's presentation of evidence and witnesses. The HCR and student may ask questions of any witnesses. The chair and Hearing Panel members may also ask questions of any witnesses including the HCR and the student.

b. A student may elect not to present evidence or witnesses or to speak on the student's own behalf. The decision not to present evidence will not be construed as an admission of responsibility.

c. Proceedings before the Hearing Panel are not bound by the formal rules of evidence. The chair will make determinations regarding the relevancy of evidence and may limit evidence that is redundant, prejudicial or irrelevant.

I. **Decision of the Hearing Panel.** A decision of the Hearing Panel must be supported by at least four (4) of the five (5) members of the Hearing Panel. The Hearing Panel will issue a written decision at the conclusion of the hearing setting out its findings of fact related to the violation of the Honor Code, its determination related to the alleged violation of the Honor Code, and the appropriate sanction if a violation of the Honor Code is confirmed. Notice of the Hearing Panel's decision will be provided to the student and the HCR within five (5) days. A decision of the Hearing Panel is final unless a student appeals the decision within fourteen (14) days.

J. **Appeal of the Hearing Panel Decision.**

1. A student may appeal the decision of the Hearing Panel to the Dean of the College of Law on the limited grounds that the decision was:

- a. based on a clearly erroneous interpretation of the Honor Code;
- b. arbitrary and capricious; or
- c. grossly excessive in regard to the assigned sanction.

2. A student seeking appeal to the Dean must file a written notice of appeal with the Dean within fourteen (14) days of the decision of the Hearing Panel. The notice of appeal must describe the basis for the appeal and any supporting facts or analysis in support of the appeal. A copy of the notice of appeal must also be provided to the HCR, who may also provide additional summary in support of the decision of the Hearing Panel.

3. Upon review of the complete record and submissions by the student and the HCR, the Dean or a designee of the Dean may:

- a. affirm the Hearing Panel decision and provide notice to the student.
- b. recommend a different sanction, however the recommended sanction may not be more harsh than the sanction recommended by the Hearing Panel.

c. remand the matter back to the Hearing Panel for further proceedings or collection of evidence as defined by the Dean, in which case the subsequent decision of the Hearing Panel will be subject to appeal in accordance with the normal process for review.

4. The decision of the Dean or his or her designee is final.

**IX. Student Records.** Any agreed disposition or final determination by the Hearing Panel of the Dean of the College of Law will be maintained in the student's permanent academic file in accordance with the COL Student Records Policy.

**X. Notices.** All notices provided in accordance with these procedures will be delivered confidentially to a student's official secure COL email address. All procedural dates will be calculated based on the date when a notice is sent to the student's official COL email address.

Approved: 4/25/16

Effective: 4/25/16

Revised: