

# Stetson University College of Law

## Academic Honor Code

### I. Purpose and Expectations

The primary purpose of this Academic Honor Code is to promote academic integrity at Stetson University College of Law.

Academic integrity refers to honest and ethical behavior within an academic community. Policies concerned with academic integrity, such as this Academic Honor Code, govern how people work and interact within an academic community, define what conduct is unethical, and help establish the mutual trust and individual responsibility necessary to sustain a healthy academic environment.

Faculty, staff, and students have a responsibility to uphold the principles of academic integrity, and to create an environment in which honesty is encouraged, dishonesty discouraged, and integrity is openly discussed. Faculty and staff members should follow the principles of academic integrity in their own work and conduct. Students are obligated not only to follow these principles, but also to take an active role in encouraging other students to respect them.

### II. Relation to the Conduct Code

The College of Law has two codes that govern student conduct: this Academic Honor Code (“Honor Code”) and the Code of Student Conduct of Professionalism (“Conduct Code”). Although both codes include rules, guidelines, and expectations for appropriate and professional conduct, the Honor Code primarily concerns academic issues and the Conduct Code primarily concerns non-academic issues. Honor Code issues typically will be handled by a faculty member or dean, while Conduct Code issues typically will be handled by the Student Life Office.

### III. Scope

- A. This Code applies to all students admitted to Stetson University College of Law. It covers conduct that occurs in connection with a student’s application for admission, through the time a student graduates.
- B. The Code also applies to students enrolled in courses or programs sponsored or co-sponsored by the College of Law.
- C. Investigations may be initiated or continued after a student has graduated, or after the student has completed the course or program, if the conduct at issue occurred while the individual was enrolled in the College of Law or in a program sponsored or co-sponsored by the College of Law. If an Honor Code matter is pending when a student is scheduled to graduate, the student’s degree may be withheld at least until the matter is

resolved.

#### IV. Oath

Each degree-seeking student who enrolls at the College of Law will take the following oath before beginning classes:

“I [state name], as a student entering Stetson University College of Law, understand that I am joining an academic community and am embarking on a professional career. The law school community and the legal profession share important values that are reflected in Stetson’s Academic Honor Code and in its Code of Professionalism and Conduct. I have read these Codes, and will conduct my academic, professional, and personal life to honor the values reflected therein.”

#### V. Definitions

- A. **“Academic Integrity Officer”** refers to a tenured member of the full-time faculty who will be elected each year by the faculty. The Academic Integrity Officer has the authority to recommend that certain decisions and sanctions imposed by the Investigator be amended or referred to the Dean for resolution. The Academic Integrity Officer may serve multiple terms.
- B. **“Class”** and **“Course”** refer to any class or course at Stetson University College of Law. The terms should be construed broadly, and include graded and non-graded courses, courses offered for credit and not for credit, and courses offered on or off the law school campuses. The terms specifically include clinics, internships, summer abroad programs, and advocacy competitions.
- C. **“Conduct Code”** refers to Stetson University College of Law’s Code of Professionalism and Conduct.
- D. For the purpose of determining deadlines, **“day”** means any regular business day of the College of Law, and does not include weekends, college holidays, or any day on which the College is not open to conduct regular business.
- E. **“Dean”** refers to the Dean of Stetson University College of Law, or that person’s designee.
- F. **“Investigator”** refers to the person charged with gathering facts and information about a referral under this Code, and with imposing sanctions.
  - 1. The Investigator typically will be a member of full-time faculty. An Associate Dean of Academics may serve as Investigator.
  - 2. The Dean reserves the right to appoint another person, including a person who is not

a full-time employee of the College of Law, as Investigator. If the Dean appoints a person who is not a full-time employee of the College of Law, the Dean will enter into an agreement with that individual indicating that the individual will abide by the relevant College of Law policies and procedures.

3. The Dean also reserves the right to appoint multiple Investigators to a matter.
4. The Investigator may be assisted by others in work under the Code.
5. The Investigator under this Code is distinct from the Conduct Code Investigator, who is the person charged with gathering facts and information about a referral under the Conduct Code; the Conduct Code Investigator typically will be a professional employee of the Office of Student Life.

**G.** “**Notice**” means written notice and includes e-mail messages.

**H.** “**Writing**” includes an e-mail message sent to a student’s College of Law e-mail account.

## **VI. General Provisions**

- A. Consultations about Honor Code matters:** Members of the College of Law community are encouraged to speak with the Associate Dean of Academics or the appointed Honor Code Investigator if they believe that a violation of this Code has occurred or is about to occur.
- B. Cooperation:** Members of the College of Law community are expected to cooperate fully with the Investigator and others in connection with this Code, and may not retaliate against, threaten, or harass anyone participating in a process under this Code. Participating in a process under this Code includes but is not limited to making a good-faith report that the Code has been violated, regardless of the Investigator’s decision.
- C. Educational process:** This Code provides an educational and non-adversarial process designed to resolve matters concerning academic misconduct and dishonesty. It is not designed to be a legal or judicial process. Accordingly, it is not appropriate for counsel to attend or participate in meetings and other proceedings initiated under this Code.

## **VII. Collaborative Work**

Faculty members often ask students to collaborate with others on written projects or other course work. Although the guidelines for collaborative work may differ from course to course, in most cases, part or all of a collaborative project must be completed independently. Faculty members are encouraged to be as clear as possible about when collaboration is allowed and what work must be completed independently. It is helpful when these expectations can be communicated in writing, especially in the course syllabus or when requested by students. Students should make sure they understand what is expected of them; they are responsible for

knowing when collaboration is permitted, and when it is not. When in doubt, students should seek clarification from the professor.

Most types of academic dishonesty described below involve working with others or using the work of others. This is not to suggest that working with others or using their work is always wrong. Indeed, learning is often based on using the ideas of others to stimulate and develop your own. Academic integrity focuses on acts that demean or invalidate appropriate collaboration.

## VIII. Types of Academic Dishonesty and Misconduct

Academic misconduct can be defined generally as all acts of dishonesty in an academic or related matter. All forms of academic dishonesty and misconduct are subject to disciplinary action. Academic misconduct includes, but is not limited to, the following categories of behavior.

- A. **Cheating.** Using or attempting to use unauthorized materials or sources in connection with any assignment, examination, or other academic exercise, or having someone else do work for you when not expressly authorized by the professor.
- B. **Unauthorized assistance or collaboration.** Giving or receiving aid on an assignment, examination, or other academic exercise without the express prior approval of the professor.
- C. **Inappropriate use of others' work.** Using the words, thoughts, or ideas of another without attribution consistent with standard legal citation manuals (e.g., *ALWD Citation Manual* or *Bluebook*), so that they seem as if they are your own.

This type of misconduct can take many forms. The most blatant forms include copying someone else's work word for word or turning in a paper written by another with your name as the author. Other examples include rewriting someone else's work with only minor changes, or summarizing another's work or taking another person's ideas without acknowledging the source through proper attribution and citation.

An inference that you have inappropriately used the work of others will arise when significant sections of the paper match other sources and no attribution is given to those sources; when any portion of the paper borrows heavily from a particular source, including the Internet — whether verbatim or paraphrased — and the source is not acknowledged; and when you fail to follow conventions for indicating direct quotations (e.g., when a paraphrase is too close to the original or when an actual direct quotation is not indicated). Failure to identify direct quotations is a problem regardless of whether the source is actually cited.

Students sometimes make minor mistakes in completing academic assignments. While one missing citation in a paper may, in most instances, be considered a careless mistake

rather than academic dishonesty, multiple instances of failing to provide proper attribution through quotation marks and/or citations will give rise to an inference that you have inappropriately used the work of others.

- D. Misappropriation of and damage to academic materials.** Damaging, misappropriating, or disabling academic resources so that others cannot use them. This includes but is not limited to removing pages from books, stealing books or articles, and deleting or damaging computer files intended for others' use.
- E. Compromising examination security.** Invading the security maintained for the preparing or storing examinations, tampering with exam-making or exam-taking software, or discussing any part of a test or examination with a student who has not yet taken that examination, but is scheduled to do so.
- F. Multiple submissions.** Submitting work you have done in previous classes as if it were new and original work. Although professors occasionally may be willing to let you use previous work as the basis for new work, they expect you to do new work for each class. Students seeking to submit a piece of work to more than one class must have the written permission of both instructors.
- G. Deception and misrepresentation.** Lying about or misrepresenting your work, academic records, credentials, or other academic matters or information. Examples of deception and misrepresentation include forging signatures, forging letters of recommendation, falsifying internship or clinic documentation, falsifying pro bono records, and falsifying information in an application or on a resume.
- H. Electronic dishonesty.** Using network or computer access inappropriately, in a way that affects a class or other students' academic work. Nonexhaustive examples of electronic dishonesty include tampering with another student's account so that student cannot complete or submit an assignment, stealing a student's work through electronic means, or knowingly spreading a computer virus.
- I. Facilitating academic dishonesty.** Helping someone else to commit an act of academic dishonesty. This includes but is not limited to giving someone work product to copy or allowing someone to cheat from your examination or assignment.
- J. Writing past end of examination.** Continuing to write a test or examination when the time allotted has elapsed.
- K. Failing to disclose charges, arrests, and convictions.** A student must disclose to the Associate Dean of Academics any charge, arrest, or conviction that arises after he or she has submitted an admissions application to the College of Law. A student also must disclose to the Associate Dean of Academics if he or she has been accused, formally or informally, of the violation of law. Disclosure must be made within 30 days of the charge, arrest, or conviction. Please see the "Amendments to Admissions Application" policy for the exact procedure.

- L. Failing to amend admissions application.** A student has a continuing responsibility to insure the completeness and correctness of his or her admissions application to the College of Law by disclosing to the Associate Dean of Academics any factual irregularities or discrepancies in the application. Disclosure must be made within 30 days of the student discovering the discrepancy. Please see the “Amendments to Admissions Application” policy for the exact procedure.

## **IX. Sanctions**

- A. Types of sanctions:** Below is a list of sanctions that may be imposed under this Code; other sanctions also may be imposed. This Code does not require any particular sanction or range of sanctions. What sanction or sanctions are appropriate in a particular case will depend on the circumstances. Multiple sanctions may be imposed in connection with any violation.

1. Oral or written warning
2. Oral or written reprimand
3. Community or College of Law service
4. Educational task
5. Counseling or referral to the Student Assistance Program
6. Letter of apology or explanation of conduct
7. Academic penalty, such as a lower or failing grade or no credit for an assignment or course; this penalty may be imposed only after the Investigator consults with and receives the concurrence of the course professor
8. Exclusion or suspension from one or more activity, event, function, benefit, or privilege of the College of Law
9. Disciplinary probation, which is a form of probation, is distinct from probation that may be imposed as a result of academic performance. The term refers to the period prescribed by the Investigator during which the conditions imposed as sanctions must be met or during which the student’s behavior will be subject to review. If the student fails to fulfill the conditions during the probationary period, the Investigator, after giving the student notice and a reasonable opportunity to respond, may determine that the student has violated the probation and may impose new or additional sanctions. The conditions of disciplinary probation may be varied, depending on the circumstances. Examples of conditions might include obtaining drug or alcohol counseling or treatment, obtaining a psychiatric evaluation, refraining from certain activities or contact with certain persons, redoing assignments, and attending programs.

10. Suspension from the College of Law
11. Expulsion from the College of Law
12. Revocation of admission from the College of Law
13. Denial of a dean's certificate
14. Suspension or revocation of a degree, certification, or other award conferred by the College of Law

**B. Effective date of sanctions:** All sanctions are effective immediately, unless stayed by the Investigator or Dean, or otherwise set by the Investigator. In cases of suspension, expulsion, revocation of admission, denial of a dean's certificate, or suspension or revocation of a degree, the student may request that the Investigator stay the sanction during the review process.

**C. Mitigating and aggravating factors:** In determining the sanction, the Investigator may consider mitigating and aggravating factors. A nonexhaustive list of factors that may be considered include the following:

1. **Pre-referral admission.** When a student voluntarily admits misconduct before learning that someone has referred the matter or is about to refer the matter, the Investigator may consider the admission as a mitigating factor. A student who has the courage and integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making such an admission should contact the Associate Dean of Academics or the Honor Code Investigator.
2. **Other admissions.** Even an admission made after a referral may have some mitigating value. This type of admission shows acknowledgment of the inappropriate nature of the student's conduct. However, a post-referral admission is not as strong a mitigating factor as a pre-referral admission.
3. **Cooperation.** The Investigator may consider how cooperative, or uncooperative, the student was during the process, including whether the student responded timely to inquiries and requests for meetings, provided requested information, and dealt honestly and civilly with the Investigator and others involved with the process.
4. **Intent.** Conduct falls on an intent continuum that ranges from malicious, willful, intentional, reckless, and grossly negligent conduct on the more serious end, to merely negligent, careless, and accidental conduct on the less serious end. Where conduct falls on this continuum may be considered when determining sanctions. Conduct that is malicious, willful, intentional, reckless, or grossly negligent may justify a more serious sanction. Less intentional conduct may be a mitigating factor.
5. **Degree of harm or seriousness of offense.** The degree of harm to others and the

seriousness of the conduct are relevant factors in determining sanctions.

6. **Prior violations.** Prior violations of the Honor Code or the Conduct Code may be considered as aggravating factors.
7. **Nexus to professional standards.** The nexus between the student's conduct and the question of character and fitness of the student to practice law is a relevant factor in determining sanctions.
8. **Willingness to make restitution.** A student's willingness to make restitution may be considered as a mitigating factor in appropriate cases. Restitution refers to compensation for loss, damage, or injury; compensation may take the form of appropriate service and/or monetary or material replacement.
9. **Discriminatory motive.** If a student, in engaging in conduct prohibited under the Conduct Code or Honor Code, is also found to have intentionally directed the conduct toward a person or group because of the race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, marital, or parental status of the targeted person or group, that discriminatory motive may be an aggravating factor in determining sanctions.

**D. Authority of faculty:** This Code does not diminish or modify a faculty member's authority to formulate grades. Although faculty members may choose to defer an academic assessment pending a decision made under this Code, they have the independent authority to assign a reduced or failing grade when, in their professional judgment, the student's work deserves such a grade based on lack of professional competency or insufficiency in performing course requirements. Faculty are encouraged to publish their policy on this Academic Honor Code in their course syllabus.

## **X. Procedures**

### **A. Referrals**

1. **Method of referral:** Members of the College of Law community may consult with the Associate Dean of Academics or the appointed Honor Code Investigator about possible academic misconduct or dishonesty. To determine whether an investigation or intervention is necessary, it is helpful for the person to provide names, dates, locations, and descriptions of the possible misconduct.
2. **Additional referrals:** If the Investigator finds information that suggests the student or another person may have violated other provisions of the Honor Code or the Conduct Code, the Investigator may treat this information as an additional referral or may refer the additional matter to the Conduct Code Investigator.
3. **Referral from the Conduct Code Investigator:** Serious violations of the Conduct Code may be treated as violations of the Honor Code and may be referred to the

Honor Code Investigator.

**B. Investigation and decision**

1. After receiving a referral, the Investigator
  - a. will determine whether the referral states a sufficient basis to believe that a violation of the Honor Code or Conduct Code may have occurred;
  - b. will determine whether the referral primarily reflects academic or nonacademic misconduct and will request the Dean to reassign the matter if necessary;
  - c. may interview the person making the referral and other persons with information, and may seek additional information regarding the referral.
2. If the Investigator determines that the Code has not been violated or that a violation cannot be substantiated, the investigation will end and the Investigator will follow the reporting and record-keeping provisions noted below.
3. The referral will be considered an allegation under this Code only after the Investigator determines that a sufficient basis exists to believe that the Honor Code may have been violated.
4. If the Investigator believes that a violation of the Code may have occurred, then the Investigator will promptly notify the student, in writing, of the alleged violation, will set a time to meet with the student in person, and will gather any other information needed to resolve the matter.
5. At the meeting with the Investigator, the student will be provided with
  - a. an explanation of any Honor Code section at issue and the nature of the conduct that is the basis for invoking those Code sections;
  - b. a summary of the information gathered;
  - c. a reasonable opportunity to respond; and
  - d. an explanation of the applicable disciplinary procedures.
6. During the meeting with the student, both the Investigator and the student may have witnesses available, but the witnesses need not be in the same room as the student, and the student, while having the right to understand the witnesses' positions, does not have a right to examine the witnesses. The Investigator may choose to audiotape the meeting.
7. A student who fails to attend a scheduled meeting with the Investigator will forfeit the right to respond regarding the alleged violation, unless excused by the

Investigator. If the student fails to attend the meeting, the Investigator may proceed to issue a decision and impose a sanction.

8. After carefully considering the information gathered, the Investigator will determine whether it is more likely than not that a violation of the Honor Code has occurred and, if so, the appropriate sanction or sanctions to apply.
9. The Investigator will notify the Dean of the decision and sanction, if any.
10. Then, the Investigator will inform the student of the decision, in writing. The written decision will describe the violation, the determination, and any sanctions. When feasible, the Investigator also should communicate the decision and sanction to the student in a face-to-face meeting.
11. Except as noted under “Review” below, the decision of the Investigator is final.

### **C. Review**

1. A student who has been suspended or expelled, had admission revoked, had a dean’s certificate denied, or had a previously granted degree suspended or revoked may request review of the decision.
2. The request for review should be in writing and should be delivered to the Dean and to the Academic Integrity Officer within five days of the Investigator issuing the decision and sanctions. The Investigator, at the student’s request, has the authority to extend this deadline.
3. After receiving the request for review, the Academic Integrity Officer will review the referring document, any written response from the student, any written materials shared by the Investigator with the student, and the Investigator’s decision and sanctions. The Officer may review the audiotape of the Investigator’s meeting with the student, but may not conduct his or her own investigation. If the Officer concurs with the Investigator’s decision and sanctions, they become final. If the Officer disagrees with the decision or sanctions, the Officer may recommend to the Investigator that the decision or sanctions be amended. If the Investigator agrees with the Officer’s recommendations, the decision and sanctions become final. If the Investigator and Officer cannot agree, the matter will be referred to the Dean, who will make the final determination. The Dean or the Dean’s designee may supplement the investigation or the findings.
4. The Dean has discretion to review any decision or sanction, but is not required to do so. When the Dean undertakes a review, the review will be limited to a determination that the process has been properly completed and that an appropriate sanction has been imposed.

### **XI. Reporting and Record-keeping**

- A. The Investigator's written decision will be placed in the student's file in the Registrar's Office. A separate file with documents and information relating to the matter will be maintained in a confidential file in the Associate Dean's Office.
- B. If the Investigator determines that the Code has not been violated or that a violation cannot be substantiated, the Investigator may prepare a summary of the matter and provide it to the Associate Dean. The Associate Dean will maintain this information in a confidential file and will use it only to respond to specific inquiries about that matter received from the student whose conduct was at issue or from a board of bar examiners or similar organization to which the student has applied.
- C. Any finding of an Honor Code violation may be reported by the Dean to any board of bar examiners or similar organization for any bar to which the student applies. Students should be aware that most bar applications will require the student to report any sanctions imposed on the student by an educational institution, regardless of whether the sanctions were for conduct suggesting unfitness for the practice of law. Students also should be aware that the College of Law routinely responds to inquiries regarding student character and fitness from boards of bar examiners and similar organizations.

## **XII. Confidentiality**

The College of Law considers referrals and procedures under the Honor Code to be confidential. All participants should respect the confidentiality of this information and disclose it only to those who have a legitimate and necessary need to know.

## **XIII. Publication of Results**

At least once a year, the Investigator or another person designated by the Dean should compile a list of all referrals in which decisions were issued. This list, which should not contain names, but which should list the violation and any sanction issued, should be published in *The Brief* or other College of Law newsletter for students.

## **XIV. Honor Code Advisory Committee**

- A. The Dean, on a periodic basis, which ordinarily should be once each calendar year, will appoint a committee to review all decisions rendered under the Honor Code since the last review.
- B. The committee will include a majority of full-time faculty members, but also may include students, staff, alumni, attorneys, national experts, and others the Dean considers appropriate.
- C. Information provided to the committee should not contain names of any persons involved with the matter.

- D. The committee should prepare a written report that privately advises the Dean about whether, overall, the sanctions issued under the Code were appropriate. No individual result can be changed as a result of this review and report.
- E. The committee also may make recommendations to the Dean about possible amendments to the Honor Code. These recommendations will be published to the faculty and student body.

## **XV. Amendments**

Amendments to the Honor Code may be made by the voting members of the full-time faculty at a duly noticed faculty meeting. A simple majority is required to amend the Code. Nothing in this section affects the process for amending the Conduct Code.

*Attribution:* Portions of this Code were derived from DePauw University's 2004-2005 Student Handbook, Emory University School of Law's honor code, and The Honor Code of Washburn University School of Law.

**Adopted by the faculty on November 17, 2004; effective as of January 5, 2005.**