

# Honor Code

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# Chapter One: Administrative Provisions

<b>1.1 — Purpose and Scope:</b>	
A.	The goal of the Honor Code is to safeguard and promote the ideals of honor and integrity by prohibiting lying, cheating, stealing, and protecting academic integrity. Academic integrity includes a commitment by all members of the law school community not to engage in or tolerate acts of falsification, misrepresentation or deception. Such acts of dishonesty violate the fundamental ethical principles of the community and compromise the worth of work completed by others.
B.	The Honor Code does not relieve law students of the obligation to comply with other Penn State policies generally applicable to Penn State student conduct, nor does it relieve law students of the obligation to comply with federal, state, and local regulations and with the jurisdiction of law enforcement authorities.
C.	Misconduct that may be subject to sanctions under the Honor Code, along with other misconduct, remains subject to the authority of the Dean and Faculty to maintain the educational process, the public reputation and institutional integrity of the law school, and the safety of the Law School Community. Such authority includes, without limitation, (1) the exclusion of a student from law school premises, (2) the imposition of grading sanctions, (3) the reporting of misconduct to law enforcement, bar admission authorities, and others, (4) the imposition of sanctions for misconduct in the law school admissions process, and (5) the imposition of sanctions upon former students who are no longer enrolled at the law school.
D.	The procedures of this Code apply to all allegations of misconduct described herein.
E.	An Honor Proceeding may be initiated until the law student's enrollment ends.

# Chapter Two: Violations

<b>2.1 — Violations:</b>	
A.	Giving or securing any information about the content of an examination except as authorized by the examining professor.
B.	Consulting or copying from any books, papers, notes, or other materials of any kind during an examination except as authorized by the examining professor.
C.	Taking more time for completing an examination than is permitted except as authorized by the examining professor or Associate Dean for Academic Affairs (Associate Dean).
D.	Violating any other rules of Penn State Law or a member of its faculty pertaining to the administration of examinations or the completion of course work.
E.	Violating any rule set forth by Penn State Law applicable to clinics, to field placements, to the moot court programs or to any legal writing or skills competition recognized or supported by Penn State Law, regardless of whether academic credit is given.

F.	Violations of academic integrity. Violations of academic integrity include, but are not limited to, copying, plagiarism, fabrication of information or citations, facilitation of acts of academic dishonesty by others, unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, and tampering with the academic work of other students. Plagiarism is the act, either intentional or unintentional, of stating or implying that another person's work is your own. To maintain academic integrity and avoid plagiarism, students must adhere to the guidelines for all Penn State students, the guidelines for Penn State Law students, and any more specific requirements supplied by the course instructor.
G.	Authorizing the plagiarism of one's work regardless of whether academic credit is given.
H.	Removing, concealing, withholding, destroying, mutilating or otherwise abusing any library material or other Penn State Law property without authorization.
I.	Taking, using, concealing, withholding, destroying, mutilating, or otherwise abusing the property of another, including, without limitation, books, briefs, class notes, outlines, or any other academic items, without authorization.
J.	Misrepresenting any material fact in order to gain an unfair academic advantage or a benefit or service to which the student would otherwise not be entitled.
K.	Falsely representing class attendance or participation in a course related activity.
L.	Misrepresenting the student's academic achievement, record, or other activities in connection with seeking employment, financial aid, scholarships, scholarly awards, or admission into any program at an educational institution.
M.	Disruption or obstruction of Penn State Law teaching, research, administration or disciplinary procedures.
N.	Interfering with the investigation and disposition of any violation or alleged violation of the Honor Code, including but not limited to a knowingly false accusation, a misstatement to the investigating team, an unprivileged failure to testify, perjury, interference with witnesses, or intimidation of witnesses.
O.	Failing to comply with a sanction imposed by the Honor Committee.
P.	Alteration, fabrication, or misuse of, or obtaining unauthorized access to Penn State or Penn State Law identification cards, other documents, or computer files or systems.

## Chapter Three: Rights of the Accused Student

The Accused Student has the right, at their own expense, to secure legal representation for any stage of the Honor Proceeding.

### 3.1 — Pre-Hearing Rights:

- A. The Accused Student has the right to all evidence, including exculpatory evidence, at least one week prior to the Hearing. Evidence discovered during the week prior to the Hearing shall be immediately disclosed to the Accused Student.
- B. The Accused Student has the right to challenge potential Hearing Board members for cause.

### 3.2 — Hearing Rights:

- A. The Accused Student has the right to offer any relevant evidence.
- B. The Accused Student has the right to call witnesses.
- C. The Accused Student has the right to examine the Accuser and other witnesses.
- D. The Accused Student has the right to testify or to remain silent during any stage of the hearing.
- E. The Accused Student has the right to make a closing argument.

### 3.3 — Appeal Rights:

- A. The Accused Student has the right to a copy of the Hearing Report within 7 days after the Hearing.
- B. The Accused Student has the right to appeal (see Chapter 7).

## Chapter Four: Honor Committee

### 4.1 — Members:

- A. Eight students, two students per J.D. class and two LL.M. students, who shall be elected by the student body in a manner to be determined by the SBA to serve one-year terms as Honor Code Representatives. The SBA shall select one Representative to serve as Chair.
- B. Six tenured faculty members who shall be appointed by the Dean. Faculty members shall serve one-year terms; however, such members shall be permitted to serve as many consecutive yearly terms as they, and the Dean, deem appropriate.

# Chapter Five: Procedure for Honor Proceedings

## 5.1 — Reporting Procedure:

A.	Any person affiliated with the law school may report a violation by submitting a memorandum to the Associate Dean which shall include: (1) the name of the Accuser; (2) the name of the Accused Student; (3) the alleged violation; (4) the date of the alleged violation (if known); and (5) all facts relevant to the alleged violation, including the name of any person who may know of relevant facts.
B.	In the event an instructor determines that any student is or may be responsible for some violation of academic integrity within the meaning of this Honor Code, the instructor shall notify the Associate Dean who shall determine, in consultation with the instructor, whether probable cause exists to accuse the student of a violation or instead to treat the conduct in question as within the instructor's sound grading discretion. In no case is an instructor to impose a sanction on a student who that instructor has not notified of his or her finding on academic integrity and given the opportunity to confer with the instructor regarding that finding.

## 5.2 — Preliminary Meeting:

A.	The Associate Dean shall meet with an Accused Student as soon as practicable after receiving a report of an alleged violation.
B.	The Accused Student and the Associate Dean may resolve the matter by written agreement at any time. Any agreement resulting in the sanction of suspension or expulsion must be approved by the Dean.
C.	If no agreement is reached, the Associate Dean, in consultation with the Chair, shall determine whether probable cause exists to believe the Honor Code has been violated. If so, a Hearing shall be convened. If not, the case shall be dismissed.
D.	Notwithstanding Section 5.2.C, a student who does not reach an agreement with the Associate Dean may waive a finding of probable cause, admit to the violation(s), and proceed to Hearing on the issue of sanctions only.

## 5.3 — Hearing Board:

A.	Upon a finding of probable cause, the Chair shall appoint members of the Hearing Board, schedule the time and place of a Hearing Board proceeding, and notify the Accuser, the Accused Student, and any witnesses to be called. The purpose of the proceeding shall be to determine whether the Accused Student has committed the charged violation of the Honor Code and, if so, to determine the appropriate sanction.
B.	The Hearing Board shall consist of five Honor Committee members, three student members and two faculty members, appointed by the Chair. The Associate Dean and Chair shall not serve on a Hearing Board.

	C.	The Chair shall select one of the faculty members to be President of the Hearing Board.
	D.	The Associate Dean, or a designee, shall present the case against the Accused Student.

#### **5.4 — Pre-Hearing Procedure:**

	A.	Prior to the hearing, the Presenter shall distribute the complaint and any other relevant information to the members of the Hearing Board.
	B.	The Presenter and the Accused Student must provide the President of the Hearing Board with a list of all witnesses that they intend to question at the Hearing.
	C.	The Associate Dean and the Accused Student must arrange for their witnesses to testify at the Hearing; the Honor Committee shall provide reasonable assistance.

#### **5.5 — Conduct of the Hearing:**

	A.	Only persons involved in the Honor Proceeding may attend.
	B.	The Associate Dean shall present the case against the Accused Student, including an opportunity for rebuttal.
	C.	The Accused Student may present his/her case.
	D.	Witnesses shall be called individually and subject to examination, cross examination and redirect examination by the parties. Hearing Board members may question witnesses.
	E.	The President of the Hearing Board shall arrange for testimony to be electronically preserved.
	F.	The President of the Hearing Board shall have the power to rule on procedural matters.
	G.	At the conclusion of testimony, the Hearing Board shall deliberate privately. The Hearing Board may reconvene, together with the parties, to ask additional questions or reexamine witnesses. Only the Hearing Board may recall witnesses. The Hearing Board shall vote upon the factual elements that are essential to a finding of whether the Accused Student violated the Honor Code. A violation is established only if at least four of the five members of the Hearing Board so find.
	H.	If the Hearing Board does not find that a violation of the Honor Code has occurred, it shall dismiss the charges and immediately notify the Accused Student.
	I.	If the Hearing Board finds that a violation of the Honor Code has occurred, it shall immediately notify the parties, who shall then be afforded the opportunity to address the issue of the appropriate sanction(s). At the conclusion of this presentation, the Hearing Board shall determine what sanction(s) to impose in accordance with Chapter 6.
	J.	The Hearing Board shall reconvene for the imposition of the sanction(s).

	K.	An Honor Case shall be closed when no violation of the Honor Code was found to have occurred; a violation was found to have occurred, and no appeal is requested; the appeal is terminated.
	L.	Imposition of any sanction(s) shall commence once the case is closed.
	M.	In the event that the Hearing Board finds a violation of the Honor Code, the President shall prepare the Hearing Report. The Hearing Report shall include a description of both the evidence supporting the finding that the Accused Student violated the Honor Code and any factors the Hearing Board considered in choosing the sanction(s) it imposed.

#### 5.6 — Rules of Evidence:

	A.	The President of the Hearing Board shall rule on the admissibility of evidence based on relevance and fairness; the Hearing Board shall not be bound by formal rules of evidence.
	B.	The Hearing Board may draw an adverse inference against an Accused Student who, upon request, fails or refuses to produce relevant real evidence in his/her possession or control.
	C.	The Hearing Board may draw an adverse inference against the Accused Student for remaining silent during any stage only in determining the appropriate sanction(s) after finding a violation.

#### 5.7 — Burden of Persuasion:

		The Presenter must prove the facts of the case by clear and convincing evidence. In order to find the Accused Student guilty of an Honor Code Violation, four of the five members of the Hearing Board must be persuaded that (1) the Presenter proved the alleged facts and (2) the conduct proved by the Presenter violates the Honor Code. Following a determination of guilt, the Hearing Board may impose sanctions. Four of the five members of the Hearing Board must approve sanctions that are imposed. When the Hearing Board imposes a sanction of suspension or expulsion, however, all members of the Hearing Board must agree.
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## Chapter Six: Sanctions for Violations

#### 6.1— Possible Sanctions:

	A.	An oral or written reprimand not to be included in the student's record.
	B.	A written reprimand to be included in the student's record.
	C.	Suspension from academic and/or non-academic law school activities for a stated period.
	D.	Expulsion.

## Chapter Seven: Procedure for Appeals

### 7.1 — Appeals:

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| A. | A written Appeal must be submitted to the Dean within 7 days of the Accused Student's receipt of the Hearing Report. The Appeal must include the reason for review and the remedy sought.   |
| B. | The Dean has full discretion to consider any materials relevant to the case. The Dean has the power either to remand the case to the Hearing Board for further consideration, or to impose lesser sanctions than those imposed by the Hearing Board, or to affirm the sanction(s) imposed by the Hearing Board. The Dean shall provide a written rationale when remanding a case or imposing a lesser sanction. The Dean shall not have the authority to impose sanctions that are more severe than those imposed by the Hearing Board. |

## Chapter Eight: Disclosure of Dispositions

The Associate Dean shall periodically publish reports on the matters disposed consistent with FERPA.

## Chapter Nine: Amendment Process

Any Penn State law student, faculty, or staff member may propose an amendment to the Honor Code by submitting a written proposal with supporting rationale to the Honor Committee. The Honor Committee will consider all amendment proposals and make recommendations on whether or not to implement them to the Dean. All substantive changes to the Honor Code must be approved by the faculty.