Sandra Day O’Connor College of Law
Arizona State University

ASU LAW HONOR CODE

ACADEMIC YEAR 2018-2019
I.  Preamble

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 dean’s designee. Any student with questions about possible violations may in confidence contact the dean’s designee, in person or in writing.

II.  Scope of Coverage

This Honor Code covers dishonesty concerning the educational programs of, requirements for admissions to, and graduation from the College of Law, as well as statements or representations regarding qualifications or recognitions.

III.  Honor Code Norms

Any act or omission occurring on or off campus that is dishonest or deceitful concerning the educational programs of, requirements for admission to, and graduation from the College of Law, as well as statements or representations regarding qualifications or recognitions, 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 the instructor gives prior authorization to do so.

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. Removing or attempting to remove law library materials or property without checking them out or without authorization.

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 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 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. Including false or misleading information or omitting relevant information from a résumé or cover letter.

Examples: Student D’s résumé misstates D’s cumulative GPA. D has violated this provision.
Student G received an A+ in a course but was not awarded the CALI Award in that course. Yet Student G’s cover letter states she has received a certain number of CALI Awards, which would include that course. Student G has violated this provision.

Student X’s résumé fails to disclose that he transferred from another law school and lists only the Sandra Day O’Connor College of Law. Student X has violated this provision.

Student O was not ranked by the College of Law, but Student O approximated and listed on her résumé a class rank based on published percentiles. Student O has violated this provision.

H. 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.

IV. 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 dean’s designee.

3. Any student who has a question about the application of the Honor Code in general should seek the advice of the dean’s designee.

B. Initial Reporting to the Dean’s Designee

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

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 dean’s designee 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 dean’s designee shall contact the individual who submitted the signed
statement and ask for supplemental information in writing. For purposes of this
process, an email from the sender’s account is considered a signed written
statement.

2. At the conclusion of the Honor Code process, the complainant shall be notified of
the disposition.

3. After the dean’s designee receives a signed written statement alleging a violation of
the Honor Code, the dean’s designee 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, but is not required to, include
interviewing the complainant, the person accused, and any other person who may
have knowledge or information that will assist the dean’s designee in the probable
cause determination.

4. After the dean’s designee receives a signed written statement alleging a violation of
the Honor Code, the dean’s designee will inform the dean of the nature and
circumstances of the complaint, including the name of the charged party.

5. If the dean’s designee determines that no probable cause exists that a violation of
the Honor Code has occurred, the dean’s designee shall advise the accused of the
dean’s designee’s determination and the basis of the determination. The dean’s
designee shall also advise the person who submitted the written complaint of the
dean’s designee’s determination and the basis of the determination. The dean’s
designee will send a copy of the no probable cause determination to both the
accused and to the complainant. The dean’s designee will also inform the dean and
any person whom the dean’s designee contacted during the probable cause
investigation of the no probable cause determination. If the dean’s designee
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.
6. In unusual circumstances, to avoid grossly unjust consequences, notwithstanding that a finding of probable cause would be supported in the case, the dean’s designee may determine, after consultation with the dean, to take no further action in the matter.

7. If the dean’s designee determines that probable cause exists that a violation of the Honor Code has occurred, the dean’s designee will advise the accused of the basis of the probable cause determination and provide the accused with a copy of the written report that summarizes the basis for the probable cause determination.

8. The dean’s designee shall also advise the accused that he or she may choose to have some person present for any discussions between the dean’s designee and the accused. If the accused chooses to exercise this option, any discussion between the dean’s designee 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.

9. The dean’s designee will advise the accused of the options available.

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 dean’s designee 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”).

10. If the dean’s designee suggests, and the accused is interested in pursuing, informal resolution, the dean’s designee shall propose a resolution consistent with the purpose of the Honor Code, the nature of the violation, and the student’s circumstances. 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 the Board holds a hearing on the alleged violation, the attempt at informal resolution shall not be disclosed to the Board.

11. If the dean’s designee and the accused reach an informal resolution of the complaint, the dean’s designee shall present the informal resolution to the dean in writing with a copy of the probable cause determination. If the dean agrees to the informal resolution, the dean’s designee will send the terms of the informal resolution to the accused. If the dean does not agree to the informal resolution, the dean’s designee shall inform the accused 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.

12. If informal resolution is not appropriate or is unsuccessful, the dean’s designee
will forward a copy of the written complaint and the probable cause determination to the Chair of the Board. The dean’s designee will also inform the dean that the dean’s designee has referred the matter to the Board.

13. The Board shall be a standing committee of the College of Law. The Board shall consist of three faculty, appointed annually, and three students appointed as needed. 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.

14. During the Honor Code hearing, the dean’s designee will present the case in support of the determination of probable cause. The Board is not limited to the evidence presented by the dean’s designee but may independently investigate the alleged violation.

15. The dean’s designee should be available to respond to any questions that the Board has about the nature of the investigation or the basis upon which the dean’s designee 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 dean’s designee and the accused or by the Chair for good cause.

b. The Chair shall provide notice to the accused at least seven (7) days before the hearing date. The notice shall be sent via email to the last known email address to the accused and to the dean’s designee 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.

2. No later than three (3) days before the hearing, the dean’s designee and the accused shall exchange and submit to the Chair a list of witnesses who may be called to testify at the hearing.

3. The accused may submit a written statement challenging the participation of any
member of the Board on the grounds of bias to the Chair at least three (3) days before the hearing. The statement must set forth the grounds of the challenge. 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.

4. At the request of the dean’s designee 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.

E. Hearing Procedures

1. 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, and (2) if a violation has occurred, the appropriate sanction(s).

2. The hearing shall be closed and recorded electronically or otherwise. In appropriate cases and when the Chair approves in advance, the hearing may take place online via Skype or other means, with the understanding that technology has limits and that live hearings are preferred.

3. 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.

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

5. The dean’s designee and the accused may make a brief opening statement at the beginning of the hearing.

6. After any opening statements, the dean’s designee shall present the evidence which supports the charges. The dean’s designee shall bear the burden of showing by clear and convincing evidence that a violation of the Honor Code has been committed. The accused may cross-examine any witnesses presented by the dean’s designee. Following presentation of evidence by the dean’s designee, the accused may present evidence. The dean’s designee 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.

7. Board members may question any witness.

8. At the conclusion of the presentation of the evidence, the dean’s designee and the accused may make a closing statement.

F. Post-Hearing Procedures

1. 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(s). 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 regarding the existence of a violation or on the appropriateness of any sanction(s) will do so in writing. The members of the Board will sign the decision and any dissent, which 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.

2. The Chair of the Board shall give the dean the Report of the Board and 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 communicate with members of the Board and the dean’s designee. The dean shall allow the accused an opportunity to communicate with the dean. The dean shall make the final decision in any case brought before the Board.

3. The dean shall inform the student in writing, via email to the last known email address, of the final determination of the Honor Code violation and any sanction(s).

4. 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.

5. The dean shall inform the student body, the faculty, and the staff in writing of the nature of the alleged violation and his/her final decision in the case, including the sanction or sanctions, if imposed.

6. 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.