



PENN STATE UNIVERSITY | DICKINSON LAW

HONOR CODE

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CHAPTER ONE: ADMINISTRATIVE PROVISIONS

1.1 — Purpose and Scope:

- A. The goal of the Honor Code is to safeguard and promote the ideals of honor and integrity by prohibiting lying, cheating, stealing, and other dishonorable conduct.
- 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. The Honor Code procedures described herein shall be used to adjudicate alleged substantive violations of generally applicable Penn State rules.
- 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. In addition, the Honor Code does not preclude other remedies by authorities outside the law school, such as civil or criminal measures or bar-related sanctions, or by other units of The Pennsylvania State University or other educational institutions in which students subject to the Honor Code may be enrolled.
- D. The procedures of this Code apply to all allegations of misconduct except for allegations of sexual assault / violence / harassment which may be covered by Title IX, in which case the Special Protocol for Title IX Allegations set forth in the Undergraduate Code of Conduct apply.
- E. An Honor Proceeding may be initiated until the law student's enrollment ends.

CHAPTER TWO: VIOLATIONS

2.1 — Violations:

- 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, Associate Dean for Academic Affairs (Associate Dean) or other designee of the Dean charged with exam administration.
- D. Violating any other rules of The Dickinson School of 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 The Dickinson School of Law applicable to clinics, to field placements, to the moot court programs or to any legal writing or skills competition recognized or supported by The Dickinson School of Law, regardless of whether academic credit is given.
- F. The submission of plagiarized work in any academic pursuit recognized or supported by The Dickinson School of Law, regardless of whether academic credit is given.
- G. Authorizing the plagiarism of one's work and its submission by another student in any academic pursuit that is recognized or supported by The Dickinson School of Law, regardless of whether academic credit is given.
- H. Removing, concealing, withholding, destroying, mutilating or otherwise abusing any library material 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. Consciously aiding or abetting any violation or attempted violation of this Honor Code.
- K. Agreeing or conspiring to commit any violation of this Honor Code with another person irrespective of whether that person is subject to this Honor Code.
- L. 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.
- M. Falsely representing class attendance or participation in a course related activity.
- N. 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.
- O. Using LEXIS or WESTLAW privileges furnished through the Dickinson School of Law in an unauthorized manner, including using these electronic databases for any non-academic purpose.

- P. Disruption or obstruction of teaching, research, administration or disciplinary procedures, regardless of location.
- Q. 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.
- R. Failing to comply with a sanction imposed by the Honor Committee.
- S. Alteration, fabrication, or misuse of, or obtaining unauthorized access to Penn State or Dickinson School of Law identification cards, other documents, or computer files or systems.
- T. Violating any generally applicable PSU non-academic rules (see: <http://studentaffairs.psu.edu/conduct/Procedures.shtml>), to which law students remain subject.

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 request an open hearing, subject to the provisions of the Federal Education Right to Privacy Act (FERPA).
- C. 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. Six Dickinson Law 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 Honor Committee Chairperson (Chair).
- B. Five 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:

Any person affiliated with the law school may report a violation by submitting a memorandum to the Honor Code Administrator who shall be designated by the Dean. The written report 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.

5.2 — Preliminary Meeting:

- A. The Honor Code Administrator shall meet with an Accused Student or a Student Making a Conscientious Admission as soon as practicable after receiving a report of an alleged violation.
- B. The Accused Student or Student Making a Conscientious Admission and the Honor Code Administrator 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 Honor Code Administrator, in consultation with the Honor Committee 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 Making a Conscientious Admission who does not reach an agreement with the Honor Code Administrator 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 Honor Code Administrator 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 Honor Code Administrator, or the Dean's designee, shall serve as the Presenter and 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 Presenter 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. Unless the Hearing is open, only persons involved in the Honor Proceeding may attend.
- B. The Honor Code Administrator or the Dean's designee 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.

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.

CHAPTER SIX: SANCTIONS FOR VIOLATIONS

In choosing a sanction, the Hearing Board must consider the items in Section 6.1 but may also consider any other relevant information. Additionally, the sanctions that may be imposed by the Hearing Board upon finding of a violation of the Honor Code are not limited to those in Section 6.2.

6.1 — Criteria:

- A. The nature and seriousness of the violation, including the potential harm to the academic integrity of the law school community.
- B. The circumstances of the violation, including any aggravating or mitigating factors.
- C. The need to uphold and promote respect for the Honor Code and to deter future violations by the Accused Student and others.
- D. The opportunity afforded in fashioning a sanction to make amends for the Accused Student's transgression(s) against the law school community.
- E. Whether the student made a Conscientious Admission.
- F. The extent to which the Accused Student cooperated or was forthright during the investigation and/or Honor Proceeding.
- G. Any comments relevant to sanctions that the Accused Student and his/ her representative make.
- H. Whether the Accused Student gained, or acted with the intent to gain, academic benefit.

6.2 — Possible Sanctions:

- A. An order to return or replace the property of the victim.
- B. An order to compensate the victim for economic loss.
- C. An oral or written reprimand not to be included in the student's record.
- D. A written reprimand to be included in the student's record.
- E. Denial of credit for a course, with an appropriate transcript entry.
- F. Suspension or denial of library or other privileges or offices.
- G. Dismissal from the Honor Committee.
- H. An order requiring appropriate compulsory service to the law school community.
- I. Suspension from academic and/or non-academic law school activities for a stated period.
- J. Expulsion from The Dickinson School of Law.

CHAPTER SEVEN: PROCEDURE FOR APPEALS

7.1 — Appeals:

- 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 Honor Code Administrator shall periodically publish reports on the matters disposed consistent with FERPA.

CHAPTER NINE: AMENDMENT PROCESS

1. Any person affiliated with the law school may submit an amendment proposal to the SBA.
2. The SBA shall determine which amendments will be placed on the ballot for student vote.
3. Amendments approved by a majority of students voting shall go to the faculty for final approval.

APPENDIX

Definitions:

1. **Accused Student:** A student suspected of an Honor Code Violation. The term includes a student who has made a Conscientious Admission but who has not reached agreement with the Honor Code Administrator.
2. **Accuser:** A member of the law school community who reports the alleged Honor Code Violation.
3. **Community of Trust:** Students of the Dickinson School of Law expect that each member of the student body will conduct himself/herself in a manner consistent with the highest standard of honesty and integrity expected of those who enjoy the privilege of practicing law. This level of integrity accompanies the student in all his/her dealings within the law school community.
4. **Confidentiality:** Information regarding an investigation of an alleged Honor Code Violation or Honor Proceeding shall not be made public, except as detailed in Chapter 8.
5. **Conscientious Admission:** A student's oral or written admission, presented to the Honor Code Administrator, of a possible Honor Code violation committed by that student.
6. **Hearing Board:** A panel, composed of three students and two faculty members drawn from the Honor Committee, convened to determine the validity of one or more alleged Honor Code Violations brought against an Accused Student and, when appropriate, to impose sanctions.
7. **Honor Committee:** The standing committee composed of six students and five faculty members, responsible for upholding and enforcing the Honor Code.
8. **Honor Committee Chairperson:** A student elected by a majority vote of the Student Bar Association to assist with the administration of the Honor Code.
9. **Honor Proceeding:** The formal adjudication of an alleged Honor Code Violation.
10. **Law School Community:** Includes all students, faculty, administrators and staff of The Dickinson School of Law.

11. Party: Either the Honor Code Administrator, the Presenter, or the Accused Student in an Honor Proceeding.

12. Plagiarism: Should be given its usual dictionary meanings: to steal and pass off (the ideas or words of another) as one's own; to use (a created production) without crediting the source or to commit literary theft, presenting as new and original an idea or product derived from an existing source. Plagiarism includes the copying or paraphrasing without acknowledgment of any material written or expressed by another person, and the submission of work written in whole or in substantial part by someone other than the student who submits the work as the student's own work. Plagiarism also includes the re-submission of work originally completed for another course and the giving or receiving of excessive assistance or making excessive use of the work of someone else in preparing an assignment, without faculty approval. What constitutes "excessive assistance" or "making excessive use of the work of someone else" is a matter for the course professor to decide and communicate in a timely manner to the students. Unless the course professor gives different instructions, "excessive assistance" should be construed with reference to the academic purpose of the assignment - to develop the student's research and writing skills and to evaluate his or her skills. A student may receive some counsel and suggestions from other people, e.g., another student, the course professor, so long as the paper is, in both pedagogical and literary senses, the work of the student.

13. President of the Hearing Board: A faculty member appointed by the Honor Code Administrator from among the two faculty members chosen to serve on the Hearing Board. The President presides over the hearing and prepares the Hearing Report.

STATEMENT OF ETHICS AND INTEGRITY

I swear or affirm to uphold the principles and goals of the Honor Code as espoused herein.

The central purpose of this Honor Code is to sustain and protect the Community of Trust in which all members of the Dickinson School of Law community can enjoy the freedom to develop their intellectual and personal potential.

The duty of every member of this community shall be to safeguard and promote the ideals of honor and integrity within the Dickinson School of Law. The Honor Code therefore proscribes dishonorable conduct, including lying, cheating, and stealing. It further prescribes honesty and presumes as much of its members.

It is the duty of all members of the Dickinson School of Law of The Pennsylvania State University community to act in accordance with this Honor Code, and to be responsible to one another for violating and enforcing this Code.

Approved Friday, June 12, 2015