

April 13, 2018

**IT IS THE RESPONSIBILITY OF EVERY STUDENT  
TO READ AND COMPLY WITH THIS CODE**

**GEORGE WASHINGTON UNIVERSITY LAW SCHOOL  
ACADEMIC INTEGRITY CODE**

**1. INTRODUCTION**

1.1. The George Washington University Law School seeks to foster academic excellence in the study of law and to prepare students for participation in the legal profession. Academic excellence, in any discipline, depends on an environment of honesty, integrity, and fairness. This general requirement is heightened by the special mission of a law school – to prepare students for a practice that relies heavily on the honor of its participants. The Law School community expects its members to uphold the highest ethical standards. It expects students to prepare for the duties of honesty and integrity that they will undertake as lawyers by practicing honesty and integrity throughout their time as students. It expects faculty members to comply with their duty of integrity as provided in the University’s Faculty Code.

1.2. The responsibility for creating and maintaining academic integrity in the Law School community is shared by all members of the community– students, faculty, staff, and deans. This Academic Integrity Code (the “Code”) defines and prohibits academic dishonesty. It prescribes procedures to be followed in cases of academic dishonesty. It also exhorts all members of the Law School community to foster a culture of honesty, integrity, and professional responsibility throughout the community.

1.3. The Code applies to law students who are taking classes in the Law School, law students who are taking classes in other divisions of the University for credit toward the law degree, law students who are taking classes at other institutions for credit toward the law degree, to alumni when allegations of a Code violation relate to the period in which the student was enrolled, and to an individual following his/her admission to the Law School but prior to registration. The Code also applies to a student who withdraws from the Law School after an incident alleged to be in violation of the Code.

1.4. The Office of the Dean of Students and the Committee on Academic Integrity (the “Committee”) are responsible for administering this Code.

1.5. Information regarding the Academic Integrity Code will be provided at orientation programs for new students. It is the responsibility of all students to read and familiarize themselves with this Code as well as the University’s Guide to Student Rights and Responsibilities, which is available from the Office of the Dean of Students, and all publications of the Law School designed to implement this Code, such as “Citing Responsibly.” All incoming students will receive copies of the Code, Citing Responsibly, and the University Guide to Student Rights and Responsibilities in

electronic format. If, in light of the Law School community's norms of academic integrity, the propriety of certain conduct is in doubt, students must seek the advice of Law School faculty or administrators. It is always the responsibility of individual students to be informed of their obligations under this Code and other codes of conduct applicable to law students.

1.6. Law School faculty, students, and administrators are expected to be familiar with this Code, and are responsible for conforming to its requirements.

## **2. RECORD RETENTION AND REPORTING; RELATIONSHIP OF THIS CODE TO BAR ADMISSIONS AND BACKGROUND INQUIRIES**

2.1. All students should be aware that a record of academic dishonesty is an extremely serious obstacle to a student's gaining admission to the practice of law. A record of academic dishonesty also may hinder employment and clerkship opportunities.

2.2. The Office of the Dean of Students permanently retains a record of all charges of academic dishonesty issued in accordance with section 7.1.8 of this Code and the disposition of all such charges. That office permanently retains a record of each such charge regardless of whether the student charged is found to have committed academic dishonesty and regardless of whether a finding of academic dishonesty becomes a part of the student's official transcript as kept by the Registrar.

2.3. Before admitting a candidate to the practice of law, a state bar will inquire, among other things, whether the candidate committed academic dishonesty as a student. Some state bars inquire whether the candidate was ever charged with academic dishonesty. The Law School responds fully to such inquiries before or after graduation. The Law School also responds fully to inquiries concerning academic dishonesty made by those entitled by law to make such inquiries, including, for example, agents of the Federal Bureau of Investigation conducting a background check. All such disclosures shall be consistent with applicable federal and DC law.

## **3. THE COMMITTEE ON ACADEMIC INTEGRITY**

### **3.1 Mission of the Committee**

3.1.1. The Committee shall administer this Code to promote a culture of honesty, integrity, and professional responsibility throughout the Law School community.

3.1.2. The Committee shall take appropriate steps to help educate the Law School community regarding the responsibilities set forth in this Code. With respect to incoming students, the student members on the Committee will assist in educational efforts about the Code. The Committee shall be responsible for the contents of all

publications of the Law School designed to implement this Code, such as “Citing Responsibly” and Frequently Asked Questions (FAQ) on the website of the Law School.

3.1.3. Student members of the Committee, except for the voting student member appointed under section 3.2.4, shall be available to serve as student members of hearing panels appointed in accordance with this Code to determine whether academic dishonesty has been committed. Student members of the Committee also should refer students to the Academic Integrity Faculty Counselors (see Section 6.4).

3.1.4. As provided in section 7 of this Code, the faculty and decanal members of the Committee (together with the voting student member) shall, after the initial investigation by the Dean of Students and/or the Chair of the Committee and subsequent investigation by an Associate or Assistant Dean, consider allegations of violation of this Code, determine whether charges of academic dishonesty should be brought and the proposed sanctions therefore, and present cases to hearing panels.

3.1.5. When an issue arises that is not clearly addressed in the Code, the Committee may issue advisory interpretations of the Code. Such interpretations shall be recorded in the minutes of the Committee and should be considered for incorporation into the next Code revision.

3.1.6. At least once every four years, the Committee shall consider whether any Code revisions are needed and, if so, shall propose them to the Faculty.

3.1.7. The Committee may advise the Associate Dean for Admissions and Financial Aid regarding the wording of questions about the prior conduct of an applicant that are contained in the application for admission.

## **3.2. Composition and Appointment of the Committee**

3.2.1. The Committee shall consist of (a) at least four faculty members and such Deans as shall be appointed to it by the Dean and (b) seven students. The Dean also shall appoint one of the faculty members to serve as Chair of the Committee. Except as noted below, the faculty members, Deans and one of the seven students (as provided in section 3.2.4) shall be the voting members of the Committee. The Dean of Students or his/her designate is an ex officio member of the Committee and does not vote. The Chair of the Committee does not vote on cases involving individual students. Other than the student designated as the voting member of the Committee, the other six students do not vote on cases involving individual students except when the voting student member is unavailable or unable because of a conflict of interest to serve this function.

3.2.2. When the Committee meets to discuss policy, such meeting is termed a “plenary session.” When the Committee meets to resolve students’ cases, such meeting is termed an “executive session.” Either or both types of sessions may be held on the same day.

3.2.3. For purposes of conducting business as an executive session, a quorum of the Committee consists of at least half of the members who are either faculty, voting deans, or the voting student. Provided that a quorum is present (including present by phone), a simple majority of those voting is required to approve an action.

3.2.4. The student members of the Committee shall be appointed by the Dean from a list of students recommended by the Student Bar Association early in each academic year. Students normally shall serve a two-year term on the Committee and may be recommended and reappointed for a third or fourth year.

3.2.5. The Dean may remove a member of the Committee who, in the Dean's opinion, is not adequately fulfilling his or her duties as a Committee member, and the Dean may fill any vacancy on the Committee. If a violation of the Academic Integrity Code is alleged against a student member of the Committee, the student may not continue to serve on the Committee until and unless the matter is resolved without a violation being found.

3.2.6. The student members of the Committee shall elect one of their number to be the voting student member and to perform the functions specified in section 7. The student members also shall elect one of their number to serve as an alternate to the voting student member. The alternate student may attend executive sessions of the Committee, but may not participate in the discussion or vote unless the voting member is unavailable or unable because of a conflict of interest to serve those functions.

3.2.7. Student members may participate in all Committee policy discussions. Student members other than the voting student member and the alternate voting student member shall perform the functions designated to the non-voting student members in Section 7.

3.2.8. Student members of the Committee should refrain from offering advice to any student that a specific action is or is not a violation of the Code. If a student seeks the advice of a student Committee member and specifically discloses actions that may be a violation of the Code, the Committee member should urge the student to seek the advice of an Academic Integrity Faculty Counselor. In this circumstance, and notwithstanding Section 6.1, the student Committee member is not obligated to report the matter to the Dean of Students or the Chair of the Academic Integrity Committee.

3.2.9. The Committee normally meets on a year-round basis so long as sufficient members are available to comprise a quorum. The terms of decanal and faculty members of the Committee run until a new slate of members is appointed at the beginning of each academic year. The terms of student members run through the end of their terms and they may continue to serve until they graduate or are replaced at the time new student members are appointed.

#### 4. THE PLEDGE OF HONESTY

4.1. As a reminder and an affirmation of the duty of academic integrity, each student shall sign the pledge of honesty given below for each item of written work submitted at the Law School for credit. Such work includes, but is not limited to, examinations, research assignments, Blue Book assignments, and any other written submission, such as memos, briefs, notes, and articles.

4.2. The pledge of honesty shall read:

On my honor, I submit this work in good faith and pledge that I have neither given nor received improper aid in its completion nor, in the case of work other than timed exams, made use of sources without providing required attribution.

\_\_\_\_\_  
(Signature of Student)

Faculty members may modify the pledge of honesty in order to conform the pledge to the nature and requirements of particular course assignments or use of electronic class recordings.

4.3. With regard to any academic exercise that is submitted for anonymous evaluation, the administration may provide that students shall manually write out their identifying numbers in place of a signature. An identifying number, so written out, shall constitute a signature for purposes of this Code.

4.4. An instructor may provide that students shall sign one appropriately worded pledge to cover all documents prepared for filing in court or other purposes during the semester.

#### 5. ACADEMIC DISHONESTY; DEFINITIONS

5.1. A student who engages in academic dishonesty violates the Code and is subject to the sanctions set forth in the Code.

5.2. “**Academic dishonesty**” encompasses any of the following misconduct:

5.2.1. “**Cheating**” - intentionally, knowingly or recklessly:

- (a) using unauthorized materials, information, or study aids in any academic exercise, including any obtained through use of technology;
- (b) engaging in unauthorized collaboration through any means, including the use of technology, in any academic exercise;
- (c) copying from another student's examination;
- (d) presenting material prepared by anyone else as one's own work;

(e) obtaining or providing unauthorized information about the contents of an examination prior to its being administered; or

(f) failing to comply with rules or instructions (set by the instructor or the Law School administration) governing the administration of an examination or the completion of another assignment (including in-class participation), with the purpose of seeking or practical effect of creating an advantage over other students working on the same examination or assignment.

5.2.2. **“Plagiarism”** - intentionally, knowingly or recklessly representing the words or ideas of another as one's own in any academic exercise, including, but not limited to, the intentional, knowing or reckless failure to give attribution when making a direct quotation or when paraphrasing or borrowing facts or information. An intentional, knowing or reckless violation of any rule set forth in “Citing Responsibly” shall be regarded as an act of plagiarism.

5.2.3. **“Unauthorized multiple submission”** - intentionally, knowingly or recklessly submitting the same or substantially the same work, including drafts, to satisfy requirements for academic credit in more than one course.

5.2.4. **“Forgery, falsification or misrepresentation”** - intentionally, knowingly or recklessly: (1) making a false statement, concealing material information, or forging a signature on any academic record or document; (2) making a false oral or electronic statement or concealing material information during an oral or electronic communication with respect to any academic exercise or program; or (3) inventing any information pertaining to the student's affiliation or standing with the Law School.

5.2.5. **Intentionally or knowingly stealing, destroying, damaging or hiding library materials or academic records or documents** of others, including when such conduct has the potential to impede or damage the academic work or participation of others.

5.2.6. **Intentionally or knowingly impeding or damaging the academic work of others** including with respect to Law School competitions and prizes.

5.2.7. **Intentionally or knowingly attempting to commit an act of academic dishonesty**, assisting another to commit or conceal an act of academic dishonesty, bringing a false accusation of academic dishonesty, giving false testimony concerning academic dishonesty, or failing to notify a faculty member from whom a recommendation is requested of a prior sanction imposed under this Code against the student requesting the recommendation.

5.3. **"Academic exercise"** refers to any work constituting a basis upon which a student will be evaluated to earn credit or Law School honors or to earn other academic honors during the student's time at the law school, as well as work performed in any activity in which the student participates on behalf of the Law School regardless of whether the student is seeking credit for such activity, including, but not limited to, in-

class examinations, take-home examinations, research papers (including topic proposals, outlines, and drafts), other writing assignments, oral presentations, class participation, externship, work done in clinical programs and on law journals, and work performed in any competition sponsored or conducted by the Law School and/or journal, writing, skills or advocacy.

5.4. "**Academic records or documents**" include, but are not limited to, the application for admission, registration and add/drop forms, transcripts, materials submitted in connection with school-sponsored job interviews and school-sponsored competitions, and correspondence or communication with Law School officials or University officials regarding academic matters. Academic records or documents also includes correspondence with officials of the Law School or the Student Bar Association regarding Law School prizes whether or not given for scholarly performance. (An allegation regarding financial aid forms is a potential violation of the University's Code of Student Conduct and would be adjudicated in a University tribunal rather than under this Code.)

5.4.1. With respect to applications for admission to Law School, the Committee instituted an expedited process for failure to disclose cases in August 2008 and applied it to students matriculating on or after May 2008. This process allows a student to petition the Admissions Office to make non-material corrections to the student's application on questions regarding prior conduct before that student matriculates at the Law School. Material misstatements or omissions will continue to be grounds for invoking the procedures of Section 6.1.

5.5. "**Unauthorized**" means without permission or consent or without an objectively reasonable belief that permission or consent has been provided.

5.6. "**Intentionally**" means that it was the conscious objective of the student to engage in conduct or cause a result with respect to acts prohibited by this Code.

5.7. "**Knowingly**" means that the student was aware to a substantial degree of certainty that the conduct would cause a particular result prohibited by this Code.

5.8. "**Recklessly**" means a gross departure from standards of reasonable care with respect to acts prohibited by this Code.

5.9. A student commits academic dishonesty when the student acts in violation of this Code with the requisite mental state. An intent to violate the Code is not required.

## **6. REPORTING ACADEMIC DISHONESTY**

6.1. All members of the Law School community share a responsibility to take appropriate action when academic dishonesty has occurred. Any student, staff member, faculty member, or dean who becomes aware of an act of academic dishonesty has the

obligation to bring the matter to the attention of the Office of the Dean of Students or the Chair of the Academic Integrity Committee. Any member of the community who is uncertain if an act involves academic dishonesty should contact the Academic Integrity Faculty Counselor for advice.

6.2. The failure to report academic dishonesty is not itself a chargeable offense under this Code. However, the Code cannot function, and academic integrity cannot be appropriately promoted, if members of the Law School community do not report academic dishonesty when it occurs. All members of the Law School community must fulfill their responsibility to report academic dishonesty.

6.3. Students who have committed academic dishonesty are encouraged to report themselves. Self-reporting does not excuse academic dishonesty but may be considered in determining the appropriate sanction.

#### **6.4. Academic Integrity Faculty Counselor(s)**

6.4.1. At the beginning of each semester, the Senior Associate Dean for Academic Affairs shall name one or more members of the Faculty to the role of “Academic Integrity Faculty Counselor.” Students will be informed as to the identity of the Counselor(s) and also informed that any information regarding academic dishonesty communicated by the student to the Counselor will be considered confidential and will not be subject to the disclosure requirements of this Code. The Academic Integrity Faculty Counselor will seek to inform students about the Law School’s Academic Integrity Code and to respond to student questions.

6.4.2. Unless there is consent from that student, the Academic Integrity Faculty Counselor(s) may not reveal to the Dean of Students or members of the Academic Integrity Committee any information communicated by a student to that Counselor in the course of seeking advice regarding student obligations under the Academic Integrity Code. Sections 6.1, 6.2 and 7.1.1 shall not be interpreted or applied in a way so as to be inconsistent with the preceding sentence.

6.4.3. Section 6.4 is not meant to establish attorney-client privilege nor to preclude the Faculty Counselor from exercising judgment in seeking other appropriate intervention for a student’s situation, including, for example, counseling or law enforcement assistance.

## **7. PROCEDURES FOR CHARGES OF ACADEMIC DISHONESTY**

### **7.1. Procedures for Resolution by the Committee Meeting in Executive Session**

7.1.1. Any person who becomes aware of an act of academic dishonesty shall bring the matter to the attention of the Office of the Dean of Students or the Chair of the Academic Integrity Committee.

7.1.2. The Office of the Dean of Students or the Chair of the Academic Integrity Committee shall conduct an initial investigation into any allegation of academic dishonesty.

7.1.3. If the alleged academic dishonesty occurred in connection with a class, the Office of the Dean of Students or the Chair of the Academic Integrity Committee shall notify the class instructor.

7.1.4. If the Office of the Dean of Students or the Chair of the Academic Integrity Committee conclude, after an initial investigation, that the alleged academic dishonesty did not occur, the Office of the Dean of Students shall record that the allegation was not substantiated. The conclusion shall be reported to the student and, if the academic dishonesty allegedly occurred in connection with a class, to the class instructor. If the charge is one of plagiarism, the initial investigation shall include a review of the document containing the alleged plagiarism by the staff of the Law Library.

7.1.5. If, after the initial investigation, the Office of the Dean of Students or the Chair of the Academic Integrity Committee have reason to believe that a violation of this Code occurred, the Chair of the Committee shall conduct a full investigation of the matter or appoint one or more individuals from a pool of Associate and Assistant Deans designated by the Dean to conduct a full investigation of the matter. The investigator(s) shall report the result of the investigation to the voting members of the Committee. The voting members shall review the results of the investigation and determine whether to proceed as specified in section 7.1.8 or section 7.1.9. The non-voting student members shall not participate in the proceedings of the Committee described in sections 7.1.5 through 7.1.10.

7.1.6. During the initial investigation and/or subsequent investigation(s), the investigator(s) shall meet with the student alleged to have committed academic dishonesty and shall inform the student of the evidence upon which the investigation is proceeding. At such meeting, the student shall be entitled to speak and provide other evidence to the investigator(s). The student shall be informed of any allegation prior to or at the time of the first meeting with the investigator. The student shall be encouraged to prepare a statement to be included with the report presented to the Committee.

7.1.7. At the time of the first contact with the student the Office of the Dean of Students or the Chair of the Academic Integrity Committee shall provide the student with the names of the Committee's non-voting student members and the Academic Integrity Faculty Counselor(s) whom the student under investigation may consult about these procedures. Any such individual contacted by the student under investigation may not reveal to the Committee, a hearing panel, or the Office of the Dean of Students the information disclosed by the student unless the student expressly authorizes the individual to disclose such information.

7.1.7.1. If a student under investigation discloses information about a potential violation to one of the non-voting student members of the Committee, the student member shall report this information to an Academic Integrity Faculty Counselor.

7.1.8. The Academic Integrity Committee can determine that there has been a violation of the Academic Integrity Code based upon a preponderance of the evidence.

7.1.9. If the voting members of the Committee conclude by majority vote that the alleged academic dishonesty did not occur (or if no motion is made for a vote), the Office of the Dean of Students shall record that the allegation was not substantiated. The Chair of the Academic Integrity Committee shall report that conclusion to the student and, if the academic dishonesty allegedly occurred in connection with a class, to the class instructor.

7.1.10. If the voting members of the Committee determine by majority vote that the facts warrant bringing a charge of academic dishonesty, the Chair of the Academic Integrity Committee shall present the charged student with a completed copy of the "Charge of Academic Dishonesty" form, in which the exact charge and the proposed sanction (as approved by the Committee by majority vote) are set forth.

7.1.11. The student shall respond in writing to the charge within fourteen calendar days of receiving it. If the student does not respond, there will be a presumption of acceptance of the charge. The Office of the Dean of Students or the Chair of the Committee Integrity Committee may, upon request by the charged student, extend this time limit for good cause shown.

7.1.12. If the student admits the charge and agrees to the imposition of the proposed sanction, the student shall so indicate on the charge form and shall sign the form, and the sanction shall be imposed. A copy of the signed form shall be deposited with the Office of the Dean of Students, along with any statement the student wishes to offer.

7.1.13. Any person who feels aggrieved by the failure of the Committee, the Office of the Dean of Students or the Chair of the Academic Integrity Committee to take action with regard to alleged academic dishonesty may report the matter to the Dean or the Senior Associate Dean for Academic Affairs of the Law School.

7.1.14. All proceedings of the Committee pursuant to sections 7.1.4 through 7.1.10 and the records thereof shall be confidential. Except with the permission of the Dean or as required by law, no faculty member or student member of the Committee or other person acting on behalf of the Law School shall disclose information learned in those proceedings to anyone other than members of the Committee, the Dean, members of the Office of the Dean of Students Affairs, the Senior Associate Dean for Academic Affairs, the Assistant Dean for Academic Affairs, or the class instructor when the academic dishonesty occurred in connection with a class.

## **7.2. Hearings**

### **7.2.1. Appointment, composition, and role of Hearing Panel.**

7.2.1.1. If the charged student believes that the charge is not warranted and/or that the sanction is not appropriate, the Chair of the Committee shall notify the Senior Associate Dean for Academic Affairs who shall appoint a panel to conduct a hearing on the charge.

7.2.1.2. The hearing panel shall be composed of three faculty members, none of whom may be members of the Committee, and two students. The student members of the panel shall be chosen from the non-voting student members of the Committee. The Senior Associate Dean for Academic Affairs shall appoint one of the faculty members on the panel to serve as chair.

7.2.1.3. The role of the hearing panel is to call and question the relevant witnesses, determine the facts, decide whether the charged student has committed an act of academic dishonesty under this Code and, if so, determine what sanction is appropriate.

### **7.2.2. Hearing Procedures**

7.2.2.1. The Chair of the Academic Integrity Committee shall supply the panel and the charged student with the charge and proposed sanction, any relevant documents including the report of the investigator and the written statement of the student, and the names, addresses, and telephone numbers of witnesses who have significant information.

7.2.2.2. The hearing shall be informal. Hearings are closed and conducted in confidence with only relevant parties and established witnesses present at the hearing. Family members, friends, acquaintances, media, outsider observers, or other parties without cause to be involved in the proceeding may not be in the hearing room. The panel shall be guided by fundamental principles of fair play but shall not be bound by strict rules of evidence or procedure. The hearing may proceed even if the student, having been notified of the hearing, fails to attend.

7.2.2.3. The panel shall give the charged student at least ten calendar days to prepare for the hearing and shall notify the student of witnesses who are expected to appear at the hearing.

7.2.2.4. The panel may, in its discretion, ask the investigator, the Chair of the Academic Integrity Committee, and a representative from the Office of the Dean of Students to be present. The panel may request that those individuals present evidence and question witnesses so as to bring out evidence supporting the charge of academic dishonesty, to argue in favor of the Committee's finding that the charged student committed academic dishonesty, and/or to make arguments regarding the appropriate sanction. No witnesses may be present during the deliberations of the hearing panel and

they will participate in the hearing when called upon to enter the room to offer their statements.

7.2.2.5. The charged student may have an adviser of his or her choice to assist during the hearing. The adviser during the hearing shall not be a present faculty member, staff member or administrator of the Law School or the student members of the Committee. Neither the charged student nor his/her adviser may be present during the deliberations of the hearing panel.

7.2.2.6. The chair of the hearing panel may permit a member of the University's General Counsel's Office to attend the hearing as an observer and to respond to questions of the panel. The University counsel may not be present during the deliberations of the hearing panel.

7.2.2.7. The charged student or her adviser may question witnesses called by the panel. The student or her adviser may also call additional witnesses who have relevant information. The panel (and/or its designee under section 7.2.2.4) may question these witnesses and the charged student.

7.2.2.8. Members of the Law School community who have relevant information and are called as witnesses are expected to cooperate in the process. The panel chair may limit the presentation of evidence so as to avoid undue delay, waste of time, or needless presentation of cumulative evidence. The chair may exclude questioning that is abusive or redundant and may limit or exclude any statement that is immaterial or abusive.

7.2.2.9. If the academic dishonesty allegedly occurred in connection with a class, the panel may, and is encouraged to, seek the opinion of the class instructor regarding whether any sanction imposed should affect the charged student's grade. The panel may obtain the instructor's opinion in writing (with a copy provided to the charged student) or by statement at the hearing.

7.2.2.10. The hearing and the records thereof shall be confidential. Except with the permission of the Dean or as required by law, members of the panel and other persons acting on behalf of the Law School shall not disclose information learned in the hearing to anyone other than members of the panel, the Dean, the Designated Dean, the Dean of Students, the Senior Associate Dean for Academic Affairs or the Assistant Dean for Academic Affairs.

7.2.2.11. Hearings shall be audio- or video-recorded via law school resources, and the recordings shall be retained for a minimum of three years. A student or his/her advisor may not independently record or capture the proceedings, but may have access to a recording through the Dean of Students.

7.2.2.12. All matters of hearing procedure not otherwise governed by the provisions of this Code shall be determined by the chair of the panel. The chair may set reasonable time limits for presentations.

### **7.2.3. Post-Hearing Procedures**

7.2.3.1. After the conclusion of the hearing, the panel shall render a decision as soon as practicable.

7.2.3.2. The panel shall determine that the charged student committed an act of academic dishonesty only if it finds that a preponderance of the evidence supports such a determination.

7.2.3.3. If the panel determines that the charged student did not commit an act of academic dishonesty, the panel shall issue a written finding that the charge was not proved, which the Office of the Dean of Students shall maintain in the permanent records of that office. In such a case, the panel may issue a written opinion setting forth its findings of fact and its conclusion. Any member of the panel who dissents from the panel's findings or conclusion may express his or her dissent in writing, which shall be attached to the panel's written opinion. The Office of the Dean of Students shall maintain the opinion and any dissents in the permanent records of that office.

7.2.3.4. If the panel determines that the student committed an act of academic dishonesty, it shall issue an opinion in writing, signed by all members voting in the affirmative, setting forth its findings of fact, conclusion, and the appropriate sanction. At least four members of the panel must agree with a determination that the charged student committed academic dishonesty and with any sanction imposed. Any member of the panel who dissents from the panel's findings, conclusion or sanction may express his or her dissent in writing, which shall be attached to the panel's written opinion. The Office of the Dean of Students shall maintain the opinion and any dissents in the permanent records of that office.

7.2.3.5. The sanction determined by the panel, if any, may be equal to, less than, or greater than the sanction initially proposed by the Committee on the charge form.

7.2.3.6. The finding or opinion of the panel shall be the final decision of the Law School. The sanction set forth in the panel's opinion, if any, shall be imposed after ten calendar days from the issuance of the signed opinion, unless the student appeals as provided in the next section of this Code. The opinion of the hearing panel shall be transmitted to the Academic Integrity Committee for its information.

### **7.3. Appeal to the University**

7.3.1. If the charged student disagrees with the hearing panel's opinion, he or she has the right to appeal to the University's Provost.

7.3.2. Mere dissatisfaction with the finding of the hearing panel and/or with the sanction imposed is not a ground for appeal. An appeal may be based only on (1) new evidence that was not available at the time of the hearing and that could not have been

discovered by due diligence by that time, (2) evidence of bias on the part of the hearing panel, or (3) failure of the hearing panel to follow the procedures specified in this Code. A harmless error shall not be grounds for reversing the Law School's decision on appeal.

7.3.3. A student desiring to appeal shall, within ten calendar days of the issuance of the hearing panel's signed opinion, provide the Chair of the Academic Integrity Committee with a Letter of Appeal stating the grounds for the appeal.

7.3.4. Upon receiving the Letter of Appeal, the Chair of the Academic Integrity Committee shall transmit the complete case file, including the hearing panel's written opinion and the Letter of Appeal, to the Provost. A response by an official of the Law School to the student's Letter of Appeal also may be included in the file.

7.3.5. The University Provost shall respond to the parties involved, render a decision, and return the file to the Committee Chair.

## **8. SANCTIONS FOR ACADEMIC DISHONESTY**

### **8.1. Determining the Appropriate Sanction**

8.1.1. The "sanction" that may be imposed after the "Resolution by the Committee" or after the "Hearing," shall consist of one or more of the sanctions listed in Section 8.2.

8.1.2. In determining the appropriate sanction, the Committee and the panel shall consider the seriousness of the offense and the degree of the student's intent. In addition, the Committee and the panel may consider the student's prior disciplinary record, the student's truthfulness and cooperation in the investigation, whether the student self-reported his/her own act of academic dishonesty, and the need to promote academic integrity at the Law School. While the Committee also may take into account sanctions imposed on students for prior violations of a similar nature, these are not determinative of the sanction that is imposed in a particular case. A presumption of a strong sanction, such as a one-year suspension, should inform the deliberations of the Committee or any panel when dealing with a substantial violation of the Code.

### **8.2. Sanctions**

A student found in violation of the Academic Integrity code is subject to receiving any of the following sanctions:

8.2.1. Expulsion from the Law School.

8.2.2. Suspension from the Law School for a definite period (e.g., one semester, one year, two years) with or without conditions of readmission stated in the suspension

notice. Suspension also may be given for an indefinite period, provided that the conditions of readmission shall be stated in the suspension notice.

8.2.3. A recommendation that the University revoke or suspend a degree previously conferred on the student.

8.2.4. A grade of F, No Credit, or zero for the work product, course, or other academic requirement involved.

8.2.5. Rejection of the work product involved, with the requirement that the student satisfactorily complete compensatory work.

8.2.6. Rejection of the document(s) submitted, with a requirement to correct or amend documents with appropriate information.

8.2.7. Loss or denial of, or disqualification for, scholarships, academic prizes, prizes, or honors, including the honor of journal membership, the George Washington or Thurgood Marshall Scholar designations, or Order of the Coif.

8.2.8. A permanent letter of reprimand from the Chair of the Academic Integrity Committee to be placed in the student's law school file.

8.2.9. Denial of a positive character and fitness reference for state bar examiners.

8.2.10. The permanent notation "Academic Dishonesty–Coursework" or "Academic Dishonesty–Not Coursework" as appropriate, on the student's transcript.

8.2.11. A requirement that the student report the finding of the Committee to the faculty member if the violation involves a course, and to the editor-in-chief of a journal if the violation involves work connected with the journal.

8.2.12. In addition, but not as a substitute, a rehabilitative sanction tailored to the circumstance of the case may be imposed.

### **8.3. Reporting Duties of the Student**

Any student who has been subject to any sanction under this Code shall, upon requesting a reference from any faculty member, inform the faculty member of the sanction. The Office of the Dean of Students or the Chair of the Academic Integrity Committee shall remind students of this obligation at the time any sanction is imposed. With the written permission of the student, any faculty member who has been asked to give a recommendation regarding a student may inquire of the Office of the Dean of Students as to whether that student has been sanctioned under this Code.

### **8.4. Procedural Matters**

8.4.1. The Office of the Dean of Students shall retain a permanent record of any sanction imposed, regardless of whether the sanction is noted on a student's transcript. See "Record Retention and Reporting," in Section 2, above.

8.4.2. When a sanction is imposed under this Code for academic dishonesty that occurred in connection with a class, the Chair of the Academic Integrity Committee shall notify the class instructor.

## **9. MISCELLANEOUS PROVISIONS**

### **9.1. Scope**

9.1.1. This Code applies to all students pursuing any degree from the Law School, even when such students, including joint degree candidates, are taking courses at other schools, and to all students taking any course offered by the Law School, whether or not they are candidates for a Law School degree.

9.1.2. This Code does not limit the ability of the University or its departments to charge any student with a violation of any applicable University or departmental code or policy.

9.1.3. The University's Provost, in consultation with the Office of the Dean of Students, shall resolve any conflicts between this Code and any other University policy.

9.1.4. This Code shall apply to all cases of academic dishonesty occurring on or after the date it becomes effective. The hearing procedures of this Code shall also apply in any case of academic dishonesty occurring prior to the effective date of this Code in which a hearing panel was not appointed prior to that date, and the other provisions of this Code shall also apply to such a case where feasible and appropriate. The Law School's prior Code shall continue to apply to any case of academic dishonesty that was in process at the time of a Code amendment. For purposes of this section, the term "this Code" shall mean the Law School's Code on Academic Integrity, together with all amendments thereto, as in effect on the pertinent date.

9.1.5. In cases involving alumni of the Law School, the Code to be applied is the Code or Policy that was in effect at the time of the alleged academic integrity violation. The Office of the Dean of Students shall keep copies of each year's Code.

### **9.2. Timing**

9.2.1. All steps in the process described in this Code shall be taken with reasonable promptness; however, delay in the discovery, reporting, or processing of a charge of academic dishonesty shall not affect the validity of such a charge unless it has made the fair processing of the charge impossible.

9.2.2. No sanction shall go into effect until after opportunity for appeal as provided in this Code is exhausted. Should appeal procedures not be completed before the due date for grades, a charged student shall receive the grade "I" in any course with regard to which a charge of academic dishonesty is pending until the charge has been finally resolved. No student against whom a charge of academic dishonesty is pending shall be permitted to graduate until the charge has been finally resolved. The Law School may place a hold on the transcript of a student charged with academic dishonesty until the charge has been finally resolved.

9.2.3. A charge of academic dishonesty may be brought against a student who has graduated or left the Law School for dishonesty committed while a student or in the course of applying for admission, provided the passage of time has not rendered the fair processing of the charge impossible.

### **9.3. Recusal; Substitute for Unavailable Persons**

9.3.1. A faculty member or student shall recuse herself from making any determination under this Code if he or she was directly involved in matters that are the subject of an investigation or charge of academic dishonesty under this Code, or if other circumstances create a reasonable doubt about her ability to make an impartial determination.

9.3.2. If a faculty member or student declines to recuse herself after a challenge to her participation has been raised by a participant in the proceedings, the issue of recusal shall be determined by (i) the Chair of the Committee prior to consideration of the case by the Committee, or (ii) the Chair of the hearing panel during the pendency of hearing proceedings pursuant to Section 7.2, or (iii) the Senior Associate Dean for Academic Affairs, if either of the foregoing persons is unable or unwilling to make a determination.

9.3.3. The Senior Associate Dean for Academic Affairs may appoint a substitute to perform any function under this Code if the person who would normally perform the function is unavailable or unable to act. Whenever possible, the substitute for a faculty member shall be a faculty member and the substitute for a student shall be a student.

### **9.4. Annual Report**

The Office of the Dean of Students shall prepare an annual report summarizing all charges made under this Code in the previous academic year and the disposition of such charges, including the sanctions imposed, if any. The report shall not give the names of the students involved, nor provide any information that could be linked to other information easily available in the community that could be used to identify a student or students. The annual report should be consistent with the requirements of the Family Educational Rights and Privacy Act. The Office of the Dean of Students shall deliver this report to the Dean and Senior Associate Dean for Academic Affairs of the Law School by October 1 of each year. Not later than December 1 of each year, the report shall be

provided to the faculty and deans and to the President of the Student Bar Association and shall be made available upon request for viewing by any student of the Law School.

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