HONOR COUNCIL AND HONOR CODE

Honor Council

“Good moral character” is a prerequisite for admission to the Bar and practice of the law. The imperative of personal integrity, however, exists long before a person is admitted to law practice; personal integrity is necessary in all conduct of a law student, whether law-school related or not.

The College of Law has designated six areas of law student academic misconduct that are within its power to control and in which personal integrity is imperative:

(a) the taking of examinations,
(b) the preparation of writing assignments,
(c) the use of the library and its reference materials,
(d) the falsifying of any documents relating to the College of Law,
(e) the disrupting of the orderly conduct of classes or meetings in the College of Law, and
(f) seeking to identify oneself in order to compromise the anonymous grading system.

The Honor Council is charged with administering the Honor System, informing all students about the Honor System, and evaluating suggestions for changes in the System. The Council shall investigate and, where necessary, adjudicate all suspected violations of the Honor System brought to its attention.

The Honor Council consists of twenty-two members, seventeen students and five full-time faculty members. The student members include the President of the Student Bar Association, the Chairperson of the Student Legal Education Committee and five representatives chosen in an election conducted by the Student Bar Association in the fall of each year.

Honor Code and Honor System

As revised, amended, and approved by the Faculty at its regular meetings, October 6, October 27, 1989, May 6, 1994, May 8, 2000, May 6, 2016, and April 14, 2017.

The official version of the Honor Code is posted on the website of the College of Law.

§ 1.00 Purpose, Policy and Scope

As stated in Section 12.01 of the Rules of the College of Law, a student enrolled in the College is governed by the Honor System and Honor Code. The Honor Code, governing academic misconduct, presumes that “good moral character” is a prerequisite for admission to the bar and practice of law and that individual personal integrity is essential in all aspects of a law student’s life, whether law school related or not.

The College of Law has designated six areas of law student academic misconduct that are within its power to control and in which personal integrity is imperative. These areas are:
(a) cheating in the taking of examinations,
(b) cheating in the preparation of writing assignments,
(c) the misuse of the library and its reference materials,
(d) the falsifying of any documents relating to the College of Law,
(e) the disrupting of the orderly conduct of classes or meetings in the College of Law, and
(f) seeking to identify oneself in order to compromise the anonymous grading system.

These areas are addressed in more detail in this Honor Code.

Under this Honor Code, the Honor Council shall have exclusive jurisdiction over the procedures leading to the recommendation of sanctions for academic misconduct. The recommended sanctions, approved by the Faculty, are, however, subject to appeal to the University Judicial Council.

Non-academic misconduct, to be distinguished from academic misconduct, is subject to inquiry and to disciplinary sanctions under separate rules promulgated by the University.

§ 2.00 Violations

The following are meant to serve as examples of what would be considered violations of the Honor Code. They are not meant to be exhaustive but to provide guidance for evaluating possible violating conduct.

§ 2.01 Examinations

The scheduling of examinations is set out in Section 7 of the Rules of the College of Law, and the procedures to be followed in taking examinations are outlined by the College administration. In general, the College of Law does not supervise the conduct of law students while taking examinations. Customarily, examinations are released to the members of a class at the same time in a designated location. Under the Honor System, examinations must be the product of the student’s own efforts and the student must follow the rules prescribed by the instructor, such as time limitations.

The Honor System requires that no student shall cheat with respect to an examination. “Cheating” is defined as knowingly using, receiving or giving information, or taking any other unauthorized advantage when writing an examination. The following examples of cheating shall serve as a general guide, but shall not be construed as exclusive:

(a) commencing an examination before the stipulated time or writing or adding to an examination answer after the time specified by the instructor for the end of the examination period;
(b) presenting or turning in an examination to the proctor or instructor in the room designated after the time specified by the proctor or instructor for the end of the examination period;
(c) leaving the immediate vicinity of the law school building during the course of an examination without express permission of the instructor in charge;
(d) stealing, copying, or retaining any examination questions other than those expressly released by the instructor in charge for those purposes;
(e) failing to use the student’s own efforts, including plagiarism and consultation with sources not expressly permitted by the instructor;
(f) discussing the contents of the examination with anyone before all students’ completion and submission of the examination;
(g) engaging or attempting to engage any person to take an examination in the student’s stead, or taking an examination for another; and
(h) failing to follow the rules of the examination as set out by the instructor or the College of Law.

In addition to the above, it is a violation of the Honor System to disrupt an examination or disturb others taking an examination.

Any instances of the above-described conduct, or other unacceptable conduct involving the taking of examinations, shall be subject to investigation and possible sanctions.

§ 2.02 Writing Assignments

A student is required to prepare a number of writing assignments during the student’s law school career. Each assignment must be the product of the student’s own efforts. Any student who prepares an assignment in violation of this provision may be subject to sanctions in accordance with this Honor Code.

Conduct subject to investigation and possible sanctions includes, but is not restricted to, that in which the student knowingly:

(a) has received or rendered unauthorized assistance, either written or verbal;
(b) has plagiarized material or in some way represented another’s work as the student’s own;
(c) has lied about work or otherwise misrepresented that work has or has not been performed;
(d) has submitted a written project for credit in a course when that written project already has been used for previous academic credit, unless that student is expanding a research project previously submitted for academic credit and obtains express permission from the instructor in the subsequent course;
(e) has stolen, destroyed, mutilated, damaged, hidden or otherwise handled books, materials or resources in such a way as to prevent fair use by other students doing research for the writing assignment, including non-printed materials, such as videotapes and electronic research equipment (e.g. computer terminals);
(f) has followed a course of action in the student’s research or writing prohibited by the instructor; and
(g) has taken any other unauthorized advantage.

It shall be presumed that collaboration, in the sense of discussion and sharing of information by students concerning a common assignment, has been approved by the instructor. However, if the instructor specifically prohibits such collaboration, no such presumption shall be raised, and any
collaborative conduct subsequent to the prohibition shall be subject to investigation and possible sanctions.

The provisions of this section apply to assigned library problems and writing work in connection with law school activities.

§ 2.03 Library and Its Reference Materials

The law library exists to provide all students with a quiet place to study and with the materials needed to research the law. In order to fulfill these twin purposes, each student must treat other students in the library with courtesy and must handle the library materials with respect.

(a) A student is in violation of the Honor Code when he or she knowingly:
(b) removes books or materials on reserve without signing them out with the intent of disadvantaging another student or user of the College of Law’s materials;
(c) does not return books or materials within the specific time limit with the intent of disadvantaging another student or user of the College of Law’s materials;
(d) steals, destroys, mutilates, damages, hides or otherwise handles books, materials or resources in any unauthorized manner; or
(e) removes books or materials not on reserve from the library except for copying within the law school building or under specific authorization of the librarian.

The preceding Honor Code violations are illustrative examples of impermissible conduct, not an exhaustive list of all library violations. The library staff also promulgates rules which the student is expected to follow.

§ 2.04 Falsifying Documents

A student is expected to set forth truthful information in all documents relating to the College of Law. Possible violations of the Honor Code relating to documents include, but are not limited to:

(a) knowingly falsifying application papers for entry into the College of Law;
(b) knowingly altering grade records or transcripts; and
(c) knowingly misrepresenting academic performance at the College of Law on resumes, job applications, or bar admission papers.

§ 2.05 Disruption

Knowing disruption which prevents the orderly conduct of classes, examinations, or meetings is academic misconduct and a violation of the Honor Code.

§ 2.06 Compromising Anonymous Grading

With respect to any work that is to be graded on an anonymous basis, it shall be an Honor Code violation to purposefully act in a manner that is reasonably calculated to identify oneself to the person grading the work so that the anonymous grading system is compromised.
§ 3.00 Reporting of Violations

The Honor System places a duty on each member of the College of Law community, whether a student, faculty, librarian or staff, who has personal knowledge of a violation of the Honor Code, to report such violation to the Honor Council. It shall be a violation of the Honor Code for a student having personal knowledge of an Honor Code violation to fail to report the violation in conformity with § 6.01 and § 6.02 of the Code.

§ 4.00 Honor Council Selection Procedure

The Honor Council shall be composed of twenty-two (22) members as follows: seventeen (17) students and five members of the full-time faculty. The five faculty members shall be selected each year by the Dean after consultation with the Faculty Advisory Committee. The seventeen student members shall be the President of the Student Bar Association (“SBA”), the Chairperson of the Student Legal Education Committee (“SLEC”), and five (5) students from each class selected as follows:

(a) At the beginning of the fall semester of each academic year, the SBA President, the Honor Council Chairperson, and the SLEC Chairperson shall solicit through the posting of notices in the first-floor hallways applications from students in the College of Law. Applications shall be solicited from students in each class in which the number of current Honor Council members is less than five (5), not counting the SBA President and the SLEC Chairperson. The period of solicitation shall be not less than one week. In order to ensure a sufficient number of applicants, the SBA President, the Honor Council Chairperson, and the SLEC Chairperson may personally solicit applications during the period of solicitation. Students who wish to apply shall submit a nomination bearing their own signature and the signatures of at least ten (10) members of their own class. Applicants shall also explain why they wish to serve on the Honor Council by submitting a statement not to exceed one page in length. From the applications submitted, the SBA President, the Honor Council Chairperson, and the SLEC Chairperson shall select five (5) applicants from the class of first-year students and a number of second- and third-year student applicants sufficient to fill existing vacancies. Students serving as Honor Council members at the time of adoption of this Honor Code shall continue as members of the Honor Council. The SBA President, the Honor Council Chairperson, and the SLEC Chairperson shall submit the names and applications of the persons so selected to the Dean for approval. Upon approval by the Dean, the persons so selected shall, together with the previously selected members, the SBA President, and the SLEC Chairperson, compose the student membership of the Honor Council. In the event the Dean fails to approve the appointment of any person selected by the SBA President, the Honor Council Chairperson, and the SLEC Chairperson, the SBA President, the Honor Council Chairperson, and the SLEC Chairperson shall, in their sole discretion, either submit the name and application of another person or persons from the original pool of applicants or repeat the procedure outlined above to procure additional applicants. The SBA President, the Honor Council Chairperson, and the SLEC Chairperson shall continue to submit
names to the Dean until the Dean has filled the existing vacancies on the Honor Council. Student members of the Honor Council shall serve until their graduation, unless removed prior to that time as provided in Section 5.00 of this Honor Code.

(b) In the Spring Semester, the student members of the Honor Council shall elect from among their number a first-year or second-year student to serve as Chairperson for a one year term beginning May 1. Any first- or second-year student who is a member of the Honor Council is eligible to be elected Chairperson of the Honor Council, except that no person may serve as Honor Council Chairperson and SBA President or SLEC Chairperson simultaneously.

(c) No person may serve as Associate Chairperson and SBA President or SLEC Chairperson simultaneously.

(d) The SBA President, Honor Council Chairperson, and the SLEC Chairperson may fill vacancies on the Honor Council by following the procedures described above.

(e) In recognition of the fact that Honor Council members will be physically unavailable to perform duties when school is not in session, the Chairperson of the Honor Council is authorized to appoint temporary Honor Council members to assist in any proceeding as described in Sections 7 and 8.

§ 5.00 Honor Council: Duties and Confidentiality

The Honor Council is charged with administering the Honor System, informing all students of the Honor System, and evaluating suggestions for changes in the Honor System. The Honor Council shall investigate and, where necessary, adjudicate all suspected violations of the Honor System brought to its attention in conformity with Sections 6.01 and 6.02 of the Code. Such investigation and adjudication shall conform to procedures described in Sections 6.00 - 9.00.

Honor Council members shall be subject to dismissal from Honor Council for unethical conduct or neglect of duties. Any Honor Council member found to have violated the Code shall be permanently dismissed from the Honor Council. Unethical conduct other than a violation of the Honor Code shall be brought to the attention of the Chairperson, who, after any necessary investigation, shall call a closed meeting of Council for the purpose of evaluating the charges. The member under investigation shall have the same rights afforded to a student under investigation under Section 6.03 of the Code. The member under investigation shall be permanently dismissed from Council if a majority of Council, excluding the member under investigation, votes to dismiss him or her. The procedure specified in this section shall also be followed for a member accused of neglect of Honor Council duties.

The confidentiality of all adjudicatory proceedings before the Honor Council shall be maintained at all times by its members. Pending cases shall not be discussed by any Honor Council member with any person other than the reporting witness, the student under investigation, witnesses, or other Honor Council members. A case shall be considered “pending” from the time at which a suspected violation is reported until it is finally adjudicated, whether by a dismissal under Sections 7.04 or 8.02, by a hearing and final determination of sanction(s) under Sections 8.00 and 9.00, or until all rights of appeal to the University Judicial Council have been exhausted.
Violation of this provision is an Honor Code violation and shall result in permanent dismissal from the Honor Council.

The Chairperson of the Honor Council shall maintain a file containing copies of the current Honor Code and Honor System and the Rules of the College of Law, all investigatory findings and judicial panel decisions, correspondence, and other material deemed appropriate by the Chairperson. All adjudication reports and all private correspondence within this file shall be kept confidential at all times and may not be disclosed to any person other than a member of the Honor Council, a member of the faculty reviewing the recommended sanction(s) pursuant to Section 9.01, and the person or persons who are the subject of the particular adjudication or correspondence. This file shall be kept by the College of Law Administration under restricted access.

Upon entering the College of Law, each new student shall receive a copy of the Honor Code and Honor System. In addition, a brief oral explanation of the Honor Code and Honor System shall be provided.

§ 5.01

If the Dean determines that the Chairperson should be excused for cause or at the Chairperson’s request, the Associate Chairperson shall act as Chairperson. The Chairperson shall not resume his or her duties until the Dean consents. The Chairperson may not be dismissed as Chairperson or as an Honor Council member except in accordance with Section 5.00 of this Code.

§ 6.00 Rules of Procedure: Reporting

The procedures set forth in Sections 6.01 through 9.05 are administrative guidelines. The Honor Code, including its timeline, does not create a substantive right for a student under investigation. The report shall not be dismissed for failure to meet a time limitation.

§ 6.01

All suspected violations of the Honor Code shall be reported promptly to any Honor Council member. Because of the requirement that all students report any suspected violation of the Honor Code, this information is not considered to rise to the level of an accusation or allegation by the College of Law of any wrongdoing. It is merely a report.

§ 6.02

The person reporting a suspected Honor Code violation, defined as the reporting witness, shall be instructed by the Honor Council member receiving the notification to promptly prepare and return to the member a written statement setting forth the name of the student under investigation, the date and approximate times of the violation, and a complete description of the violation alleged. The statement must be signed and dated by the reporting witness. Upon its receipt, the Honor Council member shall deliver the statement to the Chairperson of the Honor Council.
§ 6.03

The Chairperson shall notify the student under investigation within five (5) business days of receiving the reporting witness’ statement that an Honor Code violation has been reported against him or her. Notice to the student under investigation must be in writing, accompanied by a copy of the reporting witness’ statement, and the Honor Code. The Chairperson shall also notify the student under investigation of a right to choose as counsel any College of Law student who is not a member of the Honor Council and/or professional counsel. Notice shall be effected by mailing a notice to the address listed with the registrar for notification of grades and sending a notice via the student’s University of Cincinnati email address.

§ 7.00 Rules of Procedure: Investigation

§ 7.01

Within the five (5) business days of receiving a reporting witness’ statement, the Chairperson shall appoint an investigating team composed of two student members and one faculty member of the Honor Council.

§ 7.02

The investigation process shall be completed as soon as practicable, but no later than ten (10) business days following the appointment of the investigating team.

§ 7.03

The investigating team shall compile a written record, including its assessment of the report and surrounding facts, and shall recommend a dismissal or a hearing. If one or more members of the investigating team determines that the matter should not be dismissed, the investigating team shall recommend a hearing to the Chairperson in writing. If the investigating team unanimously agrees that the report should be dismissed, it shall recommend a dismissal to the Chairperson in writing.

§ 7.04

If the Chairperson, upon reviewing the investigating team’s recommendation of dismissal, agrees that the report should be dismissed, he or she shall request permission from the Dean to dismiss it. If the Dean grants permission, the Chairperson shall inform the student under investigation, the investigating team, and the reporting witness that the report has been dismissed. If, upon review of the recommendation of dismissal, either the Chairperson or the Dean determines that the dismissal was improvidently recommended, the Chairperson or Dean may elect to proceed to a hearing under Section 8.00.
§ 7.05

Should the matter proceed to a hearing, the investigating team shall present the facts and question witnesses as described in Section 8.11 in opposition to the accused.

§ 8.00 Rules of Procedure: Hearing

§ 8.01

Within three (3) business days of receiving a recommendation for a hearing, the Chairperson of the Honor Council shall appoint a judicial panel comprised of three student members and two faculty members of the Honor Council. The individuals appointed to this panel shall not have participated in the investigating team. One of the faculty members so appointed shall serve as Chairperson of the judicial panel. The Chairperson of the Honor Council shall provide a letter of instruction to the Chairperson of the judicial panel explaining the rights of the student under investigation and the procedure defined in this Section.

§ 8.02

The judicial panel shall meet within seven (7) business days of its appointment by the Chairperson to consider the recommendation of the investigating team and determine whether a hearing was improvidently recommended. If the panel determines that a hearing has been improvidently recommended, the report is dismissed in its entirety. A report so dismissed shall not rise to the level of an accusation of wrongdoing. If the panel determines that a hearing was not improvidently recommended, the judicial panel will accept the recommendation as an accusation of wrongdoing.

§ 8.03

The Chairperson of the judicial panel shall notify the accused student in writing of the date, time and place of the judicial panel hearing at least ten (10) business days prior to the hearing, unless the parties agree to an earlier schedule.

§ 8.04

The investigating team and the accused student shall make available for examination by one another all information pertaining to the alleged violation, including the names of witnesses who will present information at the hearing and copies of written statements made by the accused or by any witness who will present information at the hearing. Information shall be disclosed as soon as practicable, and in any event, no later than seven (7) business days prior to the hearing. The seven (7) business day timeframe may be waived by mutual agreement.

In the event either the investigating team or the accused student gathers or otherwise receives new information within forty-eight (48) hours of the scheduled hearing, the opposing party shall immediately be notified. The opposing party shall have the right to examine this newly gathered
information and to request a postponement of the hearing. Upon the request of either party, the Chairperson of the judicial panel may reschedule the hearing if justice so requires.

Failure of the accused student or of any member of the investigating team to exchange information in accordance with this Section is a violation of the Honor Code.

§ 8.05

The hearing before the judicial panel shall be closed.

§ 8.06

The proceedings shall be electronically recorded, but failure of the equipment shall not invalidate the hearing.

§ 8.07

If the accused is unable to appear at the hearing, the accused shall so notify any member of the judicial panel before the hearing and explain the reason for the absence. If the accused fails to appear at the hearing without reasonable excuse, the judicial panel may proceed to hear the information, decide the matter, and recommend sanction(s). If the judicial panel so proceeds, the accused may, within three (3) business days of the hearing, petition the judicial panel for a rehearing in his or her presence on the grounds that the accused was unable to notify any member of the judicial panel of the inability to attend the hearing. Upon the receipt of such a petition, the judicial panel shall hold a rehearing if justice so requires.

§ 8.08

The accused may decide whether to testify and whether to waive any statutory privilege.

§ 8.09

The judicial panel shall not be bound by statutory or common law rules of evidence except statutory privileges. The accused and his or her counsel will enjoy an attorney-client privilege. The Chairperson shall admit all relevant and useful information of the sort that responsible persons rely upon in making decisions of a serious nature. Moreover, all questions of procedure or admission of information shall be decided by the Chairperson, who may allow argument by the parties.

§ 8.10

Any member of the judicial panel shall be disqualified from sitting on the panel if, in the member’s opinion, he or she would be unable to make an impartial decision. The accused may challenge any judicial panel member before the hearing begins on the ground of bias or prejudice. The challenged judicial panel member may be excluded by majority vote of the other judicial panel members, not including the challenged member. If a judicial panel member is
excused from service, the Chairperson of the Honor Council shall appoint a new panel member from among other Honor Council members who have not participated in any prior proceedings involving the violation of the Honor Code to be adjudicated.

§ 8.11

The procedure at the hearing is as follows:

(a) The student members of the investigating team and the accused shall have the opportunity to present opening statements.
(b) The student members of the investigating team shall present their information. Only one student member of the investigating team may examine or cross-examine a single witness.
(c) The accused shall have the opportunity to present information in his or her defense.
(d) The student members of the investigating team, then the accused, shall present final statements; however, the student members of the investigating team may split their final argument, reserving a brief time for rebuttal.
(e) Any member of the judicial panel may, at any time during the hearing, ask any relevant question of the accused, his or her student counsel, any member of the student investigating team or of any witness.

§ 8.12

After the parties have made final statements, the judicial panel shall deliberate in closed session and after due deliberation shall vote:

(a) The accused did not commit the violation.
(b) The accused did commit the violation.

A majority vote by the judicial panel that the information admitted at the hearing proves by clear and convincing evidence one of the above shall constitute a final decision.

§ 8.13

If the panel after due deliberation decides that the accused did not violate the Honor Code as charged, the proceedings are terminated. The panel shall write a brief statement of its decision, findings, and reasons for decision and deliver the statement to the Chairperson of the Honor Council who shall file the statement in the Honor Code records described in Section 5.00 and in the student’s file.

§ 8.14

If the panel after due deliberation decides that the accused violated the Honor Code as alleged, the panel shall write a statement of its decision, findings and reasons for decision and shall set forth in writing a finding of violation. The statement shall include any mitigating and aggravating factors. The panel shall also set forth in its statement its recommendation for a
sanction or sanctions set forth in Section 9.00 and its reasons for its recommended sanction(s). The panel shall submit its statement and recommended sanction(s) to the Dean of the College of Law who shall present the statement to the faculty for its consideration at its next regularly scheduled meeting or special meeting if the Dean believes a special meeting to be appropriate.

§ 9.00 Rules of Procedure: Sanctions

§ 9.01

The judicial panel, upon a finding of violation by the accused, may recommend to the full-time faculty that any or all of the following sanctions be imposed:

(a) placement of a letter detailing the decision of the Honor Council in the accused’s law school file, to include mitigating or aggravating factors;
(b) notation of the charge, verdict and findings in mitigation or in aggravation on the accused's transcript of grades;
(c) recommendation to the faculty member(s) in whose class the report was raised to reduce the accused's grade, possibly to a failing grade, in any course in which the accused’s violation occurred;
(d) temporary suspension from the College of Law, which must be:
   (1) for a time certain, at the expiration of which the student may apply for automatic reinstatement, or
   (2) under stated conditions, which the student must meet before applying for reinstatement, or
   (3) both; and
(e) expulsion from the College of Law.

§ 9.02

If classes are not in session, full-time faculty may participate via video conferencing software. If a faculty member may not vote pursuant to Section 9.03, he or she shall not count toward the quorum.

§ 9.03

In reviewing the sanction(s) recommended by the judicial panel, the full-time faculty need not attribute to that recommended sanction(s) a presumption of correctness; however, the full-time faculty shall accept the determination of the judicial panel unless the faculty determines that the finding of violation, as based upon the statement of facts prepared by the judicial panel, is clearly erroneous. Those faculty members who participated in the investigating team, judicial panel, or the faculty member in whose class the report was raised may not vote or participate generally in deliberations over sanctions except to answer questions posed in the meeting.

§ 9.04

After the full-time faculty has determined a sanction(s), the Dean, in writing shall:
(a) notify the accused of the sanction(s) imposed and that he or she has a right to appeal to the University Judicial Council pursuant to its rules governing appeal;
(b) send a copy of the sanction(s) so imposed to the Chairperson of the Honor Council for filing in the Honor Council records; and
(c) in the absence of an appeal or after the termination of an unsuccessful appeal, impose the sanction(s) which the full-time faculty determined to be appropriate, unless the faculty otherwise directs.

§ 9.05

In any Honor Council proceeding in which there is a finding of violation, a faculty member in whose course the alleged violation occurred may award any grade which the faculty member deems justified. In any Honor Council proceeding in which there is a finding of no violation or a dismissal, the student’s grade may not be changed.

Revised by the faculty – April 2017

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April 14, 2017
Date