

UNIVERSITY OF IDAHO COLLEGE OF LAW
HONOR CODE
April 9, 2001

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University of Idaho
College of Law
Honor Code

I. STATEMENT OF PURPOSE

The students and faculty of the University of Idaho College of Law have as their essential purpose the study and teaching of law. This includes the development and maintenance of the high sense of honor, integrity, responsibility, self-discipline, and mutual confidence and trust which embody the ethics required of members of the legal profession. Teaching includes evaluation of the academic progress of each student as an individual. The operation of the College of Law is impaired when this essential purpose is thwarted by instances of academic dishonesty.

In order to further their essential purpose, the students and faculty have adopted this Code to define misconduct and to establish hearing procedures and sanctions. This Code should be administered to foster the professional qualities listed above and, when appropriate, to educate the students of the College of Law, including those who are accused of violating this Code, those involved in the enforcement of this Code, and the student body as a whole.

II. VIOLATIONS

- A. Unauthorized Assistance. In preparing work product to be submitted for credit, or to be submitted in connection with a law school academic activity, no student shall give, solicit or receive assistance from a source not expressly authorized by the instructor or supervisor of the activity. The burden shall be on the student to clarify with the instructor or supervisor whether any particular action or conduct violates this provision. For purposes of this provision only, unless the instructor provides

- otherwise, the term “source” shall not include typing assistance, use of commercially prepared study aids or use of computer software to check spelling and grammar.
- B. Plagiarism. No student shall claim as his or her own original work the research, ideas or writing of another, or copy in whole or in part or in effect from the work of another, without clearly identifying it as the work of another. Paraphrasing without acknowledgement of authorship is a form of plagiarism. Paraphrasing is the close restatement of another’s idea or using approximately the language of the original.
- C. Improper Conduct with Respect to an Examination. The burden shall be on the student to clarify with the instructor whether any particular action or conduct violates any of the provisions of this Section II, C.
1. Unless expressly authorized by the instructor, no student shall give or receive aid of any nature from any source during any examination.
 2. Unless expressly authorized by the instructor, no student shall voluntarily give, receive, or obtain information concerning the contents of a forthcoming examination. Unless expressly authorized by the instructor, no student shall discuss an examination with any other student while the examination is in progress.
 3. No student shall take an examination for another student or permit another person to take an examination for him/herself.
 4. Unless expressly authorized by the instructor, no student shall intentionally identify him/herself in any manner as the source of an examination paper or other graded work to any member of the faculty.
 5. No student shall gain or attempt to gain an advantage, or put or attempt to put another student at a disadvantage, by violating examination policies, procedures, rules, or instructions which have been announced or published.
- D. Unauthorized Reuse of Papers. No student shall use the same or essentially the same work product, or a substantial part thereof, for credit in more than one course without first securing the consent of the instructors involved. If the courses in which the work product is to be submitted are not taken concurrently, then the permission of any instructor evaluating the work for credit in any later course must be obtained.
- E. False Statement. No student shall engage in any act of false statement, including deception, fabrication, affirmative misrepresentation, half-truth or omission, by which the student gains or attempts to gain a benefit or advantage for anyone from the University, its faculty, staff or students, potential employers or persons dealing with the University, or by which the student puts or attempts to put another student at a disadvantage from the University, its faculty, staff or students, potential employers or persons dealing with the University. False statement shall include, but not be limited to:
1. forging or altering any document, record, or instrument of identification;
 2. providing incorrect or misleading information regarding his, her, or any other student’s grades, class rank, personal references, employment records, activities, residence, or any other material facts regarding academic and personal achievements; and
 3. presenting work product prepared for another purpose as original work for course credit.
- F. Breach of Trust. No student shall breach the trust accorded to him or her in a position within the University or any group or organization which is sponsored by the University.

Breach of trust shall include but not be limited to:

1. conversion of property entrusted to the student's care; and
 2. breach of a duty of confidentiality imposed by this Code or imposed by any faculty member for an academic purpose.
- G. Giving False Information and Failure to Assist Enforcement. No student shall knowingly give false information, refuse to give information, refuse to testify, or otherwise refuse to cooperate, in any investigation or hearing involving a charge of misconduct under this Code. No student charged with a violation of this Code shall be compelled to testify against him/herself, but an inference may be drawn by the court from such refusal. However, such inference shall not be the sole basis of a conviction.
- H. Duty to Report Violations. No student, having reasonable grounds to believe that a violation of this Code has occurred, shall fail to report such violation as provided in Section VI.A, except that it shall not be a violation of this Code for a student charged with a violation of this Code to refuse to testify against him/herself.
- I. Interference With Property. No student without authority, shall take, use, conceal, destroy or deface property of the University, its faculty, staff, or students for the purpose of obtaining an unfair academic advantage or for the purpose of placing other students at an unfair academic disadvantage.
- J. Required Level of Intent.
1. Students shall be provided a copy of this Code and shall be conclusively presumed to have knowledge of its contents. Students shall be conclusively presumed to have knowledge of the contents of course and examination policies, procedures, rules and instructions which have been announced or published.
 2. Unless otherwise provided in this Code, a person is guilty of a violation if he or she acts with gross negligence or more culpably as to each material element of the violation.
 3. Grossly negligent conduct involves a gross deviation from the standard of care that a reasonable person would exercise in the actor's situation.
- K. Attempt. An attempt to commit a violation shall constitute a violation. In order to commit an attempt a student must have the requisite level of intent and must, with the purpose of completing the violation, take substantial steps towards the completion of the violation.

III. JURISDICTION OVER DISCIPLINARY MATTERS

- A. Students Covered. Violations enumerated in Article II of this Code by any student enrolled in the University of Idaho College of Law shall be subject to Honor Court proceedings. Law students registering for coursework outside the College of Law shall be subject for that work to the academic regulations of the university, school or department in which such work is done, and the College of Law shall recognize and effectuate the decision of the academic authority of that university, school or department.
- B. Relationship to Other Codes. Law Students remain subject to all disciplinary regulations set forth in the Student Code of Conduct, except that this Code supersedes Article II of the Student Code of Conduct and conflicting provisions set forth in Sections III, IV, V and VI of the Statement of Student Rights.

IV. HONOR COURT

- A. Members and Selection. The Honor Court shall consist of six members composed of three members of the faculty of the College of Law and three student members. The faculty members shall be designated by the Dean or his/her designee. The student members shall be elected by a majority of the students voting in an annual election held during the Spring semester. Student members shall serve for a term of one year or until their successor is elected, whichever shall last occur. Any vacancy between elections of student members will be filled for such time as is necessary, by appointment by the majority of Executive Committee of the Student Bar Association. None of the members of the Court shall be a witness to any matter at issue in a proceeding before the Court, or have a personal interest in the outcome which creates a conflict of interest or an appearance of impropriety.
- B. Chief Justice. The Court shall by secret ballot elect one of the faculty members to serve as Chief Justice. The Chief Justice may be removed and replaced by a majority vote of the Court.

V. LAW SCHOOL COUNSEL

- A. Members and Selection. The Law School Counsel (the "Counsel") shall consist of two members. One member shall be a student elected by a majority of the law students voting in an annual election held before the end of the Spring semester, to serve for one year, or until his or her successor is elected. Any vacancy between elections of the student member will be filled for such time as is necessary by appointment by the majority of the Executive Committee of the Student Bar Association. The other member shall be a faculty member appointed by the Dean or his/her designee to serve until his or her successor is appointed. Neither member shall be a witness to any matter at issue in a proceeding before the Court, or have a personal interest in the outcome which creates a conflict of interest or an appearance or impropriety.
- B. Responsibilities. The Counsel are responsible for the prosecution of charges before the Court. The student member shall bear primary responsibility for the presentation of evidence and argument before the Court. The primary role of the faculty member shall be to supervise and consult with the student member concerning the proper conduct of the prosecution. The faculty member, however, may control the course of the investigation and/or prosecution when he or she deems it necessary.

VI. INSTITUTION OF HONOR COURT PROCEEDINGS

- A. Complaints. A complaint of violation of this code shall be in writing, under oath, filed with either of the Counsel. The complaint shall specify with reasonable particularity the conduct claimed to constitute a violation, and shall be signed by a person or persons with reasonable grounds to believe the violation has been committed by the student against whom the complaint is filed.
- B. Investigation of Charges and Prosecution. Upon receipt of a complaint the Counsel shall promptly notify the student against whom the complaint has been filed of the existence of the complaint and the nature of the violation alleged. The identity of the complainant shall not be disclosed at that time. Before a hearing is conducted by the Court, the Counsel shall conduct such investigation of the complaint as is necessary under the circumstances to substantiate probable cause for conducting the hearing. All College of Law students have a duty to cooperate in such investigation. The Counsel have the power to take statements under oath in the investigation. If the

- Counsel conclude that probable cause is lacking, the complaint shall be dismissed and the student against whom the complaint has been filed shall be notified of the dismissal. If the Counsel conclude that probable cause exists, they shall promptly file a charge of violation with the court. The charge shall be in writing and shall specify the identity of the complainant(s), the portion or portions of this Code alleged to have been violated, and shall describe with reasonable particularity the conduct alleged to constitute the violation, including the time, place, and circumstances of the alleged violation. The Counsel shall promptly provide the student charged with a copy of the charge. If the Counsel disagree about the sufficiency of cause, the determination of the faculty member of Counsel shall control.
- C. Duty of Prompt Prosecution. Complaints of violations of the Code shall be made promptly after discovery of reasonable grounds for believing a violation has occurred. A delay in the filing of a complaint or prosecution of a charge which unreasonably hinders the ability of the student charged to prepare or present a defense is ground for dismissal of the complaint or charge with prejudice.
 - D. Responsibility of Faculty. The members of the faculty have the responsibility to implement the purposes of this Code. In order to effectuate these purposes, faculty members should cooperate with investigations and hearings and should utilize the Honor Court system when they have reasonable grounds to believe that the purposes of this Code will be served.

VII. HONOR COURT HEARING AND FINDINGS

- A. Scheduling. Hearings before the Court shall be scheduled by the Chief Justice after consultation with other members of the Court, the Counsel and the student charged. Hearings shall be held as soon as reasonably practicable following the filing of charges.
- B. Charges Against Graduating Students. The existence of a pending charge against a student otherwise entitled to graduate from the College of Law shall not prevent the student's participation in graduation ceremonies, however, pending resolution of the charge the College of Law may withhold issuance of a degree to the student. The existence of the charge shall not be noted on the student's official transcript until the student is proved guilty of the charge. Any state bar association providing a proper release of information under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), may be notified of the pending charge by formal letter originating from the Deans' Office of the College of Law. Denial of a degree to the student may be imposed as a sanction for a violation of this Code established in the Court proceedings on the charge. If the Court determination of a charge will not be made before the next bar examination following graduation of the student charged, the student charged may request a determination of the charge by the Dean or his/her designee. Upon such a request the Dean or his/her designee shall conduct such investigation as s/he deems necessary, and shall make a final determination of the charge and may impose sanctions as provided in Section VIII of this Code.
- C. Confidentiality. Hearings shall be closed to the public and conducted under conditions designed to ensure confidentiality, as provided in Section X of this Code.
- D. Recording. The proceedings shall be recorded on audio or video tape. The student charged has the right, at his or her expense, to have the proceedings recorded in a manner other than that provided by the Court.

- E. Rights of Student Charged to Notice of Witnesses and Evidence. A student charged with a violation of this Code shall be provided with reasonable advance notice of the names of persons the prosecution intends to call as witnesses at the hearing on the charge and the names of all persons known to the prosecution to have personal knowledge of the events at issue. A student charged has the right to production of any tangible evidence the prosecution intends to offer at the hearing, for inspection and copying. A student charged shall be promptly provided by the prosecution with notice of the existence and nature of potentially exculpatory evidence discovered by the prosecution.
- F. Right to Counsel. The student charged has the right to be represented at his or her expense by a person of his or her choosing, to present witnesses and evidence, and to confront and examine any opposing witness.
- G. Opening and Closing Statements. The parties or their counsel have the right to make opening and closing statements. The Counsel shall have the right to make the first opening statement and the last closing statement.
- H. Rules of Evidence.
1. The Court shall proceed informally, offering reasonable opportunity for the full presentation of the charge and defense. The Court shall not be bound by statutory or common law rules of evidence, other than applicable rules of privilege except as provided in Section VII, H, 2 of this Code. The Court may consider any evidence having probative value, preserving the opportunity of the student charged to confront adverse evidence, and may exclude irrelevant or unduly repetitious evidence. The Chief Justice shall rule on all objections to evidence. If any member of the Court objects to the ruling, the Court shall vote on the ruling in executive session.
 2. A student may refuse to provide evidence on the ground that doing so would significantly expose him or her to the threat of criminal prosecution. The Court may draw such inferences as are warranted from such a refusal, but the inferences shall not be the sole basis for a finding of the violation charged.
- I. Burden of Proof. The Counsel shall have the burden of proving the guilt of the student charged by clear and convincing evidence.
- J. Finding of Guilt. Following closing arguments the Court shall vote upon its findings of guilt in executive session. The votes of at least two student members of the Court and at least two faculty members of the Court are required for a finding of guilt.
- K. Effect of Finding. If the Court does not find guilt, the charge shall be dismissed, and the Court shall order expungement of any reference to the charge from the student's law school records. There shall be no appeal from the dismissal of a charge.
- L. Sanctions Hearing Following Finding of Guilt.
1. In the event of a finding of guilt, the Court shall convene, hear arguments, and take evidence from the parties on the question of sanctions. The Court shall then vote on sanctions in executive session.
 2. The votes of at least two student members of the Court and at least two faculty members of the Court are required for the imposition of a sanction.
 3. If the Court is unable to determine appropriate sanctions, the sanctions shall be determined by majority vote at a meeting of the faculty of the College of Law at which a quorum is present. In that event, the student affected may appear before the faculty in person and/or by representative, or in writing, prior to the

deliberations and vote of the faculty, to present arguments concerning the appropriate sanctions.

- M. Opinions. The Chief Justice shall appoint one of its members to write an opinion supporting the Court's decision. Any member of the Court may file a dissenting or concurring opinion. The opinion, along with any concurrences or dissents, shall be made a part of the record of the case, and may be disseminated as desired by the student charged. Otherwise the opinions shall not be made public except as provided in Section VIII, B of this Code. The opinions shall not be used as precedent in subsequent Court determinations. If a student has been found to have violated this Code on a prior occasion, the opinion setting forth the circumstances of that violation and the sanction(s) imposed shall be admissible in determining what the appropriate sanction should be for the subsequent violation.
- N. Appeals. A finding of guilt and the determination of sanctions are final subject only to an appeal by the student to the faculty of the College of Law, instituted by written notice of appeal delivered to the Dean or his/her designee within seven calendar days of the date the student is informed of the determination of the Court. An appeal shall be determined by majority vote at a meeting of the faculty of the College of Law at which a quorum is present. A faculty member who participated in the matter as Counsel and a faculty member who was a complainant in the matter shall not vote on the appeal, and shall not be counted in determining the presence of a quorum. On appeal a finding of guilt shall be reversed only if it was against the manifest weight of the evidence; a determination of sanction shall be modified only if the sanction was unjustifiable under the circumstances. The student affected may appear before the faculty in person or by a representative prior to the deliberations and vote of the faculty to present arguments on behalf of the appeal, or may present such arguments in writing.

VIII. SANCTIONS

Following a sanctions hearing as described in Section VII, Paragraph L of this Code, the Court shall consider imposing the following sanctions, either singly or in combination, in furtherance of the Statement of Purpose of this Code. These sanctions shall be independent of any grade or credit sanctions imposed by the instructor in a course affected, as provided in Section IX of this Code.

- A. Private Reprimand. A finding by the Court that the student has violated this Code, given to the student but not made part of the student's permanent record, except that a record of the private reprimand shall be placed in the student's personal file for use in determining sanctions in the event that the student is again found to have violated this Code. This record shall be destroyed upon graduation of the student.
- B. Public Reprimand. Disclosure of relevant information regarding the violation and sanction(s) to the following:
1. The student's permanent file;
 2. The student's Dean Card and University transcript; and/or
 3. The student body of the College of Law, without disclosing the name of the student.
- C. Disciplinary Suspension. Exclusion from any or all classes, exams, and activities of the College of Law for a specified period. The suspension may commence immediately or in the following semester. The effect of immediate suspension is to prevent the student from receiving any course credit for that semester.

- D. Indefinite Suspension. Exclusion from any or all classes, exams, and activities of the College of Law for an indefinite period. Readmission is possible, but only upon approval of the Court after a hearing at which the sole issue shall be the fitness of the student for readmittance. At this hearing the student shall be entitled to the safeguards enumerated in Sections VII and X or this Code.
- E. Expulsion. Permanent expulsion from the College of Law.
- F. Restitution. An order to repair or replace any property misappropriated or defaced, or to reimburse the owner of the property for any loss.
- G. Probation. Suspension or withholding of imposition of any sanction pending a probationary period, the terms of which shall be within the discretion of the Court.
- H. Denial of Degree. Denial of the award of the Juris Doctor degree, whether or not the student may have otherwise satisfied the requirements for such degree.

IX. GRADE OR CREDIT SANCTIONS

The instructor in a course affected is solely responsible for determination of appropriate grade or credit sanctions for academic dishonesty or violation of course requirements.

X. CONFIDENTIALITY OF INFORMATION

All allegations, investigations, statements, hearings, and determinations in connection with Court proceedings shall be treated as confidential, except as required or permitted by law. Persons involved in Court proceedings shall disclose information concerning the proceedings only to those persons to whom disclosure is reasonably necessary to further the proceedings, except that a person charged with a violation of this Code may freely disclose the fact of his or her acquittal. Violation of this duty of confidence is itself a violation of this Code.

XI. EFFECTIVE DATE AND AMENDMENTS TO CODE

This code will take effect upon approval of the Board of Regents of the University of Idaho. Authority to amend this Honor Code is delegated by the Board of Regents of the University of Idaho to the President of the University of Idaho, following approval by a vote of a majority of the faculty and upon a majority vote of the students in which at least thirty-five percent (35%) of the entire student body votes.

Approved by the faculty of the University of Idaho College of Law, August 23, 2000.

Approved by the students of the University of Idaho College of Law, September 15, 2000.

Approved by the President of the University of Idaho April 9, 2001, pursuant to authority granted to the President by the University of Idaho Board of Regents on March 23, 2001, to establish, approve, and maintain an Honor Code for the College of Law.

APPROVED April 9, 2001

Robert A. Hoover, President of the University of Idaho