

# **University of Detroit Mercy School of Law Honor Code**

## **1. Preamble**

The University of Detroit Mercy School of Law Honor Code articulates the Law School's expectation that all students will meet the highest standards of personal and professional honor, integrity, and ethical conduct. The Honor Code reminds all members of the Law School of the necessity to act in a manner consistent with the standards of the legal profession to adhere to the highest degree of professional integrity. All members of the Law School community have a responsibility to read this Code and conform their conduct to it.

This Honor Code sets forth the Law School's standards of conduct with respect to student integrity and honesty. The Code also provides for the formation of an Honor Code Council to oversee the administration of matters pertaining to this Honor Code. Acts that violate the Honor Code or acts that are otherwise academic in nature will be subject to the reporting and complaint resolution procedures set forth in the Honor Code. The Honor Code is designed to address any alleged violations in a fair and expeditious manner.

## **2. Standards of Conduct**

The Honor Code prohibits any conduct pertaining to academic or other University matters that demonstrates fraud, deceit, dishonesty, or the giving or taking of unfair advantage over other students or the attempt to give or take an unfair advantage over other students. Conduct that violates the Honor Code includes, but is not limited to the following:

- a. Using unauthorized assistance or material or the giving of unauthorized assistance or material in the carrying out of an academic assignment. This includes, but is not limited to, the use of papers produced by another individual or service in whole or in part;
- b. Engaging in misconduct related to examinations including:
  - i. Invading the security for preparation or storage of an examination;
  - ii. Consulting materials not authorized by the instructor during an examination;
  - iii. Giving, receiving, or attempting to give or receive any assistance on an examination;
  - iv. Discussing an examination with another student who is taking a deferred examination or with anyone else when that discussion is likely to endanger the security of examination questions;
  - v. Retaining examination materials after the collection of those materials by Law School personnel; and
  - vi. Failure to follow any examination instructions, including but not limited to, failure to stop writing an examination when the time allotted for writing the examination has elapsed.
- c. Submitting plagiarized work. Plagiarism is the "act of appropriating the literary composition of another, or parts, or passages of his [or her] writing of ideas, or the

language of the same, and passing them off as a product of one's own mind." Black's Law Dictionary (5th ed.);

- d. Submitting work for academic credit, or in fulfillment of an academic requirement, when the work duplicates, in whole or in substantial part, work for which one has received or is currently receiving academic credit at this Law School or any other academic institution;
- e. Submitting work for academic credit, or in fulfillment of an academic requirement, when the work duplicates, in whole or in substantial part, work that was previously completed or is currently being performed in a paid or unpaid employment setting;
- f. Unfairly restricting the access of other students to academic resources;
- g. Making a false statement or representation regarding any academic matter, including falsifying or altering materials related to course registration or grades and falsifying any official academic report form;
- h. Falsifying or attempting to falsify class attendance records for oneself or another student;
- i. Enrolling in classes that regularly meet at overlapping times;
- j. Interfering with the administration of any matters pertaining to a violation of this Code;
- k. Aiding, abetting, or attempting any violation of this Code; and
- l. Retaliating against any individual for participating in the honor code process.

### 3. **Honor Council**

#### a. **Membership on the Honor Council**

Because the integrity of the institution depends upon the honest and forthright behavior of its members, the Honor Council is comprised of both student and faculty members. The composition is as follows:

7 Full-Time Faculty Members, appointed for 3 year staggered terms

5 to 8 Student Members, to be elected from the following divisions:

- 2L Day
- 2L Evening
- 2L Dual
- 3L Day
- 3L Evening
- 3L Dual
- 4L Evening
- 5L Evening

Elections will be overseen by the Associate Dean for Student Affairs, in consultation with the Student Bar Association. Students will be elected in the Winter term, and their term shall run from May 15 to May 14.

In order to be eligible for membership on the Honor Council, students must be in good academic standing, may not have been found responsible for a prior honor code violation, and must attend a mandatory training once elected.

The Dean shall appoint one faculty member of the council to serve as the faculty Chair.

**b. Training for Honor Council Members.**

All members of the Honor Council will undergo training on an annual basis to ensure familiarity with the Honor Code and Honor Council Procedure.

**4. Honor Council Procedure**

**a. Reporting**

All members of the Detroit Mercy Law community have an affirmative duty to report known or suspected violations of the Honor Code. Reports should be made in person or in writing to the Associate Dean for Academic Affairs (ADAA). Upon receipt of a report of misconduct, the ADAA will first determine whether, if the allegations occurred as reported, they would constitute a violation of the Honor Code. If they would not constitute a violation, then the ADAA will inform the reporting party that no further action will be taken. If the allegations would constitute a violation, then the ADAA will submit the report to the faculty chair of the Honor Council.

**b. Investigation**

Upon receipt of a report from the ADAA alleging a violation of the Honor Code, the faculty chair of the Honor Council, or his or her designee, shall appoint a faculty member of the Honor Council to serve as an Investigator. He or she will conduct an investigation to determine whether sufficient evidence supports the charge so that it would be reasonable for a hearing panel to find, by a preponderance of the evidence, that a violation of the Honor Code has occurred. At the conclusion of the investigation, the investigator will issue a report which will contain:

- a. Statement of the allegations and the relevant portions of the Honor Code at issue
- b. Review of the steps taken in the investigation
- c. A determination of whether sufficient evidence supports the charge so that it would be reasonable for a panel to find, by a preponderance of the evidence, that a violation of the Honor Code has occurred and if so, a description of the evidence

Absent good cause, as determined by the Faculty Chair of the Honor Council, the investigator's report should be completed no more than ten (10) school days after the receipt of the report from the ADAA. The investigator will submit his or her report to the faculty chair of the Honor Council.

If the Investigator does not find that the charge is supported by sufficient evidence, no further action will be taken, but a report with names redacted will be kept in the Honor Council file for the duration of the academic year.

Upon receipt of the investigator's report in which a finding of sufficient evidence to support the charge is made, the faculty chair shall contact the student against whom the allegations are directed to set up a meeting. At this meeting, the Faculty Chair will present the investigator's report to the student and will describe the student's obligation to respond to the report. The ASDA or his or her designee may also attend this meeting.

Within five (5) school days of receipt of the investigator's report, the student facing charges must either admit responsibility for the honor code violation, or communicate the decision to contest the report. The student facing charges must submit his or her decision in writing to the faculty chair of the Honor Council. If the student contests the report, or accepts the report but wishes to present mitigating evidence, he or she will have an opportunity to do so via a written statement to the Honor Council Panel, which is submitted at least two school days in advance of the hearing, as

described below. The student need not submit these arguments or evidence as part of his or her initial response to the investigator's report.

Failure of a student to respond in a timely fashion to any communications from the faculty chair of the Honor Council will be presented to the honor council panel at the hearing stage.

After the student facing charges submits his or her response to the faculty chair, the matter will move to the hearing phase. The faculty chair appoints three members of the Honor Council to serve on the Honor Council Hearing Panel, described below, and sets the hearing date, following the timeline described below. When a student facing charges accepts responsibility for the honor code violation, the matter will be heard by an Honor Council Hearing Panel for sanctioning purposes only, as described below.

If the student facing charges contests the report, then the matter will move to the Honor Council Hearing Panel, which will both hear the case and impose sanctions, as appropriate.

### **c. Honor Council Hearing**

The Honor Council Hearing will take place 10 - 15 school days after the student facing charges response to the investigator's report is due.

The Honor Council Hearing Panel (HCHP) will be composed of three members selected from the Honor Council: one faculty member and two student members. The faculty chair of the Honor Council, or his or her designee, is responsible for appointing members to the HCHP. The faculty member serving on the HCHP will be responsible for chairing the panel.

The HCHP may take one of two forms: either a conduct and sanctioning hearing or only a sanctioning hearing. A full hearing will be held when the student facing charges contests the Investigator's Report, while a sanctioning hearing will be held when the student facing charges accepts responsibility for the Honor Code violation found in the Investigator's Report. For either type of hearing, the student facing charges will have the opportunity to submit a written statement to the HCHP at least two school days in advance of the hearing. The student's written statement should be signed and submitted by the student, not by an advisor or other representative.

In advance of a hearing, the HCHP will review the Investigator's report and the response of the student facing charges. The HCHP may request documents, require witnesses to testify at the hearing, and otherwise prepare for the hearing.

A hearing will be divided into two portions: a conduct hearing and a sanctions hearing.

#### **i. Conduct Hearing**

The Conduct Hearing is a non-adversarial, proceeding in which formal rules of evidence are inapplicable. The HCHP decides what documentary evidence to request, what witnesses to call, and what questions to present in order to conduct a thorough examination of the facts of the charged violation. The Chair of the HCHP has final authority to ensure an orderly and complete hearing.

The student facing charges shall have the right to have one personal representative, including a family member, student, friend, or retained counsel, attend the hearing with them. The student has the right to reasonably consult with that person during the hearing, but the person shall not participate as an advocate or speak on behalf of the student facing charges.

The student facing charges also has the right:

- a. To request the HCHP to ask further questions of a witness and to provide specific questions;
- b. To request the HCHP call additional witnesses in the matter;
- c. To testify and submit relevant materials;
- d. To refuse to answer any question; and
- e. To make an opening and closing statement.

At the conclusion of the conduct hearing, the HCHP will adjourn to deliberate on a finding of responsibility. This adjournment will typically be no longer than one hour. The panel will decide, applying a preponderance of the evidence standard of proof, whether the student is responsible or not responsible for the alleged Honor Code violation.

Once the HCHP has reached its decision, the student facing charges will be called back to the hearing room. The HCHP will inform the student of its finding. If the HCHP finds the student not responsible, the hearing will conclude. If the HCHP finds the student responsible, the hearing will transition into a Sanctions Hearing.

#### ii. **Sanctions Hearing**

When a student is found responsible for an alleged honor code violation, either by accepting responsibility following the investigation report or as a result of a hearing panel, an HCHP shall determine the appropriate sanctions for the violation.

At the Sanctions Hearing, the student facing charges will have the opportunity to present any mitigating evidence or testimony relevant to the HCHP's decision. The Sanctions Hearing shall not be a venue for the student facing charges to appeal the findings of the Investigation Report or the Conduct Hearing.

The HCHP may impose any sanctions that the panel deems appropriate to the Honor Code Violation. The following is a non-exhaustive list of potential sanctions which may be imposed:

Written Reprimand

Honor Probation, which includes a loss of any scholarship award, loss of present leadership positions, and a bar from seeking future leadership positions for the duration of the probation

Ethical Counseling / Reflective exercise

Academic Sanctions, including losing credit for an assignment or losing credit for a course

Suspension for a defined period of time

Suspension for an indeterminate period of time, with reinstatement contingent on the completion of specific requirements

Expulsion with the opportunity to withdraw

Expulsion

The minimum sanction that will be imposed for any Honor Code violation is a written reprimand, which will be placed in the student's educational file.

**d. Extensions of Time**

Extensions of time may be granted for good cause, as determined by the faculty chair of the Honor Council. Multiple extensions of time will only be granted in extraordinary circumstances, as determined by the faculty chair of the Honor Council.

**e. Decision**

The HCHP shall issue its decision in writing to the student facing charges within ten (10) school days of the hearing. The decision shall contain findings of fact, findings of responsibility, and sanctions. The Honor Council Process concludes with the delivery of the HCHP decision.

**f. Appeal**

A student facing charges is able to appeal a decision by the HCHP only after the conclusion of the Honor Council Process (that is, after the HCHP has determined responsibility and sanction(s)).

The HCHP's decision may be appealed on the following bases:

- i. The finding of responsibility is based on finding of fact that are clearly erroneous;
- ii. The finding of responsibility is based on an erroneous interpretation of this Honor Code that resulted in prejudicial error;
- iii. The recommended sanction is disproportionate in light of the violation of this Honor Code;
- iv. Departures from procedures detailed in this Honor Code caused a prejudicial error.

A student may submit a written appeal to the Dean of the School of Law within ten (10) school days of the receipt of the HCHP decision.

Upon a review of the full written record, the Dean will issue his/her decision to uphold the HCHP in full, uphold in part, or reverse. The Dean's decision will be issued within ten (10) school days of receipt of the student's appeal. The Dean's decision is final.

**g. Record Keeping**

When a student is found responsible for an Honor Code Violation, a copy of the Investigation Report and the HCHP decision will be forwarded to the Dean of the School of Law and included in the student's educational file. When a student is found not responsible, a copy of the Investigation Report and Hearing Panel Decision (if a hearing was held) with names redacted will be kept in the Honor Council's files for the duration of the academic year.

**h. Reporting**

On an annual basis, the Honor Council will report to the student body and faculty statistics of its proceedings as follows:

- Number of reports received by the ADAA of alleged Honor Code Violations
- Number of completed Investigations
- Number of findings of Responsible / Not Responsible
- Description of the types of violations heard through the Honor Council process and the types of sanctions imposed
- Recommendations for strategies to improve the culture of integrity at the School of Law