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# STUDENT HANDBOOK

A GUIDE TO ACADEMIC REGULATIONS AND REQUIREMENTS

ACADEMIC YEAR 2021-2022

VOLUME II

HONOR SYSTEM

*The material contained in this student handbook is provided for information only and does not constitute a contract between the student and the David A. Clarke School of Law or the University of the District of Columbia. The School of Law reserves the right to revise policies, amend rules, and alter or add regulations and requirements at any time in accordance with the best interests of the institution.*

### HONOR SYSTEM

The University of the District of Columbia David A. Clarke School of Law (UDC Law) operates under an Honor System. The legal profession is responsible for enforcing its own standards of conduct, and the School of Law operates accordingly. Law students are preparing for entry into a profession that requires ethical conduct and integrity of its members. In order for graduates to enter the profession, the School of Law must certify that they are of good moral character. Accordingly, students at the School of Law are expected to abide by the Honor System in all their relationships as members of the law school community. Students are also expected to prevent violations of the Honor System, and to ensure its effective functioning.

Students must conduct themselves lawfully and with integrity in all aspects of the School of Law's community. They must observe the norms of fairness and honesty in their personal conduct and in their dealings with others. They must not engage in conduct that is illegal or contrary to the general norms of conduct in a professional institution.

The Honor System of the School of Law is based on a common law approach rather than a statutory one. That is, behavior that is impermissible is not defined in exhaustive detail. Instead, broad categories are stated, with examples. The broad categories of acceptable behavior refer to norms and standards of the academic world as well as to rules and regulations of the profession and of everyday life.

Students also are referred to other policy statements on conduct in Volume I of this Handbook: Section 5.2 (Classroom Decorum Policy); Section X (Anti-Discrimination and Harassment Policy); Section XI (Alcohol and Drug Policy Guidelines); and Section XII (Disclosure for Student Practice in Court).

## SECTION 1. ACADEMIC NORMS AND STANDARDS

Examples of academic norms and standards include:

### (A) HONESTY IN CREDITING SOURCES OF IDEAS, INFORMATION, AND WRITTEN WORK

Students may not claim as their own work product ideas or words they have taken, in whole or in part, from someone else. That is plagiarism, and plagiarism includes failing to credit the source of information, ideas, quotations or paraphrases contained in the student's paper or speech.<sup>1</sup>

UDC Law considers plagiarism to be one of the most serious offenses that can be committed in an academic community, and a finding that a student has engaged in such activity raises serious questions as to that student's fitness to remain at an institution of legal education. A finding of plagiarism shall subject a student to disciplinary action which may include suspension or expulsion, and notification to the state bar examiners. Regardless of any disciplinary action officially taken by this institution, a finding of plagiarism may also, at the sole option of the instructor involved, subject the student to a failing grade or loss of course credit.

In addition, students may not help another student prepare work for which the student helped intends to claim full credit. To do so is to provide unauthorized assistance.

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<sup>1</sup> Law schools are now developing consensus on a full and exact definition of plagiarism; see Robert D. Bills, "Plagiarism in Law School: Close Resemblance of the Worst Kind?" 31 Santa Clara L. Rev. 103 (1990). Bills provided a model for law schools that he adapted from Dartmouth College, Sources: Their Uses and Acknowledgment 7 (1987). Bills' model is reproduced here without the footnotes in the original, but with UDC Law endorsement:

Plagiarism is the submission or presentation of any work, in any form, that is not a student's own, without acknowledgment of the source. No student at the University of the District of Columbia David A. Clarke School of Law shall appropriate facts, ideas or language from the work of another without proper use of quotation marks, citation or other explanatory insert. Regardless of intent, the failure to provide proper acknowledgment of the use of another's work shall constitute plagiarism.

Some students erroneously believe that plagiarism can occur only when there is an explicit intent to deceive. Plagiarism can occur whenever one makes use of the ideas or work product of another without including an appropriate citation, and applies to every type of work encountered in law school. Students are responsible for the information concerning plagiarism found in Avoiding Plagiarism in Law School: A Law Student's Guide to Sources and Their Acknowledgment, available in the Law Library (Bills, op. cit. at 138).

### (B) HONESTY IN TAKING EXAMINATIONS

Students may not cheat on examinations, including giving or receiving advance knowledge of examination questions by means not authorized by the teacher. Students also may not assist other students in cheating on an examination.

Students may not compromise anonymity on examinations by revealing or suggesting their identity on the examination, nor may they try to influence grading of examinations in any way other than performance on the examination itself.

Students may not continue to work on an examination once the allotted time has expired.

### (C) HONESTY IN CLAIMING CREDIT FOR WORK IN A COURSE

Students may not submit work for credit that has previously been used for credit in another course unless permission to do so is given in writing by the teacher.

### (D) HONESTY IN DOCUMENTS

It is a violation of the Honor System to falsify documents, including e-mail and electronic documents, submitted to or from the School of Law, or submitted elsewhere as part of a course, clinic or any other law school business.

Unauthorized viewing of another student's records, including transcripts, grade reports, examinations, and the like, is a violation of this policy.

### (E) FAIR AND LEGAL USE OF THE LAW LIBRARY, LAW SCHOOL COMPUTERS, CAREER SERVICES LIBRARY, AND OTHER LAW SCHOOL-RELATED BOOKS, MATERIALS AND EQUIPMENT

Students may not steal, deface, destroy or otherwise misuse School of Law books, computer systems, materials or other equipment. For example, removing publications from the Law Library without signing them out is improper. Tearing pages from or marking publications in the library is defacing the publication. Using the School of Law's computer systems for non-law school purposes, including the use of clinic printers for non-clinic purposes, is improper use of the School of Law's equipment and a violation of D.C. law.

Misuses of the computer system include installing unauthorized computer programs or application files on School of Law computers, modifying authorized and duly installed programs, attempting to access restricted files, modifying system and program operating files, introducing

computer viruses into a computer, viewing private or system files without authorization, and connecting or disconnecting equipment in an unauthorized manner.

### (F) NON-INTERFERENCE WITH THE EDUCATIONAL PROCESS

Students may not interfere with the ability of other students to participate fully and freely in pursuit of their education.

For example, students may not hinder other students by hiding, removing, stealing or destroying their books, notes, outlines, papers or other adjuncts to their education. Nor may students intimidate or threaten other students or other members of the School of Law's community, in person or electronically. Furthermore, failing to use library study rooms in accordance with library policy and procedures is a violation of the Honor System.

It is a violation of the Honor System to direct any threat, abusive language, or malicious conduct toward any member of the law school community because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, pregnancy, childbirth, or related medical conditions, disability, matriculation, political affiliation, source of income, or place of residence or business of any individual.

Complaints or grievances should be made in a proper manner (see Section 4).

## SECTION 2. PROFESSIONAL STANDARDS

Failure to comply with the ABA Code of Professional Responsibility or the D.C. Rules of Professional Conduct is a violation of the Honor System.

## SECTION 3. LOCAL AND FEDERAL LAWS

Students, as prospective lawyers and as citizens, are expected to comply with the laws of the land. Students who violate the law on University property or in the conduct of School of Law business or activities, or who act illegally against other members of the University and School of Law community, are in violation of the Honor System.

Any criminal behavior that would bring sanctions under the ABA Code of Professional Responsibility or the D.C. Rules of Professional Conduct violates the Honor System.

## SECTION 4. PROCEDURES

### (A) RESPONSIBILITY FOR PREVENTION OF VIOLATIONS OF THE HONOR SYSTEM

In addition to their duty to comply with the Honor System, students have an obligation to prevent violations of the Honor System by, for example, persuasion. Faculty have an obligation to prevent violations of the Honor System by making the conditions of acceptable work and the types of permissible conduct clear to students in a course. Staff members have an obligation to prevent violations of the Honor System by proper handling of examinations and records, and by following procedures for management of equipment. Failure by any of these parties to fulfill their responsibilities, however, is not an excuse for violations of the Honor System.

### (B) PROCEDURE FOR REPORTING A COMPLAINT OF A VIOLATION

It is a violation of the Honor System to fail to report academic, professional or statutory malfeasance. Complaints by faculty members, students or staff of a violation of the Honor System must be made to the Associate Dean for Academic Affairs.

### (C) COMPLAINTS REFERRED TO THE ADMINISTRATION

The Associate Dean for Academic Affairs shall make such inquiry as she deems appropriate to make one of three decisions:

- (1) to close the case;
- (2) to resolve the case at the initial administrative level (e.g., with the party in question); or
- (3) to refer the case to the Academic Standards Committee.

In resolving a case at the initial administrative level, the Associate Dean for Academic Affairs has the authority, in consultation with the Dean, to impose sanctions ranging from oral reprimand to dismissal from the School of Law. A student may appeal a decision of the Associate Dean for Academic Affairs to the Academic Standards Committee. The procedures used by the Associate Dean shall provide appropriate safeguards for the due process rights of the accused student.

### (D) COMPLAINTS RECEIVED BY THE ACADEMIC STANDARDS COMMITTEE

Upon receiving a complaint from the Associate Dean for Academic Affairs, the Academic Standards Committee shall carry out an investigation of the case that includes a hearing. The

Associate Dean for Academic Affairs may present testimony but shall recuse herself from deliberations and voting on the case before the Committee.

The Academic Standards Committee, as a standing committee of the faculty, shall have the power to dismiss the case, to affirm the sanctions imposed by the Associate Dean, to change the sanctions imposed by the Associate Dean, and to impose new sanctions, including dismissal from the School of Law. The student may appeal a decision of the Academic Standards Committee to the faculty as a whole within thirty (30) days after notice of final action of the Committee. The procedures used by the Academic Standards Committee shall provide appropriate procedural safeguards for the due process rights of the accused student.

### (E) APPEALS RECEIVED BY THE FACULTY AS A WHOLE

Appeals to the faculty as a whole shall be by special leave, requiring 30% of the faculty to vote to hear the appeal. All appeals to the faculty shall be governed by a clearly erroneous standard.

The faculty as a whole, upon receiving from the student a written appeal of a decision of the Academic Standards Committee, shall conduct such inquiry as it deems necessary and shall consider the appeal in executive session. The procedure by the faculty as a whole shall provide appropriate procedural safeguards for the due process rights of the accused student. The faculty as a whole has the power to dismiss the case, to affirm the sanctions imposed, to change sanctions, and to impose additional sanctions, including dismissal from the School of Law. Decisions of the Associate Dean for Academic Affairs, the Academic Standards Committee, and the faculty as a whole shall have the presumption of fairness and respect for the rights of the accused student, as well as of responsibility for maintaining the integrity of the School of Law and the well-being of its community.

The faculty as a whole, the Academic Standards Committee, and the administration may modify Honor System procedures after due consideration and approval of the faculty and the administration. Changes in procedures shall be published and made available to the School of Law community.

## SECTION 5. SANCTIONS

- Informal Reprimand: An oral or written statement not included as a permanent part of a student's record.
- Formal Reprimand: A written censure for violation of the Honor Code, included as a permanent part of a student's record.

- Suspension: Suspension from the School of Law for an indicated period of time, commencing immediately or in the following semester, with or without automatic reinstatement.
- Indefinite Suspension: The student may be suspended for an indefinite period. Readmission is possible, but only upon approval by the Academic Standards Committee. The Committee may specify conditions for readmission.
- With the approval of the faculty member, a reduction in grade or imposition of a failing grade in a course in which the respondent was found guilty of academic dishonesty.
- Expulsion: Permanent separation of the student from the School of Law.
- Any other sanction deemed appropriate by the Committee under the circumstances.

### SECTION 6. LAW SCHOOL REPORTS TO BAR EXAMINING AUTHORITIES

The School of Law shall report to any bar examining authority inquiring of the School of Law about the character and fitness of a student to practice law the fact that a student has been or is the subject of a proceeding under the Honor Code regardless of the outcome of the proceeding. The report to the bar examining authority will be sufficiently detailed to permit a reader to know the essential facts, the outcome of the proceeding, and the sanctions, if any, assessed.