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LAW SCHOOL

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HONOR CODE

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# The Honor Code

## Preamble

The law is a learned profession, which demands standards of honesty and integrity from its members which are far higher than those imposed on society as a whole. A dishonest attorney is a menace to society and to the profession. Since there is no reason to believe that dishonest students will become honest attorneys, insistence on the highest ethical standards must begin in law school. This Honor Code is dedicated to that end.

In addition, this Code is designed to assure that each student can be evaluated on his or her merits, free from the unfairness of competing with students who attempt to enhance their grades by cheating or plagiarism.

A university should be an intellectual sanctuary where scholarship and honest debate take place in an atmosphere of tolerance and freedom. This is especially important in the field of law, which commonly addresses controversial topics touching on the fundamental beliefs and values of individuals and society. This Code seeks to protect that environment from unreasonable disruption or physical abuse.

Because the honesty and intellectual integrity of the Law School is a matter of special concern to the student body, and because important fairness and educational benefits accrue from giving student leaders a vital role in disciplinary matters, this Code places much of the responsibility for its implementation on an Honor Council composed exclusively of elected students.

Fairness to all and the well-being of the Law School community demand that the substantive standards be reasonable, and that the procedures utilized be fair and expeditious. However, the system established by this Code is not intended as a copy of the criminal justice system. In carrying out its functions under this Code, the Honor Council is engaged in a process of administrative decision-making analogous to disciplinary investigations of the Florida Bar.

# ARTICLE I

## STANDARDS OF CONDUCT

### Section 1.01 Purposes and Objectives

- a. Instilling and perpetuating high standards of ethics and professional conduct among students of the University of Miami School of Law;
- b. Protecting each student's right to study in an environment free from unfair and dishonest competition;
- c. Guarding the School's academic and professional integrity; and
- d. Assuring the community of the ethical qualifications of the School's graduates.

### Section 1.02 Authority and Guidance

- a. The standards of this Honor Code are promulgated under the authority vested in the Dean of the School of Law.
- b. A student should be guided by the purposes of this Code, and by common sense. In cases of doubt, students should seek clarification from the Dean of Students as to what constitutes proper conduct under the Code. Such inquiries may not be directed to the Honor Council, its officers or members.
- c. This Code is binding on the students of the University of Miami School of Law and, with respect to Section 1.03(g), on those persons applying to the School for admission or financial aid.

### Section 1.03 Standards of Conduct

Conduct described in paragraphs (a) through (q) below violates this Code, subjecting the violator to

sanctions imposed by the Dean.

- a. Cheating (acquiring, obtaining, giving or receiving assistance or information on examinations or assignments, except as authorized by the professor).
- b. Plagiarizing (knowingly appropriating another's words or ideas and representing them as one's own).
- c. Utilizing unauthorized materials, possessing such materials where they could be utilized, or otherwise breaching, in any manner, the instructions of a professor regarding examinations or assignments, or of an administrator or proctor regarding examinations.
- d. Materially damaging School or University property or the property of a student, faculty member, guest, or employee of the School or the University, or any act constituting common law battery directed against the same.
- e. Defacing, damaging, hiding, intentionally misshelving, or using or removing without authorization any library materials.
- f. Engaging in any act that materially disrupts a class, meeting, or other function of the School, or that unreasonably interferes with the rights of other students in the pursuit of their education.
- g. Materially misrepresenting, by act or omission, a student's academic or professional qualifications, conduct, class attendance, class or section standing, grades, honors, activities, or financial need on any document or in any oral statement, including but not limited to applications for admissions to this or any law school or to any state bar, financial aid applications, and resumes.
- h. Making a bad faith allegation that a student has violated this Code.
- i. Failing to bring information concerning a violation of this Code to the attention of the Dean of Students or the Honor Council, where a student has a substantial basis to believe that a violation of this Code has occurred.
- j. Disclosing without proper authorization any information that is required by federal or state law or by

this Code to be held in confidence, or which a student knows or reasonably should know is confidential. Confidential information includes, but is not limited to, another student's social security number, blind grading number, grades, the fact that a formal complaint has been submitted involving a student, or any other details of Honor Council proceedings, except to the extent authorized by this Code.

k. Violating the ex parte contact provisions of Section 1.07 of this Code.

1. Failing or refusing to cooperate in Honor Council proceedings, as required by this Code.

m. Engaging in conduct that is inconsistent with and could result in disciplinary proceedings under the Florida Rules of Professional Conduct, if done by an attorney.

n. Engaging in conduct which would constitute a felony in the State of Florida or under the laws of the United States.

o. Utilizing computer information systems for non-law school related activities (such as employment outside of law school) without authorization, or for assignments, projects or coursework where utilization of such systems is prohibited.

p. Engaging in conduct which casts serious doubt on the student's honesty, integrity, or fitness to be an attorney, or is otherwise incompatible with the purposes and objectives stated in Section 1.01 of this Code.

q. Conspiring, soliciting, attempting, or agreeing to commit, assist in or facilitate the commission of any violation of this Code.

#### **Section 1.04 Cooperation in Honor Council Proceedings**

a. Every member of the Law School community has an affirmative duty to cooperate with the Council when asked to testify to a possible Honor Code violation. Notwithstanding this requirement, no student shall be compelled to testify against himself

or herself at a hearing, nor may an alleged violator be required to provide statements to the Investigators under Section 3.03.

b. Should any party to a Council proceeding experience difficulty obtaining the cooperation of an alleged violator, a complainant or a witness, that party may ask the President or the Presiding Officer as appropriate to send a letter to the recalcitrant individual outlining the individual's duty to cooperate and specifying the consequences of noncooperation.

#### **Section 1.05 Closure of Meetings and Hearings; Confidentiality**

a. All meetings of the Council except those which are wholly social or ceremonial, all meetings of Screening Panels and Probable Cause Panels under Sections 3.02 and 3.05, all discovery conferences and pre-hearing conferences held under Sections 4.04 and 4.05, and all hearings held pursuant to Section 4.07 shall be closed. This requirement may not be waived.

b. All information dealing with complaints and their handling and disposition, including the identity of the alleged violator, the complainant and witnesses is confidential. No person other than the Dean may, without explicit authorization, reveal any information concerning an Honor Council proceeding, except to the extent allowed by this Code.

c. Provided that the name of the complainant is not revealed and cannot be discerned from the facts, paragraph (b) of this section does not prohibit the alleged violator and his or her representative from revealing:

1. the alleged violator's name, the fact that a complaint has been brought, and the names of other witness, if doing so is unavoidable when interviewing actual or prospective witnesses, or when seeking advice;

2. the alleged violators name and the fact that the Honor Council dismissed the complaint under Sections 3.02(e) or (f), 3.05(d) or (f), or 6.02(a); or

3. the final disposition of a matter by the Dean.

d. The duty to maintain confidentiality is ongoing and

does not end with the termination of the proceedings.

e. The duty to maintain confidentiality shall neither excuse nor prevent the disclosure to bar examiners of the accused's involvement in Council proceedings.

### **Section 1.06 Consultation with the Faculty Advisor**

a. The Dean may appoint a member of the regular faculty to serve as Faculty Advisor to the Honor Council.

b. The President, the Chief Presiding Officer, and the Vice President may consult with the Dean, other administrators specified by the Dean, or the Faculty Advisor at any time.

c. The Presiding Officer in a particular matter may consult with the Faculty Advisor at any time.

d. Upon the request of the alleged violator or an accused, or for other good reason, the President may request that the Dean appoint one or more members of the regular faculty as additional temporary faculty advisors for utilization by Investigators appointed pursuant to Section 3.03(a), School Advocates appointed pursuant to Section 4.03, or Student Advocates appointed pursuant to Section 4.01(a), (d), or (e). A temporary faculty advisor appointed under this paragraph is not an advocate or representative of an accused, and is limited to the provision of advice concerning the Code, its interpretation, and the practices of the Council.

e. The Investigators, School Advocates or Student Advocates may meet ex parte with the Faculty Advisor, or with a temporary faculty advisor appointed pursuant to paragraph (d) of this section, but only where timely prior notice has been given to the President or the Presiding Officer as appropriate, and, in the case of proposed meetings by School Advocates or Student Advocates, to the other side.

f. The Faculty Advisor shall have no responsibility for the activities of the Honor Council except to

serve as an advisor when requested in accordance with this section.

g. The Faculty Advisor may consult with the Dean or other administrators at any time, or perform any other function requested by the Dean.

### **Section 1.07 Ex Parte Contacts**

a. After the filing of a complaint as described in Section 3.01(a), neither the complainant, nor an alleged violator, nor an accused, nor any other member of the Law School community may engage in any prohibited ex parte communication with Investigators, School Advocates, Student Advocates, panel members, presiding officers, other Honor Council members, the Faculty Advisor or the Dean. Such persons have an affirmative duty to refuse to engage in such prohibited ex parte communications, and shall report all such contacts to the President or the Dean as appropriate.

b. The following do not constitute prohibited ex parte communications for the purposes of this section:

1. Filing of written requests or motions, with service on the other party.

2. Communications between a Student Advocate and a witness identified in accordance with Section 4.04(b), or between a School Advocate and a witness identified in accordance with Section 4.04(a).

3. Any communication with the President or the Presiding Officer seeking information, or for other administrative or procedural purposes, which purposes shall specifically not include making requests or motions.

4. Any communication explicitly authorized by this Code, or any communication not related to a matter before the Council.

### **Section 1.08 Appeals; Non-intervention**

a. Except as provided in Section 6.04, no appeal may be made to the Dean for any form of interlocutory relief.

b. All alleged irregularities in the procedures and

deliberations under this Code, and all assertions of error in law or fact are automatically preserved for the final review of the case by the Dean under Section 5.01.

c. Except as expressly provided in this Code, an alleged violator or accused may not seek the intervention of the Dean, the Honor Council Faculty Advisor, any other faculty member, or any administrator prior to, during or following Honor Council proceedings.

## **ARTICLE II**

### **THE HONOR COUNCIL**

#### **Section 2.01 Duties and Powers**

The duties and powers of the Honor Council are limited to the following:

- a. to promote awareness of the Honor Code among students;
- b. to investigate written complaints which, on their face, indicate that a violation of the Code may have occurred;
- c. to hear evidence and argument and determine the merits of any complaint in accordance with the procedures provided for herein;
- d. to have its President, following consultations with the Presiding Officer, comment on matters in mitigation or aggravation of an offense when a student is found to have violated the Code;
- e. to maintain the confidentiality of Council proceedings;
- f. to carry out any other responsibilities specified in this Code;

g. upon written request, to assist other officially recognized Law School organizations in conducting their elections; and

h. to carry out any other tasks requested by the Dean, or authorized by the Bylaws.

#### **Section 2.02 Membership**

a. The Honor Council shall consist of eleven second-year students (nine from the full-time division and two from the part-time division) and eleven third-year students (nine from the full-time division and two from the part-time division).

b. Each member shall serve a maximum of two academic years.

c. The term of members who change from one division to the other shall be set in the Bylaws of the Council.

#### **Section 2.03 Election of Members**

a. Election of members shall be held annually in the spring semester, and conducted in accordance with the Bylaws of the Council.

b. All first-year students who meet the eligibility requirements of the Bylaws may become candidates for the representative of the division of which they are a member.

c. The election for the full-time and part-time members shall be done on separate ballots by division. The nine candidates for full-time division representative receiving the greatest number of votes from that division and the two candidates for part-time division representative receiving the greatest number of votes from that division shall become members of the Council.

d. In the case of a tie for ninth or second place respectively, the successful candidate shall be selected by the outgoing Council.

e. Newly elected members shall assume the offices of second-year Honor Council members on the day after the last day of classes in the spring semester.























