

# ANTONIN SCALIA LAW SCHOOL HONOR CODE

## PREAMBLE

Each student at Antonin Scalia Law School (“Scalia Law”) is expected to behave honorably and with the highest personal integrity toward other law students, toward the law school and university, and toward other members of the legal profession. This Honor Code articulates minimum standards for student conduct, the responsibilities of individuals as members of the Scalia Law academic community, and the procedures for handling allegations of violations. Any student who has good reason to believe that an Honor Code violation has occurred has a duty to report that violation pursuant to Section 2.04 of this Code, and to participate in proceedings, if any, that follow from that report if called upon to do so.

## DEFINITIONS

“**Accused**” means a Scalia Law student or alumnus<sup>1</sup> who is the subject of an initial referral.

“**Administrative Honor Hearing**” means all matters heard by and retained solely by the DoD.

“**Cheating**” means intentionally, knowingly, or recklessly using unauthorized materials or assistance in any exercise for academic advantage, including but not limited to an examination or paper.

“**DoD**” means the Dean or his designee. The DoD is identified by title in the Academic Regulations and on the Honor Committee website.

“**Honor Committee**” means the student Honor Committee, which includes an Honor Committee Chair and selected students who may be appointed to an Honor Panel.

“**Honor Panel**” means the panel assembled to hear and decide certain honor matters as set forth in section 6.03.

“**Honor Panel Hearing**” means the procedures set forth to hear and decide certain honor matters as set forth in section 6.04.

“**Honor Proceeding**” means the entirety of the honor process, from initial referral to final disposition.

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<sup>1</sup> Consistent with standard English usage, masculine nouns and pronouns refer to individuals of either sex.

**“Honor Referral”** means the written documents through which the DoD refers a matter to an Honor Panel for investigation and determination.

**“Initial Referral”** means the written document by which a suspected Honor Code violation is reported to the DoD.

**“Good Standing”** means that a student is above the academic minimum requirement, has no honor charges pending, prior honor convictions, prior plea agreements, and has no hold on his University account.

**“Lying”** means intentionally, knowingly, or recklessly misrepresenting material facts, or failing to disclose material facts to people entitled to a duty of candor, in any law school activity including but not limited to classes, clinical programs, work on academic journals, work in internships and externships, job searches, scholarship applications, and student competitions.

**“Plagiarizing”** and **“plagiarism”** mean intentionally, knowingly, or recklessly representing someone else's work or ideas to be one's own for academic advantage, including but not limited to advantage on examinations, in papers, and in oral presentations for credit.

**“Stealing”** means intentionally, knowingly, or recklessly taking property belonging to the University, law school, or any student, contractor, employee of a contractor, or visitor.

## **ARTICLE I: HONOR CODE**

### **1.01 OBLIGATIONS**

A student shall not:

1. Lie, cheat, or steal. Since plagiarism is an offense of heightened importance in a professional and academic environment, this section shall be construed to cover and prohibit (though not be limited to) plagiarism.
2. Abuse an Honor Proceeding, including but not limited to filing a frivolous referral, breaching confidentiality, withholding relevant information, or failing to appear as a witness;
3. Fail to report an Honor Code violation, when there is reasonable cause to believe that one has occurred, within 30 days<sup>2</sup> of discovering the violation;
4. Be an accomplice or accessory to an act that violates the Honor Code; or
5. Bring prohibited materials or devices into any exam or use prohibited resources in any exam, coursework, or course paper.

Students accused of violating the Honor Code may be subject to either an Administrative Honor Hearing or an Honor Panel Hearing.

A copy of this Honor Code will be posted online on the Honor Committee website.

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<sup>2</sup> Time periods over 14 days shall be calendar days. All references to other time periods be business days, defined as Monday through Friday excluding days that the University is closed.

## **ARTICLE II: GENERAL PROVISIONS**

### **2.01 INDIVIDUALS COVERED**

All students enrolled at Scalia Law are subject to the Honor Code. Honor Proceedings may be brought subsequent to a student's graduation or separation from Scalia Law, irrespective of the time lapse between the occurrence of the violation and its report.

### **2.02 SCOPE**

This Honor Code covers all matters which relate to the academic program of the law school, whether or not academic credit is involved and whether or not the alleged misconduct occurred on or off campus.

### **2.03 CONSTRUCTIVE NOTICE**

Each student is responsible for knowing and complying with all provisions of this Honor Code, as it may be amended from time to time.

### **2.04 DUTY TO REPORT**

Any student who has good reason to believe that an Honor Code violation has occurred must report such violation to the DoD. Reports may be made using the Initial Referral form available on the Honor Committee website or by communicating the information required by Section 4.01 to the DoD in any other written form.

### **2.05 NOTICE BY EMAIL**

Any written notice in this Honor Code may be provided to a student's official George Mason University email account. Such notice shall be deemed actually received by such student on the day it is sent.

## **ARTICLE III: SANCTIONS**

### **3.01 SANCTIONS**

Possible sanctions for violating the Honor Code include, but are not limited to the following (and more than one sanction may be imposed):

1. Cancellation of Matriculation (expulsion);
2. Suspension;
3. Probation;
4. Reduction of a grade for the course or assignment involved;
5. The awarding of an "F" for the course or assignment involved;
6. Oral reprimand;
7. Revocation of degree;

8. Any other sanction deemed appropriate by the DoD, Honor Panel, or tenured faculty; and
9. Any sanction agreed to by the parties.

### **3.02 MANDATORY NOTATION OF VIOLATION**

In each case where the Accused is found guilty or agrees to a plea bargain reflecting guilt, an appropriate notation shall be made on the student's transcript. Any conviction or plea agreement shall be recorded in the student's academic record maintained by the Scalia Law Records Office. Convictions, plea agreements, or transcript notations may not be expunged.

## **ARTICLE IV: HONOR PROCEEDINGS**

### **4.01 INITIAL REFERRAL**

(A) Requirements -- Initial Referrals shall be submitted to the DoD and shall include:

1. The name of student(s) referred if known;
2. The conduct alleged to be in violation of the Honor Code;
3. The name of the referring individual;
4. The date the alleged violation was discovered;
5. The date of the referral; and
6. The specific rule broken if it is a violation connected to the Legal Research and Writing program.

(B) Dismissal -- An Initial Referral which fails to meet the requirements of Section 4.01(A), or which fails to allege an actual violation of the Honor Code, shall be dismissed by the DoD. The DoD may allow amendment of an Initial Referral in order for it to satisfy the requirements of Section 4.01(A). The DoD may, but need not, provide a written statement justifying the decision to dismiss an Initial Referral.

(C) Preliminary Investigation --

1. Upon receipt of an Initial Referral, the DoD may conduct a preliminary investigation to determine whether there is probable cause to suspect that an Honor Code violation has occurred. During such an investigation, the DoD may interview the accused, referring individual(s), and others with knowledge of the alleged misconduct, and the DoD may review relevant written materials.
2. Based on the Preliminary Investigation, the DoD shall determine whether to proceed or to dismiss the Initial Referral for lack of probable cause to suspect that an Honor Code violation has occurred. The DoD may, but need not, provide a written statement justifying the decision to dismiss an Initial Referral for lack of probable cause.

(D) If the DoD determines that there exists probable cause to suspect that an Honor Code violation has occurred, the DoD shall decide whether the DoD will retain the Initial Referral and determine the matter through an Administrative Honor Hearing or refer the matter for determination by an Honor Panel. The DoD's decision to retain the Initial Referral or refer it to an Honor Panel may not be appealed.

(E) If the DoD determines that there exists probable cause to suspect that an Honor Code violation has occurred, the DoD shall notify the Accused in writing and inform the Accused whether the DoD will retain the Initial Referral or refer it to an Honor Panel.

#### **4.02 NOTIFICATION OF INITIAL OR HONOR REFERRAL**

When an Initial Referral has been made, the DoD shall so notify both the Accused and the Honor Committee Chair, stating whether the matter will be determined by an Administrative Honor Hearing or Honor Panel.

#### **4.03 CONFIDENTIALITY**

(A) Obligations -- students involved in an Honor Proceeding, including, but not limited to the initial referrer, the Accused, witnesses, the Honor Committee Chair, and Honor Committee Members, shall not reveal information about a case unless doing so is reasonably necessary to the investigation of a matter. Violation of this provision may be considered a violation of the Honor Code. Confidentiality requirements do not apply between or among Honor Committee Members.

(B) Waiver -- The Accused may waive his right to confidentiality at any time by submitting a writing so stating to the Honor Committee Chair.

### **ARTICLE V: THE HONOR COMMITTEE**

#### **5.01 HONOR COMMITTEE CHAIR**

(A) Duties -- The Honor Committee Chair shall:

1. Select Honor Committee Members as set forth in section 5.02.
2. Appoint Honor Committee Members to sit, as needed, on Honor Panels.

(B) Qualifications -- The Honor Committee Chair shall be a member of the student body in Good Standing when elected. If an Honor Committee Chair is determined at any time subsequent to election to have violated the Honor Code, he shall be disqualified from continuing to serve as Honor Committee Chair and as an Honor Committee Member.

(C) Election -- The student body shall elect the Honor Committee Chair in accordance with the procedures set forth in the SBA Constitution and Election By-Laws.

(D) Vacancy -- Removal and replacement of an Honor Committee Chair, except for a violation of the Honor Code, shall proceed in accordance with the SBA Constitution and Election By-Laws. Should the Honor Committee Chair position be vacant when an Honor Panel is formed, the SBA President will appoint three Honor Committee Members to the Honor Panel. In the event that the Honor Committee does not have three student members when an Honor Panel is formed, the Associate Dean for Academic Affairs shall appoint the necessary number of instructional faculty to fill the Honor Panel.

## **5.02 HONOR COMMITTEE MEMBERS**

(A) Appointment -- The Honor Committee Chair shall be responsible for selecting students to serve as Honor Committee Members. Each member shall serve beginning immediately upon appointment until replacement by the next Honor Committee Chair, graduation, removal, or disqualification.

(B) Duties -- Honor Committee Members shall represent the interests and academic integrity of Scalia Law. Honor Committee Members will be familiar with Honor Committee procedures, respond to questions regarding the Honor Code, and serve the designated roles and functions contained within the Honor Code as the need arises.

(C) Qualifications -- Each Honor Committee Member shall be a current Scalia Law student in Good Standing at the time of his appointment.

(D) Vacancy -- Should a vacancy occur, the Honor Committee Chair shall appoint a qualified replacement to the Honor Committee.

(E) Removal -- The Honor Committee Chair shall remove an Honor Committee Member for neglect or upon determination that he has violated the Honor Code.

## **ARTICLE VI: DETERMINATION**

### **6.01 RIGHTS OF THE ACCUSED**

(A) The Accused represents himself in Honor Proceedings.

(B) Outside Legal Counsel -- The Accused may, at his own expense, retain and consult with outside counsel, but counsel may not participate in, or be heard in connection with, any Honor Proceeding.

(C) Participation -- The Accused shall have the right to be present at all honor hearings; provided, however, that should the Accused elect not to attend an Administrative Honor Hearing or Honor Panel Hearing, the hearing may go forward in his absence.

(D) In any Honor Proceeding, the Accused is entitled to be informed, in advance of any hearing, of the basis of the alleged violation(s) by the Accused.

(E) In any Honor Proceeding, the Accused may only be found to have violated the Code if the decision-maker or decision-making body concludes that the violation has been proved by clear and convincing evidence.

## **6.02 ADMINISTRATIVE HONOR HEARING**

(A) Initial Referrals retained for determination by the DoD shall be decided in an Administrative Honor Hearing.

1. After notification to the Accused under Section 4.02, the DoD will provide the Accused with a written description of the violation(s) he is alleged to have committed, a brief description of the facts supporting each, and a date for the Administrative Hearing.
2. Except in extraordinary circumstances, Administrative Honor Hearings will occur within 30 days following notification to the Accused of the basis for the charges, as required by section 6.02(A)(1).
3. The hearing shall consider all charges against the Accused. Any written materials, evidence, or statements (including witness statements), that the Accused would like considered, must be provided to the DoD no later than 7 days prior to the hearing, unless otherwise allowed by the DoD in his discretion. Witnesses will not appear in person unless the DoD determines, after reviewing the witness's written statement, that such an appearance may be helpful to the just determination of the case. The Accused may not bring anyone to the hearing.
4. Within 14 days following the Administrative Honor Hearing, the Accused will be notified in writing of the decision and the basis thereof.
5. The DoD may enter into a plea agreement with the Accused prior to any decision.
6. The decision of the DoD is subject to request for reconsideration pursuant to Section 7.02.

## **6.03 HONOR REFERRAL TO AN HONOR PANEL**

(A) The DoD may refer an Initial Referral to the Associate Dean for Academic Affairs. Following such a referral, an Honor Panel will be formed as follows:

1. The Associate Dean for Academic Affairs shall appoint a member of the instructional faculty to be the Honor Panel Chair, or may serve in this capacity himself.
2. The DoD shall appoint a member of the administrative/professional faculty.
3. The Honor Committee Chair shall appoint three members of the Honor Committee.

(B) Responsibilities of the Honor Panel Chair:

1. The Honor Panel Chair shall oversee the investigation of the Honor Referral.

2. The Honor Panel Chair may delegate to any Honor Panel member any role connected to the proceeding. The Honor Panel Chair may not, however, delegate the role of Chair.
3. The Honor Panel Chair shall dismiss an Honor Referral if it does not allege an actual violation of the Honor Code. After such a dismissal, the DoD may re-file an amended Honor Referral, alleging an actual violation of the Honor Code, or challenge the Honor Panel Chair's determination in a written request for reconsideration. If the DoD requests reconsideration, the question whether a referral alleges an actual violation of the Honor Code shall be submitted to the Honor Panel for determination.

## **6.04 HONOR PANEL HEARING**

1. The Honor Panel Chair will provide the Accused with a written description of the violation(s) he is alleged to have committed, a brief description of the facts supporting each, and a date for the Honor Panel Hearing.
2. Except in extraordinary circumstances, Honor Panel Hearings will occur within 30 days following notification to the Accused of the basis for the charges, as required by section 6.04(1).
3. The hearing shall consider all charges against the Accused. Any written materials, evidence, or statements (including witness statements), that the Accused would like considered, must be provided to the Honor Panel Chair no later than 7 days prior to the hearing, unless otherwise allowed by the Honor Panel Chair in his discretion. Witnesses will not appear in person unless the Honor Panel Chair determines, after reviewing the witness's written statement, that such an appearance may be helpful to the just determination of the case. The Accused may not bring anyone to the hearing. The Honor Panel members may, at their discretion, question the Accused during the hearing.
4. Within 14 days following the Honor Panel Hearing, the Accused will be notified in writing of the decision and the basis thereof.
5. The decision shall be by majority vote, which must be recorded in the written decision. The written decision shall also include the penalty to be imposed for any Honor Code violation found.
6. The Honor Panel Chair, with the consent of a majority of the Panel, may enter into a plea agreement prior to any decision.
7. The decision of the Honor Panel is subject to request for reconsideration pursuant to Section 7.02.

## **ARTICLE VII: POST HEARING PROCEDURES**

### **7.01 RECORD**

A) Record -- The record of the Administrative Hearing or Honor Panel shall consist, at a minimum, of the written notice to the Accused of the charges (including the Initial Referral), any written statements or requests of the Accused, a record of written or other documentary evidence presented at the Administrative Hearing or Honor Panel, and any written decision. The record

shall be compiled by the DoD if the matter was determined in an Administrative Hearing and by the Honor Panel Chair if the matter was determined by an Honor Panel. If request for reconsideration is made pursuant to Section 7.02, the request for reconsideration and subsequent decision of the Dean (or tenured faculty if the dean personally conducted the Administrative Honor Hearing or was a member of the Honor Panel) shall become part of the record. The record shall be preserved, consistent with University document retention policies, by the law school Records Office.

B) Delivery of the Record -- The record shall be delivered to the Records Office within one week of the decision. Upon written request, the Honor Committee Chair shall obtain and deliver a copy of the record to the Accused. If a Request for Review and Reconsideration is made to the Dean, the Honor Committee Chair shall obtain and deliver a copy of the record to the Dean.

## **7.02 DEAN'S REVIEW AND RECONSIDERATION**

(A) Request for Reconsideration -- The Accused may request reconsideration by the Dean of the decision of any Honor Panel or Administrative Honor Hearing. Request for reconsideration must be made to the Dean in writing within 14 days of the record being provided to the Accused. The request shall not exceed five (5) double-spaced typed pages and must include an explanation of the basis upon which it is sought. In cases where the Dean has conducted the Administrative Honor Hearing, reconsideration will be provided by the tenured faculty.

The Dean (or the tenured faculty where it is the reviewing authority) may grant the Accused an extension of time to submit a request for reconsideration, provided that the request for an extension is timely delivered and demonstrates good cause.

(B) Timing of Review -- The Dean or the tenured faculty will notify the Accused and the Honor Committee Chair in writing of the decision within 45 days of receiving the request from the Honor Committee Chair. A copy of the request for reconsideration and the decision shall become part of the record maintained by the Records Office pursuant to Section 7.01.

(C) Standard of Review -- The decision of the Honor Panel or the Administrative Honor Hearing shall be sustained unless it was clearly erroneous.

(D) Powers -- The Dean (or tenured faculty where it is the reviewing authority) may affirm the decision, remand for a new hearing, or alter the sanction imposed upon the Accused. This decision is final.

(E) Final Decision and Execution of Sanction -- An Administrative Hearing or Honor Panel decision becomes final: (1) if the time for requesting reconsideration has passed without a request for reconsideration being made; or (2) if a request for reconsideration is timely made and rejected. When a decision becomes final, the DoD shall cause the sanctions, if any, therein imposed to be carried out.