



Title Honor Code
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1. INTRODUCTION

A. Preamble

Texas Tech University School of Law's Honor Code emphasizes the importance of academic integrity. Academic integrity refers to honest and ethical behavior within an academic community. The Honor Code promotes an atmosphere in which students can work and interact with mutual respect, trust, and individual responsibility.

Faculty, staff, and students have a responsibility to uphold the principles of academic integrity, and to create an environment that encourages honesty and an open discussion of integrity. Students in the School of Law are expected to exhibit the same qualities of honesty, responsibility, and respect for the rights of others that are demanded of members of the legal profession.

Each student has a responsibility to uphold the spirit of the Honor Code. When a student has reason to believe that a violation of the Code has occurred or will occur soon, he or she has a duty to report the matter to the Dean or the designated faculty Honor Code Investigator. A student who fails to report a suspected violation may violate the Student Code of Professional Conduct. If a student reports a suspected violation to a faculty or staff member and that person also has reason to believe that a violation of the Code has occurred or will occur soon, the faculty or staff member has a duty to report it to the Dean or the Honor Code Investigator. To avoid concerns about the confidentiality of a conversation, faculty and staff members should inform students of the faculty or staff member's duty to report.

B. Scope

The Honor Code applies to all students admitted to Texas Tech University School of Law. Students are responsible for their conduct at the law school; they also will be responsible for their off-campus and virtual and online conduct when the law school's programs, activities, or reputation, the student's ability to practice law, or the professional well-being of other School of Law students, faculty, or staff are implicated.

The Honor Code governs conduct related to integrity and academic endeavors at all times — from submission of an application for admission through graduation. If an Honor Code matter is pending when a student is scheduled to graduate, the student's degree may be withheld at least until the matter is resolved. An investigation may arise regarding a graduate when the conduct in question arose before graduation. A finding of a violation that occurred before a student graduated may result in the revocation of a degree previously awarded.

C. Relation to Student Code of Professional Conduct & University Code of Student Conduct

The Honor Code and the Student Code of Professional Conduct are two of the three codes that govern the conduct of law students at Texas Tech University. The third is the Texas Tech University Code of Student Conduct, which can be found in the University Student Handbook.

Law students are held to standards beyond those of other students at the University because they intend to enter a profession that has high expectations of character and ethical behavior.

The Honor Code and the Student Code of Professional Conduct set out guidelines and expectations for appropriate behavior and professional decorum; the Honor Code primarily governs academic matters while the Student Code of Professional Conduct governs primarily non-academic matters. The Honor Code Investigator and the Honor Council typically resolve matters relating to the Honor Code, while the Dean's Delegate, typically the Associate Dean of Student Life, most often resolves matters involving of the Student Code of Professional Conduct.

The School of Law partners with the University in attempting to provide a disciplinary process to law students that addresses problem behavior fairly and respectfully. This Code typically will govern the conduct of law students in cases where the Honor Code and the University Code of Student Conduct might apply concurrently. The Dean will confer as necessary with appropriate University officials when questions arise concerning whether this Code, the University Code of Student Conduct, or both should apply.

2. CONDUCT SUBJECT TO SANCTION

The Honor Code addresses matters of academic dishonesty, based on the following principles that illustrate the rigorous demands of integrity required of students.

Principle One - A Law Student Should Always Act with Honor and Integrity in Matters Pertaining to Legal Education.

Principle Two - A Law Student Should Perform All Work in Academic Matters Honestly.

Principle Three - A Law Student Should Not Take Unfair Advantage in Academic Matters of Another Student, Faculty Member, Staff Member, or the Law School.

The following list includes, but is not limited to, acts that violate the Honor Code.

A. Cheating

A student cannot use or attempt to use unauthorized materials or sources in connection with any assignment, examination, or other academic exercise, or have another person do work for a class when not expressly authorized by the instructor. This includes copying another's work on an examination, assignment, or other academic exercise. Conduct of this kind typically violates Principle One, Principle Two, Principle Three, or a combination.

B. Improper Collaboration

A student cannot work with another person without express authorization from the supervising instructor or a sponsoring organization, such as a journal. This includes work done for an internal or external advocacy competition. Prohibited conduct may include talking about the assignment, assisting or receiving assistance with editing, or sharing research. Students cannot collaborate in any manner on the

write-on competition for journals. Conduct of this kind typically violates Principle Two, Principle Three, or both.

C. Unfair Academic Advantage

A student violates this Code by intentionally causing a disadvantage to other students by failing to return needed library books, damaging or removing pages or materials from needed books such that others cannot use them, gaining unauthorized access to an examination before the examination period, continuing to work on an examination after time has been called, handing in another person's work as one's own for credit, or trying to duplicate from memory, photographs, or otherwise specific questions from an examination not intended for circulation to others. Other forms of unfair academic advantage may be represented by taking, keeping, misplacing, damaging or altering property. This type of conduct may violate Principle Two, Principle Three, or both.

D. Deception and Misrepresentation

A student violates this Code by lying about or misrepresenting his or her work, academic records, credentials, or other academic matters or information. This includes, but is not limited to forging a signature on any document, forging letters of recommendation, falsifying externship or clinical documentation, falsifying pro bono records, falsifying class attendance rolls, or falsely claiming to be a licensed attorney. This type of conduct may violate Principle One, Principle Three, or both.

E. Electronic Dishonesty

A student cannot use a network or gain access to a computer inappropriately, in a way that affects a class or other students' academic work. A non-exhaustive list of examples include tampering with another student's account so that the student cannot complete or submit an assignment, stealing a student's work through electronic means, or knowingly spreading a computer virus or malware, impersonating another via electronic means, improperly accessing online accounts or data, and using a computer or device during class in a manner not authorized by the instructor in a way that affects other student's academic work. Conduct of this kind typically violates Principle Three.

F. Plagiarism

A student cannot represent the words or ideas of another as his or her own. The misrepresentation does not need to be intentional. It is oftentimes manifested by a failure to properly cite or acknowledge the words or work of others. Plagiarism includes, but is not limited to:

1. Quoting without citations or without appropriate punctuation, including quotation marks;
2. Paraphrasing without appropriate attribution;
3. Misrepresenting another's analysis, synthesis, organization, or compilation of sources as one's own; or
4. Using Internet sources without appropriate attribution, on the same basis as any other source.

Conduct of this kind typically violates Principle One, Principle Two, Principle Three, or a combination.

3. HONOR COUNCIL

A. Members

The Honor Council consists of five members: three full-time law faculty and two students. Each year, the Dean will appoint the faculty members, designating one as the Chair of the Honor Council. The Dean may also appoint two additional full-time faculty members as alternates. The Dean will arrange training for the members and alternate members of the Honor Council every year. Each faculty member will serve for the entire academic year and will continue until the Dean appoints a successor. Student members are elected by their peers. One must be a third-year student at the time of election and is elected by the third-year class. The other must be a second-year student at the time of election and is elected by the second-year class. The Dean may replace any faculty member who fails to serve or is otherwise unable to serve. If any student member fails to serve or is otherwise unable to serve, the Chair of the Honor Council may appoint a student from the same class year as the replaced student member, after consulting with the Student Bar Association and the Dean.

B. Quorum

A quorum of the Council consists of three members. At least two must be faculty members and at least one must be a student. A Council member who recuses himself or herself, or is otherwise unable to serve, may have a temporary replacement appointed, as described above.

C. Challenges

Council members who feel they are or may be biased in a particular case will recuse themselves from the hearing and consideration of the case. Previous enrollment of the student in question in a class taught by a faculty member on the Council is not in itself grounds for recusal. Any student accused of violating the Honor Code may challenge any Council member as biased and present facts and arguments to support the challenge. Members of the Council who have not been challenged will determine, by majority vote, whether the challenged member is recused. The Dean may appoint replacement Council members as described above to hear a challenge if fewer than three members are available to hear the challenge. Following any challenges, the Chair of the Council will reschedule the hearing if the remaining members do not conform to the quorum requirements above.

4. PROCESS

A. General Provisions

An Honor Council hearing is not a court proceeding, nor is it designed to imitate one. The proceeding provides an educational and non-adversarial process to resolve matters concerning academic misconduct and dishonesty. It is not governed by legal rules of evidence or rules of procedure in criminal or civil court. Students are expected to cooperate fully with matters connected to the allegation. Students may not retaliate against, harass, or threaten anyone participating in the process.

B. Honor Code Investigator

Each year, the Dean will appoint an Honor Code Investigator, typically a full-time faculty member, to conduct preliminary factual investigations of alleged violations of the Honor Code. The Dean may appoint multiple Honor Code Investigators in years when several suspected violations must be processed. The Investigator will report the findings of all investigations to the Dean.

If the Dean or the Investigator determines, at any point, that the Investigator has a conflict of interest or is unable to serve, the Dean will appoint another Investigator for that particular matter.

C. Referral and Investigation

Students or other members of the law school community may consult with the Honor Code Investigator, the Associate Dean for Student Life, or a faculty or staff member, about possible academic misconduct or dishonesty. When a student has reason to believe that a violation of the Code has occurred or will occur soon, he or she has a duty to report the matter to the Dean or the designated faculty Honor Code Investigator. If a student reports a suspected violation to a faculty or staff member and that person also has reason to believe that a violation of the Code has occurred or will occur soon, the faculty or staff member has a duty to report it to the Dean or the Honor Code Investigator.

If a student consults with a faculty or staff member, that faculty or staff member should report the concern to the Dean, the Honor Code Investigator or the Associate Dean for Student Life. Ultimately, the Honor Code Investigator will decide whether an investigation is necessary to determine whether probable cause exists to believe that the student has violated this Code.

At any time after receiving a referral, the Honor Code Investigator may consult with the Dean's Delegate to determine whether the matter should proceed under this Code, the Student Code of Professional Conduct, or both. This Code typically will be selected to resolve cases in which the academic issue dominates, and the Student Code of Professional Conduct typically will be selected to resolve cases in which an issue of professional behavior dominates. If the Delegate and the Investigator do not agree, they shall consult with the Dean (or the Dean's designee for this purpose), and the Dean will decide.

If the Honor Code Investigator decides that the allegation does not indicate a possible Honor Code violation, the Investigator will send a written report to the Dean to that effect. If the Dean believes that an investigation is necessary, the Investigator will begin an investigation to determine whether probable cause exists to believe that the student has violated this Code, as described below.

If the Honor Code Investigator decides that an investigation is necessary, the Investigator will conduct an investigation of the alleged conduct to determine whether probable cause exists to believe that a violation of this Code has occurred. The Investigator may contact the student who is the subject of the allegation as part of the determination of whether probable cause exists.

As part of the investigation, the Investigator may, among other things, contact students and others about their alleged involvement, send an email message to the student body requesting individuals with information to come forward, or communicate with professors who have information regarding the allegations. During the investigation process, the Investigator will act with the utmost care to keep the identity of the involved students confidential.

Students have a duty to cooperate during the investigation process. Students also have an obligation to respond in a timely manner to communications related to the investigation. Failure to respond or

cooperate during the investigation process may result in a violation of the Student Code of Professional Conduct.

D. Determination by Investigator

Following the investigation, if the Honor Code Investigator determines that no probable cause exists to believe that a violation occurred, the Investigator will close the matter and send a written report to the Dean to that effect. The Investigator will notify the student in writing of the determination and prepare a memorandum for the student's file that the student can use if ever asked about the matter.

If the Investigator determines that probable cause exists to believe that a violation occurred, the Investigator, after notifying the Dean, will then determine whether the matter should be sent to the Honor Council or if it qualifies for administrative disposition as described in Part 4.E. below. If the Investigator determines that the matter does not qualify for administrative disposition, the Investigator will transfer his or her file to the Honor Council, without including any findings of fact.

E. Administrative Disposition

The School of Law encourages students who have violated the Honor Code or Student Code of Professional Conduct to be honest in any investigation and hearing. The Honor Code Investigator may offer an administrative disposition in lieu of an Honor Council hearing when: 1) the allegation involves a less serious matter; 2) the key facts do not appear to be in dispute; and 3) the student acts with candor and is forthright during the investigation. A decision by the Investigator to offer administrative disposition or to refer a matter eligible for administrative disposition to the Honor Council is subject to review only by the Dean.

Purpose

An administrative disposition provides an avenue for students who have violated the Honor Code to admit their violations, agree to sanctions that will reconcile their standing at the School of Law, and avoid Honor Council hearings. If the Investigator offers an administrative disposition, a student may decide whether to accept it or proceed to an Honor Council hearing. By accepting an administrative disposition, the student agrees to waive any right to appeal.

Limitation

A student who has received an administrative disposition for an Honor Code violation previously cannot receive another for a subsequent violation.

Mitigating or Aggravating Factors

The Investigator may consider mitigating or aggravating factors in determining whether to offer an administrative disposition and in recommending what sanctions should be imposed. The following non-exhaustive list provides examples of such factors.

- 1. Pre-referral admission:** When a student voluntarily admits misconduct to the Investigator before learning that someone has referred the matter or is about to refer the matter, the Investigator may consider the admission as a mitigating factor.

2. **Other admissions:** An admission after a referral has been made may still have some mitigating value. However, a post-referral admission is not as strong a mitigating factor as pre-referral admission.
3. **Cooperation:** The Investigator may consider how cooperative the student was during the investigation process. This includes, but is not limited to, whether the student responded timely and respectfully to inquiries and requests for meetings, provided requested information, and dealt honestly with the Investigator and with others involved.
4. **Intent/discriminatory motive:** The Investigator may consider intent when recommending sanctions. A violation of the Honor Code that is malicious, willful, intentional, reckless, or grossly negligent may be an aggravating factor. Where conduct may be considered merely negligent, accidental, or careless, the sanction may be less severe. If a student violated the Honor Code and also directed the conduct intentionally toward a person or group because of race, color, religion, age, national origin, ancestry, disability, gender, sexual orientation, gender identity, gender expression, status as a protected veteran, marital, or parental status of the targeted group or person, the Investigator may find the discriminatory motive to be an aggravating factor in recommending sanctions.
5. **Degree of harm or seriousness of offense:** The degree of harm to others and the seriousness of the violation are relevant factors in recommending sanctions.
6. **Prior violations:** The Investigator may consider prior violations of the Honor Code or the Student Code of Professional Conduct as aggravating factors.
7. **Willingness to make restitution:** The Investigator may consider a student's willingness to make restitution. Restitution may include compensation for loss, damage, or injury, in the form of appropriate service or monetary or material replacement.

Notification

If the Investigator determines that the student qualifies for an administrative disposition, the Investigator will inform the student in writing. The writing will notify the student that accepting an administrative disposition constitutes an admission that the student violated the Honor Code. The notice will include findings of fact, a description of the appropriate sanction or sanctions, and a letter of admonishment from the Dean. The notice will also inform the student that if he or she does not accept the offer of an administrative disposition, the matter will be referred to Honor Council. The student will have ten business days from receiving written notice to accept or reject the offer and must do so in writing. If a student refuses to accept the offer, the Investigator will transfer the file to the Honor Council, without including any findings of fact.

Exceptions for Inaccurate Disclosure on Application for Admission

If the alleged violation involves an inaccurate disclosure on the Application for Admission, the Investigator cannot initiate any administrative disposition until the School of Law's procedure for initial consideration of these matters has been completed.

F. Notice of Hearing

After the Investigator transfers the file, the Chair of the Honor Council will notify the student in writing of the allegation or allegations, the time set for the hearing, and the procedure that the Honor Council will follow. Students may request that witnesses provide information for them to the Council. The Chair will inform the student in writing of any witnesses the Council intends to call.

G. Hearing

At the hearing, the student may question any witnesses called by the Honor Council. The student may make a statement on his or her behalf, but the student may choose to remain silent. If the student offers a statement, members of the Council may question the student.

A student cannot be represented by an attorney or other person at the hearing. A student is free to retain counsel who can be present at the hearing, but cannot participate in the proceeding. The student, however, can confer with counsel outside the hearing room. A member of the Texas Tech University faculty, staff, or student body cannot serve as counsel for any student during any process under this Code.

The Honor Council hearing may be recorded (limited to audio recording) if the student requests this at least 24 hours before the hearing.

H. Determination by Honor Council

The Honor Council will determine whether the student violated the Honor Code, based on clear and convincing evidence. The Council may find a violation based on a student's intentional, knowing, reckless, or negligent act.

If the Council finds no violation of this Code, the Chair of the Honor Council will issue a report to that effect to the student, the Honor Code Investigator, and the Dean. Absent exigent circumstances, the report should be issued within two weeks of the hearing.

If the Council finds a violation, it will then determine the appropriate sanction or sanctions to recommend to the Dean. A majority of the Council members present must vote affirmatively to find that a violation of the Honor Code has occurred and to select one or more sanctions to recommend to the Dean.

The Honor Council may consider mitigating and aggravating factors, a non-exhaustive list of which appears in Part 4.E. above, in determining which sanction or sanctions to recommend to the Dean.

Following a hearing, the Chair of the Honor Council will issue findings of fact, the Honor Council's decision, and the recommended sanction or sanctions. Absent exigent circumstances, these documents should be provided to the student and the Dean within two weeks of the hearing.

I. Failure to Appear

Students who fail to attend their scheduled Honor Council hearings forfeit their right to respond, absent some extenuating circumstance as determined by the Honor Council. If the student fails to attend or fails to respond to requests to participate, the Honor Council may proceed to determine whether the student violated this Code and recommend one or more sanctions to the Dean.

5. SANCTIONS

For any violation of the Honor Code, the Honor Council may recommend one or more of the following sanctions that it considers appropriate. These options are not exhaustive.

1. Expulsion from the School of Law;
2. Suspension from the School of Law;
3. Suspension or revocation of a degree, certificate, recognition, or other award conferred by the School of Law;
4. Satisfaction of additional work in the School of Law for graduation not to exceed a total of 15 additional hours (e.g., taking additional courses in a subject area);
5. Written letter of reprimand from the Dean that will be placed in the student's permanent file;
6. Educational or restorative sanctions to include, but not limited to, a research project, a letter of apology, or counseling;
7. Disciplinary probation. Disciplinary probation is distinct from academic probation. It is a period prescribed by the Investigator (as part of an administrative disposition) or by the Honor Council during which time conditions imposed as sanctions must be met or during which time the student's behavior will be subject to review. The conditions of disciplinary probation may be varied, depending on the circumstances.

Each year, the Chair of the Honor Council will publish a summary of cases heard in which violations were found and sanctions imposed. Names of offenders will not be revealed. The Chair will not report summaries of cases heard in which the Council found no violations. The Chair of the Honor Council will not include administrative dispositions in the report. For years in which three or fewer cases must be reported, the Chair of the Council may delay reporting and include the summaries in the report for the next year, to help protect the identity of the students involved.

6. REVIEW

If the student consents to the sanction or sanctions recommended by the Honor Council, the Dean shall impose the recommended sanction or sanctions and send written notice to the Honor Code Investigator and to the Chair of the Honor Council. The Investigator shall forward a copy of the notice to the student and to any other necessary persons.

If the student does not consent, the student may submit a written request for a review by the Dean, asking the sanction or sanctions be reduced or vacated and including the reasons for the request. This statement will be submitted to the Dean no later than 30 calendar days from the date of the Council's report to the Dean and the student.

The Dean may impose, modify, or vacate any sanction recommended, but cannot increase the severity of a sanction. The Dean cannot modify or vacate the finding of a violation of this Code made by the Honor Council, except when the Dean determines that the Council's finding is clearly erroneous. If the Dean finds such an error, the Dean will include the basis for this determination in his or her decision. The Dean will send notice of his or her decision to the student, the Honor Code Investigator, and the Chair of the Honor Council.

There is no further right to appeal or review within the University.

7. RECORD KEEPING AND REPORTING

The Registrar will record the findings of the Honor Council and the Honor Code Investigator, in the case of an administrative disposition. If a violation was found, the Registrar will also record the sanction or sanctions imposed by the Dean. The Registrar will ensure the record is kept in the appropriate law school files.

The School of Law will report all matters in which the Honor Code Investigator determined that probable cause existed to believe that a violation of this Code occurred to the extent required by the Texas Board of Law Examiners (BLE) or similar authorities in other states, regardless of whether violations of this Code were found. Students found to have violated the Honor Code will likely face a formal hearing before the BLE or similar authorities in other states to determine the students' character and fitness to practice law.