

FREQUENTLY ASKED QUESTIONS ABOUT THE HONOR CODE PROCESS

The UB School of Law Honor Code outlines the process and procedures for adjudicating Honor Code Complaints. This “FAQ” sheet is designed to answer common questions in a summary format. For complete details, please consult the Honor Code itself. This sheet refers to the Honor Code as implemented in January 2014 by the Faculty Council.

1. How does the Honor Board decide to investigate someone?

The Honor Board receives complaints from students and faculty who believe a violation of the Honor Code may have taken place. Once a complaint is received, members of the Board are assigned to investigate the allegation, and present their findings to a Preliminary Review Panel of Board members.

2. How do I report something to the Honor Board?

You are encouraged to report any complaints right away to the exam proctor, to the Associate Dean, to the Honor Board Advisor (Rebecca Bainum) or to any member of the Honor Board. Complaints must be submitted in writing.

3. How does the investigation process work?

Every investigation is different, but generally the Board will assign an investigator to meet with all parties involved in the incident and to gather all relevant documentary evidence. Accused students are not required to speak with the investigator, but the investigator can only present the information that he or she gathers.

4. What happens after an investigation?

After the initial complaint is made and investigated, the investigator presents his or her findings to the Preliminary Review Panel which is a group of 3 members of the Honor Board. The Preliminary Review Panel is responsible for determining if there is enough evidence to move forward with a formal hearing, or if the allegation is unsubstantiated and should be dismissed.

5. If the Review Panel says the allegation should go forward, what are the options?

Once the Review Panel has determined that there are reasonable grounds to believe a violation has been committed, a Hearing committee is selected and a hearing is scheduled. The accused student may admit to the conduct as alleged in the complaint or may challenge the allegations. The hearing committee will consist of 4 student members of the Honor Board and 2 full-time tenured faculty members.

6. Can a decision from the Hearing Committee be appealed by the student?

Yes. A student has 10 days from the date the Hearing Committee issues its decision to appeal. Appeals are made to the Provost.

(continued on next page)

FREQUENTLY ASKED QUESTIONS ABOUT THE HONOR CODE PROCESS

7. What should I do if I am the subject of an Honor Code complaint?

Just as you are legally entitled to due process, you are entitled to obtain your own legal representation before you speak to anyone regarding an allegation and as you go through the process.

You may also wish to consult with the faculty member who is the designated "Process Aid." Each year, the Dean will appoint a full-time faculty member to serve as a "Process Aide" for students who are involved in Honor Code proceedings. At the student's request, the Process Aide will provide information about the Honor Code process and alternatives available at each stage.

8. How long does the process take?

From the time the complaint is filed until a hearing date is selected, the process takes between five and six weeks, unless there is an extension for good cause. The Board makes every effort to resolve all complaints as quickly and efficiently as possible.

9. Can I have an attorney represent me? Should I?

Students may be represented by an attorney, as long as the attorney is not currently a member of the law school's full-time or part-time faculty. The decision of whether to retain counsel is up to the individual student.

10. What should I do if I see or know of someone doing something dishonest?

You should report all instances of academic dishonesty. This is consistent with your obligation as an attorney to report knowledge of ethical misconduct of other attorneys.

11. What is the most common action that is subject of an Honor Code violation?

The majority of the matters referred to the Honor Board are plagiarism or cheating on an exam.

12. Will an Honor Code violation be on my permanent record? What does that mean and will the Bar find out?

Yes. Any Honor Code proceeding that continues after a finding of "reasonable grounds" by the Preliminary Review Panel are reported to the State Board of Law Examiners. The report to the Bar includes the disposition, including dismissal, settlement or hearing.

Students who are the subject of an Honor Code proceeding should disclose that activity on their application for the bar. The School of Law reports this activity as part of the student's character certification.