

University of Baltimore  
School of Law

# **HONOR CODE**

2011-2012

**Office of Academic Affairs  
School of Law**

August 2011

Dear University of Baltimore Law Students-

Congratulations on your acceptance to the University of Baltimore School of Law. We hope you feel honored and privileged by your decision to attend this institution. That being said, your legal career officially begins now. While succeeding in class and achieving high marks are important, those accolades are and will always be secondary to the moral character you should exude throughout law school and your legal careers.

Succeeding in law school through hard work and uncompromising determination and conviction, rather than engaging in shortcuts, is absolutely critical. Whether you are studying for a law school final, applying to take the Bar Exam upon graduating, maintaining your license to practice law after passing the Bar Exam, or simply gaining the respect of your peers and eventual colleagues in legal practice, you should constantly strive to exhibit professional, ethical conduct.

It will be your continuing responsibility to represent the Law School with pride and integrity. Be confident and proud of every decision you make as a law student. Use the University of Baltimore Student Honor Code to guide you as you embark on your academic and professional careers in the legal world.

Best Regards,

*Ashley Marucci     Shawn Eskow*

Ashley Marucci and Shawn Eskow  
Co-Chairs of the Student Honor Board  
University of Baltimore School of Law

# UNIVERSITY OF BALTIMORE SCHOOL OF LAW HONOR CODE 2010-2011

## **I. Purpose**

Students at the University of Baltimore School of Law must exhibit high standards of academic and professional responsibility. The principles of honesty and personal responsibility are essential for the proper practice of law. Those who intend on entering this profession must begin now to live by these principles.

This Honor Code details the obligations of the students with regard to academic integrity; outlines the jurisdiction of the Honor Court; defines prohibited conduct; provides sanctions; and establishes the procedures to be followed when a violation of the Code is alleged. The primary goals of the Honor Court procedures are to: a) create a simplified structure; b) create an administrative, rather than a criminal-law, process; c) ensure involvement of students, faculty and administration in enforcement; and d) maintain confidence that the system will work, that violators will be punished and that any accused student will be treated fairly.

## **II. Notice of Honor Code Provisions**

A student is on notice of this Code and its provisions by virtue of enrollment at the School of Law. Copies will be distributed at orientation, are placed on reserve in the Library and are available at the office of the Student Bar Association.

## **III. Prohibited Conduct**

The following conduct shall constitute a violation of this Code:

- A. Plagiarism. Plagiarism includes the copying of the language, structure, ideas, or thoughts of another and representing the same as one's own original work. Examples may include, but are not limited to, a submission of purchased research papers as one's own work, and paraphrasing and/or quoting material in a paper without properly documenting the source.
- B. Any cheating on an examination or any academic assignment or competition. Cheating includes the actual giving or receiving of any unauthorized assistance or unfair advantage on any form of academic work. Examples may include, but are not limited to, the use of crib sheets or any other materials not expressly authorized by the professor during exams, unauthorized possession of a test prior to the test date, and copying from other students' exams. Students shall not talk to other students during exams. Talking during an exam creates a presumption of cheating.
- C. Misuse of any library materials, by intentionally marking, hiding or damaging them, or by removing them from the library without authorization by the library staff.
- D. Use of another student's or a professor's books, class notes or other study materials without that person's consent.
- E. Intentionally depriving another student, temporarily or permanently, of that student's books, class notes or other study materials.
- F. Material misrepresentation of one's own academic history or class standing on any resume, job application or application for any academic placement or honor.

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- G. Material misrepresentation, to any member of the Law School faculty or to any supervising attorney in the case of clinics or internships, of any academic matter, including number of hours worked when pertinent to satisfaction of course requirements.
- H. Intentionally giving another student false or inaccurate information about class assignments, study materials, notes or other class requirements.
- I. Knowingly discussing an examination not yet taken with another student who has taken that examination. Any student who learns, intentionally or accidentally, of any question or answer to an exam not yet taken must report this information immediately to either the professor, administrator or staff member responsible for supervising the examination or to the Dean's Office.
- J. Knowingly discussing an examination already taken with either: a) another student who has yet to take that examination, or b) anyone, if a reasonable person should know that a student who has yet to take the examination could overhear the conversation.
- K. Intentionally misrepresenting class attendance or falsifying attendance reports.
- L. Failure, on reasonable belief that another student has violated this code, to report this violation either to the professor of the relevant course, the Dean's Office, or the Preliminary Review Panel.
- M. Knowingly making a false report that another student has violated this Code.
- N. Failure of any student other than one accused of a violation of this code to reveal fully any knowledge or evidence concerning an alleged violation on proper request of: an investigator from either the Preliminary Review Panel or the Dean's Office; Presenter; member of the Hearing Committee or an accused student or his/her representative.
- O. Violation of any duty of confidentiality imposed by this Code concerning any Honor Board or Hearing Committee proceeding.
- P. Knowingly misstating a material fact in testimony presented to the Preliminary Review Panel or the Hearing Committee.
- Q. Willful failure or refusal to comply with any order of the Hearing Committee.

### **IV. Procedures**

- A. Beginning of the Process
  - 1. Complaints may be made by students, faculty, administrators, staff members or the Dean. Any complaint by a student must be signed.
  - 2. Complaints can be directed to either the Honor Board or the Dean. These options are not mutually exclusive. A complainant who is unsatisfied with one body may file with the other.
- B. The Honor Board and Preliminary Review Panel
  - 1. The Honor Board and Preliminary Review Panel are student-run.
  - 2. If a complaint is filed with the Board, six students shall be chosen at random by the Student Administrator from the pool of students serving on the Honor Board.

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One student will serve as investigator; the other five will serve as the Preliminary Review Panel for this investigation.

3. The Preliminary Review Panel shall hear evidence from and question the investigator in making its determination. No one else will be allowed in the proceedings. An accused student may submit a written statement for Panel consideration.
4. The Preliminary Review Panel will vote on whether they find that there are reasonable grounds for believing that an Honor Code violation may have been committed. If a majority of those voting finds reasonable grounds, the Panel will send a letter to the Dean's office detailing the charges made and describing the Panel's findings, including a list of potential witnesses. If there is no such finding of reasonable grounds, the Panel will notify the Dean of the complaint and their finding.

### C. Complaints sent to the Dean

1. The Dean, upon receiving a complaint directly, shall either investigate or forward the complaint to the Preliminary Review Panel. The Dean may use a student or Dean's office investigator. If the Dean conducts the investigation, the Dean will have complete discretion whether to present the case to the Hearing Committee.
2. If the Dean receives the finding of "reasonable grounds" from the Preliminary Review Panel, the Dean must present the complaint to the Hearing Committee.

### D. Selection of the Hearing Committee

1. A Hearing Committee shall consist of three students and three faculty members.
2. For each case, three students are chosen at random by the Student Administrator from the pool of students serving on the Honor Board. No student who served as an investigator or member of the Preliminary Review Panel may serve on the Hearing Committee for that case.
3. For each case, three faculty members will be chosen at random from the Faculty Honor Code Committee. The Faculty Honor Code Committee shall consist of at least ten members, all of whom are tenured. A faculty member may be excused from a panel by the Dean for hardship or cause.
4. In cases of related actions, the Dean shall have the discretion to decide whether to consolidate the hearings of several students or of several complaints or to consider them separately.
5. The Dean shall submit the names of the six persons chosen for the Hearing Committee to the accused. The accused student may request the recusal of any Hearing Committee member on the grounds of potential bias. Such requests are to be addressed to the Dean who shall have final, non-reviewable authority to determine whether to grant the request. If the request is granted, a new Hearing Committee member will be selected pursuant to the procedures of § IV(D)(2) & (3).

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6. If a Hearing Committee member is unable to attend the proceedings, the Dean may appoint a replacement.
- E. Actions by the Hearing Committee
1. Proceedings will be informal, complying with the Maryland Administrative Procedures Act.
  2. The Dean shall select a "Presenter". The Dean may select either an administrator or a student, including a member of the Honor Board if the Dean so decides. The Presenter will present evidence, call and question witnesses and argue before the Hearing Committee. The Presenter's function is to do justice and arrive at the truth, not to serve as an adversary to the accused student. Although the Presenter will frequently be called on to develop "the other side" of the case, the Presenter shall strive to perform all duties in an objective, impartial manner.
  3. The Presenter's responsibility is to present all relevant information to the Hearing Committee, including the Dean's recommendation, if any, as to the appropriate disposition of the complaint. Any finding by the Preliminary Review Panel is to be given to the Hearing Committee as well.
  4. Accused students may represent themselves or use outside counsel. Current members of the full-time or part-time faculty may not represent students before the Hearing Committee.
  5. The Hearing Committee will have the right to participate in the questioning of any witness.
  6. An accused student need not testify, but an adverse inference may be drawn from a student's refusal to answer questions if, under the circumstances, it would be reasonable to draw that inference. No adverse inference shall be drawn if a student, in reasonable good faith, claims a legal privilege to refuse.
  7. The Chair of each Hearing Committee will be selected by vote of that Committee. The Chair will decide any procedural questions and resolve any objections once the Hearing Committee has been selected.
  8. The Hearing Committee may only find an Honor Code violation if at least 4 members so vote. The standard for establishing a violation shall be clear and convincing evidence that a violation has been committed. Upon a finding of a violation, the Committee will vote to impose an appropriate penalty. If no penalty receives the support of a majority of those voting for a penalty, the Hearing Committee shall forward a split recommendation to the Dean, who shall select an appropriate penalty. After the hearing, the Chair will write an opinion detailing the Hearing Committee's decision and the reasons for it.
  9. If the Dean and student reach a settlement after a finding of reasonable grounds by the Preliminary Review Panel but prior to a finding of a violation, the Dean will present the settlement to the Hearing Committee for its ratification. The settlement may include a finding of no violation, accompanied by a confidential warning. If a settlement is rejected by a majority vote, the case shall be presented to the Hearing Committee.

**V. Sanctions**

- A. Upon a finding of violation, the Hearing Committee shall, by majority vote, select one or more of the following sanctions:
1. Expulsion (or revocation of degree if finding of violation follows the awarding of the Degree);
  2. Suspension for a stated period;
  3. Probation for a stated period;
  4. Recommendation to the instructor that the grade for the course be reconsidered;
  5. Official reprimand, to be made part of the student's record;
  6. Monetary restitution;
  7. Community service; or
  8. Prohibition from use of the services of the Career Services Center permanently or for a specified period of time.

**VI. Appeals**

- A. An accused student may appeal either a finding of violation or the imposition of a particular penalty. The Dean may appeal the imposition of a particular penalty.
- B. Requests for appeals must be made in writing to the University's vice president for student and academic services within ten calendar days of the mailing of the Hearing Committee's decision to the accused student. Requests for appeals will then be promptly transmitted to either the Provost or the Provost's designee, who will be responsible for deciding the appeal.
- C. The Accused, the Presenter, the Chair of the Hearing Committee and the Dean shall have the opportunity to submit materials for consideration on appeal.
- D. The violation or penalty may be reviewed based on whether:
1. The findings of a violation are unsupported by substantial evidence in the view of the entire record;
  2. There was substantial departure from the required procedures which materially affected the fairness or reliability of the decision-making process;
  3. There is previously unavailable evidence which, if proven accurate, would substantially alter the finding of violation or the appropriateness of the penalty; or
  4. The sanction imposed is disproportionate to the gravity of the conduct.
- E. The accused student, Dean and chair of the Hearing Committee shall be notified in writing of the result of the appeal.

**VII. Notification of the Accused Student**

- A. When an investigator is selected by the Student Administrator, the investigator shall notify any identified student under investigation.
- B. When a complaint is filed with the Dean, the Dean shall notify any identified student under investigation.
- C. For this section, notice shall mean sending written notice by certified mail and shall include:
  - 1. A description of the alleged conduct that constituted the violation charged;
  - 2. Identification of specific Honor Code sections alleged to have been violated;
  - 3. For complaints filed directly with the Honor Board, the date the investigator was selected;
  - 4. The date, time and place of the hearing;
  - 5. That the accused student is entitled to be represented;
  - 6. The name of the Presenter and the six Hearing Committee members selected;
  - 7. Copies of all documentary evidence susceptible to photocopying;
  - 8. An offer to make available to the accused and his or her counsel, for a reasonable period of time, any evidence not susceptible to photocopying; and
  - 9. The names, addresses and telephone numbers of all persons the Presenter expects to call as witnesses, together with a written summary of the substance of each witness's expected testimony.
- D. It is possible that not all of the information will be known at the time the first notice is due under § VII(A) & (B). In such a case, all known required information should be included in the notice and any student being investigated shall be notified as soon as practicable after the relevant information becomes known.

**VII. Discovery of New Evidence**

- A. Within twelve months after the imposition of a sanction, the accused student may petition the Dean for reconsideration based on new evidence that could not with reasonable diligence have been discovered prior to the initial evidentiary hearing. The Dean, upon concluding both that the new evidence is relevant and that there were reasonable grounds for the evidence not being brought forth earlier, shall convene a new Hearing Committee, to consider the new evidence.
- B. The new Hearing Committee shall contain as many members of the original Committee as possible.



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### **IX. Timing of Procedures**

- A. For complaints filed with the Honor Board, if 30 days pass from the selection of an investigator without a finding of reasonable grounds, the complaint will be considered to have been found without reasonable grounds by the Preliminary Review Panel.
- B. Every stage of the proceedings shall be conducted without unnecessary delay. All parties shall act as expeditiously as possible, consistent with the purposes of the Honor Code. Students who are aware of possible violations of the Honor Code should report such violations as soon as they become aware of them.
- C. Exceptions:
  - 1. Except for § IX(C)(2), no complaint may be filed against a student more than six months after that student leaves the University of Baltimore School of Law.
  - 2. If a student leaves the University of Baltimore School of Law and either returns or attempts to transfer this law school's credit to another law school, complaints may be filed until six months after that student graduates from law school.
- D. Other than § IX(A), proceedings under this Honor Code should be terminated only if a delay in conducting proceedings results in serious unfairness to an accused student.

### **X. Confidentiality and Record Keeping**

- A. Participants in the process shall not engage in any discussion that is not called for by their functions either of a pending case or after a case which does not result in a finding of a violation.
- B. The Dean or other official participant in the process may answer reasonable requests for information about the status or outcome of a case from a complainant.
- C. Hearings shall be closed to all except official participants. For Hearing Committee proceedings, the accused student may be accompanied by counsel. If the chair and accused student agree, others may be permitted to attend.
- D. The Dean is responsible for publicizing to the Law School community findings of violation of the Honor Code. The Dean shall determine, in the interest of justice, whether the name of the student shall be included in the notice.
- E. The Dean is responsible for determining what records of disciplinary proceedings shall be kept and for how long.

### **XI. Honor Board**

- A. The Honor Board shall be selected pursuant to the procedures of the Student Bar Association (SBA). If the SBA has not selected an Honor Board, the Dean shall appoint the student members, to serve until the SBA makes its selection.
- B. The Student Administrator is responsible for conducting the random selection of Honor Board students to serve as investigators and on the Board of Preliminary Review. The Student Administrator will be a member of the Honor Board, selected pursuant to the

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procedures of the Student Bar Association (SBA). If a Student Administrator has been not selected, the Dean shall appoint a student to serve until an Administrator is selected.

### **XII. Recusal**

No one may serve as an investigator or presenter, or on the Preliminary Review Panel or Hearing Committee, for any case in which they might be called as a witness or in any other instance where there may be an appearance of a conflict of interest.

### **XIII. Construction of This Code**

- A. "The Dean" shall mean the Dean of the Law School or the Dean's designee.
- B. "Examination" shall include any graded test or assignment, or any work required or performed for academic credit.
- C. "Presenter" shall mean the person responsible for presenting the case to the Hearing Committee on behalf of the Dean's Office.

### **XIV. Severance and Effective Date**

- A. If any provision of this Code is determined to be invalid, all remaining provisions shall continue in effect.
- B. This Code shall become effective on the first day of the semester following its adoption by the Faculty Council and its approval for legal sufficiency by the Office of the Attorney General.

### **XV. Faculty Policies**

- A. No Law School instructor shall make a final determination as to whether student work was produced under circumstances involving academic misconduct. Such determinations may be made only under Honor Code procedures.
- B. If the Honor Court has found a violation of the Honor Code, but has not recommended to the instructor that the final course grade be reconsidered, the instructor nevertheless may give the student "no credit" for a specific piece of work that the Honor Court has found was not the work of the student or otherwise involved academic dishonesty in violation of the Honor Code. The final course grade should then be calculated in accordance with the basis for calculating final grades that the instructor has announced in the course syllabus.