

HONOR CODE  
UNIVERSITY OF IDAHO COLLEGE OF LAW  
Effective August 1, 2013

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**I. Statement of Purpose and Introduction**

- A. We, the students and faculty of the University of Idaho College of Law, adopt this Honor Code to promote the following objectives:
  - 1. to prepare law students to meet the ethical standards of the legal profession by guiding their pre-professional behavior,
  - 2. to establish procedures for addressing allegations of behavior inconsistent with this Code, and
  - 3. to provide sanctions for behavior inconsistent with this Code.
- B. Law students are expected to conduct themselves in a manner that supports the College's educational and professional mission. This Code is intended to promote and secure academic integrity, fairness, equal academic opportunity, respect for others, and professionalism at the College. Entering law students shall be informed that this Code exists. All law students shall be bound by this Code. Law students are obligated both to respect the values embodied in this Code and to actively encourage other students to respect them.
- C. Law students should be aware that they will be required to report any violation of this Code on state bar application forms. In addition, at the request of bar and court authorities, the College will report allegations and proceedings arising under this Code, as well as any resulting sanctions.
- D. Faculty members are responsible for implementing this Code. Faculty members should cooperate with investigations and hearings and should use the Honor Court system when they have reasonable grounds to believe that the purposes of this Code will be served.

## **II. Scope**

- A. Jurisdiction Over Disciplinary Matters. This Code applies to all students enrolled at the University of Idaho College of Law for the purpose of pursuing a Juris Doctor degree (law students). This Code applies to any law student enrolled at the time of the alleged violation, whether or not the student continues to be enrolled at the College. When registered for courses outside the College, law students are subject to this Code in addition to the academic regulations of the university, school, or department in which they are pursuing coursework. Any law student found to have violated academic regulations at another university, school, or department shall report the violation to the Associate Dean of Students within 30 days of the determination. The Associate Dean shall obtain a copy of the determination and place it in the law student's permanent file maintained by the Deans' Office.
- B. Relationship to Other Codes. Law students are subject to all disciplinary regulations set forth in the University of Idaho Student Code of Conduct, except for the Article regarding academic dishonesty (currently designated as Article II). This Code specifically supersedes Article II of the Student Code of Conduct, and to the extent that this Code conflicts with any provisions in either the Student Code of Conduct or the University of Idaho Statement of Student Rights, this Code shall govern.
- C. Non-Law Students. If a complaint is made against a non-law student who is taking classes at the College of Law, College Counsel shall forward the complaint to the University of Idaho Dean of Students and the College of Law Associate Dean of Students.

## **III. Violations**

- A. Plagiarism. No law student shall claim as her/his own original work the research, ideas, or writing of another. No law student shall copy in whole or in part from the work of another without providing clear attribution to the original author. Paraphrasing without acknowledgement of authorship is a form of plagiarism.
- B. Improper Conduct with Respect to a Course.
1. In preparing work product to be submitted for credit, or to be submitted in connection with a law school academic activity, no law student shall give, solicit, or receive assistance from a source prohibited by the instructor or supervisor of the activity. The law student bears the burden of clarifying with the instructor or supervisor whether any particular action or conduct violates this provision.
  2. No law student shall make a recording of a class unless s/he has the express consent of the instructor. Express consent exists only where (1) the course syllabus specifically allows recording, (2) the College's Dean of Students has allowed recording as a disability accommodation, or (3) the instructor has given specific verbal or written permission to record.
  3. No law student shall use the same or essentially the same work product, or a substantial part thereof, for credit in more than one course without first securing instructor approval. If the courses are taken concurrently, the law student must obtain the approval of both instructors; if the courses are not taken concurrently, the law student must obtain approval from the instructor in the later course.
- C. Improper Conduct with Respect to an Examination.
1. During any examination, no law student shall give or receive aid of any nature from any source that is not expressly authorized by the instructor.

2. No law student shall discuss an examination with any other student while the examination is in progress, unless such discussion is expressly authorized by the instructor.
  3. No law student shall give, receive, or obtain information concerning the contents of a forthcoming examination unless the information is expressly authorized by the instructor. Any law student who receives such information shall immediately inform the instructor.
  4. No law student shall take an examination for another, and no law student shall permit another person to take an examination for her/himself.
  5. No law student shall violate announced or published examination policies, procedures, rules, or instructions if the violation would tend to either give the law student an advantage or put another student at a disadvantage.
- D. Breach of Anonymity. In any course where anonymous grading applies, no law student shall knowingly identify her/himself to the course instructor in any manner as the source of an examination, paper, or other graded work.
- E. Interference With Property. No law student shall take, use, conceal, destroy, or deface property of the University, its faculty, staff, or students for the purpose of obtaining an unfair academic advantage or for the purpose of placing another student at an unfair academic disadvantage.
- F. Deceptive Communication. No law student shall communicate false or misleading information, by either omission or commission, by which the law student gains or attempts to gain an academic or professional advantage for him/herself or a fellow student, or by which the law student puts or attempts to put another student at an academic or professional disadvantage. Deceptive communication includes, but is not limited to, the following situations:
1. Forging or altering any document, record, or instrument of identification;
  2. Providing incorrect or misleading information regarding her/his, or any other student's, grades, class rank, personal references, employment records, activities, residence, or any other material facts regarding academic and personal achievements.
- G. Breach of Confidentiality.
1. No law student shall breach any duty of confidentiality imposed by any faculty member for an academic purpose.
  2. No law student shall disclose information concerning Honor Court investigations or proceedings involving another student except where disclosure is reasonably necessary to further the investigation or proceedings.
- H. Impeding Administration of the Honor Code.
1. No law student who has reasonable grounds to believe that another student has violated this Code shall fail to promptly file a complaint.
  2. No law student shall knowingly give false information, refuse to give information, or otherwise refuse to cooperate in any investigation or hearing involving a charge of misconduct against another student under this Code. However, a law student may refuse to provide evidence on the ground that doing so would significantly expose her/him to the threat of criminal prosecution.
  3. No law student shall harass, retaliate against, or attempt to influence any complainant, investigator, witness, or other person involved with the administration of this Code.
- I. Attempt. An attempt to commit a violation shall constitute a violation. In order to commit an attempt, a law student must, while possessing both the mental state required for the violation and the purpose to commit the act required for the violation, take a substantial step towards the

completion of the violation. The word “act” in this paragraph includes omissions where the Code imposes a duty to act.

#### **IV. Mental States**

- A. Presumption of Knowledge. All law students shall be conclusively presumed to have knowledge of this Code and of all announced or published course and examination policies, procedures, and instructions. The burden shall be on the law student to clarify with the instructor whether any action or conduct violates the instructor’s course or examination policies, procedures, or instructions.
- B. Mental State Required for Violations. Unless otherwise provided in this Code, a law student commits a violation if s/he acts with gross negligence or more culpably as to each material element of the violation. Gross negligence involves a gross deviation from the standard of care that a reasonable law student would exercise in the actor’s situation.

#### **V. Honor Court**

- A. Selection of Justices.
1. The Honor Court shall consist of six justices, composed of three faculty members and three law students.
  2. Faculty justices shall be appointed by the Dean or her/his designee and shall serve until their successors are appointed. Any vacancy among faculty justices shall be filled by the Dean or her/his designee.
  3. Student justices shall be elected by a majority of the students voting in an annual election held during Spring semester. A student justice shall serve for a term of one year or until her/his successor is elected, whichever shall occur later. Any student vacancy shall be filled by the Executive Board of the Student Bar Association.
  4. The Court shall by secret ballot elect one of the faculty justices to serve as Chief Justice. The Chief Justice may be removed and replaced by a majority vote of the Court.
- B. Disqualification from Service. Any justice shall recuse her/himself from a proceeding where s/he will be a witness to any matter at issue, cannot be impartial, or has a personal interest in the outcome that would create a conflict of interest or the appearance of impropriety. A recusal shall be treated as a temporary vacancy. No law student on academic probation shall serve as a justice. No law student who is currently charged with a violation of this Code or who has been found by the Court to have violated this Code shall serve as a justice.
- C. Challenges for Reasonable Cause. Any law student who is the subject of an Honor Court proceeding may challenge the service of any justice for reasonable cause. Challenges shall be in writing and delivered to the Chief Justice without undue delay. Challenges shall be decided by a simple majority of the voting justices; the challenged justice shall not vote. Challenges for reasonable cause shall be sustained only upon a finding that the justice whose service is challenged cannot be impartial, has a conflict of interest, or would create the appearance of impropriety by participating in the proceeding. The Court shall rule in writing on all challenges. All rulings on challenges for reasonable cause are non-appealable. A sustained challenge for reasonable cause shall be treated as a temporary vacancy.

#### **VI. College of Law Counsel**

- A. Selection of College of Law Counsel.
1. College of Law Counsel (“College Counsel”) shall consist of one faculty member and two law student members.

2. Faculty Counsel shall be appointed by the Dean or her/his designee and shall serve until her/his successor is appointed. Any vacancy of Faculty Counsel shall be filled by the Dean or her/his designee.
  3. Each year, the majority of law students voting in an annual election held during Spring semester shall elect a first-year student to serve as a student member of College Counsel. The student shall serve a two-year term, the first year as Deputy Student Counsel and the second year as Senior Student Counsel. If there is a vacancy in either Student Counsel position, the remaining Student Counsel shall fill both positions. If there is a vacancy in both Student Counsel positions, the Executive Board of the Student Bar Association shall appoint an interim Student Counsel to serve until either the Deputy or the senior Student Counsel is available. If the Deputy Student Counsel is permanently unavailable to advance to Senior Student Counsel at the time of the annual law school election, a second-year law student shall be elected to a one-year term as Senior Student Counsel.
- B. Disqualification from Service. No College Counsel shall serve before the Court in any matter where s/he will be a witness to any matter at issue, cannot be impartial, or has a personal interest in the outcome which would create a conflict of interest or the appearance of impropriety. A recusal shall be treated as a temporary vacancy. No law student on academic probation shall serve as Student Counsel. No law student who is currently charged with a violation of this Code or who has been found by the Court to have violated this Code shall serve as Student Counsel.
- C. Challenges for Reasonable Cause. Any law student who is the subject of an Honor Court proceeding may challenge the service of any College Counsel for reasonable cause. Challenges shall be in writing and delivered to the Chief Justice without undue delay. Challenges shall be decided by a simple majority of the Court. Challenges for reasonable cause shall be sustained only upon a finding that the College Counsel whose service is challenged cannot be impartial, has a conflict of interest, or would create the appearance of impropriety by participating in the proceeding. The Court shall rule in writing on all challenges. All rulings on challenges for reasonable cause are non-appealable. A sustained challenge for reasonable cause shall be treated as a temporary vacancy.

## **VII. Initiation of Honor Court Proceedings**

- A. Complaints. A complaint of violation of this Code shall be in writing, signed by the complainant under oath, and filed with Faculty Counsel. The complaint shall specify with reasonable particularity the conduct claimed to constitute a violation.
- B. Investigation of Complaints.
1. Upon receipt of a complaint, College Counsel shall promptly provide written notice of the complaint, including the nature of the violation alleged, to the student against whom the complaint was filed. The identity of the complainant shall not be disclosed to a law student who is the subject of the complaint until a charge is filed with the Court.
  2. College Counsel shall conduct an investigation into the complaint to substantiate probable cause for filing a charge. College Counsel shall have the power to take statements under oath in the investigation. All law students have a duty to cooperate in Honor Court investigations.
- C. Dismissal of Complaints. If College Counsel conclude that probable cause is lacking, the complaint shall be dismissed, and the student against whom the complaint has been filed shall be notified of the dismissal.
- D. Filing of Charges. If College Counsel conclude that probable cause exists, they shall promptly file a written charge of violation with the Honor Court. The charge shall specify the identity of

the complainant(s), the portion or portions of this Code alleged to have been violated, and the conduct alleged to constitute the violation, including the date, place, and circumstances of the alleged violation. College Counsel shall promptly provide the law student charged with a copy of the charge. If College Counsel disagree about the sufficiency of cause, the determination of Faculty Counsel shall control.

- E. Settlement Agreements. College Counsel shall not have authority to enter into a settlement agreement with a law student against whom a complaint has been filed.
- F. Duty of Prompt Filing. Charges shall be filed promptly after a determination of probable cause. A delay in the filing of a charge that unreasonably hinders the ability of the law student charged to prepare or present a defense is cause for dismissal of the charge with prejudice. Dismissals for undue delay in the filing of charges are within the sole discretion of the Court.
- G. Withdrawal of Charges. A charge of violation of this Code may be withdrawn by College Counsel with leave of the Court at any time prior to the entry of a finding on the charge.
- H. Record of Charge. When a charge is filed, the Chief Justice shall be responsible for placing a copy of the charge in the law student's permanent file maintained in the Deans' Office. If the charge is withdrawn by College Counsel, the Chief Justice shall be responsible for promptly removing the copy of the charge from the law student's file.
- I. Charges Against Graduating Law Students. The existence of a pending charge against a law student otherwise entitled to graduate from the College of Law shall not prevent the law student's participation in graduation ceremonies; however, no law student against whom a charge is pending shall receive a degree.
- J. Scheduling Conference. After a charge is filed by College Counsel, the Chief Justice, or another faculty justice designated by the Chief Justice, shall schedule a conference and provide notice of the conference to College Counsel and the law student charged. At the conference, the presiding justice may:
  - 1. Advise the law student of her/his right to assistance;
  - 2. Advise the law student of the range of sanctions in the event the Court finds a violation;
  - 3. Permit the law student to advise the Court of her/his intention to admit or deny the charge(s). Any statement of intention shall not be binding;
  - 4. Schedule the Merits Hearing and tentatively schedule a Sanctions Hearing;
  - 5. Issue pre-hearing orders concerning the disclosure of witnesses and exhibits;
  - 6. Permit action on any other matters in the presiding justice's discretion.

### **VIII. Honor Court Hearings**

- A. Confidentiality. Hearings shall be closed to the public and conducted under conditions designed to ensure confidentiality.
- B. Recording. Hearings shall be recorded verbatim. The law student charged has the right, at her/his expense, to have the proceedings recorded in a manner other than that provided by the Court.
- C. Notice of Witnesses and Evidence. The law student charged has the right to:
  - 1. Notice of the names of all persons College Counsel intend to call as witnesses at the Merits Hearing;
  - 2. Notice of the names of all persons known to College Counsel to have personal knowledge of the events at issue;

3. Production of all tangible evidence College Counsel intend to offer at the hearing;
  4. Notice of the existence and nature of all potentially exculpatory evidence discovered by College Counsel.
- D. Right to Counsel. The law student charged has the right to be represented at her/his expense by a person of her/his choosing, to present witnesses and evidence, and to confront and examine any opposing witness.
- E. Opening and Closing Statements. At all hearings, the parties or their counsel have the right to make opening and closing statements. College Counsel shall have the right to make the first opening statement and the last closing statement.
- F. Merits Hearing.
1. The Court shall proceed informally, offering reasonable opportunity for the full presentation of the charge and the defense. It shall not be bound by statutory or common law rules of evidence, other than applicable rules of privilege. The Court may consider any evidence having probative value, preserving the opportunity of the law student charged to confront adverse evidence, but it may exclude irrelevant or unduly repetitious evidence.
  2. The Chief Justice shall rule on all objections to evidence. If any member of the Court objects to an evidentiary ruling, the Court shall vote on the ruling in executive session.
  3. The law student charged, or a witness, may refuse to provide evidence on the ground that doing so would significantly expose her/him to the threat of criminal prosecution. The Court may draw inferences from such a refusal, but the inferences shall not be the sole basis for a finding of violation.
  4. If the law student charged fails to appear at the Merits Hearing after reasonable notice, the Court in its discretion may hold the hearing in the student's absence.
  5. College Counsel shall have the burden of proving, by clear and convincing evidence, that the law student has committed the violation.
- G. Findings.
1. Following closing arguments the Court shall vote upon its findings in executive session. The votes of at least two student justices and at least two faculty justices are required for a finding of violation.
  2. If the Court finds a violation, it shall convene a Sanctions Hearing.
- H. Sanctions Hearing.
1. The Court shall hear arguments and take evidence from the parties on the question of sanctions. The Court shall then vote on sanctions in executive session.
  2. If the law student fails to appear at the Sanctions Hearing after reasonable notice, the Court in its discretion may hold the hearing in the student's absence.
  3. The votes of at least two student justices and at least two faculty justices are required to impose a sanction.
  4. If the law student has been found to have violated this Code on a prior occasion, the opinion setting forth the circumstances of that violation and the sanction(s) imposed shall be admissible in determining the appropriate sanction for the subsequent violation.
  5. If the Court is unable to determine appropriate sanctions, the sanctions shall be determined by majority vote at a meeting of the College faculty at which a quorum is present. The law student may present arguments in writing or may appear, in person or by a representative, prior to the faculty's deliberations and vote.

## **IX. Sanctions**

### **A. Imposition of Sanctions.**

1. Following the Sanctions Hearing, the Court may impose the sanctions listed in this section, either singly or in combination, in furtherance of the objectives of this Code.
2. When imposing sanctions, the Court may take into account any previous Honor Code violations committed by the same law student.
3. Honor Code sanctions shall be independent of any grade or credit sanctions imposed by the instructor in the affected course. The instructor in a course affected is solely responsible for determining appropriate grade or credit sanctions for academic dishonesty or violation of course requirements.
4. A law student who fails to comply with the terms of a sanction shall be subject to further sanctions.

### **B. Reprimand.** Written notice prepared by the Court, separate and distinct from the Honor Court's written opinion, that a law student has violated this code. The Chief Justice shall deliver any reprimand issued by the Honor Court to the reprimanded student, College Counsel, and the Associate Dean of Students. The reprimand shall be placed in the law student's permanent file maintained by the Deans' Office. In addition, the Honor Court may direct the following:

1. That relevant information from the reprimand be placed on the law student's University transcript maintained by the University Registrar; and/or
2. That relevant information from the reprimand be published to the students, faculty, and staff of the College of Law.

### **C. Public Service.** Service to the public as specified by the Court.

### **D. Remedial Education.** Education or training intended to improve the law student's understanding of and compliance with rules of ethical conduct.

### **E. Restitution.** An order to repair or replace any property misappropriated or defaced, or to reimburse the owner of the property for any loss.

### **F. Probation.** Suspension or withholding of imposition of any sanction pending a probationary period, the terms of which shall be within the discretion of the Court. Upon the successful completion of the period of probation, the Court shall lift the sanction.

### **G. Disciplinary Suspension.** Exclusion from any or all College courses, exams, and activities for a specified period, either immediately or at the conclusion of the academic term or semester.

### **H. Indefinite Suspension.** Exclusion from any or all courses, exams, and activities of the College of Law for an indefinite period. Readmission is possible, but only upon approval of the Court after a hearing at which the sole issue shall be the fitness of the law student for readmission.

### **I. Expulsion.** Permanent expulsion from the College of Law.

### **J. Denial of Degree.** Denial of the award of the Juris Doctor degree, whether or not the law student may have otherwise satisfied the requirements for the degree.

## **X. Post-Hearing Matters**

### **A. Opinions.**

1. The Chief Justice shall appoint a member of the Court to write an opinion supporting the Court's decision. Any member of the Court may file a dissenting or concurring opinion. The opinion, along with any concurrences or dissents, shall be made a part of the record of the case.

2. Opinions shall not be made public except as provided in Section XI. However, opinions may be disseminated as desired by the student who is the subject of the opinion.
  3. Opinions shall not be used as precedent in subsequent Court determinations.
- B. Record of Disposition. Following the hearing, the Chief Justice shall place a copy of the opinion, along with any concurrences or dissents, in the law student's permanent file maintained in the Deans' Office.
- C. Appeals.
1. The Honor Court's finding of violation and the determination of sanctions are final, subject only to an appeal by the law student to the College faculty. To appeal, the law student must deliver a written notice of appeal to the Dean or her/his designee within seven calendar days of the date the student is informed of the Court's determination.
  2. An appeal shall be determined by majority vote at a meeting of the College faculty at which a quorum is present. Faculty members who participated as College Counsel or who were complainants in the matter shall not be counted in determining the presence of a quorum and shall not vote on the appeal. The law student may present arguments in writing or may appear, in person or by a representative, prior to the faculty's deliberations and vote.
  3. A finding of violation shall be reversed only if it was against the manifest weight of the evidence. A sanction shall be modified only if it was unjustifiable under the circumstances.

## **XI. Confidentiality and Record-Keeping**

- A. Confidentiality of Information. All persons involved in Court proceedings, except the law student charged, shall treat all allegations, investigations, statements, hearings, findings, and opinions in connection with Court proceedings as confidential, except as required or permitted by law; they shall disclose information concerning the proceedings to only those persons to whom disclosure is reasonably necessary to further the proceedings. The law student charged with a violation of this Code may disclose the charges against her/himself and the findings based on those charges. Communications among College staff and faculty are outside the scope of this Section.
- B. Honor Court Records. The Deans' Office shall serve as the repository for the official Court files of all proceedings under this Code. Files shall be kept for a minimum of five years following the conclusion of the proceeding. The Court file shall consist of all written notices, pleadings, motions, briefs, opinions, and other communications lodged with or prepared by the Court as part of the proceedings against a student charged with a violation of this Code.

## **XII. Authority, Effective Date, and Amendments to Code**

- A. Source of Authority. The University of Idaho Board of Regents on March 23, 2001, granted authority to the President of the University of Idaho to establish, approve, and maintain an Honor Code for the College of Law.

- B. Amendments. This Code may be amended with the President's approval, following majority approval by:
1. the College faculty in a vote where a majority of all College faculty not on leave participate, and
  2. the students of the College, in a vote in which at least thirty-five percent of the student body participates.
- C. Effective Date. Unless an amendment provides otherwise, amendments to this Code shall take effect on the date the President signifies her/his approval by signing the amended code.

*Approved by the faculty of the University of Idaho College of Law,*

Michael Satz, Dean, for the Faculty of the College of Law

*Approved by the students of the University of Idaho College of Law,*

Ivar Gunderson, Student Bar Association President, for the Students of the College of Law

*Approved by the President of the University of Idaho,*

Don Burnett, President, for the University of Idaho

DATE 30 July 2013

