The Honor Code

Preamble

Recognizing That

Those who embark upon the legal profession have chosen to be judged by a high standard of personal honor and the ethical principles of that profession;

The governing principle of conduct for members of the legal profession is individual adherence to the highest ethical standards to assure that the public trust in the legal profession is never compromised or questioned;

Fulfilling the responsibilities of the legal profession ultimately depends on the conduct and beliefs of its individual members;

Integrity and conduct beyond reproach are essential attributes for persons preparing for entry into the legal profession;

Fulfilling the responsibilities of the Honor System ultimately depends on the conduct and beliefs of the individual students at the Texas Tech University School of Law; and

The Honor System has existed as an unwritten Code of Conduct for students at the Law School since the School began.

Now Therefore

To set forth the requirements of the Honor System, its violations, sanctions, and enforcement, this Honor Code is promulgated in written form.

I. Principles of Conduct—Interpretive Comment

When being applied, this Honor Code should be interpreted in light of the broader principles of the Honor System. A breach of any Principles of Conduct of this Code is a violation of the Honor System of the
School of Law. Examples in the Explanatory Comment of the Principles illustrate types of conduct that are clear violations of the Code. In this Code, as in the Code of Professional Responsibility governing conduct of attorneys, it is impossible to define each type of conduct that could be a violation. Moreover, specific definition is undesirable because the Honor Code could then be treated as a set of self-contained rules which invite interpretation and application of the Code by a search for loopholes. In that event the emphasis would be on the form rather than the substance of the Principles. The enumeration of specific examples is not intended to be exclusive, and an example may apply to more than one Principle. The test for determining whether a violation occurred is whether a reasonably prudent person would conclude that a violation has occurred.

The heart of the Honor System is that individuals bound by the system can operate among themselves in an atmosphere of mutual confidence and trust. Violations of the Honor Code should not be tolerated by any persons, but especially not by those who are bound by the Honor System.

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

*Explanatory Comment:* This Principle emphasizes that a law student must engage in conduct beyond reproach at all times. This in turn requires self-awareness and self-discipline during an individual's legal education. The First Principle also emphasizes that the law student should be careful in his or her conduct not only with respect to persons at the Law School. Principle One also covers failure to report a violation of the Honor Code and failure to appear in any proceedings held according to this Honor Code. The Principle merely restates the fact that the law student's conduct is under scrutiny by those within the Law School and university. As viewed by the public, a law student's conduct reflects on the Law School, the university, and the legal profession in general.

The First Principle reaches more obvious examples of dishonest behavior. These would include lying, cheating, stealing, or deceiving others in any aspect of the student's relationship with the Law School and the university. Other matters covered would include providing false information for university records; submitting inaccurate time sheets for courses which rely on them for credit such as clinical programs, moot court, or law review; submitting inaccurate time sheets for employment purposes; falsifying grades or class rank on a resume; handing in a memorandum or brief prepared by an employer for the student's research credit; and disclosing matters that are confidential under this Code.

A student's failure or refusal to admit or confess a violation of the Honor Code is not itself a violation of the Code. A student's response to any official inquiry conducted under this Code may not be used as a basis for charging that student with prior failure to report a violation of the Code.

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

*Explanatory Comment:* The Second Principle is a prohibition of any form of academic dishonesty. What constitutes academic dishonesty may vary depending on the work required by a course. Examinations are presumptively closed book and are to be completed without the use of any outside materials or any help from others. Research papers for a course, on the other hand, presumably may be discussed and talked over with other students or persons. But in all cases, the final product must be the individual student's effort. If any doubt exists concerning authorized source materials, consultation or
cooperation with others, or any other matter concerning any assignment, the student should contact the person making the assignment for clarification.

Examples of academic dishonesty which would violate the Second Principle include: a) copying another's examination answer; b) using unauthorized material on an examination during an examination period; c) talking about the examination with other students during the examination period; d) permitting another to use or copy an answer to an examination question; e) beginning an examination before the stipulated time or working on an examination after the conclusion of the examination period; f) taking or gaining access to an examination before the time one is scheduled to take the examination; g) handing in another person's work as one's own for credit; h) using all or part of another person's research paper as one's own for credit; and i) taking an examination for another person.

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

**Explanatory Comment:** Principle Three reaches conduct intended to give one student an advantage not equally available to all persons. It encompasses failing to return needed library books, cutting articles from books or periodicals, misappropriating or hoarding library materials, gaining unauthorized entry into the library or Law School, gaining unauthorized access to an examination before the examination period, permitting another person to hand in one's research paper for the other's credit, and trying to duplicate from memory or otherwise specific questions from an examination intended to be uncirculated.

Principle Three also is the underlying tenet of the anonymous grading system. It permits examinations without proctor or monitoring. A student is expected to act honestly and before final grades are issued, should not reveal an examination number or the contents of an examination answer to a professor or try to seek favor from a professor in any other unauthorized way.

**Principle Four—The Property in the Law School and Law Library Should Be Protected and Preserved at All Times.**

**Explanatory Comment:** Principle Four addresses the problem of misuse of personal property, public or private, located in the Law School. It covers the misappropriation, damaging, misuse, or destruction of library or privately owned books, study materials, or other personal property or equipment in the Law School. It emphasizes the special importance of the property to legal research, legal education, and the legal profession. Principle Four is needed in addition to Principle Three because the conduct may occur for reasons other than gaining unfair advantage over other students or persons. For example, it may occur for employment benefits, personal financial advantage, or other reasons unrelated to academic performance at the Law School. Conduct could, depending on the facts, be a simultaneous violation of Principles One, Three, and Four.

II. Jurisdiction

This Honor Code applies to any conduct by a Law Student that directly or indirectly affects or arises from the person's status as a Law Student or the person's relationship with the Law School.

**Explanatory Comment:** The Honor Code usually does not apply to off-campus conduct by Law Students that does not involve the Law School directly. However, if the off-campus conduct is done while the
student is on a Law School business trip or is representing the Law School, or if it involves the misuse of Law School property, the nexus between the conduct and the student relationship existing between the offender and the Law School is direct. In that case, the Honor Code governs. Also, any behavior such as harassment or threat that would be actionable had it occurred face to face is equally actionable whether it occurs through email, text, social media or any other means other than in person.

This Code applies to conduct occurring before the Law Student was enrolled if it affected the admission, readmission, or transfer into the Law School, as well as all conduct occurring when the person charged was a student in the Law School even though at the time the violation is discovered the person is no longer a Law Student.

The terms "Student" and "Law Student" mean persons enrolled in any course in the Law School curriculum or in any course for which credit is given towards a degree from the School of Law and who are working towards a degree from the School of Law and/or are preparing for entry into the legal profession.

Students continue to be subject to the university Code of Student Conduct in all matters not covered in this honor code. In any instances where a question may arise concerning the jurisdiction of the Code of Student Conduct as opposed to the Honor Code, the matter will be resolved in consultation with the Vice President for Student Affairs and the Dean of the School of Law.

III. Honor Council

The Honor Council comprises seven members, and the term of each member is for the entire academic year and shall continue until a successor is appointed by the Dean. Four members are fulltime teaching members of the faculty, appointed annually by the Dean. Three members are students, elected each fall. Two of the students are elected by the third-year class and must be members of that class at the time of their election. One student is elected by the second-year class and must be a member of that class at the time of his or her election. Five members constitute a quorum, so long as three of the five are members of the faculty. Any Honor Council member who fails to serve, becomes disqualified to serve, or is otherwise unable to serve on the Council, shall be replaced by a person named by the Dean. A designated student member must be from the same class as the replaced member.

In any case where a member of the Council feels himself or herself to be biased, he or she will disqualify himself or herself from the hearing and recommendation of the case and an alternate (named by the Dean if necessary) will serve. Any student charged with a violation of this Code may challenge any member of the Council as biased and present facts and arguments in support of the challenge. The members of the Council who have not been challenged will determine by majority vote whether the member is recused.

IV. Procedure

A. Any complaint concerning a violation of the Honor Code shall be presented to the Office of the Dean of the Law School. The Dean's delegate, typically the Assistant Dean for Student Life, shall conduct a preliminary factual investigation of the complaint containing the alleged violation and shall set the parameters of the preliminary investigation based upon the nature and the seriousness of the alleged violation. The Dean's delegate may, among other things, post a notice requesting individuals with
knowledge of the facts related to the alleged violation to come forward; such notice shall be drafted in a manner that avoids the disclosure of the student names.

If the Dean's delegate determines that there exists sufficient cause to believe that the student may have violated the Honor Code, and the matter is not appropriate for administrative disposition under section IV. E, the Dean's delegate shall forward the matter in writing, together with any relevant material, to the Chair of the Honor Council for hearing. In addition, the Dean's delegate shall notify the student, in writing, of the action taken. If the Dean's delegate determines that there exists insufficient cause to believe that the student violated the Honor Code, the Dean's delegate shall dismiss the complaint and advise the student in writing.

B. The Honor Council shall notify in writing the student charged of the charges filed, the time set for a hearing, and that the student has the following rights:

1. Upon timely written request, to have witnesses called by the Honor Council;

2. To be informed of the identity of any witnesses known to the Honor Council;

3. To question any witnesses called by the Honor Council to the hearing;

4. To appear in person or through written sworn statement;

5. To remain silent; and

6. To be represented before the Honor Council by an attorney or the person whom the the student chooses.

7. To have a record made of the proceedings, as follows: If the student so requests no later than twenty-four hours prior to a hearing, the Council shall make an audio recording of the hearing and make it available to the student. If another form of recording is desired by the student or the Council, the cost of such recording will be borne by that party.

C. If the student desires to interview a witness before the Council hearing, request shall be made to the council chair, who will determine if the witness agrees. If the witness agrees, the witness may have a disinterested third person present for the meeting between the witness and the student or the student's representative. The Council may consider any relevant evidence and assign it such weight as the Council deems appropriate. The Council is not bound by the rules of evidence.

D. After the hearing is completed by the Honor Council, it shall make a written summary of the evidence with appropriate exhibits, which shall be the record in the case. It shall state its findings of fact and its disposition of the matter separately. A determination that a violation of the Honor Code has occurred and the determination of the sanction for the violation requires the affirmative vote, based on clear and convincing evidence, of four members of the Council. The Honor Council shall notify in writing the student and the Dean of its disposition of the case.
E. In the following situations, the Dean's delegate may, after finding sufficient cause to believe that a student may have violated the Honor Code, administratively dispose of the Honor Code allegation by allowing the student to agree to a reprimand in lieu of the matter being forwarded to the Honor Council pursuant to Section IV.A of the Honor Code.

If the alleged violation is one of inaccurate disclosure on the Application for Admission, the Dean's delegate shall not initiate administrative disposition or referral to the Honor Council until the Law School's procedure for initial consideration of these cases has been completed. A decision by the Dean's delegate to refer a matter eligible for administrative disposition to the Honor Council or to offer administrative disposition is final, and not subject to review by either the Law School Dean or the faculty. By agreeing to administrative disposition, the student admits that the Honor Code has been violated and waives any of the procedures of the Honor Code, including any appeals of findings and sanctions imposed.

Administrative disposition may be offered a student only once. An allegation of a subsequent Honor Code violation against a student who has previously agreed to administrative disposition is not eligible for administrative disposition.

1. Matters Eligible for Administrative Disposition. Administrative disposition will be confined to the following situations:

   a. Inaccurate or Incomplete Disclosure on Admission Application. A student's incomplete disclosure or failure to disclose information on the law school application is eligible for administrative disposition if the omitted information involved a minor offense or offenses arising out of a single transaction and the student did not receive a penalty more serious than a small fine, probation, community service, deferred adjudication, or comparable penalty, and the student sought to amend his or her application to law school on or before November 1 of the student's first year of law school.

   b. Alleged Honor Code Violations from conduct Other than Inaccurate or Incomplete Disclosure on the Admission Application. An alleged Honor Code violation arising from conduct other than the inaccurate or incomplete disclosure on the admission application is eligible for administrative disposition, in the discretion of the Dean's delegate, if the alleged violation is no more serious than the category of cases defined in 1. a. above and the Dean's delegate determines that a reprimand is an appropriate sanction for the violation.

2. Procedure for Administrative Disposition. The procedure for administrative disposition of an alleged Honor Code violation will be as follows:

   a. The Dean's delegate will notify the student in writing that there exists sufficient cause to believe that the student may have violated the Honor Code, that the matter is one for which administrative disposition is available, and that the Dean's delegate is offering the student the option of administrative disposition. The student will be informed that an acceptance of administrative disposition constitutes an admission that the Honor Code has been violated and will result in a letter of reprimand from the Dean. The student will also be informed that if the student does not accept the offer of administrative disposition, the matter will be referred to the Honor Council pursuant to Section IV. A. of the Honor Code.
b. The student will have ten days from receiving written notification that administrative disposition is being offered to accept the offer in writing (not via e-mail). If the student does not accept the offer, the matter will be forwarded to the Honor Council.

c. If the student accepts the offer of administrative disposition, the Dean will issue a reprimand, which will include a statement that the student has violated the Honor Code.

V. Sanctions

A. For any violation of the Honor Code, the Honor Council may recommend the following sanction or sanctions as it considers appropriate:

1. Expulsion from the School of Law;
2. Suspension from the School of Law;
3. Withdrawal of degree previously awarded;
4. Satisfaction of additional work in the School of Law for graduation not to exceed a total of fifteen (15) additional hours;
5. Censure from the Honor Council by a written resolution that shall be placed in the violator's Student File and a copy of which shall be given to the violator;
6. Reprimand from the Dean by letter that shall be placed in the violator's Student File, and a copy shall be given to the violator.

For a violation of Principle One of the Honor Code involving failure to disclose one or more academic offenses or legal offenses as required by the Application for Admission, the Honor Council shall recommend suspension from the School of Law for one or more semesters, except in rare circumstances. The Honor Council may also recommend delaying the imposition of a suspension until the beginning of a subsequent fall or spring semester. The Honor Council may also recommend that a sanction be stayed as permitted under subsection B.

B. The Honor Council may also make any of the following recommendations in addition to any of the sanctions above as it considers appropriate:

1. The enforcement of any of the sanctions may be suspended for a period of time not to exceed two years conditioned on reasonable requirements.
2. A reprimand or censure may include the condition that a subsequent violation of the Honor Code will result in automatic suspension or expulsion from the School of Law.
3. For a violation of Principles of Conduct One, Two, or Three of the Honor Code, Council may recommend a failing grade for the course. This provision does not preempt the instructor of the course from assigning a failing grade if the Council does not recommend this sanction.
4. The offender may be required to pay for restoration or replacement of any property stolen, damaged or destroyed, and make restitution for any harm caused by or expenses incurred from the violation.
C. A summary of cases heard and sanctions imposed shall be published annually. Names of offenders shall not be released.

VI. Appeal

The Dean shall review each recommendation of the Honor Council, except that findings of fact that exonerate the student or the disposition calling for no sanctions may not be reviewed. The record, the findings of fact, and the recommendation of the Honor Council shall be considered. The student may submit a statement giving reasons why the recommendation of the Council should be modified or vacated. This statement shall be submitted to the Dean not 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 the sanction recommended, but in no event increase the severity of the sanction. The Dean shall notify the student, the Honor Council, the Director of Student Life, and any other affected person, of his decision and take the necessary action to execute any sanction. There is no further right to appeal or review within the university.

Note: Any disciplinary investigation must be reported to the Board of Law Examiners, and an investigation that results in a student's being found to have violated the Honor Code typically results in a formal hearing before the BLE to determine the student's character and fitness to practice prior to being licensed.

Common Honor Code Issues

This section addresses two common Honor Code issues: 1) amendments to the law school application for admission resulting from inaccurate or incomplete disclosure of information on the initial application, and 2) plagiarism/collaboration on assignments.

Amendments to Law School Applications. On occasion, students find it necessary to amend their law school applications to add information that they failed to disclose initially in the application (i.e., pre-admission incidents). Students should be aware that such requests may raise issues of academic dishonesty under the Law School's Honor Code. Therefore, requests to amend an application should be in writing (not via e-mail) and dated and should thoroughly explain both the information sought to be added to the application and the student's reason for failing to include the information on the application initially. (A student amending an application should realize that all submitted documents will become part of the student's permanent file and likely be reviewed by the Board of Law Examiners.) Requests to amend applications should be directed to the Assistant Dean for Student Life, who, under the Honor Code, is the Dean's delegate for making the determination of whether failure to disclose information on the law school application provides sufficient cause to believe that an Honor Code violation may have occurred.

Students also have an ongoing obligation to timely disclose any incidents that occur post-admission that would have been required to be disclosed if they had occurred pre-admission. Disclosure should be made to the Assistant Dean for Student Life and should be made in writing (not via e-mail) and dated. It will become part of the student's permanent file.
Review Process in an Instance of Inaccurate or Incomplete Disclosure on the Application for Admission.

1. A panel appointed by the Dean consisting of three members of the Admissions Committee shall consider all cases involving accepted applicants and students who fail to disclose information fully on the Application for Admission to the School of Law. The panel shall determine whether the accepted applicant or student would have been admitted had the offense or offenses been disclosed and shall make this determination before the Dean's delegate considers the case under Section IV of the Honor Code.

2. If the panel determines that the accepted applicant or student would have been admitted had the offense or offenses been disclosed, the panel shall refer the case to the Dean's delegate for consideration under the Honor Code.

3. If the panel determines that the accepted applicant or student would not have been admitted had the offense or offenses been disclosed, the panel shall revoke admission to the School of Law. The accepted applicant or student may request a hearing in writing within 10 days of being notified of the panel's determination to explain the offense or offenses not disclosed. An enrolled student who requests a hearing may continue to attend classes until the panel has heard the case and issues its decision. If the panel determines that the explanation is sufficient to allow an accepted applicant to enroll or a student to remain enrolled, the panel may reinstate admission. If the panel reinstates admission, it shall refer the case to the Dean's delegate as an allegation of an Honor Code violation. If the panel determines that the explanation is not sufficient to allow an accepted applicant to enroll or a student to remain enrolled, admission shall not be reinstated.

4. The accepted applicant or student may appeal the panel's decision to the Dean, by submitting a written statement giving reasons why the panel's decision to revoke admission should be vacated. The accepted applicant or student shall submit this written statement within 10 calendar days from the date of the panel's decision. An enrolled student may continue to attend classes during the consideration of the appeal.

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

Specific Information on Academic Plagiarism and Collaboration. This information on plagiarism and collaboration should serve as a guide to what might constitute a violation of the Honor Code relating to these topics.
"Plagiarism means taking the literary property of another without attribution, passing it off as one's own, and reaping from its use the unearned benefit from an academic institution."¹ The law school's Honor Code, in Principles Two² and Three,³ emphasizes the seriousness of and provides examples of what might constitute this offense.

**Academic Plagiarism and Collaboration Standards.**⁴ The standards of plagiarism differ between (1) practical works for a skills course in an academic setting, (2) practical works in a practice setting, and (3) academic works (research papers, law review articles, etc.). In the practice of law, the final product and outcome are more important than authorship. (Correct attribution of authority is important in all three settings.) However, in an academic setting, students are judged on their individual ability to think and analyze. Therefore, the process is more important than the final answer, and authorship is very important. Even when a student is preparing a practical work, he or she is doing so in an academic setting for an academic grade. Therefore, the standards that apply are academic standards rather than practice standards.

**Collaboration With Others.** Students are responsible for understanding what constitutes permissible collaboration in a particular course. In a course that does not permit any collaboration, a student may not be permitted even to let another person proofread or edit a paper. A student who is concerned about the appropriateness of consultation with the school's writing specialist should speak with the professor teaching the course and the writing specialist about permissible consultation.

**One's Own Work.** In most courses, unless otherwise permitted by the professor, all individual writing assignments must be exclusively one's own work.

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² "What constitutes academic dishonesty may vary depending on the work required by a course . . . Research papers for a course . . . presumably may be discussed and talked over with other students or persons. But in all cases, the final product must be the individual student's effort. If any doubt exists concerning authorized source materials, consultation or cooperation with others, or any other matter concerning any assignment, the student should contact the person making the assignment for clarification.

Examples of academic dishonesty that would violate [this principle] include: . . . g) handing in another person's work as one's own for credit; h) using all or part of another person's research paper as one's own for credit . . ."

³ "Principle Three reaches conduct intended to give one student an advantage not equally available to all persons. It encompasses failing to return needed library books, cutting articles from books or periodicals, misappropriating or hoarding library materials, gaining unauthorized entry into the library or Law School, gaining unauthorized access to an examination before the examination period, permitting another person to hand in one's research paper for the other's credit, and trying to duplicate from memory or otherwise specific questions from an examination intended to be uncirculated." [emphasis added]

⁴ This information, taken from the Legal Practice Program syllabus, was originally adapted in part from the Howard University School of Law collaboration and plagiarism policy.
Attribution. Because discussion and cooperation between students and between students and professors is encouraged, at times the line between impermissibly taking another's idea without attribution (plagiarism) and ideas generally developed in discussion or through instruction can be a fuzzy one. A student should err on the side of attribution, not on the side of withholding information. Check with the professor before turning in any work in order to resolve any problems before they arise.

Recent Disciplinary Situations. Recent disciplinary situations related to plagiarism and collaboration have included the following:

* Copying another student's Legal Practice assignment,
* Taking copies of another student's assignment from a common area or computer and passing it off as one's own,
* Submitting a prior year's exercise answers or parts of a class "script" as the student's own work,
* Insufficiently attributing primary authority in a written submission, and
* Collaborating on an assignment that was to be completed individually.

The sanctions recently imposed have ranged from loss of credit to a written reprimand to suspension from the law school. Any disciplinary investigation must be reported to the Board of Law Examiners, and an investigation that results in a student's being found to have violated the Honor Code typically results in a formal hearing before the BLE to determine the student's character and fitness to practice prior to being licensed.

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5 The following citation and attribution guidelines are provided to help students avoid plagiarism:

1. Cite sources for all direct quotations;
2. Cite sources from which language, facts, or ideas have been paraphrased or summarized;
3. Cite sources for any idea or information that could be regarded as common knowledge, but (a) was not known to the writer before encountering it in a particular source or (b) might be unfamiliar to the reader;
4. Cite sources that add relevant information to the particular topic or argument propounded; and
5. Cite sources relied upon for authority to support any legal proposition or rule.