

Mississippi College School of Law Student Honor Code

I. Purpose and Expectations

The purpose of this Honor Code is to promote academic integrity at Mississippi College School of Law. Academic integrity promotes mutual respect and mutual accountability, and it is served through both rehabilitation and enforcement. Because rehabilitation within the Law School remains an important goal of this Honor Code, these procedures seek, at their essence, a mediated form of resolution.

Academic integrity refers to honest and ethical behavior within an academic community. Policies concerned with academic integrity, such as this Honor Code, govern how people work and interact within an academic community, define what conduct is unethical, and help establish the mutual trust and individual responsibility necessary to sustain a healthy academic environment.

Faculty, staff, and students shall uphold the principles of academic integrity, and shall create an environment in which honesty is encouraged, dishonesty discouraged, and integrity is discussed freely and openly. Students are obligated not only to follow these principles, but also to take a primary and active role in encouraging other students to respect them, and take a primary and active role in holding other students accountable when they do not.

II. Scope

A. *Conduct Subject to the Honor Code.*

This Honor Code covers all student conduct related in any way to the academic program. (Such conduct, when related to the academic program, includes, but is not limited to, exams, class assignments, class attendance and other class responsibilities, writing assignments and other written work, research papers and other research work, work outside the Law School for academic credit or otherwise connected with a class, special projects, communication with other members of the academic community, web postings, Law Review, Moot Court, and student organizations.) This Honor Code also covers all student conduct related to the academic use of the Law

School premises, including the library, computer, and internet resources. This Honor Code further remains in full force and effect while a student is visiting another law school.

The Honor Code does not limit the authority of the Dean to exercise disciplinary authority over students for conduct, whether academic or not, or to refer matters to agencies outside the law school.

B. When the Honor Code Applies.

This Code applies to all students admitted to Mississippi College School of Law. It governs all conduct beginning with a student's application for admission and continuing through a student's graduation.

This Honor Code also applies to students enrolled in courses, programs, or activities sponsored or co-sponsored by the Law School, or any activity for which a student receives academic credit.

C. When Investigation may be Commenced.

Investigations may be commenced at any time, beginning with the submission of an application for admission. Investigations may be commenced or continued even after a student was graduated or after the student has completed a course or program, if the conduct at issue occurred before the student was graduated. If an Honor Code investigation is pending when a student is scheduled to be graduated, the student's degree may be withheld at least until the matter is resolved.

III. Oath

Each student who enrolls at the Law School shall take the following oath before beginning classes. The contents of this oath may be incorporated into the professionalism oath taken by entering law students.

"I, [state name], understand that I am joining a professional academic community. The law school and the legal profession share important values, which are reflected in the Mississippi College School of Law Honor Code. I have read this Honor Code and commit to conduct myself in a way that honors its standards and values."

IV. Definitions

A. "*Class*" and "*Course*" refer to any class or course at Mississippi College School of Law. The terms should be construed broadly, and includes graded and non-graded courses, courses offered for credit and not for credit, and courses offered on or off the law school campus. The terms specifically include clinics, externships, internships, study abroad programs, special projects, and advocacy competitions. The terms further include classes or course taken while visiting another law school.

B. For the purpose of determining deadlines, "*day*" means any regular business day, and does not include weekends, school holidays, or any day on which the Law School is not open to conduct regular business, unless specially designated by the professor, such as for an electronic submission.

C. "*Dean*" refers to the Dean of the Mississippi College School of Law, or that person's designee.

D. "*Law School*" or "*School of Law*" means Mississippi College School of Law.

E. "*Advisor*" refers to the person charged with gathering facts and information about a referral under this Code and with imposing sanctions.

1. The Advisor typically will be a tenured member of the full-time faculty.
2. The Dean reserves the right to appoint another person, including a person who is not a full-time employee of the Law School, as Advisor. The Dean also reserves the right to appoint multiple Advisors. The Advisor may be assisted by others in work under the Code.

F. "*Notice*" means written notice and includes e-mail messages.

G. "*Writing*" includes an e-mail message sent to or from a student's Law School e-mail account.

V. General Provisions

A. Consultation.

Members of the Law School community (students, staff, and faculty alike) shall speak with the Honor Code Advisor if they have reasonable grounds to believe that a violation of this Code may have occurred or is about to occur.

B. Cooperation; Retaliation Strictly Prohibited.

Members of the Law School community shall cooperate fully with the Advisor and others in connection with this Code. Further, no member of the Law School community may retaliate against, threaten, or harass anyone participating in a process under this Code *in any way whatever*. Participating in a process under this Code includes, but is not limited to, making a good-faith report that the Code has been violated, regardless of the Advisor's decision.

VI. Collaborative Work

Faculty members often ask students to collaborate with others on written projects or other course work. Although the guidelines for collaborative work may differ from course to course, in most cases part or all of a collaborative project must be completed independently. Faculty members are encouraged to be as clear as possible about when collaboration is allowed and about what work must be completed independently. It is helpful when these expectations are communicated in writing, especially in the course syllabus or when requested by students. Students should make sure they understand what is expected of them; they are responsible for knowing when collaboration is permitted, and when it is not. When in doubt, students must seek clarification from the professor.

Most types of academic dishonesty described below involve working with others or using the work of others. This is not to suggest that working with others or using their work is wrong. Indeed, learning is often based on using the ideas of others to stimulate and develop your own. Academic dishonesty demeans or invalidates appropriate collaboration.

VII. Types of Academic Dishonesty and Misconduct

Academic misconduct can be defined generally as all acts of dishonesty in an academic or related matter. All forms of academic misconduct and dishonesty are subject to action under this Honor Code and to disciplinary

action. Academic misconduct includes, but is not limited to, the following categories of behavior.

A. Cheating.

Using unauthorized materials or sources (including electronic sources, such as email, text messaging, and the like) in connection with any assignment, examination, or other academic exercise, or having someone else work for or assist you when not expressly authorized by the professor.

B. Unauthorized Assistance or Collaboration.

Giving or receiving aid on an assignment, examination, or other academic exercise without the express prior approval of the professor.

C. Inappropriate Use of the Work of Others.

Using the words, thoughts, or ideas of another without attribution consistent with standard legal citation manuals (e.g., *ALWD Citation Manual* or *Bluebook*).

This type of misconduct can take many forms. The most blatant forms include copying someone else's work word-for-word, or turning in a paper written by another with your name as the author. Other examples include rewriting someone else's work with only minor changes, or summarizing another's work or taking another person's ideas without acknowledging the source through proper attribution and citation.

An inference that you have inappropriately used the work of another will arise when:

1. significant sections of the paper match other sources (including other student papers) and no attribution is given to those sources;
2. any portion of the paper borrows heavily from a particular source, including Internet sources - whether verbatim or paraphrased - and the source is not acknowledged; and
3. you fail to follow conventions for indicating direct quotations (e.g., when a paraphrase is too close to the original or when an actual direct quotation is not indicated).

Failure to identify direct quotations is inappropriate even when the source is actually cited, if the material is not identified as a direct quotation.

Students sometimes make minor mistakes in completing academic assignments. While one missing citation in a paper may, in many instances, be considered a careless mistake rather than academic dishonesty, multiple instances of failing to provide proper attribution through quotation marks and citations will give rise to an inference that you have inappropriately used the work of another.

D. Failing to Seek Clarification.

Failing, when in doubt about the method or necessity of proper attribution, to seek clarification from the professor. Failure to seek clarification will support a finding of willful misconduct.

E. Damaging or Misappropriating Academic Materials.

Damaging, misappropriating, hiding, or disabling academic resources, including any materials located in the library, so that others cannot find or use them. This includes but is not limited to removing pages from books, hiding or stealing books or articles, and deleting or damaging computer files intended for others' use.

F. Compromising Examination Security.

Invading the security maintained for the preparation or storage of examinations; tampering with exam-making or exam-taking software; retaining or making any reproduction (whether physical or electronic) of an exam or creating or distributing an "answer key" except as authorized by the course professor; or discussing any part of a test or examination with a student who has not yet taken that examination, but is scheduled to do so.

G. Multiple Submissions.

Submitting work you have done in previous classes, whether in law school or elsewhere, as if it were new and original work. Although professors occasionally may be willing to let you use previous work as the basis for new work, they expect you to do new work for each class. Students seeking to submit a piece of work to more than one class must have the written permission of both instructors.

H. *Deception and Misrepresentation.*

Lying about or misrepresenting your work, academic records, credentials, or other academic matters or information. Examples of deception and misrepresentation include lying to a dean or a professor, forging signatures, forging letters of recommendation, falsifying externship or clinic documentation, filing a false or fraudulent claim under this Code, and falsifying information in an application or on a resume.

I. *Electronic Dishonesty.* Using network or computer access inappropriately, in a way that affects a class or other students' academic work. Examples of electronic dishonesty include, but are not limited to, tampering with another student's account so that student cannot complete or submit an assignment; stealing a student's work through electronic means; gaining unauthorized access to another student's account, computer, or computer files; or knowingly spreading a computer virus, "spyware," or any other form of "malware."

J. *Facilitating Academic Dishonesty.* Helping someone else to commit an act of academic dishonesty. This includes, but is not limited to, giving someone work product to copy or allowing someone to cheat from your examination or assignment.

K. *Writing Outside the Designated Examination Time.*

Commencing an exam before the designated time or continuing to write a test or examination when the time allotted has elapsed.

L. *Failing to Keep Application for Admission Current, Correct, and Complete.*

Failing to ensure an application for admission is current, correct, and complete. A student has a duty to update and supplement the information disclosed during the application process. Disclosure must be made within 30 days of discovery of the error or omission or within 30 days of an event that occurs subsequent to the application process.

M. *Failing to Report.*

Failing to report reasonable grounds to believe there has been or will be a violation of this Code, or failing to cooperate fully and honestly with an investigation conducted under this Code.

N. Compromising the Blind Grading System.

Knowingly or recklessly compromising the integrity of the anonymous grading system by failing to adequately safeguard the secrecy of one's own grading number; attempting to ascertain the grading number of another; including personally identifying information within an examination answer; or discussing the content of one's answer with the professor at any time before grades are complete and posted.

O. Conspiracy, etc.

Conspiring, soliciting, attempting, or agreeing to engage in a violation of this Code or prevent its detection or otherwise cover it up.

P. Anonymous Accusations.

No allegations of academic dishonesty are to be made anonymously. Students who believe that a violation of this Code has occurred must have a reasonable factual basis for such belief and must report such a violation as described in this Code. Anonymous or otherwise scurrilous accusations will not be tolerated and are themselves a violation of this Code.

Q. Failing to disclose charges, arrests, or convictions. A student must disclose to the Assistant Dean of Student Services any charge, arrest, or conviction that arises after submission of an admissions application to the Law School. A student also must disclose to the Assistant Dean of Student Services if accused, formally or informally, of a violation of law. Disclosure must be made within 30 days of the charge, arrest, conviction, or accusation.

VIII. Sanctions

A. Types of Sanctions.

Below is a list of sanctions that may be imposed under this Code; other sanctions also may be imposed. This Code does not require any particular sanction or range of sanctions. What sanction or sanctions are appropriate in a particular case will depend on the circumstances. Multiple sanctions may be imposed in connection with any violation.

1. Oral or written warning.
2. Oral or written reprimand.
3. Community or Law School service.

4. Educational task.
5. Counseling or referral to the Student Assistance Program
6. Letter of apology or explanation of conduct.
7. Academic penalty, such as a lower or failing grade or no credit for an assignment or course; this penalty may be imposed only after the Advisor consults with and receives the concurrence of the course professor.
8. Exclusion or suspension from one or more activity, event, function, benefit, or privilege of the Law School.
9. Disciplinary probation, which is a form of probation, is distinct from probation that may be imposed as a result of academic performance. The term refers to the period prescribed by the Advisor during which the conditions imposed as sanctions must be met or during which the student's behavior will be subject to review. If the student fails to fulfill the conditions during the probationary period, the Advisor, after giving the student notice and a reasonable opportunity to respond, may determine that the student has violated the probation and may impose new or additional sanctions. The conditions of disciplinary probation may be varied, depending on the circumstances. Examples of conditions might include obtaining drug or alcohol counseling or treatment, obtaining a psychiatric evaluation, obtaining psychological counseling, refraining from certain activities or contact with certain persons, redoing assignments, and attending programs.
10. Suspension from the Law School.
11. Expulsion from the Law School.
12. Revocation of admission from the Law School.
13. Denial of a dean's certificate.

14. Suspension or revocation of a degree, certification, or other award conferred by the Law School.

15. Other actions or directives appropriate for the matter.

B. Effective Date of Sanctions.

All sanctions are effective immediately, unless stayed by the Advisor or Dean, or otherwise set by the Advisor. In cases of suspension, expulsion, revocation of admission, denial of a dean's certificate, or suspension or revocation of a degree, the student may request that the Advisor stay the sanction during review by the Dean.

C. Aggravating and Mitigating Factors.

In determining sanctions, the Advisor may consider mitigating and aggravating factors, including but not limited to the following:

1. Pre-referral Admission. When a student voluntarily admits misconduct before learning that someone has referred the matter or is about to refer the matter, the Advisor may consider the admission as a mitigating factor. A student who has the courage and integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making such an admission should contact the Advisor.

2. Other Admissions. Even an admission made after a referral may have some mitigating value. This type of admission shows acknowledgment of the inappropriate nature of the student's conduct. However, a post-referral admission is not as strong a mitigating factor as a pre-referral admission.

3. Cooperation. The Advisor may consider how cooperative, or uncooperative, the student was during the process, including whether the student responded timely to inquiries and requests for meetings, provided requested information, and dealt honestly and civilly with the Advisor and others involved with the process.

4. Intent. Conduct falls on an intent continuum that ranges from purposeful, knowing, reckless, and grossly negligent conduct on the more serious end, to merely negligent, careless, and accidental conduct on the less serious end. Where conduct falls on this

continuum may be considered when determining sanctions. Conduct that is purposeful, knowing, reckless, or grossly negligent may justify a more serious sanction. Less intentional conduct may be a mitigating factor.

5. Degree of Harm or Seriousness of Offense. The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.

6. Prior Violations. Prior violations of the Honor Code, or lack thereof, may be considered.

7. Nexus to Professional Standards. The nexus between the student's conduct and the question of character and fitness of the student to practice law is a relevant factor in determining sanctions.

8. Strength of the Evidence. The strength of the evidence of a violation may be considered. Evidence that supports exoneration may be considered in mitigation of any sanction.

D. Authority of Faculty.

This Honor Code does not diminish or modify a faculty member's authority to formulate grades. Although faculty members may choose to defer an academic assessment pending a decision under this Code, they have the independent authority to assign a reduced or failing grade when, in their professional judgment, the student's work deserves such a grade based on lack of professionalism or insufficiency in performing course requirements. Faculty members are encouraged to publish their policy on this Academic Honor Code in their course syllabus.

IX. Procedures

A. Method of Referrals.

1. Law School Personnel.

Members of the Law School community shall consult with the Honor Code Advisor about possible academic misconduct or dishonesty. To determine whether an investigation or intervention is necessary, the person shall provide names, dates, locations, and descriptions of the possible misconduct.

2. Honor Code Officers.

The LSBA may select, in a manner approved by the Dean and the faculty, student Honor Code Officers. The Honor Code Officers may assist students in understanding their responsibilities under the Code, facilitate consultation between students and the Advisor, and help disseminate information from the Advisor and the Dean to the student body.

3. Failure to Maintain Acceptable Standards of Personal and Professional Conduct.

In the discretion of the Dean, students who fail to maintain acceptable standards of conduct in their personal and professional activities, as required by the Law School Catalog, may be referred to the Advisor, who may handle the matter – even though not a violation of the Honor Code -- using the Honor Code process.

4. Additional Referrals.

If the Advisor finds information that suggests a student may have violated other provisions of the Honor Code, or that another student may have violated provisions of the Honor Code, the Advisor may treat this information as an additional referral.

B. Investigation and Decision.

1. After receiving a referral, the Advisor:

(a) will notify and consult with any affected law faculty;

(b) will determine whether the referral states a sufficient basis to believe that the accused violated the Honor Code; and

(c) may interview the person making the referral and other persons with information (including the student or students suspected of violating the Honor Code), and may seek additional information regarding the referral. The Advisor may choose to record these meetings.

2. If the Advisor determines that the Code has not been violated or that a violation cannot be substantiated, the investigation will end and the Advisor will follow the reporting and record-keeping provisions noted below. The referral will be considered an allegation under this Code only after the Advisor determines that a sufficient basis exists to believe that the accused

violated the Honor Code. This standard will be used for purposes of reporting to bar authorities.

3. If the Advisor concludes that a sufficient basis exists to believe that the accused violated the Honor Code, then the Advisor will promptly notify the student, in writing, of the alleged violation. The Advisor may also propose an agreed resolution of the matter. If an agreed resolution is not reached, the Advisor will set a time to meet with the student in person, and will gather any other information needed to resolve the matter.

At the meeting with the Advisor, the student will be provided with:

- (a) an explanation of any Honor Code section at issue and the nature of the conduct underlying the accusation;
- (b) a summary of the information gathered;
- (c) a reasonable opportunity to respond; and
- (d) an explanation of the applicable disciplinary procedures.

During the meeting with the student, both the Advisor and the student may - but need not - have witnesses available. However, the witnesses need not be in the same room as the student, and the student, while having the right to understand the witnesses' testimony, does not have a right to examine the witnesses or know their identity. The Advisor may choose to record the meeting.

A student who fails to attend a scheduled meeting with the Advisor will forfeit the right to respond regarding the alleged violation, unless excused by the Advisor. If the student fails to attend the meeting, the Advisor may proceed to issue a decision and impose a sanction.

4. After considering the information gathered, the Advisor will determine whether it is more likely than not that a violation of the Honor Code has occurred and, if so, what sanction or sanctions are appropriate.

5. The Advisor will notify the Dean of the decision and sanction, if any.

6. Then, the Advisor will inform the student of the decision, in writing. The

written decision will describe the violation, the determination, and any sanctions. When feasible, the Advisor also should communicate the decision and sanction to the student in a face-to-face meeting.

7. Except as noted under "Review by the Dean" below, the decision of the Advisor is final.

X. Review by the Dean

A. A student who has been suspended or expelled, or had admission revoked, had a dean's certificate denied, or had a previously granted degree suspended or revoked may request review of the decision by the Dean.

B. The request for review must be in writing and must be:

(1) delivered to the Dean and the Advisor within 5 days of receipt of the Advisor's written decision; and

(2) accompanied by a written statement in response to the Advisor's decision.

The Advisor, at the student's request, may extend this deadline.

C. The Dean has discretion to modify any findings or sanctions, but is not required to do so. When the Dean (or the Dean's designee) undertakes a review, the review will be limited to a determination that the process has been fundamentally fair and that an appropriate sanction has been imposed.

XI. Reporting and Record-keeping.

A. *Decision of the Advisor.* The Advisor's written report concerning a violation will be placed in the student's file in the Office of the Director of Student Records. A separate file with documents and information relating to the matter will be maintained in a confidential file in the office of the Assistant Dean for Students.

B. *Advisor's Finding of No Violation.* If the Advisor determines that the Code has not been violated or that a violation cannot be substantiated, the Advisor may prepare a summary of the matter and provide it to the

Associate Dean. The Associate Dean will maintain this information in a confidential file.

C. *Bar Examiners.* Any finding of an Honor Code violation may be reported by the Dean to any board of bar examiners or similar organization for any bar to which the student applies. Students should be aware that most bar applications will require the student to report any sanctions imposed on the student by an educational institution, regardless of whether the sanctions were for conduct suggesting unfitness for the practice of law. Students also should be aware that the Law School routinely responds to inquiries regarding student character and fitness from boards of bar examiners and similar organizations.

XII. Confidentiality

The Law School considers referrals and procedures under the Honor Code to be confidential. All participants should respect the confidentiality of this information and disclose it only to those who have a legitimate and necessary reason to know.

Attribution: Much of this Code was derived from the Stetson University College of Law Academic Honor Code and prior versions of the Mississippi College School of Law Honor Code. [Enacted effective August 14, 2009; amended effective April 17, 2014.]