

## **IV. THE HONOR CODE OF THE STUDENTS OF NORTHWESTERN UNIVERSITY SCHOOL OF LAW**

### THE HONOR CODE

#### ARTICLE I - PURPOSE AND DEFINITIONS

##### Section 1 - Purpose

The students of Northwestern University School of Law recognize an overriding obligation to ethical conduct. Each student shall act with honor throughout all phases of law school academic life.

##### Section 2 - Violations

A violation occurs when a student knowingly:

- (a) steals, destroys or defaces any library materials or, in contravention of library rules, removes from general circulation and accessibility any library materials with the purpose of depriving others the use of that material;
- (b) steals, reproduces, circulates or gains access to an examination or other graded assignment before it has been administered;
- (c) uses materials not permitted by the professor in an examination or other graded assignment;
- (d) cheats, or collaborates in a manner not permitted by the instructor for that course, on an examination or other graded assignment;
- (e) plagiarizes; which includes, but is not limited to, failing to attribute language or ideas to their original source or failing to indicate by quotation marks a passage from another source of more than (5) consecutive words;
- (f) refuses to testify, or testifies falsely, at a proceeding under the Honor Code with respect to facts within his/her knowledge. It is not, however, an additional Honor Code violation if an accused person declines to be a witness against himself/herself;
- (g) engages in any conduct with the purpose of avoiding or circumventing other law school rules governing academic life;

- (h) undertakes an activity or course of conduct with the purpose of creating an unfair competitive advantage over other students;
- (i) obtains in contravention of Law School rules, or divulges, official school information including, but not limited to, grades or exam numbers, that a reasonable student knows or should know is properly kept confidential;
- (j) attempts to commit any of the above offenses.

ARTICLE II – INITIAL REPORTS OF SUSPECTED HONOR CODE VIOLATIONS, THE INVESTIGATION OF THEM, DISPOSITION OF HONOR CODE VIOLATIONS, AND REPORTS

Section 1 – Initial reports of suspected Honor Code violations

- (a) Current and former law students, faculty, or an employee of Northwestern University may report suspected Honor Code violations. All reports of suspected Honor Code violations must be in writing.
- (b) All reports of suspected Honor Code violations must be made to the Dean (which hereinafter refers to the Dean or Dean's designate, per Section 6.01 of the Rules and Regulations) who will, to the extent necessary and possible, investigate the charge and document the results of any investigation. In the event that the Dean is the complainant, the Associate Dean who supervises curricular matters shall appoint the investigating Dean's designate. The rules of evidence do not apply and the Dean may consider information in any form or from any source that is pertinent and reliable. Typical documentation would include witness statements or summaries of witness statements, exams or exam answers, or papers submitted as course requirements.
- (c) During the pendency of the investigation and appeal, if any, all suspected Honor Code violations will be treated confidentially, and neither the facts nor the identity of the accused will be disclosed, except as provided in Section 2(c) or as is necessary to the investigation and disposition of the allegation.

Section 2 – Manner of investigation

- (a) The screening and investigation of any suspected Honor Code violations should be resolved, in the first instance, by the Dean. An investigation should proceed only if there is a reasonable basis for believing that the Honor Code has been violated. The Dean has complete discretion to investigate or cause to be investigated any report of an Honor Code violation, or to dismiss the charge.

- (b) If the Dean determines that there is a reasonable basis to proceed with an investigation, the student suspected of violating the Honor Code shall be informed in writing of the charge and any supporting evidence available at that time. The student shall be invited to meet with the Dean to discuss the suspected violation and to make a statement about it. In the event that the student declines to meet with the Dean or to make a statement about the suspected violation, the Dean may draw an adverse inference regarding the student's responsibility for the suspected violation. The student may be accompanied by an advisor, with whom the student may consult at any time during the meeting, but the Dean shall have discretion as to whether and to what extent the advisor may participate in the meeting. As provided in Article I, section 2(f), making a false statement during an Honor Code inquiry is a separate violation of the Honor Code.
- (c) The Dean should contact the instructor where the charge involves coursework or other matter involving instructor supervision. Where appropriate to facilitate the investigation, the Dean should reveal to the instructor the name of the student under investigation.
- (d) At any point in the process of investigation, the Dean may negotiate a complete resolution and disposition of the charges under investigation. Neither the student nor any instructor may appeal from a negotiated resolution and disposition.
- (e) In all instances where the charge involves coursework or other matter involving instructor supervision, the Dean shall provide the instructor with a copy of the written report produced (outlined below in subsection 3(a)) and any sanction imposed.

Section 3 – Disposition of suspected violations of the Honor Code by the Dean.

- (a) If, after the investigation, the Dean determines by a preponderance of the evidence that the Honor Code has been violated, then s/he will draft a written report that will include all pertinent documents collected or created during the investigation and specify:
  - the provision or provisions of the Honor Code that have been violated;
  - the student's name, program, and class year;
  - the name of the course or courses that gave rise to the report, including the instructor's name;
  - the factual conclusions causing the Dean to believe that a violation of the Honor Code occurred; and
  - the substance of the student's statement concerning the suspected violation.
- (b) Should the Dean conclude that a violation of the Honor Code has occurred, subsequent to meeting with the student, s/he shall indicate in writing, addressed to

the student, which provision of the Honor Code has been violated and what the sanction will be.

- (c) If the Honor Code has been violated, the Dean will determine a sanction. The sanction may include any administrative action considered appropriate under the circumstances, including but not limited to oral reprimand, a reduction in grade, or exclusion. The written disposition shall be forwarded to the Registrar who will maintain a record of it.
- (d) There are no time limits imposed on the investigation or disposition of suspected violations of the Honor Code. However, prompt dispositions serve the best interest of the student and the law school, so long as promptness is not at the cost of thoroughness.
- (e) Any sanction shall take effect only when appeals have been exhausted.
- (f) No student may receive a degree while an Honor Code matter is pending.

### ARTICLE III – APPEAL OF THE DETERMINATION OF THE DEAN

- (a) A student or the instructor may appeal the determination and disposition of the Dean by requesting a review by the Faculty Advisory Committee. The notice of appeal will be in writing directed to the Chair of the Faculty Advisory Committee and will be made within fourteen (14) calendar days of the final disposition by the Dean. With the notice of appeal, the student is permitted to file a written exception to the Dean's report.
- (b) The Executive Committee of the Student Bar Association shall designate a pool of six student representatives at the beginning of each academic year and the Chairman of the Faculty Advisory Committee will appoint two students from this pool to sit with the Faculty Advisory Committee in review of the decision of the Dean. Each member of the Faculty Advisory Committee, including each student, has one vote.
- (c) The Faculty Advisory Committee, supplemented by student representatives, will meet promptly as the Appeals Committee. Two student representatives must be present at any meeting of the Appeals Committee.
- (d) The student seeking review may be present and may be accompanied by an advisor. The advisor may be an attorney, at the student's expense.
- (e) The instructor will be given notice of the time and place of the Appeals Committee's meeting, and has a right to attend that meeting.

- (f) The Committee will review the final report of investigation and may direct additional investigation.
- (g) If the student is seeking review of the conclusions and disposition of the Dean, then the burden is upon the student to demonstrate that the conclusions are clearly in error or that the disposition is disproportionate to the violation. The rules of evidence do not apply and the review by the Committee will be informal and consultative rather than adversarial.
- (h) Should the determination and disposition of the Dean involve an adjustment to a grade in the course, that disposition will be communicated to the instructor. If the sanction for a violation is a grade reduction, the instructor must at a minimum conform the grade to the sanction. However, the instructor retains discretion to lower the grade further. Academic dishonesty or lack of integrity in a class is a proper basis for a grade reduction, possibly including a failing grade, although other administrative actions may also be appropriate.
- (i) The Committee shall determine whether the Dean's determination is correct, and if so, whether the disposition is appropriate.
- (j) The Committee's conclusions will be determined by a majority vote and will be reduced to writing. That writing will be provided to the student and will be included in the records of the matter, which shall be retained by the Registrar.

#### ARTICLE IV – FINALITY

- (a) The Committee may, after making a determination, and by majority vote, submit the matter to the entire faculty for a determination on the record. Reasons to do so may, but need not include a conclusion that the matter raises such important issues that the law school, as an institution would be best served by full faculty consideration of the matter.
- (b) The determination of the Committee shall be final, absent a vote to submit the matter to the entire faculty.
- (c) Should a matter be considered by the entire faculty, the results of that consideration shall be communicated to the Registrar for inclusion in the record of the matter. The decision of the faculty is final.