

HONOR CODE  
Washington University School of Law

INTRODUCTION

The practice of law is one of the oldest and noblest professions known to humankind. It is a profession in which clients often entrust their livelihood and sometimes their very freedom to the professional competence and integrity of their attorney. We expect our students to take this responsibility seriously and to recognize that, as future lawyers, their professional lives commence the moment they begin their law school careers. We also expect our students to embody an unwavering commitment to honesty and ethical conduct, which are cornerstones to the academic culture at Washington University School of Law (“School of Law”).

By necessity, a student honor code must state, in some detail, the specific acts that students must avoid and the sanctions that will be imposed for violating such prohibitions. Our goal at the School of Law, however, is to create an academic community where students strive to do more than just elude certain enumerated infractions. Instead, students should aim to conduct themselves in a way that affirmatively promotes a culture of trust, cooperation, mutual respect, and professional pride. Students should view this Honor Code as just one component of a broader commitment to respecting and reflecting both the spirit and the rule of law in their lives, both on and off our campus.

The purpose of this Honor Code, which applies to all students enrolled at the School of Law, is to promote and secure academic integrity, fairness, equal academic opportunity, and professionalism at the School of Law. The Honor Code applies only to misconduct of the types identified in Article I below. The guiding principles and values embodied in this Code are also set forth in the Washington University Student Conduct Code, which is located online at <https://wustl.edu/about/compliance-policies/academic-policies/university-student-judicial-code/>. Students are charged with notice of and are bound by both the University Student Conduct Code and this Honor Code.

ARTICLE I. PROHIBITED CONDUCT

**Section 1. Introduction.** The following forms of conduct, or attempts at such conduct, violate the Honor Code. Specific examples of each form of conduct are provided for purposes of illustration. Each example should be read to include the state of mind described in the associated conduct.

**Section 2. Cheating.**

a. Cheating is any conduct in connection with any examination, paper, competition, or other work that may affect academic credit, a grade, or the award of academic or professional honors at the School of Law, done for the purpose of unfairly disadvantaging another student or gaining an

unfair advantage or under circumstances such that a reasonable law student would know that the conduct was likely to unfairly disadvantage another student or result in an unfair advantage.

b. Examples of cheating include, but are not limited to:

- Giving, receiving, or soliciting prohibited assistance;
- Using or providing sources or materials that are not expressly authorized by the instructor;
- Using or providing sources or materials, including online services, in a manner prohibited by the instructor;
- Violating any rule or instruction imposed by the instructor for a course or by an administrator of an exam, except that violating a rule or instruction regarding the allotted time for an examination will be addressed by subtraction of points per Faculty Rule (E)(5), unless the student either (a) uses more than the amount of time that triggers the maximum subtraction of points allowed by Faculty Rule (E)(5) or (b) has engaged in such conduct before;
- Submitting in a given course, except with permission of the instructor or other person in authority after full disclosure, any work prepared in whole or in part for another course or an employer;
- Engaging in conduct intended to compromise anonymous grading;
- Communicating with any unauthorized person during an examination or while preparing work for which credit may be awarded; and
- Acquiring, using, or providing, without permission, examinations, tests, role materials relating to simulations that are used in a course, or other academic material.

### **Section 3. Dishonesty.**

a. Dishonesty is any conduct in connection with any School of Law document, record, class, academic matter, activity, program, or event that is intended, or that a reasonable law student would know is likely, to misinform, mislead, or otherwise deceive, engaged in for the purpose of gaining a benefit for or avoiding a detriment to oneself and/or another student.

b. Examples of dishonesty include, but are not limited to:

- Furnishing false, incomplete, or otherwise inaccurate information in connection with an application for admission to, or financial assistance for attending, the School of Law;
- Furnishing false, incomplete, or otherwise inaccurate information to or through the Career Services Office or to a potential employer;

- Failing, as circumstances change, to promptly update information furnished as described in the preceding two examples, without waiting to be asked, so that all information furnished continues to be true, complete, and otherwise accurate.
- Altering or submitting altered School of Law documents or records;
- Furnishing false, incomplete, or otherwise inaccurate information about one's own or another student's attendance in a class or other School of Law-related meeting or session;
- Furnishing false, incomplete, or otherwise inaccurate information alleging misconduct, including a possible violation of this Honor Code, by another student; and
- Furnishing false, incomplete, or otherwise inaccurate information in connection with any investigation, or other proceeding held pursuant to this Honor Code.

#### **Section 4. Obstructing the Work of Another.**

a. Obstructing the work of another is (a) any conduct engaged in for the purpose of impeding the work of another student in connection with any examination, paper, competition, or other work that may affect academic credit, a grade, or the award of academic or professional honors at the School of Law or (b) any conduct engaged in under circumstances such that a reasonable law student would know that the conduct was likely to impede unduly the work of another student.

b. Examples of obstructing the work of another include, but are not limited to:

- Taking, damaging, or otherwise interfering with another student's books, class notes, outlines, study materials, or computer; and
- Damaging, secreting, removing without permission, or failing to return by the time and in the manner required, any School of Law property, including library material.

#### **Section 5. Impeding the Administration of the Honor Code.**

a. Impeding the administration of the Honor Code is any conduct engaged in for the purpose of, or under circumstances such that a reasonable law student would know the conduct was likely to result in, preventing the Honor Code system from operating as intended.

b. Examples of impeding the administration of the Honor Code include, but are not limited to:

- For any student other than one suspected of possible misconduct, refusing without good cause to provide relevant information or materials when requested to do so by an individual or entity acting in an official capacity under the Honor Code;
- Providing false or misleading information or materials to an individual or entity acting in an official capacity under the Honor Code;

- Disclosing to others confidential information acquired by virtue of participation in an official capacity in the administration of the Honor Code; and
- Failing to report, within a reasonable time, conduct that clearly violates the Honor Code.

### **Section 6. Actionable Plagiarism.**

a. Actionable plagiarism is submitting work that uses, without proper acknowledgment, another person's words, ideas, results, methods, opinions, or concepts, when such use is done: (1) intentionally or (2) without taking reasonable care to comply with the rules of proper attribution after having received formal written notice, issued in accordance with the Faculty Plagiarism Guidelines, that such use in the manner undertaken violates the rules of proper attribution. It does not matter whether the appropriated information is published or unpublished; academic or nonacademic in content; or in the public or private domain.

b. Examples of actionable plagiarism include, but are not limited to:

- Submitting work that uses, without citation, material that is copied verbatim from, or is a paraphrase of, a published source, an electronic source, or another student's work, with the intention to pass off the appropriated material as one's own;
- Submitting work that uses improperly attributed material without taking reasonable care to comply with the rules of proper attribution, after having received formal written notice concerning a substantially similar usage pursuant to the Faculty Plagiarism Guidelines.

### **Section 7. Professional Misconduct.**

a. Professional misconduct is any conduct in the context of a clinical course, supervised practicum, public service project activity, or other setting in which legal ethics rules would apply if the student were a member of the Bar, that would violate such rules. A law student who acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty is not engaging in conduct that would violate legal ethics rules and hence has not engaged in professional misconduct.

b. Examples of professional misconduct include, but are not limited to:

- Breaching client confidentiality;
- Failing to identify or avoid a conflict of interest;
- Breaching the duty of competence owed to clients including, but not limited to, thoroughness and preparation reasonably necessary for the representation;
- Exceeding the authority granted by a client, the supervising faculty or lawyer, applicable ethics rules, or the student practice rule;
- Failing to act with reasonable diligence and promptness in representing a client;

- Knowingly making a false statement of fact or law to a tribunal, failing to correct a false statement of material fact or law previously made to a tribunal, falsifying evidence, or counseling or assisting a witness to testify falsely;
- Impermissibly obstructing another party's access to evidence or altering, destroying, or concealing a document or other materials with potential evidentiary value;
- In representing or assisting in the representation of a client, communicating about the subject of the representation with a person the student knows to be represented by another lawyer in the matter, unless the student has the consent of the other lawyer or is authorized to do so by law or a court order;
- In representing or assisting in the representation of a client, stating or implying that the student is disinterested when dealing with a person who is not represented by a lawyer; and
- Knowingly assisting or inducing another to violate any legal ethics rule.

## ARTICLE II. REPORTING, INVESTIGATING, AND DISPOSING OF ALLEGED VIOLATIONS.

### **Section 1. Initial Reports of Suspected Honor Code Violations.**

a. Current and former law students, faculty, staff, or any other employee of the School of Law may report suspected Honor Code violations. All reports of suspected Honor Code violations must be in writing and submitted to the Associate Dean of Students.

b. Upon receiving a report, the Associate Dean of Students will, to the extent necessary and possible, investigate the charge and document the results of any investigation. If the Associate Dean of Students is the complainant, the Dean of the School of Law will appoint a Dean's designee to handle the investigation. (In such a case, all applicable references in this Honor Code to the Associate Dean of Students will be deemed to refer to the Dean's designee.) The rules of evidence do not apply, and the Associate Dean of Students may consider information in any form or from any source that is pertinent and reliable. Such information could include witness statements or summaries of witness statements, exams or exam answers, or papers submitted as course requirements.

c. While the investigation and any appeal are pending, 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) below or as is necessary to the investigation and disposition of the allegation.

### **Section 2. Manner of Investigation.**

a. The Associate Dean of Students will conduct initial screening and investigation of any suspected Honor Code violations. A more thorough investigation should proceed only if there is a

reasonable basis for believing that the Honor Code has been violated. The Associate Dean of Students has complete discretion to investigate, cause to be investigated, or dismiss any report of an Honor Code violation.

b. If the Associate Dean of Students determines that there is a reasonable basis to proceed with an investigation, the student suspected of violating the Honor Code will be informed in writing of the charge and any available supporting evidence. The student will be invited to meet with the Associate Dean of Students to discuss the suspected violation and to make a statement about it. If, during the course of the investigation, the student declines to meet with the Associate Dean of Students or to make a statement about the suspected violation, the Associate Dean of Students may draw an adverse inference regarding the student's responsibility for the suspected violation. As provided in Article I, Section 5, making a false statement during an Honor Code inquiry is a separate violation of the Honor Code.

c. A student suspected of violating the Honor Code may choose (at the student's own expense) to be assisted by and accompanied to any meetings by one individual, for example, a friend, advisor, or parent (an "Accompanying Individual"). Anyone who witnessed the events at issue or has other information relevant to the proceedings cannot accompany the student. The student must provide the Accompanying Individual's name and contact information to the Associate Dean of Students at least one week before the first scheduled meeting. The function and role of the Accompanying Individual is to provide support, advice, or assistance to the person requesting their presence. The Accompanying Individual may also provide written statements on behalf of the student to the Associate Dean of Students. The Accompanying Individual will not be permitted to ask or answer questions or to provide statements or arguments. If the Accompanying Individual attempts to do so or otherwise disrupts any meeting, the Associate Dean of Students may remove the Accompanying Individual from the meeting and disqualify that individual from participating in future meetings.

d. The Associate Dean of Students will contact the instructor where the charge involves coursework or other matters involving instructor supervision. Where appropriate to facilitate the investigation, the Associate Dean of Students will reveal to the instructor the name of the student under investigation.

e. At any point during the investigation, the Associate Dean of Students may negotiate a complete resolution and disposition of the charges under investigation, including negotiated sanctions. Neither the student nor any instructor may appeal from a negotiated resolution and disposition.

### **Section 3. Disposition of Suspected Violations of the Honor Code by the Associate Dean of Students.**

a. If a complete resolution and disposition is not reached and, after the investigation and any meeting with the student, the Associate Dean of Students determines by clear and convincing evidence that the Honor Code has been violated, they 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;
  - if applicable, the name of the course or courses that gave rise to the report, including the instructor’s name;
  - the factual conclusions causing the Associate Dean of Students to believe that a violation of the Honor Code occurred;
  - the substance of the student’s statement, if any, concerning the suspected violation; and
  - the sanction determined or recommended by the Associate Dean of Students in accordance with Article III.
- b. The written report will be kept on file in the Office of Student Life.
- c. Additionally, if the Associate Dean of Students concludes that a violation of the Honor Code has occurred, they will write to the student, indicating which provision of the Honor Code has been violated and what the sanctions will be.
- d. Prompt dispositions serve the best interest of the student and the School of Law, so long as promptness is not at the cost of thoroughness.
- e. No student may receive a degree while an Honor Code matter is pending.

**Section 4. Faculty Notification.** Upon a finding by the Associate Dean of Students or a student’s admission of an Honor Code violation, the instructor teaching the course or supervising the academic activity involved will be notified of the misconduct. The instructor will have independent authority, separate and apart from any other consequences authorized under the Honor Code, to determine grade- or academic credit-related consequences.

**Section 5. Confidentiality.** Except as explicitly stated in this Honor Code or as reasonably required to report to a state bar association, the proceedings and conclusions of any investigation will be treated confidentially.

### ARTICLE III. SANCTIONS

**Section 1. Potential Sanctions.** If a student violates the Honor Code, one or more of the sanctions listed below (not necessarily in order of severity) may be imposed:

- Oral Reprimand. Verbal notice that the conduct constituting the Honor Code violation is wrongful.
- Written Reprimand. Written notice that the conduct constituting the Honor Code violation is wrongful and notice that continuing or repeating the conduct may be cause for more severe disciplinary action.

- Probation. Probation is for a designated period and carries with it the probability of more severe disciplinary sanctions if the student violates the Honor Code or engages in other serious misconduct during the probationary period.
- Suspension. Recommendation to the Dean of the School of Law that the student be separated from the School of Law for a specified period. The Associate Dean of Students may recommend specified conditions for readmission.
- Expulsion. Recommendation to the Dean of the School of Law that the student be expelled, which permanently terminates the student's studies at the School of Law.
- Other suitable action. Other suitable action may be imposed to address the violation including but not limited to counseling, community service, restitution, disqualification from honors or awards (including those at graduation), or temporary loss of privileges.

**Section 2. Notation on Permanent Student Record and/or Transcript.** Whether, and if so, for how long, and subject to what conditions, any violation and sanction decision are to be noted on the student's permanent student record and/or transcript will be governed by the Student Conduct Code and any expungement policy adopted by the School of Law.

**Section 3. Responsibility for Implementation.** The Associate Dean of Students will have responsibility for implementing all sanctions except for suspension and expulsion. If the Dean of the School of Law accepts a recommendation for suspension or expulsion, they will have responsibility for implementing such recommendations. The Associate Dean of Students will have responsibility for implementing all decisions regarding notations on a student's permanent record and/or transcript.

**Section 4. Suspension of Implementation of Sanctions.** No implementing action may be taken until the time for filing an appeal has passed or, if a timely appeal is filed, the appeal is resolved.

#### ARTICLE IV: APPEALS

**Section 1. Right to Appeal.** A student may appeal the determination and disposition of the Associate Dean of Students (including any recommendation of suspension or expulsion) by requesting a review by the Honor Code Appeals Committee ("Appeals Committee"). Any appeal of a recommendation of suspension or expulsion shall be reviewed by the Appeals Committee before the Dean of the School of Law makes a decision on such recommendation.

**Section 2. Appeals Committee Composition and Voting.**

a. The Appeals Committee for any given matter will consist of two faculty members and three students.

b. The faculty members of the Appeals Committee, including one Chair, will be appointed by the Dean of the School of Law on an annual basis. If a faculty member serving on the Appeals

Committee is the instructor or a witness in a given matter, they will be excused, and the Dean of the School of Law will appoint an alternate.

c. The Executive Board of the Student Bar Association will designate a pool of fifteen student representatives at the beginning of each academic year. Ten members of the pool will be students in the J.D. program, and five members of the pool will be from non-J.D. graduate programs. The Executive Board of the Student Bar Association will select three students from this pool to be the student members of the Appeals Committee for a given matter. If the student making an appeal is a member of a non-J.D. graduate program, they will have the right to have one of the student members of the Appeals Committee be from a non-J.D. graduate program. The Chair of the Appeals Committee will work with the President of the Student Bar Association to ensure that students selected to serve on the Appeals Committee do not have a conflict of interest that might unduly prejudice them in the matter.

d. Each member of the Appeals Committee, including each student, will have one vote.

### **Section 3. Timing and Notice of Appeal.**

a. A student must deliver a notice of appeal to the Chair of the Appeals Committee within fourteen (14) calendar days of a disposition by the Associate Dean of Students.

b. The appeal must be in writing and must specify the grounds for the appeal, the relief sought, and why, given the relevant circumstances, such relief is appropriate.

### **Section 4. Appeal Procedure.**

a. The Appeals Committee will schedule a meeting to review the appeal with reasonable promptness.

b. The Appeals Committee will give notice of the time and place of the meeting to the student at least seven (7) calendar days in advance. The student seeking review may be present and may be accompanied by an Accompanying Individual. The function and role of the Accompanying Individual is to provide support, advice, or assistance to the person requesting their presence. The Accompanying Individual may also provide written statements to the Appeals Committee on behalf of the student. The Accompanying Individual will not be permitted to ask or answer questions or to provide statements or arguments. If the Accompanying Individual attempts to do so or otherwise disrupts any meeting, the Chair of the Appeals Committee may remove the Accompanying Individual from the meeting and disqualify that individual from participating in future meetings.

c. The instructor, if applicable, will be given notice of the time and place of the Appeals Committee meeting and has a right to attend that meeting.

d. The Appeals Committee will review the final written report prepared by the Associate Dean of Students and may direct additional investigation, including interviewing witnesses.

e. Review by the Appeals Committee will be informal and consultative rather than adversarial. The rules of evidence do not apply, and the Appeals Committee may consider information in any form or from any source that is pertinent and reliable. Such information could include witness statements or summaries of witness statements, exams or exam answers, or papers submitted as

course requirements. The Appeals Committee may consider such information, irrespective of whether it was previously considered by the Associate Dean of Students.

f. Each member of the Appeals Committee will consider whether there is clear and convincing evidence that a violation occurred, and the student seeking review will not carry any special burden to show that the conclusions of the Associate Dean of Students are in clear error or arbitrary and capricious.

g. The Appeals Committee may, by majority vote, (a) confirm the disposition of the Associate Dean of Students; (b) overturn a determination that the student committed an Honor Code violation; and/or (c) modify any sanction, including any recommendation to the Dean of the School of Law regarding suspension or expulsion. If the Appeals Committee cannot reach a majority decision in the matter, the conclusions of the Associate Dean of Students will stand.

h. The Appeals Committee conclusions will be documented in a written report. That written report will be provided to the student and any applicable instructor and will be included in the records of the matter, which will be retained by the Registrar.

i. Except as explicitly stated in this Honor Code, the proceedings and conclusions of the Appeals Committee will be treated confidentially in accordance with the law and applicable bar association requirements.

**Section 5. Finality.** The determination of the Appeals Committee, except in a case in which it makes a recommendation to the Dean of the School of Law in favor of suspension or expulsion, may be appealed to the Dean of the School of Law. In reviewing such appeals, the Dean of the School of Law shall uphold any determination of the Appeals Committee that has a reasonable basis. The Dean of the School of Law's decision on the appeal shall be final. However, the Dean of the School of Law's decision on recommendations in favor of suspension or expulsion shall be final, subject to Section VII.B.1 of the Washington University Student Conduct Code.

## ARTICLE V: REPORTS

**Section 1. Biannual Reports.** Each semester, the Associate Dean of Students will prepare a report summarizing the substance of each alleged honor code violation reported during the prior semester and describing how each alleged violation was resolved under this Code. Such reports will include a summary of any proceedings and conclusions by the Associate Dean of Students and/or Appeals Committee. All such reports will be redacted as necessary to protect the anonymity of the parties involved. A physical copy of all reports will be available for review by a student or faculty member in the Associate Dean of Students' office during normal business hours.