

UNIVERSITY OF WYOMING COLLEGE OF LAW HONOR CODE

I. INTRODUCTION

- A. **Purpose.** Law is a self-regulated profession whose members are required to adhere to the highest standards of professional responsibility. Students and faculty engage in legal activities as members of the legal profession, and recognize the need to maintain a high level of professional competence and integrity in their work. As part of its mission to prepare law students for their role in the legal profession, the University of Wyoming College of Law (UWCOL) requires all law students to comply with this Honor Code.
- B. **Jurisdiction.** This Honor Code supplements University of Wyoming (UW) policies and procedures. As such, this Honor Code incorporates all University and UWCOL policies, including without limitation the UNIVERSITY OF WYOMING STUDENT CODE OF CONDUCT established through UW Regulation 8-30 (“STUDENT CODE OF CONDUCT”) and Procedures and Authorized University Actions in Cases of Student Academic Dishonesty established through UW Regulation 6-802 (“ACADEMIC HONESTY PROCEDURES”). To the extent that this Honor Code holds law students to a higher standard than any University policy or procedure, the provisions in the Honor Code take precedence.
- C. **Duty to Comply with Code and to Report Violations.** It is the duty of all law students from the point of application through graduation to become familiar with and adhere to all UWCOL and University policies, including the provisions of this Honor Code. Moreover, it is the responsibility of all members of the UWCOL community to cooperate fully in the enforcement and implementation of this Honor Code, including without limitation (i) reporting probable violations of the Honor Code of which the person has personal knowledge, and (ii) providing information, testimony, and evidence at any investigation into or hearing about alleged violations of the Honor Code.
- D. **Availability of the Code.** The Honor Code is available online, permanently placed on reserve in the library, and available upon request. It will be made available to all incoming law students as well. All prospective, admitted, and matriculated UWCOL students are responsible for knowing the contents of the Honor Code. Such knowledge is presumed conclusively. Ignorance of the Code provisions does not constitute a defense in any proceeding against any student.
- E. **Faculty.** Except as otherwise specifically provided, the Honor Code does not affect the inherent authority of each law school professor to conduct and to regulate classes in accordance with UWCOL policies and procedures. Further, the Honor Code does not affect any existing right or obligation of any law school faculty member or administrator to make a report to appropriate bar examiners concerning the prospective fitness of any UWCOL student for the practice of law.

II. AGREEMENT TO ABIDE BY HONOR CODE

As a precondition to admission and continuing enrollment, all applicants to the UWCOL and all current UWCOL students agree to be bound by the provisions of the Honor Code and any subsequent amendments thereto. Further, this Honor Code will also govern all written or oral representations made in connection with any prospective student's application to the UWCOL.

III. PROHIBITED CONDUCT SUBJECT TO THE CODE

It is a violation of this Honor Code for any UWCOL student to knowingly engage in, attempt, or assist in any prohibited act specified in the STUDENT CODE OF CONDUCT, ACADEMIC HONESTY PROCEDURES, or any of the following:

- A. Any act of dishonesty, including without limitation any act of academic dishonesty as outlined in UW Regulation 6-802. Acts of dishonesty also include without limitation any misrepresentation or failure to disclose material facts on any application for admission to UWCOL, petition for scholarship assistance, or other documentation submitted before matriculation.
- B. Any unauthorized communication during an examination or assignment. No student may ask any substantive question of any other student, nor shall that other student answer any substantive questions during an examination unless authorized by the instructor in advance.
- C. Unless otherwise approved in advance, taking more time than has been allotted by the instructor for an examination, including continuing to write an exam after the proctor has announced that the time allotted has elapsed.
- D. Working on an examination in any place other than (i) the room designated for exam taking purposes by the Dean's Office or (ii) the place specifically authorized by a faculty member. A student may leave the test room at any time during the examination. In doing so, however, the student must not create any unnecessary distractions for other exam-takers.
- E. For a student taking a rescheduled or make-up exam, discussing an examination with a student who took the same examination at any earlier time or who will be taking the exam at a later time; and for a student who took an examination at the regularly scheduled time, discussing the examination with a student taking a rescheduled or make-up exam.
- F. Misrepresenting in any way his/her involvement in any academic endeavor, as defined in UW Regulation 6-802, including, but not limited to, plagiarism (in any submitted materials), cheating, fraud, violation of standards, multiple submissions, interference, obstruction, or complicity.

- G. Knowingly taking or hiding any books, class notes, outlines, briefs, case notes, or any other class materials being used or prepared by another student, faculty, or administrator without that person's express consent.
- H. Stealing, defacing, or intentionally destroying UWCOL property, including library materials.
- I. Misrepresenting class attendance records for oneself or another student.
- J. Knowingly misrepresenting the number of hours spent working in a course, clinic, internship, externship, work study, or other academic endeavor.
- K. Disclosing an assigned examination number to a faculty member prior to the entry of final grades for any particular exam in violation of the anonymous grading system.
- L. Misrepresenting one's own academic achievement, record, or other activities in connection with seeking employment, financial aid, scholarly awards, acceptance into any program at any educational institution, or any other thing of value.
- M. Misrepresenting any amount sought for reimbursement from the UWCOL, or misappropriating or failing to account for funds advanced by the UWCOL.
- N. Using unauthorized materials or otherwise cheating in any competition, moot court, journal, or other law school related function.
- O. Violating any duly promulgated and posted rule, regulation, or order of the University applicable to the UWCOL.
- P. Engaging in conduct, not otherwise covered by any other provision of the Honor Code, involving dishonesty, fraud, deceit, misrepresentation, defamation, false accusation, or other unethical actions with regard to activities or programs at the UWCOL or the University, which adversely reflect upon one's fitness to remain a student at the UWCOL or practice law upon graduation.
- Q. Using unauthorized materials during any law school examination.
- R. Any other violation expressly set forth in this Honor Code.

IV. SANCTIONS

- A. Any of the following sanctions or combination thereof may be imposed for violating the Honor Code in consideration of the severity of the offense and other relevant circumstances:
 - 1. Extra or alternative work.

2. Grade reduction for the course or academic endeavor.
3. A failing grade for the course or academic endeavor.
4. No credit for the academic endeavor.
5. Probation.
6. Letter of reprimand to be kept on a non-confidential or confidential basis in the student's file.
7. Denial or revocation of the benefits of any academic program or extracurricular activity at the University including, without limitation, any degree program, course, clinic, competition, or other endeavor.
8. Termination from any academic program or extracurricular activity.
9. Suspension from the University.
10. Expulsion from the University.
11. Restitution for any stolen or damaged materials.
12. Report of any violation of the Honor Code to state bar examiners and authorities in any jurisdiction.

- B. **Nature of Sanction.** Whatever sanction is imposed must bear a reasonable relationship to the severity of the violation that has occurred, except that the student's background, including the student's record of prior violations or lack of violations, may be considered. Any of the sanctions set forth above or combination thereof, including suspension or expulsion, may be imposed for a first offense and for any duration. The University and the UWCOL are not responsible for any financial loss incurred by the student as a result of any sanction.

According to University policy, whenever it is determined that the student has committed academic dishonesty or violated the Honor Code for a second time, the Dean or Dean's designee shall promptly notify the Provost and Vice President for Academic Affairs. The Provost and Vice President shall cause the suspension of the student from the University for a minimum period of one calendar year. This action is subject to the approval of or modification by the President of the University.

- C. **No Limitation.** The foregoing actions do not preclude administrative consequences that may result in the loss of benefits from programs, scholarships and other opportunities typically afforded to law students.

V. ADMINISTRATIVE PROCEDURES

All acts of “academic dishonesty” and other Honor Code violations delineated in Articles (A) through (R) in Section III above shall be adjudicated pursuant to the provisions set forth herein. All other violations of the STUDENT CODE OF CONDUCT will be adjudicated pursuant to the provisions and procedures delineated therein.

A. Honor Council Composition and Responsibilities.

1. An Honor Council will consist of three (3) full-time faculty members (members may include tenure-track faculty, non-tenure track faculty, librarian, or lecturer) and two (2) full-time students. The Dean or Dean’s Designee shall act as an advisor to the Honor Council.
2. The Dean or Dean’s designee shall appoint three faculty members to serve one (1) year terms. Each year, the Honor Council will internally elect one faculty member to serve as Chair of the Honor Council.
3. At the end of each academic year, the first and second year classes shall each elect one student from their respective classes to serve as Honor Council representatives for the subsequent academic year. Elected representatives will serve one (1) year terms. Student elections must be held in conformity with the procedures established by Potter Law Club.
4. Honor Council members shall not unnecessarily disclose names or any other information regarding an investigation to anyone other than the Dean or Dean’s designee. This high duty of confidentiality is intended to protect the reputation of the accused during an investigation. Any breach of confidentiality outside of the investigation process by a student member of the Honor Council constitutes a violation of the Honor Code.

B. Instructor: Suspicion of Honor Code Violation. Whenever an instructor has reason to suspect that a student has violated the Honor Code, including committing an act of academic dishonesty in any academic program or extracurricular activity including, without limitation, any degree program, course, clinic, competition, or other endeavor for which s/he is responsible for supervision or assignment of an academic evaluation, the instructor shall investigate the matter and discuss the matter with the student. At the instructor’s discretion, s/he may come to one of the following resolutions:

1. If, in the judgment of the instructor, the allegation of an Honor Code violation is not justified and/or there is insufficient evidence of said violation, then no further action is warranted.
2. If, in the judgment of the instructor, sufficient evidence of an Honor Code violation exists, then the instructor shall promptly refer the matter to the Associate Dean of Academic Affairs for further consideration. If the allegation of an Honor Code violation relates to an examination or paper written involving the instructor’s course, the professor shall grade the examination, paper, or course on

the merits without regard to the perceived Honor Code violation. The instructor will then enter a grade of incomplete until the allegations have been fully addressed.

C. **Other Member of the Law Community: Suspicion of Honor Code Violation.**

Whenever a student, staff member, or administrator has reason to suspect that a student has committed an Honor Code violation, that member of the UWCOL community shall promptly report this matter to the Associate Dean of Academic Affairs for consideration of investigating allegations and establishing charges.

D. **Investigation of Allegations:** After receiving any allegation of one or more Honor Code violations (the “Allegation”) from any member of the UWCOL community, the Associate Dean of Academic Affairs shall report the Allegation to the Honor Council for investigation and consideration *unless*:

1. The accused student admits to the Allegation; or
2. The suspected acts comprising the Allegation are minor and would not normally result in sanctions involving a grade change, withdrawal of academic credit, suspension, or expulsion.

In such instances, with the written consent of the accused student, the Associate Dean may resolve the Allegation through an administrative disposition without referring the matter to the Honor Council.

E. **Initial Process.** Upon receipt of the Allegation, the Honor Council shall conduct a discreet and confidential investigation as appropriate under the circumstances. In conducting an investigation, the Honor Council shall:

1. Check records in the University’s Central Repository and UWCOL to determine if the Allegation constitutes the student’s first, second, or subsequent violation of the Honor Code.
2. Notify the accused student in writing with a brief summary of the Allegation and provide the student with a copy of the Honor Code, Student Code of Conduct, and Academic Dishonesty Regulations.
3. Make the student aware that the Associate Dean for Student Affairs is available for consultation and questions about the process and procedures detailed in this Honor Code.
4. Afford the accused student the opportunity to present evidence or make any statement on his/her own behalf to the Honor Council with respect to the Allegation. No statement will be taken from an accused student unless voluntarily made.
5. Submit a written report to the Dean or Dean’s designee, upon completion of the formal investigation, that includes: (i) a written account of the procedures

followed, (ii) any difficulties encountered in the investigation, (iii) all relevant evidence considered including specific references to statements of witnesses, (iv) preliminary conclusions, (v) recommendation of any further action, and (vi) recommended sanction.

F. **Charges:** After full consideration of the Honor Council's written report, the Dean or Dean's designee will determine whether probable cause exists for formally charging the accused student for violating the Honor Code, then s/he will prepare a formal charge (the "Charge") in writing describing the alleged violation(s) of the Honor Code, the recommended sanction(s), and the relevant procedures. This report will be immediately submitted to the Honor Council and the student being charged. The procedures shall be as follows:

a. **First Charge:** If the Charge involves the student's first offense, the Dean or Dean's designee shall notify the student of the Charge and recommended sanctions in writing.

(1) The student may, within five (5) calendar days of written notification, request a meeting with the Honor Council to discuss the Charge and recommended sanctions. At this meeting, the student may:

(i) Accept the Charge and recommended sanctions approved by the Dean or Dean's designee. The student will do this by signing a written admission acknowledging his/her behavior as a violation of the Honor Code and waiving his/her right to a hearing. This admission is then forwarded to the Central Repository of the University and included in the student's law school file. No further proceedings will be held regarding the admitted charges.

(ii) Disagree with the Charge or recommended sanctions, and submit within fifteen (15) calendar days a request for a college hearing to the Dean or Dean's designee.

(2) If the student does not request a meeting with the Honor Council as described in part (1) immediately above, the Dean or Dean's designee shall implement the procedures necessary for a hearing as described in section G below.

b. **Second and Subsequent Charges:** If the Charge is preceded by a finding of an Honor Code violation from a previous incident, then the Dean or Dean's designee shall notify the student of the Charge and mandatory sanctions associated with a second finding as set forth in Section IV (B) above.

(1) Within five (5) calendar days of notification, the student may request a meeting with the Honor Council to discuss the Charge and recommended sanctions. At this meeting, the student may:

(i) Accept the Charge, mandatory sanctions, and additional recommended sanctions approved by the Dean/Dean's designee. The student will do this by signing an admission acknowledging his/her behavior as academic misconduct and waiving his/her right to a hearing. This admission is then forwarded to the Central Repository of the University and maintained in the student's law school file.

(ii) Disagree with the Charge and/or recommended sanction, and submit a request within fifteen (15) calendar days for a college hearing to the Dean or Dean's designee.

(2) If the student does not request a meeting as described in part (1) immediately above, the Dean or Dean's designee shall implement the procedures necessary for a hearing as described in section G below.

G. **Hearing.** In cases where a hearing is required or requested by the student, the Dean will appoint a member of the faculty to serve as an impartial hearing officer. The hearing officer will hold a hearing to determine whether an Honor Code violation has occurred. The student shall be notified in writing of the following:

1. A description of the specific allegations of an Honor Code violation, the date and place of occurrence, and any witnesses;
2. The recommended sanction;
3. The time, date, and location of the hearing; and
4. The identity of the designated hearing officer.

PREHEARING PROCEDURES: The Wyoming Rules of Administrative Procedure shall not apply to this proceeding, and discovery shall be limited to the following:

- i. Prior to the hearing the accused student and a designee from the Honor Council will exchange a list of witnesses for the hearing, a brief summary of the information each witness is expected to provide, and copies of any documents to be presented at the hearing.
- ii. Witnesses shall testify in person or by telephone at the hearing. However, if a witness is unavailable for testimony, the hearing officer may authorize taking testimony in advance.
- iii. The accused student and Honor Council designee may jointly communicate with the hearing officer by telephone about any prehearing matters.
- iv. The student may petition the hearing officer to excuse him/herself by presenting evidence of bias. The hearing officer shall decide whether to excuse him/herself. In the case of recusal, the Dean will choose another hearing officer.

- v. If the student would like to be accompanied at the hearing by a mentor, advisor, counselor, or attorney at law of his/her choice, s/he must notify the hearing officer at least twenty-four (24) hours prior to the hearing. The role of the mentor, counselor, advisor, or attorney at law shall only be to consult with the student, not to speak on behalf of the student.

THE HEARING:

- i. The accused student may appear at the hearing with or without counsel or an advisor. If the student fails to appear, the hearing may proceed in the student's absence.
- ii. The hearing must be open to the student, members of the Honor Council, individual(s) making the initial charge, and the accused student's mentor, advisor, counselor, or attorney at law. The hearing also may be open to others at the discretion of the hearing officer.
- iii. A designee from the Honor Council shall put forth the evidence supporting the Charge. The student and Honor Council designee may ask questions of any witness. The student may present any and all relevant information in opposition to the Charge.
- iv. The standard of proof is the preponderance of the evidence.
- v. The hearing officer shall enter one of the following findings based on the hearing:
 - a. Finding of no violation of the Honor Code, and dismissal of the charge.
 - b. Finding of a violation of the Honor Code, and concurrence with the recommended sanction.
 - c. Finding of a violation of the Honor Code, and modification of the recommended sanction.
- vi. The hearing will result in a report being prepared by the hearing officer, which includes a summary of the evidence presented against and for the student, the findings made, and any recommended sanctions from the hearing officer.

H. **Notification of Findings and Sanctions:** The Dean or Dean's designee will notify the student and the instructor of the findings from the hearing in writing.

- 1. If the Charge was not upheld by the hearing, the Dean or Dean's designee will dismiss the Charge and notify the student in writing.
- 2. If the Charge was upheld, the student has thirty (30) calendar days from the date of the notification to file an appeal pursuant to Section I. below.

- a. If the student does not file an appeal, the Dean or Dean's designee shall forward the report, findings, and recommended sanctions to the Provost and Vice President for Academic Affairs and to the Dean of Students. The student may submit to the Provost and Vice President for Academic Affairs a request, with rationale, for sanctions different from those recommended by the hearing officer. The Provost and Vice President for Academic Affairs shall decide upon sanctions no harsher than those recommended by the hearing officer. Sanctions involving suspension or dismissal must be justified by a written rationale, based on specific findings of the hearing, the nature of the offense, and the student's record, and are subject to approval of or modification by the President of the University.
- b. If the student files an appeal (*see* Section I. below), the Dean or Dean's designee shall forward the report of all proceedings held at the UWCOL to the Provost and Vice President for Academic Affairs.
- c. If the hearing officer determines to assign an "F" or "U" grade for the course, then an "I" grade will be submitted until the completion of the appeals process, when the Provost and Vice President for Academic Affairs shall either uphold the sanction of an "F" or "U" grade or remove the "I" grade as per the determination from the final appeal.
 - (i) If the alleged Honor Code violation occurs during finals week or within a time frame in which the opportunity for a fair hearing would be difficult, a grade of "I" may be issued until the appeals process can be effectuated.
 - (ii) If a student charged with an Honor Code violation withdraws from the course in question, and the charge is eventually upheld, the "W" grade reverts to the grade of "F."

I. **APPEAL**: An appeal of the final decision of the hearing officer can be lodged to the Provost and Vice President for Academic Affairs or designee or hearing panel.¹ This must be a written appeal filed within thirty (30) calendar days after the UWCOL hearing officer's decision is rendered, that sets forth grounds for the appeal. A copy of the appeal shall be provided by the student to the original hearing officer. The original hearing officer has fifteen (15) calendar days to provide a written response to the appeal, including a copy to the student. At the discretion of the Provost and Vice President for Academic Affairs or designee or hearing panel, they may seek written or oral presentation for clarification of the record.

1. An appeal of the finding of an Honor Code violation can be lodged solely upon the following grounds:

¹ The Provost and Vice President for Academic Affairs may designate one or more faculty members to conduct appeals for academic dishonesty matters.

- a. The student was not given written notice of a hearing or an opportunity for a hearing.
 - b. The report of the UWCOL hearing fails to describe any act of the student's, which could be construed as an Honor Code violation.
 - c. The findings from the UWCOL hearing were (i) not supported by sufficient evidence, or (ii) the result of prejudice toward the student, arbitrary or capricious evaluation, or capricious treatment, and such allegations must include specific examples of the capricious actions or substantive factual errors.
2. If the Provost and Vice President for Academic Affairs or designee or hearing panel adjudicating the final appeal upholds the finding from the original hearing or determines that it does not have the jurisdiction to hear the appeal, the Provost and Vice President for Academic Affairs or designee or hearing panel will have the finding filed with the Dean of Students in the Central Repository.
 3. If the Provost and Vice President for Academic Affairs or designee or hearing panel reverses the finding of an Honor Code violation, the Provost and Vice President for Academic Affairs or designee or hearing panel will vacate the original finding and expunge the record.
- J. **CENTRAL REPOSITORY AND MAINTENANCE OF RECORDS**: Any final sanction in decisions of an Honor Code violation must be sent to the Central Repository held in the Office of the Dean of Students and a copy of any such record shall be kept on file in the College of Law Dean's office.

VI. AMENDMENTS

Any proposed amendment to this Honor Code must be referred to the UWCOL faculty and approved by majority vote.