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HONOR CODE

I. PREAMBLE

Each student is held to have notice of the high standards of conduct demanded by The University of Tulsa College of Law. Students at the College of Law, as present and future members of the legal profession, are required to conduct themselves with the highest degree of honesty, integrity and trustworthiness. Students are to conduct themselves in a manner which avoids even the appearance of impropriety. A student should realize that his or her conduct is a direct reflection on The University of Tulsa College of Law.

II. JURISDICTION

This Honor Code shall apply to all students enrolled in any course offered by The University of Tulsa College of Law or any course for which credit is granted by the College of Law. It shall apply to all on-campus student conduct and to student conduct within the public sector and community that affects or involves another student of the College of Law; provided, however, that the faculty of the College of Law shall not be precluded from proceeding summarily in appropriate cases.

III. ORGANIZATIONAL STRUCTURE

- A. The Dean: shall gather information and conduct an investigation of the alleged violation of the Honor Code.
- B. The Honor Code Committee (HCC: refers to the ad hoc Committee which will hear and rule on the complaints alleging violations of the Honor Code. The HCC shall consist of three faculty members chosen by the Dean, and two students chosen by the SBA President. The members of the HCC shall select one of the faculty members to serve as chair.

IV. DEFINITIONS

- A. Clear and Convincing Evidence: proof which requires more than a preponderance of the evidence but less proof than beyond a reasonable doubt. Clear and convincing evidence may be found where the truth of the facts asserted is highly probable.
- B. College of Law: The University of Tulsa College of Law, Tulsa, Oklahoma.
- C. Complaint: The formal Complaint submitted by the Dean to an IC, and containing written information regarding the allegations against the student.
- D. Days: refers to business days; does not include weekends or University holidays.
- E. Dean: The Dean of The University of Tulsa College of Law, or the Dean's designee.
- F. Harassment: words, gestures, or actions which tend to annoy, alarm, or abuse another person.
- G. Intimidate: commit, conspire to commit, or cause to be committed any act which causes or is likely to cause physical or mental harm or which tends to injure or actually injures, stigmatizes, frightens, demeans, degrades, or disgraces any person.
- H. Knowingly: A person acts knowingly or with knowledge, with respect to the nature of his or her conduct or to the circumstances surrounding such conduct when he or she is aware of the nature of such conduct or that such circumstances exist. A person also acts knowingly, or with knowledge, with respect to a result of his or her conduct when that person is aware that the conduct is reasonably certain to cause that result.
- I. Plagiarism: Any other University definition notwithstanding, for work receiving credit in the College of Law, plagiarism is the appropriation of another's words, ideas, experiences, or modes of analysis and the representation of them in writing as one's own. To avoid plagiarism, the thoughts, ideas, experiences, or analyses of another must be either directly quoted or summarized or paraphrased. Any written work submitted for academic credit, or in satisfaction of any other law school or course requirement, must include citation to any direct quotation, summary, or paraphrase of thoughts, ideas, experiences, or analyses that are neither the student's own independent thoughts, ideas, experiences, or analyses, nor common knowledge.

Direct Quotation: Direct quotation is the word for word repetition of another's written work, whether the repetition is of a phrase, sentence, or longer passage. Direct quotation requires either quotation marks or a block indent.

Summarizing: Summarizing takes the general idea or meaning from several sentences, paragraphs, or pages of another's written work, and condenses it into a summary of one or more sentences of the student's own words.

Paraphrasing: Paraphrasing takes the thoughts, ideas, or experiences of another's written work and recreates them in the student's own words and sentence structure.

- J. Sexual Harassment or Intimidation: (i) Unwelcomed sexual advances; (ii) unwanted requests for sexual favors; or (iii) other behavior of a sexual nature where: a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a university-sponsored educational program or activity, or b. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, or c. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or of creating an intimidating, hostile, or offensive working or educational environment. Conduct that is not severe or pervasive enough to create an objectively hostile or abusive working or educational environment - an environment that a reasonable person would find hostile or abusive - is not sexual harassment.
- K. Student: Refers to any student enrolled in any course offered by The University of Tulsa College of Law or in any course for which credit is granted by the College of Law.

V. OFFENSES

- A. A student shall not engage in any conduct pertaining to academic or other University or College of Law matter that evidences fraud, deceit, dishonesty, or an intent to obtain unfair advantage over other students, or that unreasonably interferes with the rights of others.
- B. A student shall not engage in any conduct that violates University or College of Law policies and/or regulations to which students have actual or constructive knowledge, that evidences fraud, deceit, or dishonesty.
- C. A student shall not knowingly breach the security maintained for the preparation and storage of examinations.
- D. A student who learns that the security maintained for the preparation and storage of an examination has been compromised shall notify the professor or the administration immediately. Failure to do so is a violation of the Honor Code.
- E. A student shall not take an examination or prepare an academic assignment for another, nor permit another to take an examination or prepare an academic assignment for him or her.
- F. While taking an in-class examination a student shall neither possess nor refer to any source not authorized by the professor.
- G. In connection with an examination or an academic assignment, a student shall not give, receive, or obtain information or help in any form not authorized by the professor or the person administering the examination or assignment.
- H. A student who is taking or has taken an examination shall not discuss any part of the examination with another student who is taking the examination, or who will be taking the examination at any time other than the scheduled time, or with anyone else when such discussion is likely to endanger the security of the examination questions.
- I. A student who is taking an examination at any time other than the scheduled time shall not discuss any part of the examination with another student, and shall not elicit information regarding such an examination from any students who have already taken the examination.
- J. While taking an examination, a student shall neither converse nor otherwise communicate with any person, other than the person administering the examination, except as permitted by the administrator of the examination.
- K. A student shall not submit to any professor or College of Law organization any written work (or a part thereof) prepared, submitted, or used by him or her for any other purpose (for example, work prepared for another course, law journal, clinic, law firm, governmental agency, or other organization) or prepared by another, except upon specific disclosure of the facts and receipt of

- permission from the professor or organization to whom the work is submitted.
- L. A student shall not take or copy material belonging to or in the rightful possession of another student or faculty member without the consent of that student or faculty member.
 - M. A student shall not plagiarize.
 - N. A student shall not use any property of the University or the College of Law without authorization from an officer or employee of the University or the College of Law who has the power to authorize its use. This rule does not apply where:
 - (1) the use of the property is made available by the University or the College of Law for use by students when such use is made in accordance with procedures and practices recognized by the University or the College of Law;
 - (2) library materials have been properly checked out but have been retained beyond their return date. However, retention of library material beyond a reasonable time may be in violation of the Code.
 - O. With respect to the College of Law Library, a student shall not willfully or intentionally:
 - (1) mark, tear, mutilate, or destroy library material;
 - (2) hide, mis-shelve, or misfile library material;
 - (3) remove library material from the library without complying with library regulations.
 - P. A student shall not appropriate, for his or her own use, property of The University, the College of Law, or any College of Law faculty, staff, administrator, other student, or member of the general public with the intent to deprive or knowing and believing that the appropriation will deprive such entity or individual of the incidents of ownership of that property.
 - Q. A student shall not deface, damage, or destroy any property belonging to the University, the College of Law, faculty, staff, administrator, other student, or member of the general public.
 - R. A student shall not, without justification or privilege, knowingly or intentionally threaten to inflict bodily harm or actually inflict bodily harm or otherwise coerce or restrain any person.
 - S. A student shall not, without justification or privilege, knowingly or intentionally obstruct or interfere with the orderly conduct of the University or the College of Law affairs, including teaching, research, administrative and disciplinary procedures, or any University or College of Law activity, either on or off campus.
 - T. In matters relating to the determination of membership in any law school organization or participation in any activity sanctioned by the law school, a student shall not discriminate on the basis of race, sex, color, religion, national origin, political affiliation, disability, age, or sexual orientation against another student who is otherwise eligible.
 - U. A student shall not, without justification or privilege, knowingly or intentionally commit, or cause to be committed, any act of harassment or intimidation, including sexual harassment or intimidation. This includes, but is not limited to, conduct on any of the basis of race, sex, color, religion, national origin, political affiliation, disability, age, or sexual orientation.
 - V. A student shall not wrongfully prevent or attempt to prevent any person from reporting conduct under this Code, nor shall a student retaliate against any person for reporting or testifying before the HCC.
 - W. A student shall not knowingly help or encourage another person to engage in conduct in violation of this Code.
 - X. A student shall not make any materially false statement to a College of Law professor, administrator, organization, or HCC.
 - Y. A student shall not refuse to cooperate with the HCC, except that a student who is being investigated or who is charged shall not be obligated to provide oral or written testimony.
 - Z. No student shall disclose information concerning the identity of the accused, the accuser, or witnesses without written permission of the HCC or the Dean. A student shall not knowingly disclose any information, however obtained, arising from or related to investigations or proceedings of the HCC.
 - AA. A student shall fully comply with any sanctions imposed upon him or her after final disposition of his or her matter. Failure to comply with any sanction is a violation of the Honor Code which may lead to further sanctions.

VI. RIGHTS OF THE ACCUSED

A student accused of any violation under the Honor Code shall be afforded each of the following rights, except those rights specifically and knowingly waived by the student in writing:

- A. The right at the hearing to hear all evidence against the student and to confront and cross-examine all witnesses against the student.
- B. The right at the hearing to present relevant evidence in the student's behalf.
- C. The right to remain silent at all points in the proceeding.
- D. The right to retain an attorney at the student's own expense and to have an attorney represent and appear with the student at any point in the proceedings, or, in lieu of an attorney, to have any other individual willing to do so at no cost to The University of Tulsa represent and appear with the student at any point in the proceedings; provided that no person, other than the members of the HCC, shall be present during any deliberations of the HCC.
- E. The right to defer any statement the student wishes to make at any point until the student has consulted with the person, if any, representing the student at the HCC hearing.
- F. The right to be free from a second proceeding for the same offense once a final decision has been made whether the student is guilty or not guilty of a violation of the Honor Code.
- G. The right to make at the student's own expense a tape recording separate from the official tape recorded record.

VII. PROCEDURE

A. STAGE ONE

Any person(s) who has reasonable belief that a student has violated the Honor Code shall, within a reasonable time, report the matter to the Dean in a signed writing. Upon receipt of this report the Dean shall conduct an investigation of the alleged violation and shall have discretion to:

- (1) enter a plea agreement with the accused student,
- (2) refer the matter to a hearing before an HCC, provided he or she determines that there is probable cause to believe that an Honor Code violation has occurred, or
- (3) dismiss the matter without prejudice.

No person or body other than the Dean, as herein defined, may enter a plea agreement with an accused student. A plea agreement may be reached at any stage in the procedure prior to a finding of guilty or not guilty by an HCC. The Dean shall report any plea agreement to the Academic Status and Student Affairs Committee and to the College of Law Faculty.

No sooner than six months after a plea agreement is entered, or earlier in the Dean's discretion, the Dean shall prepare an edited version of the plea agreement that does not contain any personally identifiable information likely to identify the accused student. The Dean shall deliver a copy of each edited plea agreement to the Law Library to be bound into a permanent record.

If the Dean refers the matter for hearing to the HCC, the Dean shall prepare a confidential Dean's Complaint to be presented to the HCC. This Dean's Complaint shall include the name(s) of the accuser(s) and the accused, the alleged offense(s), and the date of the alleged offense(s). The Dean shall sign and date the Dean's Complaint. A copy of the Dean's Complaint and this Honor Code shall be sent to the accused student's last known address within three days of the date of the Dean's Complaint.

B. STAGE TWO

Upon receipt of the Dean's Complaint, the HCC Chair shall convene a hearing of the HCC within twenty days. For good cause shown, the HCC Chair may grant a continuance.

At the hearing, the Dean will present evidence and witnesses first, subject to the accused student's right to challenge the evidence and cross examine witnesses. At the close of the Dean's case, the accused student may present evidence and witnesses, subject to the Dean's right to challenge the evidence and cross examine witnesses. At the close of the accused student's case the HCC may, in

its discretion, allow the parties to present rebuttal evidence and witnesses. The HCC shall tape record the hearing.

The Chair shall rule on all motions and objections and may be overruled only by a majority of the HCC present. After hearing the arguments and witnesses and examining the evidence of the Dean and the accused student, the HCC will deliberate as long as needed to reach a majority vote of guilty or not guilty. Any member of the HCC who is not present during the presentation of all the evidence shall not participate in the vote.

The finding of guilty or not guilty by the HCC shall be based solely on the evidence presented at the hearing. The burden of proof rests upon the Dean. The standard of proof is clear and convincing evidence.

The HCC shall present its written findings of fact, decision as to whether the accused student is guilty or not guilty, and statement of sanctions imposed, if any, (collectively referred hereafter as "the HCC Order") to the accused student and to the Dean. HCC members shall have the right to include a minority or dissenting report where the HCC decision is not unanimous.

A complete record of the HCC's hearing and the HCC Order will be kept in the Dean's Office. Unless the accused student has signed a written waiver of confidentiality sufficient to meet the requirements of law and The University of Tulsa regulations, the record of the HCC's hearing and Order shall not be released unless:

- (1) allowed or required by law or court order;
- (2) requested in writing by the accused student; or
- (3) required by the Dean.

The HCC shall also prepare an edited version of the HCC Order that does not contain any personally identifiable information likely to identify the accused student. No sooner than six months after the HCC issues its order, or earlier in the HCC's discretion, the Dean shall deliver a copy of each edited HCC Order to the Law Library to be bound into a permanent record.

VIII. SANCTIONS

If the HCC finds the accused student guilty, the HCC shall determine the appropriate sanction and notify the student of its decision. Consideration shall be given by HCC to all the evidence presented, the severity of the offense, and the prior conduct of the student. Sanctions may include:

- A. Restitution: The affected party shall be restored to his or her original position prior to loss or injury, or placed in the position he or she would have been had the violation not occurred.
- B. Oral Reprimand: The student shall be orally reprimanded, and the sanction shall not become a part of the student's permanent record.
- C. Written Reprimand: The student shall be reprimanded in writing, and the written reprimand shall become a part of the student's permanent record.
- D. Disciplinary Probation: The HCC may place a student on probation under such terms and conditions as the HCC shall deem appropriate. The probation shall become a part of the student's permanent record.
- E. Suspension: The HCC may suspend a student and the suspension shall become a part of the student's permanent record.
- F. Expulsion: The HCC may expel and dismiss a student from the College of Law, with or without the right to apply for readmission, and the expulsion shall become a part of the student's permanent record.
- G. Other Appropriate Sanction: The HCC may impose any other sanction it deems appropriate under the circumstances.

IX REPORT TO FACULTY

The Dean shall report to the Faculty of the College of Law the final disposition of every matter that

is reported to her or him.

X. APPEALS

The determination of guilty or not guilty and the sanction, if any, imposed by the HCC shall be final. A student found guilty of one or more violations who believes that the decision of the HCC is erroneous may appeal on that ground in writing to the College of Law Faculty within twenty days of the date of the HCC Order. The prosecuting Dean shall not vote on the appeal. If the Faculty, applying a clearly erroneous standard, finds that the decision is erroneous, a new HCC shall be constituted to rehear the case, unless the Faculty finds that the error is harmless. Otherwise no appeal may be taken within the College of Law. Any appeals beyond the College of law shall be taken pursuant to applicable policies of The University of Tulsa.

XI. AMENDMENTS

The faculty may amend regulations and adopt new regulations as it deems appropriate. The adoption date of the Honor Code is April 26, 1999. The effective date of this document is the first day of the summer session, May 17, 1999. It is also effective substantively for any work performed or activities undertaken commencing with the first day of the summer session, May 17, 1999.