



Sturm College of Law
UNIVERSITY OF DENVER

University of Denver Sturm College of Law Honor Code

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I. Scope and Application

As a law school dedicated to training ethical professionals, the University of Denver Sturm College of Law (SCOL) is committed to advancing and supporting the highest standards of professional conduct. The SCOL Honor Code serves the interests of both legal education and the legal profession by training future attorneys committed to justice, honesty, integrity, and high moral character.

To this end, the SCOL Honor Code sets forth the expectations governing SCOL students wherever behavior and conduct implicating the SCOL Honor Code is alleged to have occurred. The SCOL Honor Code addresses off-campus student behavior and conduct to the extent such behavior and conduct impact the operations, mission, or reputation of the University of Denver and/or SCOL.

For purposes of the SCOL Honor Code, a SCOL student is any person registered for or auditing classes at SCOL or enrolled in any SCOL program. A person is also considered a SCOL student if they have completed the immediately preceding term and are enrolled for a subsequent term or program; if they are representing SCOL between terms or programs; or if they are not officially enrolled for a particular term but have a continuing relationship with SCOL. Where explicitly stated, the SCOL Honor Code also applies to individuals who have been admitted to SCOL but are not yet students at SCOL.

All SCOL students are bound by the SCOL Honor Code and deemed to have knowledge of its content. SCOL students are also subject to the University of Denver Honor Code (DU Honor Code), as well as other relevant University policies and procedures.

II. Prohibited Conduct

A. Academic Misconduct

The following, alone or in combination, are violations of the SCOL Honor Code whether done intentionally or negligently:

1. Cheating: Engaging in or attempting to engage in any of the following acts in relation to examinations, written assignments, classroom exercises, or other academic work, whether graded or ungraded:
 - a) accessing and/or using materials or resources other than those
 - (i) authorized by the instructor(s) or proctor(s) of an exam; or
 - (ii) those that a reasonable person would consider appropriate under the circumstances;
 - b) giving, soliciting, receiving, and/or using any information or assistance other than that specifically permitted by the instructor(s);
 - c) discussing an examination with anyone the student knows, or should know, has taken, is taking, or will be taking the same or substantially similar examination(s), unless specifically authorized by the instructor(s); or
 - d) working on an examination before the designated start time and/or after the designated end time.
2. Plagiarism: Representing another's work or ideas as one's own in academic submissions, including, without limitation, failing to include appropriate citation(s), attribution, and/or acknowledgement of a source.
3. Fabrication: Falsifying or creating unsubstantiated data, research, or resources for inclusion in academic submissions or to support academic submissions.
4. Unauthorized Repeated Submission: Submitting an academic work for more than one course without prior written permission of the instructor(s).
5. Obstruction: Intentionally damaging, misrepresenting, or inhibiting the academic work of another student.

B. *Other Misconduct*

The following, alone or in combination, are violations of the SCOL Honor Code whether done intentionally or negligently:

1. Dishonesty: Engaging in conduct involving dishonesty, fraud, forgery, deceit, or misrepresentation. This conduct includes but is not limited to making false accusations of a violation of the SCOL Honor Code to a University or SCOL faculty member or administrator.
2. Selected Criminal Acts: Committing one or more criminal acts that reflect adversely on honesty, trustworthiness, or fitness to practice law.¹
3. Coercion: Employing force, threats, manipulation, blackmail, bribery, or extortion with the objective of persuading or pressuring someone to do something, as these terms are defined in the DU Honor Code.
4. Intimidation: Engaging in verbal, written, or electronic threats of violence or other threatening behavior and conduct directed toward another person or group that reasonably leads the person(s) to fear for their physical or emotional well-being. This provision does not apply to fear for emotional well-being as a result of legitimate academic discourse and is intended to be consistent with all applicable University of Denver policies regarding freedom of expression.
5. Disruption/Interference: Disrupting or interfering with the orderly conduct or operation of any University activity or facility, failing to obey the reasonable instruction of the person in charge of such activity or facility, or preventing others from freely engaging in the activity or using the facility. This provision is not intended to prohibit organized, peaceful, and orderly protests and is intended to be consistent with the DU Honor Code and University of Denver policies regarding protests and demonstrations.

¹ This provision should be interpreted in a manner consistent with Rule 8.4(b) of the ABA Model Rules of Professional Conduct and its interpretation and application in jurisdictions that have adopted this model rule.

III. Procedures

A. Reporting

Any student, faculty member, or staff member of the SCOL who reasonably believes that a student has violated a provision of the SCOL Honor Code should report the potential violation to the Executive Associate Dean for Academic Affairs within a reasonable period of time. Any individual may consult with the Executive Associate Dean for Academic Affairs before formally reporting the potential violation.

For behavior that may constitute Prohibited Conduct under the University's Discrimination and Harassment Policy, Responsible Employees must promptly report the alleged Prohibited Conduct to the Office of Civil Rights & Equal Opportunity.

B. Confidentiality

Information related to a report under these Procedures may be shared with those University employees who have a need to know in order to offer Supportive Measures (as defined in the DU Honor Code) or to assist in or conduct the investigation of the allegation(s). Information regarding a report by a student or employee will not be shared with any student's parents, guardians, or third parties unless permissible under the Family Education Rights and Privacy Act (FERPA) or unless authorized by the student, including but not limited to authorization in conjunction with certification for one or more bar authorities. The University will not release information about any matters addressed under the SCOL Honor Code, including the identity of the parties, except as required or permitted by law or University policy.

C. Faculty Honor Board

If a report of potential honor code violation makes a prima facie case that a violation has occurred, and is supported by factual evidence or plausible allegations, then an investigation under the Honor Code shall commence. Within ten (10) business days of receiving a report or as soon as possible thereafter, the

Associate Dean of Academic Affairs will convene a Faculty Honor Board consisting of the following individuals:

- the Executive Associate Dean for Academic Affairs;
- two members of the full-time faculty at SCOL.

To be eligible to serve on the Faculty Honor Board, faculty must be currently employed by the University and must have taught courses at SCOL for a minimum of one (1) academic term. Faculty must also have taught at least one (1) course at SCOL within the most recent two (2) academic terms.

The Executive Associate Dean for Academic Affairs shall serve as Chair. No faculty member will be eligible to serve on the Faculty Honor Board if they are currently teaching, supervising, or directing the certificate program of any student who is the subject of a reported possible violation (hereafter, “Respondent”). In the event that the Executive Associate Dean for Academic Affairs is teaching or supervising the Respondent, the Dean will appoint another full-time faculty member at SCOL to serve as chair of the Faculty Honor Board in lieu of the Associate Dean.

D. Preliminary Determination

The Faculty Honor Board will undertake a preliminary determination within ten (10) business days of its composition or as soon as possible thereafter to decide upon one of the following courses of action:

1. If the allegations are merely conclusory and not supported by factual allegations, or if the factual allegations are not plausible, the Board may in its discretion dismiss the matter. In such a circumstance, no report will be made to the student alleged to have violated the SCOL Honor Code, and no notation will be made in the student’s permanent academic record.
2. If any of the allegations appear to fall within the scope of the SCOL Honor Code, the Board shall retain jurisdiction over those allegations..
3. If none of the allegations appear to fall within the scope of the SCOL Honor Code and paragraphs 4 and 5 do not apply, the Board will

dismiss the matter. In such a circumstance, no report will be made to the student alleged to have violated the SCOL Honor Code, and no notation will be made in the student's permanent academic record.

4. If any of the allegations do not appear to fall within the scope of the SCOL Honor Code but do appear to fall within the scope of the DU Honor Code, the Board will promptly refer those allegations to the University's Office of Student Rights and Responsibilities and the Board will not take further action with regard to those allegations unless the Office refers the matter back to the Faculty Honor Board.
5. If any of the allegations appear to fall within the scope of the Office of Civil Rights & Equal Opportunity, the Board will promptly refer those allegations to the Office and the Board will not take further action with regard to those allegations unless the Office refers the matter back to the Faculty Honor Board.
6. If the allegations are not completely addressed by subparts (1)-(5) above, the Board should undertake other appropriate action, including referring certain allegations to one of the other offices or dismissing the case.

E. Notification

If the Faculty Honor Board decides to retain jurisdiction over the matter, the Chair of the Board will notify the Respondent in a Student Notification via the student's University of Denver email address within five (5) business days of the Faculty Honor Board's determination or as soon as possible thereafter, taking into account the interests of the Respondent. The Student Notification will provide the following information:

1. A brief description of the allegation(s).
2. A copy of the SCOL Honor Code.
3. Contact information for the Office of Student Affairs, available to serve as a neutral resource for the Respondent.

4. An invitation to submit relevant documentation and/or materials.

The Board will also notify the reporting party when it decides to retain jurisdiction over a matter, alerting them that an investigation is being conducted and the Respondent will be made aware of the allegations. This is notice only and the reporting party shall not have a right to participate in the investigatory steps described below.

The Board will also notify the SCOL Registrar that it is initiating an investigation involving the Respondent, along with any relevant information regarding academic work, when necessary to comply with Section III.I.2 of the SCOL Honor Code. The Board may initiate its investigation at this time.

F. Investigatory Meeting

The Faculty Honor Board will convene an investigatory meeting with the Respondent at a mutually convenient time, no later than twenty (20) business days after the Student Notification. The Respondent may be accompanied at the investigatory meeting by a Support Person of their choosing in a manner consistent with the DU Honor Code. A Support Person may be any person chosen by the Respondent, including, but not limited to, another student, a parent or legal guardian, family member, or an attorney, but not including anyone involved in the allegation(s) as a party or witness. The Support Person may not speak on behalf of the Respondent or otherwise actively participate in the proceeding. A Support Person may not be present if the Respondent is not present.

At the investigatory meeting, the Respondent will be invited to provide a preliminary statement and any other information relevant to the allegation(s) that they might wish to present. Members of the Faculty Honor Board are permitted to ask questions and must give the Respondent the opportunity to answer. The Chair will limit all statements to matters relevant to the allegation(s).

Following the conclusion of the investigatory meeting, the Board may request follow-up information from the Respondent or others. The Board may also convene a follow-up meeting with the Respondent or others. The Respondent may submit information at any time within five (5) business days

after the investigatory meeting, unless the Respondent and the Board mutually agree to extend this deadline.

In circumstances where the deadlines in this section could be prejudicial to the Respondent the deadlines herein may be extended upon mutual agreement of the Respondent and the Board. In such cases, Section III.I will still apply where relevant.

If, after reasonable efforts by the Board to reach the Respondent, the Respondent has not responded to the Board to schedule an investigatory meeting, the Board will proceed to make its decision and determine any outcomes. In such a circumstance, the Board will not begin its deliberations until twenty (20) business days from the date of the Student Notification.

G. Board Decision

The Faculty Honor Board will render its decision on the allegation(s) within twenty (20) business days of the investigatory meeting, unless the Board and the Respondent mutually agree to extend that period. The Respondent will be found responsible only if the Faculty Honor Board concludes that a preponderance of the evidence supports a finding of one or more violations of the SCOL Honor Code.

The Board will issue a written report to the Respondent providing (1) a brief summary of the procedural steps that have been undertaken; (2) a summary of the Board's decision and underlying rationale; and (3) if relevant, a description of the outcome to be imposed. The report will be shared with the SCOL Registrar and be stored as part of the Respondent's educational record, and shared with the Dean of the SCOL. The report will be maintained as part of the Faculty Honor Board's records. Where a faculty member referred a matter for investigation, the Board shall also provide an update on the determination made and any next steps, if necessary.

The report of the Board may include one or more of the following determinations:

- A determination that the Respondent is not found responsible for one or more violations of the SCOL Honor Code.
- A determination that the Respondent is found responsible for one or more violations of the SCOL Honor Code.
- A recommendation that the matter be referred to another unit at the University of Denver.

Should the Board determine that the Respondent violated the SCOL Honor Code, the Board shall impose one or more of the following outcomes.

1. An informal resolution.
2. A formal warning, caution, and/or statement of expectations.
3. A lowering of the grade on the particular examination or assignment in question, with due consideration for the interests of the instructional faculty member.
4. A lowering of the grade in the particular course in question, with due consideration for the interests of the instructional faculty member.
5. Suspension from SCOL for a period of up to two years.
6. Dismissal from SCOL.
7. In the case of an admitted student who has not yet matriculated at SCOL, revocation of admission or other appropriate action.

In determining the appropriate outcome(s), the Faculty Honor Board should take into account the gravity of the violation(s), the number of violations found to have occurred, whether the Respondent acted intentionally or negligently, any prior misconduct by the Respondent, any relevant extenuating circumstances, and any other relevant factors.

Outcomes, including suspension and dismissal, will be effective as of the date of the Report unless the Report indicates otherwise.

H. *Appeal to the Dean*

A Respondent found by the Faculty Honor Board to have violated the SCOL Honor Code may submit a written appeal to the Dean of SCOL within ten (10) business days of notification of the Faculty Honor Board's determination. The Dean will review the Faculty Honor Board's report and the written appeal and issue a final determination based on those materials within twenty (20) business days of receiving the written appeal. The Dean will affirm the Board's decision unless there are procedural failings, credible concerns of bias or retaliation, or the determination is clearly erroneous in light of the available record. If the Dean does not affirm the Board's decision, the Dean may overturn the Board's decision, issue a different resolution that the Dean deems appropriate under the circumstances, or dismiss the case.

The Dean's decision is considered final and there are no further routes of appeal.

Where no appeal is submitted by Respondent within ten (10) business days, the Dean will take no further action and there will be no further routes of appeal.

I. *Timing Considerations*

1. Should one or more violations of the SCOL Honor Code be discovered *after* an individual's admission but *before* they are a SCOL student, an individual's admission to the SCOL may be revoked or other appropriate action taken.
2. If an Honor Code investigation or proceeding concerns an issue related to academic work, the Registrar and/or instructor(s) shall not issue any grade for the work or in the course prior to final resolution of the matter.
3. If an Honor Code investigation or proceeding is pending when a student is scheduled to graduate, the student's degree may be withheld until completion of the proceeding.

4. If one or more violations of the SCOL Honor Code are not discovered until after graduation, the SCOL may amend any prior certifications submitted to bar authorities, and the University may initiate the degree revocation process.
5. In appropriate circumstances, the Faculty Honor Board may suspend the student for an interim period prior to resolution of a case under the SCOL Honor Code, consistent with the DU Honor Code. During an interim suspension, the student is denied access to University Premises and all University activities or privileges for which the SCOL student might otherwise be eligible, as the Faculty Honor Board may determine in its sole discretion.

IV. Adoption, Amendment, Reporting, and Revocation

This version of the SCOL Honor Code shall be effective upon a majority vote by the voting faculty of SCOL and supersedes any prior honor codes articulated by SCOL. Once in effect, the SCOL Honor Code can be amended or revoked upon a similar majority vote.

The Executive Associate Dean for Academic Affairs shall ensure that summaries of the decisions of Faculty Honor Boards are published annually in a manner that provides information about interpretations of the SCOL Honor Code made by the Faculty Honor Boards in their decision-making. The summaries should not reveal any information or facts that could reasonably lead to the identification of any affected parties. The summaries will be made available to all members of the SCOL community on the SCOL's website.

If any provision of the SCOL Honor Code is held to be unenforceable or invalid by a court of competent jurisdiction, such provision shall be reformed to the minimum extent necessary to cause such provision to be valid, enforceable, and legal. In the event that any provision cannot be so reformed, such provision shall be severed from this SCOL Honor Code.