

## STUDENT HONOR CODE

- I. **Preamble** The basic presumption of the Honor Code is that all law students should adhere to the ideals of professional responsibility in honorably conducting themselves while pursuing a legal education. The purpose of the Honor Code is to enumerate specific guidelines to govern student conduct with respect to any academic matter and certain non-academic matters. Nevertheless, the enumeration of these specific guidelines should not be construed as a denial of the existence of other duties and responsibilities equally imperative, though not explicitly mentioned.
- II. **Definitions** For purposes of interpreting this Honor Code, the terms below are defined as follows:
- “Class Day” means any day falling during the Law School’s fall semester, spring semester, or summer session that is a weekday other than a federal holiday, excluding winter and spring break.
- “Electronic Signature” means any writing transmitted by computer bearing the author’s name.
- “Law School” means the University of Maryland Francis King Carey School of Law.
- III. **Prohibited Conduct** An Honor Code violation demonstrates a lapse in professional judgment and may have a serious adverse effect on a student’s professional career. Except as otherwise specified in III.A. through III. N., to be guilty of an Honor Code violation, a student must have engaged in the prohibited conduct purposely, knowingly, recklessly, or negligently as these terms are defined in the Model Penal Code section 2.02. Under the Model Penal Code section 2.02, the terms purposely, knowingly, recklessly, and negligently have the following meanings:

**Purposely:** A person acts purposely with respect to a material element of an offense when:

- (i) if the element involves the nature of his conduct or a result thereof, it is his conscious object to engage in conduct of that nature or to cause such a result; and
- (ii) if the element involves the attendant circumstances, he is aware of the existence of such circumstances or he believes or hopes that they exist.

**Knowingly:** A person acts knowingly with respect to a material element of an offense when:

- (i) if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist; and
- (ii) if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result.

**Recklessly:** A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation.

**Negligently:** A person acts negligently with respect to a material element of an offense when he should be aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that the actor's failure to perceive it, considering the nature and purpose of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a reasonable person would observe in the actor's situation.

It shall be a violation of the Honor Code to engage in any of the following:

- A. To use resource materials, or receive other assistance:
  - 1. in an exam other than as specifically authorized by the professor;
  - 2. in research or in other writing assignments when specifically prohibited by the professor; or
  - 3. in a competition, when specifically prohibited by the competition's rules;
- B. To submit as one's work the work of another in draft or final form;
- C. To make any material misrepresentation as to work toward satisfaction of the requirements for grade or credit in any activity for which credit is given;
- D. To discuss the contents of an exam:
  - 1. with anyone who has not yet taken the exam;
  - 2. with any other person in any place where a reasonable person should realize that the conversation could be heard by another student who has not yet taken the exam;
- E. To give or to receive any aid during an exam or fail to abide by exam time limitations;

- F. To engage in any conduct which the actor knows affords an unfair advantage to any student in an exam, research or clinical assignment, competition, or any activity for which academic credit is given;
- G. To knowingly violate rules provided by a professor or competition chairperson, whether or not an unfair advantage is gained;
- H. In use of the law school library, writing center, or career development office:
  - 1. to mark, mutilate, hide, or destroy materials;
  - 2. to remove materials without proper authorization;
  - 3. to deprive students of materials meant to be for the use of all students, such as an unreasonable refusal to reshelv or replace books, multimedia recordings, or other class or resource materials;
- I. To steal, damage, or deprive another student of his or her books, notes, computer, storage device, or other class-related materials;
- J. To knowingly damage or disrupt the school's computers, systems, or networks;
- K. To make any material misrepresentation on a document submitted for employment, including, but not limited to, a résumé, a grade report, a cover letter, a recommendation, or a writing sample;
- L. To knowingly fail to adhere to the Honor Board's conflict of interest provisions, or to the confidentiality imposed upon all participants in the proceedings described below;
- M. To knowingly file a false complaint;
- N. To fail to make a prompt complaint as required by section V(A).

**IV. Composition and Terms of Office of the Honor Board**

- A. The Honor Board shall be composed of nine persons, including the Honor Board Chairperson. These nine persons shall be as follows:
  - 1. one Chairperson elected at large from the entire student body, who shall be a nonvoting member of the Honor Board;
  - 2. one person elected from each of the eight classes and divisions, for a total of three day students, four evening students, and one LLM student.
- B. All elections shall be held in the spring concurrently with the Student Bar Association ("SBA") elections, except for the election of the first year members and LLM member, who shall be elected in the fall, concurrently with the first year officers.

- C. The terms of all Board members, except first year and LLM students, begin and end on the last day of finals of the spring semester. The term for first year day and evening Board members begins as of the date of election in the fall semester and ends on the last day of finals of the following spring semester.
- D. If a seat is temporarily vacant, such as during the period between the end of spring term and before first year elections, the SBA President shall make temporary appointments from the SBA Executive Council.
- E. The Honor Board Chairperson shall remove, in writing to the member and the SBA President, an Honor Board member who has two unexcused absences from meetings of the Board. The SBA Executive Council may remove, in writing to the member and the Honor Board Chairperson, the Honor Board Chairperson, member, or alternate upon a 2/3 majority vote, pursuant to the SBA Constitution and By-laws.
- F. Should a permanent vacancy occur for whatever reason in the office of a voting member of the Honor Board, the respective SBA class president shall appoint a permanent voting member of the Honor Board from his or her class and division. Should a permanent vacancy occur for whatever reason in the office of Chairperson of the Honor Board, the SBA President shall appoint a permanent replacement from the SBA Executive Council.
- G. A quorum shall consist of five voting Honor Board members for every non-hearing meeting. A quorum shall consist of the Honor Board Chairperson and eight members for every hearing.

## V. Procedures

- A. Complaint
  - 1. Anyone who has reason to believe that an Honor Code violation has been committed shall promptly report it in writing to the Honor Board Chairperson or to the Associate Dean for Student Affairs.
  - 2. The written report should specify the date(s), time(s), place(s), person(s) involved, potential witnesses, as well as describe the incident(s), and shall be signed and dated by the complainant.
  - 3. Upon receipt of the complaint, the Honor Board Chairperson shall convene the Honor Board within ten class days. At the meeting the Honor Board shall consider the report submitted by the complainant to determine whether the allegations set forth in the complaint constitute a possible violation within the scope of section III.
  - 4. If at least five members of the Honor Board decide that the complaint alleges a possible violation, the Honor Board Chairperson shall select a student to

act as Presenter of Facts, who shall be given in writing the scope of his or her investigation by the Honor Board Chairperson. The Presenter of Facts shall automatically have the authority to investigate any underlying conduct by students, other than the accused, that is relevant to the investigation. During the course of the investigation, if the Presenter of Facts discovers a potential Honor Code violation by other students, the Presenter of Facts must report this conduct to the Honor Board as required under V(A)(1).

5. The Honor Board may choose any student, other than a member of the Honor Board, to act as Presenter of Facts. However, in making this choice the Honor Board Chairperson shall consider the following factors:
  - a. his or her ability to perform the duties of Presenter of Facts with discretion and without prejudice;
  - b. whether personal relations with the accused or known witnesses would inhibit or unduly influence the performance of his or her duties; and
  - c. whether the reported violation occurred during a course or activity in which he or she has an interest.

#### B. Disqualification and Absence of Honor Board Members

1. An Honor Board member shall disqualify himself or herself when an actual conflict of interest exists with the accused or known witnesses in a particular case. An Honor Board member shall make this decision based on whether he or she believes that they can be impartial in face of this conflict of interest. The member shall promptly disclose any potential conflict of interest to the Honor Board, regardless of whether the member disqualifies himself or herself. The Honor Board may disqualify a member from a particular case upon the affirmative vote of five members.
2. Should any Honor Board member be disqualified or disqualify himself or herself from any case, or be unable to attend an Honor Board meeting, the respective SBA class president shall serve as an alternate Honor Board member, and shall serve as a voting member for the duration of the given case or meeting.
3. If the Honor Board Chairperson is disqualified from a particular case or is unable to attend an Honor Board meeting, the SBA President shall serve as the Acting Chairperson.

C. Investigation

1. Within ten class days of his or her appointment, the Presenter of Facts shall contact all relevant witnesses, the accused, and any witnesses then proffered by the accused and shall prepare a written statement of each witness' account of the facts; the Presenter of Facts shall ask each witness to sign and date the statement of his or her account.
2. When the Presenter of Facts contacts an individual, in relation to the underlying conduct, he or she shall inform that individual:
  - a. of the specific charges and course of conduct alleged to constitute a violation of the Honor Code;
  - b. that he or she is entitled to be represented by counsel or other representative;
  - c. that he or she is under no obligation to admit or deny the charges or to make any other statement;
  - d. that any statement he or she makes may be used against him or her; and
  - e. that he or she may plead guilty at any time, in which case the Honor Board shall recommend sanctions as provided in section VI.
3. During the investigation, the accused shall not have the right to be informed of the name of the complainant.
4. All other witnesses contacted by the Presenter of Facts shall be informed of the confidentiality requirement imposed by sections III(L) and V(D)(1).
5. The Presenter of Facts may request, in writing to the Honor Board Chairperson, to expand the investigation to cover activities reasonably related to the underlying allegation if such activities may constitute a separate Honor Code violation. An affirmative vote of five members of the Honor Board is required to expand the investigation, in writing through the Honor Board Chairperson. If the Honor Board finds that the acts are not reasonably related to the underlying allegation, it may, in its discretion, appoint a separate Presenter of Facts pursuant to section V(A)(3-5).
6. Upon completion of the investigation, the Presenter of Facts shall communicate to the Honor Board Chairperson a detailed, written summary of the results of the investigation. If the Honor Board Chairperson has any questions about the results of the investigation, the Chairperson shall request an in-person meeting with the Presenter of Facts to resolve any questions.
7. Upon receiving and reviewing the report of the Presenter of Facts, the Honor Board Chairperson may, instead of setting a date for hearing, dismiss

the charge. However, the matter shall be dismissed if, and only if, the Honor Board Chairperson determines that the investigation has revealed that there is no reasonable basis in fact for the charge. If the matter is dismissed, the Honor Board Chairperson shall state his or her reasons in writing to the Associate Dean for Student Affairs and the accused.

8. If the Honor Board Chairperson does not dismiss the charge, then the Honor Board Chairperson shall set a date for the hearing, to take place within ten class days of the receipt of the summary from the Presenter of Facts. At least six class days before the date of the hearing, the Honor Board Chairperson shall notify the accused, in writing:
  - a. of the date, time, and place of the hearing;
  - b. of the specific charges and course of conduct alleged to constitute a violation of the Honor Code;
  - c. that he or she is entitled to be represented by counsel or other representative;
  - d. that he or she is under no obligation to admit or deny the charges or to make any other statement;
  - e. that any statement he or she makes may be used against him or her; and
  - f. that he or she may plead guilty at any time, in which case the Honor Board shall recommend sanctions as provided in section VI.
9. The Honor Board Chairperson shall also notify all other participants of the date, time, and place of the hearing.

#### D. Hearing

1. The hearing shall be presided over by the Honor Board Chairperson, and shall be attended by the Honor Board members and any relevant witnesses. Except for these witnesses, the hearing shall be closed to the public unless the accused requests a public hearing. A request for a public hearing, or for a separate trial in a case with more than one accused student, must be made in writing to the Honor Board Chairperson at least forty-eight hours prior to the scheduled time of the hearing.
2. At the hearing it shall be the duty of the Presenter of Facts to present the witnesses to the alleged violation and to present, as fairly and objectively as possible, the facts of the case. The accused shall have the right to rebut any testimony presented, and to present his or her defense or proof of such mitigating circumstances as the accused shall deem necessary.

3. All hearings shall be closed to the public, except in the circumstances described in section V(D)(1). No participant in these proceedings shall disclose anything that transpired therein except if a public hearing under section V(D)(1) is held.
4. The hearing shall be recorded on portable media. If the Honor Board makes a guilty determination, the Honor Board Chairperson shall hand deliver the recording to the Chairperson of the Administrative Committee. If the Board makes a not guilty determination, the Honor Board Chairperson shall hand deliver the recording to the Associate Dean for Student Affairs.
5. The hearing shall be conducted under the following rules of procedure:
  - a. The Honor Board Chairperson may admit and give probative effect to evidence, including hearsay, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. It shall give effect to the rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.
  - b. All evidence, including records and documents in the possession of the Honor Board of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
  - c. Every party shall have the right on every genuine issue:
    - i. to call witnesses and present evidence;
    - ii. to cross-examine every witness called by the Honor Board or any other party;
    - iii. to submit rebuttal evidence; and
    - iv. to present summation and argument.
  - d. If at any time during the hearing, any witnesses or counsel for the parties exhibit disrespectful, abusive, or hostile behavior or act in disregard of the dignity of the proceedings, the Honor Board Chairperson, upon his or her discretion, may require any person except the accused to leave the proceedings.
6. At the conclusion of the hearing, the Honor Board shall reach a verdict by a preponderance of the evidence as to the guilt of the accused. A vote of at least five members shall be necessary to find the accused guilty. If the Honor Board reaches a guilty verdict, it shall also vote to recommend sanctions pursuant to section VI, reaching its recommendation by a majority vote. The



Honor Board Chairperson shall not vote for either verdict or for the sanctions to be recommended by the Honor Board.

7. Within five class days of the conclusion of the hearing, the Honor Board shall announce to the accused, in writing, its verdict and the sanctions it will recommend. If the Honor Board makes a finding of guilty, it shall state its reasons in writing to the accused, and shall provide a signed copy to the Administrative Committee Chairperson.

E. Appeals

1. The accused shall have the right to appeal an adverse verdict by the Honor Board to the Administrative Committee within the time and in the manner provided by section V(G) of the Student Disciplinary and Appeals Procedure. The Honor Board's finding of guilt shall not be reversed unless it is found to be arbitrary, capricious, or lacking a substantial factual basis; however, as set forth in section V(G)(5) of the Student Disciplinary and Appeals Procedure, the Administrative Committee reserves the right to hear appeals of an Honor Board's finding of guilt de novo. All sanctions recommended by the Honor Board may be modified by the Administrative Committee following a hearing before the Committee – whether or not the accused appeals. See section VI(B) of the Honor Code.

F. Complaints Against Graduating Students

If a complaint is pending against a student within the last two weeks prior to that student's expected date of graduation the following provisions shall apply:

1. The Honor Board Chairperson shall immediately notify the Associate Dean for Student Affairs that a complaint is pending against the graduating student;
2. The Honor Board Chairperson or Associate Dean for Student Affairs shall then immediately inform the accused:
  - a. that a pending complaint will prevent the accused from graduating unless the matter is resolved by the day prior to the date of graduation; and
  - b. that he or she may immediately request in writing that:
    - i. the matter be turned over to the Administrative Committee for disposition pursuant to section V(F) of the Student Disciplinary and Appeals Procedure; or

- ii. the Honor Board Chairperson forgo the six class day notice requirement and expedite the disposition of the matter.
  3. A request under this provision must be made in writing, with copies to both the Associate Dean for Student Affairs and the Honor Board Chairperson within two days of the date the accused is notified of the pendency of the complaint.
  4. The Associate Dean for Student Affairs or Administrative Committee may, for any reason, deny a request made pursuant to section V(F)(2)(b)(i). The Honor Board Chairperson shall grant any request pursuant to section V(F)(2)(b)(ii) unless it appears to the Honor Board Chairperson that the matter could not be fairly resolved in the period remaining prior to the graduation date.
- G. Complaints Against Students Outside of Spring and Fall Semesters
  1. Subject to the procedures in Section V(F), the Honor Board shall take reasonable steps to proceed with an investigation or hearing that is reported outside of any class days during the Fall or Spring semesters. However, if for any reason conducting the investigation or hearing is not feasible outside of the Fall or Spring semesters, the investigation and/or hearing may be postponed to the Fall or Spring semesters.
- H. Miscellaneous Procedures
  1. At the discretion of the Honor Board Chairperson, time limits for meetings, investigation, and hearing may be extended, in writing to Honor Board members and the accused.
  2. Parties may waive any right herein granted by writing to the Honor Board Chairperson.
  3. All correspondence required or permitted by this Honor Code may be transmitted and signed electronically.
  4. In fulfilling its responsibilities, the Honor Board may seek the advice of counsel for the University of Maryland Francis King Carey School of Law.
- I. Complaints against Master of Science in Law (MSL) students
  1. Any complaint against a student pursuing an MSL degree shall be turned over to the Administrative Committee for investigation and disposition pursuant to section V(B) of the Student Disciplinary and Appeals Procedure.

## VI. Sanctions

- A. If the accused is found or pleads guilty, the Honor Board may recommend any one or more of the following sanctions:
1. permanent expulsion from the University of Maryland Francis King Carey School of Law (only if such decision was reached unanimously by the Honor Board);
  2. suspension for a specified time;
  3. official reprimand to be made a part of the student's permanent records and disclosed to the bar examiners for each state to which the student applies;
  4. in cases of destruction of property, monetary restitution for damage done;
  5. reconsideration by the course professor or competition chairperson of the grade, credit, or position given or to be given to the violator of the Honor Code;
  6. mandatory remedial education or training;
  7. any other resolution which the Honor Board deems appropriate.
- B. The Administrative Committee shall impose such sanctions for a violation of the Honor Code as it deems appropriate. In making this determination, the Administrative Committee shall give serious consideration to the recommendation of the Honor Board. The Administrative Committee shall report its sanction and final disposition of the case in writing to the Honor Board Chairperson.
- C. The sanctions imposed shall be commensurate with the nature of the violation.

## VII. Miscellaneous

- A. The Honor Code may be amended at any time by a vote of two-thirds majority of the SBA Executive Council and concurrence of the Faculty Council. All proposed and adopted amendments shall be communicated to the student body.
- B. This Honor Code shall be the exclusive procedure for handling violations of section II of the Honor Code at the University of Maryland Francis King Carey School of Law. It shall not apply if a complaint is received after a student has graduated.

- C. This Honor Code shall be publicized to the student body as often as is necessary to ensure student awareness of its provisions.

The Student Honor Code

Adopted 1976; amended 1984, 1989, 1990, 1999, 2007, 2013, and 2017.