

# SCHOOL OF LAW HONOR CODES

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## I. Preamble

We, the students at the University of Missouri - Kansas City School of Law, recognizing that the recorded evaluation of our academic pursuits must reflect the products of intelligence guided by integrity, do hereby establish this Honor Code so that all who may inquire can be assured that our individual accomplishments were honestly achieved; and so all who achieve may welcome inquiry. Wherefore we pledge ourselves, each and all, to careers founded in integrity and to the enforcement of the standards herein defined. Each student shall have the affirmative duty of assisting in the implementation of this Code.

## II. Definitions

### 1. **Academic Matter:**

All examinations, writing assignments, and programs or activities (such as Moot Court, Law Review or Urban Lawyer) which in any manner affect or result in a Law School grade or satisfaction of a requirement for graduation.

### 2. **Accused:**

Student who is the subject of a hearing on an Honor Code violation.

### 3. **Class:**

Group of students, based on year in Law School and academic progress. For the purposes of this code, those who are in their post third-year or are working on advanced degrees, shall be deemed third-year students.

### 4. **Gender:**

Any use of grammatical gender reference shall be interpreted as applying equally to males and females.

### 5. **Matter Relating to Academic Credentials:**

Any representation made to any person concerning academic achievements or performance in Law School sponsored programs affecting a requirement for graduation.

### 6. **SBA President:**

President of the Student Bar Association.

### 7. **Student:**

A student (as defined in 200.020.B.8. of the University's Collected Rules and Regulations) at the University of Missouri-Kansas City School of Law.

### 8. **Unauthorized Sources:**

All written material and persons except as otherwise authorized by the instructor.

## III. Violations

### 1. **Jurisdiction:**

Any conduct by a student that tends to gain or give an unfair advantage for any student in any academic matter or in any matter relating to academic credentials is considered unethical and a violation of the Code. It shall not be necessary for the Prosecutor to prove that any advantage was, in fact, achieved. Any conduct by a student impeding the fair operation of this Code is also a violation of this Code

### 2. **Specific Violations:**

Prohibitions of the Code include, but are not limited to, the following:

- During an examination, no student shall have, consult, give to another, receive from another, or solicit from another any information or material unless specifically authorized by the instructor.
- No student shall knowingly convey, directly or indirectly, to another student any information about the contents of an examination that the other student has yet to take.
- No student, with the intent to improve his or her grade, shall convey to
- an instructor any information that tends to identify his or her authorship of an examination yet to be graded.
- No student shall work on his or her examination other than during the time prescribed, nor in a room other than one designated for the taking of the examination.
- For any assignment that counts toward a grade or is required for graduation, no student shall consult unauthorized sources of information.
- No student shall remove or withhold library material from the library, or secrete such material in the library, or destroy or mutilate such material, or use such material in a manner calculated to gain an unfair advantage for either him or herself or another student in connection with any academic matter.
- No student shall make any false representation on a resume, transcript or other written material relating to his or her Law School credentials. Nor may any student falsely represent his or her Law School credentials in any other way to a potential employer or academic institution.
- No student shall plagiarize. Violation of the plagiarism policy adopted by the faculty of the Law School on October 11, 1990 is a violation of the Code. A statement of the offense and definition of plagiarism is incorporated in this Code by reference and linked to this Code at the following Web address: <http://law.umkc.edu/pdfs/plagiarism-policy-and-guidelines.pdf>
- No student other than the accused shall fail to report a suspected violation of this Code or fail to give information about such violation, testify, or attend hearings authorized by the Code, except for good cause shown.

- No student witness shall fail to appear at a hearing held under the Code, unless good cause exists.
- No student shall improperly induce a person not to comply with this Code.
- No student shall fail to use best efforts in the performance of his or her duty under this Code.

3. **Mens Rea:**

Unless otherwise specifically stated in this Code, a student is not guilty of a violation unless he or she acted knowingly or recklessly with respect to each material element of the violation.

4. **Specific Exclusions:**

The Code does not cover:

- Infractions of rules limiting smoking, soft drinks and coffee, etc., to certain designated examination rooms.
- Disciplinary matters not related to academic credentials or academic matters. The University of Missouri Standards of Conduct details these matters not covered by this Honor Code.

## IV. Honor Court and Prosecutor

.01 Honor Court. There shall be a body known as the Honor Court composed of a Chief Justice and four Associate Justices. The Chief Justice shall be selected by a majority vote of the entire Court to serve at the pleasure of the Court.

The Honor Court shall hear all cases involving alleged violations of this Code by students, excepting those cases disposed of informally per 6.03. The proper Court to hear a charge shall be the Court sitting at the time of the hearing rather than at the time of the violation. The Court shall also make advisory opinions.

Four (4) Justices shall constitute a quorum. Each of the justices shall have one (1) vote. The Chief Justice shall be entitled to vote on all matters before the Court.

The Chief Justice, or his or her designee, shall inform new students of this Code during orientation. A copy of the Code shall be published in each edition of the Law School Student Handbook and available in the law building in the Dean's office.

.02 Student Prosecutor. There shall be a Student Prosecutor and an Assistant Student Prosecutor. The Prosecutor shall conduct investigations and present the case against the accused. The Student Prosecutor shall not make plea agreements at any time.

## V. Appointments and Qualifications

.01 General. The Justices of the court shall be two third-year students, two second-year students and one first-year student. There shall be alternate justices in the same number and composition.

The Student Prosecutor shall be a third-year student. The Assistant Student Prosecutor shall be a second-year student.

.02 Appointment and Term of Office:

1. Justices. One first-year justice, one first-year alternate justice, one second-year justice, and one second-year alternate justice will be selected by the SBA President on the basis of applications submitted to him or her. The selection will be made at the first SBA meeting of the fall semester that includes the first-year representatives.

Justices will serve three one-year terms unless they re-sign, graduate, are removed for cause or become otherwise ineligible. Justices who graduate may serve until the first-year justices are appointed.

Justices seated at the time this Code becomes effective are deemed to have been appointed in accordance with this section.

2. Prosecutor. The student prosecutor shall be the person who was the assistant student prosecutor during the previous academic year, provided, however, that if that person is no longer eligible, the SBA President shall select a student prosecutor. The selection of the assistant student prosecutor shall be made by the SBA President before the end of winter semester classes. Selections shall be made on the basis of the designee's class for the following year.

The Prosecutor's term of office shall begin on the first day of the summer session, provided, however, that cases arising before or during the winter semester final examination period shall be conducted by winter semester office-holders.

.03 Forfeiture of Office for Cause. A student is ineligible to continue as a Justice, Prosecutor or an alternate if he or she is placed on academic or disciplinary probation, or if for any other reason his or her continuation in office may not be in the best interest of the School of Law as determined by the Board of Governors.

.04 Disqualified from Duty. Justices or Prosecutors shall disqualify themselves from performing their duties when they feel that they cannot impartially perform those duties. The accused can raise or suggest grounds for such disqualification of a justice. The failure of Justices to disqualify themselves may be raised on appeal as a possible abuse of discretion.

Disqualification of a Justice or Prosecutor creates a temporary vacancy and shall be filled pursuant to 5.05(b).

.05 Vacancies.

1. Permanent Vacancies. If by graduation, or for any other reason, a permanent vacancy occurs during a normal term of office, such vacancy shall be filled in a manner consistent with 5.01. If for any reason a vacancy is not filled when needed, it may be treated as a temporary vacancy and filled as prescribed. 5.05(b).
2. Temporary Vacancies. Vacancies that are created when a student is unavailable, disqualifies him or herself or the Court sustains a challenge for cause, shall be filled by the SBA President who shall ask the alternate from the same class to serve. If the alternate is not available, the SBA President shall select another member of the class who is not ineligible to serve.

## IV. Violation and Investigation Reports

.01 Reports Made. Any person may report a suspected violation of the Honor Code. Reports may be made to either the SBA President or to the Associate Dean.

If reported to the SBA President, the SBA President shall notify the Associate Dean of the report of a suspected violation as soon as possible.

.02 When Made. Reports of suspected Honor Code violations must be made within 45 days of the discovery of the suspected violation.

.03 Informal Disposition or Submission of Case to Student Prosecutor. The Associate Dean shall have the authority to investigate the reported suspected violation of the Honor Code before initiating formal disciplinary procedures and give the student the opportunity to present his/her personal version of the incident or occurrence. After doing so, the Associate Dean may, for good cause shown, informally dispose of the case, and, after explaining to the student the various options available, shall fix a reasonable time within which the student suspected to have violated the Honor Code shall accept or reject a proposed informal disposition. If no informal disposition is deemed appropriate by the Associate Dean or the student rejects a proposed informal disposition, the Associate Dean shall notify the student prosecutor of the report of a suspected violation of the Honor Code. Should the Prosecutor disqualify him or herself pursuant to 5.04, the SBA President shall fill the temporary vacancy pursuant to 5.05(b). Any statements made by the student suspected of violating the Honor Code to the Associate Dean in the course of the informal disposition process shall not be communicated to the student prosecutor or be admissible against the student in subsequent Honor Court proceedings.

.04 Investigation by the Prosecutor. Upon notification by the Associate Dean of the report of a suspected violation of the Honor Code, the Prosecutor shall conduct an investigation.

Any student called upon to supply information relevant to the investigation, other than the accused, shall comply as fully as possible.

At the completion of the investigation, if the Prosecutor feels the evidence is insufficient to justify prosecution.

The Prosecutor shall so notify the SBA President and the Associate Dean, and with their concurrence the case may be dropped.

If the Prosecutor determines that probable cause exists to prosecute a person for a violation of the Honor Code, he or she shall send notice of this finding to the Associate Dean of the Law School.

.05 Submission of Case to Grand Jury.

1. Upon notice that the Prosecutor has determined that probable cause exists to prosecute a person for a violation of the Honor Code, the Associate Dean shall convene a grand jury hearing.
2. The Associate Dean shall select six names at random from the Law School student body. The Associate Dean shall summon the people selected to attend a meeting with himself and the SBA President. At this meeting the Associate Dean shall inform the students selected that the first three qualified students selected will be required to serve on a grand jury to determine whether or not probable cause exists to believe the Honor Code has been violated. The Associate Dean may excuse any grand juror for cause and replace that grand juror with an alternate. The Associate Dean shall inform the grand jury of their membership on the grand jury and all grand jury proceedings are confidential. The SBA President and the grand jurors shall select a date, time and place for the grand jury proceeding, providing that the selection of such a date will not unreasonably delay the Honor Court proceedings. The SBA President shall inform the Chief Justice and the Prosecutor of the date of the hearing.
3. The Prosecutor shall have the duty of providing the Chief Justice with a copy of the items of evidence that form the basis for his or her determination that probable cause exists to prosecute for a violation of this Honor Code. The copies provided by the Prosecutor to the Chief Justice shall have all identifying characteristics removed except as necessary to establish probable cause that a violation of this Code has been committed. The Prosecutor shall place a copy of these items of evidence and a summary of why he or she believes probable cause exists in a signed and sealed envelope. The envelope of evidence shall be delivered to the Chief Justice before the grand jury proceeding. If the suspected violation is plagiarism, the Prosecutor shall provide the Chief Justice with the original sources that the grand jury needs to adequately evaluate the evidence provided in the packet. The Chief Justice shall make arrangements to provide the grand jury with the source material. This packet shall also contain a form for the grand jury to report its findings.  
The investigative power of the grand jury is strictly limited to the evidence presented by the Prosecutor. The grand jury shall not independently investigate the matter. The grand jury may submit written questions to the prosecutor through the Chief Justice.
4. The Chief Justice of the Honor Court will initiate the grand jury proceeding by informing the grand jury that the grand jury proceedings are to be confidential. The Chief Justice should elicit from the grand jurors signed statements that the grand jurors understand fully the duty of confidentiality. The Chief Justice shall advise the students that the information presented to the grand jury will be known only to the student prosecutor and themselves and that a breach of confidentiality may be an Honor Code violation.

5. After the Chief Justice has fulfilled the obligations imposed by section (d), he or she should give the grand jury the sealed envelope provided by the Prosecutor containing the evidence and remove him or herself from the grand jury proceedings.
6. After the Chief Justice has left the grand jury room, the grand jury will break the seal on the evidence envelope and examine the contents. The grand jury shall examine the evidence and determine whether probable cause exists for finding a violation of this Code. A decision shall be made within a reasonable period of time, not to exceed ten (10) days.
7. The finding of probable cause or the lack of probable cause will be determined by a majority vote of the grand jurors. This vote is binding on all members of the grand jury.
8. After the grand jury has reached a decision, it shall record that decision on the form provided for such purpose in the envelope described in 6.04(c) and sign it. The evidence shall be returned to the envelope provided by the Prosecutor, sealed, and signed. The envelope shall be delivered to the Chief Justice in a place and manner prescribed by the Chief Justice.
9. The Chief Justice shall deliver the envelope with the grand jury finding to the Associate Dean. The Associate Dean shall break the seal on the envelope in the presence of the Prosecutor who shall verify that the envelope contains all the items of evidence the Prosecutor originally placed in the envelope.
10. The Associate Dean shall reveal the finding of the grand jury only in furtherance of the procedures of this Honor Code and then only to the necessary parties.

.06 Hearing Date and Notice. A hearing shall be held as soon as possible after the grand jury has determined that there is probable cause to believe the accused has violated the Honor Code. In no case shall more than 45 days elapse between the suspected violation report and the hearing, unless a later date is agreed upon by the Prosecutor and the student charged.

The student shall be notified of a hearing in writing by the Chief Justice. The notice shall set forth the date, time and place of the alleged violation, the conduct to be inquired into, and the date, time, and place of hearing before the Honor Court. The notice shall be given at least seven (7) days in advance of the scheduled date of the hearing, unless a shorter time be fixed for good cause.

## **VII. Hearing Procedure**

.01 Confidentiality. Honor Court hearings shall be closed to the public unless the accused requests a public hearing, in which case one shall be provided. An audio recording shall be made of the proceeding and shall become part of the record.

.02 Ex Parte Communication. Except as to procedural matters, there shall be no ex parte communication with any Justice by the Prosecutor, by defense counsel or by the accused.

.03 Pre-Trial Motions. All pre-trial motions, including motions in limine, shall be in writing and given to the Chief Justice at least four days prior to the hearing. The Court may set a time limit on hearing pre-trial motions. The Court shall hear pre-trial motions no later than the day before the trial.

.04 Evidence. A student defendant or prosecutor appearing before the Honor Court shall have the right to present any evidence by witness or affidavit relating to any charge or defense. The formal rules of evidence shall not apply and the Court may consider relevant testimony of witnesses, affidavits, written reports, and any other relevant evidence.

.05 Witnesses. At least two (2) days in advance of the scheduled date of the hearing, witnesses shall be notified by the party calling them of their obligation to appear. Witnesses shall bring with them whatever documentation is requested. Failure of a student witness to appear, without good cause, is a violation of this Code.

The Prosecutor may not call the defendant as a witness. The defendant may elect to testify or not, as he or she chooses. No unfavorable inference may be drawn should the defendant choose not to testify.

.06 The Court. The Chief Justice shall preside at the hearing. The Prosecutor shall present the case against the accused. The accused may represent him or herself or may be represented by an advisor or legal counsel.

.07 The Hearing. The Prosecutor shall make an opening statement and present the evidence against the accused. The Accused or his or her representative may elect to make an opening statement either at the conclusion of the Prosecutor's opening or after the Prosecution's evidence has been presented. At the conclusion of the Prosecution's case-in-chief, the accused may present his or her evidence.

Each party shall have the right to cross-examine the opposing party's witnesses. Either party may present further rebuttal evidence when, in the discretion of the Chief Justice such evidence is relevant and will not unduly delay the proceedings. After all evidence has been presented, the Prosecutor may make a closing argument, if so elected, the Prosecutor may present a rebuttal.

.08 Court's Decision. The Court shall promptly deliberate and make its findings and determinations in executive session. If seventy-five percent (75%) of the members of the court find by clear and convincing evidence that the accused has committed the violations charged, it shall recommend to the Dean one or more of the sanctions prescribed in 8.02, subject to the mitigating circumstances exception in 8.03.

If at all possible, the Court shall render a decision immediately following its deliberations. In no event shall its decision be announced later than three (3) days following the conclusion of the hearing. An oral presentation of the Court's findings and recommendations is permitted following the hearing,

but a written report including findings of facts, conclusions and recommended disposition shall be filed within one week after conclusion of the hearing. Concurring or dissenting opinions may be filed according to the same terms.

The report of the Court, including any concurring or dissenting opinions, and the entire record of the proceedings shall be submitted to the Dean and the accused as soon as possible after issuance.

.09 Procedural Questions. Procedural questions arising during the course of proceedings that are not covered by these rules shall be resolved by the Chief Justice. All objections concerning procedure shall be made/raised in writing to the Chief Justice. The Chief Justice shall answer all objections in writing and forward both the objection and the decision to both the Prosecutor and defense counsel and to all other justices sitting on the Court for that hearing.

The decision of the Chief Justice on a procedural question may be challenged by the accused, the prosecutor, or a sitting member of the Court. The Chief Justice shall present any challenge to the sitting Court and the ruling of the majority of the Court shall be final. There shall be a form, prepared by the Chief Justice, for appealing a procedural decision. The party challenging the decision shall complete the form and forward a copy to all sitting justices. All such challenges must be made on a timely basis.

.10 Review of Record by Dean. Upon receipt of the Court's report, the Dean will, within a reasonable amount of time, review the entire record, including the Court's findings of facts, conclusions and recommendations and render a decision in the case.

The Dean may remand for further consideration of specific issues. A decision by the Dean to remand shall include a list of questions for the Court. The Court shall then respond in writing within fourteen (14) calendar days. The Dean may not reverse a finding of not guilty by the Court.

The Dean's decision shall be transmitted in writing to the accused and to the Chief Justice of the Honor Court. Where the accused has been found guilty by the Court, a copy of the Dean's decision will be placed in the student's official file.

## VIII. Sanctions

.01 Report of Misconduct. Where a finding that the accused has violated the Code has been made, the misconduct may be called to the attention of the proper University authorities, Bar authorities or any other affected parties for appropriate action.

.02 Sanctions. The following sanctions may be recommended by the Court to the Dean and imposed by the Dean:

1. Expulsion. Permanent separation of the student from the School of Law.
2. Dismissal. An involuntary separation of the student from the School of Law. It does not imply or state a minimum separation time.
3. Suspension. Separation of the student from the School of Law for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
4. Probation. Disciplinary probation, subject to any appropriate terms or conditions.
5. Reprimand. Written or oral reprimand.

.03 Mitigating Circumstances. When considering a recommended sanction upon finding that a violation has occurred, the Court may consider mitigating circumstances such as, but not limited to, any physical, mental, financial, or emotional problems of the accused. If the severity of mitigating circumstances requires, the Court may recommend no sanction be levied on the accused, even though a violation has occurred.

If the Court considers mitigating circumstances when recommending a sanction, the written report of the Court shall include a full explanation thereof.

## IX. Appeals

.01 Right to Petition for Review (other than dismissal or suspension). In all cases where the discipline imposed by the Dean is other than dismissal or suspension, the accused may petition the Chancellor in writing for a review of the decision within ten (10) consecutive calendar days after notification. A copy of the Petition for Review must also be served upon the Dean within such time. The Petition for Review shall state the grounds or reasons for review, and the Dean may answer the petition within ten (10) consecutive calendar days if he or she so desires.

The Chancellor or his or her designated representative may grant or refuse the right of review. In all cases where the Petition for Review is refused, the decision shall be final. If the Chancellor or representative reviews the decision, the action of the Chancellor shall be final unless it be to remand the matter for further proceedings.

.02 Right of Appeal (dismissal or suspension only). When a student is dismissed or suspended from the University for an Honor Code violation by the Dean, the student may appeal such decision to the Chancellor within twenty (20) consecutive days after notification of the decision of the Dean. A copy of the notice of appeal will contemporaneously be given by the student to the Dean. The student may file a written memorandum for consideration by the Chancellor with the notice of appeal, and the Chancellor may request a reply to such memorandum by the appropriate party. The Chancellor or his/her designee shall review the full record of the case and the appeal documents and may affirm, reverse, or remand the case for further proceedings and shall notify the Dean and the student in writing of the decision on the appeal. The action of the Chancellor shall be final unless it be to remand the matter for further proceedings.

.03 Status During Appeal. In the cases of suspension or dismissal where a notice of appeal is filed within the required time, a student may petition the Chancellor in writing for permission to attend classes pending final determination of appeal. The Chancellor may permit a student to continue in

school under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not seriously disrupt the University or constitute a danger to the health, safety or welfare of the University community. In such event, however, any final disciplinary action imposed shall be effective from the date of the action of the Dean.

## **X. Advisory Opinions**

- .01 When required to do so, the Court may render advisory opinions on matters relating to the application of the Code.
- .02 A box shall be located in a public area of the Law School for the purpose of receiving written requests by students of the Law School for advisory opinions.
- .03 The Honor Court shall submit its advisory opinion, in writing, to the Dean and the SBA President.
- .04 The Dean, within a reasonable time, shall respond to the advisory opinion.
- .05 The advisory opinion and the Dean's response shall be appropriately posted and made available to the students in the library.
- .06 Conduct consistent with an advisory opinion shall be presumed not to be in violation of the Code.

## **XI. Amendments**

- .01 Amendments to the Honor Code may be proposed by petition of any ten (10) students, by the Board of Governors of the Student Bar Association on its own motion, or by petition of a majority of the Honor Court.
- .02 A proposed amendment shall be adopted if at the adoption election at least two-thirds (2/3) of the students voting shall vote favoring the proposed amendment.

## **XII. Adoption**

This Honor Code shall be in effect when approved by a two-thirds vote of the students voting, by the Dean of the School of Law, the Chancellor, and by the Board of Curators.