



ASU LAW ACADEMIC INTEGRITY CODE

ACADEMIC YEAR 2020-2021

I. Preamble

This Academic Integrity Code (AIC or Code) is intended to preserve the integrity of the educational process at the Sandra Day O'Connor College of Law, to promote principles of ethics and professional responsibility, and to ensure an environment in which students can advance their education fairly and confidently. In addition, integrity and honesty are important elements of every state's bar admissions process.

The Code is not self-enforcing, nor can it be enforced by the faculty or administration alone. Its value depends upon the commitment of students to its norms. Not only must students observe it individually, but they should actively discourage their peers from committing any ethical or academic violation. We expect any student who has personal knowledge of an AIC violation to report that violation to the dean's designee.

This Code applies to all students taking a course at ASU Law, regardless of the degree program in which they may be enrolled. Any student with questions about possible violations may confidentially communicate with the dean's designee in person or in writing. To learn the name of the current dean's designee, please contact the law school's Director of Student Services.

II. Scope of Coverage

This Code covers dishonesty concerning the educational programs of, requirements for admissions to, and graduation from the College of Law, as well as statements or representations regarding qualifications or recognitions.

Students are also subject to ASU's Student Code of Conduct, which among other things prohibits engaging in conduct that constitutes discrimination or harassment on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status, or socioeconomic status and may be subject to discipline by the University according to ASU's Student Code of Conduct Procedures.¹ Anyone who becomes aware of such conduct by a student should contact the law school's Director of Student Services or report it directly to the Dean of Students Office.²

III. AIC Norms

Unless otherwise specified, a purposeful, knowing, or reckless act or omission concerning the educational programs of, requirements for admission to, and graduation from the College of Law, as well as false statements or representations regarding qualifications or recognitions, violate the AIC. Except for plagiarism, which is a strict liability rule, negligence is insufficient to constitute a violation of the AIC.

¹ The University's Student Code of Conduct and procedures can be found at <https://eoss.asu.edu/dos/srr/codeofconduct>.

² Information about the Dean of Students Office may be found at <https://eoss.asu.edu/dos>.

Prohibited acts include but are not limited to:

- A. Providing or accepting assistance that is not authorized by the instructor on examinations, papers, or other course work.

Example:

- Student A takes an exam on Wednesday. Student B is scheduled to take the same exam on Thursday. A calls B on Wednesday night, and they discuss the exam. Both A and B have violated the AIC.
- Student C asks another law student or an individual who is not a law student for assistance in proofreading the student's paper. The instructor has prohibited any individual other than the instructor or teaching assistant from providing any assistance with writing the paper. Student C has violated the AIC

- B. Violating rules governing examinations. Notes, outlines, books, internet-based resources, persons, or other sources may not be consulted during an examination unless the instructor gives prior authorization.

Examples:

- An instructor allows outlines at an examination only if solely prepared by the individual. Student D copies another student's outline and uses it during the exam. D has violated the AIC.
- Student E shares an old examination with Student F. The exam is not available through official law school sources. Both E and F have violated the AIC.
- Student G continues to work on an exam after the proctor had called time. Student G has violated the AIC.
- Student H uses unauthorized materials or consults an unauthorized person during a remote exam. Student H has violated the AIC.

- C. Plagiarism. Plagiarism is representing the words or ideas of another as one's own. Quoting or paraphrasing another's writing without acknowledging the author's identity is a form of plagiarism. Plagiarism is a strict liability offense. Ignorance as to the meaning of plagiarism is not a defense. The rules against plagiarism apply equally to drafts and final versions of a document. If you have questions about a specific assignment, you should speak with your professor. Additional resources can be found at <https://provost.asu.edu/academic-integrity/resources/students> and <https://libguides.law.asu.edu/legalwriting/plagiarism>.

Examples:

- Student I borrows language from a judicial opinion to use in I's law review note. I does not put the language within quotation marks and does not cite the source. I has plagiarized even though I mistakenly thought that the language could be used freely because judicial opinions are in the public domain. Accordingly, I has violated the AIC.
- Student J, writing a paper for a seminar, rephrases a passage from a law review article and fails to cite the source. J has violated the AIC.

D. Submitting the same or substantially the same work for credit in more than one course without first obtaining permission from both faculty members to do so.

Examples:

- Student K submits a paper previously submitted in an undergraduate course to fulfill the writing requirement for a law class. K has violated the AIC.
- Student L submits a paper that contains substantially the same research as used for a graduate course to fulfill the writing requirement for a law class. L has violated the AIC.
- Student M submits a paper for a seminar. After receiving permission from both the professor who taught the seminar and the professor supervising the independent study, Student M reuses portions of the seminar paper as the basis for the independent study paper. Student M completes sufficient additional new work as part of the independent study to earn credit. Student M has not violated the AIC.

E. Giving information that is false or deceptive to the faculty, staff or administration of the University, including tampering with evidence, or inducing another to testify falsely or to withhold testimony.

Examples:

- Student N changes the grade on an undergraduate transcript before submitting an application to the law school. N has violated the AIC.
- Student O requests a deferral for an exam, claiming a serious illness in the family when there is no such illness. O has violated the AIC.
- Student P, who is accused of an AIC violation, convinces a friend, Q, to claim that Q doesn't remember anything when called upon to testify at P's hearing. P and Q have violated the AIC.

- Student R marks or signs the name of a friend who missed class that day on a class attendance sheet. E has violated the AIC. If the friend asked for the favor, the friend has also violated the AIC.

F. Including false or misleading information or omitting relevant information from a résumé or cover letter.

Examples:

- Student S's résumé intentionally misstates S's cumulative GPA. S has violated the AIC.
- Student T received an A+ in a course but was not awarded the CALI Award in that course. Student T's cover letter states that T has received a certain number of CALI Awards, which includes that course. Student T has violated the AIC.
- Student U's résumé fails to disclose that U transferred from another law school and lists only the Sandra Day O'Connor College of Law. Student U has violated the AIC.
- Student V was not ranked by the College of Law, but Student V approximated and listed on V's résumé a class rank based on published percentiles. Student V has violated the AIC.

G. Accusing a student of violating the AIC with knowledge that the accusation is false.

Examples:

- Student W submits a written accusation of an AIC violation alleging that Student X cheated on an exam. Student W did so in an attempt to harm Student X because of a personal grievance and has no reason to suspect that Student X cheated. Student W has violated the AIC.
- Student Y submits a written accusation of an AIC violation alleging that Student Z continued to work on an exam after time had been called. In fact, Student Z had finished the exam, exited Examsoft and was sending an email to a friend; therefore, Student Z did not violate the AIC. Student Y also did not violate the AIC because Y's accusation was not knowingly false.

IV. Potential Sanctions

A. The following sanctions may be imposed for violating the AIC:

1. Reduced or failing grade for a given assignment;

2. Reduced or failing grade for the course;
3. Withdrawal of credit for a previously approved course or requirement;
4. Suspension from the College of Law;³
5. Expulsion from the College of Law without expectation of readmission; and/or
6. Other sanctions as deemed appropriate by the dean's designee, the AIC Board, or the dean.

V. Procedures

A. AIC Inquiries

1. The faculty member assigning work has the primary responsibility for adequately informing students of the rules under which an assignment should be completed.
2. Any student who has a question about the interpretation of the AIC as it applies to a particular assignment should ask the faculty member who assigned the work. If the faculty member is unable to assist the student in applying the AIC, the student should seek the advice of the dean's designee.
3. Any student who has a question about the AIC's application, generally, should seek the advice of the dean's designee.

B. Initial Reporting to the Dean's Designee

1. Any individual who believes that a student violated the AIC may report the matter to the dean's designee. While the dean's designee may urge the individual to move forward with a written complaint, the dean's designee cannot require an individual to do so. The dean's designee cannot proceed with an AIC complaint unless someone formally initiates the AIC process as described below.

C. Grading Consequences of Potential AIC Violations

1. If an instructor deducts points or otherwise lowers a grade for an academic defect that the instructor recognizes may amount to an AIC violation, but where that instructor declines to proceed with an AIC complaint, the instructor must give the student and the dean's designee notice of the reason for the deduction or decision to lower the grade. The student may appeal such a result by sending the dean's designee an email to that effect. This will trigger the AIC process.

D. Formal Institution of the AIC Process

³ Students who are suspended from the College of Law must apply for readmission and provide appropriate information and documentation.

1. Any person who wishes to institute the AIC process must submit a signed written statement or send an email from the sender's ASU email account, if the sender has one, to the dean's designee alleging a violation of the AIC in sufficient detail to permit the dean's designee to proceed with an investigation and to provide the accused adequate notice of the nature of the alleged violation. If the complaint is insufficiently detailed to permit the investigation to proceed, the dean's designee shall contact the individual who submitted the complaint and ask for supplemental information in writing.
2. Once a complaint has been submitted, the dean's designee will determine whether the allegations warrant an investigation. If the dean's designee determines that an investigation is warranted, the dean's designee shall notify the accused that a complaint has been submitted and that the accused has the right to have an advisor of their choosing present at any discussions with the dean's designee. The dean's designee will also inform the dean of the nature and circumstances of the complaint, including the name of the accused.
3. The dean's designee shall investigate the allegations, analyze whether the student violated the AIC, and recommend the appropriate sanction(s), if any. The dean's designee may, but is not required to, interview the complainant, the instructor, the person accused, and any other person who may have knowledge or information that will assist the dean's designee in the investigation. The dean's designee will inform all witnesses interviewed that AIC inquiries are confidential and should not be discussed and that the witness should not expect to receive any further information regarding the inquiry, including the result.
4. In analyzing both whether the AIC has been violated and what the sanction(s) should be, if any, the dean's designee may confer with the law school administration regarding both interpretation of the AIC and sanctions imposed in past cases. The dean's designee should use the preponderance of the evidence standard in determining whether a violation has occurred, keeping in mind, however, the potentially significant consequences to the accused of a determination that he or she violated the AIC. In suggesting the sanction(s), if any, the dean's designee may consider the severity of the violation, intent, past violations, and evidence that the accused has accepted responsibility and shown remorse. In all events, the dean's designee shall prepare a written report that summarizes the basis for the recommendation to the dean of whether the AIC has been violated and the recommended sanction(s), if any.
5. In rare and unusual circumstances, notwithstanding a preliminary conclusion that a minor and/or unintentional violation may have occurred, the dean's designee may decide that no violation has occurred, to avoid grossly unjust consequences, and after consultation with the dean.
6. Before sending a report containing the recommendation to the dean, the dean's designee will provide the student a draft of the report. The student will have five (5)

business days after the dean's designee sends the report to respond or propose edits to the report before the dean's designee forwards it to the dean.

7. After the accused has had the opportunity to comment upon the draft report, the dean's designee shall make changes, if appropriate, and forward the report to the dean, who shall render a written decision affirming, denying, or accepting the report with modifications within twenty (20) business days of receiving it.
8. If the dean determines that a violation has occurred, the dean's designee will provide a copy of the report and the dean's determination to the accused and advise the accused of the following available options:
 - a. The accused may accept the dean's determination.
 - b. The accused may appeal the decision by submitting written notice of the appeal to the dean's designee within ten (10) business days of receiving notification of the dean's determination. The accused may appeal the determination that a violation occurred, the sanctions imposed, or both. Failure to appeal within the appropriate time frame will be deemed acceptance of the determination and sanction(s).
9. If the accused accepts the dean's determination, the sanction(s) will be imposed, and the law school will retain a copy of the report. A faculty or staff complainant will be notified of the determination.
10. The AIC Board (the "Board") shall be a standing committee of the College of Law. The Board shall consist of three law school faculty, appointed annually, and two students appointed on an ad hoc basis. The dean shall appoint one of the faculty members on the Board to chair the Board with due consideration of the quasi-judicial function of the Board and the fact that the accused may be assisted by an advisor. If the faculty appointed to the Board are unavailable for a particular hearing, or if there is a conflict, the dean will appoint substitute members.
11. If the accused appeals the dean's determination within ten (10) business days of being notified of the decision, the dean's designee will forward a copy of the written complaint, the report, and the accused's written notice of appeal to the Chair of the Board, along with the dean's decision. The dean's designee will also inform the dean that the decision has been appealed.
12. During the AIC hearing, the dean's designee will present the case in support of the determination. Neither the dean's designee nor the accused will be limited to the evidence available at the time of the original determination. The rules of evidence for the hearing are detailed in Section F of this Code.

E. Board Procedures

1. Pre-hearing Procedures

- a. Once a matter is submitted to the Board, the Chair shall schedule a hearing within fourteen (14) calendar days. The Chair may extend the fourteen-day period upon agreement of the dean's designee and the accused or for good cause in the eyes of the Chair.
- b. The Chair shall provide notice to the accused at least seven (7) calendar days before the hearing date and shall include the following:
 - i. A statement of the date, time, and location of the hearing;
 - ii. A statement of the alleged violation of the AIC;
 - iii. Notice that the accused may have an advisor at the hearing but that the advisor may not address the Board without the Chair's permission, which should not be unreasonably withheld;
 - iv. A copy of the AIC; and
 - v. A list of the members of the Board.
2. No later than five (5) business days before the hearing, the dean's designee and the accused shall exchange and submit to the Chair a list of witnesses who may be called to testify at the hearing.
3. The accused may submit a written statement challenging the participation of any member of the Board on the grounds of bias against the student. Such written statement must be submitted to the Chair at least three (3) calendar days before the hearing. The statement must set forth the grounds of the challenge. The Chair shall rule on the challenge unless the challenge is to the Chair, in which case the dean shall designate a Board member to rule on the challenge.
4. At the request of the dean's designee or the accused, the Chair may require the attendance of any witness who is a student or employee of the College of Law or the University. Other witnesses may be called to appear, but cannot be required to appear.
5. The dean's designee and the accused may agree to alter the deadlines described above with permission from the Chair. Deadlines may be waived before or after the deadline has passed, and the Chair shall accede to any reasonable request to waive a deadline.

F. Hearing Procedures

1. The purpose of the hearing is to formulate a recommendation to the dean as to (1) whether a violation of the AIC has occurred, and (2) if a violation has occurred, the appropriate sanction(s).
2. The hearing shall be closed and recorded electronically or otherwise. In appropriate cases and when the Chair approves in advance, the hearing may take place online via

videoconference, with the understanding that technology has limits and that in-person hearings are preferred. The accused may ask for a copy of the recording but will be responsible for its cost, if any.

3. The Chair shall preside at the hearing and shall rule on all procedural matters. The formal rules of evidence will not apply, although the Chair may consider objections to the introduction of specific statements or documents. Irrelevant, immaterial, privileged, or unduly repetitious information will be excluded.
4. Information regarding prior violations or informal resolutions of previous allegations may not be used as proof of a current violation, but they may be admitted for other purposes, such as to show that the student had prior experience relevant to the allegations or to show that the student had been informed previously that the conduct was unacceptable. The Board may also consider information regarding prior violations in determining an appropriate sanction.
5. The accused may ask to be accompanied by an advisor, but the advisor may not directly address the Board unless the Chair determines that such direct address is necessary or appropriate. The Chair should accede to all reasonable requests from the accused.
6. Witnesses are to be excluded from the hearing room unless they are being questioned.
7. The dean's designee and the accused may each make a brief opening statement at the beginning of the hearing.
8. After any opening statements, the dean's designee shall present the evidence that supports the charges and any proposed penalty. The dean's designee shall bear the burden of showing by a preponderance of the evidence that the accused violated the AIC. However, while they consider the evidence, the Board members should keep in mind the potentially significant consequences to the accused of a determination that he or she violated the AIC. The accused may cross-examine any witnesses presented by the dean's designee.
9. Following presentation of evidence by the dean's designee, the accused may present evidence. The dean's designee may cross-examine any witnesses offered by the accused. With the permission of the Chair, rebuttal witnesses may be called, and the Chair may alter the order of the presentation of evidence.
10. Board members may question any witness, including the accused if the accused testifies.
11. After the evidence has been presented, the dean's designee and the accused may each make a closing statement.

G. Post-Hearing Procedures

1. At the conclusion of the hearing, the Board shall meet to assess the evidence

presented during the hearing and draw all reasonable inferences therefrom. By simple majority, the Board shall determine whether the accused violated the AIC and, if so, recommend appropriate sanction(s). The Board shall provide the dean and the accused a written report, signed by the Chair, within five (5) business days of the hearing. The report should explain the basis for the Board's determination and any recommended sanction(s). Any dissenting votes and the rationale therefore, whether regarding the existence of a violation or the propriety of any sanction(s), will be reflected in the report.

2. The dean will render a written decision affirming, denying, or accepting the Board's report with modifications within twenty (20) business days of receiving the report. The dean may increase or decrease the penalty proposed in the Board's report. If the dean increases the penalty, the dean must notify the accused and remand to the Board for additional proceedings. The Board may only choose between the original sanction(s) and the dean's proposed sanction(s). The Board's decision at this subsequent hearing shall be final, subject only to appeal to the Provost's Office as described below.
3. The dean's (or, in appropriate cases, the Board's) decision is final, except that, when the sanction imposed is suspension or expulsion from the College of Law, the accused may appeal the decision to the Provost's Office within ten (10) business days of the written decision. Appeals to the provost will be handled under the rules set forth in the university's [Student Policy on Academic Integrity](#).
4. Once the decision is final, the sanction(s) will be imposed, and the final decision will be sent to the dean's designee and the accused. The College of Law will retain a copy of the decision.