

# The Honor Code

## **Preamble**

The Honor Code is predicated on the assumption that the conduct of students at the College of Law will at all times reflect the standards of integrity expected of entrants to the legal profession. The speech and conduct of students at the College of Law are governed by the Honor Code and all students are responsible for knowing and abiding by the Honor Code.

Students at the College of Law are also expected and indeed required to comply with the [University's Student Code of Conduct](#). This Student Code of Conduct establishes the rules of intellectual honesty, self-discipline and respect for the rights of all individuals necessary in a university community dedicated to the advancement of all persons.

## **Section 1: Statement of Purpose**

A. A law school prepares students for entry into the legal profession and educates students in the history, philosophy and practice of law and legal norms. The integrity of one's words and actions are of utmost importance to this educational endeavor; both as a model for norms that are expected in the profession and which are vital to any academic institution where the free exchange of ideas and the advancement in one's studies requires trust that one's ideas or accomplishments will not be stolen or misused by others. The Honor Code is just one element in establishing such a culture of trust, albeit an important one. The Honor Code articulates standards and establishes rules to govern student conduct at the University of Arizona College of Law and provides procedures for their administration and the adjudication of any infractions.

B. The Honor Code particularly governs student conduct with respect to academic integrity.

C. The Honor Code is also intended to promote an atmosphere of confidence and trust among students.

## **Section 2: The Honor Pledge**

Every student at the College of Law pledges not to participate in or tolerate academic dishonesty.

## **Section 3: Scope**

A. While the Honor Code provides guidance for many aspects of life at the College, the Code governs academic conduct including all assignments, examinations, papers, and projects submitted for academic credit or as part of classes or activities for which academic credit is sought or granted.

B. Jurisdiction over matters not included in, or not explicitly resolved by, the Honor Code, is reserved to the Dean or the Dean's designee.

## **Section 4: Academic Matters and Academic Fraud**

### *A. General Principles*

The Honor Code governs in particular academic matters. For purposes of the Honor Code, "academic matter" means an act or activity by any student that may affect that student's or any other student's grade, standing at the College of Law, course enrollment, or progress toward satisfaction of requirements for graduation. Dishonesty and fraud with respect to work submitted for a degree or credit toward a degree are always academic matters. Academic matters include, but are not limited to:

- any application for admission to the Law College, or supporting documentation relating to such an application;
- any examination;
- any research, writing, or other assignment for a course or credit toward graduation;
- any matter involving participation in classes, clinics, moot courts, internships, externships, Rule 38(d) or similar sponsored placements, or independent study projects, and compliance with class conduct and other participation rules; and

- any matter involving placement on or work for the *Arizona Law Review*, *Arizona Journal of International and Comparative Law*, *Arizona Journal of Environmental Law and Policy* or any other journal officially supported by the Law College subsequent to the effective date of this Code, including administration of and participation in the "write-on" competitions of those journals.

#### B. Examinations

1. Every Law College examination is governed by the Honor Code.
2. The Honor Code applies to all aspects of the examination process at the Law College, including student conduct before, during, and after any examination, and the procedure by which examinations are administered. Students should in all cases follow the specific instructions for a given examination set forth by the instructor in the examination instructions.
3. Unless otherwise provided by the course instructor, it is a violation of the Honor Code, in connection with an examination, to:
  - give, receive, or solicit aid relating to the substance of the examination during any examination, or in connection with any make-up examination;
  - use materials during any examination not expressly permitted by the instructor;
  - begin reading any part of the examination prior to the start of the examination or failing to start the exam software when told to do so;
  - continue writing or typing any examination answer when the examination time has expired;
  - retain, without instructor permission, examination questions (hard or electronic copy) beyond the time when examinations have been collected at the conclusion of the examination;
  - work on an examination in any place other than the designated location;
  - discuss the examination with the instructor after the examination and before grades have been submitted;
  - engage in any conduct prior to or during the examination that unreasonably interferes with another student's ability to concentrate or otherwise complete the examination; or
  - engage in any other conduct in the preparation or taking of an examination that gives a student an unfair advantage or places another student at an unfair disadvantage.
4. It is a violation of the Honor Code to remove materials from the library without authorization, or to fail to return materials including casebooks, with the intent to interfere with the ability of other students to complete assignments or prepare for exams.
5. The prohibitions described above are examples of violations of this Honor Code; **conduct not specifically identified may also violate the Honor Code.** In general, any conduct that tends to create an unfair advantage for certain students and a disadvantage for others with respect to an examination may violate the Honor Code.

#### C. Research Assignments, Writing Projects and Other Class Assignments

1. All written work submitted for credit or as part of a course of study at the Law College is governed by the Honor Code, and every student is expected to behave with integrity with respect to all written work.
2. It is a violation of the Honor Code, in connection with any research assignment, writing project, or other class assignment to:
  - engage in any act or use any materials specifically prohibited by the instructions governing the assignment;
  - submit as one's own work the work of another;
  - submit as one's own work any work partially or wholly edited by another person unless specifically permitted to do so by the instructions governing the assignment;
  - submit for course credit work already or simultaneously submitted, in whole or in part, for credit in another course, without the explicit permission of the second instructor, and without providing the second instructor with a copy of the originally submitted material;

- submit for course credit work already or simultaneously submitted, in whole or in part, for fulfillment of a publication note requirement, or fulfillment of the substantial paper requirement, without the explicit permission of the second instructor, and without providing the second instructor with a copy of the originally submitted material;
- submit as part of a publication note or substantial paper work already or simultaneously submitted, in whole or in part, for credit in any course, without the explicit permission of a faculty sponsor of the journal receiving the note, or of the faculty sponsor of the substantial paper; or use any material created by others without proper attribution.

3. Plagiarism, which is the failure to properly credit the sources of words or ideas used in one's written work, constitutes academic fraud and thus violates the Honor Code. What constitutes proper crediting of sources is left to the discretion of the course instructor, the publication editor supervising a student note, or the faculty sponsor of a substantial paper. Any questions about proper attribution should be raised with those persons. University of Arizona resources explaining plagiarism and how to avoid it are [here](#).

- In order to avoid plagiarism, proper attribution must be given for ideas and language of others that are included in a student's written work. Where attribution is absent, it is assumed that the student intends to represent the words and ideas as his own work, and the student will be responsible to bear the consequences for any resulting misrepresentation.
- In particular, verbatim repetition in student work of the words of another must, without exception, be indicated, for example by use of quotation marks, along with an appropriate citation to the source of the quotation.
- Where a student paraphrases the words of another, this must also be indicated, for example through appropriate punctuation, along with an appropriate citation to the source of the language paraphrased.
- **The failure to obey the prohibitions and requirements described in this subsection are examples of violations of the Honor Code, and are not meant to be an exclusive list of Honor Code violations that may occur**

## **Section 5: Duty to Cooperate; False Accusations**

### *A. Duty to Report Honor Code Violation*

All students have the duty to report to the Dean of Academic Affairs any circumstances they believe to constitute or indicate a violation of the Honor Code. This includes the obligation to report one's own actions if they violate the Honor Code. Staff members, exam proctors, or other persons may also report violations of the Honor Code.

### *B. Duty to Cooperate with Honor Code Investigations and Adjudications*

1. All students have the duty to cooperate with investigations and adjudications of alleged violations of the Honor Code if requested by a student facing disciplinary charges, the Honor Council, or the Dean of Academic Affairs.

2. Failure to cooperate is itself a separate Honor Code violation, subjecting the person not cooperating to sanction.

3. Intentional misrepresentations made with respect to an Honor Code investigation or adjudication are separate Honor Code violations, subjecting the person responsible for the misrepresentation to sanction.

### *C. Violation to Make False Accusation*

It is a violation of the Honor Code knowingly to report an Honor Code violation that is without merit, or that the reporter knows to be baseless.

## **Section 6: The Honor Council**

A. Every academic year there shall be constituted an Honor Council composed of five members. The term of service on the Honor Council is one academic year. Unless separately appointed by the Dean, the Executive

Committee shall serve as the Honor Council. Regardless, the Honor Council must include the following members:

1. Two students selected under procedures prescribed by the Student Bar Association; and
2. Three faculty members appointed by the Dean of the College of Law, such members not to include the Dean of Academic Affairs or the Assistant Dean of Student Affairs.

B. The Dean of the Law College shall have authority to remove any member of the Honor Council for good cause.

#### *C. Replacements*

1. If a faculty member of the Honor Council has a conflict of interest or is temporarily not available to serve, the Dean of the College of Law shall appoint a temporary replacement.

2. If a faculty member of the Honor Council becomes unavailable for service for a substantial period, so that the work of the Council would be compromised, the Dean of the Law College shall appoint a permanent replacement.

3. If a student member has a conflict of interest or is unavailable to serve for a semester or less, the president of the Student Bar Association may nominate a replacement, subject to the approval of the Dean of the College of Law.

4. If a student member becomes unavailable for more than one semester, the president of the Student Bar Association shall nominate another student to fill the vacancy using the procedures employed for filling student positions normally.

### **Section 7: Procedures**

#### *A. Initial Report of Alleged Violations*

1. Any report of an alleged Honor Code violation shall be made in confidence to the Associate Dean for Academic Affairs or the professor of the course implicated, who shall then report the allegation to the Dean of Academic Affairs.

2. The Associate Dean for Academic Affairs, and any professor hearing a report of an alleged violation shall strive to preserve the anonymity of the reporting student unless circumstances or the procedures of the Honor Code dictate otherwise.

#### *B. Preliminary Investigation*

1. After learning of any alleged Honor Code violation, the Associate Dean for Academic Affairs shall determine whether, if true, the facts alleged constitute an Honor Code violation. The Associate Dean for Academic Affairs may consult with the reporting student, professor, and Assistant Dean of Student Affairs. If the Associate Dean of Academic Affairs and the Assistant Dean of Student Affairs both agree that the facts alleged do not constitute an Honor Code violation, no further action shall be taken, no record shall be made or maintained in the reported student's record, and the matter shall be considered concluded.

2. If the Associate Dean for Academic Affairs concludes that reported facts would, if true, amount to a violation of the Honor Code, the same shall conduct a preliminary, informal investigation to determine whether there is a substantial basis for the facts as alleged. The Associate Dean of Academic Affairs may contact any member of the faculty, staff or students who may have information about the alleged Honor Code violation, including the standards to be applied in any class or exam setting. The Associate Dean for Academic Affairs may disclose the identity of the accused student and any reporting person to the faculty or staff member as necessary for conducting the investigation, but this information shall be kept confidential from all other persons during preliminary investigation. The Dean of Academic Affairs may contact the accused student, but shall not as part of the preliminary investigation disclose the identity of the reporting person without the consent of the reporting person.

- If a preliminary investigation indicates to the satisfaction of the Dean of Academic Affairs that the facts found do not indicate an Honor Code violation has occurred, he or she shall take no further action, no record shall be made or maintained in the reported student's record, and the matter shall be considered concluded.

3. If, after preliminary investigation, the Dean of Academic Affairs is unsure whether an Honor Code violation has occurred, the Dean of Academic Affairs may refer the matter to the Honor Council for preliminary determination of whether the facts as found indicate a violation of the Honor Code has occurred.

4. If a preliminary investigation by the Dean of Academic Affairs or the Honor Council indicates that an Honor Code violation has occurred, the Dean of Academic Affairs must promptly inform the student implicated, and interview the student about the matter.

5. If after consulting with the student accused and, as appropriate, after consulting with the Honor Council, the Dean of Academic Affairs concludes that the facts found do not indicate an Honor Code violation, no further action shall be taken, no record shall be made or maintained in the reported student's record, and the matter shall be considered concluded.

6. If a preliminary investigation indicates that an Honor Code violation has occurred, and the accused student, after being consulted, substantially disagrees with the facts as found in the preliminary investigation and wishes to contest the findings, or agrees with the facts as found but maintains that they do not indicate that an Honor Code violation has occurred, the matter shall be referred to the Honor Council to determine the relevant facts, if those facts constitute or indicate a violation of the Honor Code, and any sanction.

7. Any student, including a student who is the subject of a preliminary investigation by the Dean of Academic Affairs, may seek advice about the process from the Assistant Dean of Student Affairs. The Assistant Dean's role is not to act as formal counsel for the student in proceedings, but the Assistant Dean may properly act to help ensure fairness to all, including fairness to any accused student.

### *C. Admitted Violations*

#### 1. Procedure When a Student Admits a Violation to an Instructor

If at any time a student admits to having violated the Honor Code with respect to work being supervised or graded by an instructor at the College and that student and the affected instructor agree on an appropriate punishment, the instructor must report the admitted violation and the agreed punishment to the Associate Dean for Academic Affairs. Upon consultation with the Chair of the Honor Council (who may, but is not required to convene the entire Council to consider the matter), the Associate Dean for Academic Affairs has authority to approve such an arrangement, require modification by the instructor, or refer the matter to the Honor Council for evaluation or full proceedings.

#### 2. Procedure When an Accused Student Admits a Violation to the Associate Dean for Academic Affairs

If, at any time a student admits a violation of the Honor Code to the Associate Dean for Academic Affairs, the Associate Dean for Academic Affairs must conduct a preliminary investigation to verify the nature of the violation, if it has not already been done, which may include consultation with the instructor of any implicated course or the supervisor of any affected work. If the investigation confirms the nature of the violation, and the confessing student agrees with the characterization of the matter as concluded by the Associate Dean for Academic Affairs, whether the matter is then referred to the Honor Council for proceedings is within the discretion of the Associate Dean for Academic Affairs. Instead, after consulting with the Chair of the Honor Council (who may, but is not required to convene the entire Council to consider the matter), the Associate Dean for Academic Affairs may propose a sanction for the violation by notifying the student in writing. The sanction proposed may take into account circumstances beyond those that established guilt. If the student accepts the sanction, any reporting person will be notified that the violator has acknowledged facts in substantial agreement with the allegations and taken responsibility, and that a summary of the matter including the disposition will be placed on file in the Dean's office. If the accused student rejects the sanction or withdraws the confession, the matter will be referred to the Honor Council for a determination.

3. If a student admits to violating the Honor Code, agrees with the Associate Dean for Academic Affairs' findings of fact, agrees with the Associate Dean for Academic Affairs' characterization of the violation, but does not wish to proceed before the Honor Council, the student may appeal directly to the Dean for relief from the sanction proposed by the Associate Dean for Academic Affairs. The proposed sanction will be imposed unless the Dean finds that it is not just and appropriate under the circumstances. If the Dean makes such a finding, the Dean will determine and impose a sanction and that decision will be final, with no appeal to the Honor Council. If the Dean finds the sanction proposed by the Associate Dean for Academic Affairs to be just and appropriate, the sanction will be imposed with no further right of appeal.

4. In all cases where a student admits to a violation, and the violation is confirmed by the Associate Dean for Academic Affairs, the Associate Dean for Academic Affairs shall present to the Dean of the College a summary of the admissions, findings, and disposition, and shall record the matter and its disposition in the student's file where it shall become either a temporary or a permanent part of the student's academic record, as determined by the Associate Dean for Academic Affairs. Upon request by the student, and the passage of five years, the sanction may be removed from the record in the discretion of the Dean. Unless the accused student requests otherwise, the student's name shall be omitted from the summary provided to the Dean.

#### *D. Contested Violations and Evidentiary Hearing*

1. If the Associate Dean for Academic Affairs after preliminary investigation determines that the facts as discovered indicate an Honor Code violation, but the accused student contests the Associate Dean for Academic Affairs' findings, or maintains that the facts found do not indicate any Honor Code violation, the Associate Dean for Academic Affairs shall appoint a prosecutor from the faculty or administration and schedule an Honor Council evidentiary hearing.

2. The Prosecutor. An Honor Code violation prosecutor may be a disinterested member of the faculty or an administrator.

- a) A prosecutor does not have authority to decline to prosecute a case. The prosecutor may, however, recommend to the Associate Dean for Academic Affairs a re-consideration of charges, which the Associate Dean for Academic Affairs may consider as part of the preliminary investigation, and respond accordingly.
- b) A prosecutor may resign at will.

3. Notice. The accused student must be provided written notice of an Honor Council hearing at least fourteen calendar days prior to the hearing date. The accused student may request an expedited hearing which may be granted at the discretion of the Honor Council. Notice shall include the following:

- A statement of the alleged Honor Code violation, including a narrative identifying with particularity the date, time, and place where any alleged misconduct occurred, and the actions indicative of an Honor Code violation;
- Relevant Honor Code provisions;
- A summary of the evidence to be presented;
- A list of the witnesses to be called;
- A copy of any tangible evidence to be offered in the hearing; and
- The time and place of the hearing.

A student may employ outside counsel or be assisted by another individual.

4. At least seven days before an Honor Council hearing, an accused student may supply the Associate Dean for Academic Affairs with a list of witnesses and evidence the accused wishes to be present at the hearing. The Associate Dean for Academic Affairs shall inform the desired witnesses that their presence is requested at the Honor Council and for what purpose and, if they are faculty members or students at the Law College, remind them of their obligation to cooperate under this Honor Code. The Associate Dean for Academic Affairs shall also contact persons having custody of desired evidence and similarly inform them that the evidence is

requested at the Honor Council meeting and, if they are faculty members or students at the Law College, remind them of their obligation to cooperate under this Honor Code.

5. Upon request by the accused student, the hearing may be rescheduled in whole or in part if a majority of the Honor Council determines that it would be inappropriate to conduct the hearing at the scheduled time, for example if needed testimony will not be available until a later time. This request may be entertained by the Honor Council at any time, including after the hearing has begun. The decision of the Honor Council as to whether to postpone all or part of a hearing is final.

6. If an accused student has exercised his right to demand a hearing, but refuses to attend all or part of the hearing demanded, without requesting that the hearing be re-scheduled, the Honor Council may proceed to hear the case in the absence of the accused student, who will be bound by the Council decision as if present.

7. Honor Council hearings shall be closed to the public, unless an open hearing is requested by the accused student and the Honor Council agrees to the request. If the hearing is open to the public, the time and place of the hearing shall be provided to the Student Bar Association and posted in either hard copy at appropriate locations around the law school or in electronic format to the student listserv at least three calendar days prior to the hearing. A video recording of the hearing shall be made by the College at the request of the Honor Council, the accused student, or the Associate Dean for Academic Affairs, and a copy shall be provided to the accused student at the student's request.

#### 8. Hearing Procedure

- a) An Honor Council quorum is: all members present. If any member is absent, the Council is not quorate. See Section 6.C. for replacement procedures.
- b) The Honor Council shall admit any evidence that it considers relevant and reliable.
- c) The prosecutor shall first present evidence that the accused student has committed an Honor Code violation.
- d) The accused student (or his or her counsel or representative) may then present evidence to refute or mitigate the charge.
- e) Each side may present a rebuttal case, at the discretion of the Honor Council, including new evidence that goes beyond the scope of the initial presentations, but if either side develops its case beyond that initially presented, the other side may be allowed to present a further rebuttal.
- f) Opportunity for cross-examination shall be provided.
- g) Closing arguments may be presented, at the discretion of the Honor Council, and the time allotted for such arguments is also within the discretion of the Council.
- h) After the relevant evidence has been presented by the prosecutor and the accused student, and closing arguments if any, the Honor Council shall declare the evidentiary hearing closed.
- i) Any matter pertaining to the conduct of a hearing not covered in this Section 7, is left to the discretion of the Honor Council.

9. At any time prior to or during the hearing, the accused student, the Associate Dean for Academic Affairs, or any member of the Honor Council may ask the Honor Council to determine that the evidence, taken as true, does not constitute an Honor Code violation. If the Honor Council determines by a unanimous vote that the evidence, taken as true, does not constitute an Honor Code violation, the matter shall be dismissed.

#### 10. Determination of Guilt

- a) If the Council finds that the prosecutor has presented reliable, clear and convincing evidence of an Honor Code violation by the accused student, it must find the accused student guilty.
- b) To find any accused guilty, at least four members of the Honor Council must vote in favor of guilt. The fifth vote may either abstain or vote in favor of innocence.

### 11. Notification of Findings

- a) The Honor Council shall notify the Associate Dean for Academic Affairs and the accused student of its decision, including its findings, within three days of the close of the evidentiary hearing, by mailing or by emailing a copy of the decision.

### 12. Announcement of Sanctions

- a) The Honor Council may announce sanctions in the same communication by which it announces its verdict.
- b) Sanctions must be announced within fourteen calendar days following the close of the evidentiary hearing by mailing or emailing a copy of the decision to the student.
- c) The Honor Council may, in its discretion, consider additional information from the accused or from the Associate Dean for Academic Affairs if such information is relevant to determination of the appropriate sanctions, or to mitigate their severity. The Honor Council may require such information to be submitted in writing, or may convene a further hearing.
- d) See Section 8 below for example sanctions.

### 13. Records of Hearings

- a) If the sanction imposed by the Honor Council so warrants, a summary of the hearing, the Honor Council's findings, and the sanction imposed shall become either a temporary or a permanent part of the student's academic record and must, while on record, be reported to the Character and Fitness committees of any bar to which the student applies for admission.
- b) Upon request by the student, and the passage of five years, the sanction may be removed from the record at the discretion of the Dean.
- c) Regardless of the outcome of an evidentiary hearing, the Honor Council shall provide a summary of the hearing, the Honor Council's findings, and the sanction imposed, if any, to the Dean. Unless the accused student requests otherwise, the student's name shall be deleted from the summary.

### E. *Prompt Disposition*

1. The Dean and the Honor Council shall complete all procedures and dispose of the case as promptly as is reasonably possible.
2. To be entertained, charges of any misconduct must be brought within one year of the last substantive action in any course of misconduct governed by the Honor Code.

### **Section 8: Sanctions**

A. The Associate Dean for Academic Affairs (in the case of an admitted violation) or the Honor Council (in case of a hearing concluding in a finding of guilt) may impose one or more of the following sanctions:

1. Dismissal from the College of Law;
2. Suspension from the College of Law for a specified time period;
3. Mandatory failing grade or lowering of grade in the course involved;
4. Written reprimand or record of the violation and sanction if any, either temporarily or permanently placed in the student's academic record;
5. Monetary fines or restitution to third parties as appropriate;
6. Formal notification of the Honor Code violation to the instructor of the course involved;
7. Academic probation; or
8. Other sanctions the Associate Dean for Academic Affairs or the Honor Council finds reasonable and appropriate under the circumstances.

### B. *Course Grades*

If an alleged violation involves course work, pending the outcome of the process the course instructor shall evaluate the work and assign a grade based upon the academic merits of the work apart from any alleged Honor Code violation. If a grade must be reported to the Law College Registrar prior to disposition of the alleged Honor Code violation, a grade of "Incomplete" shall be reported. After a final disposition of the alleged violation has been made, the appropriate grade shall be reported and entered for the student.



## **Section 9: Student Appeals**

A. *Grounds for Appeal* - A student found after a hearing to have violated the Honor Code may appeal to the Dean of the College of Law on any of the following grounds:

1. The hearing was not conducted in accordance with procedures set forth in the Honor Code or was conducted in a manner unreasonably prejudicial against the accused, and the outcome was in fact influenced thereby;
2. The finding that the student violated the Honor Code is not supported by clear and convincing evidence as disclosed by the record;
3. The conduct found to have been engaged in by the student does not constitute a violation of the Honor Code;
4. The sanction imposed by the Honor Council is unjust or inappropriate.

B. *Limitations of Appeals.*

1. If the student fails to file a written appeal of the sanction with the Dean within fourteen calendar days, no appeal will be allowed and the sanction proposed by the Honor Council will be imposed.
2. When a student has admitted an Honor Code violation, which has then been confirmed by the Associate Dean for Academic Affairs' investigation without demurral by the student, the student may not appeal to the Dean the finding of the underlying violation, but only the appropriateness of the sanction imposed.

C. *Procedure and Disposition*

1. The appeal must set forth the grounds for appeal in writing, be signed by the student, and be delivered to the Dean of the College within fourteen calendar days after the decision is sent by mail or email to the student by the Honor Council or the Associate Dean for Academic Affairs. If no appeal has been delivered to the office of the Dean by the fifteenth day after notification was sent to the student, the decision and sanction are both final and the matter is closed.
2. The Dean shall review those aspects of the record, including but not necessarily limited to the summary provided him, relevant to the specified grounds for appeal.
3. The Dean, making an independent review of all aspects of any matter, and the decision of the Honor Council or Associate Dean for Academic Affairs, may affirm the decision, reverse in whole or in part, or remand for further proceedings. However, the Dean may not increase the severity of the sanction imposed below.
4. The Dean shall state, in writing, the grounds upon which his or her decision is based and shall keep a summary of the decision on file and available for review by any member of the College of Law community. Unless the appellant student requests otherwise, the student's name shall be deleted from the summary.
5. The decision of the Dean shall be final.

## **Section 10: Public Records of Violations & Sanctions**

A. Any finding of an Honor Code violation shall be included in a summary file in the Dean's office which describes the nature of the allegation, the findings, and any disposition. This file shall be available for review by faculty, students, and staff. Unless the accused student requests otherwise, the student's name shall be omitted from the summary. The summary record of Honor Code violations and dispositions cannot be waived.

B. This provision shall not prohibit the Dean or Associate Dean for Academic Affairs from discussing or communicating the existence of an Honor Council proceeding and its findings and any sanction, or the existence of an admitted Honor Code violation, the basis, and any sanctions to the law school community when the Dean and Associate Dean for Academic Affairs believe it is appropriate to do so.

## **Compliance with the University's Code of Conduct**

Law students are required to comply with the [University's Code of Conduct](#). Reprehensible conduct or failure to comply with University regulations may result in a student's dismissal from a course or from the University at any time. Such action is posted on the student's academic record. Students suspended from the University

are denied student privileges during the period of suspension, and may not register for correspondence work except with permission of the dean of the college in which they were previously enrolled. They may not enroll for Continuing Education courses, nor establish credit by examination during the period of suspension.

## **APPENDIX: UNIVERSITY OF ARIZONA "NONDISCRIMINATION AND ANTI-HARASSMENT POLICY"**

The University of Arizona is committed to creating and maintaining an environment free of discrimination. In support of this commitment, the University prohibits discrimination, including harassment and retaliation, based on a protected classification, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or genetic information. The University encourages anyone who believes he or she has been the subject of discrimination to report the matter immediately as described in the section below on Reporting Complaints to University Offices. All members of the University community are responsible for participating in creating a campus environment free from all forms of prohibited discrimination and for cooperating with the University officials who investigate allegations of policy violations.

### **University Obligations**

The University will take prompt and appropriate action to: (1) thoroughly investigate complaints of discrimination described in this policy; and (2) prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy in accordance with existing University policies.

### **Applicability and Enforcement of Policy**

This policy applies to:

- All University employees in all aspects of their employment relationship with the University;
  - All University students in all aspects of their participation in the University's educational programs and activities;
  - All University applicants, whether for employment or for admission to educational or University-sponsored programs, activities, or facilities;
  - All persons or groups participating in or accessing University-sponsored programs, activities, or facilities; and
  - All vendors or contractors in all aspects of their relationship with the University.
- Enforcement of this policy is subject to constitutional protections related to freedom of speech, association, and the press.

### **Prohibited Discrimination, Including Harassment and Retaliation**

#### Discrimination

Discrimination occurs when an individual, or group of individuals, is treated adversely because they belong to a classification of individuals that is protected from discrimination by a federal or state statute or University policy as set forth above. The failure to provide reasonable accommodations required by law or University policy based on disability or religious practice may constitute discrimination.

#### Harassment

Harassment is a specific form of discrimination. It is unwelcome behavior, based on a protected classification that a reasonable person would perceive to be sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in University-sponsored activities. Additionally, sexual harassment, whether between individuals of the same or different sex, includes unwelcome conduct of a sexual nature that is made, either explicitly or implicitly, a condition of an individual's education, employment, or participation in a University program or activity, and/or when the submission to or rejection of such conduct is a factor in decisions affecting that individual's education, employment, or participation in University-sponsored activities.

Harassing conduct may take many forms, including verbal acts and name calling, as well as nonverbal behavior, such as graphic, electronic, and written statements, or conduct that is physically offensive, harmful, or threatening.

### Retaliation

Retaliation occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of: (1) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a nondiscrimination statute or which University policy prohibits; (2) filing a complaint about such practice; or (3) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint. Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.

### **Supervisory Responsibilities to Prevent and Report Discrimination, Harassment and Retaliation**

Employees or agents of the University who (a) supervise other employees, graduate or undergraduate students, contractors, or agents; (b) teach or advise students or groups; or (c) have management authority related to a University-sponsored program or activity are required to:

- Engage in appropriate measures to prevent violations of this policy; and
- Upon receiving a report or having a reasonable basis to suspect that potential discrimination, harassment, or retaliation has occurred or is occurring, promptly notify and provide all available information and documentation either to the Dean of Students Office if the alleged policy violator is a student, or to the Office of Institutional Equity for all other matters.

The Dean of Students Office will promptly notify the Office of Institutional Equity of all reports of potential discrimination, harassment, or retaliation that it receives.

### **Reporting Discrimination, Harassment or Retaliation**

#### Reporting Complaints to University Offices

An individual who believes that he or she has been subjected to discrimination, harassment, or retaliation in violation of this policy should report the matter immediately as set forth below to obtain information about resolving concerns, including complaint-filing options and procedures, and to enable the University to take prompt remedial action. If the alleged policy violator is a University student, the individual who has been the subject of discrimination, harassment or retaliation in violation of this should contact:

Dean of Students  
Dean of Students Office  
Old Main 203  
P.O. Box 210021  
Tucson, AZ 85721-0021  
(520) 621-7057  
dos-deanofstudents@email.arizona.edu

For all other instances, the recipient of the alleged conduct should contact:

Director  
Office of Institutional Equity  
University Services Building, Room 217  
P.O. Box 21058  
Tucson, AZ 85721-0158  
(520) 621-9449  
equity@email.arizona.edu

If the alleged policy violator is employed by the Dean of Students Office or the Office of Institutional Equity, then the individual who has been the subject of discrimination, harassment or retaliation in violation of this policy may contact the Executive Vice President and Provost. See [http://provost.arizona.edu/provosts\\_office](http://provost.arizona.edu/provosts_office) online for contact information.

### Good Faith Allegations

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation. However, individuals who make dishonest statements or make statements with willful disregard for the truth during an investigation or enforcement procedure under this policy may be subject to disciplinary action in accordance with existing University policies.

### Anonymous Inquiries and Complaints

Members of the University community may contact the Office of Institutional Equity or the Dean of Students Office at any time to ask questions about discrimination, harassment, retaliation, or complaint-filing procedures and may provide information without disclosing their names. This provision does not relieve managers, supervisors, instructors, or advisors of their responsibility to promptly report under this policy.

### Reporting Complaints to Outside Agencies

University employees and students have the right to file discrimination, harassment, and/or retaliation complaints with outside agencies as well as with the University's Office of Institutional Equity or the Dean of Students Office. If an individual files a complaint with an external agency, the filing will not affect the University's investigation concerning the same or similar events.

### **Consequences of Policy Violations**

Members of the University community who violate this policy will be subject to disciplinary action that could include reprimand, demotion, denial of promotion, termination from employment or from educational programs, or other appropriate administrative action.

### **Affiliated Entities**

University employees or students who work or study at a worksite or program of an institution with which the University has entered into an Affiliation Agreement (Affiliate) are subject to this policy while at such worksite or participating in such program. Similarly, Affiliates are obligated under agreements with the University to comply with all applicable state and federal statutes and regulations regarding equal employment opportunity and nondiscrimination. If a University employee or student believes that he or she has been subjected to discrimination, harassment, or retaliation while working at or participating in a program of an Affiliate in violation of this policy, he or she should contact the Office of Institutional Equity or the Dean of Students Office in accordance with the reporting provisions of this policy.

### **Confidentiality**

Employees of the Office of Institutional Equity, employees of the Dean of Students Office, and all responsible administrators who receive reports of discrimination, harassment, or retaliation shall maintain the confidentiality of the information they receive, except where disclosure is required by law or is necessary to facilitate legitimate University processes, including the investigation and resolution of discrimination, harassment, or retaliation allegations.