



STUDENT HONOR & CONDUCT CODE

Lewis & Clark Law School is a community of people dedicated to high standards of academic, professional, and personal conduct. These standards are intended to ensure each student has an opportunity to enjoy rights of personal and intellectual freedom in an atmosphere of mutual respect. These rights are accompanied by duties that include the observance of the highest principles of honesty, integrity, and ethics. To guarantee the protection of these rights and the performance of these duties, the faculty of Lewis & Clark Law School have adopted this Student Honor & Conduct Code.

Responsibility for student conduct rests with the students and the faculty. Assuming this responsibility is particularly important for law students. Their future conduct as lawyers will be governed by the rules of professional conduct adopted by the states in which they practice, all of which require high standards of integrity and personal conduct.

Only the offenses set forth in this Code are subject to disciplinary action under this Code. The Comments set forth after each article provide binding interpretations of this Code and how it will apply in specific circumstances.

All Lewis & Clark Law students are also responsible for reading and adhering to the Institutional Policies, available at <https://www.lclark.edu/policies/>, including the following:

- [Alcohol and Drugs Policy](#)
- [Discrimination, Harassment, and Hate- or Bias-Motivated Conduct Policy](#)
- [Disorderly Conduct Policy](#)
- [Freedom of Expression & Academic Inquiry Policy](#)
- [Sexual Misconduct Policy](#)
- [Smoke and Tobacco Free Community Policy](#)
- [Weapons on Campus Policy](#)

Some of these policies have specific procedures for reporting, investigation and enforcement. To the extent there is conflict between the obligations of this Code and an Institutional Policy, this Code supersedes the institutional policy.

Offenses not set forth in this Code or addressed by an Institutional Policy will be reviewed by the Dean of the Law School. The Dean has the discretion to determine how to investigate, whether to refer the matter to an Honor & Conduct Committee, and what penalties, if any, should be imposed, in accordance with the severity of the offense.

As used in this Honor and Conduct Code, the term “College” means the institution of Lewis & Clark as a whole.

A. HONOR CODE

1. Examinations

- a. Except when expressly authorized by the professor, a student shall not give, seek or receive aid in any form before, during, or after an examination when such aid might create an unfair advantage. If a student inadvertently obtains information that might create an unfair advantage, the student shall immediately bring the matter to the attention of the professor.
- b. During an examination, a student shall not use books, papers, electronic devices (other than a device being used to take the exam, if permitted), or other materials for any purpose unless expressly authorized by the professor. Nothing in this section should be construed to conflict with a student's Reasonable Accommodations through the Office of Student Accessibility.
- c. A student shall not violate any instruction provided by a professor or the Registrar's office relating to an examination.
- d. The use of computers and other electronic devices in exams is subject to special Honor Code rules set out in the provisions of the Law School's rules for Use of Computers in Exams, (https://law.lclark.edu/academics/whats_what/registration_and_policies/general_computer_usage.php). A violation of any of those rules is a violation under this Article, subject to disciplinary action under this Code.

A1. Comment

The following additional rules apply to examinations:

- i. The professor or Registrar's office will provide the class with a list of materials and electronic devices (headphones, tablets, smart phones/watches, etc.) that students may have or use while taking an examination.
- ii. The professor may also provide students with explicit instructions on the use of any materials allowed under paragraph (i). Unless the professor provides otherwise, no student will reproduce passages from those materials without due acknowledgment, except that students may reproduce material from their personal class notes or non-commercial outlines if they are permitted to consult those materials during an exam, unless the professor explicitly provides otherwise. Permitted personal notes and outlines include material which a student created in collaboration with classmates, unless the professor states otherwise.
- iii. Students who bring authorized print materials into an examination room must ensure that those materials are free from any additional writings or notes if the professor has expressly prohibited markings in authorized materials.
- iv. Examinations will not, as a general rule, be proctored. Examination questions will be distributed and examination answers submitted in accordance with the process established by the faculty member and registrar for each examination.
- v. A student may leave the room during the examination period provided that the student does not engage in any conduct prohibited by this Code.
- vi. Where sufficient seats are available, students shall occupy every other seat.

2. Written Work

- a. A student shall not submit written work as their own for academic credit or publication if another person has prepared that work in whole or in part. This provision does not prohibit joint authorship for a paper when all student authors of such paper have the express permission of the professor. For purposes of this section, submission of written work includes any written work that a student submits to a professor, including draft papers or other documents, that the student represents as the student's own work.
- b. A student shall not use any material, including ideas, words, and statements, that has been created, prepared, compiled, or published by another person without clearly identifying such material by quotation marks, citations, or other appropriate methods of acknowledgment. Written work that does not contain appropriate methods of acknowledgement can be plagiarism even if the student's work is not a verbatim copy from other sources.
- c. Factors to consider in assessing appropriate sanctions for violations of subsection (b) include (but are not limited to) the quantity of material a student has appropriated from other sources without proper attribution, evidence indicating an intent on the student's part to pass off another person's work as their own, the extent to which the written work is a draft or finished product, and the degree of similarity between the student's work and material from other sources.
- d. A student shall not submit a paper, or any portion thereof, for credit in more than one course unless the student makes full disclosure to, and obtains the prior written consent of the professors to whom the paper has been and is to be submitted.
- e. A student shall not give, seek, or receive help, cooperation, or collaboration from any person unless the supervising professor gives express permission to do so. This rule does not prohibit a student from obtaining review from a member of the Legal Writing Center or a person who reviews solely for grammatical, typographical, or citation errors.
- f. A student shall comply with any written rules established by a professor with respect to written work prepared for that professor, including rules that modify the rules stated in subsection e.

3. Oral Work

A student shall comply with all written rules established by a professor with respect to any assigned presentations made by that student in connection with a course given by that professor.

4. Library

- a. A student shall not intentionally tear, mutilate, mark, write in, or otherwise destroy library materials.
- b. A student shall not intentionally hide, conceal, remove, or misshelve library materials.
- c. A student shall not use library equipment or space except in accordance with library policies.
- d. A student shall comply with other library policies posted on the library website or in the library, including the payment of any fees.

A4. Comment

- i. The Director of the Library may establish additional rules governing the administration of the library. This Code does not relieve students from their responsibility for maintaining an atmosphere in the library that is conducive to study.

5. Property

A student shall not intentionally damage, view without permission, or take without permission another student's notes, books, papers, or other academic materials, whether in print or in an electronic version. A student shall not intentionally damage or take without permission any property not their own. A student shall not use College equipment except in accordance with any applicable rules.

A student shall not remove or deface flyers, posters, or other announcements of events sponsored by the College or a recognized student group.

This violation is limited to conduct on campus or that relates to the academic environment. For example, if a student steals the notes of another student, it is a violation regardless of where the notes are at the time of the taking. If a student steals the coat of another student while on the premises of the school or college, it is a violation. If a student steals the coat of another student while off the premises of the College, it is not a violation of this Code (although criminal convictions likely will result in Conduct Code proceedings). These examples are not intended to limit the situations to which this violation applies.

6. False Information

A student shall not intentionally furnish false information to a member of the administrative staff or faculty with respect to any law school matter.

7. Disclosure

A student shall report suspected violations of the Code as specified in "Reporting of Possible Violations," below. Failure to report a violation is itself a violation of this Code.

8. Computer Piracy and Tampering

- a. It is the policy of Lewis & Clark Law School to abide by all software licensing agreements and actively to discourage the illegitimate copying of any software.
- b. A student shall not install their own copies of any software onto computers owned by the College.
- c. A student shall not make unauthorized copies of any College-supplied computer software, database content, or audio or video media. A student shall not copy software from the College's computers and install it on home or any other computers or devices, unless expressly permitted by the software manufacturer and the College.

A8. Comment

- i. Lewis & Clark Law School licenses the use of copies of computer software from a variety of outside companies. The Law School does not own the copyright to this software or its related documentation and unless expressly authorized by the copyright owner(s), does not have the right to reproduce it for use on more than one computer or device.
- ii. According to U.S. Copyright law, unauthorized reproduction of software is a federal offense. Offenders can be subject to civil damages of as much as \$150,000 per work copied, and criminal penalties, including fines and imprisonment.

B. CONDUCT CODE

1. Violation of Law

Pursuant to general College policy (see https://college.lclark.edu/student_life/-our-departments-/student-rights-responsibilities/student-code-of-conduct/#VI), students may be accountable to both civil authorities and to the Law School for acts that constitute violations of law as well as violations of Law School or College Policies. In some cases, students may be referred to civil authorities for arrest or prosecution resulting from actions that are also violations of Law School or College Policies. The Law School may address policy violations regardless of and separate from any other proceedings. Student conduct hearings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

When a student is charged by federal, state, or local authorities with a violation of law, the Law School will not request or agree to special consideration for that individual because of their status as a student. If the alleged violation also violates College or Law School Policies, the Law School may advise off-campus authorities of the existence of the Code and of how such matters will be handled internally within the Law School community. Unless otherwise provided by College Policies, the Law School will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for the rehabilitation of student violators.

2. Classroom Disruption

Disruptive classroom behavior is behavior that, in the judgment of the professor, impedes other students' opportunity to learn or that directly and significantly interferes with class objectives. If a student engages in such behavior, the professor may require that the student leave that class session. Failure to leave a class upon faculty request is a separate violation of this Code.

When a student engages in disruptive classroom behavior, the professor may refer the matter to the Associate Dean of Student Affairs, whether or not the professor has also asked the student to leave a class session. Upon such a referral, the student may receive permission to return to subsequent class sessions, but only after the student meets with

the Associate Dean of Student Affairs, the Associate Dean confers with the professor, and the professor allows the student to return.

If a student who has been asked to leave a class, or who has been referred to the Associate Dean of Students for disruption, engages in further disruptive behavior in a subsequent class session, the professor, with the approval of the Associate Dean of Student Affairs, may direct the Registrar to drop the student from the course. A student wishing to appeal an administrative drop for class disruption may do so by petition to the Dean. In such cases, the student is barred from class until the Dean renders a decision. If the student is readmitted to the class, the absences are deemed excused.

3. Disruptive Behavior, Protest & Dissent

Students may not engage in loud, aggressive, or other behavior that disrupts or obstructs, or that is intended to disrupt or obstruct, the orderly functioning of the College (including the law school), or that is intended to disturb the peace of person(s) on the College campus, on College owned or controlled property, or at a College-sponsored or supervised function. Intentional interruption of any speaker, meeting, or program on the College campus, as described below, is prohibited and may subject a student to an investigation and penalties as described below. If a student brings or invites a guest to campus, the actions of that guest may be attributed to the student for purposes of this Code.

a. Protest and Dissent

The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. Speakers are entitled to communicate their message to the audience, and the audience is entitled to hear the message and see the speaker. A dissenter shall not interfere with a speaker's ability to communicate or an audience's ability to see and hear the speaker.

When an event is closed (by invitation only, as decided by the organizers or the Associate Dean for Student Affairs), dissent is limited to activity outside the event that does not impede access to the event or interfere with the communication inside.

When an event is open to the public or open to all Lewis & Clark community members, the acceptable form of dissent will depend on whether the dissenter is inside or outside the event venue and on whether the dissenter is acting before, after, or during the event.

b. Picketing and Distributing Literature

Picketing in an orderly way or distributing literature outside of an event is permitted unless it impedes access to the venue. Distributing literature inside an open event is acceptable before the event is called to order and after the event is adjourned.

c. Silent or Symbolic Protest

During events open generally to Lewis & Clark community members or the public, displaying a sign, wearing significant/symbolic clothing, gesturing or otherwise protesting noiselessly is acceptable so long as the protest complies with (d), below, unless the protest interferes with a speaker's ability to communicate or the audience's ability to see and hear the speaker.

d. Location of Dissenting or Protesting Activity

During events open generally to Lewis & Clark community members or the public, any use of signs, standing, or other activity likely to block the ability of anyone in the audience to see the speaker must be confined to the back of the room, except students who have mobility issues that make it difficult to reach the back of the room.

Under no circumstances can protestors or any member of the audience sit, stand, or otherwise occupy the area around the podium or the front of the room, unless invited to do so by the speaker or the organizers of the event. This restriction does not apply to a moderator, discussant, participating member of the faculty or administration, or a representative of the student group that invited the speaker.

For purposes of this comment, "the front of the room" means any area in front of the first row of audience seating for the event. In a classroom, this will typically be the area in front of the first row of fixed seating.

e. Noise

Chanting or making other sustained or repeated noise in a manner that interferes with the speaker's communication is prohibited, whether inside or outside of an event. Responding vocally to the speaker, spontaneously and temporarily, is generally acceptable. Spontaneous and temporary vocal reactions against a speaker do not violate this Code if they are similar in kind and degree to reactions in favor of the speaker.

f. Force or Violence

Using or threatening force or violence, such as assaulting a speaker or a member of the audience, or interfering with any person's freedom of movement (including the ability to enter or leave a room at which an event is taking place) is prohibited.

g. Audience Responsibility

The audience, like the host and the speaker, must respect the right to dissent. A member of the audience or the host organization who substantially interferes with acceptable dissent as outlined in this Conduct Code is violating these guidelines in the same way as a dissenter who violates the rights of the speaker or audience.

h. Compliance with Faculty or Administrator Requests

Faculty and administrators who are present at an event may instruct anyone causing a disruption of the event to leave the event, or may temporarily halt or move the event. Failure to comply with such a request from a faculty member or administrator is a violation of this Code of Conduct.

i. Consultation with Associate Dean for Student Affairs

Students who wish advice about what kinds of protest activity are acceptable or unacceptable under this Code should consult with the Associate Dean of Students.

C. HONOR & CONDUCT CODE REPORTING & REVIEW PROCESS

1. Reporting of Possible Violations

- a. **Students:** A student who has reasonable grounds to believe that an **Honor Code** violation has been committed shall report the violation to a faculty member or the Associate Dean of Student Affairs no later than five days from discovery (excluding holidays, Saturdays, and Sundays). The failure to report a violation within five days is itself an Honor Code violation. The five-day period is not a statute of limitation for the original violation.
- b. **Library:** Any person who has reasonable grounds to believe that a library violation has been committed shall immediately report the violation to a non-student member of the library staff. A member of the non-student library staff to whom a report has been made or who personally has reasonable grounds to believe that a library violation has been committed, shall promptly report the violation to the Librarian. If satisfied that a violation has occurred, the Librarian shall promptly submit to the Dean a written report of the violation.
- c. **Faculty and Administration:** A faculty member or administrator who discovers or who receives a report about a possible:
 - i. **Honor Code** violation shall, unless the faculty member or administrator deals with it directly, report the violation to the Associate Dean of Student Affairs as soon as possible.
 - ii. **Conduct Code** violation shall report the violation to the Associate Dean of Student Affairs as soon as possible.

2. Review of Reported Code Violation

a. Informal Procedure – Honor Code

When a faculty member discovers a possible Honor Code violation or one is reported to a faculty member, the professor may deal directly with the possible violation if it involves an examination, written or oral work, or other matters relating to a class that

the faculty member is teaching or supervising. The faculty member has discretion to impose the sanction that they believe is appropriate under the circumstances, including, but not limited to, a reprimand, grade reduction, failing grade, corrective work, or dismissal from the class. No penalty may be imposed by the faculty member without first notifying the accused student and affording the student a full opportunity to respond to the charge. The faculty member may not expel, suspend, or place a student on probation. A faculty member shall report to the student, the Associate Dean of Student Affairs, and the Dean any penalty imposed and the violation involved. A record of the violation and resulting penalty will be recorded and retained by the Law School. If required by any bar to which the student applies, the Law School will provide a report of the violation and resulting penalty.

b. Informal Procedure – Conduct Code

When a possible Conduct Code violation is reported to the Associate Dean of Student Affairs, the Associate Dean may deal directly with the possible violation or elect to refer it to the Honor & Conduct Committee for investigation. No penalty may be imposed by the Associate Dean without first notifying the accused student and affording the student an opportunity to respond to the charge. The Associate Dean has discretion to impose the sanction that they believe is appropriate under the circumstances, including, but not limited to, a reprimand, an apology, corrective action, or other compensation. The Associate Dean may not expel, suspend, or place a student on probation. The Associate Dean will report any penalty imposed to the student and the Dean. The Associate Dean has discretion to consult with the Dean and other administrators or faculty about the conduct and possible penalties. A record of the violation and resulting penalty will be recorded and retained by the Law School. If required by any bar to which the student applies, the Law School will provide a report of the violation and resulting penalty.

c. Referral of Violations to the Honor & Conduct Committee

When the Dean is informed of a possible violation (other than classroom disruption or a violation which has been handled informally as described above), the Dean shall refer the matter to the Honor & Conduct Committee within 10 calendar days of the report to the Dean. Any student who has received a penalty in accordance with the Informal Procedure set forth above and who denies committing the violation or who wishes to appeal the penalty imposed for an admitted offense, may have the matter referred to the Honor & Conduct Committee by making a request to the Dean within 10 calendar days of the report to the student.

d. Composition of the Honor & Conduct Committee

The Honor & Conduct Committee shall consist of two faculty members appointed by the Dean and a student elected on an annual basis by the student body at large. The Dean will designate one of the faculty members as chair of the committee. When the alleged violation is first presented to the Honor & Conduct Committee for consideration, the Committee will determine, as a whole, whether the student or faculty representative(s) has a conflict of interest or a bias which will favor or disfavor the alleged student violator in a way which may adversely affect due process.

If for this, or any other reason, the student representative or a designated faculty member is unable to sit on the Honor & Conduct Committee for a particular violation, a replacement shall be chosen. The Dean shall assign a replacement faculty member. A replacement student representative shall be chosen from among the students elected by the student body to the Student Bar Association.

3. Honor & Conduct Committee Procedures

- a. The Committee shall investigate to determine the facts de novo and to recommend any penalty for any matter referred to it. The Committee shall use the procedures it deems appropriate, with due consideration for past practices and reasonable requests by the student involved. At a minimum, the Committee shall consult with any faculty member who reported the violation to the Dean, give notice of any alleged violation to the student involved, and give the student an opportunity to fully present orally their side of the story before any determination is made regarding the facts or penalty.
- b. The Committee investigation shall be concluded as expeditiously as possible, consistent with the ascertainment of the facts and the integrity of the process. Only in extraordinary cases should the period from referral to the Committee to resolution exceed three weeks.
- c. The Committee shall determine the facts in any case before the Committee that was handled directly by the Associate Dean of Student Affairs or a faculty member pursuant to the Informal Procedure set forth above.
- d. In all proceedings, the Committee shall use a more-probable-than-not standard for finding facts. If a violation is found, the Committee shall recommend a penalty. If no violation is found, the Associate Dean of Student Affairs or the faculty member who handled the matter directly under the Informal Procedure set forth above shall withdraw any penalty imposed.
- e. Upon completion of its proceeding, the Committee shall report its determinations of the facts and whether a violation was committed, as well as its recommendation about penalties, to the Dean.
- f. The Dean has discretion to confer with other administrators and faculty, as well as to communicate with the involved student(s), but has sole authority to impose the appropriate penalty and report it to the student.

D. PENALTIES

The penalties that may be imposed for Honor & Conduct Code violations must have a reasonable relationship to the gravity of the offense. Penalties may include, but are not limited to:

1. Reprimand

The Dean may advise the student in writing that their conduct falls below the accepted standards of the school.

2. Probation

The Dean may put the student on probation. The student remains enrolled in law school, but the Dean shall impose written conditions and specify a period of time that the student is on probation.

3. Failing Grade

The Dean may impose a grade of F for a student who violates this Code in relation to coursework.

4. Damages

The Dean may require the student to pay damages to an injured party, which may include the law school, in an amount reasonably related to the losses sustained.

5. Suspension

The Dean may suspend the student for a period not to exceed two years. The Dean shall determine when the suspension begins.

6. Expulsion

The Dean may expel the student. A student who has been expelled may not be readmitted.

E. RECORDS & DISCLOSURES

1. The Honor & Conduct Committee shall make such record of its proceedings as it deems necessary to support its determinations. In any case in which the committee finds a violation, the Dean shall retain the record in a secure location. In any case in which no violation is found by the committee, no record shall be retained. Suspension or expulsion shall be reflected in the student's official transcript. Annually, the Dean shall report statistics regarding the operation of the Honor & Conduct Committee, including violations found and penalties imposed, to the faculty.
2. The Law School may be obliged to report violations of this Code to the bar of a state to which a student applies for admission. Students who are the subject of an informal proceeding under this Code or an Honor & Conduct Committee investigation or proceeding may have an obligation to disclose that information to the bar of any state to which they seek admission.

F. PROCEDURE FOR MODIFYING THE HONOR AND CONDUCT CODE

At the request of the faculty and/or the SBA, the Dean will appoint a committee consisting of the Associate Dean of Students, the Associate Dean of Faculty, other faculty designated by the Dean,

and at least one student representative, for the purpose of reviewing this Code and any proposed changes to it. Any proposed changes will be provided to the SBA for review and comment before final adoption by the faculty, including rules that modify the rules stated in section E.

Revision approved by faculty on 12/7/2021