

UNIVERSITY OF DAYTON SCHOOL OF LAW
ACADEMIC AND PROFESSIONAL ETHICS POLICY

A. DEFINITIONS

1. ACADEMIC DISHONESTY

The term "academic dishonesty" means an act within the definition contained in Article I of the University's policy.

2. OTHER UNETHICAL ACTS

The term "other unethical act" means an act described in this subsection, other than an act of academic dishonesty under the preceding subsection. Other unethical acts include:

a. Misrepresenting facts concerning academic performance, including cumulative grade-point average, course grades, class rank, and standardized test scores (such as the LSAT), and concealing or failing to reveal facts concerning previous law school attendance for the purpose of gaining admission to the School of Law.

b. Engaging in conduct which disrupts or handicaps other students engaged in writing examinations or participating in any process that will affect their grade adversely.

c. Mutilating, destroying, stealing or concealing, including hiding by misplacement, library materials, or otherwise violating any rules with respect to the use of library facilities or materials.

d. Committing a theft or an act of vandalism affecting any facilities or property of the School of Law.

e. Failing to report an act of academic dishonesty to the course instructor, or an other unethical act to the Associate Dean for Academic Affairs, as the case may be, when the student failing to make the report has a reasonable belief that such an act has occurred, is occurring, or is about to occur.

f. Misrepresenting facts concerning academic performance, including cumulative grade-point average, course grades, and class rank, to a prospective employer when either the initial contact with that employer or any action in furtherance of the student's quest for employment with that employer was made through the School of Law's Office of Placement and Career Counseling, or unfairly interfering with another student's quest for such employment, such as by removing notices of job opportunities from public view in that office.

B. PROCEDURES

1. CASES OF ACADEMIC DISHONESTY

Articles II. and III. of the University's policy govern all cases of academic dishonesty. However, since there is no "chairperson" for the School of Law, the intermediate appeal to the "chairperson of the department in which the course is taught," set forth in Article III., A. of the University's policy does not apply. Thus, an appeal from the instructor's decision can be made only to the School of Law's Review Committee under Article III., B.

2. CASES OF OTHER UNETHICAL ACTS

a. INITIAL DECISION

When an accusation of an "other unethical act" is made, the Associate Dean for Academic Affairs must notify the student immediately and in private of the accusation and penalty. If, after a private discussion with the Associate Dean, the student admits the act and accepts the proposed penalty, the Dean will be notified in writing of the violation. This is to be a confidential notification with the only other authorized copy to go to the student. If, after the private discussion, the student does not admit the act or accept the penalty, the Associate Dean will notify, in writing, the Dean and the student. In either case such notification will become part of the official file on the student but will not be transmitted outside the University.

b. APPEAL PROCEDURE

(i) If no resolution occurs in the private conversation with the Associate Dean, the student has 10 days to file an appeal to the School of Law's Review Committee. The Review Committee will first select a chairperson, and then meet with the student and the Associate Dean (or his or her designee) on separate occasions and gather any additional evidence or information related to this appeal. The student has the right to see and hear the evidence against him or her, and to cross-examine witnesses, to present witnesses and evidence on his or her behalf, and to be represented by another person, including counsel but not by a member of the School of Law's Faculty. The Review Committee will make known its recommendations and the reasons for its recommendations in writing to the Dean and the student. If the accusation is judged an "other unethical act" and the penalty appropriate, a record will be placed in the student's official file.

(ii) Either the student or the Associate Dean may then make an appeal to the Dean of the School of Law. A final appeal may be made to the Vice President for Academic Affairs and Provost, who has the final authority in the matter.

C. REVIEW COMMITTEE

1. COMPOSITION

The School of Law's Review Committee shall consist of four faculty members and three students. The Committee shall designate one of the faculty members as Chairperson who shall be a non-voting member of the Committee except in the event of a tie vote.

2. SELECTION

Faculty members shall be appointed by the Dean. Student members shall be elected during each spring semester for a term that runs from May 1st through April 30th of the next year. The Student Bar Association shall hold the election, and may impose reasonable requirements for the nomination and election of student members of the Review Committee.

3. VACANCIES

Faculty vacancies on the Committee shall be filled by interim appointments by the Dean. Student vacancies, whether temporary or permanent, shall be filled by interim appointments by the President of the Student Bar Association.

4. CHALLENGES

A member of the Review Committee will be excused from participation in a case for good cause shown. Decisions on challenges for cause shall be made by the Review Committee without the presence or participation of any member or members then subject to challenge, or, if all members of the Committee have been challenged, by the Dean.

5. QUORUM AND VOTES OF THE COMMITTEE

The quorum for the Review Committee is five (5) persons, including at least two (2) students and at least three (3) faculty members, including the Chairperson. The act of the Committee shall be by the vote of a majority of the voting members present at a meeting at which a quorum is present.

6. HEARINGS

The Review Committee's hearings shall be informal. The rules of evidence shall not apply except that the Chairperson may exclude evidence that is irrelevant, immaterial or unduly repetitious. The Review Committee may sever or consolidate cases on its own motion or pursuant to student request, provided such action is fair to the student and he or she is given an opportunity to object to it.

A videotape of the proceeding shall be made, which shall be available to both parties.

D. PENALTIES

1. ACADEMIC DISHONESTY

The possible penalties for a proven case of academic dishonesty are set forth in Article II. of the University's policy. *Caveat*: That policy provides in part that although the maximum penalty is usually an "F" in the course, it continues, "Under some circumstances . . . additional penalties may be imposed by the student's Dean." Those circumstances include the fact that the student involved is a law student, who is subject to the heightened ethical responsibilities as noted above. Therefore, in cases of academic dishonesty involving law students, the penalty is generally more severe than an "F" in the course, and often has included suspension or dismissal from the school.

Penalties imposed by the faculty member involved, or by the Review Committee, may include "additional penalties" required to be imposed by the Dean. In such a case, the "additional penalty" will not become effective until approved by the Dean of the School of Law.

2. OTHER UNETHICAL ACTS

Penalties for "other unethical acts" include an oral or written reprimand, a reduced grade or an "F" in the course, disciplinary probation, community or school service, suspension from the School of Law for one semester or one year, and dismissal from the School of Law.

Penalties other than reprimands or an "F" in the course require the approval of the Dean before they become effective.

