A Primer on The Honor Code for Faculty 2014-2015

This document is to educate members of the law school community on the academic standards and expectations under the Honor Code and addresses (1) the Northwestern University School of Law Honor Code coverage and process and (2) those areas in which violations occur and how students and faculty can avoid these issues.

I. Honor Code Coverage, Prevalent Violations, and Process

“A[n Honor Code] violation occurs when a student knowingly:
(a) steals, destroys or defaces any library materials or, in contravention of library rules, removes from general circulation and accessibility any library materials with the purpose of depriving others the use of that material;
(b) steals, reproduces, circulates or gains access to an examination or other graded assignment before it has been administered;
(c) uses materials not permitted by the professor in an examination or other graded assignment;
(d) cheats, or collaborates in a manner not permitted by the instructor for that course, on an examination or other graded assignment;
(e) plagiarizes; which includes, but is not limited to, failing to attribute language or ideas to their original source or failing to indicate by quotation marks a passage from another source of more than (5) consecutive words;
(f) refuses to testify, or testifies falsely, at a proceeding under the Honor Code with respect to facts within his/her knowledge. It is not, however, an additional Honor Code violation if an accused person declines to be a witness against himself/herself;
(g) engages in any conduct with the purpose of avoiding or circumventing other law school rules governing academic life;
(h) undertakes an activity or course of conduct with the purpose of creating an unfair competitive advantage over other students;
(i) obtains in contravention of Law School rules, or divulges, official school information including, but not limited to, grades or exam numbers, that a reasonable student knows or should know is properly kept confidential; or
(j) attempts to commit any of the above offenses.”

Northwestern University School of Law Honor Code (emphasis added to indicate most common Honor Code issues).

Under our Honor Code process, a faculty member, staff member, or student who suspects an Honor Code violation should promptly refer the matter to the dean’s designate (the Dean of Students) for investigation. Faculty should not investigate because that investigation could compromise objectivity in evaluating the student’s work if the investigation does not result in issuance of a charge.

- The Dean of Students will commence an investigation with the resources identified by the faculty member and, in the case of suspected plagiarism, those identified by plagiarism detection software. All resources identified are double-checked and independent research is conducted beyond results obtained by plagiarism software.
- If the Dean of Students determines that there is a reasonable basis to believe the Honor Code has been violated, then the investigation will include checking prior work the student has completed while in law school.

All Honor Code charges are resolved by agreed resolution or written decision; a student can appeal the latter to the Honor Code Board of Appeals, which consists of members of the Faculty Advisory Committee and student representatives. The standard of review is de novo.

II. How are students educated about the Honor Code?
- All JD students attend a mandatory session on the Honor Code, professional standards, and related expectations in September of their first year. At the beginning of each year, all students receive an email reiterating this information and providing a link to the Honor Code on the web.
- All LLM students attend a mandatory session on the Honor Code, professional and cultural expectations, and a more in-depth (and at a slower pace) presentation about plagiarism. LLM students also receive the email reiterating this information and providing a link to the Honor Code on the web.
- In both Communication and Legal Reasoning and Common Law Reasoning, JD and LLM students, respectively, learn about citation and attribution form and practice. The LLM students who attend the Legal English program (about one-third of each class) attend an additional session on the Honor Code, plagiarism, and cultural expectations in the law school.
- In exam courses, the syllabus and exam instructions should clearly define what can and cannot be used when taking the exam.
- In paper courses, the professor should clearly communicate expectations regarding the type of research to be done and the need to properly cite and attribute sources.

III. Examples of other Honor Code violations and penalties:

Most Honor Code investigations result in an agreed resolution. Here are some examples of Honor Code violations and associated penalties:
- The exam instructions prohibit the use of commercial outlines. Student received an outline from another person, parts of the outline were copied from a commercial outline, and the student copied those parts into the exam answer. **Honor Code charge for the use of impermissible materials; student received an F in the course.**
- The exam instructions prohibit the use of any Internet materials. Student accessed the Internet during the exam (two different cases – in one student was seen doing so and in the other student copied language from a website). **Honor Code charge for the use of impermissible materials; student received an F in the course.**
- Student used more than the allocated exam time on more than one exam. The extra time taken was in excess of a minimal, inconsequential amount. Student raised no contemporaneous exam issue and had no medical or other excuse for the time taken. **Honor Code charge for undertaking an activity or course of conduct with the purpose of creating an unfair competitive advantage over other students; depending on the amount of time taken, either professor was notified of the charge and lowered the grade or the student received an F in the course.**
- Student continued to work on the exam after the end of the exam period (5 pm on the last day of exams). Student raised no contemporaneous exam issue and had no medical or other excuse for the time taken. **Honor Code charge for undertaking an activity or course of conduct with the purpose of creating an unfair competitive advantage over other students; student received an F in the course.**
- Student and friend were working on the same assignment. Student kept asking friend questions about how he was doing the assignment. Frustrated and tired friend shared his assignment answer which student copied in part. **Honor Code charges (2) for impermissible collaboration; student received an F in the course and friend’s grade was reduced by professor.**
IV. Detail on a Key Area of the Honor Code: Plagiarism

Plagiarism is use of the words or ideas of another without appropriate attribution and for personal gain (e.g., in a grade or course credit).
- When quoting, paraphrasing, or using the ideas of another you must acknowledge the original source in a footnote by identifying the original author, the source publication, where that publication is found, and the page(s) on which you read the material.
- **Quoting:** Plagiarism occurs when more than five (5) consecutive words are taken from a source and the words are not placed inside quotation marks. Students must not change every fifth word in an effort to use language and avoid quotation marks.
- **Paraphrasing** is when a student reads the words and ideas of another person and writes or incorporates those ideas in her own words. Paraphrasing another person’s words is permissible, but also requires attribution. Two easy ways to paraphrase are (1) to read a paragraph and summarize it in one sentence and (2) to read a page and summarize it in a paragraph.

**Should faculty be looking for plagiarism on drafts of papers?**
- **Yes.**
- However the failure by a faculty member to identify plagiarism at the draft stage, or a faculty member’s decision to sign off on a draft, **does not** in any way absolve the student of responsibility, or diminish responsibility, for plagiarized work.
- Faculty should note any (1) passages that sound like sources or do not sound like the student or (2) changes in voice, writing style, or word choices, or in font or format, all of which can indicate multiple authors.
- Faculty should flag to the student author any issues or concerns seen in an ungraded draft paper.
- If faculty see a lack of citations in outlines and drafts, then communicate to the whole class, orally and in writing, how and why this differs from your expectations.
- **The ultimate responsibility for the paper rests with the student.**

**Tips for students to avoid problems with plagiarism**
- **Do not put the paper off until the last minute.** Most plagiarism occurs when the student has not properly managed their time, which can lead to carelessness and/or bad judgment regarding proper citation and attribution.
- Keep research well-organized so that you know what you were reading when you wrote a passage. One easy way to do this is to insert a footnote at the end of each sentence written and in the footnote write yourself a message to include a cite (for example, “got this from Smith, Civil Rights article 2002 page 43”). Then you can go back later and type the proper citation form.
- During your research, when cutting and pasting words from an electronic source always paste the text in between a pair of quotation marks (“ ”), and immediately type the source citation information including the specific page where the words appear.
- During the writing process, when discussing, including, or writing about someone else’s thoughts and ideas create a footnote at the end of the written passage and include a citation to the original source and the specific page on which the ideas were found.
- When in doubt, include a citation.
- Most research papers include a background section which should include many citations to the sources read to prepare the section.
- Whenever you are unsure if you have included enough citations, ask the professor to clarify whether this is appropriate or not.
What is the standard of intent for plagiarism under the Honor Code?
Honor Code decision 2002-1 addressed the appropriate level of intent with respect to plagiarism. The Review Board rejected the need for a specific intent to deceive in plagiarism cases, stating instead that “[a]bsent a specific ‘purpose’ requirement, the Code requires only a finding that the accused acted knowingly. This is especially clear with respect to plagiarism.” Honor Code Review Council Case No. 2002-1 (reviewing Judicial Council’s opinion in 2001-006) at page 3. Thus, once a student knows what plagiarism is and what is required in citation and attribution, there is no additional intent to plagiarize needed for an Honor Code violation.

What if the work is just sloppy? Is that plagiarism?
- A small degree (less than 10%) of sloppiness in citation form or attribution in a research paper will result in a reprimand, stern warning, and a corrective conversation about the conduct, as well as a potential grade reduction.
- Drawing the line between mere sloppiness and a significant amount of plagiarism will depend on several factors including the assignment, the assignment instructions, other communications of the teacher’s expectations, the actual amount of attribution in the paper, the actual amount of copying, the proportion of the copying to other parts of the paper, and where in the paper the copying occurred (for example, copying in the analysis or recommendations section is of great concern).

What are the typical penalties for plagiarism?
- Plagiarism beyond mere sloppiness is treated very seriously and the standard penalty is an F in the course, a one term suspension, a transcript notation of the Honor Code violation, notification of the bar examiners, and review of all subsequent non-exam, graded work while in law school. Additional penalties can include community service (typically in the hundreds of hours, either service or pro bono), reflective writing assignments, re-writing research papers, and other appropriate penalties. The one term suspension almost always changes a student’s graduation date.
- Multiple violations will result in longer periods of suspension or exclusion from the law school.