HONOR CODE

ADOPTED BY THE FACULTY OF THE

FLETCHER SCHOOL OF LAW AND DIPLOMACY

TUFTS UNIVERSITY

ON

MAY 16, 2019

TO TAKE EFFECT ON

SEPTEMBER 5, 2019

SECTION 1: PURPOSE, PRINCIPLES, AND APPLICATION

(a) The purposes of this Code are to—

(1) codify and clarify the rights and obligations of Fletcher students with respect to the preservation and protection of academic integrity;

(2) inform Fletcher students, faculty, and administrators with respect to such rights and obligations;

(3) set forth procedures for judging and punishing offenses against academic integrity; and

(4) safeguard the rights of students who are accused of such offenses.

(b) The School seeks to promote and preserve a vibrant community of ideas. Integral to assessing the origins, value, and implications of an idea is its attributability. Attribution requires identifying and respecting the distinctive contributions of all participants and the sources on which they rely. Students who claim credit for intellectual work must therefore uphold the highest standards of intellectual honesty by ensuring that work attributed to them is their own and by acknowledging the work of others.
(c) The provisions of this Code shall apply to all students, including non-degree candidates and cross-registrants, who study at the Fletcher School.

**SECTION 2: PROHIBITIONS**

(a) No student may claim credit explicitly or implicitly for the intellectual work of another.

(b)(1) In preparing written work for academic evaluation, no student may, even inadvertently—

(A) engage in plagiarism, which means the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit; or

(B) submit any written product that would mislead a reasonable person as to the source or origin of work for which such student asserts authorship; or

(C) falsify data, information, source material, or citations.

(2) Except as an instructor may expressly authorize, a student—

(A) shall, with the exception of matters within common knowledge, identify the source of all factual data, including all written information, all internet and electronic data, and all work or material that is the product of another person, including all ideas, facts, data, interpretations, and other information and opinions derived from others, whether published or unpublished; and

(B) may not receive or provide any undue or excessive assistance or any advice or guidance that has the effect of vitiating the crediting of such work to such student.

(3) Except as an instructor may expressly authorize, a student may not submit for scholarly evaluation at the School any work, or any part of any work, that has been previously published or written for compensation or submitted for scholarly evaluation at another institution or in another course at the School.

(c) In taking examinations, except as an instructor may expressly permit, no student may—

(1) seek, offer, allow, give, or receive any assistance of any kind;
(2) communicate during an examination in any way with anyone for any purpose;

(3) exceed the specified time limit; or

(4) access any unauthorized material or source or any device, including any computer, cell phone, smart watch, or any other electronically-powered device or any other item or thing that may be of potential assistance.

(d) A student shall consult the instructor in the event any doubt or uncertainty arises concerning what is permitted or prohibited in the preparation of written work or the taking of an examination.

(e)(1) The materials in the Ginn Library are for the use of the entire Fletcher community.

(2) No student may—

(A) remove library materials without the authorization of the library;

(B) secrete library materials in book lockers or sections of the stacks not corresponding with the call numbers assigned to the materials; or

(C) use or alter library materials in such a way as to significantly disadvantage other users of those materials.

SECTION 3: HONOR COMMITTEE

(a) There is established an Honor Committee, which shall carry out the duties provided by this Code.

(b) (1) The Committee shall consist of four members of the Executive Committee of the Fletcher faculty and one administrator, all of whom the Dean shall appoint at the beginning of each academic year; and two Fletcher students, both of whom the students shall elect at the beginning of each academic year.

(2) The Dean shall also appoint an administrator and a member of the Executive Committee of the Fletcher faculty, and the students shall also elect a Fletcher student, who shall serve as alternate members of the Committee in the event a member of the Committee is unable to be present for a meeting of the Committee.

(3) The Dean shall appoint a chair of the Committee from among its faculty members.
(4) A quorum shall consist of four members, except that in no case shall a quorum exist if faculty members do not comprise a majority of members present. The Committee may conduct no meeting in the absence of a physical quorum. Committee members may not participate by telephone or videoconference or submit proxy or absentee votes.

(5)(A) If a reasonable person would conclude that a member of the Committee cannot be impartial with respect to a matter before it, such member shall recuse himself or herself from participating in the consideration of such matter by the Committee.

(B) In the event of such recusal, the Dean shall appoint a faculty member, student, or administrator, as the case may be, as an ad hoc member of the Committee for the consideration of such matter.

(C) Respondent may challenge the impartiality of a member of the Committee by petitioning the Dean to appoint an ad hoc replacement, in which case the Dean may, after consulting with such member, appoint such replacement in the event the Dean determines that such member cannot be impartial with respect to the matter under consideration.

(6) The Committee may adopt such rules and procedures as it may deem appropriate to carry out the provisions of this Code, consistent with principles of efficiency and due process.

**SECTION 4: REPORTS CONCERNING POTENTIAL VIOLATIONS**

(a)(1) In the event an instructor has—

(A) first-hand, direct evidence that a student has violated this Code; or

(B) the facts concerning a violation are not in dispute as between such instructor and student;

the instructor may reduce the grade of such student to a grade, including failure, that is proportionate to the gravity of such violation.

(2) No instructor may reduce a grade under this sub-section unless such student has been provided notice and an opportunity to respond.

(3) Such instructor shall report any such grade reduction to the Academic Dean, the Executive Associate Dean, and the Registrar, who shall maintain a record of such reduction, separate from the transcript of such student, in the repository maintained under section 5(b)(6)(B) of this Code.
(4) In the event the instructor or the Academic Dean believes that an additional penalty beyond grade reduction would be appropriate, the instructor or the Academic Dean may refer such report to the Committee, which shall consider such report in accordance with section 5(a)(1) of this Code.

(5)(A) Any such student who believes that such instructor has reduced any such grade in violation of the provisions of this Code may petition the Committee in writing, setting forth a reasonable factual basis for such belief and asking the Committee to redress such grade.

(B) Any such student is strongly encouraged to discuss the matter with such instructor before initiating such petition.

(C) The Committee shall consider such petition in accordance with section 7 of this Code.

(b)(1) In the event an instructor has—

(A) no first-hand, direct evidence that a student has violated this Code, or the facts concerning a violation are in dispute as between such instructor and student; but

(B) a reasonable factual basis for believing that a student has violated this Code;

the instructor may report such belief to the Academic Dean.

(2) Following the transmittal of any such report, the Academic Dean or the instructor may, upon giving notice to such student and an opportunity to respond, refer such report to the Committee, which shall consider such report in accordance with section 5(a)(1) of this Code.

(c) In the event the Academic Dean or the Executive Associate Dean receives information providing a reasonable factual basis to believe that a student has violated this Code, the Academic Dean or Executive Associate Dean shall report such belief to the appropriate instructor, who shall provide such student with notice and an opportunity to respond, and who may thereafter refer such report to the Committee, which shall consider such report in accordance with section 5 of this Code.

(d) In the event a Fletcher student receives information providing a reasonable factual basis to believe that a violation of this Code has occurred, such student may report such belief to the Academic Dean, Executive Associate Dean, or appropriate instructor, who shall proceed in accordance with subsection (b) of this section.
SECTION 5: COMMITTEE PROCEDURE AND HEARINGS CONCERNING REPORTS OF POTENTIAL VIOLATIONS

(a)(1) Upon receipt of a report under section 4(a)(4), section 4(b)(2), or section 4(c), a panel consisting of the Academic Dean, Chair of the Committee, and a student member of the Committee designated by the Dean shall determine whether a reasonable factual basis supports such report.

(2) If such panel determines that such basis exists, the Committee shall—

(A) notify respondent in writing, describing such basis with specificity and identifying the specific provision of this Code that may have been violated;

(B) provide respondent with a copy of this Code and such other materials as the Committee may deem appropriate; and

(C) hold a hearing to determine whether such report is supported by clear and convincing evidence, according respondent a presumption of innocence.

(b)(1) At such hearing, the Committee shall examine respondent and such witnesses it may deem relevant and consider such evidence it may deem relevant, except as provided by paragraph (5)(B)(i) of this subsection, and shall accord respondent an opportunity to be heard and present such witnesses as respondent may deem relevant.

(2)(A) Respondent may be represented by an advocate, who may be an attorney, friend, family member, or Fletcher faculty member. The School will not provide respondent with an attorney or interpreter, but respondent may use an interpreter. The School may use an attorney as it deems appropriate.

(B) Respondent’s advocate may attend any hearing before the Honor Committee and consult with respondent throughout, subject to the following limitations:

(i) Such advocate may not participate directly in such hearing, except to give respondent’s closing statement if respondent so chooses.

(ii) Respondent shall notify the Chair of the Committee not less than 48 hours before any scheduled hearing if respondent intends to be represented by an advocate at such hearing. Such notice shall include the identity and affiliation of such advocate.
(3) Unless respondent requests that such hearing be open, such hearing shall be closed except to members of the Committee; respondent; respondent’s advocate and interpreter, if any; any witnesses; and, at the discretion of the Committee, University counsel.

(4)(A) No participant in any hearing or related proceeding or process may reveal the identity of—

(i) respondent to any non-participant unless expressly permitted to do so by respondent; or

(ii) a witness who requests anonymity upon providing evidence of independent significance with respect to its authenticity, probity, and reliability.

(B) Violation of clause (i) or clause (ii) of this sub-paragraph by a student shall constitute an offense against this Code.

(5)(A) At such hearing, respondent or respondent’s representative may confront and cross-examine any witness who provides evidence unless such evidence is of no independent significance with respect to its authenticity, probity, and reliability, such as evidence concerning plagiarism under section 2(b) of this Code.

(B)(i) The Committee may not consider any evidence provided by any person if such person is unable or unwilling to appear in person for such purposes at a reasonable date and time.

(ii) All hearings shall be held during the fall or spring semesters.

(iii) Respondent may call such witnesses that respondent deems appropriate, except that the Committee may not take testimony from character witnesses.

(iv) The Committee may not permit any person to participate or be included in any hearing by telephone or videoconference.

(6) The Committee may, at its discretion, direct that any such hearing or any part thereof be recorded, in which case—

(A) the person who prepares such recording may attend such portions of the hearing that may be recorded;

(B) the Fletcher School Registrar shall retain custody and control of such recordings, which shall be included in a repository of records of all Honor Committee reports transmitted to the Dean under paragraph (7)(D) of this subsection;
(C) the Committee may direct the production of such transcripts as it may deem appropriate; and

(D) the Committee shall make such recording, or a copy thereof, available to respondent upon respondent’s request within a reasonable period of time thereafter.

(7)(A) The Committee shall determine, after the conclusion of such hearing, whether respondent has committed an offense against this Code with respect to the notice transmitted under subsection (a)(2)(A) of this section.

(B)(i) The Committee may not make such determination unless four members of the Committee concur that it is supported by clear and convincing evidence.

(ii) Ignorance of the provisions of this Code shall not constitute a defense to a violation thereof.

(C) The Committee shall describe such evidence with specificity in a finding of facts that supports such determination.

(D) Not later than fourteen calendar days following the last day of the hearing, the Committee shall report to the Dean and respondent, in writing—

(i) such determination and findings of fact;

(ii) a recommendation concerning which penalty, in any, it considers appropriate, as provided in section 6(c)(1); and

(iii) the separate opinion, if any, of any Committee member who does not concur.

(E) After making a determination under subparagraph (A) of this paragraph but before recommending a penalty under subparagraph (D)(ii) hereof, the Committee shall review records of any prior offenses of respondent maintained in the repository under subparagraph (B) of paragraph 6 of this section.

SECTION 6: ACTION BY THE DEAN

(a) Upon receipt of a report under section 5(b)(7)(D) of this Code, the Dean shall accord respondent a reasonable period of time in which to reply.

(b) After considering respondent’s reply, if any, the Dean may—

(1) direct the Committee to re-convene the hearing; or
(2) impose a penalty under subsection (c) of this section, taking into account whether respondent has committed any prior offenses.

(c)(1) Penalties that may be imposed by the Dean include but are not limited to reprimand, grade reduction, failure of a course, censure, suspension, and expulsion.

(2) Any such penalty may be imposed with or without notation on respondent’s official transcript, as the Dean may determine.

(3) The Dean may examine the registry maintained by the Registrar under section 4(a)(3)(B) to determine the propriety and consistency of a contemplated penalty.

(d) The imposition of a penalty by the Dean may not be appealed, except that, after imposing a penalty, the Dean may re-convene the hearing or modify or remove such penalty in the event the Dean becomes aware of new evidence indicating that such penalty was unsupported by the totality of all probative evidence.

SECTION 7: COMMITTEE PROCEDURE AND HEARINGS CONCERNING STUDENT PETITIONS UNDER SECTION 4(a)(5)

(a) Upon receipt of a student petition under section 4(a)(5) of this Code, the Committee shall transmit such petition to such instructor and accord such instructor a reasonable period of time in which to respond.

(b) After considering any such response, a panel consisting of the Academic Dean, Chair of the Committee, and a student member of the Committee designated by the Dean shall determine whether a reasonable factual basis exists to believe that such instructor reduced such grade in violation of the provisions of this Code.

(c) In the event such panel determines that such basis exists, the Committee shall hold a hearing to determine whether such petition is supported by clear and convincing evidence.

(d) In the event the Committee determines that such evidence—

(1) does not exist, it shall so inform such instructor, such student, and the Dean; or

(2) does exist, it shall recommend that the instructor consult with the Dean with a view to adjusting such grade.
(B) The Dean may make such adjustment if satisfactory accommodation is not reached with such instructor, in which case the Dean shall so inform such instructor, such student, and the Registrar.

SECTION 8: RIGHTS OF ACCUSED STUDENTS

(a) In accordance with the provisions of this Code, every student has the right to—

(1) specific notice of the elements of an offense, as provided by section 2;

(2) impartial judgment, as provided by section 3(b)(4);

(3) notice and an opportunity to respond, as provided by section 4(a)(2), section 4(b)(2), section 4(c), section 5(a)(2)(A), section 5(b)(7)(D), section 6(a), and section 6(b)(1);

(4) a presumption of innocence that may be rebutted only by clear and convincing evidence, as provided by section 5(a)(2)(C) and section 5(b)(7)(B);

(5) representation, as provided by section 5(b)(2);

(6) confidentiality, as provided by section 5(b)(3) and section 5(b)(4)(A);

(7) call, confront, and cross-examine witnesses, as provided by section 5(b)(5) and section 5(b)(5);

(8) any hearing recording or transcript that may be produced, as provided by section 5(b)(6)(D);

(9) a specific finding of facts that is prepared independent of awareness of any prior offenses, as provided by section 5(b)(7)(C); and

(10) incur no grade reduction in violation of the provisions of this Code, as provided by section 4(a)(5) and section 7.

(b) The Dean may, under section 6 of this Code, impose a lesser penalty or no penalty in the event the Dean determines that any such right has been violated.
SECTION 9: STUDENT PLEDGE OF COMPLIANCE

Every Fletcher student shall, as a condition to enrollment, sign a pledge stating as follows: “I affirm that I have read and understand the Fletcher School’s Honor Code and I solemnly promise to comply with it.”

SECTION 10: EFFECTIVE DATE; AMENDMENTS

(a) This Code shall become effective, and the earlier Code of Academic Integrity shall be repealed, on the first day of classes in the semester following the semester in which this Code was approved by the faculty.

(b) No amendment to this Code may take effect unless approved by the faculty.