

Academic and Professional Standards and Bar Admission

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A. ACADEMIC AND PROFESSIONAL STANDARDS

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The cornerstone of our legal system is the integrity of the individual lawyer. As future lawyers, our conduct is governed by the highest standards of ethics. The West Virginia University College of Law expects students to share this commitment to honesty, integrity, and professionalism. Law students are required to comply with (1) the Law Student Code of Professional Responsibility, (2) the Campus Student Code, and (3) the Academic Integrity Policy as outlined below.

A1. LAW STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

The West Virginia College of Law expects every member of its academic community to share a commitment to honesty, integrity, and the search for truth. Therefore, it shall be a violation of the Law Student Code of Professional Responsibility for any student or applicant for admission to commit the following:

1. Intentionally lying, giving false information, making material misrepresentations, or omitting material facts to the faculty, administration, or any student organization in the course of the academic extracurricular, co-curricular, admissions, or placement programs of the College of Law.
2. Failing to report in a timely manner to the College of Law and the Board of Law Examiners information related to the character and fitness process for admission to the bar. A student has an on-going duty to follow the applicable character and fitness requirements for admission to the bar; therefore, after a student becomes aware of a need to self-report information related to the character and fitness process, failing to make such a report to the College of Law and the Board of Law Examiners would constitute a violation of the Law Student Code of Professional Responsibility.
3. Discouraging other students from reporting violations or sanctioning other students for reporting violations of the Law Student Code of Professional Responsibility or the Academic Integrity Policy.
4. Refusing to cooperate with investigations into violations of the Law Student Code of Professional Responsibility or the Academic Integrity Policy.
5. Failing to report direct knowledge (knowledge gained through personal experience and observation, not knowledge gained through secondary sources) of a violation of the Law Student Code of Professional Responsibility or the Academic Integrity Policy. Students should follow the procedures listed below in Section 4 of the Administration of the Academic Integrity Policy.

Students enrolled in the West Virginia University College of Law recognize and accept that these standards, obligations, and responsibilities govern their conduct. A law student is subject to these standards and requirements from the time the student submits an application for admission through the conferral of the degree.

Students who are found to have violated the Law Student Code of Professional Responsibility and the Academic Integrity Policy will be subject to the Academic Integrity Policy process and potential sanctions related to such violations as described below in section A3. The College of Law retains records of both allegations and the resulting outcomes of the process to provide for character and fitness inquiries related to admission to the bar.

A2. CAMPUS STUDENT CODE

As students of West Virginia University, all law students are subject to Board of Governors Rule 6.1, Student Rights and Responsibilities; Student Conduct. Any behaviors not academic in nature but related to student conduct should be referred to the Campus Student Code (<https://studentresponsibility.wvu.edu/campus-student-code/>). The Office of Student Rights and Responsibilities (<https://studentresponsibility.wvu.edu/>) manages the Student Conduct Process (<https://studentresponsibility.wvu.edu/student-conduct/process/>).

A3. ACADEMIC INTEGRITY POLICY

1. PURPOSE AND SCOPE

- a. The West Virginia University College of Law values honesty, fairness, and integrity in the pursuit of education. This Policy (the Academic Integrity Policy) sets forth the procedures by which the University receives, investigates, and adjudicates allegations of academic dishonesty by students. This Policy also outlines the University's response to instances of academic dishonesty and the Office of Academic Integrity's goal of preparing students for future success.
- b. This Policy applies to all alleged incidents involving academic dishonesty and/or professional responsibility related to academic conduct or policies by all students, as defined in Section 2(h) of this Policy, at the West Virginia University College of Law. Alleged incidents involving non-academic conduct are governed by the West Virginia University Student Conduct Code and Discipline Procedure.
- c. This Policy does not address routine grade appeals that are not based on a specific instance of academic dishonesty. Those appeals are handled in accordance with the West Virginia University College of Law Academic Catalog - Grades.

2. DEFINITIONS

- a. "Accused Student" means a student who is alleged to have violated this Policy.
- b. "Academic Assignment" is defined as a quiz, test, examination, paper, report, problem set, project, or any other academic exercise submitted by a student for a grade or other credit.
- c. "Appellate Review Officer" means the university administrator assigned to review and rule on a student's timely appeal as provided in Section 7 of this Policy.
- d. "Director of Academic Integrity" means the Director of Academic Integrity or their designee.
- e. "Authorized Reporter" means a member of the University faculty or staff who is in a position (e.g., Instructor of Record, Course Coordinator, Department Chair) to be aware of violations of academic dishonesty and to file a formal complaint. In cases where the Instructor of Record is no longer employed by WVU, another departmental representative will be identified as the Authorized Reporter and will serve as a proxy.
- f. "Provost" means the Provost of West Virginia University or designee.
- g. "Student" means all persons taking or auditing courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies; persons who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission; or persons who are living in University supervised housing at any time, even if not enrolled at the University. A person will continue to be a "Student" until such status is terminated upon the occurrence of one or more of the following events:
 - i. Graduation (without any indication of intent to pursue further academic activities at the University during the following semester);
 - ii. Voluntary withdrawal of the student from West Virginia University; or Involuntary dismissal (or other withdrawal of the student initiated by the University) from all programs and activities of the University, and the exhaustion of all internal grievance procedures to redress the dismissal or withdrawal (if applicable).

3. PROHIBITED CONDUCT

Academic dishonesty means Plagiarism; Cheating; Fabrication or Falsification; Other Prohibited Academic Conduct; and Facilitation as it relates to academic or educational matters.

- a. Plagiarism means the theft or unauthorized use of work, typically created by another. It includes but is not limited to:
 - i. The use of another's words, ideas, or media – whether published or unpublished, partial or complete, by paraphrase or direct quotation – without complete and accurate acknowledgement;
 - ii. The unacknowledged use of materials prepared by another individual, including an individual engaged in the selling of term papers or other academic materials; or
 - iii. Repeated submission of one's own work, specifically submission of the same material in multiple courses or iterations of a course, without the instructor's express permission.
- b. Cheating means reliance on unauthorized resources, in connection with examinations or Academic Assignments. It includes but is not limited to:
 - i. Collaboration with peers beyond that authorized by the instructor in the completion of an examination or Academic Assignment;
 - ii. Cheating on an examination or Academic Assignment, by either

- utilizing unauthorized physical or technological resources (e.g., cheat sheets, online resources); or
- receiving unauthorized personal assistance (e.g., copying from another student).

iii. The acquisition or use, without permission, of examinations or other academic material belonging to a member of the University faculty or staff.

c. Fabrication or Falsification means acts of misrepresentation, forgery, or fraud as they relate to academic or educational matters. It includes but is not limited to:

- i. Fabricating or falsifying citations, data, or other records;
- ii. Wrongfully fabricating or falsifying attendance or participation records for a University course or in an experiential or clinical setting;
- iii. Wrongfully fabricating or altering an educational record (e.g., admission, grade, or attendance record) after it has been created;
- iv. Use of University documents or instruments of identification for fraudulent purposes (e.g., impersonation of another student); or
- v. Knowingly furnishing false statements in any University academic proceeding.

d. Other Prohibited Academic Conduct means:

- i. Engaging in behavior specifically prohibited by a faculty member in the course syllabus;
- ii. Violating other departmental, college, or university academic standards, and/or legal or professional standards in relation to coursework or other program-related activities; or

e. Facilitation means:

- i. Providing unauthorized materials or personal assistance to another student when such assistance allows them to commit academic dishonesty; or
- ii. Compelling someone else to commit academic dishonesty on one's behalf.

4. ADMINISTRATION OF THIS POLICY IN THE COLLEGE OF LAW

a. The Director of Academic Integrity, in conjunction with the Assistant Dean of Student Services and Engagement at the College of Law, shall serve as the Administrators of this Policy and shall be available to assist any student, staff member, faculty member, or administrator in understanding and applying this Policy.

b. The Assistant Dean of Student Services and Engagement at the College of Law is the primary point of contact to which individuals should report allegations of violations of the Student Conduct Code and Academic Dishonesty Policy.

5. INITIAL REVIEW OF REPORTS OF ACADEMIC DISHONESTY

a. Formal complaints of academic dishonesty shall be filed by the Assistant Dean of Student Services and Engagement (via the Academic Dishonesty Form (ADF)) with the Office of Academic Integrity by any Authorized Reporter. Complaints should be submitted to the Office within fourteen (14) calendar days following discovery of the alleged incident of academic dishonesty.

i. Regardless of whether a formal complaint is ever filed, allegations of academic dishonesty or allegations related to the Law Student Code of Professional Responsibility, from any credible source (including both University employees and students, or others with direct knowledge), may be reviewed by the Office of Academic Integrity.

ii. Allegations of academic dishonesty will not be investigated more than one (1) year after the alleged misconduct took place or after the alleged misconduct should have been discovered, unless good cause is shown for the delay and an extension is granted by the Director of Academic Integrity.

b. Upon receipt of the ADF from an Authorized Reporter, the Office of Academic Integrity shall review the ADF to determine whether reasonable grounds exist to believe a violation of this Policy may have occurred.

6. FORMAL CONDUCT PROCESS

a. *Records.* Case resolutions resulting in any sanction other than suspension, program dismissal, or expulsion will be kept as part of the accused student's academic disciplinary record for seven (7) years. Case Resolutions resulting in suspension, program dismissal, or expulsion are permanently recorded and noted on the student's transcript. The sanction of an unforgivable F will remain on a student's transcript permanently.

b. *Procedure.* The Formal Conduct Process will be conducted in accordance with the hearing provisions applicable to all student conduct violations and set forth in Section 9 of the Campus Student Code. In cases where unforgivable failure of the course, program dismissal,

suspension, or expulsion are sought, a hearing will be required and will follow the procedures outlined in sections 9.6 through 9.15 of the Campus Student Code.

c. *Withdrawal.* A Student is not permitted to withdraw from the course where the alleged conduct occurred after a charge has been issued by the Office of Academic Integrity unless and until the student is found not responsible via the Formal Conduct Process.

7. APPEAL

a. Students who have violated this Policy may appeal the decision and/or the imposed sanction(s) within fourteen (14) calendar days from the date that the Outcome Letter is sent. If the student does not submit an appeal within the prescribed time, the sanction(s) will be applied, no appeal will be considered, and the matter shall be concluded.

b. An Accused Student who enters an agreed resolution with the University, whether formal or informal, waives their right to appeal.

c. A written appeal and supporting documents, if any, shall be submitted (in accordance with the instructions in the Outcome Letter) to the Office of Academic Integrity, which will provide the materials to the Appellate Review Officer.

i. The sanctions of Expulsion, Suspension, Program Dismissal, Failure of the Course with Exclusion from Further Participation, or Unforgivable Failure in the Course are stayed pending the appeal. However, any grade outcome, whether for an individual assignment or for the course overall, that is affected by a sanction is not stayed pending appeal.

ii. Grounds for appeal include claims that the decision

- (1) Was arbitrary, capricious, or prejudiced academic evaluation;
- (2) Was clearly unreasonable based on the information presented throughout the Formal Conduct Process;
- (3) Reflects discrimination based on any criteria prohibited by the University;
- (4) Shows an unreasonable severity of the penalty;
- (5) Contained demonstrable prejudice in the decision-making process; and/or
- (6) Failed to consider additional or new information that was not available throughout the Formal Conduct Process.

iii. The Appellate Review Officer shall consider the appeal and deliver a decision within thirty (30) calendar days of receipt of such appeal, except where adherence to such time period would be impracticable, in which case such time period shall be extended as warranted by the particular circumstances. Any such delays will be communicated via WVU email to the student and the Director of Academic Integrity within the initial thirty (30) day time period.

iv. The Appellate Review Officer may decide to: (a) deny the appeal; (b) modify, reduce or otherwise limit the sanction(s) imposed (more severe sanctions may not be imposed on appeal by the Appellate Review Officer); (c) grant the appeal in its entirety; or (d) remand the matter to the Office of Academic Integrity to provide a new proceeding, or allow the student to have his or her case handled beginning at any specific stage of the Formal Conduct Process.

v. Once the Appellate Review Officer has issued a decision, the matter shall be considered final and binding upon all involved.

8. POTENTIAL SANCTIONS AND EDUCATIONAL MEASURES

a. The University will impose a sanction or educational measure that is fair and proportional under the circumstances. To that end, sanctions and educational measures shall be commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including past violations of University policy.

b. Sanctions and educational measure available for violations of this Policy include any of the following:

i. Remedial Measures: Community service, educational classes, and other work or research projects may be imposed by the Director of Academic Integrity instead of or in addition to the specified sanctions.

ii. Required Repetition of the Academic Assignment: Revision or repetition of the particular Academic Assignment at issue. The student's ability to earn credit for the resubmission, at the discretion of the Director of Academic Integrity.

iii. Reduced Grade on Academic Assignment or Course: A reduced grade for the particular Academic Assignment or course at issue.

iv. Failure of Course: A grade of an "F" for the particular course at issue.

v. Unforgivable Failure of the Course: A final grade of an Unforgivable Failure designates that the failure occurred for academic dishonesty. When an Unforgivable Failure is assigned, a student may repeat the course, but the undergraduate (and where applicable the graduate or

professional school) D/F repeat process will not be applied. A permanent record will appear on the student's transcript, and the F will be permanently factored into the student's GPA.

vi. Failure of the Course with Exclusion from Further Participation: A final grade of an "F" for the course at issue and where the student is prohibited from continued enrollment or participation in the course for the duration of the semester.

vii. Disciplinary Probation: A written reprimand for academic dishonesty that specifies a designated period of time and includes the probability of more severe sanctions if, during the designated probationary period, the student violates or fails to comply with any rules or policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations or with directives issued by any University official acting in the course of his or her authorized duties.

viii. Deferred Suspension: The student will be given a certain set of expectations, but any suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Director of Academic Integrity has decided to seek the suspension, the student will be given written notice of the apparent failure to comply and of the intent to suspend, and provided an opportunity to be heard prior to a final decision, consistent with this Policy.

ix. Disciplinary Suspension: Separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student may be denied access to University premises and to all other University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the University. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return. A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct that takes place during the period of suspension. A permanent record of the suspension will appear on the student's transcript.

x. Dismissal from an Academic Program: Termination of student status, including any right or privilege to receive some benefit or recognition or certification, from a specific academic program. A student may be academically dismissed from any program and remain eligible to enroll in courses in other programs at the institution. A permanent record of the dismissal will appear on the student's transcript.

xi. Deferred Expulsion: The student will be given a certain set of expectations, but any expulsion will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Director of Academic Integrity has decided to seek the expulsion, the student will be given written notice of the apparent failure to comply and of the intent to suspend, and provided an opportunity to be heard prior to a final decision, consistent with this Policy.

xii. Expulsion: Permanent separation of the student from the University. Permanent notification will appear on the student's transcript. The student may be denied access to University premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the University. A permanent record of the expulsion will appear on the student's transcript.

xiii. Other Sanctions and Educational Measures: Other sanctions or educational measures may be imposed instead of or in addition to those specified, where those sanctions bear a reasonable relationship to the nature and severity of the violation.

c. Interim Measures and Interim Suspension.

i. Interim Measures. When the alleged actions of a student threaten the operations or safety of the University, interim measures may be put into place by the Director of Academic Integrity. Interim measures are administrative directives that are intended to insure the safety of the University and prevent a situation from escalating; they are not disciplinary in nature.

ii. Interim Suspension. If the Director of Academic Integrity has reasonable cause to believe that a student's presence on University premises presents:

(a) a significant risk of substantial harm to the student, other individuals, or property; or

(b) an ongoing threat of disrupting the normal operations of the University, then the matter should be referred to the Office of Student Rights and Responsibilities.

B. BAR ADMISSION

1. Admission to Practice (p. 6)
2. The Bar Exam (p. 6)

3. Action Checklists for Law Students (p. 6)
4. Bar Preparation Courses (p. 7)

B.1 ADMISSION TO PRACTICE

A lawyer may not practice without a license. Because each state establishes its own licensing procedures, the process of admission to practice varies from state to state. Although the application is typically submitted to the state in the spring semester of the third year of law school, some states require early notice of an intent to practice within the state's borders. Some even permit a law student to begin the application process early in the law school career at a significantly reduced price. Obviously, every first-year law student should review the application rules in the states where the student plans to practice.

The National Conference of Bar Examiners (NCBE) maintains a website that includes state-by-state bar admission information that is regularly updated with contact addresses, phone numbers, and web sites where application procedures can be reviewed. Access the NCBE website at this address: <https://www.ncbex.org/>.

Each state's admission process includes a character and fitness review. The character and fitness review is essentially a background check to assure that the applicant will practice law competently and ethically. The review is comprehensive but particularly scrutinizes the applicant's record during the three years of law school. Hence, it is particularly important that incoming law students adopt a professional persona that evolves positively during the law school career. For example, a law student who blemishes his or her reputation with substance abuse offenses may be delayed in the admission process until the state's character and fitness committee is assured that the applicant has resolved all issues that might negatively impact the applicant's ability to practice law competently and ethically. On the other hand, if an applicant has a past history of substance abuse, but has faced and solved that problem, past events are unlikely to prevent the applicant from being admitted to practice.

B.2 THE BAR EXAM

Because each state decides how to structure its bar exam, every first-year law student should research the specifics of the exams in the states where the student will practice.

Careful planning of coursework during law school can help assure that the student is well prepared for the exam. Although a student need not take every course tested by the bar exam, the post-graduation bar exam prep period is too short to self-teach all the subjects that are tested. Hence, a law student should plan law school coursework with an eye toward being prepared.

The post-graduation bar exam given in February for December graduates, and in July for May graduates consists of the following subjects:

- Business Organizations
- Constitutional Law
- Contracts/Sales
- Criminal Law
- Criminal Procedure
- Evidence
- Family Law
- Federal Civil Procedure
- Real Property
- Torts
- Wealth Transfers (Trusts and Estates)

B.3 ACTION CHECKLISTS FOR LAW STUDENTS

The following checklists can help a law student stay on-track for successful completion of the bar exam and the admission to practice process.

1L YEAR:

- Check the state's website for licensing requirements and bar exam information.
- Make a note of the subject matter covered by the state exam and use this information in planning coursework during the three years of law school.
- If your state permits early application, consider applying now to save money.
- If you have character and fitness review concerns because of past or present events, start resolving those issues now. The same advice applies to financial issues that affect your credit history.
- Note whether your state requires the applicant to complete service hours while in law school (some states now require applicants to have completed a certain number of hours in an experiential learning environment prior to application).
- Start saving for the 3L expenses of graduation, admission to practice, and a bar exam prep course. Plan on having at least \$8,000 to cover these costs and summer expenses.

2L YEAR:

- Review the 1L Year checklist and update.
- Complete the Professional Responsibility course and take the MPRE during the summer.
- Revisit the state's website to note any possible changes.
- Plan your coursework strategically.

3L YEAR:

- Do a transcript check in the fall. Will you graduate as planned?
- Visit the website of the West Virginia Board of Law Examiners (or the website in the state where you will take the bar).

1. Print and read the bar application materials.

- A. What are the state's licensing requirements?
- B. What is the deadline for the application?
- C. What fees are applicable? Do I need financial help?
- D. Where will I complete the character review?
- E. What can I do now to start the process?
- F. Are there other deadlines?

2. Understand the Bar Exam.

- A. What are the dates/location of the bar exam?
- B. What kinds of tests are on the bar?
- C. What subjects will be tested?
- D. How are the tests scored?
- E. What is the "passing" score?

- Visit the website of the National Conference of Bar Examiners (<http://www.ncbex.org/>) at the end of the first semester and begin the application for admission no later than January 1. (The application can take weeks to complete with all the required information.)
- Learn as much as you can about the review programs for the bar exam, e.g., Kaplan, Barbri, and Themis. Choose one comprehensive program, pay for it, and get the books early for an early start!
- Assess the degree to which you are at risk for not passing the bar exam. Then make a plan to build on your strengths and minimize those risks.
- Make a realistic plan for your summer that includes at least 600 hours of on-task study time prior to the exam (the number of hours that most students say it takes to be ready for the exam).

NOTE: If any change to your student record occurs at any point (DUI, arrests, etc.), you must notify the Assistant Dean for Student Services and Engagement and produce the information in written form for your student file. The Board of Bar Examiners will expect the information they review regarding your record to match what the College has on record in your student file.

B.4 BAR PREPARATION COURSES

The College of Law currently offers several for-credit bar exam preparation courses.

Multistate Performance Test Workshop (Law 664): This one-credit course, which encourages students to learn how to apply substantive law in the context of a Performance Test examination, is open to select (by invitation only) upper-level students. The class provides in-depth training in legal reasoning for law school exams, the bar exam, and legal practice. Students receive guidance and feedback on all written work from the professor about ways to improve their legal reasoning skills.

MBE Skills Workshop (Law 667): This is a two-credit, pass/fail course, typically offered in the spring semester. The course is designed to provide in-depth training in the legal reasoning needed to successfully answer multiple-choice questions on the bar exam, and assists students with completing their character and fitness applications.