DATE: October 2020

TO: All Georgetown Law Students

FROM: Professor Steven Goldblatt, Chair, Professional Responsibility Committee
       Professor Michael S. Frisch, Ethics Counsel

RE: Examinations, Papers, and the Student Disciplinary Code

As we approach the mid-point of the academic term, we want to highlight for you the types of Student Disciplinary Code and related administrative penalties that are of special importance before you start to prepare for exams. You are being trained to become lawyers and adherence to rules of conduct is as essential to law students as it is to lawyers. This obligation requires each student to know and adhere to examination rules. You do not want to jeopardize your legal career before it begins.

Take-home examinations are being used for all courses. If you have little or no experience with the take-home exam process, we emphasize here that you need to take special care to avoid being accused of an exam violation, including collaboration, which, of course, is prohibited. Far too often, discipline charges result from a failure to read and comply with exam instructions. Please study all exam instructions, including this memo, to avoid even the hint of possible rule violation. A disciplinary investigation is extremely unpleasant and, even if it is resolved in the charged student’s favor, the fact that you have been investigated can have consequences for bar admission and employment. Now, as in the practice of law, you need to take special care to avoid any suggestion that you acted unethically or violated any exam rule.

Several professors will also be giving midterm examinations in their courses this semester. Unlike final exams, midterm exams are not administered by the Office of the Registrar. We wish to highlight integrity issues that relate to all examinations as well as issues specific to the midterm exams that will be given in Fall 2020.

Several rules and sanctions are addressed below:

1. SANCTIONS ASSOCIATED WITH LATE TAKE-HOME FINAL AND MIDTERM EXAMINATIONS.

Since students will be taking examinations from locations around the globe, it is particularly important to make sure that you begin and submit your exams by reference to United States Eastern Time (Washington DC time). The table below shows the start and stop times for the final take home exam period in Washington DC in comparison to several different time zones (mini-course and first year Legal Practice exams are scheduled earlier in the semester). Students can see how their particular time zone compares to Washington DC time using the World Clock. Please take particular care to be aware of and comply with submission times regardless of the time zone where you are taking your exam.

<table>
<thead>
<tr>
<th>Time Zone</th>
<th>Washington DC</th>
<th>Houston TX</th>
<th>Denver CO</th>
<th>Los Angeles CA</th>
<th>London UK</th>
<th>Tokyo Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Take Home Exam</td>
<td>Mon 12/7/20</td>
<td>Mon 12/7/20</td>
<td>Mon 12/7/20</td>
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</tr>
<tr>
<td>Period Start Time</td>
<td>8:30am ET</td>
<td>7:30am CT</td>
<td>6:30am MT</td>
<td>5:30am PT</td>
<td>1:30pm BST</td>
<td></td>
</tr>
<tr>
<td>Take Home Exam</td>
<td>Thu 12/17/20</td>
<td>Thu 12/17/20</td>
<td>Thu 12/17/20</td>
<td>Thu 12/17/20</td>
<td>Thu 12/17/20</td>
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</tr>
<tr>
<td>Period Stop Time</td>
<td>6:30pm ET</td>
<td>5:30pm CT</td>
<td>4:30pm MT</td>
<td>3:30pm PT</td>
<td>11:30pm BST</td>
<td>Fri 12/18/20</td>
</tr>
</tbody>
</table>

- Final Examinations: Late-return of final take-home examinations are covered either by the Code or by the General Administrative Policies which also cover late arrivals and missed examinations, as well as the submission of the wrong document (final paper or examination) for grading or
breach of a variety of rules that relate to examinations and papers. All students should exercise great care to ensure that these rules are followed. Students should review Section 402 of the Code, page 115 of the Student Handbook, as well as the General Administrative Policies (EXAM AND PAPER ADMINISTRATIVE POLICIES), Student Handbook at 94-96. Together, these provisions describe Law Center policies related to examinations and papers.

The penalties that apply when these rules are violated may be significant, including disciplinary action. Even if disciplinary action is not indicated, the student may receive an AF grade for the course, which is factored into the GPA as an earned F. Students should also be familiar with the AP grade which comes into play when an exam is returned even one second late. THIS RULE APPLIES TO PASS/FAIL EXAMS AS IT WOULD FOR GRADED EXAMS. RETURN YOUR FINAL EXAMS WITHIN THE TIME ALLOWED.

- Midterm Examinations: Faculty have discretion whether to take late midterm exam submission into account when assessing performance. The Registrar will not send notices concerning late midterm exams. Rather, the professor will be responsible for enforcing the time limits specified in the exam instructions. Students must take particular care to strictly comply with the time limits set by the professor.

2. PLAGIARISM IN PAPERS AND EXAMINATIONS. Plagiarism is the use of the words or ideas of another as one’s own and without proper attribution to the source. Although plagiarism normally is associated with the unattributed use of published work of another, it has broader meaning in the law school setting where students are being graded on the quality of their thoughts as expressed in examinations, papers, and articles. Consequently, any use of written material without proper attribution to the source of the words or ideas on an examination or paper violates the Code. The plagiarism provision in the Student Disciplinary Code was recently revised and provides links to helpful information about plagiarism (Section 101(a), pp. 111-112 of the Student Handbook). Again, a reminder that you are responsible for knowing the rules stated in the Code, and a responsible law student, like a responsible lawyer, must fully understand the rules that govern their behavior.

Students should take great care to distinguish their own words from text taken from other sources. The term “sources” includes, but is not limited to books, articles, papers, speeches, and all other primary and secondary material, whether published in traditional hard-copy sources or on the Internet or in other computer-accessed sources. A student’s sloppy note-taking – in which the student mistakenly copies someone else’s words or ideas into the student’s work product without attribution -- is not a defense to a charge of plagiarism.

It also bears repeating that plagiarism rules apply to all examinations as well as papers and articles. Thus, cutting and pasting someone else’s words into examinations without attribution is plagiarism.

3. CUTTING/COPYING/PASTING IN FINAL TAKE-HOME EXAMINATIONS. Cutting and pasting violates general final exam rules that prohibit cutting and pasting regardless of the source even if the material is not plagiarized. Thus, cutting and pasting one’s own words into an exam is not plagiarism but it is a disciplinary infraction because it violates general examination instructions. Unless expressly authorized by the course professor in written exam instructions, students are prohibited from copying/cutting and pasting any pre-written text (written prior to starting their exam) into their final take-home exam answers. This rule applies regardless of who authored the text.

4. COLLABORATION ON TAKE-HOME EXAMINATIONS.

- Final Examinations: Collaboration is a serious ethical violation that compromises the integrity of our examination processes. Students are expected to strictly follow the rules for all take-home examinations. Discussing the exam with anyone while the exam is being taken is no more appropriate for a take-home exam than it would be for an in-class exam. Students should be aware that any discussion—with other students, faculty, or anyone else—about the examination, no matter how casual, may be considered a violation of the Code. For instance, any online discussion of an examination is prohibited. Students are not permitted to share examination questions or their work product with others. The Law Center carefully investigates whenever there is a suggestion that there may have been collaboration on take home examination answers. In
aid of such investigations, advanced software programs are used to compare examinations for substantially similar answers suggesting collaboration.

- Midterm Examinations: Unless specifically permitted by the professor, students may not discuss a midterm examination with anyone prior to submitting the completed examination and are subject to the same prohibitions stated above for final exams.

5. ANONYMITY IN EXAMINATIONS. Where students have been provided with exam numbers, students should not reveal to their professor any information in the exam answers that would in any manner identify them as the author of the examination.

- Final Examinations: To protect student anonymity and remain in compliance with the Student Disciplinary Code, students may not indicate to the professor that an exam has been deferred, discuss any modification of the timing of an individual exam with the professor, or otherwise identify themselves in any way to the professor as the author of the examination until after grades are published. Students may not discuss the substance of the examination with the professor or with any other student from the time the exam is first administered until after grades are published. Student Handbook at 17, 69.
- Midterm Examinations: Students may not discuss the substance of the examination with the professor or with any other student from the time the exam is first administered until the professor has completed assessment of the exam.

6. EXAMINATION COMMUNICATIONS.

- Final Examinations: If you have an issue relating to a final exam or final exam instructions, you have one place to go to and that is the Office of the Registrar. DO NOT CONTACT THE PROFESSOR. Sending an anonymous email or note to a professor that relates to the examination violates this rule. Any questions about final examinations must be directed to the Office of the Registrar, not the professor or anyone else.
- Midterm Examinations: If you have any question about the content of a midterm exam once the exam period has started, DO NOT CONTACT THE PROFESSOR. Sending an anonymous email or note to a professor that relates to the examination violates this rule. Rather, state your assumptions in your exam responses based upon your understanding of the question(s) posed and maintain a record of your concerns for later review.

7. DISCUSSING EXAMINATIONS WITH FELLOW STUDENTS.

- Final Examinations: Because examinations are not all administered at the same time, you may not discuss the examination with other students until grades are posted. It is very common to want to share your exam experience with other students in the class. Because of the self-scheduled exam administration process, however, you cannot know whether another student has taken an exam. Even casual discussions about the format used or general issues discussed are prohibited.
- Midterm Examinations: Unless authorized by your professor, you may not discuss the examination with other students until your professor has completed midterm assessments.

8. OTHER FINAL EXAMINATION RULES. Final examinations are subject to general rules as well as individual professor instructions regarding use of materials and electronic access. It is the responsibility of each student to be aware of and comply with all rules that apply to an examination and failure to do so may subject a student to disciplinary sanctions.

The purpose of this memorandum is to alert all students to be careful to comply with these rules. Students should be sure that they understand the concept of plagiarism and the terms of all final examination and paper rules. While we hope that no student will ever violate these rules, we want to educate each student about these policies and consequences of violations to keep violations to a minimum.