

**LAW SCHOOL HONOR COUNCIL**  
**BYLAWS**  
**THE COLLEGE OF WILLIAM AND MARY**  
**MARSHALL-WYTHE SCHOOL OF LAW**

Amended November 12, 2024  
Approved December 6, 2024

**Summary of Contents**

The Honor Code provides for the governance of the Honor System, and the SBA Constitution provides for the governance of the Law School Honor Council (the “Honor Council”). These Bylaws are intended to further provide for the governance of the Honor Council in all matters, pursuant to both the Honor Code and the SBA Constitution.<sup>i</sup>

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## I. Honor Council Members

### A. Duties of Each Honor Council Member

1. **Honorable Conduct:** Serve as an example to the Law School Community of honorable conduct under the Honor Code.
2. **Honor Code Tenets:** Enforce and uphold the tenets of the Honor Code.
3. **SBA Constitution:** Interpret the SBA Constitution and serve in dismissal proceedings for SBA and Honor Council personnel.
4. **Honor Council Proceedings:** Avail themselves to assist in the procedures and adhere to the policies for Honor Code enforcement, absent extraordinary justification or recusal.
5. **Honor Council Meetings:** Attend all general meetings of the Honor Council.<sup>iii</sup> If unable to attend a meeting called by the Executive Board, the absent Chair will provide the timely notice of inability to attend.
6. **Committee Meetings:** Attend all meetings of the Committee(s) to which the Associate Chair was appointed. If unable to attend a Committee meeting, the Associate Chair will provide timely notice to the Committee Chair.
7. **Community Education:** Inform and educate the Law School Community about the Honor System.

### B. Executive Board

- C. **Composition:** The Executive Board is comprised of three positions: the Chair, and two Deputy Chairs.
  - D. **Confidentiality Scope:** The Executive Board maintains open communication channels with one another regarding all matters related to Honor Council, confidential or not.
  - E. **Voting:** Any matter requiring a vote from the Executive Board is resolved by a majority rule. Each Executive Board member carries the same voting power.
  - F. **Finances:** The Executive Board, together, will contribute to the upkeep of Honor Council's financial affairs. The Chair will be responsible for final submissions.
1. **Chair:**
    - a. Preside over Honor Council meetings, including scheduling debate and voting.
    - b. Distribute agendas for Honor Council meetings to all Honor Council members.
    - c. Oversee the Council's financial affairs, including the budget proposal and donor list.
    - d. Meet regularly with law school administrators and the SBA President.
  2. **The Deputy Chairs<sup>5</sup> shall:**
    - a. Represent the Chair in the Chair's absence.
    - b. Represent the Honor Council at SBA Board meetings, raising Council-related issues to the SBA in consultation with the Chair.
    - c. Report all pertinent findings from SBA Board meetings to the Chair and the Council.
  3. **The Secretary shall:**
    - a. Schedule meeting times and locations at the direction of the Chair.
    - b. Take minutes at meetings that memorialize the attendance, business discussed, and votes and actions taken, but the Secretary will not record specifics regarding debate or individual viewpoints.

- c. Upload meeting agendas and minutes to the Honor Council Teams channel for each appointment cycle.
- d. Maintain on Teams the current contact information for all Council members.
- e. Coordinate the Council's communications internally, with the SBA, and the student body.
- f. Maintain and update the Honor Council's social media account at appropriate times by posting notifications of Honor Council events and important related events offered by other organizations.
- g. Schedule Honor Council Office Hours and their locations at the direction of the Chair.

## **G. Deputy Chairs and Secretary Selection**

- 1. The date on which the Deputy Chair and Secretary are to be selected shall be announced by the Chair to the entire Honor Council at least seven (7) days before the selection meeting. The selection process shall occur during a non-confidential portion of an Honor Council meeting. A quorum of a minimum of eight (8) Associate Chairs must be present for the selection vote to be held.
- 2. For the Executive Board positions, two Deputy Chairs will be chosen. The Deputy Chairs must be rising 3Ls.
- 3. The Deputy Chair positions shall be filled before the position of Secretary. If exactly two Associate Chairs are nominated, and if there are no objections from present Honor Council Associate Chairs, then the two nominees will be chosen as Deputy Chairs. If more than two 3L Associate Chairs express interest in the Deputy Chair positions, then each candidate must present their brief platform to the Honor Council. Following the platform presentations, all present members of the Honor Council shall have an opportunity to ask the nominees questions in a question-and-answer session moderated by the Chair.
- 4. Each Honor Council member present at the meeting shall vote for a nominee. The method of voting may be determined by the Executive Board prior to the nominations and does not need to be consistent between nominations. In the event of a tie, the previous Honor Council Chair shall cast the deciding vote. This process will be completed again for the position of Secretary, with the exception that there is only one Secretary. Thus, if more than one Associate Chair is nominated for Secretary, then the above requirements (regarding platform presentation and voting) must be followed to choose one Secretary among the nominees.

## **H. Associate Chair Requirements and Term**

- 1. The term of appointment for Honor Council Associate Chairs shall be from their date of appointment until the appointment of the subsequent Honor Council.
  - a. Six (6) 3L Associate Chairs shall be appointed by the SBA each spring semester from rising 2L students; Six (6) 2L Associate Chairs shall be appointed by the SBA each spring semester from rising 1L students;
  - b. Six (6) 1L Associate Chairs shall be appointed by the SBA each fall semester from incoming 1L students.
  - c. The term for 1L Associate Chairs will end with the appointment of a new council during the spring semester after their fall appointment.

## **I. Council-Appointed Positions**

- 1. **Generally**
  - a. Pursuant to the Honor Code,<sup>v</sup> the Chair can appoint ad hoc members to serve on enforcement proceeding committees and panels.
  - b. The Council may appoint Assistant Chairs, who may be appointed to enforcement proceeding committees and panels when no Associate Chairs are available. In the event that the Chair must choose ad hoc members who are not Assistant Chairs, the ad hoc members need to be trained only before the assumption of the duties the assigned role requires, not before they

- have been officially appointed to the role.
- c. Assistant Chairs are not full members of the Council. They do not need to attend Council meetings, and do not count towards Council quorum or voting requirements except on enforcement proceeding committees and panels. However, Assistant Chairs will receive all enforcement-related training that Council members receive and must be so trained before service on enforcement proceeding committees and panels. Additionally, they may provide valuable input and assistance to the Council's various committees.
- d. The number of appointed Assistant Chairs will remain at the discretion of the Executive Board. However, it is encouraged to appoint no fewer than two but no greater than four Assistant Chairs per class. Assistant Chairs applicants may include any current full-time law student who will also be a full-time student during the next academic semester. The Chair and Deputy Chair shall review applications and select candidates to receive an interview with the Council. Assistant Chairs will be formally appointed by the Council pursuant to § 1.4-2 of these Bylaws.
- e. Former members of the Council may serve as Assistant Chairs but will remain non-members of the current Council after appointment as an Assistant Chair.
- f. If a new Chair assumes office at a time other than the beginning of the appointment cycle, the new Chair may nominate a new slate of Assistant Chairs within two weeks. The power to appoint ad hoc members belongs to the Chair under Honor Code § IX.
- g. Assistant Chairs may be reappointed if the Honor Council so chooses.
- h. No current member of the SBA Board, or person appointed to any other SBA position, is eligible to serve as an Assistant Chair.
- i. If a hearing panel is to occur after the end of each appointment cycle, but before graduation, the Chair shall appoint members in the following order: Associate Chairs, Assistant Chairs, volunteering former 3L Associate and Assistant Chairs, and ad hoc law students. If ad hoc members are needed for enforcement proceeding committees or panels, the Chair must first appoint Assistant Chairs, subject to recusal. In the event that no Associate or Assistant Chair is available to fill a position on an enforcement proceeding committee or panel, the Chair may still appoint ad hoc members from the Law School Community, pursuant to the Honor Code. Such appointees must receive training from SARP before service.

## 2. Appointment of Assistant Chairs

- a. The Honor Council, with a quorum of at least eight(8) Associate Chairs present, shall interview Assistant Chairs as soon as is practical after the beginning of each new Council cycle.
- b. The interviews should take place no later than one month after the appointment of the new Council Executive Board.
  - i. If an assistant chair vacancy occurs, or at the Executive Board's discretion, these same procedures may be applied during the 1L appointment cycle in the fall.
  - ii. If interviews occur in the fall, they should also occur within one month after the appointment of new members.
- c. The Chair will announce the Assistant Chair application process to the Law School student body. Interested students shall submit a resume with GPA and class rank redacted. The Chair and Deputy Chair shall review each application and resume received, and determine which applicants will be invited for an interview.
- d. The date on which the Assistant Chairs are to be interviewed and appointed will be announced at least seven (7) days before the selected date.
- e. Assistant Chairs may be removed from office at any time by a vote of two-thirds of Council members currently in office.
- f. If an Assistant Chair resigns or is removed, the Executive Board can nominate a replacement.
- g. If an Assistant Chair is appointed in the fall, their term shall run until the new Council is appointed the following spring semester.

### 3. **Appointment of LL.M. Chairs**

- a. In addition to Assistant Chairs, the Council may appoint two LL.M. Chairs each semester, using the same procedures outlined for Assistant Chairs.
  - i. LL.M. Chairs should be appointed within one month of 1L members joining in the fall, and within one month of the new Council leadership being selected in the spring;
  - ii. LL.M. Chairs appointed in the fall should be selected from LL.M. students who began their program that fall;
  - iii. LL.M. Chairs appointed in the spring should be selected from LL.M. students who began their program that spring;
- b. LL.M. Chairs shall receive full Honor Council training, and be assigned to cases in the same order as Assistant Chairs.
- c. LL.M. Chairs may be removed from office at any time by a vote of two-thirds of Council members currently in office.
- d. If an LL.M. Chair resigns or is removed, the Chair will nominate a replacement within two weeks of the vacancy occurring. Otherwise, each LL.M. Chair will serve until the end of their second semester.
- e. If no LL.M. student applies within the required time period during a semester, the Chair—with a two-thirds (2/3) vote of approval from all current Associate Chairs—may re-release applications once during a semester.

### **J. Meetings**

1. All references to the Council in this section apply equally to its committees.
2. All meetings of the Council will be open, unless closed to discuss sensitive or confidential matters.
  - a. All meetings of the Council will be announced by at least one of the following means: physical posting in the Law School; posting on the Council's website; or posting on a Law School calendar, including electronic calendars such as Sharepoint, the "The Docket Digest," or any other William & Mary Law School intranet system.
  - b. Minutes will be taken at all open meetings.
3. The Council may close its meetings.
  - a. In order to close a meeting, the Council must follow the following procedure:
    - i. In an open meeting, a member of the Council must move to enter closed session, which must be seconded by another member. Assuming no objections are made, then the Council may move into closed session;
    - ii. The motion to enter closed session must identify the subject matter and purpose of the closed session.
    - iii. The Council may permit non-members to attend closed meetings if they are deemed necessary, or if their presence will reasonably assist the Council in its consideration of a topic that is a subject of the meeting; and
    - iv. Minutes need not be taken in closed session, and if minutes are taken, they will not be subject to public disclosure.

4. All enforcement proceedings are absolutely excluded from the provisions of this section. All discussion of enforcement proceedings at Council meetings is absolutely excluded from the provisions of this section. All records pertaining to enforcement proceedings are absolutely excluded from public disclosure. <sup>xv</sup>
5. SARP is the custodian of all records related to Council casework.

The Council will meet as frequently as necessary, as determined by the Chair. Any Honor Council member may request that the Chair call a meeting.

## II. Committees

### A. Generally

1. The Honor Council will organize itself into the following standing committees:
  - a. 1L and LL.M. Education
  - b. Continuing Education
  - c. Elections
2. The Executive Board may create additional ad hoc committees as needed.
3. The membership of each standing committee is determined by the Honor Council internally.
  - a. Both Associate and Assistant Chairs must serve on at least one standing committee.
  - b. Associate and Assistant Chairs may choose which committee to join, but the Executive Board may specifically assign Associate Chairs to committees, if necessary.
  - c. Committees will be composed of at least three Council members.
    - i. Different committee needs may be taken into account when determining the number of Honor Council members assigned to each committee.
  - d. The Chair shall serve as an ex-officio member of all standing and ad hoc committees.
  - e. Each committee, as a whole, will appoint a chair by the committee's second meeting of the appointment cycle. If requested or required, two Honor Council members may serve as co-chairs.
  - f. Pending reappointment to the Honor Council by the SBA, Associate Chair(s) may serve as Committee Chair(s) for two consecutive academic years.
    - i. Assistant Chairs enjoy the same benefit, with the only difference being the method of reappointment.
4. Committees should meet as necessary.
5. By the conclusion of each spring appointment cycle, each standing committee must compile a year-end report and submit it to the Committee Chair.
6. Committees are encouraged to develop procedural documents specifying steps for planning events.

### B. 1L and LL.M. Education Committee <sup>xix</sup>

1. The mission of the 1L and LL.M. Education Committee is to educate entering students on the Honor System, the content of the Honor Code, the implications of the Honor Code, students' rights and duties under the Honor Code, and the importance of the Honor System in creating our community of trust.
2. The Committee shall plan at least **three** educational programs in the fall semester, and at least **two** educational programs in the spring semester.
  - a. These programs will educate each new incoming 1L and LL.M. class on the Honor Code and the Law School Exam Policies.
  - b. **Initial Educational Event:** In the fall semester, the Committee shall assist the Executive Board in hosting one program during orientation educating the incoming 1L and LL.M. on the Honor Code and exam policies..
    - i. The Committee shall host an additional program solely for LLM students on the Honor Code and exam policies.
  - c. In addition, the Committee shall host a program in the fall semester to educate 1Ls and

- LL.M. students about outlining for exams and general exam policies.
- i. The Committee shall host another program just for LLM students on outlining and exam policies.
- d. In the Spring semester, the Committee shall host a program for the new incoming LL.M. class on the Honor Code, outlining, and general exam policies.
  - i. In the spring semester, the Committee shall host an additional program refreshing 1Ls and LL.M. students on the Honor Code.
  - e. The scope and duration of each program shall be determined by the Committee and the Executive Board.
- 3. The Committee should endeavor to have a strong presence during orientation week.
- 4. The Committee, with or without the assistance of the Continuing Education Committee, may provide Honor Code workshops for student organizations and other Law School organizations.
- 5. The Committee shall schedule and hold periodic Office Hours with the assistance of the Secretary.
- 6. Whether the LL.M. Chair is on the Committee or not, the Committee will include the LL.M. Chair in every Committee meeting.
  - 7. The LL.M. Chair is present to focus on the goal of addressing strategies to better tailor Honor Council events and materials to LL.M. students.
  - 8. LL.M. Chairs will serve as a consulting member of each Honor Council Committee.

**C. Continuing Education Committee <sup>xx</sup>**

- 1. The Continuing Education Committee shall meet with the leadership of each competitive team and provide Honor Code trainings to ensure that students competing on behalf of William & Mary Law School abide by the Honor Code in their respective competitions.
- 2. A representative of the Continuing Education Committee shall work with the Executive Board to coordinate with the Joint Journal Committee in reference to the write-on competition so that the rules governing the competition and references to the Honor Code are accurate. The Committee shall provide Honor Code trainings for each journal annually.
- 3. The Committee should endeavor to have a strong presence during the weeks preceding the final exam periods and the journal write-on competition.
- 4. The Committee shall promulgate exam rules, as approved by the Law School Administration, to the student body prior to commencement of final exams.
- 5. The Committee may offer a semi-annual workshop open to 1L and LL.M. students on Honor Code training. The Continuing Education Committee, with or without the assistance of the 1L and LL.M. Education Committee, may provide Honor Code workshops for student organizations and other Law School organizations
- 6. The Committee shall be responsible for conducting at least one (1) Wythe Out a Doubt Worth Sharing (WOADWS) campaign per year, in either the fall or spring. The campaign is designed to recognize honorable behavior in the law school community. The Committee accepts submissions by an online submission form. The Committee should select one (1) J.D. student, one (1) LL.M. student, and one (1) faculty/staff winner during each campaign, but has discretion to modify the categories as necessary based on submissions. Honor Council members who are not permanent members of CEC may participate in the WOADWS process.
- 7. The Committee shall assist in training the entire Council on use of the Sanctions Guide, formally adopted in May 2018. The Committee shall also help the full Council update the Sanctions Guide as necessary.

**D. Honor Election Committee <sup>xxi</sup>**

- 1. The mission of the Honor Election Committee (“HEC”) is to fairly administer all Student Bar

Association (“SBA”) elections, referenda, and recall votes arising under the SBA Constitution. To this end, the HEC is empowered to enforce all voting procedures and elections rules prescribed by the SBA Constitution and these Bylaws to maintain the decorum of the elections process at all times.

2. The HEC will ensure that all voting procedures and elections rules are publicly available by way of a digital copy available online.
3. After amendment, the HEC will provide a digital copy of all voting procedures and elections rules to:
  - a. The entire Honor Council,
  - b. All Student Bar Association elected officials, and
  - c. The Associate Dean for Student Affairs & Academic Support

### **III. Elections Procedures and Rules**

#### **A. Generally**

1. These procedures and rules are intended to promote the fairness and promptness of the Student Bar Association (“SBA”) election process. The policies underlying these procedures and rules is to keep elections fair and to avoid unnecessary distraction to the law school community.
2. The Honor Election Committee (“HEC”) is responsible for enforcement of all procedures and rules to maintain the decorum of the election process. The HEC may take all actions and make all decisions necessary and proper to further its mission.
  - a. When these procedures and rules call for the HEC to take an action, the members of the HEC may act together or individually, at the direction of the HEC Chair.
  - b. When these procedures and rules call for the HEC to make a decision, the members of the HEC will build consensus or vote, and the consensus or plurality vote of the HEC, to include the Chair, will be adopted as its decision.
  - c. When the HEC takes actions or makes determinations that affect the conduct of the election, the composition of the ballot, or other issues of importance to more than a distinct subset of candidates or campaigns, the HEC Chair will notify all interested campaigns as soon as practical after the action is taken or the determination is made. These notifications may omit any personally identifiable information or details if deemed necessary by the HEC, so long as the HEC effectively notifies all campaigns of the information relevant to the election or to their campaign.
3. Because the Honor Council is solely empowered to administer elections arising under the SBA Constitution, all campaigns, people, and organizations engaged in campaigning or other election-related activities are subject to the jurisdiction of the HEC and the Honor Council. The failure of any campaign, person, or organization to abide by these procedures and rules may result in sanctions pursuant to these Bylaws, up to and including the revocation of candidacy or cancellation of an election. The HEC administers binding decisions in these matters.
4. As used in this Section, the following terms have the following definitions:
  - a. A “campaign” includes candidates and other people and organizations that candidates enlist to assist in their campaigns, as well as people and organizations promoting or opposing referenda, constitutional amendments, or recall elections;
  - b. “Campaigning” includes any act meant to solicit votes including, but not limited to, the distribution or posting of campaign materials physically or electronically, and oral communication regarding an election including, but not limited to, announcing an intent to run for office;
  - c. “Days” are calendar days, including weekends, holidays, and other days that the College of William & Mary or the Law School is closed;
  - d. The “Law School lobby” includes the area from the Law Library to the downstairs Courtroom, the area from the front doors to the doors of the center courtyard, and the hallway to classrooms 119 and 120, ending at the Admissions Office.



- e. The “Hixon Center” includes the area from the downstairs Courtroom to the Clinics.
  - f. The “Café” includes the area from the double doors to the Law School Café to doorway leading into the area with the vending machines, and the doors that exit to the outdoor Courtyard. This area does not include the patio.
5. The Honor Code and the Student Code of Conduct apply to SBA election conduct.

## **B. Eligibility**

### **1. Eligibility to Vote**

- a. All members of the SBA, as defined in Article III of the SBA Constitution, are eligible to vote in elections arising under the SBA Constitution.
- b. The HEC will consider all those listed as 1L, 2L, 3L or LL.M. students on the William & Mary Law School intranet system, as the current membership of the SBA, and will count all such students as the total student body count for purposes of determining whether the required number of votes have been cast when required by the SBA Constitution.

### **2. Eligibility to Run for Office**

- a. Prospective candidates are only eligible to run if they:
  - i. Submit a signed, hard or electronic copy, Intent to Run Form to the HEC no later than 5:00 p.m., five (5) days before Election Day; and
  - ii. Truthfully and correctly make all of the confirmations listed in the paragraph below on the Intent to Run Form.
- b. Prospective candidates must confirm on the Intent to Run Form, on their honor, that they:
  - i. Have attended the information session conducted by the HEC or have demonstrated good cause as to why they could not attend and have otherwise received the information presented to prospective candidates by the HEC chair;
  - ii. Are either a registered full-time J.D. candidate at the William & Mary School of Law, or a dual-enrolled J.D. candidate who will take a majority of classes at the Law School during a prospective candidate’s term in office, as defined in the SBA Constitution;
    - a) A registered full-time LL.M. candidate shall be eligible to run for the LL.M. representative position.
  - iii. Plan to remain a student at the College of William & Mary, taking classes in Williamsburg, during a prospective candidate’s term in office as defined in the SBA Constitution; and
  - iv. Are in good academic standing, as defined by the Law School, unless prospective candidates are in their first semester at the Law School.
- c. If a prospective candidate makes any of the confirmations listed in the paragraph above, falsely or incorrectly:
  - i. The candidate will be ineligible to run if the false or incorrect confirmation is detected before the election;
  - ii. The false or incorrect confirmation may constitute malfeasance for the purpose of dismissal from office if the candidate is elected; and
  - iii. The false or incorrect confirmation may constitute a violation of the Honor Code.
- d. A person may only run for one office in each election.<sup>xxii</sup>
- e. Eligibility determinations are made by the HEC and are final. A prospective candidate must have attended an information session or received campaign information from the HEC Chair due to a demonstrated good cause time conflict preventing attendance at the information session before the prospective candidate is entitled to the procedures and protections of these Bylaws.

## **C. Procedure**

### **1. Scheduling Elections**

- a. Elections for SBA officers are held three (3) times each year:

- i. Election of the SBA Executive Council offices will be held on a date determined by the HEC in consultation with the SBA Board in accordance with Article X, § 3 of the SBA Constitution.
  - ii. Election of the Diversity Chair, one (1) LL.M. representative, and the remainder of the SBA Board for the next school year will be held on a date determined by the HEC within two (2) weeks of the election of the SBA Executive Council in accordance with Article X, § 4(a)—(c) of the SBA Constitution.
  - iii. The election of one (1) LL.M. representative and incoming 1L class representatives will be held during the fourth, fifth, or sixth week of the fall semester as determined by the HEC in consultation with the SBA Board in accordance with Article X, § 4(a), (b) of the SBA Constitution.
- b. Elections to fill vacant offices and on referenda, constitutional amendments, and recalls will be scheduled by the HEC as necessary and as directed by the SBA Constitution. When an election on referenda or constitutional amendments is scheduled, the HEC Chair will provide a copy of these procedures and rules to the proponents of the referenda or constitutional amendment.
- c. Polls will be open from 8:00 a.m. to 8:00 p.m. for all elections.
- d. Once scheduled, election days and times may only be rescheduled by the HEC if classes are cancelled, the opening of the Law School is delayed, or there are critical technical difficulties with the means of polling on Election Day.

## **2. Election Timeline**

- a. Before campaigning begins, the HEC will:
- i. Approve a means of balloting as discussed in these Bylaws;
  - ii. Schedule all elections events pursuant to the SBA Constitution and these Bylaws, reserve facilities, and make all other necessary preparations for elections;
  - iii. Compile a list of eligible voters;
  - iv. Conduct an information session for all prospective candidates between seven (7) and ten (10) days before Election Day, at which the HEC will provide to prospective candidates:
    - 1) Relevant information on all election events;
    - 2) A copy of all voting procedures and elections rules; and
    - 3) An Intent to Run Form;
  - v. Conduct or otherwise provide for alternative information sessions between the information session and the deadline for Intent to Run Forms for prospective candidates who show good cause as to why they cannot attend the information session discussed in the paragraph above;
  - vi. Collect Intent to Run Forms and platform statements of no more than 250 words from prospective candidates, ensure that each form was in fact submitted by the prospective candidate, ensure that all proposed candidates are eligible, and notify the candidates of the slate of eligible candidates;
- b. Once campaigning begins, the HEC will:
- i. Prepare the ballot, removing any candidates who withdraw from the election before the opening of the polls;

- ii. Compile a list of eligible candidates and their platform statements of no more than 250 words, the latter of which must be submitted electronically to the HEC no later than 11:59 p.m., four (4) days before Election Day, and distribute the list of candidates and platforms to the entire SBA membership eligible to vote once, electronically from the Honor Council’s e-mail account, between two (2) and three (3) days before Election Day, but before the candidate forum;
  - iii. Conduct a candidate forum between two (2) and three (3) days before Election Day, at which each candidate may speak for no more than three (3) minutes, exclusive of questions and answers, at which point the HEC may verbally signal the speaking candidate that their time is over;
  - iv. Determine the order of candidates on the ballot by randomly pulling candidate names in the presence of the candidates at the forum;
  - v. Post notices of the upcoming election, as appropriate.
- c. Once the polls close, the HEC will tally the votes and certify and release the results as discussed in Bylaws § IV.C.5, below.

### **3. The Ballot**

- a. Candidate Ballots
  - i. All ballots for candidate elections will list the candidates for each office by their first and last names in “random order” as determined by a random drawing held at the candidate forum.
  - ii. The ballot will instruct voters to select no more than a certain number of candidates and explain how to indicate their choices. A voter may abstain by refraining from selecting one or more choices. The number of seats for each position is the number of votes each voter may cast on that ballot.

#### **Position and Seats**

One (1) each all students (spring semester)

SBA Const. art. V; art. X, § 3(a)

#### **3L Class Representative(s)**

Two (2) rising 3Ls

(spring semester 2Ls)

SBA Const. art. VI, § 1; art. X, § 4(a)

#### **2L Class Representative(s)**

Two (2) rising 2Ls (spring semester 1Ls)

SBA Const. art. VI, § 1; art. X, § 4(a)

#### **1L Class Representative(s)**

Three (3) 1Ls (fall semester)

SBA Const. art. VI, § 1; art. X, § 4(a)

#### **LL.M. Representative(s)**

One (1) per semester

LL.M.s (fall and spring semesters)

SBA Const. art. VI, § 1; art. X, § 4(b)

#### **Diversity Chair**

One (1)

iii. Voters may not cast more than one vote for each candidate on a multi-seat ballot.

No other materials will be included in the candidate section of a ballot.

b. Referendum Ballots

i. All ballots on referendum questions will ask the question: “Do you support the referendum question below?”

ii. The ballot will instruct voters to answer: “Yes,” “No,” or “Abstain,” and explain how to indicate their choice.

iii. The question will be followed by the text of the referendum question drafted by its proponents.

iv. No additional materials will be included in the referendum section of the ballot. c.

Constitutional Amendment Ballots

i. All ballots on constitutional amendments will ask the question: “Do you support the proposed constitutional amendment below?”

ii. The ballot will instruct voters to answer: “Yes,” “No,” or “Abstain,” and explain how to indicate their choice.

iii. The question will be followed by the text of the proposed constitutional amendment as it would appear in the SBA Constitution, if adopted, including the number of the article, section, and clause at which the proposed constitutional amendment would be located.

iv. On the ballot or in an e-mail inviting students to vote, the HEC will provide a link to the entire SBA Constitution online.

v. No additional materials will be included in the constitutional amendment section of the ballot, unless drafted by the HEC to explain the effect the proposed amendment would have on the text of the current Constitution.

d. Recall Ballots

i. All ballots for recall elections will ask the question: “Should [officeholder name] be recalled from the office of [office]?”

ii. The ballot will instruct voters to answer: “Yes,” “No,” or “Abstain,” and explain how to indicate their choice.

iii. No additional materials will be included in the recall section of the ballot.

#### 4. Means of Balloting

a. All elections under this section will be conducted online by means approved no fewer than twelve (12) days before Election Day by the HEC.

b. Proposed means of online balloting may not be approved by the HEC if it does not find, by majority vote of its members, that the proposed means will:

i. Ensure a secure but anonymous means of balloting,

ii. Ensure a reliable means of balloting,

iii. Ensure access to the ballot for all SBA members, and

iv. Ensure a simple, user-friendly means of balloting.

c. If proposed means of online balloting cannot be approved within twelve (12) days before Election Day, or after approval by the HEC the Council, for good cause shown and by majority vote of its members, revokes approval for the means of online balloting, or if

other good cause is shown, the HEC will conduct the election through a reliable means of balloting approved by the HEC at any time for which the HEC can effectively alert the student body of the change prior to the election.

## 5. Tallying the Votes

- a. No person may be notified of the number of people who have voted or how many votes are needed to reach a minimum number of votes required by the SBA Constitution until the HEC has certified the results.
- b. The HEC is solely responsible for tallying the online ballots:
  - i. When the polls close, no further ballot submissions will be considered, and the HEC will immediately, by whatever procedures necessary, tally the online ballots electronically;
    - ii. If there are no ties, technical problems, outstanding campaign conduct enforcement activities, or appeals pending, and the requirements of quorum and threshold to win set forth in the SBA Constitution are met, the HEC will certify the results of the election;
      - 1) Quorum is defined as fifty percent plus one (50% plus 1) of the applicable voting population, and
      - 2) A candidate must, after quorum is met (if quorum is required by the SBA Constitution), receive a majority of the votes in a single-seat election to be elected. In a multi-seat election, after quorum is met (if quorum is required by the SBA Constitution), the candidates receiving the most votes will be elected based upon the number of available positions;
      - 3) A proposed Constitutional amendment must, after quorum is met, receive an affirmative vote by at least two-thirds (2/3) of the votes to be ratified;
      - 4) A referendum must, after quorum is met, receive a majority of affirmative votes to be binding on the SBA;
      - 5) An officeholder will be recalled from their office if, after quorum is met, at least two-thirds (2/3) of the votes are in favor of recall;
    - iii. In the event of a tie, the HEC will schedule such further runoff elections as required by the SBA Constitution;
    - iv. The Chair may observe the electronic tallying of the online ballots; and
    - v. No one who is a candidate may be involved in the tallying process.
  - c. For the purpose of determining the minimum number of required votes as required by the SBA Constitution, blank ballots and abstentions will count as votes.
  - d. Upon certification of the election results, the HEC will contact all candidates to inform them of whether they have won or lost, and will provide all election results to the Secretary of the SBA and the Chair.
  - e. Pursuant to Article X, § 7 of the SBA Constitution, the Honor Council shall publish the results of elections. Any member of the SBA has the right, upon written request to the Honor Council, to review the resulting vote totals. No vote count in any election shall be made public.
  - f. All electronic records of balloting must be maintained in their original form as long as the means of balloting allow, and records of the results must be maintained in as many of the following forms as the means of balloting allow: “screenshot” image, PDF printout, hard copy printout, and their original form. Records will be maintained by the Honor Council.

## D. Campaign Rules

## **1. Campaign Conduct**

- a. Campaigns for and against candidates, referenda, constitutional amendments, and recall elections may be sanctioned for violations of these procedures and rules.
- b. Campaigns may be sanctioned for a “Class One” violation for:
  - i. Violations of the rules on campaign materials in §IV.D.3;
  - ii. Campaigning in the Law Library, the Law School lobby, and the Hixon Center; and
  - iii. Loitering in the Law School lobby on Election Day. Individuals unaffiliated with campaigns may be in the lobby to encourage voting, however, they may not advocate for a specific candidate or position.
- c. Campaigns may be sanctioned for a “Class Two” violation for:
  - i. Repeated Class One violations;
  - ii. Campaigning before campaigning officially begins at noon three (3) days before Election Day;
  - iii. Slander or libel, which are the oral or written communications of statements known to be false with the intention to injure the reputation of a candidate, with reasonable allowance for expressions which may be reasonably understood as the opinion of the person expressing them;
  - iv. Negative attacks against a candidate, which are attacks on a candidate based solely on the candidate’s character or person, not including direct comparisons of a candidate’s experience, trustworthiness, platform, issues, or other legitimate factor;
  - v. Inclusion of pornographic or obscene material in campaign materials, as determined by the HEC;
- d. Campaigns may be sanctioned for a “Class Three” violation for:
  - i. Repeated Class Two violations;
  - ii. Violations of the rules on campaign finance in §IV.D.2;
  - iii. Failure to comply with any sanction issued pursuant to §IV.E;
  - iv. Bribery of a candidate, which is the promise or provision of money or any tangible incentive associated with a prospective candidate not entering an election, a candidate dropping out of an election, or a candidate intentionally losing an election;
  - v. Bribery of a voter, which is the promise or provision of money or any tangible incentive associated with voting for a particular candidate;
  - vi. Tampering, which is intentional interference with the electoral process in such a way as to subvert the integrity of the process, including watching a voter complete the voting process and accessing elections returns before they are certified by the HEC in any way, directly or indirectly;
  - vii. Destruction of another candidate’s campaign materials, which includes, but is not limited to, widespread destruction of another candidate’s flyers or tampering with another candidate’s electronic campaign materials.

## **2. Campaign Finance**

- a. Campaign expenditures, including those made by individuals other than the candidate, are limited to:
  - i. \$150 for a campaign for President of the SBA;

- ii. \$25 for a campaign for a 1L SBA representative position; and
  - iii. \$75 for a campaign for all other SBA positions, including LL.M. representative and the Diversity Chair.
- b. Campaign expenditures in referendum, constitutional amendment, and recall elections are not limited, except that funds derived from student tuition and fees billed by the College and distributed by student government may not be used.
  - c. All materials used in a campaign are counted towards the candidate's budget at their purchase price, based on the receipts the candidate submits with their Campaign Finance Form; if materials are already owned or obtained for less than their fair market value without a receipt to substantiate the purchase price, then materials are counted towards the candidate's budget at their fair market value.
  - d. Candidates must submit a signed, hard copy Campaign Finance Form to the HEC no later than the close of polls on Election Day, documenting all materials used in the campaign and their value, and must attach to the Campaign Finance Form all receipts for materials purchased for the campaign.

### **3. Campaign Materials**

- a. All campaign materials must display an attribution to the sponsoring campaign.
- b. Candidates will conduct in-person campaigning in the student cafe only. In-person campaigning in other areas of the Law School or on Law School property is prohibited. Campaign materials, including signs, flyers, posters, banners, or other writing on any surface may only be displayed in the student cafe. No campaign materials may be affixed to or written on surfaces in any other part of the Law School. No campaign materials may be affixed by tape, glue, or any other adhesive tools in the student café. Campaign materials posted in the student cafe must comply with Law School posting rules. Campaigning, to include speeches, announcements, and posting of campaign material in classrooms, is not permitted at any time. De minimis interactions outside of the student cafe are permissible.
- c. Campaign materials may be distributed in the student cafe and through student hanging files.
- d. Campaign materials may be displayed elsewhere if on someone's person (such as buttons, stickers, shirts, etc.).
- e. Campaigns may post to social media only after noon three days prior to election day. Campaigns may post on their own social media or on the class social media page. Campaigns may contact individuals directly but may not mass message. Mass messages are any direct message sent to more than one person at a time (such as a group chat or class GroupMe).
- f. Campaigns may not remove or cover another campaign's materials. If a campaign believes that there is no remaining space in the student cafe, they should notify the HEC to resolve the issue.
- g. Campaigns are responsible for taking down their campaign materials within two days after Election Day.

## **E. Enforcement**

### **1. Investigation**

- a. If any person believes that any campaign, person, or organization is violating or has violated these procedures and rules, that person should notify the HEC Chair as soon as possible.
- b. The HEC Chair will investigate reports of alleged violations as necessary. The investigation and resolution of the alleged violation must be completed within 48 hours of the report. If the 48 hours allowed for investigation and resolution extends beyond the end of the voting period and is not completed at the end of

voting then the HEC will refrain from certifying the results for the race in which the individual with the alleged violation is in. The HEC will certify the election of the race containing the candidate with the alleged violation after the case has been resolved.

- c. The procedures used to impose sanctions for violations vary depending on the class of the violation:
  - i. If the HEC Chair determines, by a preponderance of the evidence, that a Class One violation has occurred, the HEC Chair will contact the candidate or campaign responsible for the violation and impose a sanction.
  - ii. If the HEC Chair determines, by a preponderance of the evidence, that a Class Two violation has occurred, the HEC Chair will contact the candidate or campaign responsible for the violation and impose a sanction.
  - iii. If the HEC Chair determines, by the preponderance of the evidence, that a Class Three violation has occurred, the HEC Chair will convene the HEC as soon as possible and request the presence of the candidate or campaign responsible for the violation at the HEC's meeting. If the HEC determines, by clear and convincing evidence, that a Class Three violation has occurred, the HEC will impose a sanction.
- d. Candidates are responsible for their own conduct and may be held responsible for the conduct of others that candidates enlist to assist in their campaign, at the HEC's discretion.
- e. Violations of elections procedures and rules discovered after polls have closed may result in an election not being certified by the HEC, or may be cause for removal from office pursuant to Article IX of the SBA Constitution.

## 2. Sanctions

- a. Campaigns may be sanctioned for a **“Class One”** violation with:
  - i. A warning and a request to correct the offending behavior, or
  - ii. For subsequent Class One violations after two (2), any of the sanctions dictated by the paragraph below, at the discretion of the HEC, but not the HEC Chair individually.
- b. Campaigns may be sanctioned for a **“Class Two”** violation with:
  - i. Removal of a campaign's materials from the student cafe;
  - ii. Deletion or suspension of any electronic campaign materials;
  - iii. Loss of any time reserved for candidates during the presentation of platforms, or omission of a candidate's platform from distribution to the student body;
  - iv. Suspension of active campaigning privileges, which are all campaigning activities other than static campaign materials in the student cafe and electronic campaign materials;
  - v. For subsequent Class Two violations after one (1), any of the sanctions dictated by the paragraph below, at the discretion of the HEC; or
  - vi. Any of the sanctions dictated by the paragraph above, at the discretion of the HEC.
- c. Campaigns may be sanctioned for a **“Class Three”** violation with:
  - i. Removal from the ballot before polls open, meaning revocation of candidacy for individuals or cancellation of referendum, constitutional amendment, or recall elections, at the discretion of the HEC;
  - ii. Non-certification and invalidation of the results of an election if the polls are already open;  
or
  - iii. Any of the sanctions dictated by the paragraph above, at the discretion of the HEC.
- d. Sanctioning decisions must conform to the policy of erring on the side of keeping



candidates on the ballot unless removal is truly warranted by the circumstances.

### **3. Appeals**

- a. The availability and procedure for appealing fact-finding and sanctioning for violations varies depending on the class of the violation.
  - i. If a Class One sanction is imposed, the determination is final and cannot be appealed.
  - ii. If a Class Two sanction is imposed, the sanctioned candidate or campaign may appeal, within 24 hours, such a determination to the entire HEC, which has 24 hours to overturn or affirm the HEC Chair's determination by majority vote. If the determination is not overturned, the sanctioned candidate or campaign may appeal such a determination to the entire Honor Council, which may overturn the HEC's determination by majority vote.
  - iii. If a Class Three sanction is imposed, the sanctioned candidate or campaign may appeal, within 24 hours, such a determination to the entire Honor Council, which has 24 hours to overturn or affirm the HEC's determination by majority vote of all attending Associate Chairs, to include the HEC. In order to conduct the vote, a quorum of a minimum of eight (8) Associate Chairs must be present.
- b. Other than determinations of eligibility and sanctioning, candidates and campaigns may appeal other determinations and actions of the HEC to the entire Honor Council.
- c. All appeals must be presented in writing, by hard copy or e-mail, to the HEC Chair, if appealing to the entire HEC, or the Chair and the HEC Chair, if appealing to the entire Honor Council.
  - i. Appeals must be presented as soon as possible after the determination or action being appealed. Appeals of determinations made or actions taken before Election Day must be presented before the close of polls; appeals of determinations made or actions taken on or after Election Day must be presented within twenty-four (24) hours of the close of polls.
  - ii. The written appeal must provide a full statement of the facts giving rise to the appeal and the relief requested.
  - iii. The HEC Chair will schedule a hearing for the appellant before the HEC, or the Chair will schedule a hearing for the appellant before the Honor Council as soon as possible.
  - iv. Hearings will be conducted informally by the HEC Chair or Chair, and the HEC or Honor Council will deliberate in seclusion immediately after hearings to rule on the appeal.
  - v. The HEC may overturn the HEC Chair's action or determination, or the Honor Council may overturn the HEC's action or determination by majority vote, and compel the HEC Chair or HEC to take a different action or to make a different determination.

### **F. Recusal**

1. Executive Board Members, Associate Chairs, and Assistant Chairs shall not:
  - a. Run for SBA positions or actively support or oppose candidates for SBA positions or in recall elections;
  - b. Actively support or oppose referenda or proposed amendments to the SBA Constitution, unless a referendum or proposed amendment relates to the Honor Council; or

- c. Play any role in election matters when they have conflicts of interest.
2. The Honor Council as an organization may propose referenda or amendments to the SBA Constitution. Honor Council members and Assistant Chairs may not propose such referenda or amendments.
3. If an Honor Council member or Assistant Chair wishes to take any action proscribed by this section, the member/Assistant Chair must resign from their position with the Honor Council before the election begins. Violation of this provision may be cause for dismissal from the office.

## **IV. SBA Constitution and Dismissal**

### **A. Generally**

1. The Honor Council will render binding opinions on matters relating to the interpretation of the SBA Constitution upon a written “challenge” alleging a specific violation of the SBA Constitution from any SBA member, faculty, staff, or administrator of the William & Mary School of Law in accordance with Article VIII, § 3(a) of the SBA Constitution.
2. The Honor Council will consider “dismissal” charges against any SBA Board member or any Honor Council Associate Chair upon a written complaint alleging specific conduct evidencing dereliction of duty or malfeasance in an official capacity from any SBA member in accordance with Article IX of the SBA Constitution.
3. The terms listed below, as used in § 4 of these Bylaws, are defined as follows:
  - a. The “Chair” is the Chair of the Law School Honor Council, unless the Chair recuses himself or herself due to a conflict of interest, in which case the Chair for the purposes of this section is any other member of the Honor Council that the Chair appoints to supervise the processes detailed in this section, including the Deputy Chair when required by Article IX, § 1(b) of the SBA Constitution;
  - b. The “Honor Council” or “Council” encompasses the members of the Law School Honor Council currently in office, excluding any members that are unavailable due to recusal because of conflicts of interest. When non-Council members may participate in proceedings under this section, Assistant Chairs should not be used first because their appointment stems from the Honor Code, not the SBA Constitution;
  - c. “Parties” are the petitioner and the respondent in a challenge or dismissal. If the SBA Board is not a named party to a challenge, the SBA Board may become a party by appointing a representative to argue for the SBA Board’s position on the matter;
  - d. The “petitioner” is the individual(s) or organization(s) filing a challenge or dismissal complaint, and if an organization, one individual from that organization is appointed as its representative for purposes of communication with the Honor Council and presentation at a hearing;
  - e. A “Brief” is a comprehensive written statement of either the petitioner’s constitutional challenge or dismissal allegation of dereliction of duty or malfeasance in an official capacity, the respondent’s defenses to the petitioner’s allegations, or, with the consent of at least four (4) of the Associate Chairs named to a constitutional challenge hearing panel, a non-party’s opinions on the question at issue. In no event will any brief be longer than ten (10) double-spaced pages;
  - f. “In writing” or “written” means a signed hard copy document, delivered by any means, or by e-mail message to and from College e-mail addresses or other addresses previously

established as belonging to the recipient and sender.

4. Regarding the interpretation of the SBA Constitution, the terms listed below, as used in §V of these Bylaws, are defined as follows:
  - a. A “Challenge” is a short, written statement of the petitioner's allegation(s) of a specific violation of the SBA Constitution;
  - b. “Challenge” is also used to refer to the entire process detailed in this section, analogous to the word “case” in other settings;
  - c. The “respondent” is the individual(s) or organization(s) challenged by the petitioner from which one individual is appointed the representative for purposes of communication with the Honor Council and presentation at a hearing, unless, at the request of the respondent, the Chair allows the respondent to have multiple representatives on the grounds that the individual(s) or organization(s) encompassing the role of the respondent have competing interests in their defense;
  - d. A “Hearing Panel” is a group of five (5) Honor Council members appointed by the Chair to hear a challenge after a challenge is granted a hearing. The Chair may appoint any SBA member to hear a challenge in the event that Honor Council Associate Chairs are unavailable due to other commitments, conflicts, or recusals.
5. Regarding dismissal charges, the terms listed below, as used in § 4 of these Bylaws, are defined as follows:
  - a. A “Complaint” is a short, written statement of the petitioner’s allegation of dereliction of duty or malfeasance in an official capacity against SBA Board member(s) or Honor Council Associate Chair(s). Complaints must specify the objectionable conduct giving rise to the allegation;
  - b. “Dismissal Charge” or “Dismissal” is used to refer to the entire process detailed in this section, analogous to the word “case” in other settings;
  - c. The “respondent” is the SBA Board member or Honor Council Associate Chair who is the subject of the petitioner’s complaint, and who at all times represents him or herself individually.

## **B. Challenges, Complaints, and Briefs**

1. Challenges and complaints must be submitted to the Chair.
2. The Honor Council will meet within seven (7) calendar days of the Chair’s receipt of the challenge or complaint to discuss whether the challenge or complaint warrants a hearing.
  - a. At least one-third of the attending Associate Chairs must agree to conduct a hearing on a challenge, or it will be dismissed.
  - b. A majority of the Council must agree to conduct a hearing on a complaint, or it will be dismissed. The Chair will only vote on whether to conduct a hearing on a complaint in the event of a tie.
3. A complaint warrants a hearing when:
  - a. The alleged conduct constitutes dereliction of duty or malfeasance in an official capacity, and, if so,
  - b. There is probable cause that the alleged conduct in fact occurred.
4. If a hearing will be held, the Chair will furnish a copy of the challenge or complaint to the respondent, schedule and make public the date and time of the hearing, and ask the parties to submit written briefs to the Chair three (3) class days before the hearing. Upon receipt of the written briefs, the Chair will forward them to the hearing panel in constitutional interpretation

matters or the Council in dismissal matters.

## **C. Hearings**

### **1. Generally**

- a. As the presiding officer, the Chair will rule on all procedural and evidentiary issues related to the hearing. In panel hearings on challenges, the Chair will not vote on the panel's decision; in Council hearings on dismissals, the Chair will vote normally.
- b. The Chair will appoint one member of the panel as secretary, who will keep an accurate record of the proceedings for purposes of deliberations.
- c. If the majority of the hearing panel or Council finds it necessary or appropriate, the outcome of the hearing may be announced immediately, with the opinion to follow within eight (8) class days.
- d. All decisions are final with no option for appeal.

### **2. Hearings on Interpretation of the SBA Constitution**

- a. Hearings are conducted publicly before a hearing panel, presided over by the Chair. No Associate Chair may serve for a second time on a panel during an academic year until all Associate Chairs have been offered a seat on a panel.
- b. Hearings will be held within ten (10) class days of a challenge being granted a hearing during the academic calendar. If the challenge is submitted within twenty (20) class days of the final class day of the semester, the Chair may, in consultation with the Honor Council, postpone the matter until the next semester.
- c. Each party is limited to fifteen (15) minutes of oral argument at a hearing.
- d. A simple majority is necessary to issue the opinion of the panel.

### **3. Hearings on Dismissal Charges:**

- a. Hearings are conducted publicly before the Honor Council, presided over by the Chair. If confidential information related to an Honor Code enforcement proceeding is involved in a dismissal, then the hearing may be closed pursuant to these Bylaws.
- b. Hearings will be held no earlier than fourteen calendar days, and no later than twenty-eight calendar days after the Chair's receipt of the complaint.
- c. Each party will present their case in the manner set forth in § 5.5 of these Bylaws, modified for the purposes of dismissal charges as follows:
  - i. The hearing will not be recorded by the Honor Council;
  - ii. No plea will be taken, as officials admitting to dereliction of duty or malfeasance in an official capacity may resign;
  - iii. The petitioner will stay for the entire hearing;
  - iv. The petitioner and respondent may call material witnesses as desired, and the Chair will recognize the calling party to question each witness first before recognizing the opposing party to question the witness;
  - v. The standard of proof is clear and convincing evidence, not beyond a reasonable doubt;
  - vi. References to the "reporting party," "Investigating Committee," and "Investigating Committee Chair" in § 5.5 refer to the petitioner;
  - vii. References to the "respondent student" and "student advisor" in § 5.5 refer to the

respondent;

- viii. References to the “charge” in § 5.5 refer to the dismissal charge;
- ix. References to the “panel” in § 5.5 refer to the Council;
  - x. References to “guilt” in § 5.5 refer to responsibility for dereliction of duty or malfeasance in an official capacity warranting dismissal from office;
  - xi. References to the “Procedural Advisor” and “Dean of Students” in § 5.5 are moot; and
  - xii. The Chair may further modify and abridge the procedures set forth in § 5.5 at the Chair’s discretion.
- d. A two-thirds majority of Council members present at the hearing is necessary to issue an opinion of the Council dismissing an official. If a two-thirds majority cannot be reached, the complaint will be dismissed.

#### **D. Opinions**

- 1. Within eight (8) class days after a hearing, a binding opinion will be delivered to the named parties in the matter. The opinion will also be posted and available for review by the entire SBA membership unless the opinion contains confidential information related to an Honor Code enforcement proceeding.
- 2. Opinions on dismissal will state whether the respondent is to be dismissed from office and why.
- 3. The opinion of the panel or Council must be signed by the members in the voting majority.  
Members of the panel or Council may issue concurring and dissenting opinions, which also must be signed.
- 4. The secretary, who is appointed by the Chair pursuant to these Bylaws, is responsible for publishing the opinion and giving notice of the posting to the entire SBA membership.

### **VI. Operation<sup>xxiii</sup>**

#### **A. Amendment**

##### **1. Generally**

- a. Any Honor Council member may propose an amendment to any section of these Bylaws.
- b. The Honor Council will review all proposed amendments and vote to adopt them. Two-thirds of Associate Chairs currently in office must agree to an amendment in order to adopt it.
- c. All amendments to any part of the Bylaws may not take effect until approved by the Honor System Advisory Committee, pursuant to Honor Code § XIII(D).
- d. Upon any amendment taking effect, the Chair will inform the SBA Board and SARP.

##### **2. Section IV Elections Procedures and Rules Amendment**

- a. An amendment to any part of Bylaws §IV may be presented to the Honor Council by any SBA member. The amendment should be presented in writing to the Chair.
- b. The amendment must be reviewed during an open portion of a Council meeting and must be voted on by all present members of the Council to include the Chair.
- c. If an amendment was not proposed by the SBA, the Executive Board shall inform the SBA

Board when an amendment is being reviewed by the Council.

- d. A two-thirds majority of attending Associate Chairs must approve the amendment for the amendment to pass. A quorum of eight (8) Associate Chairs must be present.

### **3. Records of Actions Taken**

- a. These Bylaws will be publicly posted on any website maintained by the Council and will be provided to SARP for publication on the Council's section of its website.
- b. The Council will request the SBA publicly post these Bylaws on any website maintained by the SBA.
- c. Wherever feasible, all past versions of these bylaws will be publicly posted on any website maintained by the Council alongside the current version. I Such posting will be accompanied by an explanation of which version is currently in force. For the purposes of this instruction, a "version" is any complete set of these Bylaws after amendment, provided the amendment has changed any substantive portion of these Bylaws, as opposed to mere corrections of typographical errors or alterations to formatting.

## **B. Ratification**

1. Upon review by the Honor Council, these Bylaws will be considered ratified and in effect after two-thirds of Associate Chairs currently in office vote to adopt them.
2. A copy of the bylaws shall be provided to the SBA Secretary.

## **C. Effect**

1. These Bylaws are binding on the Honor Council and all Associate Chairs.
2. Contravention of the Honor Code, the SBA Constitution, or these Bylaws constitutes "dereliction of duty or malfeasance" and will subject the offending Associate Chair to dismissal proceedings pursuant to Article IX of the SBA Constitution.

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<sup>i</sup> See SBA Constitution, Art. VIII, § 5(c)-(e); *see also* Honor Code, § IV(A).

<sup>ii</sup> See SBA Constitution art. VIII, § 1(c)—(e) (selection); SBA Constitution art. VIII, § 3 (duties).

<sup>iii</sup> See SBA Constitution art. VIII, § 4.

<sup>iv</sup> See SBA Constitution art. VIII, § 1(a).

<sup>v</sup> See Honor Code § IX(I)(3).

<sup>vii</sup> See Va. Code Ann. § 2.2-3707(A).

<sup>viii</sup> See Va. Code Ann. § 2.2-3707(C).

<sup>ix</sup> See Va. Code Ann. § 2.2-3707(I).

<sup>x</sup> See Va. Code Ann. § 2.2-3712.

<sup>xi</sup> Such statements, and the outcome of the open session vote do not affect the validity or confidentiality of the closed session. See Va. Code Ann. § 2.2-3712(E).

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- <sup>xii</sup> *See* Va. Code Ann. § 2.2-3711(A).
- <sup>xiii</sup> *See* Va. Code Ann. §§ 2.2-3710, 2.2-3712(G).
- <sup>xiv</sup> *See* Va. Code Ann. § 2.2-3711(B).
- <sup>xv</sup> *See* Va. Code Ann. §§ 2.2-3705.4, 2.2-3711(A)(2).
- <sup>xvi</sup> SARP staff can assist in procuring the participation of any student at the university, as students have a duty to cooperate with any university investigation.
- <sup>xvii</sup> For students, SARP can assist in requiring the witness to participate, as students have a duty to cooperate under the Student Handbook.
- <sup>xviii</sup> This provision reflects the information given to the respondent before a Panel on a report.
- <sup>xix</sup> *See* SBA Constitution art. VIII, § 3(e).
- <sup>xx</sup> *See* SBA Constitution art. VIII, § 3(e).
- <sup>xxi</sup> *See* SBA Constitution art. VIII, § 3(d); *see also* SBA Constitution arts. X, XII, XV.
- <sup>xxii</sup> *See* SBA Constitution art. X, § 3(c).
- <sup>xxiii</sup> *See* SBA Constitution art. VIII, § 5(c)-(e).