

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

Amended March 19, 2024

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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.ⁱ

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I. Honor Council Members

A. Generallyⁱⁱ

1. Serve as an example to the Law School Community of honorable conduct under the Honor Code.
2. Enforce and uphold the tenets of the Honor Code.
3. Interpret the SBA Constitution and serve in dismissal proceedings for SBA and Honor Council personnel.
4. Be available to assist in the procedures and adhere to the policies for Honor Code enforcement, absent extraordinary justification or recusal.
5. Attend all general meetings of the Honor Council.ⁱⁱⁱ If unable to attend a meeting called by the Chair or the Chair's representative, the absent Associate Chair will provide the individual calling the meeting with timely notice of inability to attend.
6. 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. Inform and educate the Law School Community about the Honor System.

B. Executive Board

1. The Chair shall^{iv}:

- a. Ensure that the Honor Council is in compliance with all provisions of the Honor Code and SBA Constitution.
- b. Preside over Honor Council meetings, including scheduling debate and voting.
- c. Prepare, or delegate the responsibility of preparing, agendas for Honor Council meetings and distribute them to the Honor Council.
- d. Coordinate the Council's financial affairs, including formulating the Council's budget proposal to the SBA, and maintain a list of donors to the Council.
- e. Represent the Law School Honor Council to the Honor System Advisory Committee ("HSAC"), other Honor Councils, Community Values and Restorative Practices ("CVRP"), and the Law School Administration.
- f. Review applications and present assistant chair candidates to the Council for interviews.
- g. Meet regularly with law school administrators and the SBA President.
- h. Assist with Honor Council presentations, meetings, and trainings as needed or when appropriate.

2. The Deputy Chair⁵ 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.
 - d. Assist the Chair with managing the Council's financial affairs.
 - e. Assist with Honor Council presentations, meetings, and trainings as needed or when appropriate.
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 that need not record specific debates or individual viewpoints.
 - c. Archive meeting agendas and minutes for each appointment cycle.
 - d. Maintain and disseminate to Council members 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.

C. Deputy Chair 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 meeting to be held.
2. All Associate Chairs shall have an opportunity to announce an interest in being nominated for the position at the selection meeting. Announcements shall be limited to the following words: "I have an interest in the position of Deputy Chair/Secretary." If an Associate Chair nominates another member of the Council, the nominated Associate Chair must choose to accept or reject the nomination, either in person or electronically.
3. The position of Deputy Chair shall be filled before the position of Secretary. After announcements of interest in the position of Deputy Chair are complete, the nominees shall then have the opportunity to present a five (5)-minute 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. Every member of the Honor Council present at the meeting shall then vote for a single nominee by anonymous paper ballot. Abstentions are not allowed, and the Chair shall not vote. The Chair shall count the votes, and the nominee who receives the highest number of votes shall be declared the Deputy Chair. In the case of a tie, the outgoing Chair shall cast the deciding vote. After the Chair announces the results, the opportunity to view the ballots shall be granted to any member of the Honor Council upon request.
5. This process will be completed again for the position of Secretary.

D. 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;

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

E. Council-Appointed Positions

1. Generally

- a. Pursuant to the Honor Code,^v the Chair has the ability to appoint ad hoc members of enforcement proceeding committees and panels.
- b. In order to assure that qualified, trained individuals are available when the Chair must appoint such ad hoc members, the Council will have a body of Assistant Chairs who may be appointed to enforcement proceeding committees and panels when no Council member is available.
- 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 Chair and Honor Council. 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 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 committee 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 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 CVRP 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. The interview should take place no later than one month after the appointment of new Council leadership. If an assistant chair vacancy occurs, or at the Chairs discretion, these same procedures may be applied during the 1L appointment cycle in the fall. If interviews occur in the fall, they should also occur within one month after the appointment of new members.

- b. 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.
- c. 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.
- d. At least twenty-four (24) hours prior to an Assistant Chair candidate's interview, the Chair will present the Council with the candidate's application and resume. Interviews shall be conducted during a closed session before all Honor Council members assembled.
- e. After all interviews are complete, the Council may enter a closed session to discuss the applicants, pursuant to these Bylaws.
- f. In open session, the Council will vote to confirm the applicants. Each applicant must receive the vote of two-thirds of Council members currently in office and in attendance of the meeting to be appointed. Votes of absent Associate Chairs will not be counted.
- g. Assistant Chairs may be removed from office at any time by a vote of two-thirds of Council members currently in office.
- h. If an Assistant Chair resigns or is removed, the Chair will nominate a replacement within two weeks of the vacancy occurring.
- i. 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 one LL.M. Chair each semester, using the same procedures outlined in § 1.4-2 of these Bylaws.
 - 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;
 - iv. Each presentation from the 1L & LL.M. Committee should provide information at the start of the term about when and how students can join the Honor Council.
- 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 will serve as a consulting member of each Honor Council Committee.
 - i. Committees will include LL.M. Chairs in every committee meeting, and address strategies to better tailor Honor Council events, programs, and materials to LL.M. students.
- 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.

F. Meetings

- 1. The Council is a “public body” under the Virginia Freedom of Information Act because it is “supported wholly or principally by public funds.”^{vi}

2. All references to the Council in this section apply equally to its committees.
3. All meetings of the Council will be open, unless closed pursuant to law.^{vii}
 - 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, pursuant to law.^{viii}
 - b. Minutes will be taken at all open meetings, pursuant to law.^{ix}
4. The Council may close its meetings pursuant to law.
 - a. In order to close a meeting, the Council must follow the following procedure, prescribed by law:^x
 - i. In an open meeting, a member of the Council must move to enter closed session and the Council must approve the motion by majority vote of a quorum of present Associate Chairs;
 - ii. The motion to enter closed session must identify the subject matter and purpose of the closed session, and make specific reference to the applicable exemption from the open meeting requirements provided by law;
 - iii. At the conclusion of the closed session, the Council will immediately reconvene in open session and take a roll call or other recorded vote, to be included in the minutes, certifying that to the best of each member's knowledge, only matters lawfully exempt from the open meeting requirements provided by law, and only matters identified in the motion for closed session, were discussed in the closed session;
 - iv. Any Council member who believes that there was a departure from the lawful and approved exemption from the open meeting requirements provided by law must so state prior to the open session vote, indicating the substance of the departure, and such statement will be recorded in the minutes;^{xi}
 - v. 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
 - vi. Minutes need not be taken in closed session, and if minutes are taken, they will not be subject to public disclosure.
 - b. The Council may close meetings for the following purposes, which must be specifically referenced by Virginia Code section in the motion to enter closed session:
 - i. Discussion, consideration, or interviews of prospective candidates for appointment, or disciplining or resignation of members of the Council or the SBA, pursuant to Va. Code Ann. § 2.2-3711(A)(1);
 - ii. Discussion or consideration of disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student, pursuant to Va. Code Ann. § 2.2-3711(A)(2);
 - iii. The protection of the privacy of individuals in personal matters not related to public business, pursuant to Va. Code Ann. § 2.2-3711(A)(4);
 - iv. Consultation with legal advisor and briefings pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the College, and consultation with legal advisor employed or retained by the College regarding specific legal matters requiring the provision of legal advice by such advisor, pursuant to Va. Code Ann. § 2.2-3711(A)(7);
 - v. Discussion or consideration of special awards, pursuant to Va. Code Ann. § 2.2-3711(A)(11); or
 - vi. Discussion or consideration of any other matter exempt from open meeting requirements provided by law.^{xii}
 - c. No votes may be taken in closed meetings,^{xiii} unless the votes are taken again in open session

- immediately following.^{xiv}
5. Pursuant to law, 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.^{xv}
 6. CVRP is the custodian of all records related to Council business.
 7. The Council will meet as frequently as necessary, as determined by the Chair. Any Honor Council Associate Chair may request that the Chair call a meeting.

II. Honor Code Enforcement

A. Generally

1. Purpose

- a. The purpose of this Section is to codify standard operating procedures for Honor Code enforcement proceedings conducted by the Law School Honor Council – all Honor Code enforcement proceedings must be conducted in the manner prescribed by this Section, consistent with the Honor Code;
- b. This Section does not, nor do these Bylaws in any respect, confer any rights, duties, or responsibilities, or in any other way bind any party or witness involved in an Honor Code enforcement proceeding, in any way not already established in the Honor Code;
- c. This Section does not, nor do these Bylaws in any respect, limit the authority of the President of the university, the Office of CVRP, the Dean of the Law School, or other university officials or their designees, acting as authorized by statute or policy;
- d. This Section must, as must these Bylaws in all respects, be interpreted consistently with the Honor Code, the Student Handbook generally, the SBA Constitution, College policy, statutes, and other applicable, superseding directives; and
- e. Notwithstanding the above statements of purpose, violations of this Section, and these Bylaws generally, do not constitute grounds for an appeal under the Honor Code, as standards for appeal are governed solely by the Honor Code itself.

2. Citation and Definitions

a. Definitions

- i. “Presiding Chair” means the Honor Council member in charge running the proceedings, to include reinstatement Panels. This responsibility will ordinarily default to the Honor Council Chair. However, if the Chair is conflicted from or unable to serve as the Presiding Chair, the Chair will appoint another Honor Council member to serve as the Presiding Chair. The positions of “Chair” and “Presiding Chair” are not synonymous, although they may both be fulfilled by the same Honor Council member;
- ii. “Reporting Party” means any person(s) reporting the alleged misconduct for review by the Honor Council;
- iii. “Council” or “Honor Council” means the Law School Honor Council, any Assistant Chairs appointed pursuant to these Bylaws, and any other ad hoc members specially appointed by the Chair pursuant to the Honor Code;
- iv. “CVRP” means Community Values and Restorative Practices or that office’s designee for Honor Code matters, as applicable;
- v. “Enforcement proceeding” means the process of determining whether a violation of the Honor Code has been committed, and, if so, the appropriate sanction, as outlined in the Honor Code, from report to Panel proceeding – also referred to as “adjudication”;
- vi. “In writing” means by signed letter, delivered by any means, or by e-mail message to and from university e-mail addresses or other addresses previously established as belonging to the recipient and sender,

- a) In considering deadlines, writing is considered received by the recipient upon hand delivery or delivery to a law school hanging file while classes are in session,
- b) In the case of e-mail correspondence, writing is considered received by the recipient upon acknowledgment of receipt – in the case that acknowledgment is not received by the sender within 24 hours of sending the e-mail message, the sender must provide the recipient with a hard copy,
- c) In the case of other forms of transmittal, writing is only considered received upon actual receipt by the recipient;
- vii. The “next day” in the context of Panel proceedings means the day after the Panel commenced, which may be later the same day that the Panel recesses if the proceeding continues past midnight;
- viii. The “record” means the audio recording of a proceeding, and may also include the Panel Secretary’s notes;
- ix. “Standard” letters and forms mean those regularly kept and used by the Council or the CVRP, amended as needed;
- x. “Telephonically” means any voice or video communication, including, but not limited to, telephone call, conference call, online voice chat, online video chat, or direct video conferencing – “telephonically” does not, in any case, include e-mail, text messaging, written instant messaging, written online chat, or other non-verbal communication.

3. General Duties

- a. Generally, the Presiding Chair, in an Honor Code enforcement proceeding:
 - i. Has the primary responsibility for protecting the rights of all parties under the Honor Code;
 - ii. Ensures the procedures in the Honor Code and these Bylaws are followed;
 - iii. Keeps CVRP informed of developments and the outcome of proceedings;
 - iv. Sends notices to material witnesses to appear when requested by the Chair of the Investigating Committee and/or the respondent;
 - v. Makes all evidentiary rulings;
 - vi. Compiles a record of the proceedings for appellate review purposes;
 - vii. Has sole discretion, subject to the Honor Code and these Bylaws, to schedule meetings and set deadlines as required for Honor Code enforcement; and
 - viii. Has all other powers and duties required by the Honor Code and these Bylaws.
- b. Generally, the Investigating Committee Chair (the “ICC”), in an Honor Code enforcement proceeding:
 - i. Prepares and presents a thorough, comprehensive, and objective investigation of the allegation(s) against a respondent in a written report, and asks questions of the reporting party, material witnesses, and the respondent during a Panel, all of which must be designed to efficiently develop facts relevant to the determination of whether the respondent is responsible or not responsible for the allegation(s); and
 - ii. Does not assume an adversarial motivation or style, endeavoring at all times to develop all relevant facts without bias, prejudgment, personal agenda, or desire to bring about any particular determination by the panel.
- c. Generally, the Procedural Advisor (the “PA”), in an Honor Code enforcement proceeding:
 - i. Provides information about the Council, the Honor Code, procedures for Honor Code enforcement proceedings described in the Honor Code and these Bylaws, the rights of the parties, and the conduct of proceedings to the extent requested by the respondent, the reporting party, or material witnesses;
 - ii. Retains responsibility to meet with the respondent following the allegation and before the

- Panel, as dictated by these Bylaws;
- iii. Does not offer substantive advice on strategy or other non-procedural matters, differentiating the role of the PA from that of student advisor.

4. **Medical Records**

- a. If the respondent intends to submit medical documentation for consideration, the Respondent must contact the Office of CVRP.
- b. The Medical Review Committee (a sub-committee of the Committee on Academic Status) reviews all medical documentation. The purpose of submitting documentation to the Committee is two-fold:
 - i. To protect the privacy of the respondent, in that the Committee may redact any confidential medical information deemed irrelevant to the medical issue presented and the Honor Code report; and
 - ii. To analyze the medical documentation and provide a comprehensive summary to the panel members, similar to that of a medical expert witness.
- c. Documentation must be submitted via CVRP. CVRP maintains a secure fax line, should the respondent prefer to have their healthcare provider fax the documentation directly. In addition, the respondent shall submit a letter with the medical records explaining that the respondent requests a review due to an Honor Code report and the Medical Review Committee retains authority to receive and review said record(s).
- d. Any delays caused by lack of timely submission of relevant medical documents may result in the inability of the panel to be able to consider the medical records but shall be grounds for a postponement.
- e. This section does not limit a respondent from proffering mitigating factors in their defense. This section only addresses the instance in which a respondent seeks to submit medical documentation in their defense.

5. **Matters Beyond the Scope of these Bylaws**

- a. This Section, while extensive, is not an exhaustive authority on all issues that may arise during the course of Honor Council proceedings;
- b. When matters fall beyond the scope of these Bylaws, this Section does not, nor do these Bylaws in any respect, constrain the Council's broad discretion in carrying out its duties;
- c. When matters fall beyond the scope of these Bylaws, Council members will do their best to act in a manner consistent with the Honor Code, in their best judgment, and in consultation with others serving in the same enforcement proceeding capacity, or when possible, in consultation with the Chair or Deputy Chair, if not serving in another role in the proceedings.

B. Upon Receipt of a Report

1. **The Presiding Chair shall**

- a. Ensure that the report is made properly, pursuant to Honor Code §§ VII and IX, specifically:
 - i. That the reporting party has requested an explanation of the suspected conduct from the respondent, informing the student of the nature of the alleged violation, requesting an explanation, and
 - a) That the respondent has had an opportunity to explain the matter to the reporting party, and
 - b) That the reporting party has found the respondent's explanation unsatisfactory, or
 - c) That the respondent gave no explanation to the reporting party; or
 - ii. That the reporting party made an attempt to personally confront the respondent, and in the evaluation of the Presiding Chair, the attempt was diligent and made in good faith.

- b. Confirm with CVRP that the respondent has not chosen to resign from the university;
- c. Determine whether the Law School Honor Council has authority over the report pursuant to Honor Code § IX(D):
 - i. Consult with the Deputy Chair and one other Council member (typically the Secretary) as to authority and whether the reported conduct is inconsequential, without disclosing the name of the respondent and without making any evidentiary decisions or findings of fact;
 - ii. Dismiss reports the Chair determines to be inconsequential without making findings of fact, and only based on the definition of “inconsequential conduct” contained in the Honor Code:
 - a) Pursuant to Honor Code § III, inconsequential conduct is “conduct that is of too minimal a scope to affect the university community.”
 - iii. As soon as is practical, inform the Council and CVRP if alleged misconduct is dismissed as inconsequential; or
 - iv. Otherwise, continue the process described below;
- d. Ask Associate Chairs to recuse themselves, if they have conflicts of interest, by providing members of the Council who may be appointed to participate in further proceedings with the name of the respondent, the reporting party, and the general nature of the alleged violation of the Honor Code;
 - i. However, the Presiding Chair will not provide any additional information about the report to members of the Council other than the Investigating Committee and the Procedural Advisor in order to prevent possible bias and prejudice;
 - ii. An Associate Chair who recused themselves from a proceeding or is otherwise conflicted out for any reason may not serve as a Procedural Advisor, character witness, and/or an advocate for a respondent in the proceeding. Associate Chairs may participate in proceedings, however, when called as a material witness.
- e. Appoint officers and committees for adjudication of the reported conduct, first utilizing Associate Chairs, then Assistant Chairs, then other ad hoc appointees, including:
 - i. A Procedural Advisor,
 - ii. An Investigating Committee (the “IC”), including:
 - a) An Investigating Committee Chair, with whom the Presiding Chair will discuss investigation planning, transmit relevant documents, and communicate details of the alleged misconduct, and
 - b) At least one other member, though two other members is preferred when there are enough members of the Council available to fill the positions, and
 - iii. A Panel Authorization Committee (the “PAC ”), including:
 - a) A Panel Authorization Committee Chair, with whom the Chair will coordinate, and
 - b) At least two other members;
- f. Notify CVRP that an allegation is pending, via the form designated for such communications, and disclose to CVRP the members of the Investigating Committee;
- g. Attend all meetings between the Procedural Advisor and the respondent, in person if possible;
- h. Upon notice or request from the IC:
 - i. Attempt to compel the reporting party, the respondent, or any witnesses to participate in the investigation,^{xvi}
 - ii. Seek assistance from the CVRP or the Law School administration if an interviewee remains uncooperative,
 - iii. Make recommendations on the investigation report, confirm that the IC has not exceeded its duties by drawing conclusions or making definitive findings of fact before transmitting the report to the PAC , and send the report back to the IC to make additions or changes if, in the Chair’s discretion, it is incomplete or insufficient, and

iv. Extend the investigation deadline for good cause shown by the IC.

2. The Procedural Advisor (“PA”) shall

- a. Contact the respondent and the reporting party separately, and:
 - i. Inform the respondent student of the PA’s appointment and duties,
 - ii. Differentiate the PA’s role as a representative of the Council from that of a student advisor, who is an advocate for the respondent,
 - iii. Confirm that the PA will have no other role in the case, nor be in communication with other members of the Council about the case, except the Chair, so that communication may be conducted freely and confidentially,
 - iv. Specifically advise the respondent of where to find the Honor Code, and to read the Honor Code, in particular:
 - a) The part of § VI relevant to the allegation(s), and
 - b) §§ V, VII and IX, and
 - v. Specifically advise the respondent of where to find these Bylaws, and explain to the respondent that these Bylaws provide a guide to Honor Code enforcement proceedings;
- b. Meet with the respondent, with the Presiding Chair in attendance, in order to:
 - i. Provide certain documents to the respondent, including:
 - a) A copy of the Honor Code,
 - b) A copy of the written report, and
 - c) The standard letter regarding a student advisor;
 - ii. Explain the relevant portions of the Honor Code to the respondent, including:
 - a) The definition of the Honor Code infraction for which the respondent has been reported,
 - b) The role of the PA pursuant to Honor Code § V(A)(4)(c), and
 - c) The ability of the respondent to waive rights guaranteed by the Honor Code, pursuant to Honor Code § V(A)(12), subject to the condition that the respondent must confirm in writing any rights the respondent wishes to waive;
 - iii. Provide the respondent with the name of the appointed PA and ICC;
 - iv. Confirm the following choices of the respondent in writing:
 - a) Whether the respondent requests the assistance of a student advisor in subsequent proceedings, pursuant to Honor Code § V(A)(4)(a),
 - b) Who the respondent’s student advisor is, as soon as chosen. The respondent should give such written confirmation to the PA and IC to effectuate the student advisor’s ability to act on behalf of the respondent where appropriate,
 - c) Whether the respondent will be retaining a licensed attorney, and reminding the student of the requirement to notify the Council of a decision to retain a licensed attorney, pursuant to Honor Code § V(D)(1),
 - d) Whether the respondent has religious practices that will impact scheduling of subsequent proceedings, pursuant to Honor Code § IX(I)(5),
 - e) Whether the respondent elects to separate multiple and unrelated allegations, pursuant to Honor Code § V(A)(9)(b),
 - f) Whether the respondent elects to sever parties and request a separate Panel, pursuant to Honor Code § V(A)(9)(c), and q
 - g) Whether the respondent elects to have an open Panel proceeding, pursuant to Honor Code § V(A)(9)(f);
 - h) To the extent requested by the respondent or the reporting party, provide information about the Council, the Honor Code, the procedures for Honor Code investigations described in the

Honor Code and these Bylaws, the rights of the parties, and the conduct of future proceedings;

- i) Never offer the respondent or the reporting party substantive advice on strategy or other non-procedural matters.

3. **The Investigating Committee (“IC”) shall**

- a. Not contact the respondent until:
 - i. The Presiding Chair and the Procedural Advisor have completed the duties described above, and
 - ii. The respondent has procured a student advisor, if the respondent has elected to do so, or otherwise forty-eight (48) hours have passed since the Presiding Chair completed the duties described above;
- b. Inform the respondent of the option to submit a written statement to the IC;
- c. Interview the reporting party, the respondent, and any witnesses, in that order if possible, and in so doing:
 - i. Ascertain from the reporting party and the respondent the identities of any additional witnesses to interview,
 - ii. Take notes on the substance of the interview, and
 - iii. Seek assistance from the Presiding Chair if necessary to compel the reporting party, the respondent, or any witnesses to participate;
- d. Ensure that each interview fairly reflects what information the interviewee provided by using one of the following recommended methods, or any other method the IC chooses, if possible:
 - i. Recording and transcribing the interviews, or
 - ii. In the event of a telephonic interview, sending interviewees the notes taken by a principal note-taker via e-mail immediately after the interview;
- e. Compose an investigation report that is objective and does not draw conclusions or make definitive findings of fact, and that includes:
 - i. A cover page,
 - ii. A table of contents,
 - iii. A review of the reported misconduct and the alleged violation(s),
 - iv. A report of the activities of the IC,
 - v. A report of all relevant facts discovered in the investigation, including citations to documentary and other information, as necessary,
 - vi. A report of the respondent’s response to the report,
 - vii. A summary of the results and key facts found in the investigation,
 - viii. A certification, signed by all IC members, stating as follows: “We, the members of the Investigating Committee, concur on these findings and confirm that the facts in this Report and any attachments thereto represent the product of our investigation. Everything contained in this report is accurate, to the best of our knowledge. We respectfully submit this Report to the Chair for further proceedings as directed by the Honor Code.”
 - ix. Attachments of demonstrative exhibits created by the IC to aid in understanding the nature of the allegation(s),
 - x. Exhibits of relevant documentary information, including the written report and any written response(s) from the respondent, and
 - xi. A designation of “CONFIDENTIAL” on each page of the report, including exhibits;
- f. Share a draft of the investigation report with the Presiding Chair:
 - i. For recommendations, including substantive recommendations concerning the thoroughness and presentation of the report,
 - ii. For confirmation that the IC has not exceeded its duties by drawing conclusions or

- making definitive findings of fact, and
- iii. Seeking an extension of the investigation from the Presiding Chair, if necessary to implement the Presiding Chair's recommendations;
- g. Seek an extension in the deadline for submitting the investigation report if needed by contacting the Presiding Chair, who will grant such a request for good cause shown and notify the reporting party and the respondent of the extension;
- h. Choose witnesses to present to a Panel, if there is to be a Panel, and prepare questions for such witnesses;
- i. Inform the Presiding Chair after submitting its report who it will call as witnesses to provide information at the Panel;
- j. Not communicate with any other member of the Council concerning the allegation or investigation, except the Presiding Chair and other members of the IC, throughout the adjudication process; and
- k. Endeavor at all times to develop all relevant facts without bias, prejudice, personal agenda, or desire to bring about any particular eventual determination of the case.

C. Upon Completing an Investigation

1. The Panel Authorization Committee ("PAC") shall

- a. Receive the final IC report and gathered information from the Presiding Chair, at most forty-eight (48) hours before beginning deliberation, and review the IC report prior to beginning deliberation;
- b. Deliberate in private, with all members of the PAC and the Presiding Chair present, to review the IC report – such meeting to be held telephonically if it is not practical to assemble the PAC in person, and if any such telephonic meeting will not diminish the quality of the exchange necessary to make a determination of the sufficiency of the information;
- c. With all members of the PAC voting, make a determination within twenty-four (24) hours of beginning deliberations:
 - i. If the vote decides that the reported matter as investigated and reported by the IC is appropriate for possible resolution via Informal Resolution, then:
 - a) Immediately stay further proceedings and recommend to the Presiding Chair that the reported matter be referred for an offer of Informal Resolution pursuant to Section IX(F) of the Honor Code; or
 - ii. If the vote decides that the reported matter as investigated and reported by the IC is inappropriate for possible resolution via Informal Resolution, then:
 - a) Immediately stay further proceedings and recommend to the Presiding Chair that the reported matter should not be referred to Informal Resolution pursuant to Section IX(F) of the Honor Code.
- iii. Consider the following non-exhaustive list of factors in their totality to determine whether the reported matter as investigated and reported by the IC is appropriate for possible resolution via Informal Resolution:
 - a) Whether the IC report uncovers additional potential Honor Code violations;
 - b) Whether the Respondent is cooperative and forthcoming during the confrontation and investigation process by accepting full responsibility;
 - c) Whether the reported matter involves novel or evolving issues;
 - d) Any aggravating factors including, but not limited to, those mentioned in the IC

- e) Any mitigating factors including, but not limited to, extenuating health or personal safety circumstances that merit informal relief;
- d. Upon receiving verbal or written communication from the Presiding Chair after the PAC complies with its obligations set forth in Section C(2)(c), conduct a second deliberation and makes its determination within twenty-four (24) hours:
 - i. If at least two members of the PAC concur that there is sufficient information to hold a Panel on the report and that the matter at issue is legitimately embraced within the proscribed conduct outlined in the Code:
 - a) Complete the PAC's section of the allegations sheet, in the standard form;
 - b) Seek assistance from the Presiding Chair insofar as is necessary to complete and edit the allegations sheet, but not to substantively determine whether there is sufficient information; and
 - c) Send written advisory instructions to the ICC, specifying what, if any, additional information the PAC believes would aid the Panel in the event that the consensus of the PAC is that certain additional information would aid the Panel in its determination of responsibility; or
 - ii. If at least two members of the PAC do not concur that there is sufficient information to hold a Panel on the report or that the matter at issue is legitimately embraced within the proscribed conduct outlined in the Code, dismiss the report in a brief written rationale transmitted to the Presiding Chair.

2. The Presiding Chair shall

- a. Facilitate distribution of either a hard copy or an electronic copy of the investigation report to the PAC and only the PAC – preventing its distribution to the reporting party, witnesses, or other Council members;
- b. Confer with the Director of CVRP after the Presiding Chair and PAC make an initial decision on whether to resolve the matter through Informal Resolution;
- c. If the PAC determines that there is insufficient information to hold a Panel on the report or that the matter at issue is not legitimately embraced within the proscribed conduct outlined in the Code, receive the PAC's brief written rationale, transmit the rationale to the CVRP, the respondent, and the reporting party, and otherwise close the case pursuant to the provisions below;
- d. If the PAC determines that there is sufficient information to hold a Panel, the Presiding Chair shall receive the allegations sheet with the PAC's section completed, transmit the allegations sheet to the ICC with instructions to complete their section, and transmit the completed allegation sheet to the respondent; and
- e. If applicable, receive any amendments to the IC report and gather information from the ICC, transmitting the same to the PAC no earlier than twenty-four (24) hours before the PAC is scheduled to renew deliberations.
- f. Appoint one member of the Panel to serve as Secretary during the proceeding.

3. The Investigating Committee ("IC") shall

- a. Receive any written advisory instructions from the PAC and respond as applicable or as possible by preparing additional information for the Panel's consideration as appropriate, and submit any new material to the Presiding Chair.

D. Upon A Determination of Sufficient Information

1. The Chair shall

- a. Schedule a Panel on the report in consultation with CVRP;
- b. Appoint a panel of six (6) members who have not recused themselves or otherwise served on the IC or PAC, first utilizing Associate Chairs, then Assistant Chairs, then other ad hoc appointees;
- c. Provide to the respondent in person, or electronically if it is not practical to do so in person, the following materials, pursuant to Honor Code § IX(I), no later than seventy-two (72) hours after being notified that the PAC has determined there is sufficient information to hold a Panel on the report:
 - i. A copy of the Honor Code,
 - ii. A copy of the written report,
 - iii. An allegations sheet, prepared by the PAC, ICC, and Presiding Chair, in the standard form, which includes the specific allegation(s) against the respondent, as well as a list of witnesses the ICC requests the Presiding Chair notify to provide information at the Panel, and
 - iv. A copy of all documentary information, as well as a written summary of the substance of non-documentary information gathered by the IC;
- d. Attend the meeting between the respondent and PA in person, or telephonically if it is not practical to meet in person, as soon as practicable before the scheduled Panel;
- e. Facilitate distribution of either a hard copy or an electronic copy of the investigation report, the written report, the allegations sheet, any other PAC materials other than advisory instructions to the ICC, as well as a copy of the Honor Code, to the Panel members, no sooner than one week before the Panel, but no later than twenty-four (24) hours before the Panel;
- f. Advise the ICC as to the standard of proof used in the Panel on responsibility; additionally, if the Presiding Chair deems any questions, answers, or statements irrelevant, the speaker will be instructed not to ask or answer such questions or to stop giving such answers or statements. The standard for relevancy is if the question, answer, or statement does contribute to the determination of whether the respondent is responsible for the allegation(s) being considered at the proceeding; and
- g. Obtain from CVRP necessary materials for the proceeding, including, if needed, the digital recorder, conference calling equipment, notepads, pens, and Student Handbook copies, and a letter from CVRP disclosing the respondent student's conduct record for use.

2. The Panel shall

- a. Diligently review the materials in advance and otherwise prepare for the proceeding as necessary;
- b. Refrain from discussing the case with any person, including fellow members of the panel, in order to avoid bias, prejudgment, and breaches of confidentiality; and
- c. Keep the Panel materials in a secure location and conduct its review in private to avoid breaches of confidentiality.

3. **The Investigating Committee Chair (“ICC”) shall**
 - a. Prepare questions for the reporting party, material witnesses, and the respondent student designed to efficiently develop facts relevant to the determination of whether the respondent student is responsible.

4. **The Procedural Advisor (“PA”) shall**
 - a. With the Presiding Chair in attendance, meet with the respondent in person, or telephonically if it is not practical to meet in person, in order to:
 - i. Remind the respondent of their rights, including:
 - a) The right to student advisor pursuant to Honor Code § V(A)(4)(a), if the respondent has not already retained a student advisor,
 - b) The right to a silent supporter and one immediate family member at the Panel pursuant to Honor Code § V(A)(4)(b),
 - (1) The silent supporter may be a licensed attorney if the respondent notifies the Presiding Chair pursuant to Honor Code § V(D)(1),
 - c) The right to waive any rights pursuant to Honor Code § V(A)(12), including the right to appear at the Panel,
 - (1) Provided that such waiver is made in writing, and
 - (2) Noting any rights already waived by the respondent during the course of the proceedings,
 - d) The right to examine any documents to be presented at the Panel, pursuant to Honor Code §§ V(A)(3) and IX(I),
 - e) The right to notice of the time, date, and location of the Panel pursuant to Honor Code § V(A)(2), if the Presiding Chair has not already been able to inform the respondent of such information and is unable to do so at the present meeting,
 - f) The right to have the Panel during a time that does not conflict with religious practices pursuant to Honor Code § IX(I)(5),
 - g) The right to have allegations heard separately if the allegations are unrelated pursuant to Honor Code § V(A)(9)(b), if there are multiple allegations against the respondent,
 - h) The right to have a separate Panel pursuant to Honor Code § V(A)(9)(c), if multiple respondents have been reported jointly,
 - i) The right to request an open Panel pursuant to Honor Code § V(A)(9)(f). The Presiding Chair shall decide the matter upon request. If the respondent does not request an open Panel, the Panel will be confidential and closed pursuant to Honor Code § V(A)(5),
 - j) The right to notify witnesses to participate at the Panel pursuant to Honor Code § V(A)(9)(d),
 - k) The right to have witnesses separated during the Panel,
 - l) The right to call up to two character witnesses during the sanctions phase of the Panel pursuant to Honor Code § IX(I)(8)(c), informing the respondent that it is their duty to notify character witnesses to participate at the proceeding, which typically will immediately follow the judgment phase of the Panel if the respondent is found responsible, except in extraordinary circumstances,
 - m) The right to ask relevant questions of all witnesses pursuant to Honor Code § V(A)(9)(e),

- n) The right to present their case, if the respondent chooses pursuant to Honor Code § IX(I)(8)(g);
- ii. Remind the respondent of policies, standards, and procedures to be followed at the scheduled Panel including:
 - a) The assignment of a procedural advisor who will be present at the Panel,
 - b) That the Panel will be recorded,
 - c) That the respondent is presumed not in violation until proven responsible for the violation(s) beyond a reasonable doubt pursuant to § V(A)(9)(a),
 - d) The policies, standards, and procedures outlined in Honor Code §§ V, VI, VII, and IX, and these Bylaws, and
 - e) The relevancy standards enforced in Panels:
 - (1) In the judgment phase, the Presiding Chair will deem questions, answers, or statements that do not contribute to the determination of the respondent's responsibility for the allegation(s) irrelevant, and the speaker will be instructed not to answer such questions or to stop giving such answers or statements,
 - (2) In the sanctions phase, the Presiding Chair will deem questions, answers, or statements that do not relate to the determination of an appropriate sanction irrelevant, and the speaker will be instructed not to answer such questions or to stop giving such answers or statements, and
 - (3) In the case of character witnesses, witness statements will be deemed irrelevant if it do not pertain to the character of the respondent or the circumstances surrounding the violation which may inform the Panel as to the respondent's state of mind;
- iii. Ask the respondent for a list of only those witnesses that the respondent requests that the Presiding Chair notify to participate at the Panel, excluding witnesses whose presence the respondent can independently assure;^{xvii}
- b. Renew contact with the respondent and reporting party, and make initial contact with known witnesses; and
- c. Continue providing, to the extent requested by the respondent, the reporting party, or known witnesses, information about the Council, the Honor Code, the procedures for Honor Code enforcement proceedings described in the Honor Code and these Bylaws, the rights of the parties, and the conduct of future proceedings.

E. Upon Commencing the Judgment Phase of the Panel

1. The Presiding Chair shall

- a. Preliminarily, off the record, and outside the presence of non-Council members:
 - i. Prepare to take the statement of any witnesses appearing telephonically, if applicable, pursuant to these Bylaws;
 - ii. Ensure that all necessary persons are present and ready to begin;
- b. Preliminarily, off the record, and with all necessary persons present:
 - i. Introduce the parties and the members of the panel to one another; and
 - ii. Inform all persons present that:
 - a) The proceedings will be recorded, instructing them to speak clearly for the record;
 - b) If any party or Council member desires a recess, they may request one at any time.

The Presiding Chair will grant such request(s) if deemed to be reasonable;

- c. Preliminarily, on the record:
 - i. Introduce all persons present for the record;
 - ii. Ask both the respondent and reporting party whether they understand the principles of the Honor Code, and in the event that either party does not understand them, read the Honor Code Statement of Purpose, § I(A);
 - iii. Confirm that the reporting party agrees to participate truthfully and, if the reporting party is a student, that the reporting party understands that to lie in the proceeding is itself a violation of the Honor Code; and
 - iv. Confirm that the respondent agrees to participate truthfully, that the respondent understands that to lie in the proceeding is itself a violation of the Honor Code and an aggravating circumstance in the present case;
- d. Present the allegation(s) and take the respondent's response to the allegation(s) on the record:
 - i. Read the allegation(s) into the record, as stated on the allegation sheet provided to the respondent;
 - ii. Read the details of the infraction or infractions alleged into the record, as stated in Honor Code § VI;
 - iii. Ask the respondent to respond: "responsible" or "not responsible" to each allegation (one at a time);
 - iv. Ask the respondent to make an opening statement, explaining their response to the allegations, if the respondent desires,
 - a) Noting that the respondent may defer an opening statement until after the ICC has presented the information gathered has been presented, and
 - b) Instructing that no questions may be asked of the respondent during such an opening statement;
- e. Take the information presented by the reporting party, on the record, in the following order:
 - i. Ask the reporting party to make opening remarks, or, if the reporting party wishes, to take questions from the ICC without opening remarks;
 - ii. Recognize the ICC, and allow the ICC to question the reporting party as needed;
 - iii. Recognize the panel, and allow the panel to question the reporting party as needed;
 - iv. Question the reporting party personally as needed;
 - v. Recognize the respondent, and allow the respondent to question the reporting party as needed;
 - vi. Recognize the student advisor, if present, and allow the student advisor to question the reporting party as needed;
 - vii. Ask for any questions for the reporting party from any of the persons listed above as needed;
 - viii. At any time, deem questions, answers, or statements irrelevant, and instruct the reporting party not to answer such questions or to stop giving such answers or statements, if the question, answer, or statement does not contribute to the determination of whether the respondent is responsible for the allegation(s) being considered;
 - ix. After the end of questioning, recognize the reporting party, and allow the party to make a final statement or give any other information the reporting party believes is relevant to the allegation(s), provided that further questions may be asked during such final statement by any of the persons listed above; and
 - x. Inform the reporting party that the reporting party may leave the proceeding, or may stay for the remainder of the responsibility phase,
 - a) Provided that if the reporting party remains, the reporting party will have the

- opportunity to ask questions of the respondent, and
 - b) If the reporting party opts to leave the proceeding, the Chair will remind the reporting party to keep matters related to the proceeding and the allegation(s) confidential, pursuant to Honor Code §§ V(B)(2) and IX, and
 - c) If the reporting party opts to leave the proceeding, the reporting party must privately leave a contact phone number so the Panel can contact the party if needed;
 - xi. After the reporting party has left the proceeding, or completed providing information, inform all parties who will be presently called to participate, and, if requested, briefly recess the proceeding to allow parties to prepare for the next witness;
- f. Obtain information from material witnesses:
 - i. Briefly, off the record:
 - a) Introduce the witness, the parties, and the members of the panel; and
 - b) Inform the witness that the proceedings will be recorded and instruct the witness to speak clearly for the record;
 - ii. Preliminarily, on the record:
 - a) Instruct the witness to state their name for the record;
 - b) Ask the witness whether the witness understands the principles of the Honor Code, and in the event that the witness does not understand the principles of the Honor Code, read the Honor Code Statement of Purpose, § I(A);
 - c) Confirm that the witness agrees to participate truthfully and, if the witness is a student, that the witness understands that to lie in the proceeding is itself a violation of the Honor Code; and
 - iii. Take the information provided by the witness, on the record, in the following order:
 - a) Ask the witness to discuss any information the witness has related to the allegation(s), or, if the witness wishes, to take questions from the ICC without opening remarks by the witness;
 - b) Allow the ICC to question the witness as needed;
 - c) Allow the panel to question the witness as needed;
 - d) Question the witness personally as needed;
 - e) Recognize the respondent, and allow the respondent to question the witness as needed;
 - f) Recognize the student advisor, if present, and allow the student advisor to question the witness as needed;
 - g) Ask for any further questioning of the witness from any of the persons listed above as needed;
 - h) At any time, deem questions, answers, or statements irrelevant, and instruct the witness not to answer such questions or to stop giving such answers or statements, if the question, answer, or statement does not contribute to the determination of whether the respondent is responsible for the allegation(s) being considered;
 - i) After the end of questioning, allow the witness to make a final statement or give any other information the witness believes is relevant to the allegation(s), provided that further questions may be asked during such final statement by any of the persons listed above; and
 - j) Excuse the witness, reminding the witness to keep matters related to the proceeding and the allegation(s) confidential, pursuant to Honor Code § V(C)(2), and ask the witness to privately leave a contact phone number so that the Panel can reach the witness if needed;
 - iv. After the witness has been excused, inform all parties who will be presently called to participate, and, if requested, briefly recess the proceeding to allow parties to prepare for the next witness;
 - v. Repeat the procedures above as needed until all material witnesses have participated on the

- record; and
- vi. Recess the proceeding briefly after all witnesses have participated to allow the respondent to prepare to present information, if the respondents desires;
- g. Recall and take further information from material witnesses or the reporting party,
 - i. If:
 - a) The Presiding Chair, or any panel members, the ICC, the reporting party, the respondent, or the student advisor, if applicable, so request, and
 - b) The requesting person explains how recalling the witness or the reporting party will serve the purpose of establishing further relevant information about the allegation(s), not duplicative of questions and answers already made;
 - ii. Conducting such recall and providing of further information on the record, as applicable; and then
 - iii. Recessing the proceeding briefly after all witnesses have been recalled to allow the respondent to prepare to present information, if the respondent so desires;
- h. Take the information from the respondent, on the record, in the following order:
 - i. Ask the respondent, the respondent's student advisor, or both, as they see fit, to make opening remarks, or, if the respondent wishes, to take questions from the ICC without opening remarks;
 - ii. Allow the ICC to question the respondent as needed;
 - iii. Allow the panel to question the respondent as needed;
 - iv. Question the respondent personally as needed;
 - v. Allow the reporting party to question the respondent as needed;
 - vi. Allow the student advisor to question the respondent as needed;
 - vii. Ask for any further questioning of the respondent from any of the persons listed above as needed;
 - viii. Properly determine question, answer, or statement relevancy;
 - ix. After the end of questioning, ask the respondent to make a final, statement or give any other information the respondent believes is relevant to the allegation(s), provided that further questions may be asked during such final statement by any of the persons listed above; and
 - x. Recess the proceeding briefly after the respondent has provided their information to allow the parties to prepare to make final statements;
- i. Take the final statements of the parties, on the record:
 - i. Ask the reporting party, if present and if the party wishes, to make a final statement, limited to the issue of whether the respondent irresponsible for the allegation(s) being considered at the proceeding;
 - a) Ask for any further questioning of the reporting party from the ICC, the Panel, from the Chair, the respondent, or the student advisor, as needed; and
 - b) Properly determine question, answer, or statement relevancy;
 - ii. Excuse the reporting party, if present;
 - iii. Excuse the ICC, reminding the ICC to keep matters related to the proceeding and the allegation(s) confidential;
 - iv. Recess the proceeding briefly after the reporting party and the ICC have been excused to allow the respondent to further prepare to make a final statement, if desired;
 - v. After the recess, ask the respondent, if the party wishes, to make a final statement, limited to the issue of whether the respondent irresponsible for the allegation(s) being considered;
 - a) Ask for any further questioning of the respondent from the Panel, the Chair, or the student advisor, as needed; and
 - b) After the end of questioning, ask the respondent to make any final statement or give any

- other information relevant to the allegation(s), if desired; and
 - c) Properly determine question, answer, or statement relevancy;
 - j. Finally, on the record:
 - i. Ask the respondent whether the respondent their rights have been preserved throughout the entire Honor Code process for the record,
 - a) Provided that, if the respondent does not confirm that their rights have been preserved, the Chair will ask the respondent to explain which rights have been violated and how, and
 - ii. Read the allegation(s) into the record, as stated on the allegation sheet provided to the respondent;
 - iii. Read the details of the alleged infraction(s) into the record, as stated in Honor Code § VI; iv. Read Honor Code § IX(I)(8)(k) into the record; and
 - iv. Adjourn.

2. **The Panel shall**

- a. Throughout the proceeding:
 - i. Listen, with utmost attention, to the statements and answers given by the parties and witnesses;
 - ii. Take notes, as needed;
 - iii. Ask relevant questions of the parties and witnesses, as needed;
 - iv. Avoid bias and prejudice;
 - v. Request assistance from the Presiding Chair insofar as is necessary to follow procedure, but not to substantively determine whether the respondent is responsible for the allegation(s) being considered;
 - vi. Independently ensure that each member comports themselves in a matter fitting of the decorum of the proceedings, ensuring the spirit and the letter of all procedures of the Honor Code and these Bylaws are followed properly; and
 - vii. Request recesses, when necessary; and
- b. Immediately following the Presiding Chair's charge to the panel:
 - i. Deliberate in private, with only members of the present, to determine whether the respondent is responsible, beyond a reasonable doubt, for the allegation(s) considered at the proceeding;
 - ii. Review the notes taken by the Panel Secretary to ensure they are an accurate record of the proceedings;
 - iii. Not discuss potential sanctions during the deliberations on responsibility;
 - iv. Seek assistance from the Presiding Chair as necessary, who may seek assistance from the CVRP (or designee) as necessary, with questions about interpretation of the Honor Code, case precedent, or procedural matters;
 - v. Only reach a judgment on responsibility upon the concurrence of at least five of the six members of the panel; and
 - vi. Draft a rationale, which will:
 - a) Report the judgment and the vote in favor of it;
 - b) Provide a clear and logical explanation of the judgment, indicating the specific facts and circumstances that inform the decision; and
 - c) Note any minority viewpoints of the panel and allow the minority to submit a dissenting opinion.
- c. The Panel member appointed to act as Panel Secretary shall maintain a written record of the process by:
 - i. Preparing a computer to take notes during the proceeding; and
 - ii. Throughout the proceeding, taking notes memorializing the statements of all parties and

witnesses, including the main points of questions and their answers, with the aim of recording key facts and relevant discussion, as the notes will not be a verbatim record of the proceedings.

3. **The Investigating Committee Chair (“ICC”) shall**

- a. Ask questions of parties and witnesses designed to efficiently develop facts relevant to the determination of whether the respondent is responsible for the allegation(s).

4. **The Procedural Advisor shall**

- a. Continue, to the extent requested by the parties and witnesses providing information about the Council, the Honor Code, the procedures for Honor Code proceedings on responsibility described in the Honor Code and these Bylaws, the rights of the parties, and the conduct of future proceedings;
- b. Independently ensure that all rights of all parties are preserved, and that all procedures of the Honor Code and these Bylaws are followed properly, raising any concerns to the Presiding Chair, and only the Presiding Chair, while off the record;
- c. Request recesses when necessary, which will be granted by the Presiding Chair if deemed reasonable;

F. Upon Reaching a Judgment

1. **The Panel shall**

- a. Immediately contact the Presiding Chair, asking the Chair to return to the room;
- b. Upon the Presiding Chair’s return to the room, inform the Presiding Chair of both the judgment and the vote on the judgment, and whether the panel is ready to proceed immediately to the sanctions phase, or whether the panel wishes to proceed to the sanctions phase on another day.

2. **The Presiding Chair shall**

- a. Contact the necessary persons, asking them to return to the Panel proceeding room; b. Call the proceedings back to order, on the record:
 - i. Unless the Panel is open, allow only the panel members, the PA, the respondent, the student advisor if applicable, and one silent supporter to enter the room; and
 - ii. Announce the judgment and the panel’s vote on the judgment for the record, without providing any rationale;
- b. If the judgment is:
 - i. Not responsible: dismiss the case;
 - ii. Responsible: proceed below.
- c. Determine whether the respondent is ready to proceed immediately to the sanctions phase, or whether the respondent wishes to conduct the phase at a later time:
- d. If the respondent:
 - i. Is ready to proceed to the sanctions phase, recess the proceeding briefly before beginning the sanctions phase pursuant to Honor Code § IX(I)(8)(j);
 - ii. Wishes to proceed to the sanctions phase at a later time:
 - a) If requested by the respondent, schedule the sanctions phase for a date no later than seven days after the end of the judgment phase, provided that:
 - (1) The panel is available for the delayed proceeding, and
 - (2) The respondent wishes to delay the proceeding for good cause;
 - b) Recess the proceeding until the time scheduled for the sanctions phase, and notify the panel of that time.

3. The Procedural Advisor shall

- a. Continue, to the extent requested by the respondent, the reporting party, or character witnesses, to provide information about the Council, the Honor Code, the procedures for the sanctions phase described in the Honor Code and these Bylaws, the rights of the parties, and the conduct of future proceedings.

G. Upon Commencing the Sanctions Phase

1. The Presiding Chair shall

- a. Preliminarily, off the record:
 - i. Prepare to take the statements of any witnesses appearing telephonically, if applicable, pursuant to these Bylaws;
 - ii. Ensure that all necessary persons are present and ready to begin;
 - iii. Remind all persons present that:
 - a) The proceedings are being recorded, instructing them to speak clearly for the record;
 - b) If any party or Council member desires a recess, they may request one at any time, and such requests will ordinarily be granted as a matter of course;
- b. Preliminarily, on the record:
 - i. Explain that the purpose of the sanctions is not to revisit the issue of responsibility, but to determine an appropriate sanction now that the panel has found the respondent responsible;
 - ii. Remind the respondent that the respondent agreed to participate truthfully, and that to lie in the proceeding is itself a violation of the Honor Code and an aggravating circumstance in the present case;
 - iii. Ask the respondent to make an opening statement, if desired, instructing that:
 - a) Such statement must contribute to the determination of an appropriate sanction now that the panel has found the respondent responsible; and
 - b) No questions may be asked of the respondent during such an opening statement;
 - iv. Open the letter from CVRP disclosing the respondent's student conduct record, and read the letter into the record, and if the respondent does have a conduct record disclosed by CVRP, ask the respondent to make a statement addressing this record, if desired, allowing the panel, the Chair, and the student advisor, if applicable, to ask questions pertaining to this record after the respondent's statement;
 - v. At any time, deem statements irrelevant, and instruct the respondent to stop giving such statements, if the statement does not contribute to the determination of an appropriate sanction now that the respondent has been found responsible;
 - vi. After the respondent's statement, inform all parties who will be called to participate as a character witness, and, if requested, briefly recess the proceeding to allow the respondent to prepare for the next witness;
- c. Take the statement of character witnesses:
 - i. Briefly, off the record:
 - a) Introduce the witness, the respondent, and the members of the panel to one another; and
 - b) Inform the witness that the proceedings will be recorded and instruct the witness to speak clearly for the record;
 - ii. Preliminarily, on the record:
 - a) Instruct the witness to state their name for the record;
 - b) Ask the witness whether they understand the principles of the Honor Code, and in the

- even that a witness does not understand the principles of the Honor Code, the read the Honor Code Statement of Purpose, § I(A); and
- c) Confirm that the witness agrees to participate truthfully and, if the witness is a student, that the witness understands that to lie in the proceeding is itself a violation of the Honor Code; and
 - iii. Take the statement of the witness, on the record, in the following order:
 - a) Ask the witness to discuss any information the witness has related to the character of the respondent or the circumstances surrounding the violation which may inform the Panel as to the respondent's state of mind;
 - b) Allow the student advisor to question the witness as needed;
 - c) Allow the respondent to question the witness as needed;
 - d) Allow the panel to question the witness as needed;
 - e) Question the witness personally as needed;
 - f) Ask for any further questioning of the witness from any of the persons listed above as needed;
 - g) At any time, deem questions, answers, or statements irrelevant, and instruct the witness not to answer such questions or to stop giving such answers or statements, if the question, answer, or statement does not contribute to the determination of an appropriate sanction now that the respondent has been found responsible, specifically as the determination is aided by information regarding the respondent's character or the circumstances surrounding the violation which may inform the Panel as to the respondent's state of mind;
 - h) After the end of questioning, ask the witness to make a final statement or give any other information the witness believes is relevant to the character of the respondent or the circumstances surrounding the violation which may inform the Panel as to the respondent's state of mind, if desired, provided that further questions may be asked during such final statement by any of the persons listed above; and
 - i) Excuse the witness, reminding the witness to keep matters related to the proceeding and the allegation(s) confidential, pursuant to Honor Code § V(C)(2), and asking the witness to leave a contact phone number privately so the panel can contact them if needed;
 - iv. After the witness has been excused, inform all parties who will be called to participate, and, if requested, briefly recess the proceeding to allow parties to prepare for the next witness;
 - v. Repeat the procedures above as needed until both character witnesses have participated on the record;
 - vi. Enter any and all additional character witness statements into the record; and
 - vii. Recess the proceeding briefly after all witnesses have participated to allow the respondent to prepare to make a closing statement.
 - d. Take the final statement of the respondent, on the record:
 - i. Ask the respondent, their student advisor, or both, as they see fit, to make opening remarks if they wish, limited to the issue of determining an appropriate sanction, not revisiting the issue of responsibility;
 - ii. Allow the student advisor to question the respondent as to sanctioning as needed;
 - iii. Allow the panel to question the respondent as to sanctioning as needed;
 - iv. Question the respondent as to sanctioning personally as needed;
 - v. Ask for any further questioning of the respondent from any of the persons listed above as needed;
 - vi. At any time, deem questions, answers, or statements irrelevant, and instruct the respondent

- not to answer such questions or to stop giving such answers or statements, if the question, answer, or statement does not contribute to the determination of an appropriate sanction now that the respondent has been found responsible; and
- vii. After the end of questioning, ask the respondent to make any final statement or give any other information the respondent believes is relevant to sanctioning, provided that further questions may be asked during such final statement by any of the persons listed above;
- e. Finally, on the record:
 - i. Read Honor Code § IX(I)(8)(j) into the record;
 - ii. Read Honor Code § IX(I)(8)(k) into the record; and
 - iii. Adjourn the proceeding and excuse all parties and witnesses.

2. The Panel shall

- a. Throughout the proceeding, perform the same duties provided for in the section above;
- b. Request assistance from the Presiding Chair insofar as is necessary to follow procedure, but not to substantively determine a sanction; and
- c. Immediately following the Presiding Chair's charge to the panel:
 - i. Deliberate in private, with only members of the panel present, to determine an appropriate sanction;
 - ii. Review the notes taken by the Panel Secretary to ensure they are an accurate record of the proceedings;
 - iii. Seek assistance from the Presiding Chair as necessary, who may seek assistance from CVRP as necessary;
 - iv. Only reach a determination of a sanction upon the concurrence of at least four of the six members of the panel; and
 - v. Draft a rationale, which will:
 - a) Report the sanction and the vote in favor of it;
 - b) Provide a clear and logical explanation of the sanction, indicating the specific facts and circumstances that inform the decision;
 - c) If the sanction includes suspension, make clear:
 - (1) Any conditions or requirements on which the respondent's reinstatement will be contingent, explaining the reasons for these conditions or requirements, and how the respondent may satisfy these conditions,
 - (2) Any secondary sanctions imposed on the respondent student upon reinstatement, to which the panel may leave aspects of the sanction(s) up to the discretion CVRP, if desired; and
 - (3) What factors a reinstatement panel should consider in order to be convinced that the respondent deserves reinstatement;
 - d) Note any minority viewpoints of the panel, and allow the minority to write a dissenting opinion.

3. The Procedural Advisor shall

- a. Continue, to the extent requested by the respondent or character witnesses, to provide information about the Council, the Honor Code, the procedures for the sanctions phase described in the Honor Code and these Bylaws, the rights of the parties, and the conduct of future proceedings;
- b. Independently ensure that all rights of all parties are preserved and that all procedures of the Honor Code and these Bylaws are properly followed, raising any concerns to the Presiding Chair, and only the Presiding Chair, while off the record; and
- c. Continue to act as Panel Secretary and maintain a written record of the proceeding.

H. Upon Determining a Sanction

1. The Panel shall

- a. Immediately contact the Presiding Chair, asking the Chair to return to the room;
- b. Upon the Presiding Chair's return to the room, inform the Presiding Chair of both the sanction and the panel's vote on the sanction.

2. The Presiding Chair shall

- a. Contact CVRP to relay the determination of responsibility, sanction(s), and the panel's vote on responsibility and sanction(s). Coordinate a mutual time and date with CVRP to meet with the respondent.
- b. Meet with the respondent and the Director of CVRP(or designee) during the next available day in order to notify the respondent of the sanction.

I. Upon Closing A Case

1. The Presiding Chair shall

- a. Compile a final record of the proceedings, which:
 - i. In all cases will include:
 - a) The IC Report;
 - b) The reporting party's written report;
 - c) Any statements or other information submitted by the respondent;
 - d) Any materials prepared by the PAC;
 - e) Any waiver of rights signed by the respondent;
 - f) Relevant transmittals, including written summaries of in-person meetings; and
 - g) Any other documentation of the proceedings believed to be relevant for purposes of review and/or an appeal; and
 - ii. In the event of a Panel being held on the report, will also include:
 - a) The Presiding Chair's certification of the judgment and, if applicable, the sanction(s);
 - b) A written decision by the panel, which explains the rationale behind the judgment and, if applicable, the sanction(s);
 - c) The Panel Secretary's notes;
 - d) The allegations sheet; and
 - e) The recording of the proceeding;
- b. Submit the final record to CVRP typically no later than the end of the next full working day, pursuant to Honor Code § IX(I)(8)(l);
- c. Ensure the destruction of all confidential material not transmitted to CVRP or otherwise securely stored by administrative officials, especially the letter regarding the respondent's student conduct record obtained and used in the proceeding;
- d. Deem the case closed, for purposes of the Law School Honor Council, upon submission of the final report, subject to it being reopened pursuant to administrative orders stemming from an appeal under Honor Code § XII, or upon the petition for reinstatement of a student if sanctioned with disciplinary suspension.

J. Upon Receiving a Petition for Reinstatement

1. Generally

- a. For the purposes of these Bylaws, the person petitioning for reinstatement is referred to as the "petitioner."

- b. Refer to the Code of Conduct § VII(A)(2) regarding reinstatement proceedings.
2. **The Presiding Chair shall**
- a. Schedule a Panel on the petition for reinstatement, in consultation with CVRP;
 - b. Ask Council members to recuse themselves, if they have conflicts of interest, by providing members of the Council with the name of the petitioner, the original reporting party, and the general nature of the petitioner’s violation of the Honor Code;
 - c. Appoint a Procedural Advisor (the “PA”) from among the members who have not recused themselves, first utilizing the PA from the petitioner’s original case, if still a member of the Council, then another Council member;
 - d. Appoint a panel of six people who have not recused themselves, first utilizing the original panel members, then Associate Chairs, then Assistant Chairs, and finally, ad hoc appointees;
 - e. Provide to the petitioner in person, or electronically if it is not practical to do so in person, the following materials as soon as practicable after being notified that the petition has been filed:^{xviii}
 - i. A copy of the Honor Code and the Administration of the Student Code of Conduct section of the Student Handbook,
 - ii. Written notice of the time, date, and location of the reinstatement panel,
 - iii. A copy of all documentary information from the original proceeding, as well as a written summary of the substance of non-documentary information gathered by the IC in the original proceeding,
 - iv. Original PAC materials, including the original investigation report, written report, allegation sheet, and other materials, but not including any advisory instructions to the ICC, and
 - v. Original Panel Secretary notes and panel rationales;
 - f. Facilitate distribution to the panel as soon as practicable before the proceeding, but no later than twenty-four (24) hours before, either in hard copy or electronic copy, of:
 - i. Original PAC materials, including the original investigation report, written report, allegation sheet, and other materials, but not including any advisory instructions to the ICC,
 - ii. Original Panel Secretary notes and panel rationales, and
 - iii. A copy of the Honor Code and the Administration of the Student Code of Conduct section of the Student Handbook;
 - g. Meet with the petitioner in person, or telephonically if it is not practical to meet in person, as soon as practicable before the scheduled proceeding, in order to:
 - i. Remind the petitioner of the rights listed in the Honor Code, and
 - ii. Remind the petitioner of policies, standards, and procedures to be followed at the scheduled proceeding;
 - h. Obtain from CVRP necessary materials for the proceeding if available or applicable, including conference calling equipment, the digital recorder, notepads, pens, and Student Handbook copies, as well as a letter from CVRP disclosing the petitioner’s conduct record.
3. **The Panel shall**
- a. Upon receipt of the materials from the Presiding Chair, diligently review the materials and otherwise prepare for the proceeding as necessary;
 - b. Refrain from discussing the case with any person, including fellow members of the panel, to avoid bias, prejudgment, and breaches of confidentiality; and
 - c. Keep the proceeding’s materials in a secure location and review in seclusion to avoid breaches of confidentiality.
4. **The Procedural Advisor shall**
- a. Contact the petitioner and:
 - i. Inform the petitioner of the PA’s appointment and duties,
 - ii. Confirm that the PA will have no other role in the case, nor be in communication with other

- members of the Council about the case except the Chair, so that communication may be conducted freely and confidentially,
- iii. Specifically advise the petitioner of where to find the Honor Code and to read the Honor Code, in particular:
 - a) The part of § VI relevant to the allegation(s), and
 - b) §§ IV, V, VII and IX, and
 - iv. Specifically advise the petitioner of where to find these Bylaws and explain to the petitioner that these Bylaws provide a guide to Honor Code enforcement proceedings;
 - b. To the extent requested by the petitioner, provide information about the Council, the Honor Code, the procedures for Honor Code investigations described in the Honor Code and these Bylaws, the rights of the parties, and the conduct of proceedings; and
 - c. Never offer the petitioner substantive advice on strategy or other non-procedural matters.

K. Upon Commencing a Reinstatement Panel

1. The Presiding Chair shall

- a. Preliminarily, off the record, and outside the presence of non-Council members:
 - i. Prepare to take the statements of any witnesses appearing telephonically, if applicable, pursuant to these Bylaws;
 - ii. Ensure that all necessary persons are present and ready to begin;
- b. Preliminarily, off the record, and with all necessary persons present:
 - i. Introduce the petitioner and the members of the panel to one another; and
 - ii. Inform all persons present that:
 - a) The proceedings will be recorded, instructing them to speak clearly for the record;
 - b) If the petitioner, any witness, or Council member desires a recess, they may request one at any time, and such requests are ordinarily granted as a matter of course;
- c. Preliminarily, on the record:
 - i. Introduce all persons present for the record;
 - ii. Ask the petitioner whether the petitioner understands the principles of the Honor Code, and in the event that they do not understand, read the Honor Code Statement of Purpose, § I(A);
 - iii. Confirm that the petitioner agrees to participate truthfully, and that the petitioner understands that to lie in the proceeding is an aggravating circumstance in the panel's consideration of whether the petitioner should be reinstated;
 - iv. Read the violation into the record, as stated on the allegation sheet originally provided to the respondent pursuant to the provision in these Bylaws;
 - v. Summarize the original panel's rationales as to judgment and sanctioning on the record, as stated in the rationales drafted by the original panel pursuant to the provisions in these Bylaws;
 - vi. Read the details of the violation into the record;
 - vii. Read § VII(A)(2) of the Administration of the Student Code of Conduct section of the Student Handbook into the record;
 - viii. Open the letter from CVRP disclosing the petitioner's student conduct record, read the letter into the record, and if the petitioner has a record (other than the allegation(s) currently before the reinstatement panel), ask the petitioner to make a statement addressing this record, if desired, and allow the panel and Presiding Chair to ask questions pertaining to this record

- after the petitioner's statement.
- d. Ask the petitioner to make an opening statement, explaining the petition, if the petitioner desires, and instruct that no questions may be asked of the petitioner during the opening statement;
 - e. If applicable, ask the petitioner to disclose any enrollment at other academic institutions while suspended from the university, and if the petitioner was so enrolled, to disclose any allegations of violating academic or conduct policies at other institutions;
 - f. Inform all persons who will be presently called to participate as character witnesses, and, if requested, briefly recess the proceeding to allow the petitioner to prepare for the next witness;
 - i. Briefly, off the record:
 - a) Introduce the witness, the petitioner, and the members of the panel to one another, and
 - b) Inform the witness that the proceedings will be recorded and instruct the witness to speak clearly for the record;
 - ii. Preliminarily, on the record:
 - a) Instruct the witness to state their name for the record;
 - b) Ask the witness whether they understand the principles of the Honor Code, and in the event that a witness does not understand the principles of the Honor Code, read the Honor Code Statement of Purpose, § I(A); and
 - c) Confirm that the witness agrees to participate truthfully and, if the witness is a student, that the witness understands that to lie in the proceeding is itself a violation of the Honor Code;
 - iii. Take the statement of the witness, on the record, in the following order:
 - a) Ask the witness to discuss any information the witness has related to the character of the petitioner, or whether the petitioner should be reinstated;
 - b) Allow the petitioner to question the witness as needed;
 - c) Allow the panel to question the witness as needed;
 - d) Question the witness personally as needed;
 - e) Ask for any further questioning of the witness from any of the persons listed above as needed;
 - f) At any time, deem questions, answers, or statements irrelevant, and instruct the petitioner or witness not to answer such questions or to stop giving such answers or statements, if the question, answer, or statement does not contribute to the determination of whether the petitioner should be reinstated;
 - g) After the end of questioning, ask the witness to make a final statement or give any other information the witness believes is relevant to the character of the petitioner or whether the petitioner should be reinstated, provided that further questions may be asked during such final statement by any of the persons listed above; and
 - h) Excuse the witness, reminding the witness to keep matters related to the proceeding and the original allegation(s) confidential pursuant to Honor Code § V(C)(2), and ask the witness to leave a contact phone number privately so the panel can contact the witness if needed;
 - iv. Repeat the procedures as needed until all character witnesses have participated on the record, subject to the limitation that only two character witnesses may be called unless the Presiding Chair allows more pursuant to Honor Code § IX(I)(8)(c); and
 - g. Recess the proceeding briefly after all witnesses have participated to allow the petitioner to prepare to make a closing statement, if desired;
 - h. Take the final statement of the petitioner, on the record:
 - i. Ask the petitioner to make opening remarks if the petitioner wishes, limited to the issue of determining whether the petitioner should be reinstated;

- ii. Allow the panel to question the petitioner as needed;
 - iii. Question the petitioner personally as needed;
 - iv. Ask for any further questioning of the petitioner from any of the persons listed above as needed;
 - v. At any time, deem questions, answers, or statements irrelevant, and instruct the petitioner not to answer such questions or to stop giving such answers or statements, if the question, answer, or statement does not contribute to the determination of whether the petitioner should be reinstated;
 - vi. After the end of questioning, ask the petitioner to make any final statement or give any other information the petitioner believes is relevant to whether the petitioner should be reinstated, provided that further questions may be asked during such final statement by any of the persons listed above;
 - i. Charge the panel to determine whether the petitioner should be reinstated and adjourn the proceeding;
 - j. Upon the panel's determination:
 - i. Contact the necessary persons, asking them to return to the room;
 - ii. Unless the proceeding is open, allow only the panel, the PA, the petitioner, the petitioner's spouse and parents, and one silent supporter to enter the room, pursuant to Honor Code § IX(I); and
 - iii. Call the proceedings back to order, on the record:
 - a) Announce the determination and the panel's vote, without providing any rationale;
 - b) If the panel determines that the petitioner should be reinstated, notify the CVRP as soon as possible and refer the petitioner to the CVRP to begin re-enrollment procedures;
 - c) If the panel determines that the petitioner should not be reinstated, advise the petitioner that they may petition for reinstatement again in the next academic term – fall, spring, or summer – and advise CVRP of this determination;
 - k. Update the final record of proceedings with all relevant materials from the reinstatement proceedings.
2. **The Panel shall**
- a. Throughout the proceeding:
 - i. Listen, with utmost attention, to the statements and answers given by the petitioner and character witnesses;
 - ii. Take notes as needed;
 - iii. Ask relevant questions of the petitioner and character witnesses, as needed;
 - iv. Avoid bias and prejudice;
 - v. Request assistance from the Presiding Chair insofar as is necessary to follow procedure, but not to substantively determine whether the petitioner deserves reinstatement;
 - vi. Independently ensure that each member comports themselves in a matter fitting of the decorum of the proceedings, ensuring the spirit and the letter of all procedures of the Honor Code and these Bylaws are properly followed; and
 - vii. Request recesses, when necessary;
 - viii. Act as Panel Secretary and maintain a written record of the proceeding by:
 - a) Preliminarily, preparing a computer to take notes during the proceeding; and
 - b) Throughout the proceeding, taking notes memorializing the statements of all parties and witnesses, including the main points of questions and their answers, with the aim of recording key facts and relevant discussion, as the notes will not be a verbatim record of the proceedings.

- b. Immediately following the adjournment of the proceeding:
 - i. Deliberate in private, with only members of the panel present, to determine whether the panel is convinced that the petitioner deserves to be reinstated, based on the factors identified by the original panel, and that the petitioner's reinstatement is in the best interests of the university community;
 - ii. Review the notes taken by the Panel Secretary to ensure they are an accurate record of the proceedings;
 - iii. Seek assistance from the Presiding Chair as necessary, who may seek assistance from the CVRP as necessary;
 - iv. Only reach a determination that the petitioner should be reinstated upon the concurrence of at least five (5) of the six (6) members of the panel; and
 - v. Draft a rationale, which will:
 - a) Report whether the petitioner should be reinstated and the vote in favor;
 - b) Provide a clear and logical explanation of why the petitioner should be reinstated, indicating the specific facts and circumstances that inform the decision; and
 - c) Note any minority viewpoints of the panel and allow the minority to write a dissenting opinion.
 - c. Upon making a determination of whether the petitioner should be reinstated, immediately contact the Presiding Chair, asking them to return to the room, and then upon the Presiding Chair's return, inform the Presiding Chair of both the determination and the vote. The Presiding Chair will call a meeting with the petitioner and CVRP during the next working day to discuss the determination and vote.
3. **The Procedural Advisor shall**
- a. Continue, to the extent requested by the petitioner or character witnesses, providing information about the Council, the Honor Code, the procedures for Honor Code proceedings described in the Honor Code and these Bylaws, the rights of the parties, and the conduct of future proceedings;
 - b. Independently ensure that all rights of all parties are preserved and that all procedures of the Honor Code and these Bylaws are followed properly, and raise any concerns to the Presiding Chair, and only the Chair, while off the record; and
 - c. Request recesses, when necessary.

L. Special Matters

1. Self-Incrimination

- a. Respondents, reporting parties, and witnesses may invoke the right not to self-incriminate;
- b. This right extends only to statements that may tend to incriminate the speaker in a pending or potential criminal prosecution;
- c. If a respondent, a reporting party, or a witness invokes this right, the Presiding Chair will determine whether their invocation of the right may relate to a pending or potential criminal prosecution:
 - i. If so, instruct the panel that the invocation of the right not to answer the question is proper and may not be considered in determining responsibility or sanctioning;
 - ii. If not, instruct the panel that the invocation of the right is improper and may be considered by each panel member as each member sees fit in determining responsibility or sanctioning;
- d. This right does not grant a privilege to wholly abstain from attending scheduled meetings or proceedings, or to refuse to take questions generally.

2. Witnesses Appearing Telephonically

- a. In the event that a witness cannot appear before an IC or a panel in person, a member of the IC is authorized to take the witness's statement telephonically and a panel is authorized to take the witness's statements telephonically, following all the requirements otherwise set forth in these Bylaws; and
- b. The Presiding Chair and/or the ICC are responsible for initiating any telephonic

communication, for arranging for the means of such communication, and for obtaining and maintaining current contact information for witnesses appearing telephonically.

3. Open Panels

- a. In the event that a respondent requests and is granted an open Panel proceeding, the Presiding Chair will:
 - i. Post notice publicly in the Law School, providing the name of the respondent, the allegation(s) against the respondent, and the time, date, and location of the proceeding;
 - ii. Reserve an appropriate location in the Law School to hold the proceeding;
 - iii. Instruct all non-participating observers, at the beginning of the proceeding, that they are to remain silent at all times, and that any disruption by any person can lead to their immediate dismissal from the proceeding;
 - iv. Dismiss any or all observers present from the proceeding if the Chair determines they are disrupting the proceedings;
 - v. Close the proceeding if the Presiding Chair determine that the proceeding cannot proceed in an orderly fashion with the observers present.
- b. In the event of an open proceeding, all Council members will, outside of the room, maintain strict confidentiality of the following matters, regardless of the respondent's waiver of confidentiality of the proceeding:
 - i. The content of the IC Report and the written report itself; and
 - ii. The rationale for the panel's decision and the written decision itself.

4. Panels In Absentia

- a. In the event that a respondent, after receiving adequate notice of the time, date, and location of the proceeding, fails to appear at the proceeding, and the Presiding Chair does not find good cause for the respondent's failure to appear, the Panel will continue as scheduled, in absentia, pursuant to Honor Code § IX;
- b. The respondent's absence will not be considered probative of responsibility, and the Presiding Chair will instruct the panel of the same;
- c. In all cases, to ensure preparation in the event of a Panel in absentia, the Presiding Chair will appoint, pursuant to Honor Code § IX, a Council member, an Assistant Chair, or another ad hoc appointee, to represent the interests of the respondent:
 - i. Such appointment to be someone not already involved in the case as the PA, or an IC or PAC member;
 - ii. Such appointment to be made no later than seventy-two (72) hours prior to the Panel if there are enough personnel available;
 - iii. Forward all material to which the respondent is entitled to such appointee in order to allow adequate time for familiarization with the case in preparation to represent the respondent at the time and date of the Panel if the respondent fails to appear.

5. Operations During ' University Breaks

- a. In the event that the Council continues to work on enforcement proceedings during breaks or other times when the university and the Law School are not generally in session, the Council will:
 - i. Endeavor to conduct meetings, both amongst Council members and between Council members and the respondent, reporting party, and witnesses, other than Panels, telephonically, subject to the conditions that:
 - a) If the Presiding Chair determines that a telephonic meeting would diminish the quality of the meeting, the Chair may require Honor Council members to meet in person;
 - b) Written notice must be provided to all participants in advance of any telephonic meeting;
 - c) If the respondent or reporting party are participants in such a telephonic meeting, the party must respond in writing to the written notice of the meeting consenting to having

- such meeting telephonically; and
- d) After any such telephonic meeting, one participant must be chosen to write a summary of the meeting, who will then, as soon as possible, write the summary and distribute it to each participant for confirmation on the record that the summary is accurate, and objections to the accuracy of such summaries are to be made in writing; and
 - ii. Endeavor to distribute all documents, both amongst Council members and between Council members and the respondent, reporting party, and witnesses, electronically.
- b. In no case, however, may a Panel proceeding be held without the panel members, the Presiding Chair, the ICC, and the PA present in person. Further:
- i. All efforts must be made to accommodate scheduling of Panels when the respondent and the reporting party may also be present in person;
 - ii. If the respondent becomes unable to attend a scheduled Panel during a university break for extraordinary circumstances, the Presiding Chair may reschedule the Panel to a later time or allow the respondent to participate telephonically if the respondent requests a telephonic appearance;
 - iii. If the reporting party is unable to attend the Panel proceeding, the reporting party may participate by telephone or videoconference; and
 - iv. If it is impractical to schedule a Panel during a university break, the Presiding Chair will schedule the Panel within the first two weeks of classes resuming.

M. Reporting of Decisions

1. Pursuant to Honor Code § IV, the Council will present a summary report of the “allegations, a short summary of the case, findings, and sanctions imposed” for all Honor Code Panel proceedings conducted each calendar year, in order to provide public notice to the law school community of the impact of the Honor Code and Council.
2. The Council’s annual report, pertaining only to the Law School, will be published each January for the previous calendar year, and will supplement the annual report of the university’s other Honor Councils, posted on the website of CVRP.
3. The annual report must note that the sanction for each report heard by the Council is based on the specific facts of the particular report, so that outcomes of the past year’s cases should not be read as having precedential value, or as a standard sanction, because the Council considers factors including, but not limited to: previous violations, deterrence of both the individual and the community, developmental and educational impact, and other mitigating or aggravating circumstances in arriving at sanctions.
4. In accordance with the Honor Code and federal law, information that may identify students will remain confidential.
5. The annual report will be presented to the student body in a manner that the Council deems appropriate from year to year.

III. 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. Honor Election
2. The Chair may appoint additional ad hoc committees as needed.
3. The membership of each standing committee is determined by the Honor Council internally.

- a. Each Associate Chair must serve on at least one standing committee.
 - b. Associate Chairs may choose which committee to join, but the Chair may specifically assign Associate Chairs to committees, if necessary.
 - c. Committees will be composed of at least three Councilmembers.
 - 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 Associate Chairs 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.
4. Standing 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 Chair or the Chair's appointee.
 6. Committees are encouraged to develop procedural documents specifying steps for planning events and educational programs.

B. 1L and LL.M. Education Committee^{xix}

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, responsibilities, 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 one educational program in the spring semester. These programs will educate each new incoming 1L and LLM class on the Honor Code and the Law School Exam Policies. In the fall semester, the Committee shall assist the Chair and Deputy Chair in hosting one program during orientation educating the incoming 1L and LLM on the Honor Code. The Committee shall host an additional program solely for LLM students on the Honor Code. In addition, the Committee shall host a program in the fall semester to educate 1Ls and LLM students about outlining for exams and general exam policies. The Committee shall host another program just for LLM students on outlining and exam policies. In the Spring semester, the Committee shall host a program for the new incoming LLM class on the Honor Code, outlining, and general exam policies. In the spring semester, the Committee shall host an additional program refreshing 1Ls and LLM students on the Honor Code. The scope and duration of each program shall be determined by the Committee and the Chair.
3. The Committee should endeavor to have a strong presence during orientation week.
4. The 1L and LL.M. Education 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 periodical Office Hours with the assistance of the Secretary.

C. Continuing Education Committee^{xx}

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 Honor Council Chair and Deputy Chair 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 hard copy, direct e-mail, online submission form, and/or any other acceptable means. The Committee should select one (1) J.D., one (1) LL.M., and one (1) faculty/staff winner during each campaign, but has discretion to modify the categories as necessary based on submissions. Honor Council Associate Chairs 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^{xxi}

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 Administration.

IV. 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.
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.
 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.^{xxiii}
- 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 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.

Order of Proceedings

Days Before Election Day

HEC schedules the election

[Suggested more than 12 days in advance]

HEC approves a means of balloting

[Suggested no fewer than 12 days]

HEC schedules all elections events

[Suggested more than 12 days in advance]

HEC compiles list of eligible voters

[Suggested more than 1 day in advance]

HEC conducts and candidates attend mandatory information session

[Between 7 and 10 days in advance]

Candidates submit the Intent to Run Form

[No later than 5:00 p.m., 5 days before the Election]

HEC prepares the ballot

[Suggested between 4 and 1 days in advance]

Candidates submit platform statements

[No later than 11:59 p.m., 4 days before the election] ¹

Campaigning Period[Noon, 3 days before]

HEC compiles and distributes list of candidates and platforms

[Suggested between 3 and 2 days before election]

HEC conducts a candidate forum

[Between 3 and 2, but after the candidate and platform list is distributed] HEC posts notices of the election

[Suggested between 3 and 1 days before election day]

Election Day

Candidates submit Campaign finance forms before the polls close.

Immediately upon closing of the polls (lasting between 8:00 a.m. to 8:00 p.m.),

HEC tallies the votes, certifies election results, and notifies candidates.

HEC notifies the Law School community of the certified results (suggested from the official Honor Council email account).

[As soon as possible after certification]

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)

All Students (spring semester)

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

iii. Voters may not cast more than one vote for each candidate on a multi-seat ballot. iv. 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 paper balloting according to means it adopts.

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 L.L.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.
- 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.

V. 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 Councilmembers 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^{xxiii}

A. Amendment

1. Generally

- a. Any Associate Chair 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 the Dean of Students Office.

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 Honor Council Chair 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.
- 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. 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.

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

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

ⁱⁱⁱ See SBA Constitution art. VIII, § 4.

^{iv} See SBA Constitution art. VIII, § 1(a).

^v See Honor Code § IX(I)(3).

^{vi} See Va. Code Ann. § 2.2-3701; 1977-1978 Op. Att’y Gen. Va. 482 (1978) (opining that the University of Virginia Honor Committee is subject to FOIA); *cf.* 1984-1985 Op. Att’y Gen. Va. 431 (same, as to Old Dominion University Student Senate); Va. Freedom of Information Advisory Council Opinions AO-05-07 (2007) (same, as to George Mason University student government), AO-18-03 (2003) (same) & AO-23-01 (2001) (same, as to student government generally).

^{vii} See Va. Code Ann. § 2.2-3707(A).

^{viii} See Va. Code Ann. § 2.2-3707(C).

^{ix} See Va. Code Ann. § 2.2-3707(I).

^x See Va. Code Ann. § 2.2-3712.

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