



Honor Code
(As Amended in 2017)

Preamble

As students of Elon University School of Law (“Elon Law”), prospective members of the Bar, and rising leaders in our communities, we have a duty to uphold the highest ideals of these institutions and to maintain a standard of excellence in our personal conduct. At Elon Law, we conduct ourselves with *honesty*. We are truthful in our academic work and in our relationships. At Elon Law, we are persons of *integrity*. We are trustworthy, fair, and ethical. At Elon Law, we accept *responsibility* for our conduct. We are accountable for our actions and our learning. At Elon Law, we demonstrate *respect* for our academic community. We value civility and the dignity of each person, and we honor the physical and intellectual property of others.

The goal of creating and sustaining a culture of honor at Elon Law will not succeed based on the contents of any code or procedure crafted to administer its creed. At best, this document merely reflects our values. We satisfy the obligations of our prospective profession only when we choose as individuals to act ethically in every situation and when we resolve as a society of students that our collective conduct will demonstrate our place with the guardians of the law. Our continuing challenge is to transform these principles into custom. Through dialogue, education, and a steadfast commitment to each other, we will work to make these values unmistakably bound to our character.

The study of law is a noble pursuit. We seek entry into an honored profession. Our character and conduct while attending Elon Law must reflect favorably upon us, Elon Law, and the entire legal profession.

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ARTICLE I. DEFINED TERMS

Capitalized terms not otherwise defined in this Honor Code (this “Code”) shall have the meanings given to them in **ARTICLE XI** or in the Elon University School of Law Honor Council Bylaws (as amended from time to time, the “Bylaws”).

ARTICLE II. SCOPE AND ADMINISTRATION

Section 2.1 Scope of this Code.

(a) This Code applies to all Elon Law students. Its jurisdiction extends to all law school-related endeavors undertaken by students enrolled in Elon Law, as well as when an Elon Law student identifies himself or herself as an Elon Law student.

(b) This Code governs actions from and after the date of its adoption. Neither the Elon University Honor Code (the “University Honor Code”), nor any other Elon University honor code, shall apply to any actions by Elon Law students from and after the date of adoption of this Code. Actions by Elon Law students prior to the date of adoption of this Code will be governed by the University Honor Code or any other Elon University honor code that may apply to that action.

Section 2.2 Administration of this Code. The implementation and success of this Code rests with every law student. The Honor Council will be responsible for the administration of the procedures set forth in this Code and for the interpretation of this Code. If a student is unsure of the scope of this Code or its applicability to a particular activity, it is the responsibility of the student to seek guidance from the Honor Council.

ARTICLE III. THE HONOR PLEDGE

Section 3.1 Honor Pledge. The Elon University School of Law Honor Pledge reads as follows:

“On my honor, I will uphold the values of Elon University School of Law: honesty, integrity, responsibility, and respect.”

Section 3.2 All Students Bound. By virtue of enrollment as an Elon Law student, each student at Elon Law is bound by this Code. At the beginning of his or her first year at Elon Law, each student shall acknowledge that he or she is so bound by signing an acknowledgement in the form attached to this Code as **EXHIBIT A**.

ARTICLE IV. VIOLATIONS OF THE HONOR CODE

Section 4.1 General. The following actions, if within the scope of this Code as set forth in **Section 2.1**, are violations of this Code (each, an “Honor Code Violation”):

- (a) Academic Dishonesty;
- (b) Stealing;
- (c) Vandalism;
- (d) Lying;
- (e) Plagiarism;
- (f) Technology Violation;
- (g) Obtaining an Unfair Advantage; and
- (h) Abusing the Code.

Section 4.2 Academic Dishonesty. “Academic Dishonesty” is the act of Intentionally using an Unauthorized outside resource. Examples of Academic Dishonesty include, but are not limited to, the following:

- (a) Unauthorized collaboration;
- (b) Unauthorized exam discussion;
- (c) using Unauthorized commercial outlines, cheat sheets, and the like in an exam;
- (d) submitting work done for an employer as work for a class (when original work is requested); and
- (e) cheating.

Section 4.3 Stealing. “Stealing” is the Intentional taking of the property of another, including Elon University, without right or permission. Examples of Stealing include, but are not limited to, the following:

- (a) removing books from the library without checking them out; and
- (b) taking another student’s textbooks, notes, outlines, laptop, study aids or other personal property or materials.

Section 4.4 Vandalism. “Vandalism” is the Malicious act of destroying or damaging any material or property of another, including Elon University.

Section 4.5 Lying. “Lying” is the act of (a) Intentionally communicating an oral or written untruth about a material matter or (b) Intentionally withholding, omitting, or subtly wording information so as to leave an erroneous or false impression about a material matter.

Section 4.6 Plagiarism. “Plagiarism” is the Intentional or Reckless appropriation, without any acknowledgment or without sufficient acknowledgment, of the ideas or written work of another.

(a) Plagiarism on papers and other law school assignments includes, but is not limited to, the following:

(i) the Intentional or Reckless copying or paraphrasing, without attribution, of any material written by another;

(ii) the Intentional or Reckless submission of work written in whole or in substantial part by someone other than the student submitting the work, if the work is submitted as the student’s own work; and

(iii) the Intentional or Reckless use of the language of another without identification by quotation marks or otherwise, even though the source is cited in the student’s work.

(b) Use of the following is not Plagiarism with respect to an assignment, if the use is *specifically authorized* by a professor with respect to the assignment:

(i) form books;

(ii) model documents commonly used in a law office; or

(iii) other materials specifically identified by the professor.

Section 4.7 Technology Violation. A “Technology Violation” is the Intentional misuse of computer, internet, electronic or multimedia resources. Examples of a Technology Violation include, but are not limited to, the following:

(a) Unauthorized use of the password and/or accounts of another;

(b) gaining Unauthorized access to school sites and servers;

(c) Unauthorized audio or video recording; and

- (d) using technology to send or receive an Unauthorized communication.

Acknowledging that technology changes rapidly, Technology Violations will necessarily be determined in light of then-existing technology.

Section 4.8 Obtaining an Unfair Advantage. “Obtaining an Unfair Advantage” is any Unauthorized act or omission Intended to gain an otherwise unfair advantage with respect to a material matter.

Section 4.9 Abusing the Code. “Abusing the Code” is any Purposeful act that hinders the operation of this Code. Examples of Abusing the Code include, but are not limited to, the following:

- (a) failure to comply with an Honor Council sanction;
- (b) obstruction of a judicial proceeding;
- (c) Intentionally bringing false charges;
- (d) misrepresentations to the Honor Council or any Honor Council member in the process of general proceedings; and
- (e) failure to uphold confidentiality requirements of this Code.

Section 4.10 Suspected Honor Code Violations. The success of this Code rests squarely on the shoulders of every Elon Law student. Thus, anyone with knowledge of a possible Honor Code Violation should confront the student suspected and ask for an explanation of the incident. If the explanation convinces the inquiring person that no Honor Code Violation occurred, then the matter should be dropped. If, however, the inquiring person believes that an Honor Code Violation may have occurred, then the matter should be reported to the Honor Council in accordance with **Section 5.1(a)**. A person not wishing to confront a student suspected of an Honor Code Violation should report the matter to the Honor Council in accordance with **Section 5.1(a)**.

Section 4.11 Sanctions for Honor Code Violations. Subject to **Section 6.8** and **Section 7.5**, one or more of the following sanctions may be imposed for an Honor Code Violation:

- (a) written reprimand/censure;
- (b) loss of privilege to participate in career services and other professional programs or student organizations for a specified time;
- (c) full or partial loss of credit for the work involved;

- (d) full or partial loss of credit hours for the course involved;
- (e) suspension; and/or
- (f) expulsion.

ARTICLE V. REPORTING; INVESTIGATION; PROBABLE CAUSE HEARING

Section 5.1 Reporting and Initiation of Investigation.

(a) Reporting. Any person associated with Elon Law may report a possible Honor Code Violation to the Honor Council by filling out and submitting to the Secretary of the Honor Council the form attached hereto as **EXHIBIT B**, which will be made available on the Honor Code web page on the Elon Law website. The filling out and submitting of the form attached as **EXHIBIT B** to the Secretary of the Honor Council is the only valid means of reporting a possible Honor Code Violation. Other reporting methods (such as oral reports to single members, submission of reports to single members, etc.) are not valid. A submitted reporting form **MUST** contain the reporter's name and contact information. A reporting form submitted without such information will not be pursued.

(b) Statute of Limitations. Any Honor Code Violation must be reported within 60 days from either:

- (i) the occurrence of the alleged offense; or
- (ii) when the reporting person learns or reasonably could have learned that the offense occurred.

(c) Appointment of Solicitor. Once a report has been submitted to the Honor Council as provided in **Section 5.1**, the Secretary of the Honor Council will appoint one Solicitor, or in the Secretary's discretion the Assistant Solicitor, to carry out an investigation by informing the person with respect to whom the report was filed (the "Accused") of the allegation and then beginning to gather the necessary facts.

- (i) If a Solicitor or the Assistant Solicitor is assigned a case by the Secretary of the Honor Council, he or she is required to take the assignment unless he or she can show a compelling reason (such as the Accused is a roommate, close friend, etc.) as to why he or she would be unable to carry out the investigation in an unbiased manner. Such a showing would need to be made to the Vice Chair of the Honor Council. If a Solicitor or the Assistant Solicitor, as applicable, makes such a showing to the satisfaction of the Vice Chair, the

Secretary of the Honor Council shall appoint one of the other Solicitors or the Assistant Solicitor, as applicable, to handle the case.

(ii) If both Solicitors and the Assistant Solicitor make such a showing, the Dean of the Law School shall appoint a member of the Elon Law student body to serve as Solicitor in the case. If the Assistant Solicitor is appointed to handle the case or another person is appointed by the Dean of the Law School as provided above, references to the “Solicitor” in the remainder of this Code as it applies to the case shall mean the Assistant Solicitor or such other person, as applicable. If the Assistant Solicitor is not appointed to handle the case, he or she shall assist the Solicitor as necessary with respect to the case.

(d) Notification of Accused. As soon as reasonably possible following appointment of the Solicitor, the Accused shall be notified by the appointed Solicitor that the Accused is the subject of an investigation and shall be provided with a copy of the completed report submitted to the Honor Council alleging that the Accused committed an Honor Code Violation. In addition, the Accused shall be notified:

(i) that the investigation may reveal additional Honor Code Violations and that the Solicitor may charge the Accused with those violations; and

(ii) that the Accused is not obligated to speak or answer any questions during the investigation and that anything that the Accused does say may be used during the Probable Cause Hearing and the Trial Proceeding, if any.

(e) Selection of Defender. The Accused will be allowed to choose one of the Elected Defenders or another person from the Elon Law student body at large to represent his or her interests in the case. No Honor Council member then serving, however, may serve as a Defender in a particular case. The person chosen by the Accused to represent his or her interests in the case, whether an Elected Defender or another member of the Elon Law student body, is referred to as a “Defender.” The Accused shall have the option of representing his or her own interests in a proceeding.

(i) If an Elected Defender is selected by the Accused as his or her Defender, the Elected Defender is required to take the assignment unless he or she can show a compelling reason as to why he or she would be unable to represent the Accused. Such a showing would need to be made to the Vice Chair of the Honor Council. If such a showing is made to the satisfaction of the Vice Chair, the Secretary of the Honor Council shall appoint the other Elected Defender to handle the case or, if the Accused so wishes, the Accused may select another person from the Elon Law student body at large to represent his or her interests in the case.

(ii) If the Accused selects a Defender, the Accused shall notify the Secretary promptly of the name of the Defender selected.

(f) Investigation Cooperation. Any person associated with Elon Law shall cooperate with any investigation.

Section 5.2 The Investigation Procedures.

(a) Purpose. The purpose of the investigation is to provide the members of the Probable Cause Committee and the Trial Panel with a thorough account of the facts and circumstances constituting the alleged Honor Code Violation.

(b) Confidentiality. The investigation shall be conducted with the highest degree of confidentiality. The Solicitor shall inform each potential witness of the need for absolute confidentiality. The Solicitor shall notify the Accused that each potential witness has been or will be advised of the need for absolute confidentiality.

(c) Solicitor's Investigation. The Solicitor will have five business days from the date the Secretary of the Honor Council assigns the case to the Solicitor, exclusive of holidays and school break periods, to complete the investigation.

(i) This five-business day period may be extended by five additional business days on request to and approval by the chair of the Probable Cause Committee.

(ii) The Solicitor may receive additional time to conduct the investigation at the discretion of the Honor Council by a majority vote of all the members.

During the investigation period, the Solicitor shall gather all relevant facts, information and documents, interview all parties and possible witnesses, and prepare a report and presentation for the Probable Cause Hearing. The Solicitor has the express authority to carry out these acts on behalf of the Honor Council.

Section 5.3 Probable Cause Hearing.

(a) At the completion of the Solicitor's investigation, a hearing will be held to determine if there is probable cause that the Accused has committed an Honor Code Violation (the "Probable Cause Hearing").

(b) The Probable Cause Hearing shall be held by a committee (the "Probable Cause Committee") consisting of three members of the Honor Council. The Vice Chair of the Honor Council shall be responsible for selecting the members of the Probable

Cause Committee for a particular Probable Cause Hearing. For each Probable Cause Hearing, the Vice Chair shall select at least one Honor Council member from each class year that has members then serving. The Vice Chair shall designate one person to serve as chair of the Probable Cause Committee.

(c) The following parties must be present at the Probable Cause Hearing:

- (i) the members of the Probable Cause Committee; and
- (ii) the Solicitor.

(d) The following parties will be notified of the Probable Cause Hearing:

- (i) the Accused; and
- (ii) the Defender, if any.

(e) Any Probable Cause Hearing shall be held in a video and/or audio-equipped room, and video and/or audio recordings of the proceedings shall be generated.

(f) The Accused and the Defender, if any, are allowed to be present, but are not allowed to participate, in the proceedings.

(g) The Solicitor will present the evidence gathered during the investigation, and the Probable Cause Committee will determine whether the conduct at issue is within the scope of this Code, whether the alleged Honor Code Violation(s) were reported within the statute of limitations required by this Code, and whether probable cause exists that one or more Honor Code Violations have occurred. **Probable cause exists only if there is a reasonable basis to believe that an Honor Code Violation occurred and if the alleged Honor Code Violation was reported within the statute of limitations set forth in Section 5.1(b).**

(h) If two of the three members of the Probable Cause Committee find probable cause exists with respect to one or more alleged Honor Code Violations, the Accused shall be given an opportunity to offer a plea. The Accused may plead “guilty” to all or some of the alleged Honor Code Violations for which probable cause is found. A plea of “guilty” shall be in writing, shall state the name of the Accused, the basic facts, and the enumerated Honor Code Violation(s) (e.g. Academic Dishonesty) to which the Accused pleads guilty and shall be signed by the Accused. If the Accused offers a plea of “guilty” with respect to all alleged Honor Code Violations for which probable cause is found, the matter will proceed to the Trial Panel for a determination of sanctions in accordance with **Section 6.5**. If the Accused offers no plea or a plea of “not guilty” to

any alleged Honor Code Violation for which probable cause is found, the matter will proceed to the Trial Panel for a Trial Proceeding.

(i) At the end of a Probable Cause Hearing in which the matter has been approved for a Trial Proceeding or for a determination of sanctions, a report with respect to the decision shall be generated by the Probable Cause Committee chair. That report shall include:

- (i) the Solicitor's report;
- (ii) a list of all evidence presented;
- (iii) a list of all witnesses interviewed; and
- (iv) a summary of the Probable Cause Committee's reasoning for finding that probable cause existed.

A copy of this report shall be given to the Accused, the Defender, and the Secretary. The Secretary will store the report until trial. No copy shall be given to the members of the Trial Panel until the Trial Panel convenes.

(j) At the end of a Probable Cause Hearing where **NO** probable cause with respect to any alleged Honor Code Violation is found to exist, or the conduct at issue is found not to be within the scope of this Code, the chair of the Probable Cause Committee shall be responsible for destroying all materials related to the proceeding, including the work and report of the Solicitor, notes taken by Probable Cause Committee members, and the audio and video recordings. The Chair of the Honor Council shall deliver a memo to the registrar to be placed in the Accused's permanent Elon Law file stating, without any detail, that a report was submitted to the Honor Council alleging that the Accused committed an Honor Code Violation and that no probable cause was found that a violation occurred. The memo shall not indicate specific charges. Other than the memo, no record of the charges leveled against the Accused shall remain.

(k) Promptly following the end of each Probable Cause Hearing, the Chair of the Honor Council shall inform the person who reported the possible Honor Code Violation as to whether probable cause was found to exist.

Section 5.4 Case for the Accused. The Accused and the Defender, if any, will have five business days from the date of the Probable Cause Hearing, exclusive of holidays and school break periods, to complete an investigation and build the case to be presented at trial.

(a) This five-business day period may be extended by five additional business days on written request to and approval by the Vice Chair of the Honor Council.

(b) During this period, the Accused and the Defender, if any, shall gather all relevant facts, information and documents, and interview all parties and witnesses.

(c) The Accused and the Defender, if any, may receive additional time to conduct the investigation at the discretion of the Honor Council by a majority vote of all the members.

ARTICLE VI. TRIAL PROCEEDING; SANCTIONING

Section 6.1 Generally. If an alleged Honor Code Violation is required to proceed in accordance with **ARTICLE V** following a Probable Cause Hearing, a trial proceeding (a “Trial Proceeding”) or a sanctioning proceeding (a “Sanctioning Without Trial”), as applicable, shall be conducted in accordance with this **ARTICLE VI**.

Section 6.2 Trial Panel. A panel of five Honor Council members (the “Trial Panel”) shall be appointed for each Trial Proceeding and Sanctioning Without Trial. The Trial Panel for a particular proceeding shall consist of the Chair of the Honor Council and four other members of the Honor Council selected by the Vice Chair of the Honor Council. When possible, members of the Probable Cause Committee with respect a matter will not serve on the Trial Panel for the matter. Each member of the Honor Council who did not serve on the Probable Cause Committee for the applicable matter and who is not selected for the Trial Panel for that matter will serve as an alternate for that Trial Panel should the need arise. Each member of the Trial Panel shall have one vote in determining the guilt or innocence of the Accused and in determining any sanction(s) to be imposed on the Accused.

Section 6.3 Nature of Trial Proceeding.

(a) All Trial Proceedings shall, unless otherwise requested by the Accused, be closed proceedings.

(b) The Accused may request a public Trial Proceeding. Such a request must be made in writing, signed by the Accused, and filed with the Vice Chair of the Honor Council no later than 48 hours before the proceeding is to begin.

(c) The Chair of the Honor Council shall be responsible for presiding over all Trial Proceedings and ensuring the smooth operation of any Trial Proceeding, including the removal and sanctioning of disruptive trial attendees if necessary.

(d) The Honor Council shall retain discretion over who may attend public hearings, but except as provided under **Section 6.3(c)**, the Honor Council may not restrict attendance by Elon Law student body members, Elon Law faculty, or Elon Law administrators.

Section 6.4 Conduct of Trial Proceeding.

(a) The Trial Proceeding shall commence promptly following the conclusion of the Probable Cause Hearing and the expiration of the period set forth in **Section 5.4** during which the Accused and the Defender, if any, is entitled to build the case for the Accused. The start of the Trial Proceeding may be extended by 24 hours upon request by the Defender (or the Accused, if not represented by a Defender).

(b) The Trial Proceeding shall be held in a room capable of either audio or video recording (or both if possible). The entire proceeding shall be recorded.

(c) At the start of the Trial Proceeding, the Chair of the Honor Council shall call the Trial Proceeding to order, read the Honor Code Violation(s) with which the Accused is charged and identify any alleged Honor Code Violations to which the Accused has offered a plea of “guilty.”

(d) The Chair shall then direct the Solicitor to give his or her opening statement, followed by the opening statement of the Defender (or the Accused, if not represented by a Defender).

(e) The Chair of the Honor Council shall then direct the Solicitor to present his or her case.

(f) At the conclusion of the Solicitor’s case, the Defender (or the Accused, if not represented by a Defender) shall present the case of the Accused.

(g) At the conclusion of the presentation of the case of the Accused, each of the Solicitor and the Defender (or the Accused, if not represented by a Defender), respectively, shall present a closing argument.

(h) The Accused will not be required to testify in the proceeding.

(i) The Trial Panel may question witnesses.

(j) At the conclusion of closing arguments, the Trial Panel shall adjourn to render a verdict as well as to determine any sanction(s) to be imposed.

(i) The Trial Panel shall render a verdict and determine the proper sanction(s) as soon as possible, but no later than 72 hours after adjournment.

(ii) To render a “guilty” verdict, all five members of the Trial Panel must conclude “**beyond a reasonable doubt**” that the Accused has committed an Honor Code Violation.

Section 6.5 Sanctioning. If the Trial Panel renders a verdict of “guilty” or the Accused offers a “guilty” plea with respect to an Honor Code Violation, the Trial Panel shall, by a vote of three out of the five members, determine the sanction(s) to be imposed upon the Accused. The Trial Panel only may impose the sanctions set forth in **Section 4.11**.

(a) Aggravating Factors. In reaching a determination regarding sanctions, the Trial Panel may take into account the following (if applicable) aggravating factors:

- (i) the nature of the violation and its consequences;
- (ii) the degree of planning or forethought involved in the violation; and
- (iii) the past record of the Accused.

(b) Mitigating Factors. In reaching a determination regarding sanctions, the Trial Panel may also take into account the following (if applicable) as mitigating factors:

- (i) whether the violation was self-reported;
- (ii) the past record of the Accused; and
- (iii) restitution measures already implemented by the Accused.

(c) Automatic Appeals. When one or more of the following sanctions are imposed by the Trial Panel, the decision shall be subject to an automatic appeal to the Appeal Committee, as described in **ARTICLE VII**:

- (i) Loss of credit for the work involved;
- (ii) Loss of credit for the course;
- (iii) Suspension; and/or
- (iv) Expulsion.

Section 6.6 Announcement of Verdict and Sanction(s); Appeal. When the Trial Panel has reached a verdict and, if applicable, has determined the related sanction(s) or when the Accused has offered a plea of “guilty” and the Trial Panel has determined the related sanction(s), the Trial Panel shall contact all parties involved and announce its decision.

(a) If the verdict reached is “guilty,” the Chair shall announce the verdict and the sanction(s) to be imposed, and if the Accused has offered a plea of “guilty,” the Chair shall announce the sanction(s) to be imposed.

(i) If the sanction(s) imposed result in an automatic appeal, (A) the Accused will be informed that his or her case will be sent to an Appeal Committee and (B) the Dean of the Law School and Associate Dean for Academic Affairs shall be informed of the need for an Appeal Committee.

(ii) If the sanction(s) imposed do NOT result in an automatic appeal, the Accused will be told to inform the Secretary of the Honor Council within two business days whether he or she would like to appeal the decision and, if an appeal is desired, of the grounds on which that appeal is being made. If a timely request for appeal is submitted to the Secretary of the Honor Council, then the Dean of the Law School and Associate Dean for Academic Affairs shall be informed of the need for an Appeal Committee.

(b) If the verdict reached is “not guilty” and the Accused has not offered a plea of “guilty” to any alleged Honor Code Violation, the Chair shall announce the verdict and tell the Accused that a memo indicating a finding of not guilty will be placed in his or her permanent Elon Law file.

Section 6.7 Records. At the conclusion of the Trial Proceeding or any Sanctioning Without Trial, the Chair shall collect all notes, documents, evidence, recordings and any other materials related to the trial or sanctioning, as applicable.

(a) If the verdict returned was “guilty” or a plea of “guilty” was offered by the Accused, those collected materials will be placed in a file, either to be stored (if no appeal is requested or required) or to be passed to the Appeal Committee (if an appeal is requested or required).

(b) If the verdict returned as to all alleged Honor Code Violations considered in a Trial Proceeding was “not guilty” and no “guilty” plea was offered by the Accused to any alleged Honor Code Violation, the Chair shall pass the collected materials to the Secretary to be stored and the Chair shall deliver to the registrar a memo to be placed in the Accused’s permanent Elon Law file stating, without any detail, that a report was submitted to the Honor Council alleging that the Accused committed an Honor Code Violation, a Trial Proceeding was held and the Accused was found “not guilty.” The memo shall not indicate specific charges.

(c) Promptly following the conclusion of the Trial Proceeding, or the Sanctioning Without Trial, the Chair shall generate a report (an “Honor Council Report”), detailing:

(i) the names of the parties involved, including, but not limited to, all witnesses, the Solicitors, the Defender and the members of the Trial Panel;

- (ii) the basic facts of the case;
- (iii) the verdict of the Trial Panel (if a Trial Proceeding was held);
- (iv) the sanction(s) imposed, if applicable; and
- (v) the rationale used by the Trial Panel in reaching its verdict and imposing sanctions, if applicable.

A copy of the Honor Council Report will be placed in the Honor Council's files. If a verdict returned in the applicable Trial Proceeding is "guilty" or a plea of "guilty" was offered by the Accused and an appeal is requested or required, a copy of the Honor Council Report also shall be sent to the Appeal Committee. If a verdict returned in the applicable Trial Proceeding is "guilty" or a plea of "guilty" was offered by the Accused and no appeal is requested or required, the Chair shall deliver to the registrar a copy of the Honor Council Report to be placed in the permanent Elon Law file of the Accused.

(d) At end of each trimester, an opinion with respect to each matter considered during the trimester in which a final resolution has been reached by a Trial Panel that was not appealed (a "Trial Panel Opinion") shall be issued by the Honor Council. Each Trial Panel Opinion shall be in the same form as the Honor Council Report with respect to the matter, except that it shall exclude the names of the parties involved, including but not limited to all witnesses, the Solicitor, the Defender, and the members of the Trial Panel, as well as other identifying information. All Trial Panel Opinions from the trimester in question shall be published for review by the Elon Law student body.

Section 6.8 Ratification of Sanctions. If a verdict returned in the applicable Trial Proceeding is "guilty" or a plea of "guilty" is offered by the Accused and there is no appeal, a copy of the Honor Council Report will be sent to the Dean of the Law School to have the imposed sanctions ratified. The Dean of the Law School may change a sanction imposed by the Trial Panel, but may not overturn a determination of guilt. Once this has been completed, the matter will be considered "closed."

ARTICLE VII. THE APPEALS PROCESS

Section 7.1 Appeal Committee.

(a) When a decision by a Trial Panel is required or requested to be appealed, the matter shall be considered by a committee (the "Appeal Committee") consisting of the following three members:

(i) the President of the Elon Law Student Bar Association (who shall be replaced by the Vice President if the President is not qualified to serve, or if neither is qualified to serve, by another elected officer of the Elon Law Student Bar Association chosen by the Dean of the Law School);

(ii) a member of the Elon Law faculty chosen to serve on the committee with respect to such appeal by the Dean of the Law School upon notification of appeal; and

(iii) the Associate Dean of Academic Affairs (who shall be replaced by a member of the Elon Law faculty chosen by the Dean of the Law School if the Associate Dean of Academic Affairs is not qualified to serve).

None of the members of the Appeal Committee shall have been involved in the prior proceedings.

(b) The chair of the Appeal Committee will always be the Associate Dean of Academic Affairs (or his or her alternate, if he or she is not qualified to serve).

(c) Upon notification that an appeal of a Trial Panel decision has been requested or is required, the Dean of the Law School shall promptly appoint a member of the Elon Law faculty to serve on the Appeal Committee and, if necessary, a second member of the Elon Law faculty to serve on the Appeal Committee in place of the Associate Dean of Academic Affairs.

Section 7.2 Scheduling. The chair of the Appeal Committee will be responsible for contacting the other members of the committee and scheduling a review by the Appeal Committee of the evidence from, as applicable, the Trial Proceeding or the Sanctioning Without Trial.

Section 7.3 Appellate Review.

(a) The Appeal Committee members shall convene, as many times as necessary, to review the evidence presented in the Trial Proceeding or the Sanctioning Without Trial and shall decide, based on the evidence, whether to affirm or overturn the verdict set forth in the related Honor Council Report and whether to modify the sanction(s) imposed in the Honor Council Report. In rendering its decision, the Appeal Committee shall defer to the decisions of the Trial Panel. The Appeal Committee, after reviewing the record in its entirety, (i) shall overturn the Trial Panel's verdict if, but only if, the Appeal Committee holds a definite and firm conviction that the Trial Panel's verdict is incorrect and (ii) shall modify the Trial Panel's sanction(s) to the extent, but only to the extent, that the sanction(s) clearly and unmistakably exceed what is

reasonable or logical relative to the nature of the conduct involved. The Appeal Committee will render a decision upon a vote of a majority of the members of the committee.

(b) Promptly following a decision by the Appeal Committee, the chair of the Appeal Committee shall inform the Accused, the Defender (if applicable), the Solicitor, and the Chair of the committee's conclusions.

(i) No new evidence will be allowed in appellate review, nor will new testimony be heard, except at the discretion of the Appeal Committee.

(ii) If the Appeal Committee affirms the verdict of the Trial Panel in a Trial Proceeding, the sanction(s) imposed by the Trial Panel, or such other sanction(s) as may be imposed by Appeal Committee in its discretion, will take effect upon ratification by the Dean of the Law School in accordance with **Section 7.5**.

(iii) In an appeal from a Sanctioning Without Trial, the Appeal Committee may affirm the determination of the sanction(s) by the Trial Panel or may impose other sanction(s). Any such sanction(s) will take effect upon ratification by the Dean of the Law School in accordance with **Section 7.5**.

Section 7.4 Records. After the Appeal Committee has reached a decision, the chair of the Appeal Committee shall collect all notes, documents, evidence, recordings and any other materials related to the Appeal Committee's review.

(a) The chair of the Appeal Committee shall pass those collected materials to the Secretary to be stored.

(b) Within a reasonable time period after the conclusion of the Appeal Committee's review, the chair of the Appeal Committee shall generate a report (an "Appeal Committee Report") which shall include a copy of the Honor Council Report attached as an exhibit and which:

(i) shall state the decision of the Appeal Committee; and

(ii) if the Appeal Committee overturns a "guilty" verdict, modifies the sanction(s) imposed in the Honor Council Report or affirms a verdict or sanction(s) for reasons that materially differ from those stated in the Honor Council Report, shall describe its rationale in reaching its decision.

A copy of the Appeal Committee Report shall be placed in the Honor Council's files, and the chair of the Appeal Committee shall deliver to the registrar a copy of the Appeal Committee Report to be placed in the permanent Elon Law file of the Accused.

(c) Within a reasonable time after the end of each trimester, an opinion with respect to each matter considered during the trimester in which a final resolution has been reached by an Appeal Committee (an "Appeal Committee Opinion") shall be issued by the applicable Appeal Committee. Each Appeal Committee Opinion shall be in the same form as the Appeal Committee Report with respect to the matter, except that it shall exclude the names of the parties involved, including but not limited to all witnesses, the Solicitor, the Defender, and the members of the trial panel, as well as other identifying information. All Appeal Committee Opinions from the trimester in question shall be published for review by the Elon Law student body.

Section 7.5 Ratification of Sanctions. If the Appeal Committee affirms a Trial Panel verdict in a Trial Proceeding and/or affirms the sanction(s) imposed by a Trial Panel or imposes sanctions the Appeal Committee determines, a copy of the Appeal Committee Report will be sent to the Dean of the Law School to have the imposed sanctions ratified. The Dean of the Law School may change a sanction imposed by the Trial Panel and/or the Appeal Committee, but may not overturn a determination of guilt. Once this has been completed, the matter will be considered "closed."

ARTICLE VIII. TIMING OF PROCEEDINGS

Whenever practicable, all investigations, Trial Proceedings, appeals and other hearings initiated in an Academic Year should be completed by the end of the Academic Year in which they are started. Any investigation, Trial Proceeding, appeal or other hearing that conflicts with an exam period shall be handled in such a manner as the Honor Council may determine in its discretion.

ARTICLE IX. ADOPTION OF CODE AND BYLAWS

This Code and the Bylaws shall be adopted and become effective only upon:

- (a) the favorable vote of two-thirds of the Elon Law student body who vote in a referendum called for the purpose of adopting this Code and the Bylaws;
- (b) the approval of the Elon Law faculty; and
- (c) the approval of the Provost of Elon University.

ARTICLE X. AMENDMENTS TO CODE AND BYLAWS

Section 10.1 Proposed Amendments. Amendments to this Code and the Bylaws may only be proposed

- (a) through a petition, containing the proposed amendment and an explanation of why the amendment is requested, signed by 20% of the Elon Law student body;
- (b) by a majority of the members of the Honor Council; or
- (c) by the Elon Law faculty acting as a body.

Section 10.2 Amendment of this Code.

- (a) This Code may only be amended during the Elon Law Fall, Winter, or Spring trimester and only upon
 - (i) the favorable vote with respect to the amendment or amendments of two-thirds of the students voting on the amendment or amendments;
 - (ii) the approval of the amendment or amendments by the Elon Law faculty; and
 - (iii) the approval of the amendment or amendments by the Provost of Elon University.
- (b) An amendment to this Code will become effective immediately upon approval as provided by this **Section 10.2**, unless a later date is specified with respect to the amendment. Notwithstanding any amendment, however, (i) whether particular conduct is an Honor Code Violation shall be determined based on the provisions of this Code in effect at the time of the conduct and (ii) the provisions of this Code in effect at the time of conduct alleged to be an Honor Code Violation shall govern all proceedings under this Code with respect to such conduct, regardless of when the conduct was reported.

Section 10.3 Amendment of Bylaws.

- (a) Except as provided in **Section 10.3(b)** below, the Bylaws may only be amended during the Elon Law Fall, Winter, or Spring trimester and only upon
 - (i) the favorable vote with respect to the amendment or amendments of two-thirds of the students voting on the amendment or amendments;

(ii) the approval of the amendment or amendments by the Elon Law faculty; and

(iii) the approval of the amendment or amendments by the Provost of Elon University.

(b) Approval in accordance with **Section 10.3(a)** above of an amendment with respect to Section 2.3(d) of the Bylaws shall not be required so long as (1) the amendment is not inconsistent with the provisions of this Code or any other provision of the Bylaws, (2) the amendment is approved by a majority of the members of the Honor Council, and (3) the amendment does not adversely affect the rights of any student under this Code or the Bylaws.

(c) An amendment to the Bylaws will become effective immediately upon approval as provided by this **Section 10.3**, unless a later date is specified with respect to the amendment.

Section 10.4 Amendments to Code and Bylaws Proposed by Petition of Members of the Student Body or by the Faculty. Amendments to this Code and the Bylaws proposed by petition of members of the Elon Law student body or by the faculty acting as a body will be considered only at a General Election. To be included on a General Election ballot, all such proposed amendments must be submitted to the Honor Council Secretary at least four weeks prior to the applicable General Election.

ARTICLE XI. DEFINITIONS

As used in this Honor Code, the following terms shall have the meaning set forth below:

“Academic Year” means the one-year period beginning on the first day of the Fall trimester in a calendar year and ending on the day immediately preceding the first day of the Fall trimester in the following calendar year.

“Appeal Committee” has the meaning given to such term in **Section 7.1(a)**.

“Appeal Committee Opinion” has the meaning given to such term in **Section 7.4(c)**.

“Appeal Committee Report” has the meaning given to such term in **Section 7.4(b)**.

“General Election” means an election as planned by the Elon Law Student Bar Association Elections Committee.

“Honor Council Report” has the meaning given to such term in **Section 6.7(c)**.

“Intentional” means Purposeful or Knowing. “Intended” and “Intentionally” have corresponding meanings.

“Knowing” means consciously aware of a result that is practically certain to occur. “Knowingly” has a corresponding meaning.

“Malicious” means Purposeful, Knowing, or Reckless.

“Probable Cause Committee” has the meaning given to such term in **Section 5.3(b)**.

“Probable Cause Hearing” has the meaning given to such term in **Section 5.3(a)**.

“Purposeful” means consciously desiring the result. “Purposefully” has a corresponding meaning.

“Reckless” means the conscious disregard for a substantial and unjustifiable risk.

“Sanctioning Without Trial” has the meaning given to such term in **Section 6.1**.

“Trial Panel” has the meaning given to such term in **Section 6.2**.

“Trial Panel Opinion” has the meaning given to such term in **Section 6.7(d)**.

“Trial Proceeding” has the meaning given to such term in **Section 6.1**.

“Unauthorized” means, with respect to an action, that permission for such action has not been given by a person from whom permission is, or reasonably would be expected to be, required.

**ELON UNIVERSITY SCHOOL OF LAW HONOR CODE
ACKNOWLEDGEMENT**

By signing below, I hereby acknowledge the following:

- (a) I am a student of Elon University School of Law;
- (b) I have been provided with a copy of the Elon University School of Law Honor Code and Honor Council Bylaws (the “Honor Code Documents”);
- (c) I have read the Honor Code Documents completely and carefully, and I fully understand their terms and requirements;
- (d) I have been given an opportunity to ask questions to the Elon University School of Law Honor Council about the terms and requirements of the Honor Code Documents, have received satisfactory answers to any and all questions that I have asked, and fully understand any such answers; and
- (e) I am bound by the terms of the Honor Code Documents, as they may be amended from time to time, while I am a student at Elon University School of Law.

On my honor, I will uphold the values of Elon University School of Law: honesty, integrity, responsibility, and respect.

Signature: _____

Name: _____

Date: _____

HONOR CODE VIOLATION REPORT FORM

I WISH TO REPORT A POSSIBLE VIOLATION OF THE ELON UNIVERSITY SCHOOL OF LAW HONOR CODE, AND I AGREE TO COOPERATE WITH ANY INVESTIGATION, HEARING AND TRIAL WITH RESPECT TO THAT POSSIBLE VIOLATION.

A description of the matter I wish to report and the facts related to such matter are as follows (additional sheets may be attached as necessary):

The following persons have knowledge of facts related to the matter described above (additional sheets may be attached as necessary):

My contact information is as follows:

Name: _____

Address: _____

Telephone: _____

E-Mail: _____

Signature

Approval of 2011-2012 Amendments

Student Body: September 21, 2011 and February 22, 2012

Faculty: September 12, 2011, February 14, 2012, February 28, 2012

Provost: August 28, 2012

Approval of 2016-2017 Amendments

Student Body: May 12, 2017

Faculty: May 8, 2017 and May 22, 2017

Provost: May 8, 2017 and May 21, 2017