



Honor Council Bylaws

(As Amended in 2017)

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ARTICLE I. DEFINED TERMS

As used in these Honor Council Bylaws (these “Bylaws”), the term “Council Year” means the one-year period beginning on the day of the Elon Law graduation in December of a year and ending on the day immediately before the day of the Elon Law graduation in December of the following year. Other capitalized terms not otherwise defined in these Bylaws shall have the meanings given to them in the Elon University School of Law Honor Code (as amended from time to time, the “Code”).

ARTICLE II. HONOR COUNCIL

Section 2.1 Honor Council Duties. The Honor Council of the Elon University School of Law (the “Honor Council”) shall be responsible for administering the Code. Such administration shall include:

- (a) promoting a culture of integrity;
- (b) effectively communicating to the student body, prospective students, faculty, and administration the philosophy, substance, and operation of the Code;
- (c) conducting and maintaining the confidentiality of investigations, hearings, and trials for alleged Honor Code Violations;
- (d) adopting, to the extent permitted in **ARTICLE V**, and publishing procedures which enforce and supplement the Code;
- (e) compiling and releasing the reports from all Trial Panel Opinions and Appeal Committee Opinions at the end of each trimester;
- (f) issuing advisory opinions interpreting the Code;
- (g) holding public meetings, as required; and
- (h) amending these Bylaws to the extent permitted in Section 10.3 of the Code.

Section 2.2 Quorum and Voting. Unless the Code or these Bylaws provide otherwise, a quorum exists if at least two-thirds of the members of the Honor Council are present at a meeting. Except as otherwise provided in the Code or these Bylaws, the favorable vote of a majority of the members of the Honor Council present at a meeting shall be required for approval of a matter being considered by the Honor Council.

Section 2.3 Selecting the Council, Solicitors, Assistant Solicitor and Elected Defenders.

(a) Honor Council Representation. The total number of members of the Honor Council shall be no fewer than ten and no more than fifteen. The Honor Council shall be composed of five representatives of each of the Elon Law classes elected in the manner provided in this **Section 2.3(a)**. During a General Election in the Fall trimester of each academic year, (i) the second-year class will elect five members of the Honor Council to serve as representatives of their class in the next Council Year, and (ii) the first-year class each will elect five members of the Honor Council to serve as representatives of their class during the remainder of the then-current Council Year and in the next Council Year.

(b) Solicitors. Solicitors will be elected in the manner provided in this **Section 2.3(b)** and will perform the duties required to be performed by Solicitors in the Code. In order to serve as a Solicitor, a person must be a second-year Elon Law student at the time of his or her election or have served as the Assistant Solicitor. Two Solicitors shall serve during each Council Year. One of the Solicitors for a Council Year will be elected in a General Election in the Fall trimester of the academic year immediately prior to the Council Year in which he or she is to serve. The second Solicitor for a Council Year will be the Assistant Solicitor who served as such during the immediately prior Council Year. In order to serve as an Assistant Solicitor, a person must be a first-year Elon Law student at the time of his or her election. One Assistant Solicitor shall serve during each Council Year. The Assistant Solicitor for a Council Year will be elected in a General Election in the Fall trimester of the academic year immediately prior to the Council Year in which he or she is to serve. Only students who are first-year or second-year students at the time of a General Election in which the Solicitor and the Assistant Solicitor are to be elected are eligible to vote with respect to those positions in that election. No serving Honor Council member may serve as a Solicitor or Assistant Solicitor concurrently.

(c) Elected Defenders. Elected Defenders will be elected in the manner provided in this **Section 2.3(c)** and will perform the duties required to be performed by Elected Defenders in the Code. In order to serve as an Elected Defender, a person must be a second-year Elon Law student at the time of his or her election. Two Elected Defenders shall serve during each Council Year. Each Elected Defender for a Council Year will be elected in a General Election in the Fall trimester of the academic year immediately prior to the Council Year in which he or she is to serve. Only students who are first-year or second-year students at the time of a General Election in which the Elected Defenders are to be elected are eligible to vote with respect to those positions in

that election. No serving Honor Council member may serve as an Elected Defender concurrently.

(d) Officers.

(i) There will be three Honor Council officers: Chair, Vice Chair, and Secretary.

(ii) Members of the Honor Council shall self-nominate for these positions, and will be elected to those positions by a plurality of the members of the Honor Council.

(iii) The qualifications and responsibilities of the Honor Council officers shall be as follows:

(A) Chair.

(1) Only second-year Honor Council members may self-nominate for the position of Chair.

(2) The Chair will be responsible for all duties assigned to him or her by the Code.

(3) The Chair will also be the liaison between the Honor Council and the Elon Law faculty and administration.

(B) Vice Chair.

(1) Only second-year Honor Council members may self-nominate for the position of Vice Chair.

(2) The Vice Chair will fill in for the Chair when the Chair is unable to fulfill his or her duties.

(3) The Vice Chair will be responsible for all duties assigned to him or her by the Code.

(4) The Vice Chair will be responsible for meeting with the student body to explain the Code (including the system for reporting Honor Code Violations) and the function of the Honor Council and to provide such other education about the Code as the Honor Council may consider necessary.

(5) The Vice Chair will also be responsible for coordinating and scheduling all Honor Code Violation-related proceedings.

(C) Secretary.

(1) Only second-year Honor Council members may self-nominate for the position of Secretary.

(2) The Secretary will be responsible for all duties assigned to him or her by the Code.

(3) The Secretary will be responsible for managing all reported alleged Honor Code Violations and for the assignment of Solicitors, the Assistant Solicitor and, to the extent appropriate, Elected Defenders to those cases.

(4) The Secretary will be responsible for maintaining the files of the Honor Council.

(5) The Secretary will be responsible for taking, transcribing and posting the minutes of each Honor Council meeting.

(e) Oath of Office. As soon as reasonably possible following election or appointment, all Honor Council members, the Solicitors, the Assistant Solicitors and Defenders shall take the following oath:

“I do solemnly promise to uphold the Elon University School of Law Honor Code and Bylaws and to perform the duties of my office to the best of my ability and integrity. Furthermore, I do solemnly promise to keep all Honor Council proceedings (except to the extent disclosed in a published opinion) and identities of students accused of Honor Code Violations absolutely confidential, except to the extent permitted by the Elon University School of Law Honor Code.”

(f) Faculty Advisor.

(i) The Dean of the Law School shall appoint from the Elon Law faculty an advisor to the Honor Council each year. That person shall be available to advise the Honor Council.

(ii) The faculty member is bound by the same confidentiality requirement as the other Honor Council members.

Section 2.4 Removal and Resignation of Honor Council Member, Solicitor, the Assistant Solicitor or Elected Defender.

(a) Automatic Removal. It shall be the duty of each member of the Honor Council to attend all Honor Council meetings. If during any Council Year any member is absent from three meetings without a valid excuse, the member shall be removed from the Honor Council automatically. Non-attendance at Elon Law during any trimester, other than because of participation in a residency, shall terminate the term of the absent Honor Council member, Solicitor, Assistant Solicitor or Elected Defender. If an Honor Council member, a Solicitor, an Assistant Solicitor or an Elected Defender is convicted by a Trial Panel of, or pleads guilty to, an Honor Code Violation, he or she will be removed from office automatically, pending appeal (if any).

(b) Impeachment and Removal of Honor Council Members, Solicitors, the Assistant Solicitor and Elected Defenders. Any member of the Honor Council, any Solicitor, the Assistant Solicitor or any Elected Defender may be impeached upon petition of 20 percent of the Elon Law student body or by a two-thirds vote of the entire Honor Council. The impeached person may then be removed from office only if removal is approved by a two-thirds majority of the votes cast in an Elon Law student body referendum in which at least 50 percent of the student body votes. A public hearing on the impeachment charges shall precede any such referendum. The public hearing shall be conducted in such manner as may reasonably be determined by the members of the Honor Council (excluding any impeached member).

(c) Election to Fill Vacated Honor Council, Solicitor, the Assistant Solicitor or Elected Defender Position.

(i) If an Honor Council member, Solicitor, the Assistant Solicitor or Elected Defender is removed or resigns from office, he or she will be replaced by such person who is nominated by the then-serving Solicitors and Elected Defenders, acting together, and who is approved by a majority vote of the officers of the Elon Law Student Bar Association. Any such replacement will serve as a member of the Honor Council, Solicitor, Assistant Solicitor or Elected Defender, as applicable, until the next Fall or Spring election is held. At that time the position will be filled by a vote of the class or classes who elected the person whose position was vacated. The person serving as a replacement in a vacated position may run in the election while serving on the Honor Council.

(ii) If an Honor Council member who is removed or resigns from office was then serving as an Honor Council officer, the Honor Council shall elect from among its members (including any replacement approved by the Elon Law Student Bar Association as provided above) in accordance with **Section 2.3(d)(ii)**

a new member to serve in the vacant officer position, and both second-year Honor Council members and third-year Honor Council members (if any) may self-nominate for the position.

Section 2.5 Residencies.

(a) Temporary Replacements. Promptly upon learning that he or she will be away from Elon Law during a trimester because of participation in a residency, an Honor Council member, a Solicitor, the Assistant Solicitor, or an Elected Defender shall notify the Honor Council whether he or she wishes to continue serving in his or her position during that trimester or to be relieved from the position during that trimester. If an Honor Council member decides to be relieved from his or her position during a trimester in which he or she will be away because of participation in a residency, a temporary replacement for him or her shall be (i) appointed by a majority vote of the second-year class representatives of the Elon Law Student Bar Association or, (ii) if determined by two-thirds of the Honor Council members who will not be away during the trimester, elected by the second-year class in a special election. If a Solicitor, the Assistant Solicitor, or an Elected Defender decides to be relieved from his or her position during a trimester in which he or she will be away because of participation in a residency, a temporary replacement for him or her shall be nominated by the then-serving Solicitors and Elected Defenders, acting together, and approved by a majority vote of the officers of the Elon Law Student Bar Association. Upon completion of a residency by an Honor Council member, a Solicitor, the Assistant Solicitor, or an Elected Defender who has been relieved of his or her position temporarily, the Honor Council member, Solicitor, Assistant Solicitor, or Elected Defender shall resume his or her position and his or her temporary replacement shall cease to hold the position.

(b) Officers.

(i) Chair. During a trimester in which an Honor Council member serving as the Chair has been relieved from his or her position because of participation in a residency, (A) if the Honor Council member serving as the Vice-Chair has not likewise been relieved, the Vice-Chair will assume the Chair's role during that trimester only, (B) if the Honor Council member serving as the Vice-Chair likewise has been relieved and the Secretary has not, the Secretary will assume the Chair's role during that trimester only, and (C) if both the Honor Council member serving as the Vice-Chair and the Honor Council member serving as the Secretary likewise have been relieved, the Honor Council members who will not be away during the trimester will elect from among their number and by a plurality a member to serve as the Chair during that trimester only, which

member may be a second-year or third-year member or, if no second-year or third-year member is available to serve, a first-year member.

(ii) Vice Chair. During a trimester in which an Honor Council member serving as the Vice-Chair has been relieved from his or her position because of participation in a residency or has assumed the position of Chair on a temporary basis as provided above, (A) if the Honor Council member serving as the Secretary has not likewise been relieved and has not assumed the position of Chair on a temporary basis as provided above, the Secretary will assume the Vice-Chair's role during that trimester only, and (B) if the Honor Council member serving as the Secretary has likewise been relieved or has assumed the position of Chair on a temporary basis as provided above, the Honor Council members who will not be away during the trimester will elect from among their number and by a plurality a member to serve as the Vice-Chair during that trimester only, which member may be a second-year or third-year member or, if no second-year or third-year member is available to serve, a first-year member.

(c) Secretary. During a trimester in which an Honor Council member serving as the Secretary has been relieved from his or her position because of participation in a residency or has assumed the position of Chair or Vice-Chair on a temporary basis as provided above, the Honor Council members who will not be away during the trimester will elect from among their number and by a plurality a member to serve as the Secretary during that trimester only, which member may be a second-year or third-year member or, if no second-year or third-year member is available to serve, a first-year member.

ARTICLE III. ADVISORY OPINIONS

A group of students totaling at least five percent of the entire Elon Law student body may petition the Honor Council for an advisory opinion interpreting the Code. The Honor Council shall produce the advisory opinion within a reasonable time after presentation of the petition. Advisory opinions are not binding on Trial Panels or Appeal Committees.

ARTICLE IV. PUBLICITY

Each new Elon Law student shall receive a copy of the Code and these Bylaws. The names of Honor Council officers shall be posted on the Elon Law Honor Code website. The Honor Council shall be available to answer any questions concerning the Code and these Bylaws.

ARTICLE V. AMENDMENTS AND ADDITIONAL PROCEDURES

Section 5.1 Amendments. These Bylaws may be amended only as provided in Article X of the Code.

Section 5.2 Approval of Additional Procedures. The Honor Council may adopt such procedures as reasonably may be required to facilitate its operation and the implementation of the Code and these Bylaws, but no such procedures may adversely affect in any material respect the rights of any student under the Code or these Bylaws. Any proposed procedures will be deliberated on by the Honor Council. During deliberation, the Honor Council will consult the Elon Law faculty and administration for advice on the procedures and the requirements of this **Section 5.2**. Approval of procedures requires the favorable vote of a majority vote of the Honor Council.

ARTICLE VI. TRANSITION PROVISIONS

Section 6.1 Solicitors, Assistant Solicitor, and Elected Defenders for Remainder of 2016-2017 Council Year.

(a) The following positions shall be filled by those students who received a plurality of the votes in one or more elections held in the Spring 2017 or Fall 2017 trimester and in the following manner:

(i) One Solicitor. Elon Law students in the class of December 2017 shall have been or shall be allowed to self-nominate for one Solicitor position, and the Solicitor elected shall serve for the remainder of the 2016-2017 Council Year.

(ii) Assistant Solicitor. Elon Law students in the class of December 2018 shall have been or shall be allowed to self-nominate for the Assistant Solicitor position, and the Assistant Solicitor elected shall serve for the remainder of the 2016-2017 Council Year.

(iii) Two Elected Defenders. Elon Law students in the class of December 2017 shall have been or shall be allowed to self-nominate for the two Elected Defender positions, and each Elected Defender elected shall serve for the remainder of the 2016-2017 Council Year.

(iv) Students in the classes of December 2017 and December 2018 shall have been or shall be eligible to vote for the Solicitor, Assistant Solicitor, and Elected Defender positions described above.

(b) The Assistant Solicitor in office at the beginning of the Spring 2017 trimester shall serve as the second Solicitor for the remainder of the 2016-2017 Council Year.

Section 6.2 Honor Council Members for Remainder of 2016-2017 Council Year.

(a) The three members of the class of December 2017 elected in the Winter 2017 trimester to serve as representatives of their class on the Honor Council will serve in that capacity during the remainder of the 2016-2017 Council Year, and in one or more elections held in the Spring 2017 or Fall 2017 trimester, the class of December 2017 shall have elected or shall elect two additional members of the Honor Council to serve as representatives of their class during the remainder of the 2016-2017 Council Year. Students in the class of December 2017 shall have been or shall be allowed to self-nominate for these positions.

(b) The three members of the class of December 2018 elected in the Winter 2017 trimester to serve as representatives of their class on the Honor Council will serve in that capacity during the remainder of the 2016-2017 Council Year, and in one or more elections held in the Spring 2017 or Fall 2017 trimester, the class of December 2018 shall have elected or shall elect two additional members of the Honor Council to serve as representatives of their class during the remainder of the 2016-2017 Council Year. Students in the class of December 2018 shall have been allowed to self-nominate for these positions.

(c) **ARTICLE II** of these Bylaws shall govern the election and terms of members of the Honor Council who will serve as representatives of the class of those students who will become first-year Elon Law students in the Fall 2017 trimester. As provided in **ARTICLE II**, those members shall serve during the remainder of the 2016-2017 Council Year and for the entire 2017-2018 Council Year.

Section 6.3 Limited Effectiveness of this Article. The provisions of this **ARTICLE VI** shall apply for purposes of the 2016-2017 Council Year only, and for that Council Year, shall supersede any contrary provisions elsewhere in these Bylaws or in the Code with respect to the election and terms of, and the qualifications for, Honor Council members, Solicitors, the Assistant Solicitor and Elected Defenders. **ARTICLE II** of these Bylaws shall govern the appointment, election, and terms of Honor Council members, Solicitors, Assistant Solicitors, and Elected Defenders who will serve during Council Years after the 2016-2017 Council Year.

2011-2012 Amendments

Approval:

Student Body: February 22, 2012

Faculty: February 14, 2012

Provost: August 28, 2012

Effective Date: August 28, 2012

2016-2017 Amendments

Approval:

Student Body: May 12, 2017

Faculty: May 8, 2017 and May 22, 2017

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Effective Date: May 21, 2017