

Honor Code Ratified 12/99
Last Amended 11/18

This document does not, and shall not be interpreted to limit the power of the President of the University of Richmond or the Dean or Faculty of the School of Law. In this document a word importing the feminine gender only may extend and be applied to males as well as females, and is not intended to carry any gender-specific connotation, positive or negative.

SECTION 1: PREAMBLE

Section 1.1: Statement of Purpose

The Honor Code is based upon the premise that a person's honor is her most cherished attribute. An Honor Code is the ideal mechanism to ensure that the academic community thrives with respect and harmony among its members.

In a community devoted to learning, we are privileged to live with an honor system created and administered by students. Each member of the community is responsible for upholding and enforcing the Honor Code. By embracing self-regulation, we hold ourselves accountable and take responsibility for our actions, neither burdening nor suffering interference from other members of the academic community.

Under the Honor Code of the University of Richmond School of Law, it is expected that all students will demonstrate honesty and integrity in their conduct. Acts of intentional lying, cheating, and stealing are reprehensible and cannot be tolerated. A person who violates the Honor Code must be sanctioned for compromising the trust and honor of the academic community. The Code is not to be used, however, as a tool of harassment.

Section 1.2: Covenant of Students

The Honor Code is a covenant among all students enrolled at the University of Richmond School of Law not to lie, cheat, or steal. Upon matriculation at the university, students are responsible for learning and abiding by the Honor Code. Ignorance of its provisions is no excuse for a violation thereof.

Section 1.3: Pledge

To be signed by each student at first year orientation upon receiving a copy of the Honor Code: In registering as a student in the University of Richmond School of Law, I agree to abide by and support the Honor System of the Law School as put forth in the Honor Code. I agree not to lie, cheat or steal, and submit to the jurisdiction of the Honor Council for adjudication of any matter within the scope of its authority.

SECTION 2: INFRACTIONS

The Honor Code is intended to address academic misconduct and other forms of deceitful conduct that may give one student an unfair advantage over others. Other misconduct prohibited by the University of Richmond Standards of Student Conduct shall be handled in accordance with the procedures set forth in the Standards of Conduct.

This Code extends to misconduct in all "Law School Activities." When used in this Code, the term "Law School Activity" means: 1) any Law School course, course assignment, or work submitted to a faculty member for review, grading or academic credit; 2) any work submitted to a Law School-sponsored or other publication; 3) any activity undertaken in connection with any Law School sponsored event or program; 4) any activity of any Law School student organization; and 5) any activity in connection with any effort to obtain employment, bar admission, or any other benefit or advantage as a result of one's status or performance as a law student.

The following are infractions of the Honor Code:

1. Lying - Lying is making a false statement, which the maker knows to be false, or which is made with reckless disregard for the truth of the matter asserted. Lying is a violation of the Honor Code only when the false statement affects or is intended to affect in a significant way any Law School Activity. Lying also includes any deliberate attempt to mislead a faculty member regarding one's presence in, or absence from, class.

2. Cheating - Cheating is any act performed with the intent to gain an unfair advantage in any Law School Activity. It includes, but is not limited to: 1) plagiarism (plagiarism occurs when a student, with intent to deceive, presents any information, ideas or phrasing of another as if they were her own); 2) giving unauthorized aid to another student or receiving unauthorized aid from another on tests, quizzes, assignments or examinations; 3) using or consulting unauthorized materials or using unauthorized equipment or devices on tests, quizzes, assignments or examinations; 4) using any material portion of a paper or project to fulfill the requirements of more than one course unless the student has received permission to do so from the faculty members conducting the courses; or 5) intentionally commencing work or failing to terminate work on any examination, test, quiz or assignment according to the time constraints or other limits imposed.

3. Academic Theft - Academic Theft is the unauthorized removal, relocation or mutilation of academic materials depriving or preventing others from having equal learning opportunities. Such materials include, but are not limited to, print, film, tape, and electronic databases.

4. Failure to Report Honor Infraction - It is an infraction to fail to make a timely report of an honor infraction to a member of the Grievance Committee when a student either: 1) knows an infraction has occurred; or 2) is aware of facts which would cause a reasonable student to believe that an infraction has occurred.

5. Refusal to Provide Information – With the exception of self-incriminating statements, it is an infraction to refuse to provide information or evidence in response to any relevant question or request by the Grievance Committee, Student Advocate Corps, Chief Justice, or Trial Court member.

6. Accomplices - It is an infraction to knowingly assist another in committing any infraction.

SECTION 3: PROCEDURE

Section 3.1: Reporting Infractions

1. The basis of an honor system is each student's acceptance of the responsibility to act honorably and to uphold this Code. Students must also reject dishonorable conduct in others. Accordingly, if an honor system is to be effective, students and all Law School community members must report suspected violations of the Honor Code. Any student having reason to believe that an infraction has occurred shall report the facts to a member of the Grievance Committee. Faculty, administrators or others having reason to believe an infraction has occurred should report the facts to a member of the Grievance Committee.

2. A student having reason to believe that an infraction has occurred may choose to inform the suspected violator of that fact and urge her to report the facts to a member of the Grievance Committee. Taking such action, however, does not relieve a student of the obligation to make her own report to the Grievance Committee.

3. Honor Code Consultants - The Dean may appoint three (3) faculty members to serve as Honor Code Consultants. Students may confer with any of these Consultants regarding any matters pertinent to students' rights and obligations under the Honor Code. Such discussions shall be confidential. Consultants shall have no obligation to report infractions or evidence of infractions revealed in confidence.

4. Student Advocates - A student's private discussions with her Student Advocate shall be confidential. The Student Advocate shall have no obligation to report infractions or evidence of infractions revealed in confidence.

5. Law Peer Sexual Misconduct Advisors - A student's private discussions pertaining to alleged sexual misconduct or being accused of sexual misconduct with a Law Peer Sexual Misconduct Advisor ("LPSMA") shall be confidential. The LPSMA shall have no obligation to report infractions or evidence of infractions revealed in confidence when a student speaks with an LPSMA in that person's capacity as an LPSMA.

Section 3.2: Investigations

1. When a member of the Grievance Committee receives information regarding a suspected infraction, she should inform the full Grievance Committee. The Committee shall then investigate the allegation.
2. The Grievance Committee may investigate in any manner it believes appropriate to the case. It may assign one (1) or more members to interview witnesses and assemble documents or other materials. It may determine that the alleged violation does not fall within the terms of the Honor Code and, accordingly, may refer the matter to the Dean's Office for consideration under the University Standards of Student Conduct. It may consult with its Faculty Advisor for any purpose in connection with the investigation.
3. Any student whom the Grievance Committee asks to answer questions shall do so, unless the answer might, directly, or indirectly, incriminate the respondent. Any student whom the Grievance Committee asks to provide information, documents or other materials shall submit to a reasonable request for such documents and other materials. Failure to provide material upon request, or the alteration or destruction of materials that a student knows or reasonably should know is relevant to an honor violation investigation shall itself be an infraction under Section 2(5), above, and under Section 2(4), above.
4. Section 3.2(3), above, applies to all students and applies when the student is called to the Grievance Committee as a witness or as one accused of committing an Honor Code Violation. For any student, the privilege against self-incrimination is the privilege against self-incriminating oral testimony.
5. At the beginning of any meeting with a member of the Grievance Committee, the accused shall be advised of her right to have her advocate present at such meeting. Any student may have a Student Advocate present at any meeting with the Grievance Committee. A Student Advocate may formally challenge a Grievance Committee's request for materials and/or documents as unreasonable. If such a request is challenged, the Chief Justice shall hear arguments from both the Student Advocate and the Grievance Committee and make the final determination as to scope of the request.
6. The Grievance Committee shall maintain a file regarding any investigation. The members should retain in the file any notes or memoranda made during the investigation, and any documents or other materials obtained during investigation. However, failure of the Grievance Committee to assemble and maintain a complete file need not require dismissal of any charge. Rather, before and during trial, the Chief Justice shall take whatever steps she deems appropriate to account for any omissions from the investigative file.
7. The Grievance Committee investigation shall be confidential. Grievance Committee members shall not divulge matters relating to the investigation to anyone other than the Faculty Advisor, other members of the Committee, or (if the Committee chooses) to the suspected violator and her Student Advocate. The investigative file shall likewise remain confidential.

8. The Grievance Committee shall vote to determine whether there is probable cause to file a charge against the suspected violator. No charge shall be issued unless approved by an affirmative vote of at least five (5) of the six (6) members of the Committee. In the event that any Committee member recuses herself from participation in an investigation, the remaining members of the Committee may appoint alternate(s) to fill the vacancy. No alternate(s) need be appointed, however, if two (2) or more non-recused Committee members agree that no charges should be filed.

9. Immediately upon a charge against an accused, the Grievance Committee shall furnish the entire investigative file to the accused and her student advocate.

10. If the Committee decides not to file a charge, the investigative file shall remain confidential and the case may be closed. The Committee shall retain the file, however, and may reopen the case if appropriate. The Committee shall retain the file for seven (7) years. In the event the same student is the subject of a later investigation, the Committee may make use of the original investigative file in such later investigation.

11. If five (5) members of the Committee approve any charge(s), then the Committee shall issue a written charging statement. The statement shall identify the accused(s), the particular infraction(s) committed, and shall contain a brief statement outlining the facts charged. In cases involving more than one (1) accused, the Committee may list the accused and the charges in a single statement. The Committee shall present the written statement to the Chief Justice.

12. In every case where a charge has been issued, the Chief Justice must report to the Dean of the Law School the name of the accused, the charge, and the ultimate resolution, whether by informal resolution or trial, and sanction, if any. Under applicable regulations, the Dean may have to report this information to State Bar or other authorities.

Section 3.3: Pretrial Procedures

1. The Chief Justice shall, upon receipt of the written statement of charge(s), provide to the accused a copy of the written statement of charge(s) and a list of all Student Advocates. The accused may designate one (1) or two (2) students (who may or may not be elected members of the Student Advocate Corps) to serve as her Student Advocate for trial.

2. The Grievance Committee shall designate one (1) or two (2) of its members to serve as Prosecutor(s).

3. As soon as practical after notice of the charge, the Chief Justice shall meet in person with the Prosecutor, the accused and her Advocate. If the accused and the Prosecutor agree, they may jointly request that the Chief Justice pursue an informal resolution of the case pursuant to Section 3.4. Otherwise, the accused shall inform the Chief Justice whether she pleads "guilty" or "not guilty" to the charge. In the case of a not guilty plea, the Chief Justice shall set a time and place for trial. In the case of a guilty plea, the Chief Justice shall schedule a sanction hearing. The trial or sanction hearing should take place as soon as practical.

4. The Chief Justice shall preside over the trial. The Trial Court shall consist of six (6) students: the Chief Justice and five (5) members of the Honor Court. Upon receiving the written statement of charge(s) from the Grievance Committee, the Chief Justice shall appoint five (5) students from among the members of the Honor Court to serve on the Trial Court. The Student Advocates and Grievance Committee will then submit a maximum of five (5) written questions each to be answered by the members of the Trial Court. The Chief Justice will administer the questionnaire and return the answers to both the Student Advocates and the Grievance Committee, who may utilize the responses in challenging the impartiality of any Trial Court Member subject to Section 3.3(11).

5. The Prosecutor(s) shall make the full investigative file available to the accused and her Advocate, shall make available any documents or other items which the prosecution expects to use as evidence at trial, and shall advise the accused of all persons expected to be called as witnesses at trial, and of all other persons with information relevant to the case. After the Prosecutor has provided such information, and at least 48 hours before trial, the accused shall inform the prosecution of any additional witnesses whom the accused may call at trial, and shall make available any documents or other items which the accused expects to use as evidence.

6. The accused, her Advocate, and the Prosecutor(s) may consult at any time regarding the desire of the accused to pursue an informal resolution of the case under Section 3.4, or to plead guilty to the charge(s), or to change a plea of not guilty to a plea of guilty. In the case of a guilty plea, the Prosecutor may agree to make recommendation(s) regarding an appropriate sanction in the case. However, the Trial Court makes the final determination of any sanction and is not bound by such recommendation.

7. Before trial, either party may provide the Chief Justice with a memorandum outlining the facts expected to be presented at trial. The Chief Justice shall provide copies of the memoranda and of the written statement of charges to the other five (5) members of the Trial Court.

8. In the event that two (2) or more accused have been charged together, they should be tried together in a single trial unless the Chief Justice, upon request of an accused, finds that a single trial would be unfair.

9. The Chief Justice may hear any other motions or requests that arise before trial and make such rulings as are necessary to have a fair trial. Failure of any person to comply strictly with these rules shall not require dismissal of a charge unless such failure makes trial unfair. Rather, the Chief Justice shall make such rulings as may be necessary to compensate for any violation of these rules.

10. Upon request of any party, the Chief Justice shall issue a subpoena directing a witness to appear at trial or to bring documents or other evidence. Failure of any student to comply with a subpoena shall be an infraction under Section 2(5), above.

11. Challenge to Impartiality. Members of the Trial Court must be impartial. Any member who cannot serve impartially shall recuse herself and the Chief Justice shall appoint another member. If the Chief Justice recuses herself, the Faculty Advisor to the Honor Court shall appoint another Honor Court member as Chief Justice. Before the trial, the accused, the Prosecutor, or any member of the Trial Court, may challenge the impartiality of any member of the Trial Court, including the Chief Justice. The Chief Justice shall rule on challenges to impartiality of a Trial Court member. In the event that the Chief Justice is challenged, the Faculty Advisor to the Honor Court shall rule on such challenge.

12. The accused may, upon completion of discovery, file a written motion with the Chief Justice seeking to preclude specific sanctions from being issued against the accused student by the Trial Court in the event that the Trial Court returns a verdict of “guilty” against the accused student. The Chief Justice shall rule on any such motion within one (1) week of being filed and shall adjust the trial date as necessary to properly rule on such a motion. In making her ruling, the Chief Justice shall consider the severity of the offense charged and the strength of the Grievance Committee’s evidence when viewed in the light most favorable to the Grievance Committee. The filing party may request, but is not entitled to, a hearing on the motion if reasonable notice is provided to the opposing party.

13. In ruling on a motion made pursuant to Section 3.3(12), the Chief Justice may appoint two (2) members of the Honor Court to assist in ruling on the motion. In the event that the Chief Justice appoints two (2) members of the Honor Court for this purpose, the motion is to be decided by majority vote. In evaluating whether to appoint two (2) members of the Honor Court to assist in resolving the motion, the Chief Justice shall consider the interests of justice and efficiency of the trial process. Nothing in this provision shall be read as preventing a party from requesting a hearing on a motion made pursuant to Section 3.3(12) in accordance with the terms of that provision.

Section 3.4: Informal Resolutions

1. This section provides a mechanism for swift, informal resolution by agreement among the Prosecutor, the accused and the Chief Justice, in consultation with the Faculty Advisor to the Honor Court. The Prosecutor(s) and the accused – or the Student Advocate(s) on her behalf – are encouraged to confer regarding informal resolution.

2. If the Prosecutor and the accused agree that the case may best be resolved without a full trial or sanction hearing, then they may jointly ask the Chief Justice to resolve the case informally. The Chief Justice may agree to pursue informal resolution if, upon reviewing the charge, the investigative file, and any other facts offered by the parties at the time of their request, she believes: 1) that the case is not likely to result in a sanction calling for the separation of the accused from the Law School; and 2) that informal resolution will offer a fair and expedient method to resolve the case.

3. If the Chief Justice agrees to pursue informal resolution, she shall schedule a meeting of the Prosecutor(s), the accused, the Student Advocate(s) and the Faculty Advisor to the Honor Court. In the meeting, the participants shall discuss any matters relevant to the case with the aim of reaching agreement on an appropriate resolution. The meeting shall not be recorded. No other persons may be present and no witnesses may be called without the agreement of all participants. The accused may elect to participate in the discussions, but shall not be required to make a statement or to answer any questions. The Prosecutor(s), the accused or the Chief Justice may terminate the meeting at any point, in which event the case shall proceed toward Trial.

4. If the Prosecutor(s), the accused and the Chief Justice agree on an appropriate resolution, the Chief Justice shall put the resolution in writing, which writing shall have the same effect as a verdict and sanction issued after full trial.

Section 3.5: Trial

1. The Chief Justice shall preside at trial and rule on any procedural matters necessary to make the process fair. She may consult with the Faculty Advisor to the Honor Court in deciding any matters.

2. The Trial Court, including the Chief Justice, shall hear the evidence, determine the verdict and assess punishment in the case.

3. The Chief Justice shall appoint one (1) other member of the Honor Court to serve as Clerk for the trial. The Clerk shall maintain all exhibits, documents or other material presented at trial. The Clerk shall record the trial on video or audio tape.

4. Unless the accused requests an open hearing, the trial shall be closed to outsiders. The persons permitted to be present are: the six (6) members of the Trial Court, the accused(s), the Student Advocate(s), the prosecutor(s), the Clerk, the Faculty Advisor to the Honor Court, the Faculty Advisor to the Grievance Committee, and the Faculty Advisor to the Student Advocates. Witnesses shall be present only during their own testimony. By agreement of the parties, or upon a finding by the Chief Justice that the fairness of the proceedings requires, other persons may be admitted.

5. There are no rules of evidence. The Chief Justice shall permit the parties to present any information useful to a decision in the case in any manner that is fair. The Chief Justice shall take care that any party has full opportunity to present any relevant facts, and to respond to evidence presented by another party. The Chief Justice shall determine any questions regarding the order in which parties present evidence. Unless fairness requires another course, the prosecution shall first present evidence, followed by the accused.

6. All parties shall be permitted to call witnesses and to question any witness who appears at trial. All parties shall be allowed to see any evidence presented to the Trial Court. Members of the Trial Court may ask questions of any witness.

7. The trial should be conducted in a manner reasonably calculated to permit full understanding of the facts. Accordingly, if it should appear that important information will not otherwise be presented or an important witness will not otherwise testify, the Chief Justice may take any reasonable steps to obtain such information or witness, including recessing the hearing, recalling witnesses, requesting a party to obtain needed information, or issuing a subpoena.

8. The Chief Justice shall allow the Prosecutor(s) and Student Advocate(s) to make opening and closing statements.

9. The Trial Court shall deliberate in secret. The Chief Justice shall not be party to the deliberations. No one else may be present, other than the Faculty Advisor to the Honor Court, who may be present during deliberations only when requested by a majority of the Trial Court. In the event that important, unanswered questions arise during deliberations, the Trial Court, upon majority vote, may recess its deliberation and resume trial, for the purpose of calling any witnesses and hearing any new evidence or argument that may be necessary to answer such questions.

10. The standard of proof to find an accused guilty shall be proof beyond a reasonable doubt.

11. In order to issue a verdict on any charge, at least four (4) members of the Trial Court must agree to that verdict. The Chief Justice shall not have a vote.

12. On any charge, the Trial Court may issue a verdict finding the accused: 1) guilty as charged; 2) guilty of an infraction less severe than that charged, but only where – in the judgment of the Trial Court – the facts regarding the lesser infraction have been fairly presented during the trial; or 3) not guilty.

13. If, after full deliberations, the Chief Justice is convinced that the Trial Court will be unable to reach a verdict on any charge, she may declare a mistrial with respect to that charge. In the event of a mistrial, the full record of the proceedings shall be provided to the Appeal Board, who may, by majority vote: 1) request the Chief Justice to appoint a new Trial Court and retry the case; or 2) declare the matter closed without sanction; or 3) if the accused agrees that a particular sanction is appropriate, close the case by imposing such sanction. Before making that decision, the Appeal Board shall provide the Prosecutor(s) and the accused or her Student Advocate(s) an opportunity to present any additional facts or argument that may be pertinent to the decision.

14. If the Trial Court finds the accused not guilty, then its finding shall bar any future proceeding for the same infraction. If the accused is found not guilty, then all records of the investigation and trial shall remain confidential, unless the accused requests that they be made public. However, all records shall be maintained by the Honor Council and, in the event of any future charges against the same accused, may be made available to members of the Grievance Committee investigating such charge.

15. If the Trial Court finds the accused guilty of any charge, it shall proceed immediately to a sanction hearing. All parties shall be given the opportunity to present any evidence or argument relevant to sanction. Where fairness requires, the Chief Justice may delay the sanction hearing until a later time in order to permit the parties to assemble other information. After hearing evidence and argument, the Trial Court shall deliberate regarding sanction. The Trial Court shall determine sanction by majority vote. In the event there is no majority in agreement on a sanction, the record of the proceedings shall be transmitted to the Appeal Board which, by majority vote, shall determine the sanction to be imposed.

Section 3.6: Sanctions

The Trial Court may impose any of the following sanctions, except as excluded by the Chief Justice as a result of a motion made pursuant to Sections 3.3(12)-(13), singly or in combination:

1. Recommendation of separation from the Law School.
2. Recommendation of suspension from the Law School.
3. Written or oral warning.
4. Recommendation that the student receive a specific grade, including a failing grade, in an assignment or course, provided, however, that the Trial Court's recommendation is not binding on the faculty.
5. Task or service participation.
6. Restitution.
7. Loss of privileges.
8. Probation with or without specific conditions.
9. Any other sanction that is fair for the circumstances.

The Trial Court may issue a written statement that explains why the determination of such a sanction was found to be appropriate.

Section 3.7: Appeals

1. The three (3) faculty members assigned as Faculty Advisors to: 1) the Honor Court; 2) the Grievance Committee; and 3) the Student Advocates, shall constitute the Appeal Board. It is the intent of these Rules that each of these Advisors will have been present during the trial. In the event any of the three (3) is unable to participate at the trial or appeal, the Dean shall designate a replacement.
2. The accused shall have a right to appeal any verdict of guilty and any punishment imposed by the Trial Court. The prosecution has no right to initiate an appeal.
3. To initiate an appeal, the accused must notify a member of the Appeal Board in writing within five (5) days of decision of the Trial Court imposing punishment.
4. The Clerk shall provide the Appeal Board the video or audio tape of the trial, along with all other documents or exhibits presented at trial.

5. The Appeal Board shall set a time to meet and hear argument and shall notify the parties. Any party may submit written statements or briefs in advance of the hearing.

6. The Appeals Board shall meet with the Prosecutor(s), accused and her Student Advocate(s) to hear argument regarding the fairness of the trial, the verdict or the sanction imposed.

7. The Appeals Board shall affirm the judgment of the Trial Court unless the trial, the verdict or the sanction is clearly unfair. In the event the Appeal Board finds the judgment unfair, it may: 1) remand the case to the Chief Justice with directions to convene a new trial; 2) impose a lesser sanction; or 3) dismiss the charge. The Appeals Board shall inform the Chief Justice of its decision in writing.

Section 3.8: Publication of Verdict and Sanction

1. In any case where any sanction is imposed upon a finding of guilt, the sanction shall be final if no appeal is taken within five (5) days. In the case of an appeal, the sanction shall be final once imposed by the Appeal Board.

2. Once a sanction has become final, unless the sanction by its own terms provides for confidentiality, the Chief Justice shall issue a written statement to the Dean and to the President of the Student Bar Association which includes: 1) the charge upon which the accused was found guilty, and 2) the sanction imposed. The Dean and the President of the SBA shall take appropriate steps to make the decision known to the faculty, administration and student body.

3. An agreement of confidentiality shall not affect the Chief Justice's obligation to report to the Dean of the Law School the name of the accused, the charge, and the ultimate resolution whether by informal resolution or trial, and sanction, if any. Nor shall it affect the Dean's obligation to ensure this information is reported to State Bar or other authorities.

Section 3.9: Absence of Accused from Hearing

1. In the event an accused fails to appear or make arrangements to postpone a proceeding after being served with notice of an alleged violation, the Honor Council proceedings shall continue in her absence, unless the Chief Justice rules otherwise.

2. Following the Trial, the Chief Justice shall immediately notify an accused of the Trial Court's decision by registered mail, return receipt requested at an accused's last known address.

SECTION 4: COMPOSITION OF HONOR COUNCIL

The Honor Council shall consist of the Honor Court, the Grievance Committee, and the Student Advocate Corps.

Section 4.1: The Grievance Committee

The Grievance Committee shall be comprised of six (6) members of the SBA, including three (3) rising third-year students and three (3) rising second-year students. One (1) rising third-year student who has been a member of the Grievance Committee may be elected to a second, one-year term by a vote of the Honor Council, whereupon the SBA rising third-year class would vote to fill only two (2) positions on the Grievance Committee. The Dean shall appoint a Faculty Advisor for the Grievance Committee. The Faculty Advisor shall have no voting power, but shall serve as a consultant only. If the Faculty Advisor recuses herself from an Honor Court proceeding, the Dean shall appoint a substitute advisor.

Section 4.2: The Student Advocate Corps

The Student Advocate Corps shall consist of four (4) members of the SBA, including two (2) rising third-year students and two (2) rising second-year students. One (1) rising third-year student who has been a member of the Student Advocate Corps may be elected to a second, one-year term by a vote of the Honor Council, whereupon the SBA rising third-year class would vote to fill only one (1) position on the Student Advocate Corps. The Dean shall appoint a Faculty Advisor for the Student Advocate Corps. The Faculty Advisor shall have no voting power, but shall serve as a consultant only. If the Faculty Advisor recuses herself from an Honor Court proceeding, the Dean shall appoint a substitute advisor.

Section 4.3: Honor Court

1. Composition and Faculty Advisor

The Honor Court shall consist of ten (10) members of the SBA, including five (5) rising third-year students and five (5) rising second-year students. The Dean shall appoint a full-time law school faculty member to serve as Faculty Advisor to the Honor Court. The Faculty Advisor shall have no voting power, but shall sit as an adviser during any Honor Court Trial and be available for consultation with the Chief Judge. If the Faculty Advisor recuses herself from an Honor Court proceeding, the Dean shall appoint a substitute advisor.

2. The Chief Justice

The Honor Council shall elect one (1) of the rising third-year members of the Honor Court as Chief Justice.

SECTION 5: AMENDMENT OF THE HONOR CODE

Amendments to the Honor Code may be proposed by vote of two-thirds (2/3) of the Honor Council or by a petition signed by ten (10) percent of the entire student body, or by the faculty, and shall take effect upon ratification by the faculty and by three-fifths (3/5) of those students voting in a referendum election, provided that at least ten percent of the student body voted in favor of the amendment.

SECTION 6: ELECTION PROCEDURE

Members of the Honor Council shall be elected annually by the membership of the SBA.

Honor Council elections shall be held within ten (10) business days before Spring Break. The exact date of the elections shall be set by the Chief Justice at least twenty-one (21) business days prior to the election.

For purposes of this article: 1) elections shall be held on a day classes are in session during the spring term; and 2) polls shall remain open for at least six (6) hours on the date of the election. The Honor Council may establish procedures for voting in person, by mail, electronic mail, or other means.

Requirements for Candidacy. Candidates for the Honor Council must be members of the SBA and: 1) candidates for third-year Honor Council positions must be rising third-year students; 2) candidates for second-year Honor Council positions must be rising second-year students; 3) all candidates must not have been sanctioned under this Honor Code; and 4) all candidates must expect to remain enrolled as a student for the duration of the term for which they are running. No candidate shall run for more than one office at a time.

1. Petitions. To be placed on the ballot for the Honor Council, candidates must complete a petition of candidacy that: 1) must be signed by at least twenty-five (25) members of the SBA from their class; and 2) must be filed with the SBA Secretary at least ten (10) days prior to the election. If a candidate does not have twenty-five (25) signatures by the deadline, her petition will be denied, forfeiting her opportunity to run for office.

2. Statement of Candidacy. Each candidate must submit a statement of candidacy to the Chief Justice. The Chief Justice may hold a candidate's forum.

3. Voting. All members of the SBA shall be entitled to vote for the Honor Council positions of their respective class.

4. Vote Counting. The SBA shall conduct all Honor Council balloting. This includes passing out ballots, checking off names as votes are cast, counting ballots, and publicizing election results. SBA members who are candidates shall not participate in election duties. The President and one (1) other member of the SBA must be present at the ballot counting.

5. Absentee Ballots. All members of the SBA shall have the right to vote by Absentee Ballot. Ballots must be: 1) secured from the President of the SBA; 2) returned to the President who shall sign and date the back of the ballot; and 3) requested and returned no later than the day before the election.

6. Results. The five (5) individuals receiving the highest number of votes in each class will be elected to the Honor Court. The three (3) individuals receiving the highest number of votes in each class will be elected to the Grievance Committee. The two (2) individuals receiving the highest number of votes in each class will be elected to the Student Advocate Corps.

In the event that an individual stands unopposed or fewer individuals stand for positions than the number allotted by this Code for the Grievance Committee, the Student Advocate Corps, or the Honor Court, the student body must ratify each student's Honor Council membership in the election by a majority of those students voting in the election.

7. Run-Off Elections. In the event of a tie, a run-off election shall be held within five (5) business days.

8. Induction. All newly elected Honor Council members shall be inducted within one month of election. New members shall participate in a training session. Upon induction, each Honor Council member shall take an oath of office pledging to abide by this Honor Code.

9. Vacancies. All vacancies on the Honor Council shall be made by appointment of the Chief Justice, subject to the approval of the majority of the remaining Honor Council members.

SECTION 7: REMOVAL PROCEDURE

Any member of the Honor Council who fails to perform the duties or uphold the standards of office may be removed by vote of two-thirds (2/3) of the Honor Council or by four-fifths (4/5) of the student body voting in such an election. Removal by vote of the student body requires a petition signed by twenty percent of the student body.

The Chief Justice may be removed from that office, and otherwise remain a member of the Honor Council, by vote of two-thirds (2/3) of the Honor Council.