



**Elon University  
Student Government Association  
Judicial Manual  
2019-2020**

**Table of Contents:**

**Preamble**

**Article I. Filing a Complaint**

**Article II. Charges**

- A. Attendance
- B. Conduct Unbecoming of a Senator
- C. Elon University Judicial Standing
- D. Failure to Fulfill Duties
- E. Failure to Fulfill Judicial Sanctions
- F. Hazing
- G. Misuse of Powers/Privileges

**Article III. Notification of Charges**

**Article IV. Sanction Guidelines**

- A. Attendance
- B. Conduct Unbecoming of a Senator
- C. Elon University Judicial Standing
- D. Failure to Fulfill Duties
- E. Failure to Fulfill Judicial Sanctions
- F. Hazing
- G. Misuse of Powers/Privileges
- H. Special Sanctions

**Article V. General Hearings**

- A. Rights of the Accused
- B. Special Circumstances
- C. Charging and Defending Advocates
- D. Hearing Agenda

- E. Hearing Procedures
- F. Levying Sanctions
- G. Calling for a Formal Hearing

#### **Article VI. Formal Hearing**

- A. Rights of the Accused
- B. Special Circumstances
- C. Charging and Defending Advocates
- D. Hearing Agenda
- E. Hearing Procedures
- F. Levying Sanctions

#### **Article VII. Organizational Review**

#### **Article VIII. Judicial Committee Records**

### **PREAMBLE:**

We, the Senators of the Student Government Association of Elon University, realizing the need for justice and accountability within our organization, do hereby ordain and adopt this manual to outline the rules of judicial processes and procedures of the Senate.

### **ARTICLE I. FILING A COMPLAINT**

- A. An accusation of wrongdoing shall begin with a formal statement of charges presented to the Chair of the SGA Judicial Committee by any of the following members of the Elon University community:
  - a. Faculty
  - b. Staff member
  - c. Student in good standing
  - d. Senator
  - e. Chair or Co-Chair of any SGA Committee
- B. Judicial Committee Complaint Forms will be made available on the SGA website and the SGA Office.
- C. Completed forms must be placed in a sealed envelope and delivered to the Office of the Executive Vice President in Moseley 213 or emailed to the Executive Vice President.
- D. Incomplete forms will not be accepted and will in no way constitute a levying of charges.
- E. The form should be created by the Chair or on an as-needed basis.

### **ARTICLE II. CHARGES**

The following are charges that can be brought against any member of the Senate or Executive Council. Under each section title the expectations of Senators are listed. These are general statements that fall in accordance with the SGA Constitution and its By-Laws. The charges listed below are up to interpretation but seek to provide a

basic outline of expectations of Senators. Charges must be leveled using a physical copy of the Complaint Form or an electronic copy submitted via email.

- A. Attendance and Excessive Absences
  - a. Senators are expected to attend all SGA meetings including but not limited to:
    - i. Weekly Senate Meetings
    - ii. Class Meetings
    - iii. Annual Senate Retreat
    - iv. Council Meetings
    - v. Committee Meetings
    - vi. Executive Meetings
    - vii. Designated SGA Events
  - b. After accruing more than three (3) absences, the Executive Vice President will have a one-on-one meeting with the Senator.
  - c. After accruing more than five (5) absences, the Senator will attend a General Hearing with the Judicial Committee.
  - d. Proper documentation must be included in order to verify an absence and submitted to the Chair of the Judicial Committee.
- B. Conduct Unbecoming of a Senator
  - a. Senators are expected to act in a way that appropriately represents the Student Government Association and the values of Elon University and its Honor Code at all times.
- C. Elon University Judicial Standing
  - a. Senators are expected to maintain good judicial standing with Elon University and adhere to all University policies.
- D. Failure to Fulfill Duties
  - a. Each Senator is expected to fulfill their duties as outlined in the Constitution and By-Laws and all those responsibilities assigned to them by Council Liaisons, members of the Executive Council, and/or the SGA Advisor.
  - b. Duties assigned by the Council Liaisons, Executive Council, and/or SGA Advisor must be properly documented in the form of an Elon University email or meeting minutes.
- E. Failure to Fulfill Judicial Sanction(s)
  - a. Each Senator that is found responsible of any charge(s) is expected to fulfill their sanctions as outlined in their Judicial Committee Verdict Form.
- F. Hazing

- a. Senators will not at any point annoy any person (or aid or abet) by playing abusive or ridiculous tricks upon him/her, to subject anyone to personal indignity or danger, or to use peer pressure or innuendo to cause involuntary exercises, personal servitude, etc.
- G. Misuse of Powers/Privileges
  - a. Senators are expected to use the powers and privileges associated with their position in an appropriate manner.
  - b. This includes but is not limited to use and allocation of SGA monies, university facilities, powers of appointment, judicial rulings, and all powers and privileges of any position.

### **ARTICLE III. NOTIFICATION OF CHARGES**

- A. A completed Judicial Committee Complaint Form will be submitted to the Chair of the Judicial Committee to notify the committee of a charge against a Senator or organization as outlined in Article I.
- B. The Chair of the Judicial Committee will notify the Accused seven (7) days prior to the next appropriate General Hearing.
  - a. The minimum standard by which to notify the Accused shall be through their Elon e-mail address.

### **ARTICLE IV: SANCTION GUIDELINES**

Each hearing should be held on a case-by-case basis. The following are the sanctioning guidelines. If a Senator is found responsible for any charge(s) it is recommended that the Judicial Committee use these guidelines while choosing a sanction befitting of the infraction(s).

- A. Attendance
  - a. A Senator shall be for a one-on-one meeting with the Executive Vice President after accruing three (3) absences.
  - b. A Senator will not be required to attend a Judicial Hearing until accruing five (5) or more absences.
  - c. A senator will not be required to attend a second Judicial Hearing unless the Executive Vice President deems it necessary.
  - d. A Senator's absences will not be removed until after the end of the legislative year or by appointment to a new position on the Senate.
  - e. During the Closed Discussion Period of a General Hearing regarding absences, the Judicial Committee will deem each of the absences of the Accused as "excused" or "unexcused".

- i. To be considered “excused”, an absence needs to meet the following criteria:
      - 1. Reason for absence is unavoidable
      - 2. Reason for absence is due to an athletic event, academic commitment, religious observance, or family/medical emergency
      - 3. Reason for absence is supported with sufficient documentation
      - 4. Notification of absence prior to date of missed event/meeting
    - ii. Excused absences will remain on record and not be taken into account when discussing sanctions for the Accused
      - 1. If the number of absences of the Accused falls below 3.5 following absences being excused, the Accused will not be sanctioned
  - f. The following guidelines may apply:
    - i. 3 – 4.5 absences: One-on-one meeting with the Executive Vice President.
    - ii. 5 – 6.5 absences:
      - 1. A formal warning and one or more of the following:
        - a. A service hour for each hour of absence
        - b. Assist or participate in an upcoming SGA event
        - c. Aid the Executive Council in any work that they need done
        - d. Removal from Senate titles and responsibilities (Committee Chairman, Council Liaison, Speaker Pro Tempore, Chief of Staff, etc.)
        - e. Recommendation that the Senator resign
    - iii. 7 absences and above:
      - 1. A recommendation from the Judicial Committee that the Senator resign or be removed from the Committee.
- B. Conduct Unbecoming of a Senator
  - a. If a Senator is found responsible of Conduct Unbecoming of a Senator the Accused will be subject to one or more of the following sanctions:
    - i. A formal warning
    - ii. Aid the Executive Council in any work that they need done
    - iii. Loss of speaking and voting privileges in the Senate for a period of time to be determined by the Judicial Committee
    - iv. Removal of Senate titles and responsibilities (Committee Chair, Council Liaison, Speaker Pro Tempore, Chief of Staff, etc.)

- v. A recommendation from the Judicial Committee that the Senator resign or be removed from the Committee.
- C. Elon University Judicial Standing
  - a. If a Senator fails to maintain good judicial standing with Elon University they are ineligible to serve as a member of SGA and will immediately be relieved of their duties, responsibilities, and titles.
- D. Failure to Fulfill Duties
  - a. If a Senator is found responsible of Failure to Fulfill Duties the Accused will be subject to one or more of the following sanctions:
    - i. A formal warning
    - ii. Aid the Executive Council or Council Liaison in any work that they need done
    - iii. Loss of speaking and voting privileges in the Senate for a period of time to be determined by the Judicial Committee
    - iv. Removal from Senate titles and responsibilities (Committee Chair, Council Liaison, Speaker Pro Tempore, Chief of Staff, etc.)
  - v. A recommendation from the Judicial Committee that the Senator resign or be removed from the Committee they are on.
- E. Failure to Fulfill Judicial Sanctions
  - a. If a Senator is found responsible of Failure to Fulfill Sanctions they will no longer be allowed to serve as a member of SGA and will immediately be relieved of their duties, responsibilities, and titles.
- F. Hazing
  - a. Any Senator found responsible for hazing or otherwise harming, intimidating, or humiliating any other Senator will be asked to resign or be removed from the Committee.
- G. Misuse of Powers/Privileges
  - a. If a Senator is found responsible of Misuse of Powers/Privileges the Accused will be subject to one or more of the following sanctions:
    - i. A formal warning
    - ii. Aid the Executive Council in any work that they need done
    - iii. Loss of speaking and voting privileges in the Senate for a period of time to be determined by the Judicial Committee
    - iv. Removal from Senate titles and responsibilities (Committee Chair, Council Liaison, Speaker Pro Tempore, Chief of Staff, etc.)
  - v. A recommendation from the Judicial Committee that the Senator resign or be removed from the Committee.
- H. Special Sanctions

- a. A Senator brought before the Judicial Committee three (3) times in a legislative year shall be recommended to resign from SGA or be removed from the Committee.

## **ARTICLE V. GENERAL HEARINGS**

- A. Rights of the Accused
  - a. Members accused of a judicial infraction are guaranteed the right to a hearing conducted by the SGA Judicial Committee.
  - b. Members accused of a judicial infraction are guaranteed the right to a hearing within one week of receiving charging notification.
  - c. Members accused of a judicial infraction are guaranteed the right to fair and just hearing procedures.
- B. Special Circumstances
  - a. In the case the Accused is a member of the Judicial Committee, other than the Executive Vice President, that member will be temporarily removed from the committee and the Chair of the committee will assign a member of the Senate with no vested interest in the outcome of the hearing to fill the vacant seat. Following the filing of charges in the Judicial Committee Records the Accused will resume their role as a member of the Judicial Committee.
  - b. In the case that the Accused is the Executive President or the Vice President both the Executive Vice President will be temporarily removed from the committee and the Senior Class Vice President will take on the duties of the Chair. The Senior Class Vice President will assign a member of the Senate with no vested interest in the outcome of the hearing to fill the remaining vacant seats. Following the filing of charges in the Judicial Committee Records, the Executive Vice President will resume their role as the Chair of the Judicial Committee.
    - i. If the Speaker Pro-Tempore is also one of the Class vice presidents and thus, part of the committee during a hearing for the Executive Vice President, they will also be removed from the committee at that time and their replacement will also be selected by the Senior Class Vice President. Similarly, they will resume their role as a member of the committee once the charges have been filed in the Judicial Committee Records.
- C. Hearing Agenda
  - a. Call to Order: The Chair of the Judicial Committee will call the meeting to order.
  - b. Quorum: Three (3) of the five (5) member of the Committee must be present for the Hearing to proceed.
  - c. Presentation of Charges: General Hearings shall begin with the presentation of the Notification of Charges and the Complaint Form by the Chair.

- d. Statement of the Accused: The Accused shall give a statement outlining the charges against the Accused and their account of the alleged infraction(s).
- e. Reading of Documentation: Any documentation supporting or opposing the Accused may be presented to the Committee. The Chair will then decide whether or not the Judicial Committee may consider them.
- f. Question and Answer Period: The Judicial Committee shall conduct a question and answer session.
- g. Closing Statements: First the Chair will be given the opportunity to summarize their argument. Following the statements of the Chair, the Accused will have the opportunity to give a closing statement and summary of their argument.
- h. Closed Discussion Period: The Accused, and all other parties who might be in attendance shall leave the room as the Judicial Committee convenes for closed discussion. The Judicial Committee shall make two determinations during this time:
  - i. Whether or not the Accused is responsible for the charges facing them
    - 1. In cases regarding absences, the determination will be whether or not each absence is excused or unexcused.
  - ii. What sanction(s) should be handed down
- i. Reading of Verdict and Sanctions: Following closed deliberations of the Judicial Committee, the Committee Chair will read the verdict and any sanctions levied against the Accused aloud.
- j. Adjournment: The Chair of the Judicial Committee will announce the adjournment of the hearing.

#### D. Hearing Procedures

- a. Relating to: The Overall Hearing
  - i. The Chair of the Judicial Committee shall be responsible for any and all issues relating to voting, quorum, and procedures during the General Hearing.
- b. Relating to: The Roll Call
  - i. The Judicial Committee will consist of five (5) members. In order to reach quorum and for the General Hearing to proceed, three (3) members of the Committee need to be present.
  - ii. If the Accused is absent from the General Hearing the Judicial Committee has the right to move to table the hearing in order to gather more information about why the Senator was absent or the committee may choose to proceed with the hearing and sanctioning of the Accused, despite their absence.
- c. Relating to: The Reading of Documentation
  - i. The Chair will be charged with deciding whether or not each letter is submitted is pertinent to the proceedings and may dismiss any letters that they deem irrelevant.
- d. Relating to: The Question and Answer Period





- A. Rights of the Accused
  - a. Members accused of a judicial infraction are guaranteed the right to a Formal Hearing conducted by the SGA Judicial Committee.
  - b. Members accused of a judicial infraction are guaranteed the right to have a member of the Senate of their choice serve as a Defending Advocate.
  - c. Members accused of a judicial infraction are guaranteed the right to a hearing within one month after the Judicial Committee votes unanimously to hold a Formal Hearing in lieu of levying a sanction (see Article V Section G).
  - d. Members accused of a judicial infraction are guaranteed the right to fair and just hearing procedures.
- B. Special Circumstances
  - a. In the case the Accused is a member of the Judicial Committee, other than the Executive Vice President, that member will be temporarily removed from the committee and the Chair of the committee will assign a member of the Senate with no vested interest in the outcome of the hearing to fill the vacant seat. Following the filing of charges in the Judicial Committee Records the Accused will resume their role as a member of the Judicial Committee.
  - b. In the case that the Accused is the Executive President or Vice President the Executive Vice President will be temporarily removed from the Committee and the Senior Class Vice President will take on the duties of the Chair. The Senior Class Vice President will assign a member of the Senate with no vested interest in the outcome of the hearing to fill the remaining vacant seats. Following the filing of charges in the Judicial Committee Records the Executive Vice President will resume their role as the Chair of the Judicial Committee.
    - i. If the Speaker Pro-Tempore is also one of the Class vice presidents and thus, part of the committee during a hearing for the Executive Vice President, they will also be removed from the committee at that time and their replacement will also be selected by the Senior Class Vice President. Similarly, they will resume their role as a member of the committee once the charges have been filed in the Judicial Committee Records.
- C. Charging and Defending Advocates
  - a. For the Formal Hearing, a Senator with no vested interest can volunteer to serve as the Charging Advocate and the Accused will select a member of the Senate as the Defending Advocate.
    - i. The Charging Advocate shall present the charges at the Formal Hearing.
    - ii. The Defending Advocate shall present on behalf of the Accused, and if so desired, evidence regarding the charges.
  - b. Members of the Judicial Committee or Executive Officers may not serve as either the Charging Advocate or Defending Advocate.
- D. Hearing Agenda

- a. Call to Order: The Chair of the Judicial Committee will call the meeting to order.
- b. Roll Call: The Chair of the Judicial Committee will call the roll.
- c. Presentation of Charges: Formal Hearings shall begin with the presentation of the Notification of Charges and the Complaint Form by the Charging Advocate.
- d. Statement of the Accused: The Accused and/or the Defending Advocate shall give a statement outlining the charges against the Accused and their account of the alleged infraction(s).
- e. Reading of Documentation: Both parties may present documentation supporting or opposing the Accused to the Chair of the Judicial Committee, who will then decide whether or not the Formal Hearing Body may consider them.
- f. Question and Answer Period: The Formal Hearing Body shall conduct a question and answer session.
- g. Closing Statements: First the Charging Advocate will be given the opportunity to summarize their argument. Following the statements of the Charging Advocate, the Defending Advocate and the Accused will have the opportunity to give a closing statement and summary of their argument.
- h. Closed Discussion Period: The Accused, the Defending Advocate, the Charging Advocate, and all other parties who might be in attendance shall leave the room as the Formal Hearing Body convenes for closed discussion. The Formal Hearing Body shall make two determinations during this time:
  - i. Whether or not the Accused is responsible for the charges facing them
  - ii. What sanction should be handed down
- i. Reading of Verdict and Sanctions: Following closed deliberations of the Formal Hearing Body, the Committee Chair will read the verdict and any sanctions levied against the Accused aloud.
- j. Roll Call: The Chair of the Judicial Committee will call the roll.
- k. Adjournment: The Chair of the Judicial Committee will announce the adjournment of the hearing.

#### E. Hearing Procedures

- a. Relating to: The Overall Hearing
  - i. The Formal Hearing Body is comprised of the entire Senate Body and the Judicial Committee, with the Executive Officers and SGA Advisor as Ex-Officio Members, and shall be chaired by the Chair of the Judicial Committee.
  - ii. The Formal Hearing shall be held in closed session, and will not be opened to any other members of the community without unanimous consent of the Formal Hearing Body and the Accused.
  - iii. The Chair of the Judicial Committee shall be responsible for any and all issues relating to voting, quorum, and procedures.

- b. Relating to: The Roll Call
  - i. A quorum of the Senate Body membership shall be present in order for the Formal Hearing to proceed. If a quorum of the Senate Body is not present, the Formal Hearing must be rescheduled for a date within a month of the original Formal Hearing Date
  - ii. If the Accused is absent from the Formal Hearing the Body has the right to move to table the hearing in order to gather more information about why the Senator was absent or the Body may choose to proceed with the hearing and sanctioning of the Accused, despite their absence.
- c. Relating to: The Reading of Documentation
  - i. The Chair will be charged with deciding whether or not each letter is submitted is pertinent to the proceedings and may dismiss any letters that he or she deems irrelevant.
- d. Relating to: The Question and Answer Period
  - i. Any member of the Formal Hearing Body may ask questions of the Accused during the Question and Answer Period after being recognized by the Judicial Committee Chair.
- e. Relating to: The Closed Discussion Period
  - i. The Accused, the Defending Advocate, and the Charging Advocate, shall leave the room as the Full Body convenes for closed discussion.
  - ii. The Formal Hearing Body will enter into discussion regarding the level of responsibility of the Accused. A two-thirds majority vote of Senators shall be required to find the Accused responsible of the charges presented. If the vote to decide the level of responsibility fails, the charges against the Accused will immediately be dismissed.
  - iii. If the Accused is found responsible the Formal Hearing Body will enter into discussion as to what sanction should be handed down as punishment. A simple majority vote of the Full Body shall be required to implement any disciplinary action against the Accused, including, but not limited to, dismissal from their position with the Student Government Association.
- F. Levying Sanctions
  - a. The sanction levied by the Formal Hearing Body shall be considered binding and official.
  - b. The Judicial Committee shall submit to the SGA a formal written statement detailing the Formal Hearing proceedings via email to the SGA Executive Secretary within one week of the conclusion of the Formal Hearing.
  - c. The Chair of the Judicial Committee shall be responsible for informing the Senate Body of the place and time of the Formal Hearing no less than three academic days prior to the hearing.

## **ARTICLE VII. ORGANIZATIONAL REVIEW**

- A. All confirmed organizations may be reviewed by the Senate in the following manner:
  - a. A Senator may recommend the review of any campus organization to the Judicial Committee for failure to adhere to self-governing by-laws.
  - b. The Judicial Committee must contact the organization and conduct a hearing to investigate whether or not the organization is functioning properly.
  - c. The Judicial Committee will then report its findings to the Senate at which time the organization will be given the opportunity to speak in its behalf.
  - d. The Judicial Committee may recommend a review of the organization by the Elon University Student Life Committee.

## **ARTICLE VIII. JUDICIAL COMMITTEE RECORDS**

- A. The Senate Judicial Records shall consist of all:
  - a. Complaint Forms
  - b. Statements on Formal Hearing Proceedings
  - c. Letters of Resignation
  - d. Character Statements and Documentation submitted to the committee
  - e. Notifications of Charges
  - f. Judicial Committee Meeting Minutes
- B. All records will be made available to any Elon University:
  - a. Faculty
  - b. Staff member
  - c. Student in good standing
- C. The Chair of the Judicial Committee is charged with the maintenance of the Judicial Committee Records.