CONSTITUTION AND BYLAWS OF THE RICE UNIVERSITY COURT

CONSTITUTION

Article I. Purpose

Section 1: The University Court will be a representative body of students selected annually by the student body of Rice University.

Section 2: The mission and purpose of the University Court will be to:

a. Administer justice according to the Rice University Code of Student Conduct;

b. Provide channels of communication and cooperation among students, the University, and the Rice community on matters related to the student judicial system;

c. Educate students regarding the standards of conduct placed upon members of the Rice community by the Code of Student Conduct and the Rice Alcohol Policy;

d. Advance and protect the best interests of the student body and the Rice community with regard to the student judicial system; and

e. Serve as the judicial authority of the Rice University Student Association as provided for by the Constitution of the Student Association.

Section 3: With regard to the Court’s role in administering justice under the Code of Student Conduct, this constitution derives all of its authority from the Code of Student Conduct and will be considered subordinate to the Code.

Section 4: With regard to the Court’s role as the judicial authority of the Rice University Student Association and status as a subsidiary organization of the Student Association, this constitution derives all of its authority from the Constitution of the Student Association and will be considered subordinate to that constitution.

Article II. Composition

Section 1: The University Court will be composed of seventeen members:

a. Four officers: the Chair, Vice-Chair, Secretary, and Treasurer. These officers will be elected from the existing membership of the University Court prior to the Court’s turnover.
b. Eleven representatives from the undergraduate student body, one from each college. The responsibility for and method of selection of each college representative lies with the residential college, provided the method is reasonable. The Court can direct a college to amend its method of selection by a majority vote if it finds the method unreasonable.

c. Two new student representatives. These representatives will be selected through an application and interview process at the beginning of each academic year. The process will be conducted by the Vice-Chair in consultation with the Chair. The Vice-Chair will recommend candidates to the Chair, who will make the final selection. After completion of new member training and observing two hearings (preliminary or formal), new student representatives will become eligible to vote.

Section 2: A University Court member may not simultaneously serve as a member of the Honor Council.

Section 3: A University Court member may not simultaneously serve as a Chief Justice of a College Court or otherwise hold a leadership position in a College Court.

Article III. Vacancies

Section 1: Should a vacancy occur for any reason among the college representatives, the officers of the Court will appoint candidate(s) from the relevant college, and the Chair will select a representative from among those candidates, subject to the approval of the Office of Student Judicial Programs.

Section 2: Should a vacancy occur for any reason among the new student representatives, the officers of the University Court will select a new representative from that class to fill the position by the same means used to select the original representative.

Section 3: In the case of a temporary vacancy, the Chair, with approval from the Office of Student Judicial Programs, will have the power to appoint a student from the relevant college or class to fill the position by means of an application and interview process.

Article IV. Suspension or Removal of Members

Section 1: At the discretion of the Court or upon the recommendation of the Office of Student Judicial Programs, any member may be suspended or removed. A two-thirds majority vote of the other members of the Court or a direct request by the Office of Student Judicial Programs and the Chair’s subsequent approval of that request will be required to take such action. To fill a vacancy created by such a suspension or removal, the Court will use the means described in Article III.

Section 2: Automatic and immediate removal of a member will occur if that member misses three meetings in a semester without the prior notification, and the subsequent acceptance of that notification, by the Chair.
Section 3: If an officer is found to be negligent in his or her duties, the officer may be compelled to step down by a two-thirds majority vote of the other members of the Court. The individual will then become an at-large member of the Court for the remainder of the current term. The Court will use the means described in Article V to fill a vacancy created by such a removal from office.

Article V. Officers

Section 1: The University Court will elect from its members the following officers: Chair, Vice-Chair, Secretary, and Treasurer.

Section 2: The Chair will be selected in the Student Association General Election. If the position is not filled in the Student Association General Election, the Chair will be selected in the Student Association Second-Round Election. If the position remains vacant after the Second-Round Election, the Chair will be selected by a majority vote of the University Court and the subsequent approval of the Office of Student Judicial Programs.

Section 3: All candidates for Chair must first submit their nominating petitions to the existing Court for approval. Petitions may be approved by an anonymous simple majority vote of existing members prior to the University Court turnover. All petitions approved by the existing Court may then be submitted to the Student Association for inclusion on the ballot.

Section 4: Only members of the existing Court, prior to turnover, may be approved as candidates for Chair.

Section 5: The Vice-Chair, Secretary, and Treasurer will be elected from the existing membership of the Court by an anonymous simple majority vote of existing members prior to the University Court turnover.

Section 6: Any member of the existing Court may nominate any member of the existing Court for office, provided that member will not be graduating before the end of the term for which he or she is nominated. Existing members may nominate themselves for office.

Section 7: Only existing members will be allowed to vote in officer elections. In the event of a tie, the outgoing Chair will select the winner.

Section 8: A vacancy created in an office will result in a new election for that office unless the vacancy is for the position of Chair.

a. If the vacancy is for the position of Chair, the Court will elect an interim Chair by an anonymous simple majority vote of existing members. The interim Chair will serve the remainder of the current term.

b. If a vacancy is filled by another officer, that officer must relinquish his or her former position, which will then be filled according to this section.

Section 9: Officers of the University Court may not simultaneously hold positions on a College Court.
Article VI. Definition of a Violation

Section 1: Any student failing to comply with the standards of conduct, as defined in the Rice University Code of Student Conduct, will be considered in violation of the Code.

Article VII. Complaints and Charges

Section 1: When the University becomes aware of a complaint, the Office of Student Judicial Programs will write a charge on behalf of the University. The Court will become aware of a complaint through the Office of Student Judicial Programs, and any member of the University community may inform the Office of Student Judicial Programs of a complaint.

Section 2: In matters before the Court, the Chair, with the approval of the Office of Student Judicial Programs, may modify the charge prior to the commencement of further proceedings.

Section 3: All students charged in matters before the Court shall be presented with a written charge letter detailing the charges against them prior to the Court’s acceptance of any plea and any associated proceedings.

Article VIII. Hearings

Section 1: Hearings will be conducted in such a manner that the facts of the matter may be ascertained and a fair decision reached, but will at no time violate the rights of the student charged nor the integrity of the University Court and the student body.

Section 2: Hearings before the University Court are not based on a courtroom adversarial approach. The University Court recognizes its unique position in which it is called upon to investigate each matter and at the same time make a decision regarding whether the student charged is or is not in violation of the Code. As stated in the Code, decisions are made based on whether the evidence presented shows the student charged is more likely than not to have committed the violation.

Section 3: At a preliminary review, the Court will evaluate and examine the evidence presented, including, but not limited to, written information from the policy and other pertinent written statements. The Court will enter a decision of “in violation” or “not in violation” and, if the student charged is found “in violation,” determine the appropriate sanction(s). The accused may not be present during the preliminary review. The requirement for a preliminary review may be waived as outlined in the Investigation, Hearing, and Appeal Procedure.

Section 4: A formal hearing will be arranged before the University Court when either:

a. the student charged contests the Court’s finding of “in violation” at the preliminary review, or

b. the student charged enters a plea of “not in violation” or “in violation but contesting sanctions” and the preliminary review has been waived.
Section 5: Names of all persons involved and all other pertinent information in each matter brought before the Court under the Code of Student Conduct will be kept confidential.

Section 6: In matters arising under the Constitution of the Student Association, the Court will adhere to the applicable open meeting and/or public notice requirements, except to the extent that such matters are also matters under the Code of Student Conduct.

Section 7: Procedures for preliminary reviews, formal hearings, and appeals and the rights of the student charged will be outlined in the Investigation, Hearing, and Appeal Procedure.

Article IX. Pleas

Section 1: The student charged may enter the following pleas before the University Court:

a. In Violation: A student charged who enters a plea of “in violation” fully admits to violating the Code as charged and fully accepts the associated sanction(s).

b. In Violation But Contesting Sanctions: A student charged who enters a plea of “in violation but contesting sanctions” fully admits to violating the Code as charged but contests the associated sanction(s).

c. Not in Violation: A student charged who enters a plea of “not in violation” denies the occurrence of the violation of the Code with which the student has been charged.

Article X. Failure of the Student Charged to Attend

Section 1: If the student charged, after confirming the time, date, and location of a formal hearing, fails to attend, the matter may be referred to the Office of Student Judicial Programs at the discretion of the Chair.

Article XI. Matters Involving Multiple Students Charged

Section 1: When a matter involves multiple students charged, the Court will allow any one of the students charged to request his or her hearing be separate from the other student(s) charged. The Court will grant any such request made prior to the start of the formal hearing.

Section 2: When separate hearings are held under Section XI.1, any of the students charged may be called as witnesses at any of the hearings.

Article XII. Records

Section 1: The University Court will be responsible for maintaining minutes of Court meetings when deemed appropriate or necessary by the Chair. The Court will also maintain a record of all judicial proceedings. The Court will also be responsible for maintaining all written Court documents as outlined in the Investigation, Hearing, and Appeal Procedure. All University Court records will be maintained in strict confidentiality.
Article XIII. Appeals

Section 1: Any student charged found “in violation” of the Code after a formal hearing may appeal the Court’s decision in writing to the Office of Student Judicial Programs in accordance with the relevant provisions of the Code of Student Conduct and the Court’s Investigation, Hearing, and Appeal Procedure. All appeals from a decision by the University Court will initially be addressed to the Office of Student Judicial Programs.

Article XIV. The Ombudsperson

Section 1: There will be an ombudsperson present at all University Court hearings. The duties of the ombudsperson are outlined in the Investigation, Hearing, and Appeal Procedure.

Article XV. Removal of a Matter from the Authority of the Court

Section 1: The University Court will defer authority over a matter to the Office of Student Judicial Programs (SJP) for the following reasons:

a. The student charged requests that the matter be removed to SJP prior to the start of the preliminary review (or, in the case of its waiver, the formal hearing), and SJP grants that request.

b. The complainant requests that the matter be removed to SJP, and SJP grants that request.

c. SJP does not believe it expedient for the Court to have authority over a matter, as in matters concerning the immediate safety of a student.

d. A simple majority of the University Court does not wish to have authority over a matter.

e. The matter is referred to SJP under Article X (Failure of the Student Charged to Attend).

f. A matter is not resolved within 120 days of the date on which the student charged is given written notification of the charge by the Court.

Article XVI. Charges During the Rice Summer Session

Section 1: In the event that a student who is enrolled in the Rice University Summer Session is charged with a violation, the matter will be treated by the same procedure that is specified for all matters that occur during the academic year. However, the University Court will refrain from initiating Court procedures until the beginning of the University’s fall semester.
Article XVII. Matters Arising Under the Constitution of the Student Association

Section 1: The Court will adjudicate matters arising under the Constitution of the Student Association using the definitions, standards, and procedures provided in that constitution.

Section 2: Where the Constitution of the Student Association provides no answer to a procedural question, the Chair will resolve the question at his or her discretion. When appropriate, the Chair may consult comparable procedures for matters under the Code of Student Conduct and/or may consult the officers or members of the Court as a whole for advice. The Chair will inform the Student Senate and the Student Association Executive Committee of the decision in writing.

Section 3: Where the Constitution of the Student Association provides no answer to a substantive question (e.g., one of definitions or standards), the Court will resolve the question as part of its deliberations on the matter.

Article XVIII. Amendments and Revisions

Section 1: This Constitution may be amended or revised only by a two-thirds vote of the University Court and subsequent approval of the Office of Student Judicial Programs and a two-thirds vote of the Student Association with a quorum of at least twenty percent of eligible voters.

Section 2: The Bylaws and the Investigation, Hearing, and Appeal Procedure may be amended or revised at any time by a two-thirds vote of the University Court and subsequent approval of the Office of Student Judicial Programs and either a majority vote of the Student Senate or a two-thirds vote of the Student Association with a quorum of at least twenty percent of eligible voters.

Section 3: No provision of this Constitution or the Constitution of the Student Association shall be construed to permit a lower threshold for amendment. The Student Senate has no power to amend this Constitution but may, in accordance with the Constitution of the Student Association, place a referendum on amending this Constitution before the student body.

This Constitution was adopted in August 2011 in replacement of the previous Constitution.

Revised,
February 2012
February 2013
February 2015
BYLAWS OF THE UNIVERSITY COURT

Article I. Membership

Section 1: A student will be considered a member of the University Court if he or she is selected in accordance with the University Court Constitution for one of the constitutionally defined positions and is determined by the Office of Student Judicial Programs to be in good academic and judicial standing.

Section 2: The term of the Court will be the time between the previous turnover of the Court and the Court’s next scheduled turnover and will have a length of approximately one year.

Section 3: If a college has not selected its college representative by the beginning of the last week before the Court’s scheduled turnover or the last week of spring semester classes, whichever is earlier, the incoming Chair may, at his or her discretion, treat the position as vacant and fill it in accordance with Article III of the University Court Constitution.

Section 4: Any member found “in violation” of the Code by any judicial body during his or her term may be suspended from the Court by a two-thirds majority vote, pending an appeal of the decision. If the appeal does not result in finding the member “not in violation,” the member will automatically be removed from the Court.

Section 5: Members may not study abroad during the fall semester of their term. Students planning to study abroad during the fall semester of a term may not seek election or appointment to any position on the Court for that term. A member who is abroad during the fall semester will automatically be removed from the Court.

Section 6: Members may study abroad during the spring semester of their term. Temporary vacancies created by members studying abroad will be filled as outlined in Article III (Vacancies) of the University Court Constitution. Members in good standing during the fall semester who are abroad during the spring semester may, with the approval of the Chair, be considered existing members for the purposes of officer candidacy.

Section 7: The Chair may not study abroad during any semester of his or her term, including the semester in which he or she is elected. Members planning to study abroad during any semester of a term or who are studying abroad at the time of elections are not eligible to seek election for the position of Chair for that term.

Section 8: The Vice-Chair may not study abroad during any semester of his or her term, excluding the semester in which he or she is elected. Members planning to study abroad during any semester of a term excluding that in which they are elected are not eligible to seek election for the position of Vice-Chair for that term. Members of the Court who are studying abroad during the spring semester of their term and who meet all other requirements for eligibility are eligible to run for the position of Vice-Chair for the next term.
Section 9: The Secretary may not study abroad during any semester of his or her term, including the semester in which he or she is elected. Members planning to study abroad during any semester of a term or who are studying abroad at the time of elections are not eligible to seek election for the position of Secretary for that term.

Section 10: The Treasurer may not study abroad during the spring semester in which he or she is elected or during the fall semester of his or her term. Members planning to study abroad during any semester of a term excluding the final spring semester of the term or who are studying abroad at the time of elections are not eligible to seek election for the position of Treasurer for that term.

Section 11: The Court, by a vote at least two-thirds of the total membership and with the approval of both outgoing and incoming Chair, may grant exceptions to study abroad restrictions for members, including officers, who make arrangements prior to their election or appointment to split their term with another person in the same position such that each person serves one semester of the term. An officer who is part of such an agreement but who is not abroad during the semester in which he or she is not in office will serve as an at-large member for that semester. Exceptions are not available for Section 7’s restrictions on the Chair other than to allow an officer already studying abroad pursuant to this section to seek election as Chair. Such an exception must be separately granted at the time the officer seeks election as Chair and is available only if the officer will have returned from abroad prior to taking office as Chair.

Section 12: Members are required to complete the Court’s annual training workshop in order to be eligible to serve as voting members in judicial proceedings. Members who do not complete the workshop for any reason will instead be required to observe two hearings (preliminary or formal), after which they will become eligible to vote.

Article II. Duties of Officers

Section 1: Chair: The Chair will serve as the chief executive of the University Court and will:

a. Preside at all meetings and judicial proceedings except when the Chair is recused, absent, or otherwise unable to preside;

b. Ensure that the functions of the University Court are performed properly and justly;

c. Establish priorities for the current term of the University Court in furtherance of its mission and purpose;

d. Be the general representative and official spokesperson of the University Court;

e. Act as a procedural advisor to the student charged in the case that an ombudsperson is unable to perform his or her duty;

f. Be responsible for timely and regular communications with the Office of Student Judicial Programs; and

g. Delegate tasks to officers and members of the Court as appropriate.
Section 2: Vice-Chair: The Vice-Chair will serve as the Court’s primary investigator and the chief advisor to the Chair. Accordingly, the Vice-Chair will:

a. Conduct investigations and present the subsequent results to the Court at all formal hearings, unless otherwise specified by the Chair. In such a capacity, the Vice-Chair will act as a nonvoting member at all preliminary reviews and formal hearings;

b. Assume the duties of the Chair in his/her absence; and

c. Assist and/or advise the Chair in other areas as deemed necessary and/or appropriate by the Chair.

Section 3: Secretary: The Secretary will be responsible for the Court’s record-keeping. Accordingly, the Secretary will:

a. Prepare and maintain records of all formal proceedings;

b. Handle, or assist the Chair in handling, the correspondence of the University Court;

c. Check attendance at and keep minutes of Court meetings;

d. Manage and maintain the Court’s office space; and

e. Submit abstracts of all cases to the Woodson Research Center at the end of each academic year in accordance with the Investigation, Hearing, and Appeal Procedures and any other applicable requirements.

Section 4: Treasurer: The Treasurer will be responsible for the Court’s finances and educational outreach programs. Accordingly, the Treasurer will:

a. Oversee all financial dealings of the University Court, including any correspondence and business with the Court’s financial institution, and any equipment or other procurements deemed necessary;

b. In consultation with the other officers, prepare a budget for the term and submit it to the Chair and the Office of Student Judicial Programs for approval;

c. Coordinate outreach efforts and events in order to educate the student body on the Rice University Code of Student Conduct, the Rice University Alcohol Policy, and the student judicial process; and

d. Have the authority, in accordance with the budget and with the approval of the Chair, to spend or authorize the spending of the Court’s funds.
Article III. Meetings

Section 1: All meetings will be open unless the Chair or three University Court members request a closed meeting or the subject of the meeting is a judicial matter under the Code of Student Conduct, in which case the meeting will be closed.

Section 2: An open meeting will be open to any interested party.

Section 3: Meetings may be called by the Chair, three members of the Court, or the Student Senate.

Section 4: There will be public notice of all open meetings at least 24 hours in advance using a reasonable method as determined by the Chair. In extraordinary circumstances warranting an emergency meeting, this requirement may be reduced to 12 hours at the discretion of the Chair.

Article IV. Orientation

Section 1: During Orientation Week, the University Court will orient incoming undergraduate students to the Code of Student Conduct and the campus judicial system.

Section 2: The University Court will orient new transfer students at the beginning of each semester.

Section 3: Periodically, or whenever deemed appropriate by the Chair, the University Court will write articles for submission to the Thresher regarding the judicial system, policy changes, and/or other matters relevant to the Court’s mission and purpose.

Article V. Budget

Section 1: The University Court will adopt a budget consistent with its needs and with the funds available.

Section 2: The budget and any amendments will be valid only with the approval of the Chair and the Office of Student Judicial Programs.

Article VI. Elections

Section 1: Campaigning by candidates for any University Court office will be limited to:

a. Writing a campaign statement for the Thresher and/or any medium open to all candidates;

b. Speaking on KTRU programs open to all candidates;

c. Utilizing web campaigns open to all candidates;
d. Entering into discussions with other students regarding qualifications for and opinions on campus justice.

Section 2: A person found in violation of the Code by any judicial body within the current term of the University Court may not be a member of the University Court for the current term, but may seek office for the upcoming term, unless otherwise noted by the judicial body at the time of its decision.

a. Students who have not completed their sanctions from a prior violation, who are on Disciplinary Probation, or who are otherwise not deemed by the Office of Student Judicial Programs to be in good judicial standing are ineligible to hold or seek any position on the University Court.

b. Students who have previously been found in violation of §II.B.1.x (Abuse of the University Judicial System) of the Code are ineligible to hold or seek any position on the University Court, regardless of when the violation occurred, except where the finding has been expunged or otherwise removed from the student’s record in accordance with the Code.

Article VII. Cooperation of the University Court and Other Judicial and Administrative Bodies

Section 1: The University Court will cooperate with all other judicial and administrative bodies of Rice University.

Section 2: When necessary, the Office of Student Judicial Programs will be required by the University Court to assist in securing cooperation from other judicial and administrative bodies with the University Court.

Article VIII. Expectations of Members in University Court Proceedings

Section 1: All members are expected to make decisions in a fair and unbiased manner. Members will recuse themselves if they feel unable to make a fair and unbiased decision in a matter.

Section 2: Reasons for recusal include, but are not limited to, the following:

a. Having a close personal relationship with the student charged;

b. Having detailed prior knowledge of the matter in question not available to other members of the Court.

Section 3: Members are expected to use their discretion to determine whether they should recuse themselves. However, members are encouraged to consult with the Chair for aid in making this decision. The Chair may compel a member to recuse him- or herself.
Section 4: All members will maintain complete confidentiality at all times about all matters heard or otherwise discussed before the Court, whether formally or informally, and about any meetings or discussions not explicitly open to the public.

Article IX. General Policies

Section 1: Nondiscrimination Policy: The Court will not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, ancestry, age, disability, or veteran status.

Section 2: Anti-Hazing Policy: The Court will not engage in any form of hazing, as defined by the Code of Student Conduct and any other applicable Rice University rules or regulations.

Section 3: Faculty or Staff Sponsor: In order to meet requirements of the Student Association and the Office of Student Activities, the Court must have a Faculty or Staff Sponsor, who will be the Director of Student Judicial Programs or his or her designee. The Court will notify the Office of Student Activities of any change in its Sponsor within 15 class days.

These Bylaws were last revised in February 2015.
INVESTIGATION, HEARING, AND APPEAL PROCEDURE

Article I. Purpose

Section 1: This procedure is intended to provide a clear structure for University Court proceedings and to aid the Court in conducting hearings in such a manner that the facts of the matter may be ascertained and a fair decision reached without at any time violating the rights of the parties involved or the integrity of the Court.

Section 2: This procedure applies to all matters arising under the Code of Student Conduct. It is not intended to apply to any other matters, but may provide guidance to the Chair in resolving procedural questions.

Section 3: In consideration of the circumstances of any particular case, the Chair may make reasonable adjustments to this procedure as applied, provided the adjustments are made in accordance with the spirit and principles of the Code of Student Conduct and the University Court Constitution. The Chair will document any adjustments in an appropriate manner.

Section 4: This procedure is not intended to create any rights or grounds for appeal except where otherwise specified.

Section 5: In cases where the Chair is recused or otherwise unable to preside, the presiding member will be considered the Chair for the purposes of this procedure.

Article II. Referral

Section 1: Any judicial body or official referring a matter to the University Court in accordance with the Code of Student Conduct will provide a written notification to the Court including:

a. Sufficient information to identify the student charged;

b. A summary of the material facts as understood by the judicial body/official;

(c. A summary of any proceedings that have already occurred in relation to the matter; and

(d. Any relevant documents or evidence available to the judicial body/official.

Article III. Determination of Charges and Sanctions

Section 1: When referring a case to the University Court, the Office of Student Judicial Programs (SJP) may recommend charges and associated sanctions or otherwise provide guidance to the Court in adjudicating the matter.

Section 2: The Chair, in consultation with SJP, will determine the appropriate charges and, when possible, the associated sanctions for inclusion in the written notification to the student charged and for consideration by the Court.
Section 3: In the preliminary review (or, in the case of its waiver, the formal hearing), the Court will consider all charges included in the written notification. In the formal hearing of a case in which the Court has held a preliminary review, the Court will consider all charges for which the student was found “in violation” at the preliminary review. The Court may consider other appropriate charges at any time. If the Court finds a student “in violation” of any charge, it will consider any associated sanctions specified in the written notification or its preliminary review decision (whichever is applicable), but may consider other appropriate sanctions.

Section 4: The Chair and/or SJP may specify a base sanction for any violation or combination of violations, which may be aggravated or mitigated based on the circumstances of a particular case, in order to aid the Court in adjudicating matters consistently and fairly. Base sanctions are intended to be a deliberative guide or starting point, not to limit the Court’s thoughtful and considered application of the Code of Student Conduct to the matter at hand.

Article IV. Initial Meeting

Section 1: Upon receipt of a referral of a judicial matter, the Chair will appoint an ombudsperson for the student charged and assign an Investigator, who will normally be the Vice-Chair, although the Chair may appoint any member at his or her discretion.

Section 2: The Chair will schedule an initial meeting for a date within five business days of the date of referral except where the Chair, in exceptional cases, determines additional time is needed prior to the initial meeting.

Section 3: In cases involving multiple students charged, the Chair will schedule a separate initial meeting for each student charged.

Section 4: The Chair will notify the student charged of the pending matter and of the date, time, and place of the initial meeting. This notification will take place as soon as reasonably possible after the referral and no later than 24 hours prior to the initial meeting, except where the Chair determines a shorter period is reasonable and appropriate.

Section 5: The requirement for an initial meeting may not be waived.

Section 6: The Investigator, ombudsperson, and student charged must be present for the initial meeting. The Chair may be present at his or her discretion. The meeting will be closed.

Section 7: The purpose of the initial meeting is to:

   a. Obtain information from the student charged regarding the matter in question, and

   b. Provide the student charged with information regarding the judicial process, including his/her rights and options.

Section 8: At the initial meeting, the Investigator will present the student charged with the Chair’s written notification of the charges and, when possible, the associated sanctions. This notification will specify the procedural options available to the student.
a. Based on the information presented by the student charged, the Investigator may, at his or her discretion, withhold the Chair’s written notification pending reconsideration and a subsequent meeting satisfying the requirement for an initial meeting.

Section 9: The student charged will have three business days to respond to the Chair’s written notification. If appropriate and reasonable, the Investigator may extend this deadline at the request of the student charged, provided the request is made during the initial meeting and the extension is documented in writing.

Section 10: The Investigator may make notes or audio recordings of the initial meeting in furtherance of the purpose of the meeting as described in Section 6(a) of this article. Any such notes or audio recordings will be destroyed upon the final resolution of the judicial matter. Except for the Chair’s written notification, the Court will not maintain a formal record of the initial meeting.

Article V. Preliminary Review

Section 1: The preliminary review is to be held at the next meeting of the Court or no later than five business days following the date on which the student charged enters a plea in accordance with the Court’s procedures and the instructions in the Chair’s written notification. However, this rule may be waived by the Chair, if necessary, in exceptional cases.

Section 2: The requirement for a preliminary review may be waived by the Chair, if necessary, in exceptional cases. In addition, the student charged may elect to proceed directly to a formal investigation and hearing if the student charged has specific evidence and/or any witnesses for the Court to consider. The student charged may not request a formal investigation prior to the preliminary review without providing at least one relevant witness or piece of evidence.

Section 3: A quorum of the Chair and six voting members is necessary to conduct a preliminary review. Additionally, the Investigator, ombudsperson, and Secretary (or acting Secretary) must be present.

Section 4: There will be an odd number of voting members present at the preliminary review at all times. At least one additional nonvoting member must be present; this member will become a voting member only if a member recuses him- or herself during the preliminary review.

Section 5: The preliminary review will be closed.

Section 6: At the preliminary review, a formal reading of the charge and a presentation of relevant evidence will be given to the members of the Court. Where possible, the Chair will inform the Court of the sanctions associated with the violation with which the student has been charged; any predetermined associated sanctions are intended to aid the Court in its deliberations and will be nonbinding.

Section 7: After the evidence and charges have been heard, the Court will deliberate. The deliberation process is to be closed. The Secretary will keep informal minutes, which will be maintained as part of the internal record of the case, but which will not stand alone as a formal
record of the proceedings. No formal record is to be made. All Court justices present, both voting and nonvoting, will participate in the deliberation process. The student charged will not be allowed to be present during the Court’s deliberation. At this time, the Court will evaluate all available evidence and decide whether the student charged is in violation of the Code. In matters where the Court finds the student charged in violation of the Code, the deliberation process will also include the determination or reconsideration of an appropriate sanction.

Section 8: A majority of voting Court members present will determine whether the student charged is in violation of the Code as well as the sanction, when appropriate. However, the Court will strive to reach unanimity in its decision and may find it desirable to cast more than one ballot before reaching a final decision. In cases where at least one voting member dissents as to either the verdict or the sanction, the dissenting opinion(s) will be noted in the abstract of the preliminary review.

Section 9: Voting members may, at their discretion, abstain from preliminary votes and straw polls. Voting members may not abstain from the final decision. A decision will not be considered final unless all voting members cast a vote.

Section 10: Alternatively, and only in exceptional cases, the Court may opt by a majority vote to proceed directly to a formal investigation and hearing without entering a decision as to the charge(s) and sanction(s).

Section 11: The Court will immediately submit its decision and an abstract of the preliminary review to the student charged. The student charged will have three business days, not including the date of notification, to contest the decision by requesting a formal investigation and hearing. If the student charged accepts the Court’s decision, the Court will immediately submit its decision and the corresponding abstract to SJP. Upon approval and possible modification by SJP, the sanction will be carried into effect by the University.

Article VI. Investigations

Section 1: A formal investigation into a matter by the University Court will occur only after either:

a. a preliminary review has been conducted and the student charged has contested the outcome, or

b. the student charged has entered a plea of “not in violation” or “in violation but contesting sanctions” and the preliminary review has been waived.

Section 2: Following the preliminary review or its waiver, the Investigator previously designated by the Chair will conduct a formal investigation in order to ascertain all relevant information to be presented at the formal hearing.

Section 3: The Investigator will obtain all documentation known to contain information regarding the matter.
Section 4: The Investigator will interview any individuals who have knowledge considered relevant to the matter. At the Investigator’s discretion, the Investigator will (a) present a written summary of this interview to the Court, (b) request an electronically or physically signed written statement to be read at the formal hearing, and/or (c) request that such individuals make themselves available to act as witnesses at a formal hearing for the student charged.

Section 5: The Investigator will request a list of any witnesses the student charged wishes to present. The Investigator will request a signed written statement from each of these witnesses. At the discretion of the Investigator or the request of the student charged, the Investigator will request that some or all of the witnesses make themselves available to testify in person at a formal hearing for the student charged.

Section 6: Upon receipt of the University Court decision from the preliminary review or notification that the Chair has waived the preliminary review, the student will have three business days, not including the date of notification, to provide a list of witnesses he or she wishes to present. This list must indicate for each witness whether the student requests that the witnesses testify in person in addition to providing a signed written statement.

Section 7: All persons divulging information about a matter will be informed that the student charged will learn of their identity and their statements concerning the matter if they choose to act as a witness.

Section 8: All persons divulging information about a matter may choose to keep their identity confidential. However, by doing so, the individual acknowledges that any information obtained by him or her and unsubstantiated by other individuals choosing to act as witnesses will not be considered before the Court.

Section 9: Any information obtained from individuals choosing not to act as witnesses either in person or through formal statements will not be presented before the Court and may not be considered during the deliberation process of the formal hearing. Knowledge and use of such information by the Court will constitute grounds for appeal by the student charged.

Section 10: All members of the University community will be expected to cooperate with the Court during the investigation process. In cases where a member of the community refuses to cooperate, the Court will request that SJP compel that individual to cooperate.

Section 11: When appropriate and with the approval of the Chair, the Investigator may request that another member of the Court aid in the formal investigation of a matter. However, any member of the Court aiding in an investigation may not vote at the formal hearing.

Article VII. Formal Hearings

Section 1: A formal hearing will be conducted only if (a) a student charged contests the University Court’s preliminary review decision, or (b) the student charged enters a plea of “not in violation” or “in violation but contesting sanctions” and the preliminary review is waived.
Section 2: A quorum of the Chair and six voting members is necessary to conduct a formal hearing. Additionally, the Investigator, ombudsperson, and Secretary (or acting Secretary) must be present.

Section 3: There will be an odd number of voting members present at the formal hearing at all times. At least one additional nonvoting member must be present; this member will become a voting member only if a member recuses him- or herself during the formal hearing.

Section 4: Upon receipt of the University Court decision from the preliminary review or notification that the Chair has waived the preliminary review, the student has three business days, not including the date of notification, to file a request for a formal hearing with the University Court. The Court will schedule the formal hearing no more than five business days after receipt of the request. However, this rule may be waived by the Chair, if necessary, in exceptional cases.

Section 5: The formal hearing will be closed.

Section 6: The student charged will be brought in by the Chair and sworn in as follows: “On my honor, I will tell the truth, the whole truth, and nothing but the truth, and I will maintain confidentiality about this hearing and the persons involved.”

Section 7: The Chair will read the charge and inform the student charged of his or her rights in disciplinary proceedings.

Section 8: The student charged will be allowed to make an opening statement summarizing the events in question and the reason for the request for a formal hearing.

Section 9: The student charged will be presented with all evidence to be considered by the Court. The names of all parties involved will be revealed. The student may make and keep notes of this evidence, but may not keep the evidence or make any facsimiles.

Section 10: The Investigator will question the student charged on behalf of the Court.

Section 11: The student charged will be allowed to make a closing statement.

Section 12: The student charged will then be excused. The student charged, once excused, is subject to recall at any time during the formal hearing at the discretion of the Court.

Section 13: The Investigator will call any witnesses relevant to the matter, including all those requested by the student charged.

Section 14: Witnesses are to be brought in by the Chair and sworn in as follows: “On my honor, I will tell the truth, the whole truth, and nothing but the truth, and I will maintain confidentiality about this hearing and the persons involved.”

Section 15: The Investigator may, on behalf of the Court, question any witness.
Section 16: The witnesses, once excused, are subject to recall at any time during the formal hearing at the discretion of the Court.

Section 17: The Investigator will present any relevant information learned during the investigation to the Court and will at this time produce any documentation relevant to the matter. This documentation will include all documentation entered as evidence by the student charged. The Court may ask the Investigator questions.

Section 18: After all evidence and testimony have been received, the Court will deliberate. The deliberation process is to be closed. The Secretary will keep informal minutes, which will be maintained as part of the internal record of the case, but which will not stand alone as a formal record of the proceedings. No formal record is to be made. All Court justices present, both voting and nonvoting, will participate in the deliberation process. The student charged will not be allowed to be present during the Court’s deliberation. At this time, the Court will evaluate all evidence and decide whether the student charged is in violation of the Code. In matters where the Court finds the student charged in violation of the Code, the deliberation process will also include the determination or reconsideration of an appropriate sanction.

Section 19: If a student is found in violation, the Investigator may then introduce additional evidence relevant to the determination or reconsideration of an appropriate sanction to be considered in that portion of the deliberation process.

Section 20: A majority of voting members present will determine whether the student charged is in violation of the Code as well as the sanction, when appropriate. However, the Court will strive to reach unanimity in its decision and may find it desirable to cast more than one ballot before reaching a final decision. In cases where at least one voting member dissents as to either the verdict or the sanction, the dissenting opinion(s) will be noted in the abstract of the hearing.

Section 21: Voting members may, at their discretion, abstain from preliminary votes and straw polls. Voting members may not abstain from the final decision. A decision will not be considered final unless all voting members cast a vote.

Section 22: The Court will immediately submit its decision and an abstract of the hearing to SJP and to the student charged. Upon approval and possible modification by SJP, the sanction will be carried into effect by the University. Where appropriate, the Court will request that the University not pursue judicial action against witnesses on the basis of their own testimony.

Article VIII. Appeals

Section 1: As stated in the Code, decisions by the University Court at a formal hearing may be appealed by the student charged for the following reasons:

a. To determine whether the Court reached its decision fairly in light of the charges and information presented;
b. To consider new information that might have altered the result but was not known to the Court and could not have been reasonably discovered at the time of the formal hearing;

c. If the evidence submitted to the Court did not support the decision; or

d. If the sanctions imposed were inappropriate;

Section 2: The student charged must notify the Court and the Office of Student Judicial Programs of his or her intent to appeal within five business days of the written notification of the Court’s decision.

Section 3: Within five business days of the receipt of the notification of the student’s intent to appeal, the Secretary, or another member designated to fulfill this duty at the discretion of the Chair, will prepare an appeal packet. This packet will contain all evidence considered by the Court, the abstracts of any preliminary review or formal hearing conducted in the matter, any decision letters sent by the Court, and any other documentation deemed relevant by the Chair. All documents, except those submitted by the student, will be redacted.

Section 4: The Chair will deliver the appeal packet to the Office of Student Judicial Programs and will immediately notify the student charged that it is available.

Section 5: The student charged will have five business days from the date of the Chair’s notification of the appeal packet’s availability to submit an appeal in writing to the Office of Student Judicial Programs.

Section 6: All appeals will be addressed to the Director of Student Judicial Programs. A second appeal, to the Dean of Undergraduates, is available when the sanction involved is suspension or expulsion or at the Dean’s discretion.

Section 7: The University Court reserves the right to respond in writing or in person to the written appeal of a student charged if the Chair so chooses or the Director of Student Judicial Programs requests a response from the Court concerning the matter. The Court will have five business days after its receipt of a copy of the written appeal or a request for a response to provide its response. The Director of Student Judicial Programs may make reasonable extensions to this deadline, if necessary, in extraordinary circumstances.

Section 8: Decisions made by the Court are considered final, pending the appeal process, but may be set aside by the Office of Student Judicial Programs until the appeal process is resolved.

**Article IX. Rights of the Student Charged at the Formal Hearing**

The University Court recognizes the following rights of the student charged in disciplinary proceedings as outlined in the Code of Student Conduct:

Section 1: The student charged may receive a postponement of the hearing if the request for postponement is reasonable.
Section 2: The student charged may ask that the University Court summon witnesses or require presentation of relevant documents or other information, offer information, and argue in support of his or her position.

Section 3: The student charged will have an ombudsperson present to perform the duties of the ombudsperson as defined in the Court’s procedures and the Code of Student Conduct. The student charged may also have a support person (who must be a member of the University community or the student’s immediate family) present for moral support. Other than to consult with the student charged, the support person may not participate in the proceedings.

Section 4: The student charged may not have legal representation present in any meeting or hearing, but may consult an attorney outside of the setting of a University Court proceeding.

Section 5: The student charged may challenge the fairness or objectivity of a voting member of the Court, if done before a hearing begins or any evidence is considered. A challenged member may disqualify her- or himself voluntarily or at the direction of the Chair, in which case she or he will be replaced by another member.

Section 6: The student charged may know the outcome of any disciplinary hearing.

Section 7: The student charged may appeal the outcome.

Article X. Written Records

Section 1: An abstract of the hearing will be prepared immediately upon the completion of the hearing. This abstract will include the recommended violation and sanction decisions.

Section 2: An electronic copy of the abstract will be submitted to the Office of Student Judicial Programs and provided to the student charged.

Section 3: A complete electronic record of all hearings, including informal minutes, abstracts, and all material evidence, will be maintained by the Court. In the year following the one in which the hearing took place, this record will be open only to the President, the Office of Student Judicial Programs, the Chair of the University Court, and the College Masters.

Section 4: A redacted paper record of all hearings, including all abstracts and material evidence, will be maintained by the Court in a suitable file for one year after the closing of a matter. This record will be open only to the President, the Office of Student Judicial Programs, the Chair of the University Court, and the College Masters. After one year has passed, this record will be destroyed.

Section 5: At the discretion of the Chair, and with the approval of the Office of Student Judicial Programs, Court records may be open to other members of the Court.
Article XI. Ombudsperson

Section 1: The college representative from the college of the accused student will normally act as the ombudsperson for the accused student.

Section 2: In the event the college representative is recused or unavailable, or by the Chair’s discretion, the Chair will appoint another member to serve as the ombudsperson for the accused student.

Section 3: In cases involving multiple students charged, at the discretion of the Chair, a member may simultaneously act as ombudsperson for multiple students.

Section 4: The ombudsperson in a case will be nonvoting.

Section 5: In the event that the University Court must conduct a hearing when no ombudsperson is available, the University Court Chair, with the approval of the Director of Student Judicial Programs, will be empowered to appoint other members as ombudspersons on a temporary basis.

Article XII. Duties and Responsibilities of the Ombudsperson

Section 1: The ombudsperson will act as the main resource and point of contact for the accused student throughout the student judicial process.

Section 2: The ombudsperson will meet with the accused student to answer any questions the student may have.

Section 3: The ombudsperson will ensure that any reasonable accommodations or resources are provided to the accused student, including but not limited to, language or disability support.

Section 4: The ombudsperson will attend the initial meeting, the preliminary review, and the formal hearing of the student charged.

Section 5: The ombudsperson will indicate to the Court during meetings and hearings if procedural errors occur. If the ombudsperson is unable to perform this duty, this responsibility will be assumed by the Chair.

Section 6: The ombudsperson will be bound to indicate to the student charged if the deliberative process is defective and presents any grounds for appeal. If the ombudsperson is unable to perform this duty, this responsibility will be assumed by the Chair.

Section 7: The ombudsperson will interrupt the deliberative process if a Court member shows undue and prejudicial bias on a matter and remind that member of the option to disqualify him or herself. If the ombudsperson is unable to perform this duty, this responsibility will be assumed by the Chair.

Section 8: The ombudsperson will initiate an appeal only if based on a matter of defective deliberation, but he or she may be asked to make a statement when a student charged appeals on
other grounds; otherwise, the ombudsperson will not approach the student charged concerning appeals.

These Investigation, Hearing, and Appeal Procedures were last revised in February 2015.