



Elon University
Student Government Association
Judicial Manual 2022-2023

PREAMBLE	1
ARTICLE I: Judiciary Composition	1
ARTICLE II: Judiciary Powers	1
Grade Appeals Committee	1
SGA Ethical Infractions	1
Organizational Review	3
Elections Oversight	3
Judiciary Records	3
ARTICLE III: Judicial Process	3
Filing a Complaint	3
Notification of Charges	4
Hearings	4
Sanctioning Guidelines:	10
ARTICLE IV: Removal of Executive Officers	12
ARTICLE V: Removal of Speaker of the Senate	13

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 Student Government Association.

ARTICLE I: Judiciary Composition

- A. The Judiciary shall be composed of one (1) Chief Justice and three (3) Associate Justices.
- B. The Chief Justice shall act at the head of the Judiciary and is required to appoint a Clerk of the Judiciary from amongst the Associate Justices.

ARTICLE II: Judiciary Powers

- A. University Appeals Committee
 - a. The SGA representative for the Grade Appeal Hearing Committee shall be the Chief Justice, a member of the SGA Administration, or another student as appointed by the Student Body President.
 - b. The Chief Justice and Administrative members will be trained and may serve as student members of the University Appeal Board as specified in the Elon University Faculty Handbook.
- B. SGA Ethical Infractions
 - a. Attendance and Excessive Absence
 - i. Senators are expected to attend all SGA meetings including but not limited to:
 - 1. Weekly Senate Meetings
 - 2. Class Meetings
 - 3. Annual SGARetreat
 - 4. Council Meetings
 - 5. Committee Meetings
 - 6. Executive Meetings
 - 7. Designated SGA Events
 - ii. Each absence accrued by a senator will be deemed by the Judiciary as either “excused” or “unexcused”.
 - 1. Excused absences are those that meet both of the following criteria:
 - a. Reason for absence is due to competition in an athletic event, academic commitment, job responsibilities, illness or family/medical emergency.
 - i. Absences accrued due to athletic events, academic commitments, or job responsibilities must be supported

- by sufficient documentation such as a letter or email from an advisor, coach, or an employer.
- b. Notification of absence sent to either the Speaker of the Senate and/or the Parliamentarian prior to the date of missed event/meeting.
 - i. Notifications of absence must be sent 48 hours prior to the event/meeting unless the reason for absence is due to a family/medical emergency or illness.
2. Unexcused absences are those that meet one or more of the following criteria:
 - a. Reason for absence is deemed an unreasonable justification for not attending an SGA meeting by the Judiciary such as those related to social gatherings or personal interests.
 - b. Notification of absence is not sent to either the Speaker of the Senate and/or the Parliamentarian prior to the date of missed event/meeting.
 3. Religious observances will not count as an absence.
- iii. After accruing more than three (3) absences, the Speaker of the Senate will send a warning via email to the Senator within 48 hours of them accruing the third absence.
 - iv. After accruing more than five (5) absences, the Senator will attend a General Hearing with the Judiciary.
- b. Conduct Unbecoming of an SGA Member
 - i. SGA members are expected to act in a manner that exemplifies the Elon University Honor code, with honesty, integrity, responsibility, and respect, while appropriately representing the Student Government Association.
 - ii. This includes but is not limited to harassment, discrimination, disorderly conduct, conspiratorial acts, misuse of Student Government and/or Elon property, and behavior that endangers the health & safety of others.
 - c. Elon University Student Conduct
 - i. Senators are expected to maintain good judicial standing with Elon University and adhere to all University policies.
 - d. Failure to Fulfill Duties
 - i. Each Senator is expected to fulfill their duties as outlined in the Constitution and Bylaws and all those responsibilities assigned to them by the SGA Administration, Administrative Council, and/or SGA Advisor.
 - ii. Duties assigned by the SGA Administration, Administrative Council, and/or SGA Advisor should be properly documented by any means possible for the benefit of the Judiciary.

- e. Hazing
 - i. 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.
 - f. Misuse of Powers/Privileges
 - i. Senators are expected to use the powers and privileges associated with their position as defined in SGA Constitution and Senate Bylaws.
 - ii. Senators will not use their powers and privileges solely in service of their personal interests or the interests of peers, companions and third parties.
 - 1. This includes but is not limited to: use and allocation of SGA monies, university facilities, powers of appointment, judicial rulings, and any other powers and privileges of any position.
- C. Organizational Review
- a. The Judiciary may review organizations in the following manner:
 - i. The Judiciary may contact the organization and conduct a hearing to investigate whether or not the organization is operating to the intent of its members, its constitution guidelines, and is meeting the functional standards set by the Elon University Student Life Committee.
 - ii. The Judiciary will then report its findings to the Senate at which time the organization will be given the opportunity to speak on its behalf.
 - iii. The Judiciary may recommend a review of the organization by the Elon University Student Life Committee.
- D. Elections Oversight
- a. Any candidate who violates the Elections Packet may be subjected to review by the Judiciary at the request of the Elections Committee.
- E. Judiciary Records
- a. The Clerk of the Judiciary shall keep records of all Judicial proceedings and hearings.
 - b. The Judiciary Records shall be made available upon request.
 - c. All Judiciary Records shall be shared with the Vice President of Communications.
 - d. Records shall be transmitted annually to Elon University Archives.

ARTICLE III: Judicial Process

A. Filing a Complaint

- a. A completed Judiciary Complaint Form will be submitted to the Chief Justice to notify the committee of a charge against a SGA member or organization as outlined in Article I.

B. Notification of Charges

- a. The Chief Justice will notify the accused student seven (7) days prior to the next appropriate General Hearing.
 - i. The minimum standard by which to notify the accused student shall be through their Elon email address.
- b. After being notified, the accused student must coordinate a hearing with the Chief Justice within two (2) weeks of being notified.
 - i. Exceptions may be granted by the Chief Justice under special circumstances.

C. Hearings

a. General Hearings

i. Rights of the Accused Student

1. Members accused of a judicial infraction are guaranteed the right to a hearing conducted by the SGA Judiciary.
2. Members accused of a judicial infraction are guaranteed the right to a hearing within two weeks of receiving charging notification.
3. Members accused of a judicial infraction are guaranteed the right to fair and just hearing procedures.

ii. Special Circumstances

1. In the case the accused student is a member of the Judiciary, other than the Chief Justice, that member will be temporarily removed from the Judiciary and the Student Body President will assign a member of SGA with no vested interest in the outcome of the hearing to fill the vacant seat. Following the filing of charges in the Judiciary Records the accused student will resume their role as a member of the Judiciary.
2. In the case that the accused student is the Chief Justice, the Chief Justice will be temporarily removed from the Judiciary and the Clerk of the Judiciary will take on the duties of the Chief Justice. The Student Body President will assign a member of SGA with no vested interest in the outcome of the hearing to fill the remaining vacant seat(s). Following the filing of charges in the Judiciary Records, the Chief Justice may resume their role, if they are not removed.

iii. Hearing Agenda

1. Call to Order: The Chief Justice will call the meeting to order.
2. Quorum: All members of the Judiciary must be present for the Hearing to proceed.
3. Presentation of Charges: General Hearings shall begin with the presentation of the Notification of Charges and the Complaint Form by the Chief Justice.

4. Statement of the accused student: The accused student shall give a statement outlining the charges against the accused student and their account of the alleged infraction(s).
 5. Reading of Documentation: Any documentation supporting or opposing the accused student may be presented to the Judiciary. The Chief Justice will then decide whether or not the Judiciary may consider them.
 - a. Documentation can include but is not limited to doctor's notes, advisor/coaches's letters, handwritten testimony, or photographic evidence.
 6. Question and Answer Period: The Judiciary shall conduct a question and answer session.
 7. Closing Statements: First the Chief Justice will be given the opportunity to summarize the Charges presented and the arguments for them. Following the statements of the Chief Justice, the accused student will have the opportunity to give a closing statement and summary of their argument.
 8. Closed Discussion Period: The accused student, and all other parties who might be in attendance shall leave the room as the Judiciary convenes for closed discussion. The Judiciary shall make two determinations during this time:
 - a. Whether or not the accused student is responsible for the charges facing them.
 - i. In cases regarding absences, the determination will be whether or not each absence is excused or unexcused.
 - b. What sanction(s) should be handed down.
 9. Reading of Verdict and Sanctions: Following closed deliberations of the Judiciary, the Chief Justice will read the verdict and any sanctions levied against the accused student aloud.
 - a. The Chief Justice will be responsible for notifying and sending the verdict to all involved parties and the SGA Administration within 48 hours of the conclusion of the hearing.
 10. Adjournment: The Chief Justice will announce the adjournment of the hearing.
- iv. Hearing Procedures
1. Relating to: The Overall Hearing
 - a. The Chief Justice shall be responsible for any and all issues relating to voting, quorum, and procedures during the General Hearing.
 2. Relating to: The Roll Call

- a. The Judiciary will consist of three (3) members. In order to reach quorum and for the General Hearing to proceed, all members of the Judiciary must be present.
 - b. If the accused student is absent from the General Hearing the Judiciary 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 student, despite their absence.
 3. Relating to: The Reading of Documentation
 - a. The Chief Justice will be charged with deciding whether or not each letter submitted is pertinent to the proceedings and may dismiss any letters that they deem irrelevant.
 4. Relating to: The Question and Answer Period
 - a. Any member of the Judiciary may ask questions of the accused student during the Question and Answer Period after being recognized by the Chief Justice.
 5. Relating to: The Closed Discussion Period
 - a. The accused student and all other parties who might be in attendance shall leave the room as the Judiciary convenes for closed discussion.
 - b. The Judiciary will enter into discussion regarding the level of responsibility of the accused student. A simple majority vote of committee members shall be required to find the accused student responsible for the charges presented. If the vote to decide the level of responsibility fails, the charges against the accused student will immediately be dismissed.
 - i. The Chief Justice of the Judiciary will only vote in the event of a tie.
 - ii. If the Judiciary chooses, they may call for a Formal Hearing instead of passing judgment on the responsibility of the accused student.
 - c. If the accused student is found responsible the Judiciary will enter into discussion as to what sanction should be handed down as punishment. A simple majority vote of the Judiciary shall be required to implement any disciplinary action against the accused student.
- v. Levying Sanctions
1. Following closed discussion of the Judiciary the **Chief Justice** will read the verdict and any sanctions levied against the accused student aloud.

The accused student will also receive notice of the conclusions via email.

2. The sanction levied by the Judiciary shall be considered binding and official.
- vi. Calling for a Formal Hearing
1. If the Judiciary finds that the charges merit, they may call for a Formal Hearing in lieu of levying a sanction. This requires a unanimous vote of the Judiciary.
 2. If the Judiciary deems a Formal Hearing necessary, the Chief Justice will determine a place and time for the hearing.
 3. The Formal Hearing shall be held no later than one month from the date of the General Hearing.
 4. The Chief Justice shall be responsible for informing the Senate Body of the place and time of the General Hearing no less than three academic days prior to the hearing.
- b. Formal Hearings
- i. Rights of the Accused Student
 1. Members accused of a judicial infraction are guaranteed the right to a Formal Hearing conducted by the SGA Judiciary.
 2. Members accused of a judicial infraction are guaranteed the right to have a member of SGA of their choice serve as a Defending Advocate.
 3. Members accused of a judicial infraction are guaranteed the right to a hearing within one month after the Judiciary votes unanimously to hold a Formal Hearing in lieu of levying a sanction.
 4. Members accused of a judicial infraction are guaranteed the right to fair and just hearing procedures.
 - ii. Special Circumstances
 1. In the case the accused student is a member of the Judiciary, other than the Chief Justice, that member will be temporarily removed from the committee and the Student Body President will assign a member of SGA with no vested interest in the outcome of the hearing to fill the vacant seat. Following the filing of charges in the Judiciary Records the accused student will resume their role as a member of the Judiciary.
 2. In the case that the accused student is the Chief Justice, the Chief Justice will be temporarily removed from the Judiciary and the Clerk of the Judiciary will take on the duties of the Chief Justice. The Student Body President will assign a member of SGA with no vested interest in the outcome of the hearing to fill the remaining vacant seats.

Following the filing of charges in the Judiciary Records the Chief Justice will resume their role as the Chief Justice of the Judiciary.

iii. Charging and Defending Advocates

1. For the Formal Hearing, a Senator with no vested interest can volunteer to serve as the Charging Advocate and the accused student will select a member of the Senate as the Defending Advocate.
 - a. The Charging Advocate shall present the charges at the Formal Hearing.
 - b. The Defending Advocate shall present on behalf of the accused student, and if so desired, evidence regarding the charges.
2. Members of the Judiciary or SGA Administration may not serve as either the Charging Advocate or Defending Advocate.

iv. Hearing Agenda

1. Call to Order: The Chief Justice will call the meeting to order.
2. Roll Call: The Chief Justice will call the roll.
3. Presentation of Charges: Formal Hearings shall begin with the presentation of the Notification of Charges and the Complaint Form by the Charging Advocate.
4. Statement of the Accused Student: The accused student and/or the Defending Advocate shall give a statement outlining the charges against the accused student and their account of the alleged infraction(s).
5. Reading of Documentation: Both parties may present documentation supporting or opposing the accused student to Chief Justice, who will then decide whether or not the Formal Hearing Body may consider them.
6. Question and Answer Period: The Formal Hearing Body shall conduct a question and answer session.
7. 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 student will have the opportunity to give a closing statement and summary of their argument.
8. Closed Discussion Period: The accused student, 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:
 - a. Whether or not the accused student is responsible for the charges facing them

- b. What sanction should be handed down
 - 9. Reading of Verdict and Sanctions: Following closed deliberations of the Formal Hearing Body, the Chief Justice will read the verdict and any sanctions levied against the accused student aloud.
 - 10. Roll Call: The Chief Justice will call the roll.
 - 11. Adjournment: The Chief Justice will announce the adjournment of the hearing.
- v. Hearing Procedures
- 1. Relating to: The Overall Hearing
 - a. The Formal Hearing Body is composed of the entire Senate Body and the Judiciary, with the SGA Administration and SGA Advisor as Ex-Officio Members, and shall be chaired by the Chief Justice.
 - b. 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 student.
 - c. The Chief Justice shall be responsible for any and all issues relating to voting, quorum, and procedures.
 - 2. Relating to: The Roll Call
 - a. 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
 - b. If the accused student 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 student, despite their absence.
 - 3. Relating to: The Reading of Documentation
 - a. The Chief Justice will be charged with deciding whether or not each letter submitted is pertinent to the proceedings and may dismiss any letters that he or she deems irrelevant.
 - 4. Relating to: The Question and Answer Period
 - a. Any member of the Formal Hearing Body may ask questions of the accused student during the Question and Answer Period after being recognized by the Judicial Committee Chair.
 - 5. Relating to: The Closed Discussion Period

- a. The accused student, the Defending Advocate, and the Charging Advocate, shall leave the room as the Full Body convenes for closed discussion.
 - b. The Formal Hearing Body will enter into discussion regarding the level of responsibility of the accused student. A two-thirds majority vote of members shall be required to find the accused student responsible for the charges presented. If the vote to decide the level of responsibility fails, the charges against the accused student will immediately be dismissed.
 - c. If the accused student 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 student, including, but not limited to, dismissal from their position with the Student Government Association.
- vi. Levying Sanctions
1. The sanction levied by the Formal Hearing Body shall be considered binding and official.
 2. The Judiciary shall submit to the SGA a formal written statement detailing the Formal Hearing proceedings via email to the Vice President of Communications Within one week of the conclusion of the Formal Hearing.
 3. The Chief Justice 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.

D. Sanctioning Guidelines:

- a. Attendance
 - i. A Senator shall receive a warning via email within 48 hours after accruing three (3) absences.
 - ii. A Senator will not be required to attend a Judicial Hearing until accruing five (5) or more absences.
 - iii. A senator will not be required to attend a second Judicial Hearing unless the Chief Justice deems it necessary.
 - iv. 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.
 - v. During the Closed Discussion Period of a General Hearing regarding absences, the Judicial Committee will deem each of the absences of the accused student as "excused" or "unexcused".

1. Excused absences will remain on record and will be counted as half ($\frac{1}{2}$) of an absence.
- vi. The following guidelines may apply:
1. 3 – 4.5 absences: Email notification and warning from the Speaker of the Senate within 48 hours after accruing the third absence.
 2. 5 – 6.5 absences:
 - a. One or more of the following sanctions may apply:
 - i. Assist or participate in an upcoming SGA event
 - ii. Removal from SGA titles and responsibilities (Committee Chair, Speaker Pro Tempore, Chief of Staff, etc.)
 - iii. Recommendation that the Senator resign
 3. 7 absences and above:
 - a. A recommendation from the Judiciary that the Senator resign or be removed from SGA.
- b. Conduct Unbecoming of a Senator
- i. If a Senator is found responsible of Conduct Unbecoming of a Senator the accused student will be subject to one or more of the following sanctions:
 1. Loss of speaking and voting privileges in the Senate for a period of time to be determined by the Judiciary.
 2. Removal of SGA titles and responsibilities (Committee Chair, Speaker Pro Tempore, Chief of Staff, etc.)
 3. A recommendation from the Judiciary that the Senator resign or be removed from SGA.
- c. Elon University Judicial Standing
- i. 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
- i. If a Senator is found responsible of Failure to Fulfill Duties the accused student will be subject to a formal warning and one or more of the following sanctions:
 1. Loss of speaking and voting privileges in the Senate for a period of time to be determined by the Judiciary.
 2. Removal from SGA titles and responsibilities (Committee Chair, Speaker Pro Tempore, Chief of Staff, etc.).
 3. A recommendation from the Judiciary that the Senator resign or be removed from the Committee they are on.
- e. Failure to Fulfill Judicial Sanctions

- i. If a Senator is found responsible for 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
 - i. 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
 - i. If a Senator is found responsible of Misuse of Powers/Privileges the accused student will be subject to a formal warning and one or more of the following sanctions:
 - 1. Loss of speaking and voting privileges in the Senate for a period of time to be determined by the Judiciary.
 - 2. Removal from SGA titles and responsibilities (Committee Chair, Speaker Pro Tempore, Chief of Staff, etc.)
 - 3. A recommendation from the Judiciary that the Senator resign or be removed from the Committee.
- h. Special Sanctions
 - i. A Senator brought before the Judiciary three (3) times in a legislative year shall be recommended to resign from SGA or be removed from the Committee.

ARTICLE IV: Removal of Executive Officers

- A. As stated in the Constitution, Executive Officers are subject to removal for any of the SGA Ethical Infractions
- B. Complaints will be submitted to the Judiciary in the same manner as outlined above.
- C. Charges against Executive Officers will be presented to the Senate by the Chief Justice.
 - a. The Senate then shall deliberate on the charges and a $\frac{3}{4}$ vote of the Senate shall be required to remove any Executive Officer from office.
 - i. The charges shall be presented at the first business meeting after one (1) week from the day the complaint was filed.
 - 1. Should this period last more than three (3) weeks from the filing of charges, the Chief Justice has the power to call on the Speaker to convene a special meeting to deliberate on the charges.
 - 2. The Chief Justice has the discretion to change the date of the proceedings under special circumstances.

- ii. If charges are brought against an Executive Officer, the meeting agenda shall be so that the proceedings will be the first item on the agenda following Roll Call.
- b. Should the Executive Officer be removed, their successor, as stated in Article VII, Section D of the Constitution, shall be sworn in at the same business meeting, directly following their removal.

ARTICLE V: Removal of Speaker of the Senate

- A. The procedure for the Removal of the Speaker of the Senate shall be conducted in the same manner as outlined in Article IV except that the Senate shall elect an interim Speaker of the Senate to preside over the business meeting in which charges are being brought against the Speaker of the Senate.
- B. In the case that the Speaker of the Senate is removed, an internal election will be held for their successor as stated in Article VI Section B of the Constitution and they shall be sworn in at the same business meeting, directly following their removal.