



Elon University
Student Government Association
Review Board Bylaws
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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 through the Review Board.

ARTICLE I: Review Board Composition

- A. The Review Board shall be composed of the Executive Vice President, Speaker of the Senate, and all class presidents. The Speaker of the Senate will serve as an impartial non-voting member to present the facts of each case.
- B. The Vice President of Finance will replace the Speaker of the Senate as an impartial non-voting member in the case of a Finance Board appeal.
- C. The Executive Vice President will be the clerk of the Review Board and is responsible for keeping hearing records.

ARTICLE II: Review Board Powers

- A. 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 SGA Retreat
 - 4. Council Meetings
 - 5. Committee Meetings
 - 6. Executive Meetings
 - 7. Designated SGA Events (i.e. Fireside Chats, Town Halls)
 - ii. Each absence accrued by a senator will be deemed by the Speaker of the Senate 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 a varsity athletic event, academic commitment, 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 employer.
 - b. Notification of absence sent to the Speaker of the Senate prior to the date and time of the missed event/meeting.

- i. Notifications of absence must be sent 12 hours prior to the event/meeting unless the reason for absence is due to a family/medical emergency or illness, or earlier at the discretion of the Speaker of the Senate.
 - c. Senators may receive one half-absence for each committee meeting they miss at the discretion of the Committee Chairs in consultation with the Speaker of the Senate.
 - i. Notification of absence for committee meetings must be sent to the Committee Chair(s) at least 12 hours prior to the event/meeting.
 - 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 Speaker of the Senate and Review Board, such as those related to social gatherings or personal interests.
 - b. Notification of absence is not sent to the Speaker of the Senate prior to the date of the missed event/meeting.
 - 3. Religious observances will not count as an absence.
 - 4. Absence from the retreat will count as three (3) absences total, as the retreat is a required commitment for SGA.
 - a. This is equal to one absence per half-day of SGA content, with the expectation that part of the retreat will be used for bonding. The schedule for the retreat is at the discretion of the SGA Executive Board, and since it may be modified each year, absences will be determined by the Executive Board with support from the SGA Advisor(s).
 - 5. Any absences not listed or any cases where the status of the absence is unclear shall be determined excused or unexcused at the discretion of the Review Board.
- iii. After accruing three (3) absences - excused or unexcused, the Speaker of the Senate will send a warning via email to the Senator within 48 hours of them accruing the third absence.
 - 1. After accruing four (4) absences - excused or unexcused, the Speaker of the Senate will meet with the Senator.
 - iv. After accruing three (3) unexcused or five (5) absences total, the Senator will attend a General Hearing with the Review Board where the board will decide if the Senator is allowed to maintain their position.
- 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, Executive Council, and/or SGA Advisor.
 - ii. Duties assigned by the SGA Administration, Executive Council, and/or SGA Advisor should be properly documented by any means possible for the benefit of the Review Board.
 - e. Hazing
 - i. No SGA member will at any point annoy any person (or aid or abet) by playing abusive or ridiculous tricks upon them, 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. SGA Members are expected to use the powers and privileges associated with their position as defined in SGA Constitution and Senate Bylaws.
 - ii. SGA Members 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 funds, university facilities, powers of appointment, Review Board rulings, and any other powers and privileges of any position.
- B. Organizational Review
 - a. The Review Board may review organizations in the following manner:
 - i. The Review Board 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 Review Board 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 Senate may recommend a review of the organization by the Elon University Student Life Committee.

C. Elections Oversight

- a. The Elections Committee, in conjunction with the Speaker, is responsible for elections oversight.
- b. Any candidate who violates the Elections Packet may be subjected to review by the Review Board at the request of the Elections Committee.

D. Review Board Records

- a. The Cleric of the Review Board shall keep records of all proceedings and hearings.
- b. The Review Board Records shall be made available upon request.
- c. All Review Board 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 Review Board Complaint Form will be submitted to the Speaker of the Senate or SGA Advisor to notify the committee of a charge against an SGA member or organization as outlined in Article I.

B. Notification of Charges

- a. The Speaker of the Senate or SGA Advisor will notify the SGA member seven (7) days prior to the next appropriate General Hearing.
 - i. The minimum standard by which to notify the student shall be through their Elon email address.
- b. After being notified, the student must coordinate a hearing with the Speaker of the Senate and the Executive Vice President within two (2) weeks of being notified.
 - i. Exceptions may be granted by the Speaker of the Senate 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 Review Board.
- 2. Members accused of a judicial infraction are guaranteed the right to a hearing within two weeks of receiving a 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 Review Board, that member will be temporarily removed from the Review Board and the Executive President in collaboration with the SGA Advisor 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 Review Board Records the accused student will resume their role as a member of the Review Board.

iii. Hearing Agenda

1. Call to Order: The Executive Vice President will call the meeting to order.
2. Quorum: All members of the Review Board 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 Speaker of the Senate.
4. Statement of the student: The student shall give a statement outlining the charges against the 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 Review Board. The Speaker of the Senate will then decide whether or not the Review Board may consider them.
 - a. Documentation can include, but is not limited to doctor's notes, advisor/coach's letters, handwritten testimony, or photographic evidence.
6. Question and Answer Period: The Review Board shall conduct a question and answer session.
7. Closing Statements: First, the Executive Vice President will be given the opportunity to summarize the Charges presented and the arguments for them. Following the statements of the Executive Vice President, the student will have the opportunity to give a closing statement and summary of their argument.
8. Closed Discussion Period: The student and all other parties who might be in attendance shall leave the room as the Review Board convenes for closed discussion. The Review Board 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 Review Board, the Executive Vice President will read the verdict and any sanctions levied against the student aloud.

- a. The Executive Vice President 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 Executive Vice President will announce the adjournment of the hearing.
- iv. Hearing Procedures
 - 1. Relating to: The Overall Hearing
 - a. The Executive Vice President 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 Review Board will consist of five (5) members. In order to reach quorum and for the General Hearing to proceed, all members of the Review Board must be present.
 - b. If the student is absent from the General Hearing, the Review Board 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 Speaker of the Senate 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 Review Board may ask questions of the accused student during the Question and Answer Period after being recognized by the Executive Vice President.
 - 5. Relating to: The Closed Discussion Period
 - a. The student and all other parties who might be in attendance shall leave the room as the Review Board convenes for closed discussion.
 - b. The Review Board will enter into discussion regarding the level of responsibility of the student. A simple majority vote of committee members shall be required to find the student responsible for the charges presented. If the vote determined that the student is not responsible, the charges against the student will immediately be dismissed.

- c. If the student is found responsible, the Review Board will enter into discussion as to what sanction should be handed down as punishment. A simple majority vote of the Review Board shall be required to implement any disciplinary action against the student.
- v. Levying Sanctions
 - 1. Following closed discussion of the Review Board, the **Executive Vice President** will read the verdict and any sanctions levied against the accused student aloud. The student will also receive notice of the conclusions via email.
 - 2. The sanction levied by the Review Board shall be considered binding and official.
- vi. Calling for a Formal Hearing
 - 1. If the Review Board 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 Review Board.
 - 2. If the Review Board deems a Formal Hearing necessary, the Executive Vice President 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 Executive Vice President 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 Review Board.
 - 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 Review Board 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 Review Board, other than the Speaker of the Senate, that member will be temporarily removed from the committee and the Executive 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 Review

Board Records the accused student will resume their role as a member of the Review Board.

2. In the case that the accused student is the Speaker of the Senate, the Speaker will be temporarily removed from the Review Board and the Clerk of the Review Board, the Executive Vice President, will take on the duties of the Speaker. The Executive 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 Review Board Records the Speaker will resume their role as the Speaker of the Senate.

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 Review Board or SGA Administration may not serve as either the Charging Advocate or Defending Advocate.

iv. Hearing Agenda

1. Call to Order: The Executive Vice President will call the meeting to order.
2. Roll Call: The Parliamentarian 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 the Speaker of the Senate, 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 Executive Vice President will read the verdict and any sanctions levied against the accused student aloud.
10. Roll Call: The Parliamentarian will call the roll.
11. Adjournment: The Executive Vice President 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, with the SGA Administration and SGA Advisor as Ex-Officio Members, and shall be chaired by the Executive Vice President.
 - 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 Executive Vice President 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 Speaker of the Senate 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 Executive Vice President.
- 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 Executive Vice President 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 Speaker of the Senate 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) excused or unexcused absences.

- ii. A Senator will not be required to attend a Review Board Hearing until accruing three (3) or more unexcused absences.
- iii. 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.
- iv. During the Closed Discussion Period of a General Hearing regarding absences, the Review Board 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.
- v. The following guidelines may apply:
 - 1. 3 – 4.5 absences:
 - a. Email notification and warning from the Speaker of the Senate within 48 hours after accruing the third absence, excused or unexcused.
 - b. One or more of the following sanctions may apply:
 - i. Assist or participate in an upcoming SGA event
 - 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 Review Board 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 Senator 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 Review Board.
 - 2. Removal of SGA titles and responsibilities (Committee Chair, Speaker Pro Tempore, Chief of Staff, etc.)
 - 3. A recommendation from the Review Board 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 Review Board.
 - 2. Removal from SGA titles and responsibilities (Committee Chair, Speaker Pro Tempore, Chief of Staff, etc.).
 - 3. A recommendation from the Review Board 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 Senate.
- 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 Review Board.
 - 2. Removal from SGA titles and responsibilities (Committee Chair, Speaker Pro Tempore, Chief of Staff, etc.)
 - 3. A recommendation from the Review Board that the Senator resign or be removed from the Senate.
- h. Special Sanctions
 - i. A Senator brought before the Review Board three (3) times in a legislative year shall be recommended to resign from SGA or be removed from the Senate.

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 Review Board in the same manner as outlined above.
- C. Charges against Executive Officers will be presented to the Senate by the Advisor.
 - 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 Advisor has the power to call on the Speaker to convene a special meeting to deliberate on the charges.
 - 2. The Advisor 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 the Executive Bylaws, 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.

ARTICLE VI: Finance Board Appeals

- A. Appeals Board
 - a. The Board is the same as the Review Board, and all members are required to be present in order for there to be a quorum.
- B. Grounds for Appeal
 - a. The following instances will allow student organizations to request an appeal of decisions made by the VP of Finance or the Finance Board to be reconsidered. An appeal may only be based upon the following criteria:
 - i. Established policies and procedures were not followed.
 - ii. The funding allocation decision was arbitrary.
 - b. The fact that the Finance Board did not fund a request in its entirety does not in itself constitute grounds for an appeal.
- C. Appeals Process
 - a. Shall an organization choose to appeal a decision rendered by the Vice President of Finance or the Finance Board, they must submit an appeal request on PhoenixCONNECT.

- b. This must be submitted within seven business days of the funding decision notification.
- c. The written appeal should include the following, when applicable:
 - i. The budget request being appealed, along with all supporting materials
 - 1. This includes but is not limited to: The funding decision, the sanction decision, and any other related communication from SGA.
 - ii. The criteria on which the appeal is based, noting the specific policies within the Finance Bylaws that were violated.
- d. The Review Board or Finance Board will receive the appeal and determine if it has merit based on the aforementioned criteria.
 - i. If the appeal is for an amount of \$300 or less, the Finance Board will be the judging body.
 - ii. If the appeal is for an amount greater than \$300, the SGA Review Board will be the judging body.
- e. An appeal that has merit shall be considered by the respective Appeals Board within five business days of receipt.
- f. In the event that SGA is the appealing organization, the Vice President for Student Life, or a designee, shall make the decision on the appeal.
- g. The process can only be properly completed if there is up-to-date information collected about the budget request that has been shared with the Appeals Board and the Vice President of Finance.

D. Appeals Decision

- a. The Appeals Board will make one of the following decisions with a simple majority vote:
 - i. Uphold the original decision of the Finance Board or Vice President of Finance.
 - ii. Amend the decision to allocate funding for items not originally funded.
 - iii. Amend the imposed sanctions.
- b. The Appeals Board may not allocate funding above the originally requested amount
- c. The Appeals Board must provide the rationale of its decision within five business days in a memorandum to the organization's advisor, president, and treasurer.
- d. Decisions made by the Appeals Board will not have precedent on future appeals, and all appeals will be considered independently.
- e. The decision of the Appeals Board is final.