

Judiciary Process

Section 1 – Jurisdiction

The SGB may only hear the following kinds of complaints:

- 1) A recognized student group or coalition of groups may bring a complaint against another group, a student in another group, or a student in its own group
- 2) A member of a student group, individually or in coordination with other members, may bring a complaint against her or his own group or against a fellow member
- 3) A member of the SGB Executive Board may bring a complaint against a group or a student in a group
- 4) An officer of the university may bring a complaint against a group or a student in a group

The SGB may hear complaints against individuals or groups only that specifically relate to violations of a member group's constitution or SGB rules or guidelines as outlined in the SGB Constitution and By-Laws. The SGB may also hear complaints against groups that relate to violation of University rules. A complaint is considered to come from a group if the group has decided bring the complaint through its normal decision making procedure (i.e. a vote of the executive board). The only group constitutions that may be considered are the ones on file with the SGB.

The SGB may not hear a complaint relating to incidents that occurred in excess of one calendar year before the complaint was filed.

Section 2 – Procedure

To bring a complaint, a letter detailing the complaint and providing supporting evidence must be submitted to the SGB Executive Board. If four or more members of the SGB Executive Board believe that the case falls under SGB jurisdiction and vote to hear the complaint, then the complaint will be heard. If the complaint is deemed inappropriate for SGB review, the complainant will be informed of the reasons. Once the Executive Board has decided to hear a case, the defendant party will be informed of the complaint against her or him or the group by the Executive Board, will be provided a copy of the original complaint and the provided evidence, and mediation will be scheduled.

The Acting SGB Chair shall assign one SGB Representative-at-Large, preferably the one assigned in normal SGB business to represent the defendant group or the group of which the defendant is a member, to serve as an advisor to the defendant or defendant group. The defense advisor will answer all questions about how this judicial process works, will answer any questions about the complaint, will assist the defendant in mediation, and will help prepare a defense if mediation fails.

If the complainant is a student, a university official, or another group, a different Representative-at-Large will be assigned to serve as an advisor to the complainant or complainant group. If the complaint is brought by a member of the SGB Executive Board, no advisor need be assigned. The complainant advisor will answer all questions about how this judicial process works, will assist the complainant in mediation, and will help prepare the prosecution of the complaint if mediation fails.

A member of the Executive Board who has been mediation trained and has not been assigned as advisor to either party will serve as Mediator at the mediation. No more than two members of each party may attend the mediation, not including each party's assigned advisor. If an agreement is reached, the Mediator will confirm the informal resolution in writing and provide a copy to the parties involved. Each party has a right to rescind this agreement within forty-eight hours of receiving the decision in writing.

If no agreement is reached through mediation, a hearing will be scheduled. The Hearing Committee shall consist of all members of the SGB Executive Board except the Representatives assigned as advisors, any members with conflicts of interest, and the Representative who brought the complaint, if applicable. A member of the Executive Board can be found to have a conflict of interest by a majority vote of the Hearing Committee. A majority of the Hearing Committee shall constitute a quorum. The Acting SGB Chair will serve as the Hearing Committee Chair. The Hearing Chair will have a vote on the Hearing Committee unless otherwise noted.

No more than two members of each party may attend the hearing, and the assigned advisor to each party may not attend. No legal counsel can be included in the hearings. The number of sessions may vary depending on the particular case. The hearings will be open, unless both parties request that the hearings be closed or one party requests that the hearings be closed and a majority of the Hearing Committee votes to close the hearings. If the complainant is a

member of the SGB Executive Board or an officer of the University, the hearings will remain open unless the defendant asks for the hearings to be closed and a majority of the Hearing Committee votes to close the hearings.

The Hearing Chair will set the agenda for the hearings, subject to amendment by the Hearing Committee. During the hearings, Hearing Committee members may ask questions at any time if and only if recognized by the Hearing Committee Chair. Both parties must submit all of their evidence to the Hearing Committee, which will provide all the submitted evidence to both parties for review. Each party may submit a list of proposed witnesses to the Hearing Committee, which can choose to hear testimony at the discretion of the Hearing Chair. A decision by the Hearing Chair not to hear a witness can be overturned by a majority vote of the Hearing Committee. The parties will be informed before a hearing whose testimony will be admitted.

If the complaining organization fails to attend mediation or the hearing at the agreed time, the hearing will be dismissed. If the defending organization fails to attend the mediation or hearing at the agreed time, the Hearing Committee may consider this failure when determining a recommendation for sanctions and reserves the right to proceed in their absence.

Section 3 – Voting Procedure and Decision-Making

Once the investigatory hearings are over, the Hearing Chair will provide both parties with an estimated date for a decision. If the committee needs more time, both parties will be informed at least one day before the original estimated date and will be provided a new estimated date. The deliberations will be closed to anyone other than Hearing Committee members. The Hearing Committee will consider available evidence of innocence and guilt, and after sufficient discussion will vote guilty or not guilty as to the charges of the complaint. If there are multiple possible justifications for the Committee's decision of guilt or innocence, representatives of each opinion will be assigned to formally write up their position, and no final decision of guilt or innocence will be made until every opinion has been produced and circulated among all members of the Hearing Committee.

Once all of the Opinions are complete, each member of the Hearing Committee will sign onto an Opinion. All members must sign an Opinion. If a majority has signed Opinions finding the defendant guilty, the defendant will be found guilty. If a majority has signed Opinions finding the defendant not guilty, the defendant will be acquitted. Of the Opinions which conclude the majority position on the issue of guilt, the Opinion with the most signatories will be the Majority Opinion and all other Opinions must concur or dissent. A Concurring Opinion agrees on the issue of guilt but disagrees on the justifications and a Dissenting Opinion disagrees on the issue of guilt. If there are an equal number of Opinions finding the defendant or defendant group guilty and not guilty, then the defendant is acquitted and the Opinion finding not guilty with the greatest number of signatories shall be the Majority Opinion. If there is a tie among the Opinions finding the majority position on the issue of guilt for which has the greatest number of signatories, then the Hearing Committee shall vote on which among the tied Opinions will be the Majority Opinion. Whichever Opinion receives the greatest number of votes shall be the Majority Opinion. Abstentions are not allowed, and the Hearing Chair may only vote to break a tie. The Majority Opinion shall be the official decision of the SGB on the issue of guilt.

If the verdict reached is guilty, the Hearing Chair will then discuss the issue of sanctions. All members of the Hearing Committee will participate in this discussion, as well as the voting that will follow. The discussion on sanctions will presuppose the guilt of the individual or group named in the complaint. The question of innocence and guilt, having already been decided based solely on the provided evidence, will not be revisited. After discussion has concluded, the Hearing Chair will assign members of the Hearing Committee to write Opinions for each represented position on the issue of sanctions. These Opinions will recommend punitive measures, and will detail the justifications for each measure. If no one is willing to write an Opinion for a position, no one may vote in favor of that position. Each Opinion will be reviewed and edited by all the members of the Hearing Committee who intend to vote for the position advocated in that Opinion. Once all of the Opinions are complete, each member of the Hearing Committee will sign onto an Opinion. All members must sign an Opinion. The Opinion that receives the greatest number of votes shall be the Majority Opinion. Abstentions are not allowed, and the Hearing Chair may only vote to break a tie. The Majority Opinion shall be the official decision of the SGB on the issue of sanctions.

The Hearing committee chair must ensure that the issue of sanctions is not addressed until after a verdict is rendered as to the issue of guilt. All Majority Opinions shall be considered nonbinding precedent for future cases.

Section 4 – Sanctions

According to the SGB Constitution, Article VII, Section 3: “The Executive Board shall make any recommendations or take any disciplinary action in the spirit of the Constitution or the By-Laws that it deems necessary.” Such actions shall include, but are not limited to:

1. Warning
2. Forced transfer of funds from the defendant group to the complainant group
3. A fine
4. Ineligibility to receive a budget for a period of time
5. Ineligibility to receive SGB co-sponsorships for a period of time
6. Loss of ability to reserve space for a period of time
7. Loss of ability to recruit at activities fairs
8. Mandated changes to a group’s constitution or by-laws to ensure compliance with SGB rules and guidelines or to remove inconsistencies or errors
9. Derecognition
10. An individual may be banned from serving in a leadership capacity of an SGB Group

A decision to derecognize a group must be approved by a majority vote at the next SGB Town Hall to become effective.

Section 5 – Appeals

The defendant may appeal a decision to the SGB Town Hall. If an appeal is submitted to the Executive Board and four members of the Hearing Committee believe the appeal to be justified, then the appeal will be included on the agenda for the next SGB Town Hall. If not, a defendant may motion to amend the agenda of the next Town Hall Meeting to include the appeal according to normal emendation procedures.

The grounds upon which an appeal should be filed are as follows:

1. New substantial information can be presented which was unavailable at the time of the hearing.
2. The SGB Executive Board did not follow the procedure outlined in this document or violated the SGB Constitution in making its decision.
3. The Sanction(s) was disproportionate to the nature of the offense.

A two thirds vote of all of the fully recognized groups is required to overturn a decision. If the decision is overturned, the SGB Executive Board may take no further action or may rehear the case with the results of the appeal in mind.