

**KANSAS STATE UNIVERSITY SALINA**  
**STUDENT GOVERNING ASSOCIATION**  
**BYLAWS TO THE CONSTITUTION**  
**REVISED FEBRUARY 2026**

The bylaws to the Kansas State University Salina Student Governing Association (K-State Salina SGA) are an extension, in detail, of the laws as stated in the Constitution and certain operating rules and procedures of the K-State Salina SGA. It shall be the purpose of the K-State Salina SGA officials to voice the sentiment of the student body; to further cooperation between the student body and the faculty; to serve as a unifying force between the students of K-State University Salina and combine their interests toward the development of a greater Kansas State University; to foster, maintain and guard university tradition; and to assume such duties as may arise in the performance of duties as the official organization of the student body.

# ARTICLE I

## ELECTION OF S.G.A. OFFICIALS

### 101. Overseers of Election

A. There must be either **Attorney General and SGA Advisors(s) or an Elections Committee** overseeing SGA elections.

1. Attorney General and SGA Advisor(s)

- The attorney general will be unable to run for an elected office while being an overseer of the elections.

2. Membership and Conduct of the Election Committee

- The Chairperson of the Elections Committee shall be nominated by the Student Body President and approved by the Senate no less than sixty (60) days before the election. If the Attorney General is not overseeing the Election.
- The Chairperson of the Elections Committee shall be a member of the K-State Salina SGA, but should not normally fill any other elected office in the K-State Salina SGA. They shall be subject to removal from office of Chairperson only through the impeachment process as prescribed in Article 603 of the K-State Salina SGA Constitution.
- If there is a need for an Elections Committee. The committee must have the Chairperson, the four (4) other members chosen by a committee consisting of the Student Senate Chair, and the Elections Committee Chairperson. These positions shall be open to all members of the K-State Salina SGA (with the exception noted in G below) by application to the committee and subject to approval by the Senate. The approval of the four (4) appointments by the Senate shall take place no more than forty-five (45) days after the approval of the Elections Committee Chairperson.
- The term of the Elections Committee shall end twenty-one (21) days following the general election or when all complaints registered within those twenty-one (21) days have been decided.

### 102. Election Procedures

A. Persons wishing to run for elected office shall either file written notification, (which shall include the candidate's name, declared major (if any), and the office they are running for) with the Attorney General or have it placed in the SGA office no later than ten (10) class days prior to the general election. Exceptions to this requirement may be granted by the Elections Committee if significant reasons are shown.

B. In the case of Student Body President and Vice President, candidates may declare themselves as a "ticket", requiring one vote at the polls.

### 103. Publicity Requirements

A. The filing date, date(s) of election, and all regulations pertaining to the eligibility requirements of all candidates shall be publicly posted and made available to all campus media, including (but not exclusive to) the K-State Salina Public Relations office at least ten (10) days prior to the filing date.

B. A list of candidates, election regulations, date of election, and voting procedures shall be publicly posted, and made available to all campus media, including (but not exclusive to) the K-State Salina Public Relations office at least ten (10) days prior to the general election.

### 104. Voting Procedures

A. Polls shall be open from 8:30 AM to at least 6:30 PM on the day (or days) of the elections. If there are polling stalls, their operation shall be the responsibility of the Elections Committee. If a polling

place needs to be unmanned for any length of time, the ballot box may be temporarily placed under the supervision of the SGA Advisor(s) until polling can be resumed.

- B. Voting shall be by secret ballot or by secret electronic means, with the voter only identifying their major (section) on a paper ballot. Electronic voting may use student information to identify the student, but shall not retain that information with the results generated for the Elections Overseers.
- C. Each voter may cast one vote for each open Senate position in their section, one vote for Student Body President and one vote for Student Body Vice-President (or one vote for a “ticket” of Student Body President and Vice-President.)
- D. The voter shall mark a paper ballot for their choice(s) according to the instructions, which shall be provided at the polls, or shall fill out an electronic ballot in accordance with the instructions available.
- E. After a paper ballot has been marked, it will be deposited in a ballot box. No one at the polls has the authority to check a paper ballot to see if it has been correctly marked. It is, however, permissible to use “practice” ballots as examples to show the proper way to mark an actual ballot. Such “practice” ballots will be distinctively marked so as to preclude confusion with actual ballots, and shall use different names than those of the actual candidates.
- F. National or local party affiliation of candidates will be made available at the polls (only if desired by the candidate) or, in the event of electronic voting, shall be made available upon request to the Elections Committee (again, subject to approval by the candidate.)
- G. There shall be no electioneering within fifty (50) feet of the polls or, in the event of electronic voting, within fifty (50) feet or in sight (whichever is less) of any publicly useable computer terminals that can be used for voting.

#### 105. Counting of Ballots

- A. After the polls have closed, the ballots shall be counted in the Student Government Office (or some other private place). No counting shall occur in multi-day elections until the end of the election period.
- B. Any legible name written on a ballot shall be counted. In the event of a “write in” candidate, the Elections Committee will verify that the candidate meets (or does not meet) the requirements of Constitution Article 202. If a “write-in” candidate does not meet the above-mentioned requirements, the ballot will be counted, but a notation made on the results that the candidate is not eligible for election.
- C. For a paper ballot, three (3) judges chosen by the Elections Committee shall count the ballots and will then submit the result to the Senate for certification.
- D. For electronic voting, the Elections Committee will review the data from the computer process and then, when satisfied, submit the results to the Senate for certification.

#### 106. Election Requirements

- A. The winning candidate shall be the one that receives the greatest number of votes in the election at issue (subject to B, below). In the case of “ticket” voting for Student Body President and Vice-President, the number of votes cast for the “ticket” shall be applied to both elections (for President and Vice-President).
- B. Candidates for elected office shall be elected by a majority vote of the correctly marked ballots for that election. In the event that no candidate receives a majority, a runoff of the top two candidates in that election will be held.
- C. Persons affected by decisions of the Elections Overseers may appeal that decision to the Judicial Board. In cases where the outcome of an election was affected, the Judicial Board shall recommend to the senate whether a re-election should be held, and the senate shall approve or disapprove a re-election.
- D. All complaints concerning an all-campus election shall be reviewed by Elections Overseers and a decision issued. Decisions which find candidates in violation of campaign regulations

will be made public as outlined below.

- E. Results of any election held by the Election Overseers will be presented to the current Senate for a two-thirds (2/3) majority vote to approve or disapprove the results. If disapproved, the Elections Overseers will be disbanded, and the election shall be held again with new Elections Overseers.

107. Reports of the Elections

- A. After the ballots have been counted and the results certified by the Senate, a report listing all the candidates, the number of votes received by each, and those declared elected shall be publicly posted and made available upon request to all campus media, including (but not exclusive to) On The Record publications, the K-State Salina Public Relations office, and the Kansas State Collegian. The results of the election shall be retained until the term of the elected officers expires.
- B. The Elections Committee shall notify the candidates elected.
- C. The retiring Chairperson of the Elections Committee shall submit to the Senate a written report detailing the procedures they used in this election, along with any problems they encountered or recommendations they have. These reports shall be retained and submitted to the (next year's) incoming Elections Committee for their guidance.

## ARTICLE II

### SYSTEM OF RECORDS AND CONDUCT OF MEETINGS

201. All rules, procedures, legislation, and minutes (with the exception of closed judicial proceedings) shall be made available to members of the K-State Salina SGA electronically.

202. Numbering of Legislation

- A. A tracking number shall be assigned to each bill or resolution. These numbers will consist of the school year (i.e. 20-21) followed by a sequential number assigned by the Senate Chair (i.e. 12). Therefore, "Resolution 20-21-12" will refer to the twelfth resolution introduced in the school year 2020-2021. A master list of all legislation considered, (and action taken) shall be kept by the Secretary.

203. General

- A. All meetings of the K-State Salina SGA Senate shall be held in accordance with Robert's Rules of Order (most recent edition). While professional business attire and strict adherence to Robert's Rules of Order is not mandatory, meetings are expected to occur in a business-like, professional manner.
- B. It is up to each chairperson of the various committees to promote the standing rules by which each committee shall work. A general framework for meetings, and all other assistance needed, will be provided by the Attorney General upon request.
- C. These standing rules shall supersede Robert's Rules when in place. In the absence of direct guidance from standing rules, however, Robert's Rules will be used to settle such questions as arise.

204. Meeting Format

A. Senate Meetings

1. Meetings of the K-State Salina SGA Senate have a greater importance, since actions taken by this body affect the greatest number of people on a daily basis. Therefore, it is assumed that Senate meetings will be more formal than most committee meetings and adhere to business casual attire.

2. The following order of meeting is recommended as a general guide (it is still in the province of the Student Senate Chair to conduct meetings as they see fit, in accordance with Constitution Article V, Section 502).

a. Call to Order

- (1). A roll shall be called (or a roll sheet signed) to verify that a quorum (1/2 of all Senators) is present. Without a quorum, the meeting shall not occur.

- (2). At this time, patriotic displays such as the Pledge of Allegiance are appropriate.

b. Announcements

- (1). During the announcement period, only procedural or brief factual information shall be disseminated. The Student Senate Chair may limit the time or topic as they see fit.

c. Scheduled Open Period

- (1). Any person may address the Senate, subject to the following rules:

- The Student Senate Chair may limit each speaker's allotted time.
- Any person wishing to speak during the Scheduled Open Period must submit a request in writing or via email at least twenty-four hours before the meeting, specifying the topic and the approximate time required. The only exception to this is the Dean's Report, which is a permanently scheduled open period.

d. Cabinet / Committee Reports

- (1). During the meeting, the Student Senate Chair shall ask if there are any cabinet or committee reports. Cabinet members and committee heads with updates to share may provide a brief summary related to their duties. The Student Senate Chair shall then recognize each speaker for as much time as they deem appropriate.
- (2). After each report, the Student Senate Chair shall ask the members assembled for questions or comments. Questions may be asked of and answered by each cabinet member. Debate may occur, but shall be kept brief and remain relevant to the report.

e. Introduction of New Legislation

- (1). In this period, new bills and resolutions shall be introduced. Upon introduction, the author may be asked to give a brief summary of the bill, provided that the bill was previously made available to the Senators and other members of the K-State Salina SGA and no objections are raised.
- (2). After the introduction, a brief debate may occur. The style of the debate may be set by the Student Senate Chair (or by a majority motion of the Senators) and may consist of either an informal question-and-answer session or a formal pro-con debate. The debate is designed to allow Senators to gather the information they need to vote responsibly.
- (3). No vote should occur on legislation at this time. All legislation is simply presented before the Senate, and then (after debate) tabled until final action is taken.
- (4). Action on legislation should normally occur at the next meeting; however, it is allowable to refer a bill to a committee for recommendation or report and extend the normal one-week waiting period.
- (5). No legislation shall carry over from one elected term to the next. All legislation shall be voted up or down before the current Senate leaves office.

f. Final Action on Legislation

- (1). In this period, final action on previously introduced legislation shall occur.
- (2). For each bill, if the Senate requests a summary or further debate, the Student Senate Chair shall ask the author (or another designated person) to read the text of the bill or resolution or give further information regarding it. (Changes in facts or language are not typically considered debate.) If no summary or debate is requested, a vote shall be taken.
- (3). If further debate is required, the style of the debate may be set by the Student Senate Chair (or majority motion of the Senators.) It shall consist of either an informal question and answer session or a formal pro-con debate.
- (4). These (above) steps should be taken with almost all legislation. If it becomes necessary to pass a matter immediately, the Senate may suspend these rules (by a two-thirds majority vote) and debate and pass (or defeat) a bill or resolution in one meeting.

- g. **Unscheduled Open Period**
  - (1). Any person may speak in the unscheduled open period without restriction as to subject or content (but still subject to Federal, State, and local law as well as University regulations.)
  - (2). The Student Senate Chair may impose time limits on speakers to ensure that the maximum number of people are heard and that the meeting adjourns in a timely manner.
- h. A roll shall be called by Secretary, or a roll sheet signed for attendance purposes.
- i. **Adjournment**
  - (1). When all business for the meeting is completed, the Student Senate Chair shall adjourn the meeting.

## ARTICLE III

### EXECUTIVE

#### 301. Cabinet Meetings

- A. Meetings of the Cabinet shall be called at the discretion of the Student Body President.

#### 302. Additional Duties of the Student Body Vice President

- A. The Student Body Vice President shall assist the Student Body President in all executive duties and attend meetings and functions at the request or in the place of the Student Body President. In addition, their duties shall include:
  - 1. Coordination of the activities of the Cabinet.
  - 2. Serving as an advisor to Cabinet members.
  - 3. Facilitating communication between members of the Cabinet and the Student Body President or the Senate.
  - 4. Giving reports for Cabinet members unable to attend Senate meetings.
  - 5. Fulfilling Student Senate Chair role, when necessary, by conducting Senate meetings.

#### 303. Presidential Succession

- A. If both the Student Body President and the Student Body Vice President are temporarily unable to fulfill their duties, then the Senate shall elect a Chairman *pro tem* to assume the duties of the Student Body President
- B. In the event of the resignation or removal of both the Student Body President and the Student Body Vice President, the Senate shall appoint an Interim Student Body President as follows.
  - 1. If an Interim Student Body President is appointed with forty-five (45) or more class days prior to the next scheduled election, then the Senate shall appoint an Elections Committee as outlined in Article I of these bylaws. This Elections Committee shall hold an interim election subject to all of the rules and regulations required of regular elections with the exception of time frame requirements.
  - 2. If the Interim Student Body President is appointed less than forty-five (45) class days prior to the regularly scheduled general election, then the Interim Student Body President shall serve as the Student Body President until a new elected Student Body President is sworn in.
- C. In the event of the resignation or removal of the Student Body Vice President, the Student Body President will appoint a new Student Body Vice President subject to approval by the Senate.

#### 304. Cabinet Members, Term of Office

- A. Cabinet members serve at the pleasure of the Student Body President. As they are not elected, they cannot be impeached. However,
  - 1. The Senate may pass a resolution requesting that the Student Body President ask for the resignation of any Cabinet member.
  - 2. Such a resolution needs a two-thirds (2/3rds) majority to pass.
  - 3. Such a resolution has no force of law, as it is the Student Body President's place to decide on Cabinet appointments. Rather, such a resolution would indicate the wishes of the Senate and of the K-State Salina SGA.

- B. There are no specific guidelines for Cabinet Members' attendance. However, it is recommended that the Student Body President set their own guidelines similar to Section 305 (below). If there are no guidelines set by the Student Body President, Cabinet Members will be held to the attendance requirements of Section 305.
- C. In the event that the Senate appoints an Interim Student Body President, all members of the current Cabinet shall remain in place until either:
  - 1. The Interim Student Body President makes new appointments, or
  - 2. A new (elected) President takes office, appointing their own Cabinet.

305. Attendance and Academic Requirements for the Executive Branch

- A. If either the Student Body President or Vice-President have more than three (3) unexcused absences (in the case of the Student Body President, an "unexcused absence" shall be interpreted to mean an absence without reasonable explanation as defined by the senate) then that person shall automatically be considered for impeachment.
- B. If the class load of the Student Body President or Vice President drops below that specified in Article 402 (C) of the Constitution, then that person shall be automatically considered for impeachment.
- C. If the GPA of the Student Body President or Vice-President drops below that specified in Article 202 (A) of the Constitution, then that person shall automatically be considered for impeachment.

## ARTICLE IV

### LEGISLATIVE

#### 401. Senate, Meeting Requirements

- A. The senate shall meet weekly while classes are in session at such time as is satisfactory to the majority of the members.
- B. The Student Senate Chair may call a special meeting upon a written or electronic petition or poll approved by ten percent (10%) of the members of the K-State Salina SGA or by a majority of the members of the Senate.

#### 402. Senate, Additional Meeting Requirements

- A. The Student Senate Chair shall preside over all senate meetings and have the power to excuse members from attendance during meetings in the event of an emergency or personal dilemma.
- B. The Student Body Vice President shall assume the duties of the Student Senate Chair at their request or when unable to perform the required duties.

#### 403. Responsibilities of Cabinet Members to assist the Senate

- A. Duties of the Secretary shall include, but are not limited to the following:
  - 1. Shall take minutes of all Senate meetings and publish them for the K-State Salina SGA's information in a timely manner.
  - 2. Shall coordinate work on campus binding legislation with the Attorney General.
  - 3. Shall handle any paperwork on behalf of the Senate assigned to them by the Student Senate Chair.
  - 4. Shall record the attendance of Senators and officers at all meetings, office hours, and other required events.
  - 5. Shall inform the Student Senate Chair when Senators and officers are in violation of the attendance requirement.
- B. Duties of the Attorney General shall include, but are not limited to the following:
  - 1. Shall serve as interpreter of rules at Senate meeting as requested by any K-State Salina Student Government Association member, using the K-State Salina SGA Constitution, these bylaws, and Robert's Rules of Order (most current edition).
  - 2. Shall coordinate work on campus binding legislation with the Secretary.

#### 404. Creation of Offices

- A. The Senate may create offices and committees as it sees fit by a majority vote of the Senate. Such offices shall report directly to the Senate.

#### 405. Replacement of Senators

- A. If a vacancy occurs in the Senate, a replacement Senator that meets all eligibility requirements defined in Article 202 (B) of the K-State Salina SGA Constitution shall be determined by means of the following requirements.

1. The vacancy shall be offered to unsuccessful candidates for the vacated seat, starting with the unsuccessful candidate who received the highest vote total and proceeding down the list.
  2. If the vacated seat cannot be filled with an unsuccessful candidate, as prescribed above, the following rules will be employed:
    - a. If a vacancy occurs prior to the next general election, a replacement senator shall be appointed by senators of that section.
- B. In the event that a senate seat is vacant due to a lack of candidates for that seat, then the Student Senate Chair, in consultation with other senators and members of the section, shall appoint a senator to fill out the term if deemed necessary.

#### 406. Attendance and Requirements for Senators

- A. Any senator with three (3) unexcused absences shall be grounds for impeachment.
- B. Any senator whose credit hours or GPA drops below the requirements specified in Article 205 (B) of the Constitution shall automatically be considered for impeachment.

#### 407. Standing Rules of the Senate

- A. The Senate may create standing rules for the conduct of its business by majority vote. Such rules will be collected and made available for reference by the Attorney General.
- B. Standing rules may be suspended by a two-thirds (2/3) vote of the Senate.

#### 408. Appointments to University Committees

- A. The Senate shall nominate (or approve) student appointees to such positions as requested by the Dean of Kansas State University Salina
- B. In the absence of any other specific guidelines detailing the selection procedure, the Senate may approve nominations made by K-State Salina SGA officials.

#### 409. Allocations to University-Registered Organizations

- A. The Senate shall, with the guidance of the Allocations standing committee, fund activities of student organizations as the senators see fit.
- B. In order to receive funds, an organization must:
  1. Be registered with the University,
  2. Meet Kansas State University's Policies, in admissions, housing, educational programs or activities and employment, all as required by applicable laws and regulations.
- C. While no funding can be allocated to organizations that do not comply with (B) (2) above, the Senate may vote to co-sponsor activities with these organizations, provided that:
  1. The organization is registered with the University,
  2. The activity planned is of a nature that would appeal to the general student population, and
  3. The organization does not conduct official club business within the event.
- D. Criteria to be met for the allocation of K-State Salina SGA Contingency Funds:
  1. An organization requesting funds has exhausted all other means of outside funding.
  2. An emergency situation has severely hampered the current operations of the requesting individual.
  3. Unforeseen Budget Adjustments

- a. They shall be based on effects of changes in usage, increasing operation cost, emergency repairs, and/or replacements.
- b. They shall be used for new items or services, or used to change the substance of an item or service or what was included in the annual budget passed by the Student Senate.

## ARTICLE V

### JUDICIAL

#### 501. Definitions

- A. “Administrative Hearing” means the process by which a third party is selected/assigned by the Student Attorney General or Director for Student Life to determine final resolution of a dispute after hearing testimony from all parties.
- B. “A preponderance of evidence” shall mean evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it.
- C. “Class days” shall mean the days during the academic year when classes are in full session, not including finals week, intercession, and summer session.
- D. “Complainant” shall refer to the individual(s) who files a written allegation of Conduct Code, Residence Hall Policy and/or Housing and Dining Services Contract violation(s).
- E. “Conduct Code” shall mean Article 503 of these Bylaws.
- F. “Dean” shall mean the Dean of Kansas State University Salina (or designee), as the individual designated by the University President to be responsible for the administration of the Judicial Code.
- G. “Director” shall mean the Residence Life Coordinator, Assistant Residence Life Coordinator, or designee as the individual designated to be responsible for the administration of Housing and Dining Services Policies and Residence Halls Contracts.
- H. “Faculty/Staff members” means any person employed by the University to conduct classroom activities or who performs administrative or professional responsibilities.
- I. “Group” means a number of persons who are associated with each other for some common purpose and who have not complied with university requirements for registration as an organization.
- J. “Hazing” is defined as an act which endangers the mental or physical health or safety of a student, or which destroys, removes, or defaces public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.
- K. “Judicial Board” means any person or persons listed in Section 602 of the SGA Constitution, or as otherwise established by SGA.
- L. “Judicial code” shall mean the operations and procedures of the judicial program, as outlined in Article V of these Bylaws.
- M. “May” is used in the permissive sense.
- N. “Mediation” means third-party intervention in a conflict for the purpose of resolving the conflict. Participation by the parties in mediation is voluntary, informal, and confidential and must occur in a cooperative environment.
- O. “Member of the University community” includes any person who is a student, faculty/staff member, or employee of the University or such person’s guest. In unclear situations, the Dean shall determine a person’s status in a particular situation.
- P. “Organization” means a number of persons who have complied with University requirements for registration
- Q. “Policy” is defined as the written regulations of the University as found in, but not limited to, the Conduct Code, Housing and Dining Services Contract, Residence Halls Policy and Information Handbook, Graduate/Undergraduate Catalogs, Faculty Handbook, the Policy and Procedures Manual and the University Campus Directory. A “Residence Hall” is a University owned building

where students are housed under contract with Housing and Dining Services (and the grounds and parking lots surrounding those halls.) Specifically, on the Kansas State University Salina Campus, “Schilling Hall” and “Harbin Hall” are defined as residence halls.

- R. “Respondent” shall refer to the student against whom an allegation(s) of Conduct Code, Residence Hall Policy and/or Housing and Dining Services Contract violation(s) has been made.
- S. “Reckless” means conduct that one knows or should know would reasonably create a substantial risk of harm to a person or property, or that would be likely to result in interference with university or university sponsored activities.
- T. “Shall” is used in the imperative sense.
- U. “Student” includes any person enrolled, or who has demonstrated an intention to enroll, in any course at Kansas State University Salina, to pursue undergraduate, graduate, or professional studies (or any person who resides in a residence hall.)
- V. “University” means Kansas State University and unless otherwise specified, is locally assumed to mean Kansas State University Salina.
- W. “University premises” includes all land, buildings, facilities, and other property owned, used, or controlled by the University.
- X. “University sponsored activity” means any activity, on or off campus that is University authorized and supervised by a faculty/staff member or organization advisor, or for which students receive academic credit from the university.
- Y. “Weapon” means any object or substance designed to inflict a wound, cause injury or incapacitate, or create reasonable fear of harm, including but not limited to, all firearms, pellet guns, switchblade knives and knives with blades five or more inches in length, martial arts weapons, potato guns, and substances such as explosives, dangerous chemicals and poisons.

#### 502. Jurisdiction

- A. Generally, University jurisdiction to receive complaints and to impose sanctions under this code shall be limited to misconduct that occurs on University premises or behavior which intentionally or recklessly interferes with the operation of the University or with University sponsored activities, including, but not limited to, studying, teaching, research, University administration, fire, police, or emergency services (whether University or locally provided).
- B. Allegations of misconduct believed to constitute discrimination, including harassment as described and defined in the “Policy Prohibiting Sexual Harassment”, and “Policy Prohibiting Racial and/or Ethnic Harassment” should be referred to the Affirmative Action Office or the Dean of Student Life Office. Allegations of assault covered under the “Policy Prohibiting Sexual Violence” should be referred to the Dean of Student Life Office.
- C. Allegations of misconduct that violate both this Conduct Code and the University Honor Pledge may be prosecuted by both bodies.

#### 503. Conduct Code - Rules and Regulations

- A. The following described behaviors constitute misconduct in which disciplinary sanctions will be imposed.
  - 1. Acts of dishonesty, including, but not limited to the following:
    - a. Furnishing false information to any University official, faculty/staff member, or office.
    - b. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
    - c. Tampering with the election of any organization or student governing body.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or other authorized non-University activities.
3. Conduct that threatens or endangers the mental or physical health or safety of any person, including, but not limited to physical abuse, verbal abuse, threats, intimidation, harassment, and coercion.
4. Attempted or actual theft of or damage to property.
5. Hazing. Consent by the person hazed shall be no defense to the hazing.
6. Telephone, texting, online social networking, emailing harassment, which shall include:
  - a. Making calls containing lewd or obscene remarks intended to harass whether or not conversation ensues.
  - b. Making the telephone ring repeatedly with intent to harass.
  - c. Making repeated calls in which conversation ensues solely to harass.
  - d. Writing text messages containing obscene comments with the intent to harass.
  - e. Online media of any sort with intentionally conducting verbal, written, or visual harassment.
  - f. Sending emails with the sole purpose to intently harass.
7. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties or failure to identify oneself to these persons when requested to do so.
8. Unauthorized possession, duplication or use of keys, or other devices that provide access to any University premises.
9. Unauthorized presence in or use of University premises, facilities, or property.
10. Violation of University policies, rules or regulations.
11. Violation of federal, state, or local law.
12. Unauthorized distribution, use or possession of a controlled substance as described in Chapter 65, Article 41 of Kansas Statutes Annotated
13. Unlawful use, possession or distribution of alcoholic beverages or violation of the University's Alcoholic Beverage Policy.
14. Illegal or unauthorized possession or use of firearms, explosives, weapons, or dangerous chemicals.
15. Intentionally initiating or causing to be initiated, any false report, warning or threat of fire, explosion or other emergency on University premises or at a University sponsored activity.
16. Participation in a campus demonstration which unreasonably disrupts the normal operations of the University and infringes on the rights of other members of the University community; inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
17. Intentionally interfering with the freedom of expression of others on University premises or at a University sponsored activity.
18. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting or procuring another person to breach the peace on University premises or at University sponsored activities.
19. Theft or abuse of computer time or other violation of computer usage policies and agreements as published by the University.

20. Abuse of the SGA Judicial Program, including but not limited to:
  - a. Falsification, distortion, or misrepresentation of information.
  - b. Disruption or interference with the orderly conduct of a judicial proceeding.
  - c. Knowingly initiating a complaint without cause.
  - d. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
  - e. Attempting to influence the impartiality of a member of a judicial board prior to, or during the course of, the judicial proceeding.
  - f. Verbal, written, phone, or physical harassment, and/or intimidation of a member of a judicial board.
  - g. Failure to comply with the sanction(s) imposed under this Code.
  - h. Influencing or attempting to influence another person to commit an abuse of the judicial system.
21. Misconduct may also include any violation of any rules appearing in the leases and contracts entered into by a student to obtain accommodations with the Department of Housing and Dining Services.

504. Violation of Law and University Discipline

- A. If a violation of Article 503 (A) (11) above is alleged, proceedings under the Judicial Code may go forward against an offender who is subject to criminal prosecution. However, a finding of fact in the violation of Article 503 (A) (11) cannot be made by a University judicial board until such time as a court of law renders a verdict (which proves or disproves the violation.) This does not mean that judgment cannot be rendered on other charges (if any.)

505. Duties of Persons and Boards associated with the Judicial Process

- A. Duties of the Attorney General
  1. Serve as a designee of the Dean in receiving and disposing of complaints according to this judicial code.
  2. Supervise the administration of the judicial program and advise students on matters of judicial policy.
  3. Advise the students and boards as to their rights and responsibilities in disputes and identify resources if such guidance is requested.
  4. Serve as complainant in those cases involving University property or policy or when such action is in the interest of the University.
  5. Provide information and forms to judicial boards necessary for their administration.
  6. Train Justices in their duties.
- B. Duties of the Chief Justice of the Judicial Board
  1. Organize and operate the Judicial Board to provide the SGA with timely and learned justice.
  2. Fulfill the requirements of Constitution Article 602 (A).
- C. Duties of Justices (General)
  1. Attend all scheduled meetings of Boards as required by the Chief Justice of that Board.
  2. Diligently study and understand the Constitution and Bylaws.

3. Maintain the highest standards of academic and moral conduct.

D. Duties of the Judicial Advisor

1. Directly advise students involved in the judicial process in the disposition of complaints and conduct of hearings.
2. Maintain confidential records of all judicial proceedings.
3. Appoint ad-hoc boards when required by these Bylaws.
4. Recommend changes in jurisdiction, procedures, judicial board organization and other matters to the Attorney General.
5. Direct the SGA and the Attorney General in the review and revision of the judicial code in five-year cycles (next revision will be due in 2014).
6. Advise the Attorney General in the development and delivery of judicial training programs, handbooks and related materials.
7. Serve as a designee of the Dean when requested.

E. Duties of Boards (General)

1. To meet periodically to conduct such training as the Attorney General and the Chief Justice of the Board sees fit.
2. To assemble as required for deliberation and judgment as required under the requirements set forth in these Bylaws.

F. Duties of the Judicial Board

1. Hear cases involving violations of the Conduct Code occurring on campus or at off campus University sponsored events.
2. Prepare and distribute pamphlets and materials explaining the SGA judicial program to members of the University community.
3. Interpret the K-State Salina SGA Constitution, Bylaws and other legislation, upon written request by the Student Body President, a majority vote of the Senate or by presentation of a petition signed by ten (10%) percent of the members of the K-State Salina SGA. The interpretation should be (in the order of priority):
  - a. Based primarily on the common understanding of the words and phrases,
  - b. Logically consistent with the remainder of the document,
  - c. Consistent with prior interpretations, (such interpretations will be kept on file by the Attorney General) and
  - d. In the best interest of the members of the K-State Salina SGA;
4. Try bills of impeachment passed by the Senate, (with the exception of judicial boards, who are impeached solely by the Senate.)
5. Hear disciplinary cases involving special circumstances or situations for which jurisdiction is not otherwise described;
6. Hear appeals of decisions from the SGA Elections Committee, with the authority to change or modify the decisions of the SGA Elections Committee.
7. Hear appeals of decisions originating under the Policy Prohibiting Sexual Harassment, Policy Prohibiting Sexual Violence, and Policy Prohibiting Racial and/or Ethnic Harassment when appeal beyond the administrative process is desired;
8. Hear appeals of the decision made by any committee created according to the legislative powers granted in Article 404 of these bylaws.

9. Shall hear cases involving violations of the Conduct Code, Residence Halls Policy and Information Handbook, and Housing and Dining Services leases and contracts that occur in residence halls or common dining areas.

#### 506. Resolution of Complaints

##### A. Mediation of Complaints

1. Any student may request a meeting with the Dean to address any alleged violation of the Conduct Code. However, both parties must agree to the mediation of a dispute.
2. The time in which a complaint must be filed, under this code, will not be extended by the mediation process.
3. After consultation, a facilitator agreeable to both parties will be appointed by the Dean.
4. Mediation will typically involve the following process:
  - a. The facilitator explains the mediation process to the parties.
  - b. The process will begin by the signing of a Mediation Agreement. The Agreement will include:
    - (1). Ground rules established for the mediation
    - (2). A statement of the issue(s) at dispute
    - (3). The signature of both parties
  - c. Each party informs the facilitator of relevant facts in support of the party's complaint or defense. The facilitator may ask questions of each party.
  - d. The facilitator invites the parties to discuss the facts in accordance with the ground rules.
  - e. The facilitator identifies common points of interest and assists the parties in reaching a resolution of the dispute.
  - f. If a resolution is achieved by agreement of the parties, the facilitator may cause the resolution to be written and signed by the parties.
  - g. If the parties cannot agree to a resolution through mediation, and if a complaint is timely filed, such complaints may be assigned to an appropriate judicial board.

##### B. Administrative Hearing

1. An Administrative Hearing is granted by the Dean when circumstances warrant, (such as the nature of the conflict being highly sensitive or the allegations being serious enough that the normal student judicial process is inappropriate.)
2. A complainant or respondent may request a meeting with the Dean to address any alleged violation of the Conduct Code. All parties, (including the Dean,) must agree to an administrative hearing. If an agreement is not met, the complaint will be referred to the Attorney General for disposition.
3. The process will begin by signing a Hearing Agreement. The agreement will include:
  - a. A statement waiving the right to a hearing through the SGA judicial program
  - b. A copy of the written complaint
  - c. A listing of witnesses and other parties who are present
  - d. Any additional evidence provided by either party
  - e. The signature of both parties and of the Dean

4. The Dean will question both parties, witnesses, and examine evidence as they see fit.
5. After being fairly and fully informed of the facts from the parties, the Dean shall issue findings of fact and impose sanctions, if any. The decision of the Dean is final.
6. The decision will be documented and copied for each party. The decision shall include:
  - a. The finding(s) of fact(s) in the case
  - b. Disposition of alleged allegation(s)
  - c. Sanctions levied (if any)
7. Both parties shall be notified within two (2) class days from the time a decision is made by a process in which delivery is certified.

### C. Judicial Board Hearing

1. Educational Conferences
  - a. Educational Conferences may be held before and/or after a written complaint has been filed with the Attorney General and shall be conducted as to clarify the complaint, address procedures, choice of course of actions and to resolve any questions the complainant or respondent may have.
  - b. Persons attending an Educational Conference will include:
    - (1). The Judicial Advisor. (or designee)
    - (2). Both parties
    - (3). The Attorney General (or designee)
    - (4). Other persons as agreed to by all of the above
  - c. A resolution of the complaint may occur at the Educational Conference (and such an outcome is encouraged.)
2. Complaints
  - a. Any member of the University community may file a written complaint against a student.
  - b. A Complaint Form must be submitted in writing to the SGA Attorney General in the Office of Student Life. The complaint must be received, signed, and dated to be valid.
  - c. Complaints must be submitted no later than twenty (20) class days after the alleged misconduct occurs or is discovered.
  - d. The complaint shall be completed on the specified Judicial Complaint Form and must include the following information.
    - (1). The complainant's name, address and telephone number;
    - (2). The name of the person who allegedly committed the violation;
    - (3). The facts of the alleged violation, including the time, date, location and description of specific conduct;
    - (4). The provision of the Conduct Code, Residence Hall Policy, and/or Housing and Dining Services Contract alleged to be violated;
    - (5). The complainant's signature and date; and
    - (6). Copies of any additional relevant and pertinent information related to the complaint must be attached.
  - e. Receipt of the complaint must be certified.
3. Notice of Hearing

- a. Upon proper receipt of a complaint, the Attorney General shall assign the complaint to an appropriate judicial board for hearing and set a date for the hearing.
- b. The date of the hearing shall be no later than ten (10) class days following receipt of the complaint and no fewer than five (5) class days following receipt of the written notice by respondent.
- c. The Attorney General shall appoint a faculty member to notify the parties in writing or email that a complaint has been received and shall inform the parties that a hearing has been scheduled. This written notice shall include:
  - (1). A copy of the complaint and relevant information
  - (2). The time, date and place of the hearing
  - (3). The right of the respondent to present information in response to the complaint, and any personal circumstances that may affect possible sanctions
  - (4). A copy of this judicial code (and a copy of any other policy alleged to be violated.) These copies will be submitted only with a first Notice (although more copies will be provided on request)
- d. If a case involves two or more students who are respondents, any respondent may request (in writing) a separate hearing. Such requests will be granted by the Attorney General unless time restraints outlined in 506 (C) (3) (b) above would be violated by granting such a request.
- e. All notices will be delivered personally (and signed by the person to which the notice is addressed) or in another manner by which receipt can be certified.
- f. Following receipt of such notice, either the complainant(s) or respondent(s) may make a written request for postponement of the hearing for good cause shown. The Attorney General or designee may grant or deny a request that the hearing be postponed and deliver a decision (with a new Notice to appear.)

## 507. Hearing Procedures

### A. Conduct of Primary Hearing

1. Attendance at the hearing shall be restricted to (unless an open hearing is requested as per Article 507 (A) (3) below):
  - a. The respondent(s)
  - b. The complainant(s)
  - c. Witnesses called by either party
  - d. Members of the judicial board
  - e. The Attorney General
  - f. The judicial advisor
  - g. The Dean
  - h. An advisor for either party who may be an attorney (but does not have speaking privileges)
  - i. The University lawyer(s)
2. The judicial board hearing a complaint shall be attended by at least two-thirds (2/3) of its current membership. If a sufficient number of members are not present, the hearing will be postponed for a time not to exceed 10 class days. The judicial advisor may assemble an Ad Hoc Judicial Board if a quorum cannot be achieved.

3. All information regarding the case shall be kept confidential. The hearing shall be closed unless the respondent specifically requests (in writing to the Attorney General) that the hearing be open to all members of the University community. If necessary to preserve the confidentiality of the parties, the Attorney General (in consultation with the Chief Justice of the affected board) may deny the respondent's request for an open hearing.
  4. The complainant shall have the burden of proving the allegations by a preponderance of the evidence.
  5. Once the hearing is convened, all procedural questions are subject to the final decision of the Chief Justice of the hearing board.
  6. The complainant, the respondent, and the judicial board, in that order, may present witnesses, subject to the right of cross-examination by the judicial board, complainant and respondent.
  7. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a judicial board at the discretion of the Chief Justice.
8. No person shall be compelled to provide testimony that may be prejudicial to himself/herself.
9. Written or oral statements of persons not present at the hearing shall not be admissible, except under extraordinary circumstances when the reliability of the statements can be demonstrated.
    - a. To determine admissibility of such written or oral statements, the Chief Justice may question the party offering the evidence before admitting or excluding it.
    - b. If the circumstances are not found to be extraordinary and the evidence is excluded, the Chair shall state that the evidence is not to be considered because the person(s) making the statement is not present for questioning and the reliability of the evidence is questionable.
  10. No student may be found to have committed alleged violations solely because the student failed to appear before a judicial board. In all cases, the evidence in support of the charges shall be presented and considered.
  11. Conflict of interest shall preclude any person from sitting in judgment upon the respondent. The Chair shall ask if any person sitting in judgment has any prior information on the allegations that would cause bias. Conflicts of this type may include (but are not limited to) sitting in judgment on a respondent:
    - a. After investigating the case against the respondent
    - b. When serving as a witness
    - c. When acting as a complainant
    - d. In such cases, the Chief Justice may either ask the Justice with the conflict to remove himself/herself from the proceedings, or (consulting with the Attorney General) refer the case to another judicial board
  12. There shall be a tape recording of all hearings. The record shall be the property of the University.
  13. The following order of procedure shall be used at the hearing:
    - a. The allegations against the respondent shall be stated
    - b. The respondent shall admit or deny the allegations, or stand mute
    - c. If the respondent stands mute, they shall be given a chance to explain their choice, and then the proceeding shall continue as if the respondent had fully denied all allegations
    - d. If the respondent denies the allegations, the following order of procedures shall be used:
      - (1). The complainant shall present only relevant evidence and may call witnesses.

- (2). The respondent and judicial board may examine all physical evidence presented and may question the complainant and all witnesses.
- (3). The respondent may present evidence and call witnesses; however, the respondent shall not be required to testify.
- (4). The complainant and members of the judicial board may question the respondent's witnesses and may question the respondent if they testify.
- (5). Members of the judicial board may again question the complainant, respondent (if they testify) and witnesses to clarify discrepancies.
- (6). The complainant and respondent, in that order, may make concluding statements.
- (7). The Chief Justice shall state the procedure for notice of the decision and the procedure for appeal as stated in Section 10.
- (8). The Judicial Board shall meet in private in order to discuss the proof of the allegations and reach a decision regarding the truth of the allegations. The decision shall be based solely on the evidence presented at the hearing, and shall determine, by majority vote, whether the complainant has shown by a preponderance of the evidence, that the respondent committed the alleged violations.
- (9). If the allegations are supported by a preponderance of the evidence or if the respondent admits to the alleged violations, the judicial board shall:
  - (a). Inform the respondent of the range of possible sanctions and allow the respondent to present evidence of:
    - (i). Any personal circumstances tending to explain and justify their actions, and
    - (ii). Any personal circumstances relevant to the range of sanctions, such as the effect of the various sanctions upon the respondent
  - (b). After hearing such evidence, consult with the Judicial Advisor, who shall provide information of prior violations of the Conduct Code or other policies by the student, and
  - (c). Determine the sanction against the respondent.

#### 508. Sanctions

- A. Any of the following actions (or more than one action) may be imposed upon any student found to have committed the alleged violation(s):
  1. Warning - A notice in writing to the student that the student has violated a University policy.
  2. Probation - A written reprimand for violation of specified policies. Probation is for a specified period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating University policy during the probationary period.
  3. Loss of Privileges - Denial of specified privileges for a designated period of time, including the non-release of academic records.
  4. Restitution - Compensation for loss, damage or injury. This may take the form of appropriate services and/or monetary or material replacement.
  5. Discretionary Sanctions - Work assignments, service to the University or other related discretionary assignments.

6. Residence Hall Suspension - A recommendation to the Residence Hall Assistant for separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for re-admission may be specified.
7. Interim Suspension
  - a. The Dean may impose a University or residence hall suspension prior to the hearing before the judicial body.
  - b. Interim suspension may be imposed:
    - (1). To ensure the safety and well-being of members of the University community or preservation of University property;
    - (2). To ensure the respondent's own physical or emotional safety and well-being; or
    - (3). If the respondent poses a definite threat of disruption of or interference with the normal operations of the University.
  - c. During the interim suspension, the respondent may be denied access to the residence halls or to the campus, including classes, or all other University activities or privileges for which the student might otherwise be eligible, as the Dean may determine to be appropriate.
8. Residence Hall Expulsion - A recommendation to the Residence Hall Assistant for permanent separation of the student from the residence halls.
9. University Suspension - A recommendation to the Dean for separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
10. University Expulsion - A recommendation to the Dean for permanent separation of the student from the University.
11. In addition to the above, the following sanctions may be imposed upon organizations:
  - a. Revocation of Registration - Loss of all privileges, including University recognition, for a specified period of time.
- B. University expulsion shall be made part of the student's permanent academic record.
- C. All other sanctions shall become a part of the student's confidential record.
- D. Notice of Decision.
  1. The hearing board shall notify both the respondent and the complainant in writing within two (2) class days after the decision, stating the decision, the reasons for the decision, the sanctions and the rules and procedures for exercising the right to appeal.
  2. The decision will be served in person or by process in which receipt is certified.

#### 509. Appeals

- A. A decision reached by a judicial board may be appealed by the respondent(s) or complainant(s) to the Attorney General for action.
- B. Appeal Requests shall be filed (in writing) with the Attorney General by 5:00 p.m. within three (3) class days following notification of the respondent in writing of the decision. A maximum of three (3) additional class days may be granted at the discretion of the Attorney General if warranted by unusual circumstances.
- C. Initially, an appeal shall be limited to review of the verbatim record of the previous hearing and supporting documents for one or more of the following purposes:

1. The hearing board failed to provide a fundamentally fair process, including:
    - a. Defective notice
    - b. Failure to follow written procedures and rules as outlined in this code
    - c. Lack of substantial evidence to support a finding of a violation, substantial evidence being such evidence that a reasonable mind might accept as adequate to support a conclusion
  2. The hearing board reached a decision in an unjust manner, including but not limited to the presence of:
    - a. Bias,
    - b. Unreasonable, arbitrary or capricious action, and/or
    - c. Discrimination on the basis of race, religion, color, sex, physical ability, national origin, sexual orientation or ancestry.
  3. That the hearing board denied the student's SGA constitutional rights;
  4. The sanction is too harsh; and/or
  5. The hearing board lacked jurisdiction.
- D. Evidence not presented in the original hearing may not be considered on appeal unless such evidence was not known nor could be discovered by the person requesting such evidence to be considered on appeal. The judicial board hearing the appeal shall have the discretion to decline or accept evidence that was not presented at a prior proceeding. If new evidence is accepted, both parties shall be notified of such evidence and have the opportunity to respond to it.
- E. To appeal, the respondent or complainant must file an Appeal Request Form with the Attorney General. The Appeal Request Form shall include:
1. The name of the person making the appeal;
  2. The body whose decision is being appealed;
  3. The date on which the decision of that body was given; and
  4. The grounds on which the case is being appealed, supported by specific facts.
- F. For an Appeal Request to be granted, it must be filed within the time-limits set forth in these Bylaws, and receipt of the request must be certified. With appeals involving decisions where sanctions of dismissal or expulsion are imposed, a hearing will automatically be granted.
- G. If the appeal is to be considered, the Attorney General shall forward a copy of the Appeal Request to the complainant(s), respondent(s) and the Chair of the prior hearing board within two (2) class days of receipt. The Attorney General shall also inform the complainant(s), respondent(s), and judicial board of the right to respond in writing within three (3) class days of receipt of the Appeal Request Form, unless an extension is obtained from the Attorney General.
- H. The Attorney General shall schedule the appeal before the appellate board, on a day not less than five (5) class days and not more than (10) class days after the parties have been informed of the right to respond.
- I. Appeals of initial judgments by the Judicial Board shall normally be heard by an appointed ad- hoc board. The appellate board shall consist of:
1. One (1) student appointed by the Residence Life Coordinator.
  2. One (1) member at large appointed by the Attorney General.
  3. One (1) student unaffiliated with an organization living group appointed by the Student Body President.
  4. One (1) Senator appointed by the Student Body President.
  5. One (1) member at large, jointly appointed by the Attorney General and the Student Body President.

6. The Chief Justice of the appellate board shall be the Attorney General. This Chief Justice shall be responsible for day-to-day running of the appellate board, in consultation with the Director for Student Life or the Judicial Advisor.
- J. The appeal review shall be based on the record of the hearing by the prior board; therefore, the appellate board may determine that it is not necessary for the complainant(s), respondent(s), and witnesses to be present. The appellate board may request the presence of respondent(s), complainant(s), and any witnesses if deemed necessary.
  - K. The record for the appeal shall include:
    1. The recording of the prior board's hearing,
    2. The Judicial Complaint Form, the Notice of Primary Hearing, the Notice of Decision, any other documents or physical evidence relating to the case,
    3. The respondent's/complainant's Appeal Request Form,
    4. The complainant's/respondent's written response to the Appeal Request Form, and
    5. Records of respondent's prior violations.
  - L. The appeal shall be attended by at least two-thirds (2/3) of the members of appellate board. If a quorum is not present, a re-hearing shall be scheduled within three (3) class days. Additional days may be granted at the discretion of the Attorney General.
  - M. There shall be a tape recording of all appeal hearings. Their record shall be the property of the University.
  - N. No person shall be compelled to provide testimony, which may be prejudicial to himself/herself, and failure to testify shall not be evidence that the allegations are true.
  - O. Attendance at the appeal shall be restricted to the appellate board and the Judicial Advisor, unless otherwise determined by the Chief Justice of the appellate board. All information regarding the case shall be kept confidential, unless the case has an overriding interest to the University community. In such cases, a determination shall be made by the Attorney General in consultation with the Dean. All other cases shall be closed.
  - P. The following order of procedure shall be used at the appeal:
    1. The Chair shall distribute copies of the written record to members of the board, who shall read, study and discuss such documents.
    2. The Chair shall read the grounds for appeal.
    3. Members of the board may listen to the recording of the primary hearing.
    4. The board shall decide whether additional testimony is necessary and if so, the Chair shall continue the appeal on a date no more than seven (7) class days and no less than two (2) class days. The Chair shall notify the respondent(s) and complainant(s) of the time, place, and date of the appeal, the issues to be addressed and the following rights.
      - a. If either party is to be present at the appeal or if either party is permitted to call witnesses, the other party shall have the same rights.
      - b. Written or oral statements of persons not present at the appeal shall not be admissible except under extraordinary situations when the reliability of such statements can be demonstrated.
      - c. The parties shall have the right to have an advisor present who may be an attorney but shall not have speaking privileges.
      - d. The parties shall have the right to hear all evidence presented and to confront and cross-examine witnesses.
    5. The following order of procedure shall be used when the appeal resumes:

- a. The Chair shall state the issues to be resolved at the appeal.
  - b. The respondent shall present only relevant evidence and may call witnesses; the respondent may not be compelled to provide testimony that may be prejudicial to himself/herself; and failure to testify shall not be evidence of guilt.
  - c. The complainant and board, in that order, may examine all physical evidence presented and may question respondent and all witnesses.
  - d. The complainant shall present only relevant evidence and may call witnesses.
  - e. The respondent and appellate board, in that order, may examine all physical evidence presented and may cross-examine the complainant and all witnesses.
  - f. The appellate board may again question the respondent, the complainant and/or witnesses.
  - g. The respondent and the complainant, in that order, may make concluding statements.
  - h. The Chair shall state the procedure for notice of the decision and the procedure for appeal of the decision.
6. The appellate board shall meet with the Judicial Advisor, if applicable, in private to reach a decision. The decision shall be based solely on the record including additional evidence presented at the appeal hearing.
- a. If the judicial board finds that the prior board's decisions are not supported by substantial evidence or that the respondent or complainant has been substantially disadvantaged by procedural error, the appellate board shall change or modify the decision of the lower body or refer the case to a lower body for rehearing upon specific instructions, or
  - b. The appellate board shall uphold the decision of the lower body. The board shall state, in writing, the decision, reasons supporting the decision, and the action to be taken.
7. The decision shall be delivered in person, or in a process by which receipt is certified, to the respondent, the complainant, the judicial board whose decision is being appealed in writing within two (2) class days after the appeal, review, or hearing. The notice shall include the decision, the reasons for the decision, the action to be taken, and the right to appeal to the Dean.
- Q. Review of the sanction by an appellate board may not result in more severe sanction(s) for the accused student.
- R. Written appeal requests of decisions reached by an appellate board may be submitted to the Dean by 5:00 p.m. within three (3) class days following notification in writing of the decision. The appeal shall be based solely on the review of the written record. No additional information or documentation shall be presented. Following an appeal, the Dean may, upon review of the case, adjust the sanctions imposed by the judicial board or uphold the prior decision.

#### 510. Management of Records

- A. Records of ad hoc boards, Judicial Board proceedings, records of proceedings brought pursuant to impeachment hearing, and interpretations of SGA Constitution, Bylaws, and legislation will be maintained by the Judicial Advisor.
- B. Records of proceedings by the Dean shall be maintained by the Dean (or their designee).
- C. The records of disciplinary proceedings shall be kept confidential and shall be destroyed six (6) years after the final decision is rendered. (With the exception of cases that result in expulsion from

the University. In that case, the expulsion will be attached to a student's permanent academic record.) Records of judicial proceedings shall be released only upon written request to (and by the discretion of) the Dean.

#### 511. Enforcement

##### A. Responsibility

1. The responsibility of the enforcement of the decisions of a judicial board shall rest with the entire SGA, the administration of the University, and the Dean.

##### B. Sanctions

1. Completion date for sanctions shall be given at time of sanctioning.
2. The respondent must complete sanctions with proof of the following (as appropriate):
  - a. Copies of completed work,
  - b. Signed statement from supervisor/department in which work is completed,
  - c. Class - submit completed grade for class
  - d. Letters to Chief Justice/Attorney General to be forwarded to the appropriate party.
3. Failure to comply will result with a complaint being filed against the individual pursuant to Article 503 (A) (20) of these Bylaws.
4. Students who graduate or leave the University and fail to comply with pending sanctions shall:
  - a. Be notified in writing that there is potential for non-release of academic records, or
  - b. A hold will be placed on academic records until sanctions are complete, or
  - c. The Dean, in consultation with Attorney General, will approve new or comparable sanctions should existing ones not be feasible while classes are not in session.

#### 512. Interpretation and Revision

- A. Any question of interpretation regarding the Judicial Code shall be referred to the Judicial Board via the Attorney General for official interpretations.