

# Kansas State University Student Governing Association By-Laws

Article I Elections and Elections Committee.....	1
Article II Amendments to the Constitution.....	2
Article III System of Records .....	2
Article IV Executive .....	2
Article V Legislative.....	4
Article VI Judicial.....	16

# Kansas State University Student Governing Association By-Laws

*(Revised March 12, 2009)*

The By-Laws to the Kansas State University Student Governing Association are an extension, in detail of the laws as stated in the Constitution and certain operating rules and procedures of the Kansas State University Student Governing Association (KSU SGA).

It shall be the purpose of the Kansas State University Student Governing Association officials to officially 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 the colleges and schools of the University 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 organ of the student body.

## Article I Elections and Elections Committee

### Section. 1. SGA Elections.

#### A. Elections Commissioner.

1. Elections Commissioner shall be responsible for carrying out the Kansas State University Student Governing Association elections, carrying out all provisions of the Elections Regulations Code, and reviewing and making recommendations to Student Senate concerning revisions of the Elections Regulations Code.
2. The Elections Commissioner shall be appointed by the Speaker of the Student Senate, the Student Body President and the Attorney General with the approval by Student Senate.

#### B. Deputy Commissioner

1. The Deputy Commissioner shall be appointed by the Commissioner with the approval of Student Senate.
2. Duties of the Deputy Commissioner shall include tasks delegated by the Commissioner, excluding any election code violation rulings.

#### C. The Elections Review Committee

1. The Elections Review Committee shall be composed of five members not including the chair. There will be two members from the Judicial Branch who will be appointed by the Attorney General with the approval of Student Senate, and three members from the Legislative Branch appointed by the Senate Operations Committee with the approval of Student Senate. No member on the Elections Review Committee shall be a candidate for any office by which the Student Government Elections Commissioner has authority.
2. No member on the Elections Review Committee shall actively or passively campaign for another student's SGA elections campaign.
3. No member on the Elections Review Committee shall financially contribute to another student's SGA election campaign.

#### D. Election Procedures.

1. The Elections Regulations Code shall govern all Student Governing Association elections at Kansas State University.

- E. Members of Student Tribunal and members of Judicial Council shall not actively or passively campaign for another student's SGA campaign.
- F. Members of Student Tribunal, and members of Judicial Council shall not financially contribute to another student's SGA campaign.

## **Article II Amendments to the Constitution**

- Section. 1. Procedures for Ratification.
- A. When a proposed amendment to the KSU SGA Constitution is submitted to the college councils for ratification, the Student Senate Secretary shall transmit a copy of the amendment to the president of each council.
  - B. A written statement of the result of the vote of each college council shall be returned to the Student Senate Secretary, who shall count the votes and inform Student Senate of the results.
  - C. If the votes of the college councils are sufficient to ratify the amendment, the amendment shall become effective when the Speaker of the Student Senate announces the results to Student Senate at its next meeting thereafter.

## **Article III System of Records**

- Section. 1. To insure the consistency needed in the maintenance and operation of the KSU SGA, all branches (legislative, executive and judicial) shall be responsible for keeping a record of rules and regulations.
- Section. 2. All rules, procedures and legislation shall be made available to members of the KSU SGA upon request.

## **Article IV Executive**

- Section. 1. Meetings of the KSU SGA shall be called at the discretion of the Student Body President.
- Section. 2. Student Body Vice President. The Student Body Vice President shall assist the Student Body President in all executive duties, attend meetings and functions at the request or in the place of the Student Body President.
- Section. 3. The Student Body President's Cabinet shall consist of the following officers.
- A. The Chief of Staff, whose duties shall include:
    - 1. Coordinate the activities of Cabinet.
    - 2. Serve as advisor to Cabinet members.
    - 3. Conduct communication between Cabinet members and the Student Body President and between Cabinet members and Student Senate.
    - 4. Chair Cabinet Meetings.
    - 5. Give directors' reports for Cabinet members unable to attend Student Senate meetings, as necessary.
  - B. The Public Relations Director, who shall foster public relations and enhance the distribution of information for the Executive branch.

1. Attend Student Senate meetings.
  2. Serve on the Public Relations Standing Committee.
- C. The College of Technology and Aviation Student Body President (or designee) shall be an ex officio member during the duration of the Student Body President's term of office and shall represent the interests and concerns of the College of Technology and Aviation in Salina.
- D. The International Affairs Director, who shall represent the interests and concerns of international students.
1. Serve as the SGA Liaison to the Office of International Programs.
  2. Attend International Coordinating Council Meetings.
- E. The Multicultural Affairs Director, who shall represent the interests and concerns of multicultural students.
1. Represent the Student Body President's Cabinet on the Diversity Programming Committee.
  2. Serve on the President's Commission on Multicultural Affairs.
  3. Meet regularly with student leaders of multicultural organizations.
- F. The State Relations Director, who shall represent the interests and concerns of the KSU SGA to state governments.
1. Attend monthly Board of Regents Meetings with the Student Body President.
  2. Assist in coordination of State Higher Education Day.
  3. Assist in coordination of Big XII on the Hill Day.
  4. Serve on Governmental Relations Standing Committee.
- G. The Local Relations Director, who shall represent the interests and concerns of the KSU SGA to local governments.
1. Provide updates to the Student Body President and Student Senate concerning the City Commission.
  2. Serve on Governmental Relations Standing Committee.
- H. The Technology Coordinator, who shall promote improved technology resources and represent students on matters of technology.
1. Serve on Faculty Senate Committee on Technology
  2. Serve as SGA Liaison to the Vice Provost for Information Technology Services.
- I. The Student Director of Sustainability, who shall represent the interests and concerns of students regarding sustainability.
1. Serve on the Student Sustainability Coalition.
  2. Serve as SGA Liaison to the K-State Director of Sustainability.
- J. Such other appointed officers as determined by the Student Body President.

Section. 4. Presidential Succession.

- A. In the event of the temporary absence or inability of the Student Body President, the Student Body Vice President shall exercise the powers and duties of the Student Body President.
- B. In the event of the resignation, removal from office or the permanent inability of the Student Body President to discharge his or her duties as the Student Body President, the Student Body Vice President shall succeed to the office of Student Body President.
- C. In the event of the resignation or removal of the Student Body President and Student

Body Vice President, the Speaker of the Student Senate shall serve as Interim Student Body President.

1. In the event of the Speaker of the Student Senate serving as Interim Student Body President, the Student Senate shall appoint an Emergency Election Committee as outlined in the Elections Regulations Code; unless there are less than 45 class days before the next election in which case the Speaker of the Student Senate will serve as the Student Body President for the remainder of the term.
- D. 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 Student Senate.

## **Article V Legislative**

Section. 1. The Speaker of the Student Senate shall call a special meeting of Student Senate upon a written petition signed by ten percent of the members of the KSU SGA.

Section. 2. Election of Officers of Student Senate.

- A. The Speaker of the Student Senate shall be nominated by a member of the newly elected Student Senate at the first regular meeting of the newly elected Student Senate which shall occur during the fifth meeting of Student Senate after the general election. He/she shall be elected for a term of one year, be sworn in and shall assume the duties of Speaker of the Student Senate at the second regular meeting of the newly elected Student Senate.
- B. The Speaker pro tempore of the Student Senate shall be nominated and elected by Student Senate for a term of one year at the second regular meeting of the newly elected Student Senate.
- C. The Student Senate Intern Coordinator shall be nominated and elected by Student Senate for a term of one year at the second regular meeting of the newly elected Student Senate.

Section. 3. Duties and Powers of Student Senate Officers.

- A. The Speaker of the Student Senate shall preside over all Student Senate meetings and have the power to excuse members.
- B. Duties of the Speaker pro tempore of the Student Senate shall include:
  1. Assume the duties of the Speaker of the Student Senate upon the speaker's absence or at speaker's request.
  2. Coordinate the Student Senate visitation program.
  3. Chair the Public Relations Standing Committee.
- C. Duties of the Student Senate Secretary shall include:
  1. Take minutes of the Student Senate meetings and Senate Executive Committee meetings.
  2. Record the attendance of Senators and Interns at all meetings and report to the Senate Operations Committee.
  3. Make all changes in legislation by the Friday following Student Senate meetings.
  4. Print and distribute the Student Senate minutes by the Friday following Student Senate meetings.
  5. Print legislation in certifiable format, and give to the Speaker of the Student Senate for signature by the Friday following Student Senate Meetings.

6. Collect legislation from the Student Body President and maintain records for the end of the year.
  7. Prepare the first part of the bound legislation booklet legislation, and finish bound legislation, including minutes, agenda, legislation, and statutes.
  8. Present all Constitution changes to College Councils for ratification.
  9. Shall not be a Student Senator.
- D. Duties of the office of Parliamentarian of Student Senate shall include:
1. Serve as interpreter of rules at Student Senate meetings, when requested by the Chair, using Robert's Rules of Order: Newly Revised.
  2. Coordinate work on the bound legislation with the Student Senate Secretary.
  3. Record corrections to legislation during Student Senate meetings, and give those corrections to the Student Senate Secretary.
- E. Student Senate may create offices it sees fit by a majority vote of Student Senate.

Section. 4. Duties of Members of Student Senate.

- A. Each Student Senator, standing committee chairperson and Student Senate Intern shall be required to make visitations, the number of which shall be provided for in the Student Senate Standing Rules. These visitations shall be assigned by the Speaker pro tempore of the Student Senate. Policies for the execution of these visitations shall be provided for in the Student Senate Standing Rules.

Section. 5. Filling of Vacancies in Student Senators and Expulsion in Legislative Branch.

- A. In the event that a vacancy occurs in the office of Student Senator, a replacement Student Senator who meets all eligibility requirements defined in the KSU SGA Constitution, shall be determined by means of the following.
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. When the vacated seat cannot be filled with an unsuccessful candidate, as prescribed, the appropriate college or school council shall appoint the replacement.
    - a. If the vacancy occurs after the general election, a replacement Student Senator shall be appointed by the council of the college or school left without representation. The council shall suitably advertise the vacancy to all members of its respective college or school before a replacement is appointed.
    - b. If the vacancy occurs less than two months prior to the general election, the council of the respective college or school shall appoint a replacement senator.
- B. Any Student Senator, Student Senate Committee Chair or Student Senate Intern with three unexcused absences shall be subject to expulsion, as provided in the Student Senate Standing Rules.
- C. Any Student Senator, Student Senate Intern or Student Senate officer who drops class hours below the amount specified in the KSU SGA Constitution or any Student Senator whose cumulative grade point average drops below the requirement specified in the KSU SGA Constitution, will automatically be considered for expulsion by Student Senate.

Section. 6. Succession.

- A. In the event of the temporary absence or inability of the Speaker of the Student Senate, the line of succession shall be:

1. Speaker pro tempore of the Student Senate.
  2. Parliamentarian.
  3. Chair of Senate Operations Standing Committee.
  4. A Student Senator, elected by Student Senate, to be temporary chair as needed.
- B. In the event of the resignation, removal from office or the permanent inability of the Speaker of the Student Senate to discharge his or her duties as Speaker of the Student Senate, the Speaker pro tempore of the Student Senate shall succeed to the office of Speaker. Student Senate shall elect a new Speaker pro tempore at the second meeting thereafter.

Section. 7. Rules of Student Senate.

- A. Student Senate may create standing rules for the conduct of its business by majority vote.
- B. These standing rules may be suspended by a two-thirds vote of the Student Senate membership.
- C. Robert's Rules of Order: Newly Revised shall be used as the reference for Student Senate's parliamentary procedures.

Section. 8. Appointments.

- A. Student Senate shall nominate or approve appointees to such positions as requested by the President of the University, Faculty Senate or any other governing body.
- B. The Attorney General Nominee Interview Committee shall consist of nine voting members, the chair, and one non-voting member. A quorum of the committee shall be seven voting members, not including the chair.
  1. Membership
    - a. The present Attorney General (or the Chancellor of Student Tribunal if the present Attorney General is a candidate for reappointment), who shall chair the committee and vote only in the case of a tie.
    - b. The voting members shall be six Student Senators, who shall be appointed by the Speaker of the Student Senate, subject to the approval by the Student Senate at its first Student Senate meeting; and three present members of the Judicial Branch, who shall be appointed by the present Attorney General (or the Chancellor of Student Tribunal if the present Attorney General is a candidate for reappointment).
    - c. The non-voting member shall be the primary SGA Judicial Advisor.
- C. The Speaker of the Student Senate, in consultation with the SGA Treasurer and Speaker pro tempore, shall have the authority to appoint a Summer Treasurer. The Summer Treasurer shall have the authority to carry out functions designated by the SGA Treasurer. The term of office shall last from the first day after spring finals to the first Monday before fall classes begin.

Section. 9. Student Senate Shall Be Organized Into Standing Committees.

- A. Student Senate shall have an Executive Committee that shall have the power to assign topics or problems to one of the other standing committees.
  1. Student Senate Executive Committee shall consist of eight voting members, the Speaker of the Student Senate who shall vote only to break a tie, and six ex-officio non-voting members. A quorum of the committee shall be five voting members, not including the Speaker of the Student Senate.
  2. Membership
    - a. The Speaker of the Student Senate who shall chair the committee.

- b. The voting members shall be the Speaker pro tempore of the Student Senate, SGA Treasurer, Chair of College Council Allocations Standing Committee, Chair of Privilege Fee Standing Committee, Chair of Senate Operations Standing Committee, Chair of Governmental Relations Standing Committee, Chair of the Campus Outreach Standing Committee, and the Student Senate Intern Coordinator.
    - c. The non-voting ex-officio members shall be the Student Body President, Student Body Vice President, SGA Attorney General, the Student Body President's Chief of Staff, Student Senate Parliamentarian, and Student Senate Secretary.
- B. Each standing committee shall consider legislation referred to the committee. Actions they may take are:
  - 1. Report the legislation to Student Senate with a recommendation that it either be passed or not passed, or without recommendation.
  - 2. Hold the legislation in committee until reported out by a majority of the committee. Such held legislation may be discharged and considered on the floor of Student Senate by a majority vote of the total membership of Student Senate selected and qualified.
  - 3. Amend the legislation by a majority vote of the committee and send it to Student Senate. If the sponsor(s) of the original legislation is in disagreement with the changes made by the committee, then their name(s) shall be removed and the committee will be the sponsor of the legislation.
- C. Each Student Senator shall serve as a member of a standing committee, except Graduate School Student Senators, Veterinary Medicine Student Senators, and faculty/administrator representatives to Student Senate, who shall each have the option of serving.
- D. Unless otherwise provided by these By-Laws, membership of each standing committee shall be made up of Student Senators, Student Senate Interns and Students-at-Large, all of whom shall be voting members of their respective committee. Unless otherwise provided in these By-Laws, the chair of standing committees shall be appointed by the Speaker of the Student Senate, in consultation with the Speaker pro tempore of the Student Senate. Unless otherwise provided in these By-Laws, the vice chair of standing committees shall be appointed by the Speaker of the Student Senate with the recommendation of the committee chair, from the Student Senator members of the committee. Unless otherwise provided by these By-Laws, students-at-large on standing committees shall be appointed by the chair of the committee in consultation with the Speaker of the Student Senate. Unless otherwise provided in these By-Laws proxy voting is prohibited in standing committees.
- E. Standing committee chairpersons who are not voting members of Student Senate shall be non-voting, ex officio members of Student Senate. Non-voting, ex officio members of Student Senate shall be subject to attendance policies provided for in the Student Senate Standing Rules.
- F. Allocations Standing Committee shall be in charge of making recommendation regarding the student activity fee.
  - 1. Allocations Committee shall consist of fifteen voting members and the SGA Treasurer, who shall vote only to break a tie. A quorum of the committee shall be eight members, not including the SGA Treasurer.
  - 2. Membership
    - a. SGA Treasurer, who shall be appointed by the Speaker of the Student Senate, in consultation with the Speaker pro tempore of the Student Senate. The SGA Treasurer shall chair the committee. The appointment shall be subject to the approval of Student Senate.

- b. Nine Student Senators, appointed by the Speaker of the Student Senate, in consultation with SGA Treasurer. Of these members, the Speaker of the Student Senate shall appoint, with the recommendation of the SGA Treasurer, a Vice Chair of the Allocations Committee who shall also serve as Assistant Treasurer. The Assistant Treasurer shall have the authority to carry out functions designated by the SGA Treasurer, chair meetings of the Allocations Committee in the absence of the Chair, and shall be responsible for the minutes of the committee. The term of office of the Assistant Treasurer shall be from the first academic day of the fall semester to the last academic day of the spring semester.
  - c. Three students-at-large, appointed by the SGA Treasurer in consultation with the Speaker of the Student Senate, who shall have voting privileges on the committee.
  - d. Three Student Senate Interns, appointed by the Intern Coordinator in consultation with the present SGA Treasurer, who shall have voting privileges on the committee.
3. Allocation of the Student Activity Fee. The Student Activity Fee, which is collected as part of the tuition and fees paid by students, is allocated by Student Senate based on recommendations from Allocations Committee and according to the Student Governing Association Funding Statutes (except as provided in sub-section G) and is subject to the approval of the President of the University.
- a. Allocation of funds by Student Senate shall be made public as soon as conveniently possible.
  - b. The SGA Budget Office shall credit organizations allocated funds with the amount of money allocated by Student Senate and pay the bills against the funds in accordance with university regulations and the SGA Funding Statutes.
  - c. The Coordinator of Student Activities in consultation with the SGA Treasurer shall approve expenditures of the respective allocations that have been approved by Student Senate and college councils.
  - d. The SGA Treasurer shall conduct random audits of student organizations and Institutional Services as he or she sees fit, in consultation with Allocations Committee.
  - e. A Reserves for Contingencies account shall be available for special allocations by Student Senate, and its balance shall be carried over from year to year.
- G. College Council Allocations Standing Committee shall be in charge of making recommendations regarding the College Council Allocation of the Student Activity Fee.
- 1. College Council Allocations Committee shall consist of sixteen members and the College Council Allocations Committee Chair who shall vote only to break a tie.
  - 2. Membership
    - a. College Council Allocations Committee Chair, who shall be appointed by the Speaker of the Student Senate, in consultation with the Speaker pro tempore of the Student Senate. The appointment shall be subject to the approval of Student Senate.
    - b. Five Student Senators, no more than two of whom may be representatives of a single College, appointed by the Speaker of the Student Senate, in consultation with the College Council Allocations Committee Chair. Of these members, the Speaker of the Student Senate shall appoint, with the recommendation of the College Council Allocations Committee Chair, a Vice Chair of the College Council

Allocations Committee. The Vice Chair shall chair meetings of the College Council Allocations Committee in the absence of the Chair and shall be responsible for the minutes of the committee.

- c. Eight College Council Representatives who shall be named by each of the college councils from their own executive committees.
  - d. Three Student Senate Interns, appointed by the Intern Coordinator in consultation with the College Council Allocations Committee Chair, who shall have voting privileges on the committee.
3. The College Council budget approval form must be signed by both the College Council Allocations Committee Chair and the SGA Treasurer. The budget approval form is not subject to the approval of Student Senate
  4. Quorum shall consist of ten voting members, no less than five of which shall be College Council Representatives. Each member may designate a proxy if he or she is unable to attend.
- H. Privilege Fee Standing Committee shall be in charge of the review of line-item privilege fees and issues of long-range financial planning.
1. Privilege Fee Committee shall consist of fifteen voting members and the Privilege Fee Chairperson, who shall vote only to break a tie. A quorum of the committee shall be eight members, not including the Privilege Fee Chairperson.
  2. Membership
    - a. Privilege Fee Chair, who shall be appointed by the Speaker of the Student Senate, in consultation with the Speaker pro tempore of the Student Senate. The Privilege Fee Chair shall chair the committee. The appointment shall be subject to the approval of Student Senate.
    - b. Nine Student Senators, appointed by the Speaker of the Student Senate, in consultation with the Privilege Fee Chair. Of these members, the Speaker of the Student Senate shall appoint, with the recommendation of the Privilege Chair, a Vice Chair of the Privilege Fee Committee. The Vice Chair shall chair meetings of the Privilege Fee Committee in the absence of the Chair and shall be responsible for the minutes of the committee.
    - c. Three students-at-large, appointed by the chair of the committee in consultation with the Speaker of the Student Senate, who shall have voting privileges on the committee.
    - d. Three Student Senate Interns, appointed by the Intern Coordinator in consultation with the Privilege Fee Chairperson, who shall have voting privileges on the committee.
  3. Review of Privilege Fees and Issues of Long-Range Financial Planning. Privilege Fees are line-item fees collected as part of the tuition and fees paid by students and are established and reviewed by Student Senate based on analysis from Privilege Fee Committee, and are subject to the approval of the Kansas Board of Regents.
    - a. Privilege Fee Reviews. Privilege Fee Committee shall conduct fee reviews and set fees for a three year cycle. The committee may request reports from privilege fee recipients in years that their fee is not being reviewed. Any breach of the agreement/contract between the Kansas State University Student Governing Association and the privilege fee recipient shall result in automatic review of the fee by the Privilege Fee Committee. In situations not outlined in the agreement/contract, the Privilege Fee Committee may review a fee at any time by a majority vote of those committee members selected and qualified. Any member of the Kansas State University Student Governing Association may

request that a fee be reviewed out of cycle at any time. Bonds may be collected for a duration of longer than three years. If during the year of a fee review, no funding bill is passed for an agency under review, or if any party of a fee agreement fail to sign the agreement, then the fee shall be terminated at the end of the current fiscal year, unless other provisions have been adopted.

- b. Long-Range Financial Planning. Any issues of long-range financial planning relating to student fee monies, the SGA budget, or serving the student body shall be considered by Privilege Fee Committee.
  - c. Upon completion of each fiscal year review, the Privilege Fee Committee shall submit to the Kansas State University Controller's office a complete list of contracted amounts of all privilege fees for that fiscal year, and all future fiscal years where available.
  - d. Privilege fee and long-range planning information shall be made public as soon as conveniently possible.
  - e. Funding Partnerships. In the case where the State of Kansas and the KSU students engage in a funding partnership such as a matching grant, Privilege Fee Committee shall be responsible annually to review how the funds are being spent and the effectiveness of those expenses on improving student life.
- I. Senate Operations Standing Committee shall have the responsibilities of overseeing KSU SGA Elections (as prescribed in Article I), personnel selection, Student Senate Legislation, initiation of impeachment or expulsion consideration and new-Senator orientation.
1. Senate Operations Committee shall consist of nine voting members and the Senate Operations Chair, who shall vote only to break a tie. A quorum of the committee shall be five members, not including the Senate Operations Chair. The members shall be:
    - a. Senate Operations Chair, who shall be appointed by the Speaker of the Student Senate, in consultation with the Speaker pro tempore of the Student Senate. The Senate Operations Chair shall chair the committee. The appointment shall be subject to the approval of Student Senate.
    - b. Parliamentarian, who shall have voting privileges in the committee.
    - c. Six Student Senators, appointed by the Speaker of the Student Senate, in consultation with the Senate Operations Chair. Of these members, the Speaker of the Student Senate shall appoint, with the recommendation of the Senate Operations Chair, a Vice Chair of the Senate Operations Committee. The Vice Chair shall chair the Senate Operations Committee in the absence of the Chair and shall be responsible for the minutes of the committee.
    - d. Two Student Senate Interns, appointed by the Intern Coordinator in consultation with the present Senate Operations Chair, who shall have voting privileges on the committee.
  2. Senate Operations Standing Committee shall have the responsibilities of overseeing KSU SGA Elections (as prescribed in Article I), Student Senate legislation, initiation of impeachment or expulsion consideration, new-Senator orientation for Student Senators selected during the Senate term, and organizing a meeting with the college council presidents or officers at least once a semester.
  3. Introduce resolutions of approval of appointments for all appointments of the Student Body President, the Speaker of the Student Senate (with the exception of Standing Committee Chairs), and the Attorney General that are subject to the approval of Student Senate. Such appointments shall be submitted to the Senate

- Operations Standing Committee for interviews and authoring resolutions for introduction for Approvals of Appointments.
4. Responsible for determination of replacements for Student Senators whenever vacancies occur. A resolution of Approval of Appointment of Student Senators shall be introduced by the Senate Operations Standing Committee.
  5. Oversee the editing of proposed Student Senate legislation.
    - a. All legislation must be submitted to Senate Operations Committee no later than two calendar days prior to the meeting called by the Speaker of the Student Senate or Student Body President.
    - b. Make grammatical corrections to proposed legislation. The Senate Operations Committee may also make minor changes in phrasing to clarify the intent of the sponsor of the legislation; however, no other changes may be made without the sponsor's consent. If the Senate Operations Chair determines that the only items of business before the Senate Operations Committee are grammatical corrections or minor changes, the Senate Operations Chair and Senate Operations Vice Chair may make such corrections or minor changes on behalf of the committee.
    - c. Exceptions may be made at the discretion of the Speaker of the Student Senate.
  6. Initiation of Impeachment or Expulsion Consideration.
    - a. Senate Operations Standing Committee shall maintain a running tally of all unexcused absences.
    - b. In the event a person has three unexcused absences, Senate Operations Standing Committee shall notify the person in question and conduct a committee hearing on the person's possible impeachment or expulsion.
    - c. In the event that the Senate Operations Standing Committee has confirmed grounds for impeachment or expulsion based on malfeasance, misfeasance or nonfeasance, they shall present legislation to Student Senate.
    - d. Senate Operations Standing Committee shall give a report to Student Senate detailing any impeachment or expulsion proceedings initiated by the committee, and shall update the Student Senate as to the progress of these proceedings.
  7. Organize activities to help in the orientation of newly elected Student Senators.
- J. Governmental Relations Standing Committee shall promote student views on matters of student concern, and work to inform and educate students on matters of student concern within federal, state and local governments.
1. Governmental Relations Committee shall consist of at least thirteen members and the Governmental Relations Committee Chair, who shall vote only to break a tie.
  2. Membership
    - a. Governmental Relations Committee Chair, who shall be appointed by the Speaker of the Student Senate, in consultation with the Speaker pro tempore of the Student Senate. The appointment shall be subject to the approval of Student Senate.
    - b. Student Senators, appointed by the Speaker of the Student Senate, in consultation with the Governmental Relations Committee Chair. Of these members, the Speaker of the Student Senate shall appoint, with the recommendation of the Governmental Relations Committee Chair, a Vice Chair of the Governmental Relations Committee. The Vice

Chair shall chair meetings of the Governmental Relations Committee in the absence of the Chair and shall be responsible for the minutes of the committee.

- c. Local Relations Director of the Student Body President's Cabinet, who shall be a voting member of the committee.
- d. State Relations Director of the Student Body President's Cabinet, who shall be a voting member of the committee.
- e. Students-at-large, appointed by the chair of the committee in consultation with the Speaker of the Student Senate, who shall have voting privileges on the committee.
- f. Student Senate Interns, appointed by the Intern Coordinator in consultation with the Governmental Relations Committee Chair, who shall have voting privileges on the committee.

3. The committee shall:

- a. Be the Legislative branch Advocacy Team and shall insure effective and consistent representation of student concerns among the state legislature and Board of Regents.
- b. Work for the inclusion of student concerns within the University budget and lobby for those concerns when necessary.
- c. Deal with and make Recommendations on the City-University Projects Fund.
- d. Be responsible for the interaction between Student Senate and the Manhattan City Commission, county commission, state government, federal government and the Chamber of Commerce on relevant community issues.
- e. During an election year, coordinate "Get Out the Vote" efforts and voter education efforts.
- f. Educate the student body on governmental issues that are pertinent to K-State Students.

K. Public Relations Standing Committee shall work to promote Student Government to the student body and the Manhattan Community.

- 1. Public Relations Committee shall consist of nine voting members and the Speaker pro tempore of the Student Senate, who shall vote only to break a tie. A quorum of the committee shall be five members, not including the Speaker pro tempore of Student Senate.
- 2. Membership
  - a. Speaker pro tempore of Student Senate shall chair the committee.
  - b. Five Student Senators, appointed by the Speaker of the Student Senate, in consultation with the Speaker pro tempore of the Student Senate. Of these members, the Speaker of the Student Senate shall appoint, with the recommendation of the Speaker pro tempore of Student Senate, a Vice Chair of the Public Relations Committee. The Vice Chair shall chair meetings of the Public Relations Committee in the absence of the Speaker pro tempore of Student Senate and shall be responsible for the minutes of the committee.
  - c. Director of Public Relations of the Student Body President's Cabinet, who shall have a vote in committee.
  - d. Three Student Senate Interns, appointed by the Intern Coordinator in consultation with the Speaker pro tempore of Student Senate, who shall have voting privileges on the committee.

3. The committee shall:
  - a. Be responsible for maintaining and updating the SGA website, brochure, and newsletter.
  - b. Examine news articles from the K-State Collegian, the Manhattan Mercury, and other news sources. If errors are found, the committee will contact the appropriate editors.
  - c. Compile articles and news releases when needed by the Student Body President, the Speaker of the Student Senate, the Attorney General, and other members of the Student Governing Association, in consultation with one of the three heads of the branches of Student Government.
  - d. Coordinate community service efforts once a semester.
  - e. Continuously seek new avenues to promote Student Government to the K-State student body and the Manhattan community.
  
- K. Campus Outreach Standing Committee shall engage in direct interaction with students, faculty, and administration, in order to educate and collect feedback from the K-State Community on campus issues.
  1. Membership
    - a. Campus Outreach Committee Chair, who shall be appointed by the Speaker of the Student Senate, in consultation with the Speaker pro tempore of the Student Senate. The appointment shall be subject to the approval of Student Senate.
    - b. Student Senators, appointed by the Speaker of the Student Senate, in consultation with the Campus Outreach Committee Chair. Of these members, the Speaker of the Student Senate shall appoint, with the recommendation of the Campus Outreach Committee Chair, a Vice Chair of the Campus Outreach Committee. The Vice Chair shall chair meetings of the Campus Outreach Committee in the absence of the Chair and shall be responsible for the minutes of the committee.
    - c. Student Senate Interns, appointed by the Intern Coordinator in consultation with the Campus Outreach Committee Chair, who shall have voting privileges on the committee.
  2. The committee shall:
    - a. Be the ambassadors of the Student Governing Association.
    - b. Visit registered student organizations to give presentations on current campus issues, as well as receive feedback. The number of presentations required by each committee member is determined by the Campus Outreach Committee Chair and the Speaker of the Student Senate.
    - c. Submit an Ambassador Form to the Campus Outreach Committee Chair, the Student Body President and the Speaker of the Student Senate following each presentation.

Section. 10. Senate Intern Program.

- A. The Senate Intern Program shall consist of a maximum of twenty-five and a minimum of sixteen Interns, each serving until the end of the current Senate term. Interns shall be selected by the fourth week of the fall semester through an application and interview process by a three member panel consisting of the Speaker pro tempore of Student Senate, Chair of the Senate Operations Standing Committee and Student Senate Intern Coordinator, and shall be approved by Student Senate. In the event of an absence by any panel member from an interview, an alternate shall replace the absent member. The alternate(s) shall be any of the following: Coordinator of Student Activities or Speaker of

the Student Senate. Three members of the panel shall be present at all interviews.

1. Applicants whose applications are approved by a majority vote of the panel shall be interviewed by the panel. For pre-screening of the applications, a set of criteria shall be predetermined and all documented.
  2. Questions asked during interviews shall be documented. A predetermined set of questions shall be consistently asked to all interviewees, and all follow-up questions shall be related to the predetermined question. Any members affiliated with Student Government has the right to review this information. This information shall also be open to public review.
- B. Interns shall be non-voting members of Student Senate and shall be subject to removal by the voting members of Student Senate for malfeasance, or nonfeasance, or misfeasance. Interns shall not have the ability to make any motion or sponsor any legislation without a Senator co-sponsor. Interns shall have the same duties as Student Senator as outlined in Article V, Section 4 of the SGA By-Laws. Attendance policies shall be provided for in the Student Senate Standing Rules.
- C. Interns shall be assigned by the Senate Intern Coordinator to serve on Student Senate standing committees as voting committee members.
- D. In the event that a vacancy occurs in the Student Senate Intern program no less than 8 weeks prior to the end of the current term, a replacement may be chosen from the most qualified unsuccessful candidates for Student Senate Intern at the discretion of the Intern Coordinator and approved by Student Senate. If a vacancy causes the number of interns to fall below 12, the vacancy must be filled. In the event that there are no unsuccessful candidates they shall be chosen by the original process (Article V, Section 10. A.).

Section. 11. The Campus Activities Board, acting as a committee of Student Senate shall:

- A. Be comprised of the Speaker pro tempore of the Student Senate, acting as the chair of the committee and voting only in the case of a tie, the Student Body Vice President, the SGA Treasurer, the Chair of the Senate Operations Standing Committee, the Fine Arts Council Chair, and a representative of multicultural student organizations selected by the Multicultural Student Organization office. The Coordinator of the Office of Student Activities and Services, or designee, who shall act as the Activities Director, shall be a non-voting ex-officio member.
- B. Oversee the activities of the Activities Director and the Office of Student Activities and Services regarding the registration of student organizations.
- C. Have the authority to reverse or amend the decisions of the Activities Director and the Allocations Committee regarding the registration and classification of organizations.
- D. Recommend changes regarding the registration of, funding of, or services provided to registered organizations.
- E. Be required to meet once each Student Senate term. The Campus Activities Board Chair, upon request of the Speaker of the Student Senate or the Activities Director, may call a special meeting to review any problems or complaints brought forth.

Section. 12. Joint Committee on Officers' Compensation shall be responsible for studying, analyzing and recommending levels of compensation for student officers of the KSU Governing Association.

- A. The Joint Committee shall be composed of the following members:
  1. One member, who shall be chair, shall be appointed by the Vice President for Student Life and shall vote only to break a tie.
  2. One student-at-large appointed by the Student Body President.
  3. One student-at-large appointed by the Speaker of the Student Senate.
  4. One student-at-large appointed by the Attorney General.
  5. Two Student Senators who are not officers of Student Senate, both of whom

shall be selected by a majority vote of Student Senate.

6. The Coordinator of Student Activities and Services shall be an ex officio, non-voting member.
- B. A quorum of the Joint Committee shall be three members, not including the Chair or Coordinator. The Joint Committee shall meet on call of the Chair.
- C. Every third year in conjunction with the budget review of the Office of Student Activities and Services, the Joint Committee shall meet, study and examine the salaries of student officers of the KSU SGA. They shall survey other student governments throughout the region and nation. The Student Senate, by resolution adopted by a majority of total Student Senate selected and qualified, may authorize and direct the Joint Committee to meet during other years.
- D. Before October 15th, the Joint Committee shall make a report and recommendations to Student Senate concerning the salaries of student officers of the KSU SGA. Such recommendations shall become final and effective, unless by November 15th Student Senate shall pass, by majority vote, a bill disapproving the entire set of salary recommendations and enumerating the reasons therefore. If such a bill is passed, the Joint Committee shall have the opportunity to revise and amend their recommendations and resubmit before December 1st. Such resubmitted recommendations shall become final and effective, unless by December 15th the Student Senate shall pass, by majority vote, a bill disapproving the entire set of salary recommendations. If a bill of disapproval is not passed before December 15th, such recommendations shall become effective for the next officers of the KSU SGA and the appropriate committees and Student Senate shall provide for such funds in their allocations bill.

Section. 13. Student Governing Association Statutes.

- A. The system of codified legislation shall be entitled “Kansas State University Student Governing Association Statutes” and be the official standing of all recognized Student Governing Association legislation.
- B. The system shall be utilized for all legislation enacted into law with the exception of allocations bills, By-Laws amendments, and Constitutional amendments.

Section. 14. Diversity Programming Committee

- A. Shall be composed of the following members:
  1. The Chairperson shall be the Speaker pro tempore of the Student Senate, who shall vote only to break a tie.
  2. Two Student Senators appointed by the Speaker of the Student Senate.
  3. One Student Senate Intern appointed by the Student Senate Intern Coordinator.
  4. Multicultural Affairs Director of the Student Body President’s Cabinet.
  5. One judicial branch member appointed by the Attorney General.
  6. One representative each from the Black Student Union, Asian American Student Union, Hispanic American Leadership Organization, and Native American Student Union appointed by each of the respective organizations’ presidents.
  7. One student-at-large, representing sexual diversity, appointed by the Student Body President.
  8. One non-traditional student-at-large, appointed by the Student Body President.
  9. Two international students-at-large appointed by the Student Body President.
  10. The Office of Student Activities and Services Coordinator or a designee thereof, acting as an ex officio, non-voting member.
- B. A quorum of the committee shall be nine (9) members, not including the Chair. Meetings of the committee shall be called by the Chair.

- C. All students on the committee must be in good standing and currently enrolled with the University.
- D. The Diversity Programming Committee shall have the following responsibilities:
  - 1. Serve as a link between the Student Governing Association and multicultural groups.
  - 2. Help multicultural groups promote their respective organizations and activities campus-wide.
  - 3. Designate one committee member to serve on the Community Cultural Harmony Week Planning Committee.
  - 4. Plan and organize Student Governing Association Diversity Training Sessions during the fall SGA Retreat.
  - 5. Be responsible for informing members of multicultural groups about SGA and encouraging their involvement.
  - 6. The committee shall allocate funds for diversity programs.

Section. 15. Long-Term Tuition Strategies Committee shall be responsible for studying, analyzing and recommending tuition principles, tuition funding initiatives, college-specific fees, and proposals to KSU Student Governing Association and University Administration.

- A. The Long-Term Tuition Strategies Committee shall be composed of the following members:
  - 1. The Student Body President and Speaker of the Student Senate shall serve as co-chairs and shall have full voting privileges.
  - 2. Eight students, who shall be jointly appointed by the Student Body President and the Speaker of the Student Senate and be subject to Student Senate approval.
  - 3. One Salina Campus student who shall be jointly appointed by the Student Body President and the Speaker of the Student Senate and be subject to Student Senate approval.
  - 4. The Vice President for Student Life, Vice President for Administration and Finance, Provost, and Faculty Senate President or their designees shall be ex-officio, non-voting members.
- B. A quorum of the Long-Term Tuition Strategies Committee shall be six, and shall include the co-chairs. The committee shall meet bi-annually or at the call of the co-chairs.

## **Article VI Judicial**

Section. 1. Definitions.

- A. “Administrative Hearing” means the process by which a third party is selected/assigned by the Attorney General or Dean of Student Life to determine final resolution of a dispute after hearing testimony from all parties.
- B. “Appellant” shall refer to any individual(s) who files an appeal to have a previous judicial board’s decision reconsidered by a higher judicial authority.
- C. “Preponderance of evidence” shall mean evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.
- D. “Certified” is defined as a form of document delivery where signatures are obtained from the addressee or a residence hall community assistant on duty at the front desk where the student resides.
- E. “Class days” shall mean the periods during the academic year when classes are in full

session, not including finals weeks, intersession, and summer session.

- F. “Complainant” shall refer to the individual(s) who files a written allegation of Conduct Code or Housing Policy violations(s).
- G. “Conduct Code” shall mean Article VI, Section 3 of the KSU SGA By-Laws.
- H. “Dean” shall mean the Dean of Student Life or designee, the individual designated by the University President to be responsible for the administration of the campus judicial program.
- I. “Director” shall mean the Residence Life Coordinator, Assistant Residence Life Coordinator, or designee designated to be responsible for the administration of Housing Policies.
- J. “Faculty/Staff member” means any person employed by the University to conduct classroom activities or perform administrative or professional responsibilities.
- K. “Group” means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.
- L. “Housing Policy” shall mean any policies agreed to by a student in order to obtain accommodations with the Department of Housing and Dining Services.
- M. “Judicial board” means any person or persons listed in Section 601 of the KSU SGA Constitution, or as otherwise established by SGA.
- N. “Jardine” is a housing unit under Housing and Dining Services falls within the jurisdiction of the Housing and Dining Services Boards.
- O. “Judicial Code” shall mean the operations and procedures of the judicial program, as outlined in Articles VI of the KSU SGA Constitution and By-Laws.
- P. “May” is used in the permissive sense.
- Q. “Mediation” means third-party intervention in a conflict for the purpose of resolving the conflict. Participation by the parties in mediation is voluntary, informal, confidential and must occur in a cooperative environment.
- R. “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, a person’s status in a particular situation shall be determined by the Dean of Student Life.
- S. “Organization” means a number of persons who have complied with University requirements for registration.
- T. “Prior violation” refers to any instance where a respondent in a complaint hearing has been found in violation by a University judicial body, faculty or staff for nonacademic conduct prior to the date of the hearing.
- U. “Range of Sanctions” is defined as the range between a written warning and a recommendation to the University President for removal from the University.
- V. “Policy” is defined as the written regulations of the University as found in, but not limited to, the Conduct Code, Housing Policy, Graduate/Undergraduate Catalogs, Faculty Handbook, and the University Campus Directory.
- W. “Relevant evidence” is defined as any evidence that supports an alleged complaint or establishes character patterns.
- X. “Residence Hall” is defined as Boyd, Putnam, Van Zile, Moore, Haymaker, Ford, West, Smurthwaite, Goodnow, and Marlatt.
- Y. “Strong Complex” is defined as the area containing Boyd, Putnam and Van Zile residence halls. These three halls will be considered a single unit for judicial proceedings.
- Z. “Respondent” shall refer to the student(s) against whom an allegation(s) of Conduct

Code, Housing Policy violation(s) has been made.

- AA. “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.
- BB. “Shall” is used in the imperative sense.
- CC. “Student” includes any person enrolled, or who has demonstrated an intention to enroll, in any course at Kansas State University, to pursue undergraduate, graduate, or professional studies or any person who resides in a University housing unit.
- DD. “University” means Kansas State University.
- EE. “University premises” includes all land, buildings, facilities, and other property owned, used, or controlled by the University.
- FF. “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.
- GG. “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, switchblades, and knives with blades five or more inches in length, martial arts weapons, potato guns, and substances such as explosives, dangerous chemicals and poisons.

Section. 2. Jurisdiction.

- A. Generally, University jurisdiction to adjudicate 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.
- 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 Office of Student Life. Allegations of assault covered under the “Policy Prohibiting Sexual Violence” should be referred to the Office of Student Life.

Section. 3. 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, which is defined as an act which endangers the mental or physical

health or safety of a student, or which destroys or removes 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. Consent by the person hazed shall be no defense to the hazing.

6. Telephone harassment, which shall include:
  - a. Making calls containing lewd or obscene remarks.
  - b. Making calls intended to harass whether or not conversation ensues.
  - c. Making the telephone ring repeatedly with intent to harass.
  - d. Making repeated calls in which conversation ensues solely to harass.
7. Failure to comply with directions of University faculty, staff, 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 or services.
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 on University premises) on University premises or at University-sponsored activities.
13. Unlawful use, possession or distribution of alcoholic beverages or violation of the University's Alcohol and Cereal Malt Beverage Policy.
14. Possession or use of firearms, explosives, weapons, or dangerous chemicals on University premises or at a University-sponsored activity or any other violation of the University's Weapons Policy.
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. Any violation of the stated "KSU Information Technology Usage Policies."
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 program.

21. Any illegal or unauthorized taking, selling, or distribution of class notes.

Section. 4. Violation of Law and University Discipline.

If a violation of a law which also would be a violation of the Conduct Code is alleged, proceedings under the Judicial Code may go forward against an offender who is subject to criminal prosecution.

Section. 5. Duties of Attorney General and Judicial Boards.

A. Duties of SGA Attorney General.

- 1. Serve as a designee of the Dean of Student Life in receiving and disposing of complaints according to this judicial code, except complaints to the Housing and Dining Services Judicial Boards.
- 2. Appoint judicial board members, in consultation with the Student Body President, when no other appointment process is provided.
- 3. Appoint ad hoc boards when deemed necessary.
- 4. Supervise the administration of the judicial program, train judicial branch members in their duties, and advise students on matters of judicial policy.
- 5. Recommend changes in jurisdiction, procedures, judicial board organization and other judicial matters.
- 6. Advise students and judicial boards as to their rights and responsibilities in disputes and identify resources if such guidance is requested.
- 7. Serve as complainant in those cases involving University property or policy or when such action is in the interest of the University.
- 8. Appoint a Residence Life Assistant Attorney General to oversee the Housing and Dining Services Judicial Boards.

B. Duties of Judicial Council.

- 1. Serve as designee of the Attorney General when deemed necessary.
- 2. Receive and dispose of complaints filed against the Attorney General and Student Tribunal.
- 3. Aid the Attorney General in training members of the judicial branch and prepare and distribute pamphlets and materials explaining the SGA judicial program to members of the University community.
- 4. Provide information and forms to judicial boards necessary for their administration.

C. Duties of Student Tribunal.

- 1. Interpret the KSU SGA Constitution, By-Laws and legislation, upon written request by the Student Body President, Chair of Student Senate or by presentation of a petition signed by 50 members of the KSU 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.
  - d. In the best interest of the members of the KSU SGA.
2. Try bills of impeachment passed by Student Senate, with the exception of judicial boards.
  3. Hear appeals of decisions from the Housing and Dining Services Judicial Boards, Ad Hoc Boards, SGA Elections Review Committee, SGA Elections Commissioner, and Student Review Board, with the authority to modify or overturn the decisions of such persons or bodies.
  4. Hear in the first instance disciplinary cases involving special circumstances or situations for which jurisdiction is not otherwise described. These cases shall be assigned by the Attorney General or designee upon consultation with the Dean of Student Life or designee.
  5. Consider 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.
  6. Hear appeals from any committee created according to the legislative powers granted in Article V of the KSU SGA Constitution when legislation specifies such an appeal.
  7. Consider appeals of parking privilege revocations issued by KSU Parking Services.
- D. Duties of Housing and Dining Services Judicial Boards.
1. Shall hear all cases involving alleged violations of the Conduct Code, and Housing Policy that occur on the premises and surrounding areas of any University housing unit.
  2. Shall assemble independent judicial boards from each residence hall or Strong Complex for judicial proceedings.
- E. Duties of Student Review Board.
1. Hear cases involving alleged violations of the Conduct Code occurring on campus or at off-campus University-sponsored event.
  2. Hear noncompliance complaints arising under Section 3.A.20.g of this code.
- F. Duties of Parking Citation Appeals Board.
1. Consider all appeals of Kansas State University Parking Services parking citations.
- G. Duties of Judicial Advisor.
1. The Dean of Student Life or designee shall serve as the Judicial Advisor.
  2. The Judicial Advisor shall advise the Attorney General, Judicial Council, Student Tribunal, Student Review Board and Ad Hoc Boards in the disposition of complaints and conduct of hearings.
  3. The Judicial Advisor shall maintain records of Housing and Dining Services Judicial Boards, Student Tribunal, Ad Hoc Boards and Student Review Board hearings.
  4. The Director of Housing or designee(s) shall advise Chief Justices of Housing and Dining Services Judicial Boards.
  5. The Judicial Advisor shall direct SGA in the review and revision of the Judicial

Code in five year cycles.

6. The Judicial Advisor shall advise the Attorney General in the development and delivery of judicial training, programs, handbooks and related materials.
7. The Judicial Advisor shall serve as a designee of the Dean when necessary.
8. The Director of Parking Services or designee shall serve as the advisor to Parking Citation Appeals Board in the disposition of complaints and conduct of hearings.

H. Duties of the Executive Council

1. Act as a forum for communication between Housing and Dining Services Judicial Boards, Student Tribunal, Student Review Board, Judicial Council, Attorney General and the Judicial Advisor.
2. The Council shall be required to meet at once each semester to discuss current issues within the individual boards and overall concerns of the judicial branch, not including training.
3. The Council shall consist of the Attorney General, Residence Life Assistant Attorney General, Chair of Student Review Board, Chancellor of Student Tribunal, Student Co-Chair of the Parking Citations Appeals Board, Judicial Advisor, and any assistants or deputies appointed by the Attorney General.

I. Duties of the Residence Life Assistant Attorney General.

1. Work with the Attorney General to oversee the Housing and Dining Services Judicial Boards.
2. Assist the Attorney General in the training of Housing and Dining Services Judicial Board Members.
3. Provide clarification to the Housing and Dining Services Judicial Board Members in matters concerning the Judicial Code, SGA Constitution and By-Laws, and Housing policies.
4. Meet regularly with the Attorney General to notify of any actions taken in the course of his/her duties and seek advisement for the handing of current or upcoming issues.
5. Meet regularly with a designee of the Residence Life program for advising in his/her duties and actions.
6. Perform any other duties assigned by the Attorney General seen as pertinent to the Housing and Dining Services Judicial Boards.

Section. 6. Resolution of Complaints.

A. A complaint may be dropped at any time by the complainant. If the complainant wishes to drop the complaint they must notify in writing the Attorney General or Residence Life Coordinator and the presiding Chief Justice in the case of residence hall complaints.

B. Mediation.

1. A student may request a meeting with the Dean or designee to address any alleged violation of the Conduct Code. Both parties must agree to the mediation of a complaint.
2. Mediation will typically involve the following process:
  - a. A facilitator explains the mediation process to the parties.
  - b. The process will begin by the signing of a Mediation Agreement. The Agreement will include:
    - i. Ground rules established for the mediation.

- ii. Statement of the issue(s).
- iii. Definition of the issue(s).
- iv. 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.
- 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.
- 3. If the parties can not agree to a resolution through mediation, the complaint must be referred to the Attorney General for disposition.

C. Administrative Hearing.

- 1. An Administrative Hearing is granted under circumstances, such as the nature of the conflict being highly sensitive or the seriousness of allegations.
- 2. A complainant or respondent may request a meeting with the Dean or designee to address any alleged violation of the Conduct Code. All parties, including the Dean or designee, must agree to an administrative hearing. If an agreement is not met, the complaint must be referred to the Attorney General for disposition.
- 3. The process will begin by signing an Administrative Hearing Agreement. The agreement will include:
  - a. Statement giving up the right of a hearing through the SGA judicial program.
  - b. Copy of written complaint.
  - c. Name of witnesses or other parties who are present.
  - d. Copies of additional evidence provided.
  - e. Signature of both parties and the Dean of Student Life or designee.
- 4. After being fairly and fully informed of the facts from the parties, the Dean of Student Life or designee shall issue finding of fact and impose sanctions, if any. The decision of the Dean or designee may be appealed to the University President.
- 5. The decision will be reached by the Dean or designee, documented and copied for each party. The decision shall include:
  - a. Resolution made.
  - b. Disposition of alleged allegation(s).
  - c. Right to appeal to the University President.
- 6. Both parties shall be notified within 48 hours from the time a decision is made by a process in which delivery is certified.

D. Judicial Board Hearing.

- 1. Educational Conferences.
  - a. Educational Conferences may be held before and/or after a written complaint has been filed with a Housing and Dining Services Judicial Board or the Attorney General and shall be conducted as to clarify the complaint, address procedures, and to resolve any questions the complainant, respondent or judicial officer may have.

- b. All complaints filed in the residence halls or Jardine will result in an educational conference which may include the appropriate Residence Life Coordinator or designee, member of a Housing and Dining Services Judicial Board, the complainant and/or respondent.
  - i. It may be determined at the educational conference that a conflict of interest exists, in which case the complaint may be referred to Student Review Board for adjudication.
  - ii. A resolution of the complaint, as specified in Section 6. of the KSU SGA By-Laws, may occur at the educational conference.
  - iii. If resolution of the complaint occurs at the educational conference a letter specifying the details and stipulations of the resolution must be submitted to the Attorney General within three class days. The letter must be signed by the complainant, respondent, judicial officer present at the educational conference and the Residence Life Coordinator or designee.

## 2. Complaints.

- a. Any member of the University community may file a written complaint against a student.
  - i. For adjudication under this code, a Judicial Complaint Form must be submitted in writing to the Attorney General in the Office of Student Activities and Services. The complaint must be received, signed, and dated to be valid.
  - ii. Alleged violations of Housing policies or alleged violations of the Conduct Code that occur in a residence hall, dining facility, Jardine or surrounding property shall be submitted in writing to the appropriate Residence Life Coordinator or designee.
- b. Complaints must be submitted no later than twenty class days after the alleged misconduct occurs or is discovered.
- c. The complaint shall be completed on a Judicial Complaint Form and must include the following information:
  - i. The complainant's name, address and telephone number.
  - ii. The name of the person who allegedly committed the violation.
  - iii. The facts of the alleged violation, including the time, date, location and description of specific conduct.
  - iv. The provision of the Conduct Code or Housing Policy alleged to be violated.
  - v. The complainant's signature and date.
  - vi. For residence hall/Jardine complaints a copy of any additional relevant and pertinent information related to the complaint must be attached.
- d. Receipt of the complaint must be certified in writing by the Attorney General or designee.

## 3. Notice of Hearing.

- a. Upon receipt of a complaint the Attorney General, or in cases involving residence hall/Jardine complaints the appropriate Residence Hall Coordinator or designee, shall assign the complaint to an appropriate judicial board for hearing and set a date for the hearing.

- b. Within ten class days, the Attorney General or in the case of residence hall/Jardine complaints, the Chief Justice, shall schedule a date, time and location for the hearing. Hearings will be scheduled such that complaints can be heard in the most expedient manner possible. The reasonableness of this time frame shall be determined by the Attorney General, in consultation with the Dean or designee.
- c. The Attorney General, or the Chief Justice in Housing and Dining Services Judicial Board cases, shall notify the complainant and respondent in writing that a complaint has been received and that a hearing has been scheduled. This written Notice of Primary Hearing shall include the following information:
  - i. A copy of the complaint and any additional relevant information.
  - ii. The time, date and location of the hearing.
  - iii. The right of the respondent to present information in response to the complaint, and any personal circumstances that may affect possible sanctions.
  - iv. A copy of this Judicial Code, or in Housing and Dining Services Judicial Board cases, the Housing Policy alleged to be violated.
- d. If a case more than one respondent, any respondent may request a separate hearing.
- e. All notices will be delivered personally or in a manner by which receipt can be certified.
- f. Following receipt of such notice, either the complainant or respondent may make a written request for postponement of the hearing for good cause shown. The Attorney General or designee, or in Housing and Dining Services Judicial Board cases, the Chief Justice may grant or deny a request that the hearing be postponed.

Section. 7. Hearing Procedures.

A. Conduct of Primary Hearing.

- 1. Attendance at the hearing shall be:
  - a. For Student Review Board, Student Tribunal, and ad hoc boards, restricted to the judicial board, Judicial Advisor, the respondent, complainant, witnesses and an advisor who may be an attorney but does not have speaking privileges.
  - b. Any respondent or complainant who plans to have an attorney serve as their advisor, must notify the Chair of the hearing board no later than 48 hours prior to the hearing so that all parties, including the University, may also have counsel present. Failure to notify the hearing board within the appropriate time frame may result in having the individual find an alternative advisor that is not an attorney and/or may serve as cause for immediate postponement of the hearing at the discretion of the Chair or Attorney General.
  - c. For Housing and Dining Services Judicial Board, restricted to a minimum of four and a maximum of six Associate Justices, the Chief Justice who shall chair the hearings, the complainant, respondent, any witnesses called by any of the preceding parties, an advisor who may be an attorney but does not have speaking privileges, and a Residence Life Coordinator or Assistant Residence Life Coordinator or designee who shall serve as advisor. The majority of the panel's membership

must come from the residence hall or Strong Complex in which the complaint originated. Exceptions to this must be approved by the Attorney General before starting the hearing.

- d. Student Review Board, Student Tribunal, and ad hoc boards hearing a complaint shall be attended by at least two-thirds of its membership. If a sufficient number of members are not present, their hearing will be postponed for a time not to exceed 10 class days. The Attorney General may assemble an Ad Hoc Judicial Board if a quorum cannot be achieved.
2. All information regarding the case shall be kept confidential, subject to applicable law and University policies. The evidentiary phase of the hearing may be closed unless the respondent specifically requests that the hearing be open. If necessary to preserve the confidentiality of the students involved, the Chair may deny the respondent's request for an open hearing.
3. The complainant shall have the burden of proving the allegations by a preponderance of the evidence.
4. All procedural questions are subject to the final decision of the Chair of the judicial board.
5. 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.
6. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a judicial board at the discretion of the Chair.
7. No person shall be compelled to provide testimony which may be prejudicial to himself/herself.
8. 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 and as permitted by the Dean of Student Life or designee.
  - a. To determine admissibility of such written or oral statements, the Chair may question the party offering the evidence before admitting or excluding it.
  - b. If the circumstances are not 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.
9. No student may be found to have violated the Conduct Code or Residence Housing Policy 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.
10. 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 include, but are not limited to, sitting in judgment:
  - a. After investigating the case against the respondent.
  - b. When serving as a witness.
  - c. When acting as a complainant. In such cases, the Chair may refer the case to another judicial board.
11. There shall be a tape recording of all hearings. The record shall be the property of the University.

12. The following order of procedure shall be used at the hearing:
  - a. The Chair shall state the allegations against the respondent.
  - b. The respondent shall admit or deny the allegations.
  - c. If the respondent denies the allegations, the following order of procedures shall be used:
    - i. The complainant shall present only relevant evidence and may call witnesses.
    - ii. The respondent and members of the judicial board, in that order, may examine all physical evidence presented and may question the complainant and all witnesses.
    - iii. The respondent may present evidence and call witnesses; however, the respondent shall not be compelled to provide testimony which may be prejudicial to himself/herself, and failure to testify shall not be evidence of guilt.
    - iv. The complainant and members of the judicial board, in that order, may question the respondent's witnesses and may question the respondent.
    - v. Members of the judicial board may again question the complainant, respondent and witnesses to clarify discrepancies.
    - vi. The complainant and respondent, in that order, may make concluding statements.
    - vii. The Chair shall state the procedure for notice of the decision and the procedure for appeal pursuant to Section 9.
    - viii. The judicial board shall meet in closed session in order to deliberate on the proof of the allegations. The decision shall be based solely on the evidence presented at the hearing.
    - ix. Following discussion, the judicial board shall resume open session in order to determine, by majority vote, whether the complainant has shown by a preponderance of the evidence, that the respondent violated each identified section of the Conduct Code or Housing Policy. The Chair shall vote only in the event of a tie.
  - d. If the allegations are supported by a preponderance of evidence, or if the respondent admits to the alleged violations, the judicial board shall:
    - i. Inform the respondent of the range of sanctions and allow the respondent to present evidence of:
      - (a) Any personal circumstances tending to explain and justify his/her actions.
      - (b) Any personal circumstances relevant to the range of sanctions, such as the effect that various sanctions might have upon the respondent; and
    - ii. After hearing such evidence
      - (a) Consult with the Judicial Advisor, who shall provide information of prior violations of the Conduct Code or Housing Policy by the student.
      - (b) Determine the sanction against the respondent.

13. Violations of Housing and Dining Services contract terms may also be adjudicated by the Director.

Section. 8. Sanctions

- A. Any single or combination of the following sanctions may be imposed upon any student found to have violated the Conduct Code or other policy:
1. Warning: notice in writing to the student identifying the violation of University policy.
  2. Probation: 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/Jardine Suspension: recommendation to the Director for separation of the student from the residence halls or Jardine for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  7. The Dean or designee may impose a University or residence hall/Jardine suspension prior to the hearing before a judicial body.
    - a. Interim suspension may be imposed:
      - i. To ensure the safety and well-being of members of the University community or preservation of University property.
      - ii. To ensure the respondent's own physical or emotional safety and well-being.
      - iii. If the respondent poses a definite threat of disruption of or interference with the normal operations of the University.
    - b. 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 University President or Dean may determine to be appropriate.
  8. Residence Hall/Jardine Expulsion: recommendation to the Director for permanent separation of the student from the residence halls or Jardine.
  9. University Suspension: recommendation to the University President of 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: recommendation to the University President of permanent separation of the student from the University.
  11. The following sanctions may be imposed upon registered organizations:
    - a. Those sanctions listed previously.
    - b. Revocation of Registration: loss of all privileges, including University recognition, for a specified period of time.
  12. In each case in which a judicial board determines that a student has violated the Conduct Code or Housing Policy the sanction(s) shall be determined and imposed by the judicial board. The sanction(s) shall not be based upon evidence of prior violations, but based upon the determined violation only, except where

the prior violation established a pattern of related acts.

13. University expulsion shall be made part of the student's permanent academic record.

14. All other sanctions shall become a part of the student's confidential record.

B. Notice of Decision.

1. The hearing board shall notify both the respondent and the complainant in writing within forty-eight hours after the decision, stating the decision, the rationale for the decision, any sanctions imposed, 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.

Section. 9. Appeals.

A. Any decision reached through a primary judicial board hearing may be appealed by the complainant or respondent to Student Tribunal. A Written Appeal Request Form shall be completed and filed with the Attorney General by 5:00 PM, within three class days following written notification of the decision to the primary hearing's respondent and complainant. A maximum of three additional class days may be granted at the discretion of Attorney General if warranted by unusual circumstances.

B. 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 violation, substantial evidence being such evidence that a reasonable mind might accept as adequate to support a conclusion, and/or

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.

c. Discrimination on the basis of race, religion, color, sex, physical ability, national origin, sexual orientation or ancestry.

3. The hearing board denied the student's SGA constitutional rights.

4. The sanction is not commensurate with the violation found.

5. The hearing board lacked jurisdiction.

C. 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 Chancellor shall have the discretion to decline to 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.

D. The Appeal Request Form shall include the following information:

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.

4. The grounds on which the case is being appealed, supported by specific facts.

- E. For an Appeal Request to be granted, it must be filed according to Section 9.A.&B. of this Code, 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.
- F. The Chancellor shall forward a copy of the Appeal Request Form to the appellant, respondent, and the Chair of the prior hearing board within five class days of receipt. The Chancellor shall also inform the appellant, respondent, and primary hearing Chief Justice, of the right to respond in writing within five class days of receipt of the Appeal Request Form, unless an extension is obtained by the Attorney General.
- G. Within ten class days of receipt of the complaint, the Attorney General shall schedule a date, time and location for the appeal before Student Tribunal, or the appropriate appellate board. Appeals will be scheduled such that they can be heard in the most expedient manner possible. The reasonableness of this time frame shall be determined by the Attorney General, in consultation with the Dean or designee.
- H. Because the appeal hearing shall be based on the primary hearing record, the Chancellor may determine that it is not necessary for the appellant, respondent and witnesses to be present. The Chancellor may request the presence of appellant, respondent, and any witnesses if deemed necessary.
- I. The record for the appeal shall include:
  - 1. The recording of the primary hearing board's hearing.
  - 2. The Judicial Complaint Form, Notice of Primary Hearing, Notice of Decision, and any other documents or physical evidence relating to the case.
  - 3. The Appeal Request Form.
  - 4. Any written responses to the Appeal Request Form submitted by the respondent.
  - 5. Any written explanation or response submitted by the primary hearing board.
  - 6. Records of prior violations of Conduct Code or Housing Policy for the primary hearing's respondent.
- J. The appeal shall be attended by at least two-thirds of the members of appellate board. If a quorum is not present, the hearing shall be postponed for a time not to exceed 10 class days. Additional days may be granted at the discretion of the Attorney General.
- K. There shall be a tape recording of all appeal hearings. The record shall be the property of the University.
- L. 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.
- M. The appeal shall be restricted to the appellate board, the Attorney General, and the Judicial Advisor, unless otherwise determined. All information regarding the case shall be kept confidential, subject to applicable law and University policies. In the case of a full hearing with appellant, respondent, and any witnesses present, the evidentiary phase of the hearing may be closed unless the respondent requests that the hearing be open, or in cases where there is an overriding interest to the University community. In such cases, a determination shall be made by the Attorney General in consultation with the Dean of Student Life or designee.
- N. 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 ten class days and no less

than two class days. The Chair shall notify the appellant and respondent of the time, location, and date of the appeal hearing, 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. The parties shall have the right to have an advisor present who may be an attorney but shall not have speaking privileges. Any appellant or respondent who plan to have an attorney serve as their advisor, must notify the Chair of the hearing board no later than 48 hours prior to the hearing so that all parties, including the university, may also have counsel present. Failure to notify the hearing board within the appropriate time frame may result in having the individual find an alternate advisor that is not an attorney and/or may serve as cause for immediate postponement of hearing at the discretion of the Chair or Attorney General.
- O. The following order of procedure shall be used when the appeal resumes:
1. The Chair shall state the issues to be resolved at the appeal.
  2. The appellant shall present only relevant evidence and may call witnesses; however, the appellant may not be compelled to provide testimony which may be prejudicial to himself/herself and failure to testify shall not be evidence of guilt.
  3. The respondent and appellate board, in that order, may examine all physical evidence presented and may cross examine the appellant and all witnesses.
  4. The respondent shall present only relevant evidence and may call witnesses; however, the respondent may not be compelled to provide testimony which may be prejudicial to himself/herself and failure to testify shall not be evidence of guilt.
  5. The appellant and board, in that order, may examine all physical evidence presented and may question respondent and all witnesses.
  6. The appellate board may again question the appellant, the respondent, the complainant and any witnesses.
  7. The appellant and the respondent, in that order, may make concluding statements.
  8. The Chair shall state the procedure for notice of the decision and the procedure or appeal of the decision.
- P. The appellate board shall meet with the Judicial Advisor in closed session to deliberate on the available evidence and information. The decision shall be made when open session resumes and be based solely on the record including additional evidence presented at the appeal hearing.
1. If the judicial board finds that the prior board's decisions are not supported by substantial evidence or that appellant or respondent had 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.
  2. The appellate board shall uphold the decision of the lower body. The board shall state in writing, the decision, the reasons supporting the decision and the action to be taken.
- Q. The decision shall be delivered in person, or through a process by which receipt is certified, to the appellant, respondent, and the judicial board Chair whose decision is being appealed in writing within forty-eight hours of the appeal, review or hearing's close. The notice shall include the decision, the reasons for the decision, the action to be

taken, and the right to appeal to the University President.

- R. In appeals by students found in violation of the Conduct Code, or Residence Hall or Jardine Policy review of the sanction by an appellate board may not result in more severe sanction(s) for the accused student.
- S. Written appeal requests of decisions reached by an appellate board must be submitted to the University President by 5:00 p.m. within three 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 University President may, upon review of the case, adjust the sanctions imposed by the judicial board or uphold the prior decision.

Section. 10. Management of Records.

- A. Records of the Housing and Dining Services Judicial Boards, Housing Administrative Resolutions, Ad Hoc Boards, Student Tribunal and Student Review Board proceedings, and records of proceedings brought pursuant to impeachment hearing and interpretations of KSU SGA Constitution, By-Laws, and legislation will be maintained by the Judicial Advisor.
- B. Records of proceedings of Administrative Hearings shall be maintained by the Dean of Student Life or designee.
- C. The records of disciplinary proceedings shall be kept confidential and shall be destroyed six years after the final decision is rendered. Records of judicial proceedings shall be released only upon written request to the Dean of Student Life or designee.

Section. 11. Enforcement.

- A. Responsibility.
  - 1. The responsibility of enforcement of judicial board decisions shall rest with such boards, the Judicial Council and the Dean of Student Life or designee.
- 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) to be delivered to the Chief Justice of the board which issued the sanction:
    - a. Copies of completed work.
    - b. Signed statement from supervisor/department in which assignment is completed.
    - c. Proof of 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 respondent, pursuant to Section 3.A.20 of this Code.
  - 4. Students who graduate or leave the university and fail to comply shall:
    - a. Be notified in writing that a hold will be placed on academic records until sanctions are completed.
    - b. The Dean of Student Life or designee, in consultation with the Attorney General, may approve new or comparable sanctions should existing ones not be feasible while classes are not in session or the student is not enrolled.

Section. 12. Parking Citation Appeals Board.

- A. All parking citations issued on campus may be appealed for reversal to the Parking Citation Appeals Board within fourteen days of being issued. Appeal forms shall be available at the Department of Parking Services
- B. The written appeals shall include the following:
  - 1. Name of individual requesting the appeal.
  - 2. University designated status of the individual: student, faculty/staff, or other.
  - 3. Date citation was received.
  - 4. Parking citation number.
  - 5. Reason for the appeal, including special considerations, records, diagrams, etc.
- C. Upon receipt of the Appeals Request by Parking Services,
  - 1. A copy of the appeal shall be provided for the appellant
  - 2. A copy shall be retained by Parking Services.
  - 3. Adjudication of appeals
    - a. A copy shall then be assigned to two different Parking Citation Appeals Board members, one of which must be a member of the same University designated category (student or faculty/staff) as the appellant. Appeals from anyone falling outside the categories of student, faculty, or staff shall be distributed randomly.
    - b. Assigned appeal copies shall be placed in the respective board member's packet, located at the Department of Parking Services.
    - c. Board members shall pick up their packets when notified by parking services, review appeals, make a judgment whether to reverse or affirm the citation, and indicate their reasoning.
    - d. Judgments by Parking Citation Appeals Board members shall be based on the following:
      - i. Violation of a KSU Parking Policy
      - ii. Extenuating circumstances demonstrated by the appellant.
    - e. Following the review and adjudication of all appeals, the packet shall be returned to the Department of Parking Services.
    - f. Parking Services shall match the two copies of each appeal and take the following action:
      - i. If judgments match, notice of the decision shall be sent in writing to the appellant.
      - ii. If judgments do not match, the two copies of the appeal shall be held for final review by the two co-chairs of the Parking Citation Appeals Board.
- D. The two co-chairs shall consider the appeal at its next scheduled meeting. At that time they shall review the recorded reasoning of the two board members whose judgments differed. Using the that information, they shall discuss the appeal and make a decision. In the event of a tie, the final judgment shall be determined by the Attorney General.
  - 1. If the citation is reversed, the matter is settled and no further action shall be taken.
  - 2. If the citation is affirmed, the following shall occur:
    - a. Unless new information is present, the appellant shall be required pay the indicated fine within five business days.
    - b. If new information or evidence arises, the appellant has five business

days to contact the Department of Parking Services to schedule a hearing time with the Parking Citation Appeals Board co-chairs. In notifying Parking Services, the appellant must provide their full name and citation number to the staff member designated to schedule a hearing.

- c. A stamped copy of the appeal shall be held by the Department of Parking Services for review by the Parking Citations Appeals Board co-chairs and the Attorney General at the scheduled hearing.

E. Procedures for the hearing shall be as follows:

1. Failure for the appellant to appear at the scheduled hearing shall result in automatic denial of further review
2. The appellant shall be granted ten minutes to state their reasons for pursuing further review.
3. The co-chairs may then cross-examine the appellant.
4. Upon conclusion of the cross-examination, the co-chairs and Attorney General shall deliberate in private and come to a decision with the Attorney General voting only in the event of a tie.
5. The appellant shall be recalled and notified of the decision.
6. The decision shall be final and no reasoning is required.
  - a. If the review is in the favor of the appellant, the case is settled and the Department of Parking Services shall be notified
  - b. If the review is not in the favor of the appellant, he/she shall be required pay the indicated fine within five business days.

Section. 13. Interpretation and Revision.

- A. Any question of interpretation regarding the Judicial Code shall be referred to the Student Tribunal for official interpretations.
- B. The Judicial Code and overall functioning of the judicial system, shall be reviewed each academic year ending in a five or a zero under the direction of the Judicial Advisor.
  1. It is recommended that this person create an ad hoc board consisting of the following individuals for this task:
    - a. The past Attorney General, if possible.
    - b. A past Chief Justice from a Housing and Dining Services Judicial Board, if possible.
    - c. The past Chancellor of Student Tribunal, if possible.
    - d. The Attorney General.
    - e. The Residence Life Assistant Attorney General
    - f. The Chancellor of Student Tribunal.
    - g. A Chief Justice from a Housing and Dining Services Judicial Board, chosen by the Chief Justices.
    - h. The Student Senate Chair, or designee.
    - i. The President of the Association of Residence Halls, or designee.
    - j. The Director of Housing and Dining Services or designee.
    - k. The Judicial Advisor.
    - l. The Judicial Advisor to Housing and Dining Judicial Boards.

2. The ad hoc board's purpose shall be to identify any problems within the judicial system, recommend possible solutions for those problems, recommend other possible improvements to the judicial system, and draft revisions of the Judicial Code as it sees fit. Those recommendations shall be reviewed by the Dean of Student Life or designee, and the University Attorneys Office prior to submission to Student Senate for approval.