

KANSAS STATE UNIVERSITY
STUDENT GOVERNING ASSOCIATION

BY-LAWS TO THE CONSTITUTION

ARTICLE VI
JUDICIAL

Sectn. 1. Definitions.

1. **Administrative Hearing** means the process by which a third party is selected/assigned by the Student Attorney General or Dean of Student Life to determine final resolution of a dispute after hearing testimony from all parties.
2. **A preponderance of evidence** shall mean evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.
3. **Certified** is defined as a form of document delivery where signatures are obtained from a party involved in the complaint to or a residence hall community assistant on duty at the front desk where the party resides.
4. **Class days** shall mean the periods during the academic year when classes are in full session, not including finals weeks, intersession, and summer session.

5. **AComplainant@** shall refer to the individual(s) who files a written allegation of Conduct Code, Residence Hall Policy and/or Housing and Dining Services Contract violations(s).
6. **AConduct Code@** shall mean Article VI, Section 3 of the KSU SGA By-Laws.
7. **ADean@** shall mean the Dean of Student Life or designee, as the individual designated by the University President to be responsible for the administration of the Judicial Code.
8. **ADirector@** shall mean the Residence Life Coordinator, Assistant Residence Life Coordinator, or designee as the individual designated to be responsible for the administration of Housing and Dining Services Policies and Residence Halls Contracts.
9. **AFaculty/Staff member@** means any person employed by the University to conduct classroom activities or who performs administrative or professional responsibilities.
10. **AGroup@** means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.
11. **AJudicial board@** means any person or persons listed in Section 601 of the KSU SGA Constitution, or as otherwise established by SGA.
12. **AJardine@** is a housing unit under Housing and Dining Services and is included in the Housing and Dining Services Judicial Board.
13. **AJudicial code@** shall mean the operations and procedures of the judicial program, as outlined in Articles VI of the KSU SGA Constitution and By-Laws.
14. **AMay@** is used in the permissive sense.
15. **AMediation@** 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.
16. **AMember of the University community@** includes any person who is a student, faculty/staff member, or employee of the University or such
17. **AOrganization@** means a number of persons who have complied with University requirements for registration.
18. **APrior 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.
19. **ARange of Sanctions@** is defined as a written warning to recommendation to the University President for removal from the University.
20. **APolicy@** is defined as the written regulations of the University as found in, but not limited to, the Conduct Code, Housing and Dining Services Contract, Residence Halls Policy and Information Handbook, Graduate/Undergraduate Catalogs, Faculty Handbook, and the University Campus Directory.
21. **ARElevant evidence@** is defined as any evidence that supports an alleged complaint or establishes character patterns.
22. **AResidence Hall@** is defined as Boyd, Putnam, Van Zile, Moore, Haymaker, Ford, West, Smurthwaite, Goodnow, Marlatt.
23. **AStrong Complex@** is defined as the area containing Boyd, Putnam and Van Zile residence halls. These three halls will be considered one for judicial proceedings.
24. **ARespondent@** shall refer to the student against whom an allegation(s) of Conduct Code, Residence Hall Policy and/or Housing and Dining Services Contract violation(s) has been made.
25. **AREckless@** 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.
26. **AShall@** is used in the imperative sense.
27. **AStudent@** 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 residence halls.
28. **AUniversity@** means Kansas State University.
29. **AUniversity premises@** includes all land, buildings, facilities, and other property owned, used, or controlled by the University.
30. **AUniversity sponsored activity@** means any activity, on or off campus, person's guest. In unclear situations, a person's status in a particular situation shall be determined by the Dean of Student Life.

that is University authorized and supervised by a faculty/staff member or organization advisor, or for which students receive academic credit from the University.

31. **AWeapon@** 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, knives and knives with blades five or more inches in length, martial arts weapons, potato guns, and substances such as explosives, dangerous chemicals and poisons.

Sectn. 2. Jurisdiction.

1. Generally, University jurisdiction to receive complaints and to impose sanctions under this code shall be limited to misconduct that occurs on University premises or behavior which intentionally or recklessly interferes with the operation of the University or with University sponsored activities, including, but not limited to, studying, teaching, research, University administration, fire, police, or emergency services.
2. Allegations of misconduct believed to constitute discrimination, including harassment as described and defined in the **APolicy Prohibiting Sexual Harassment,@** and **APolicy Prohibiting Racial and/or Ethnic Harassment@** should be referred to the Affirmative Action Office or the Dean of Student Life Office. Allegations of assault covered under the **APolicy Prohibiting Sexual Violence@** should be referred to the Dean of Student Life Office.

Sectn. 3. Conduct CodeBRules and Regulations.

1. The following described behaviors constitute misconduct in which disciplinary sanctions will be imposed.
 1. Acts of dishonesty, including but not limited to the following:
 1. Furnishing false information to any University official, faculty/staff member, or office.
 2. Forgery, alteration, or misuse of any University

document, record, or instrument of identification.

3. 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:
 1. Making calls containing lewd or obscene remarks.
 2. Making calls intended to harass whether or not conversation ensues.
 3. Making the telephone ring repeatedly with intent to harass.
 4. 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
 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 AKSU Information Technology Usage Policies.@
 20. Abuse of the SGA Judicial Program, including but not limited to:
 1. Falsification, distortion, or misrepresentation of information.
 2. Disruption or interference with the orderly conduct of a judicial proceeding.
 3. Knowingly initiating a complaint without cause.
 4. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 5. Attempting to influence the impartiality of a member of
 - or violation of the University's Alcohol and Cereal Malt Beverage Policy.
 14. Illegal or unauthorized possession or use of firearms, explosives, weapons, or dangerous chemicals on University premises or at a University sponsored activity.
 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.
 - a judicial board prior to, or during the course of, the judicial proceeding.
 6. Verbal, written, phone, or physical harassment, and/or intimidation of a member of a judicial board.
 7. Failure to comply with the sanction(s) imposed under this Code.
 8. Influencing or attempting to influence another person to commit an abuse of the judicial system.
 21. Misconduct may also include any violation of any rules appearing in the leases and contracts entered into by a student to obtain accommodations with the Department of Housing and Dining Services.
 22. Any illegal or unauthorized taking, selling, or distribution of class notes.
- Sectn. 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.
- Sectn. 5. Duties of Attorney General and Judicial Boards.
1. 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 Board.
2. Appoint ad hoc boards when deemed necessary.
3. Supervise the administration of the judicial program, train judicial branch members in their duties, and advise students on matters of judicial policy.
4. Recommend changes in jurisdiction, procedures, judicial board organization and other judicial matters.
5. Advise the students and boards as to their rights and responsibilities in disputes and identify resources if such guidance is requested.
6. Serve as complainant in those cases involving university property or policy or when such action is in the interest of the University.

2. Duties of a 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
3. Hear appeals of decisions from the Housing and Dining Services Judicial Board, Ad Hoc Boards, SGA Elections Committee, and Student Review Board, with the authority to modify or overturn the decisions of such judicial boards.
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

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.

3. 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):
 1. Based primarily on the common understanding of the words and phrases.
 2. Logically consistent with the remainder of the document.
 3. Consistent with prior interpretations.
 4. 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.
- 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.

4. Duties of Housing and Dining Services Judicial Board.

1. Shall hear cases involving violations of the Conduct Code, Jardine policies, Residence Halls Policy and Information Handbook, and Housing and Dining Services leases and contracts.

2. Shall hear all cases involving violations of such rules occurring on the premises of such living group by any non-resident and shall hear all cases involving violations of such rules on grounds surrounding living group premises and in buildings and areas used in common by living groups, such as dining areas.
3. Shall assemble hearing panels for judicial proceedings.

5. Duties of Student Review Board.

Hear cases involving violations of the Conduct Code occurring on campus or at off-campus University sponsored events.

6. Duties of Parking Citation Appeals Board.

Consider student, faculty, and staff appeals of Kansas State University Parking Services parking citations.

7. Duties of SGA's Judicial Advisors.

1. The Dean of Student Life or designee shall serve as the SGA Primary Judicial Advisor.
2. The SGA Primary 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 SGA Primary 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 designees shall advise Chief Justices in the case of Housing and Dining Services Judicial Boards.
5. The SGA Primary Judicial Advisor shall direct SGA in the review and revision of the judicial code in five year cycles.
6. The SGA Primary Judicial Advisor shall advise the Attorney General in the development and delivery of judicial training.
 1. A facilitator explains the mediation process to the

programs, handbooks and related materials.

7. The SGA Primary 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.

8. 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 primary judicial advisor.
2. The Council shall be required to meet at least three times each semester to discuss current issues within the individual boards and overall concerns of the judicial branch, not including training.

Sectn. 6. Resolution of Complaints.

1. 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.
2. 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 dispute.
 2. The time in which a complaint must be filed under this code will not be extended by the mediation process.
 3. Mediation will typically involve the following process:
 1. A facilitator explains the mediation process to the parties.

2. The process will begin by the signing of a Mediation Agreement. The Agreement will include:
 1. Ground rules established for the mediation.
 2. Statement of the issue(s).
 3. Definition of the issue(s).
 4. Signature of both parties.
3. 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.
4. The facilitator invites the parties to discuss the facts.
5. The facilitator identifies common points of interest and assists the parties in reaching a resolution of the dispute.
6. If a resolution is achieved by agreement of the parties, the facilitator may cause the resolution to be written and signed by the parties.
4. If the parties can not agree to a resolution through mediation, and if a complaint is timely filed, such complaints may be assigned to an appropriate judicial board.
3. 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 a Hearing Agreement. The agreement will include:
 1. Statement giving up the right of a hearing through the SGA judicial program.
 2. Copy of written complaint.
 3. Witnesses or other parties who are present.
 4. Additional evidence provided.
 5. Signature of both parties and the Dean.
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:
 1. Resolution made.
 2. Disposition of alleged allegation(s).
 3. 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.
4. Judicial Board Hearing.
 1. Educational Conferences.
 1. Educational Conferences may be held before and/or after a written complaint has been filed with Housing and Dining Services Judicial Boards or Attorney General and shall be conducted as to clarify the complaint, address procedures, course of actions and to resolve any questions the complainant, respondent or judicial officer may have.

2. 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 the Housing and Dining Services Judicial Boards, the complainant and/or respondent.

1. It may be determined at the Educational
3. 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.

3. Complaints filed with the Judicial Council will result in an Educational Conference which will include the Attorney General, or designee, the complainant and/or respondent. Separate Conferences will be held for the complainant and respondent.

2. Complaints.

1. Any member of the University community may file a written complaint against a student.
 1. For adjudication under this code, a Judicial Complaint Form must be submitted in writing to the SGA Attorney General in the Office of Student Activities and Services. The complaint must be received, signed, and dated to be valid.
 2. Alleged violations of Housing and Dining Services policies or alleged violations under the Conduct Code that occur in a residence

Conference a conflict of interest occurs, in which case the complaint may be referred to Judicial Council for adjudication.

2. A resolution of the complaint, as specified in Section 6. of the KSU SGA By-Laws, may occur at the Educational Conference.

hall, dining facility, Jardine or surrounding property shall be submitted in writing to the appropriate Residence Life Coordinator or designee.

2. Complaints must be submitted no later than twenty class days after the alleged misconduct occurs or is discovered.

3. The complaint shall be completed on a Judicial Complaint Form and must include the following information:

1. The complainant-s name, address and telephone number.
2. The name of the person who allegedly committed the violation.
3. The facts of the alleged violation, including the time, date, location and description of specific conduct.
4. The provision of the Conduct Code, Residence Hall Policy, and/or Housing and Dining Services Contract alleged to be violated.
5. The complainant-s signature and date.
6. For residence hall/Jardine complaints a copy of any additional relevant and pertinent information related to the complaint must be attached.

4. Receipt of the complaint must be certified in writing to the Attorney General.

3. Notice of Hearing.

1. Upon receipt of a complaint, the SGA 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.

2. The SGA Attorney General or in the case of residence hall/Jardine complaints, the Chief Justice, shall set the date of the hearing on a date no later than ten class days following receipt of written notice by respondent.

3. The SGA Attorney General, or the Chief Justice in cases involving residence hall/Jardine complaints, shall notify the parties in writing that a complaint has been received and shall inform the parties that a hearing has been scheduled. This written notice shall include:

1. A copy of the complaint and relevant information.
2. The time, date and place of the hearing.

1. Conduct of Primary Hearing.

1. Attendance at the hearing shall be:

1. For SGA judicial boards, restricted to the judicial board, judicial advisor, the respondent(s), complainant(s), witnesses and an advisor who may be an attorney but does not have speaking privileges.
2. Any respondent(s) or complainant(s) 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

3. The right of the respondent to present information in response to the complaint, and any personal circumstances that may affect possible sanctions.

4. A copy of this judicial code and, in cases involving residence hall/Jardine complaints, the residence hall or Jardine policy alleged to be violated.

4. If a case involves two or more students who are respondents, any respondent may request a separate hearing.

5. All notices will be delivered personally or in a manner by which receipt can be certified.

6. Following receipt of such notice, either the complainant(s) or respondent(s) may make a written request for postponement of the hearing for good cause shown. The SGA Attorney General or designee, or in residence hall/Jardine complaints, the Chief Justice of the judicial board may grant or deny a request that the hearing be postponed.

Sectn. 7. Hearing Procedures.

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 a lawyer and/or may serve as cause for immediate postponement of hearing at the discretion of the Chair.

3. For Housing and Dining Services hearing panels, restricted to a minimum of four and a maximum of six Associate Justices, the Chief Justice who shall chair the hearings, the complainant(s), the respondent(s), 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 panels membership must come from the hall or Strong complex in which the complaint originated. Exceptions to this must be approved by the Attorney General before starting the hearing.

4. SGA judicial boards hearing a complaint shall be attended by at least two-thirds of its membership. If a sufficient number of members are not present in the case of any board, the 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. The hearing shall be closed unless the respondent specifically requests that the hearing be open. If necessary to preserve the confidentiality of the parties, 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
 2. The respondent shall admit or deny the allegations.
- circumstances when the reliability of the statements can be demonstrated and as permitted by the Dean of Student Life or Designee.
1. To determine admissibility of such written or oral statements, the Chair may question the party offering the evidence before admitting or excluding it.
 2. 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, Residence Hall or Jardine Policy, and/or Housing and Dining Services Contract 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 upon the respondent:
 1. After investigating the case against the respondent.
 2. When serving as a witness.
 3. 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:
 1. The allegations against the respondent shall be stated.
 3. If the respondent denies the allegations, the following

order of procedures shall be used:

1. The complainant shall present only relevant evidence and may call witnesses.
2. The respondent and judicial board may examine all physical evidence presented and may question the complainant and all witnesses.
3. The respondent may present evidence and call witnesses; however, the respondent shall not be required to testify.
4. The complainant and members of the judicial board may question the respondent=s witnesses and may question the respondent if he/she testifies.
5. Members of the judicial board may again question the complainant, respondent (if he/she testifies) and witnesses to clarify discrepancies.
6. The complainant and respondent, in that order, may make concluding statements.
7. The Chair shall state the procedure for notice of the decision and the procedure for appeal as stated in Section 10.
8. The judicial board shall meet in private in order to reach a decision regarding the proof of the allegations. The decision shall be based solely on the evidence presented at the hearing. The judicial board shall meet in private to discuss the proof of the allegations.
9. After the hearing, the judicial board shall determine, by majority vote, whether the complainant has shown by a preponderance of the evidence, that the respondent violated each section of the Conduct Code, Residence Hall or Jardine Policy or Housing and Dining Services Contract.

4. If the allegations are supported by a preponderance of the evidence or if the respondent admits to the alleged violations, the judicial board shall:
 1. Inform the respondent of the range of sanctions and allow the respondent to present evidence of:
 - (1) Any personal circumstances tending to explain and justify his/her actions.
 - (2) Any personal circumstances relevant to the range of sanctions, such as the effect of the various sanctions upon the respondent; and
 2. After hearing such evidence
 - (1) Consult with the Judicial Advisor, who shall provide information of prior violations of the Conduct Code, Residence Hall or Jardine Policy, and/or Housing and Dining Services Contract by the student.
 - (2) Determine the sanction against the respondent.

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

Sectn. 8. Sanctions

1. Any single or combination of the following categories may be imposed upon any student found to have violated the Conduct Code:
 1. WarningBA notice in writing to the student that the student has

violated a University policy.

2. Probation **BA** 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 **BD** Denial of specified privileges for a designated period of time, including the non-release of academic records.
4. Restitution **B** Compensation for loss, damage or injury. This
7. The Dean or designee may impose a University or residence hall/Jardine suspension prior to the hearing before a judicial body.
 1. Interim suspension may be imposed:
 1. To ensure the safety and well-being of members of the University community or preservation of University property.
 2. To ensure the respondent's own physical or emotional safety and well-being.
 3. If the respondent poses a definite threat of disruption of or interference with the normal operations of the University.
 2. 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 **BA** recommendation to the Director for permanent separation of the student from the residence halls or Jardine.
9. University Suspension **BA** recommendation to the University

may take the form of appropriate services and/or monetary or material replacement.

5. Discretionary Sanctions **B** Work assignments, service to the University or other related discretionary assignments.
6. Residence Hall/Jardine Suspension **BA** 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.

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 **BA** recommendation to the University President of permanent separation of the student from the University.
11. The following sanctions may be imposed upon registered organizations:
 1. Those sanctions listed previously.
 2. Revocation of Registration **BL** 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, Residence Hall and ARH policies, or Jardine Policy, and/or Housing and Dining Services Contract, 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.

2. 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 reasons for the decision, the sanctions and the rules and procedures for exercising the right to appeal.
2. The decision will be served in person or by process in which receipt is certified.

Sectn. 9. Appeals.

1. Written Appeal Requests shall be filed with the SGA Attorney General by 5:00 PM within three class days following notification of the respondent in writing of the decision. A maximum of three additional class days may be granted at the discretion of SGA Attorney General if warranted by unusual circumstances. A decision reached by a judicial board may be appealed by the respondents or complainants to Student Tribunal.
 3. 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 too harsh.
 5. The hearing board lacked jurisdiction.
3. Evidence not presented in the original hearing may not be considered on appeal unless such evidence was not known nor could be discovered by the person requesting such evidence to be considered on appeal. The judicial board hearing the appeal shall have the discretion to decline 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.

2. 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
 1. Defective notice.
 2. Failure to follow written procedures and rules as outlined in this code.
 3. Lack of substantial evidence to support a finding of a violation, substantial evidence being such evidence that a reasonable mind might accept as adequate to support a conclusion, and/or
2. The hearing board reached a decision in an unjust manner, including but not limited to the presence of
 1. Bias.
 2. Unreasonable, arbitrary or capricious action.
4. To appeal, the respondent or complainant must file an Appeal Request Form to the SGA Attorney General. The Appeal Request Form shall include:
 1. The name of the person making the appeal.
 2. The body whose decision is being appealed.
 3. The date on which the decision of that body was given.
 4. The grounds on which the case is being appealed, supported by specific facts.
5. For an Appeal Request to be granted, it must be filed according to Section 10.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.

6. If the appeal is to be considered, the Attorney General shall forward a copy of the Appeal Request to the complainant(s), respondent(s) and the Chair of the prior hearing board within two class days of receipt. The Attorney General shall also inform the complainant(s), respondent and judicial board of the right to respond in writing within three class days of receipt of the Appeal Request Form, unless an extension is obtained by the Attorney General, by submitting copies of the written appeal response to both SGA Attorney General and the respondent.
7. The Attorney General shall schedule the appeal before Student Tribunal, or the appropriate appellate board, on a day not less than five class days and not more than ten class days after the parties have been informed of the right to respond.
8. The appeal review shall be based on the record of the hearing by the prior board, therefore, the appellate board may determine that it is not necessary for the complainant, respondent and witnesses to be present. The appellate board may request the presence of respondent, complainant and any witnesses if deemed necessary.
9. The record for the appeal shall include:
 1. The recording of the prior board's hearing.
 2. The Judicial Complaint Form, the Notice of Primary Hearing, the Notice of Decision, any other documents or physical evidence relating to the case.
 3. The respondent's/complainant's Appeal Request Form.
 4. The complainant's/respondent's written response to the Appeal Request Form.
 5. Records of respondent's prior violations of Conduct Code, Residence Hall or Jardine Policy, and/or Housing and Dining Services Contract.
10. The appeal shall be attended by at least two-thirds of the members of appellate board. If a quorum is not present, a rehearing shall be
 2. Written or oral statements of persons not present at the appeal shall not be admissible except under extraordinary situations when the reliability of such statements can be demonstrated.
11. There shall be a tape recording of all appeal hearings. The record shall be the property of the University.
12. 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.
13. The appeal shall be restricted to the appellate board and the Judicial Advisor, unless otherwise determined. All information regarding the case shall be kept confidential, unless the case has an overriding interest to the University community. In such cases, a determination shall be made by the SGA Attorney General in consultation with the Dean. All other cases shall be closed.
14. The following order of procedure shall be used at the appeal:
 1. The Chair shall distribute copies of the written record to members of the board, who shall read, study and discuss such documents.
 2. The Chair shall read the grounds for appeal.
 3. Members of the board may listen to the recording of the primary hearing.
 4. The board shall decide whether additional testimony is necessary and if so, the Chair shall continue the appeal on a date no more than seven class days and no less than two class days. The Chair shall notify the respondent and complainant of the time, place and date of the appeal, the issues to be addressed and the following rights:
 1. 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.
 3. The parties shall have the right to have an advisor present who may be an attorney but shall not have speaking privileges.
 4. The parties shall have the right to hear all evidence scheduled within three class days. Additional days may be granted at the discretion of the Attorney General.

presented and to confront and cross-examine witnesses.

15. Written appeal requests of appellate board decisions must be filed by the complainant or respondent with the University President by 5:00 p.m. within three class days following the written notification of the appellate board's decision.

1. 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 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.
 3. The complainant and board, in that order, may examine all physical evidence presented and may question respondent and all witnesses.
 4. The complainant shall present only relevant evidence and may call witnesses.
 5. The respondent and appellate board, in that order, may examine all physical evidence presented and may cross examine the complainant and all witnesses.
 6. The appellate board may again question the respondent, the complainant and/or witnesses.
 7. The respondent and the complainant, 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.
2. The appellate board shall meet with the Judicial Advisor, if applicable, in private to reach a decision. The decision shall be based solely on the record including additional evidence

presented at the appeal hearing.

1. If the judicial board finds that the prior board's decisions are not supported by substantial evidence or that the respondent or complainant 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.
 3. The decision shall be delivered in person, or in a process by which receipt is certified, to the respondent, the complainant, the judicial board whose decision is being appealed in writing within forty-eight hours after the appeal, review or hearing. The notice shall include the decision, the reasons for the decision, the action to be taken, and the right to appeal to the University President.
16. In cases involving appeals by students accused of violating the Conduct Code, Residence Hall or Jardine Policy, and/or Housing and Dining Services Contract, review of the sanction by an appellate board may not result in more severe sanction(s) for the accused student.
17. Written appeal requests of decisions reached by an appellate board may 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.

Sectn. 10. Management of Records.

1. Records of the Housing and Dining Services Judicial Board, 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.
2. Records of proceedings of Dean of Student Life Hearings shall be maintained by the Dean.

The responsibility of the enforcement of the decisions of a judicial board shall rest with such boards, the Judicial Council and the Dean.

2. 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):
 1. Copies of completed work.
 2. Signed statement from supervisor/department in which work is completed.
 3. Class/submit completed grade for class.
 4. Letters to Chief Justice/Attorney General to be forwarded to the appropriate party.
3. Failure to comply will result with a complaint being filed against the individual pursuant to Section 3.A.20 of this Code.
4. Students who graduate or leave the university and fail to comply shall:
 1. Be notified in writing that a hold will be placed on academic records until sanctions are completed.
 2. The Dean, in consultation with Attorney General, may approve new or comparable sanctions should existing

3. 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.

Sectn. 11. Enforcement.

1. Responsibility.

ones not be feasible while classes are not in session or the student is not enrolled.

Sectn. 12. Parking Citation Appeals Board.

1. A parking ticket issued on campus may be appealed at Parking Services within five business days of being issued. Parking Citation Appeals Board Appeal Forms are available in the Department of Parking Services and the Office of Student Activities and Services.
2. The written appeals shall include the following:
 1. Name of individual requesting the appeal.
 2. Date citation was received.
 3. The parking citation number.
 4. Reason for the appeal, including special considerations; and/or records, diagrams and the parking citation.
3. Upon receipt of the Appeals Request by Parking Services,
 1. A copy of the request is provided for the appealed.
 2. A copy is retained by Parking Services.
 3. All requests for appeal will be given to a designee of the Attorney General, who shall be appointed in consultation with the Director of Parking Services and subject to the approval of Student Senate. The designee will separate all appeals into two categories. The first category shall be known as first degree appeals. First degree appeals are appeals that the

designee determines do not justify proceeding as outlined in the following subsections. First degree appeals will be given to the SGA Attorney General or designee for review to ensure that bias was not a cause for the denial of an appeal. If the Attorney General or designee determines a bias was involved, they shall proceed as outlined in the following subsections. The second category shall be known as second degree appeals. Second degree appeals are ones the designee determines do justify proceeding as outlined in the following subsections.

4. Separate copies are provided for two Parking Citation Appeals Board members.
 1. Copies of the request are placed in separate board member packets, located at the Department of Parking Services.
 2. Board members will pick up their packets once a week, review appeal requests, and make a judgment.
4. The board will consider the appeal at its next scheduled meeting. The board members who considered the appeals shall state their reasons for their decisions. The remaining board members shall then ask questions of clarification. The board shall discuss the appeal and make a decision. A decision shall be reached by a majority vote of a quorum.
 1. If the appeal is granted, the matter is settled and no further action will be taken.
 2. If the appeal is denied, the following will occur:
 1. If new information is not presented, or if the prior ruling is upheld, the appealed shall pay the indicated fine within five business days.
 2. If new information or evidence shall be presented, the appealed has five business days to contact the Parking Citation Appeals Board to schedule a time for a hearing. At that time, the appealed must provide their

3. Judgments shall be based on the following:
 1. Violation of a Parking Policy.
 2. Extenuating circumstances demonstrated by the appealed.
 4. Upon review of all appeals, the packet is returned to the Department of Parking Services.
 5. Parking Services matches copies of the appeals reviewed by board members and takes the following action:
 1. If judgments match, notice of the decision is sent, in writing to the appealed.
 2. If judgments do not match, two copies of the appeal request are forwarded to the Chair of the Parking Citation Appeals Board.
- full name and citation number to the Receptionist scheduling the hearing.
1. The appealed shall contact the Department of Parking Services to inform them they are pursuing a rejudgement of their appeal.
 2. The Department of Parking Services will forward a stamped copy of the appeal to the Parking Citation Appeals Board.
5. The procedures for the appeal hearing will be as follows:
 1. Failure for the appealed to appear before the Parking Citation Appeals Board will result in automatic denial of the rejudgement.
 2. The appealed will be granted ten minutes to state their reasons for pursuing rejudgement.
 3. Board members shall cross examine the appealed.

4. Upon conclusion of questions, the board shall meet in private to discuss the appeal. The board shall reach a decision by majority vote of a quorum.
5. The appealed will be called back before the board and notified of the decision.
6. The decision shall be final and no reason for the decision of the vote shall be revealed to the appealed.
 1. If the rejudgement is in the favor of the appealed the case is settled and the Department of Parking Services will be notified.
 2. If the rejudgement is not in favor of the appealed, he/she will have five business days to pay the fine to Parking Services.

- h. The President of the Association of Residence Halls, or designee.
 1. The Director of Housing and Dining Services or designee.
 22. The SGA Primary Judicial Advisor.
2. The Judicial Advisor to Housing and Dining Judicial Boards.
 - a. The ad hoc board's purpose would be to examine any particular problems of the judicial system, recommend possible solutions for any problems, and to examine and recommend possible improvements of the judicial system as it sees fit.

Sectn. 13. Interpretation and Revision.

1. Any question of interpretation regarding the Judicial Code shall be referred to the Student Tribunal for official interpretations.
2. 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 Dean of Student Life's SGA Primary Judicial Advisor or designee.
 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 the Housing and Dining Services Judicial Boards, if possible.
 - c. The past Chancellor of Student Tribunal, if possible.
 - d. The Attorney General.
 - e. The Chancellor of Student Tribunal.
 - f. A Chief Justice from the Housing and Dining Services Judicial Boards chosen by the Chief Justices.
 - g. The Student Senate Chair, or designee.