CHAPTER FOUR

BY-LAWS of the JUDICIAL BRANCH

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PREAMBLE

This document shall be known as the By-Laws of the Judicial Board at the University of North Carolina at Charlotte, which is organized for the purposes stated in the Constitution of the Student Body of the University of North Carolina at Charlotte.

ARTICLE I. MEMBERSHIP

SECTION 1. Qualifications

§4-1.1. Definitions.
Within these By-Laws, the following definitions shall apply:
(a) "Judicial Branch", shall refer to the office of the Hearing Panel, the office of the Attorney General, and the office of the Student Counsel.
(b) "Judicial Board", shall refer to the panel members hearing information and making a decision of responsibility and assigning sanctions if need be.
(c) "Hearing", shall refer to the process in which members of the Judicial Board determine alleged responsibility.
(d) "Hearing Panel Member" shall refer to the individual member who participates in determining the alleged responsibility of a violation.
(e) "In-Service", shall refer to meetings held once a month for ongoing training purposes. The Chief Justice will put these together based on the needs of the Judicial Branch.
(f) "Period of Probation" shall refer to a period of time in which a member of the Judicial Branch, who is considered to have not met the expectations of their position, is in danger of losing their membership within the Branch. A Period of Probation is not applicable to the Chief of an Office.

§4-1.2. Eligibility.
All duly registered students at the University of North Carolina at Charlotte who meet the General Qualifications for Student Government Officials enumerated in SGS §1-1.3 shall be eligible for membership except as specifically provided in these By-Laws.

§4-1.3. Membership Approval.
Each applicant to the Judicial Branch must be interviewed and approved for service by the current Chief Justice and the Dean of Students Office or their designees and confirmed by the Student Senate.

SECTION 2. Induction of Members

§4-1.4. Time and Place.
Each Hearing Panel Justice, Lieutenant and assistant shall take the Oath of Office in accordance with SGS §1-1.10.

SECTION 3. Attendance

§4-1.5. Required Attendance.
Full and prompt attendance at all regular training meetings, hearings, office meetings and special meetings of the Judicial Branch shall be required of each member. Each member shall be permitted a total of three unexcused absences per year from Judicial Branch hearings and meetings. The accumulation of three unexcused absences in one year will result in the student's removal from Judicial Branch. Judicial Branch members must inform the Chief Justice at least 48 hours prior to the hearing or meeting for which they are unable to attend. This contact should be made via email to sgachiefjustice@uncc.edu and does not guarantee a valid excused absence. It is at the discretion of the Chief Justice to make all final decisions on excused absences.

§4-1.6. Record of Absences.
The Chair of the Hearing Panel shall record a member's absence in writing to the Chief Justice at the adjournment of each hearing. The Chief Justice or his or her Lieutenant will record the absence of any Judicial Branch member from a special meeting. The Chief Attorney General and the Chief Student Counsel or his or her
Lieutenant from each office shall record a member's absence in writing to the Chief Justice at the adjournment of any office meetings.

§4-1.7. Tardiness.
A member will be officially considered absent from a Judicial Board hearing when the case is called to order. Once the meeting has been called to order, the Judicial Branch member cannot be admitted to the hearing and he or she will officially be considered absent.

§4-1.8. Record of Attendance.
An accurate record of the members of the Judicial Branch at the hearing and all meetings shall be duly maintained by the Chief Justice and his or her Lieutenant. These will be maintained updated weekly.

§4-1.9. Appealing an Absence.
A member may submit a written appeal to the Chief Justice within five business days of the absence. Following the five day period the member shall have no rights to an appeal. Any absence not appealed or excused is considered unexcused after the five day period.

SECTION 4. Disciplinary Proceedings Against Members

§4-1.10. Automatic Removal.
Departure from a hearing prior to adjournment without being granted permission to leave by the Chair of the Hearing Panel automatically constitutes a declaration of vacancy and will result in immediate removal from the Judicial Board.

§4-1.11. Removal Based on Attendance.
If the Chief Justice determined that a member has exceeded the total number of absences allowed, the Chief Justice and a representative from the Dean of Students Office shall meet with the member. If the member cannot provide proper excuse(s) for his or her absence(s), his or her membership will be revoked.

§4-1.12. Removal Based on Conduct.
If at any time the Chief Justice determines that a Judicial Branch member's conduct, either in a hearing or out of a hearing is detrimental to the organization, the Chief Justice may, in consultation with the Dean of Students Office, place the member on warning, a period of probation or revoke organizational membership.

§4-1.13. Membership Re-Eligibility.
A student whose membership has been revoked for reasons relating to disciplinary actions taken against them by the Judicial Branch shall not be eligible for membership for at least one year following the declaration of vacancy.

Any member assigned a conduct sanction which places him or her out of good standing with the University shall have his or her membership revoked by the Dean of Students Office immediately.

SECTION 5. Vacancies

§4-1.15. Voluntary Resignation.
A member may declare his or her resignation at any time. All voluntary resignations must be delivered in writing to the Chief Justice.

§4-1.16. Declaration of Vacancy.
Upon the announcement of a member's ineligibility, resignation, or revocation, his or her seat shall be declared vacant by the Chief Justice.

§4-1.17. Filling Vacancies.
The Chief Justice shall declare a vacancy until the position is filled through the standard interview and appointment process.
ARTICLE II. OFFICERS

SECTION 1. Officers of the Judicial Board

§4-2.1. Authority.
The Chief Justice, Chief Attorney General, and Chief Student Counsel shall be elected by secret ballot at the last Judicial Branch meeting of the current academic year.

§4-2.2. Appointment.
The Chief Justice, in consultation with the Dean of Students, the Chief Attorney General and the Chief Student Counsel, shall appoint all Lieutenants and Assistants for each office.

§4-2.3. Qualifications.
All members of the Judicial Branch in good standing who have served in the office for which they are applying for a period of at least one semester are eligible for election. Members who have been on Judicial Branch for one semester may be appointed to any office.

§4-2.4. Chief Justice.
The Chief Justice of the Judicial Branch shall:
(a) be responsible for the general leadership of the Judicial Branch;
(b) be responsible for orientation and training of new and returning members to the board and their roles;
(c) communicate regularly with members regarding meetings, notices, or new procedures;
(d) prepare an agenda for leadership meetings and regularly schedules Branch in-services;
(e) have the ability to assume duties of the Attorney General or the Student Counsel;
(f) appoint a qualified Lieutenant;
(g) prepare materials necessary for each case;
(h) sit on Hearing Panels to determine training needs of members;
(i) maintain regular communication with the Attorney General and Student Counsel offices through regular meetings; and,
(j) meet on a regular basis with the Dean of Students Office;
(k) represent Judicial Branch on various committees and the Academic Integrity Panel as needed;
(l) oversee the maintenance of Hearing Panel paperwork;
(m) maintain at least five regular office hours per week and be available to staff members and Student Government Officials;
(n) be responsible for preparing and scheduling presentations regarding the various Codes the Board upholds; and,
(o) be responsible for the duties outlined in Article IV of the Constitution of the Student Body.

§4-2.5. Lieutenant Chief Justice.
The Lieutenant Chief Justice of the Judicial Branch shall assist the Chief Justice as needed and shall perform the judicial leadership duties of the Chief Justice in his or her absence, incapacity, or removal from Judicial Branch. The Lieutenant Chief Justice shall also create and maintain the Judicial Branch case night. The Lieutenant Chief Justice shall maintain at least five regular office hours per week and is available to staff members and Student Government Officials.

§4-2.6. Chief Attorney General.
The Chief Attorney General of the Judicial Branch shall:
(a) be responsible for the general leadership of the Attorney General's Office;
(b) orient and train new and returning members to the Office of the Attorney General and their roles within the office;
(c) communicate regularly with Attorney General's Office members regarding meetings, notices, or new procedures;
(d) consult with the Chief Justice in preparing an agenda for leadership meetings and Branch in-services;
(e) schedule individual meetings with Attorney General's Office members to provide feedback and training;
(f) appoint a qualified Lieutenant and assistants;
(g) maintain regular communication with the Hearing Panel and Student Counsel offices through regular meetings;

(h) meet on a regular basis with the Dean of Students Office;

(i) represent Judicial Branch on various committees and the Academic Integrity Panel as needed;

(j) oversee the general maintenance of the Judicial Board electronic recording equipment and downloading of case recordings after each hearing;

(k) maintain at least five regular office hours per week and is available to staff members and Student Government officials; and,

(m) be responsible for the duties outlined in Article IV, Section 4 of the Constitution of the Student Body.

§4-2.7. **Lieutenant Attorney General.**

The Lieutenant Attorney General of the Judicial Branch shall assist the Chief Attorney General as needed and perform the general leadership duties of the Attorney General in his or her absence, incapacity or removal from Judicial Board. The Lieutenant Attorney General shall maintain at least five regular office hours per week and shall be available to staff members and Student Government Officials.

§4-2.8. **Chief Student Counsel.**

The Chief Student Counsel of the Judicial Board shall:

(a) be responsible for the general leadership of the Judicial Board Student Counsel's Office;

(b) orient and train new and returning members to the Student Counsel's Office and their roles within the office;

(c) communicate regularly with members regarding meetings, notices, or new procedures;

(d) consult with the Chief Justice in preparing an agenda for leadership meetings and Branch in-services;

(e) schedule individual meetings with Student Counsel's Office members to provide feedback and training;

(f) appoint a qualified Lieutenant and assistants;

(g) maintain regular communication with the Hearing Panel and Attorney General offices through regular meetings;

(h) Shall represent Judicial Branch on various committees and the Academic Integrity Panel as needed;

(i) oversee the maintenance, appropriate distribution, and confidentiality of case paperwork;

(j) coordinate accused student participation in the hearing process experience survey in order to allow the accused student an opportunity to provide feedback regarding the Judicial Branch experience;

(k) maintain at least five regular office hours per week and be available to staff members and Student Government Officials; and,

(l) be responsible for the duties outlined in Article IV, Section 5 of the Constitution of the Student Body.

§4-2.9. **Lieutenant Chief Student Counsel.**

The Lieutenant Chief Student Counsel of the Judicial Branch shall assist the Chief Student Counsel as needed and perform the general leadership duties of the Chief Student Counsel in his or her absence, incapacity or removal from Judicial Branch. The Lieutenant Chief Student Counsel shall maintain at least five regular office hours per week and be available to staff members and Student Government Officials.

§4-2.10. **Tenure.**

Officers shall begin their terms immediately upon election. All officers shall serve for one full calendar year, or until resignation or removal from Judicial Branch.

§4-2.11. **Office Space and Keys.**

Each officer, Lieutenant or assistant of the Judicial Branch issued office space in the Student Government and Organizations Complex shall be responsible for maintaining a professional demeanor within the office, protecting the confidentiality of information and documentation stored in the office and maintaining any key(s) issued for the office space. Lost or misplaced keys should be
SECTION 2. Presiding Officers

§4-2.12. Order of Ascendance.
(a) In the event that a Lieutenant of any of the offices ascends to the position of Chief Justice, he or she will appoint a Lieutenant to serve the remainder of the term that has been vacated by him or her.
(b) Chain of Command: Chief Justice, Lieutenant Chief Justice, Chief Attorney General, Lieutenant Chief Attorney General, Chief Student Counsel, Lieutenant Chief Student Counsel.

SECTION 3. Impeachment of Officers

§4-2.13. Special Session.
Any elected or appointed official of the Judicial Branch alleged to have acted in a manner inconsistent with the directives of his or her office, the Oath of Office, or the Constitution of the Student Body shall be brought before a Special Session meeting of the Judicial Branch. The Special Session meeting will contain no less than three-fourths of those Judicial Branch members present. This meeting shall be called by a petition signed by a majority of the membership of the Judicial Branch and shall be for the sole purpose of impeachment proceedings. The Special Session meeting shall take place no more than 10 business days after submission of the petition to the Dean of Students Office.

The Dean of Students Office shall notify the accused member of Judicial Branch regarding the petition for a Special Session meeting for impeachment within five business days prior to the date of the Special Session meeting. An accused member may elect not to be present at the Special Session meeting, but the meeting will proceed in his or her absence.

§4-2.15. Chair of the Special Session Meeting.
The Chief Attorney General shall chair the Special Session meeting unless he or she is being presented for impeachment, in which case the Chief Justice shall assume chair duties.

§4-2.16. Impeachment.
(a) In the case that any Elected official of the Judicial Branch is found in violation of his or her duties, or is not properly carrying out the tasks assigned to their Offices, the said official is considered to be up for Removal.
(b) In order to carry out a Removal, a member or members of the Judicial Branch must put together a case that explains why the person should be removed, detailing specific instances where duties have not been fulfilled, and compiling evidence, be it in the form of witnesses or not.
(c) This information is then submitted to the Dean of Students Office, where the 3 advisors review the case materials, and decide whether the case is sufficient enough for removal. The three advisors have one week to review the case. If it is not, then the members are more than welcome to try again, and collect more data.
(d) The case is then pushed to a panel comprised of two Faculty Advisors from the Administrative Panels and the Student Body President. This panel will act only as a questioning body. The members who had the issue will be treated as University Witnesses, and the accused Official will be treated as an Accused Student. They should have at least one week of advance notice and be informed of members of the panel. The Script will be followed, excluding sanctioning and responsibility. Questions about the case and sides of the story will be heard.
(e) The collective file from this case will then be created into a document by the Graduate Assistant and submitted to the entire Judicial Branch for review. The
Branch will then vote on whether or not they feel the Removal would be valid. This voting can either happen electronically or in a meeting. The Accused and the Accusing should not be present while Review and Voting occurs. A two-thirds vote will be required to remove any members.
ARTICLE III. BOARD DECISIONS

SECTION 1. Rules of Order

§4-3.1. Authority.
The following authorities shall govern the activities of the Judicial Branch of the University of North Carolina at Charlotte:
(a) The Constitution of the Student Body.
(b) The By-Laws of the Judicial Board.
(c) The Code of Student Responsibility.
(d) The Code of Academic Integrity.

§4-3.2. Constitutional Supremacy.
The By-Laws of the Judicial Branch of the University of North Carolina at Charlotte shall not supersede the Constitution of the Student Body of the University of North Carolina at Charlotte.

SECTION 2. Hearings

§4-3.3. Hearing Schedules.
Judicial Branch hearings are convened when instances of alleged student misconduct are referred to the Dean of Students office. Conduct hearings are scheduled by the Dean of Students Office, in accordance with the Code of Student Responsibility. Academic Integrity Board hearings are scheduled by Academic Affairs in accordance with the Code of Academic Integrity.

§4-3.4. Hearing Decisions.
A decision of responsible or not responsible will be rendered before the adjournment of Judicial Board hearing. Such a determination will be determined privately during Hearing Panel deliberations by a majority vote of the three panel members.

§4-3.5. Burden of Proof.
The burden of proof rests with the University and the Hearing Panel will determine if a preponderance of the evidence exists for a finding of responsibility. This determination must be based solely on the evidence presented at the hearing.

§4-3.6. Sanctions.
Following the determination of a finding of responsibility, the Hearing Panel will deliberate privately to determine recommended sanctions. These sanctions, the rationale for sanctions, and the appeal procedure will be announced to the accused student at the conclusion of the hearing and forwarded to the Dean of Students Office within two business days of the hearing date.

SECTION 3. Judicial Review Hearings

(a) After a formal complaint has been filed with the Chief Attorney General the Chief Attorney General will review the complaint to see whether or not it is valid.
(b) The Chief Attorney General shall have the ability to gather information from various parties involved to help make a decision on validity of the complaint.
(c) If the complaint is found not to be valid the Chief Attorney General shall provide written notice to the member of the University community dictating why the complaint was invalid.
(d) If the complaint is found to be valid the Chief Attorney General will compile a report on the validity of the complaint and forward it along to the Chief Justice recommending action.

(a) After the Chief Justice has received the complaint he or she has five business days to compile a panel of 6 members of Judicial Branch to review the constitutionality of the complaint.
(b) The Chief Justice in consultation with the Dean of Students Office will comprise a panel of the following:
   i. The Chief Justice acting as Chair of the panel
   ii. One Representative from Attorney General's Office
   iii. One Representative from the Student Counsel's Office
iv. Four other members of the Judicial Branch
(c) The panel shall convene within 10 business days excluding University Holidays of being summoned by the Chief Justice.

§4-3.10. **Hearing on Constitutionality**
(a) The panel shall convene in a closed session.
(b) The session shall be recorded and made public record after a decision has been reached.
(c) No member from the University Community will be allowed inside the hearing other than the panel members and one advisor assigned by the Dean of Students Office.
(d) The advisor to this panel shall be an advisor to one of the three Branches of the Student Government Association. The role of the advisor shall be to serve as a witness to the events being held within the closed session.
(e) The Chief Justice shall chair the hearing presenting evidence from the Attorney General and the Student Body Constitution University of North Carolina at Charlotte and other documents in question.
(f) The Chief Justice shall have no voting power unless the vote of the panel ends in a tie.
(g) Each member of the panel shall have one vote on the constitutionality of the complaint in question.
(h) The vote of the panel members will be off the record (unrecorded) and no dissenting opinion shall be divulged.
(i) The Chief Justice shall prepare a report of the proceedings and bring those findings to the Attorney General within three business days excluding University Holidays, who will release the findings to the Student Body President.
ARTICLE IV. AMENDMENT

§4-4.1. Amendment. The By-Laws of the Judicial Branch may be amended by a two-thirds vote of those members of the Judicial Branch present.