

# By-Laws of the Student Government Of Catawba College

## Student Government Cabinet Officers

### Section I: President

Article A: The President of the Student Government Association shall act as the Chief Executive Officer.

Article B: The President is responsible for scheduling and conducting all Cabinet and Congress meetings, which shall be no less than twice a month

Article C: The President can recommend legislation to the Cabinet and Congress.

Article D: With the concurrence of Congress, the President may create temporary committees if deemed necessary.

Article E: The President may veto any action of Congress within three to four class days. If a veto occurs, all members of Congress must be notified. Congress may override a presidential veto with no less than a two-thirds vote.

Article F: The President acts as an *ex-officio* of all committees.

Article G: The President may choose to initiate all Student Association Government leadership conferences.

Article H: The President shall meet regularly with the Dean of the College and or the President of the College.

Article I: By the invitation of the Board of Trustees, the President shall attend the meetings and committee meetings deemed necessary. The President must also give a report to Congress of these meetings.

Article J: The President shall create and distribute an agenda at all official Congress meetings.

Article K: The President shall nominate College Court Justices for approval by the Congress' Judicial Committee.

Article L: The President shall make all committee appointments.

Article M: The President shall appoint chairs for each committee.

Article N: The President shall hold office hours.

### Section II: Vice President

Article A: In the absence of the President, the Vice-President assumes the authority of the President.

Article B: If the office of the President becomes vacant, the Vice-President assumes the role of the President.

Article C: The Vice President is the President of the Inter Club Council and serves as the liaison between the Student Government Congress and Inter Club Council.

Article D: The Vice President shall hold office hours as the President of the ICC.

Article E: The Vice President shall act as the Faculty Advisory Liaison, sit on appropriate faculty Committees, and attend faculty meetings with the invitation of the Dean of the College. The Liaison shall meet with the Dean of the College regularly.

Article F: The Vice President shall be responsible for any other charge deemed necessary by the President.

### Section III: Secretary

Article A: The secretary shall record, type, post, distribute, and keep on file all proceedings and minutes of official and unofficial Congress meetings within one week.

#### Procedure 1. Posting

Policy a. One copy of the minutes shall be posted in the Administration Building on the SGA showcase outside the College President's Office.

Policy b. One copy of the minutes shall be posted on the SGA Bulletin Board between the Post Office Doors in the Cannon Student Center.

Policy c. A copy of the SGA Congress agenda shall be posted on the SGA Bulletin Board located in the Student Center.

#### Procedure 2. Distributing

Policy a. A copy of the minutes and agenda shall be distributed to each Cabinet member, SGA advisor and members of Congress.

Policy c. A copy of the minutes and agenda shall be distributed to anyone requesting a copy.

Article B: The Secretary shall record and keep on file the attendance and absences of all voting members.

Article C: The Secretary is responsible for maintaining the Student Government Association website. On this website the Congress and class minutes shall be posted. The website will also inform the student body of the current goals and accomplishments of the SGA.

Article D: The Secretary shall oversee publicity for the Student Government Association.

Article E: The Secretary is in charge of maintaining the Student Government Association Bulletin Board.

Article F: The Secretary shall be responsible for any other charge deemed necessary by the SGA President.

### Section IV: Treasurer:

Article A: The Treasurer shall be responsible for the Student Government Association's finances, appropriately recording all transactions.

Article B: The Treasurer shall make a report once a month to the Congress.

Article C: The Treasurer shall supervise the activities of all fundraising conducted by the Congress:

Article D: The Treasurer shall act as the Chairperson of the Student Government Appropriations Committee (SGAC).

Article E: The Treasurer shall hold office hours as the Chairperson of the SGAC.

Article F: The Treasurer shall be responsible for any other charge deemed necessary by the SGA President.

#### Section V: Cabinet Officer Replacement

Article A: In the Event that a Cabinet Officer resigns or is removed from office, the SGA Congress will make nominations for a replacement officer. The Remaining members of the SGA Cabinet shall consider all nominations made by Congress and then choose one (1) nominee to be approved as an acting Cabinet Officer by 2/3 affirmative vote of Congress.

Article B: Following approval by congress the nominee shall become the Acting Cabinet Officer until at the next regularly scheduled election the nominated will be voted on by members of the entire student body. The Ballot shall have 1 option of a vote for the nominee, and one option for a no-vote. The nominee must earn a plurality of votes cast to become the permanent SGA Cabinet Officer Officer.

## Student Government Class Officers Rules and Responsibilities:

#### Section 1: Class Meetings

1.1: All Class Officers are required to attend their Class Meetings.

1.2: The class President shall arrange a meeting time that is convenient to all officers.

1.3: Class Officers shall meet no less than once per month.

1.4 In the event that a class officer resigns or is removed from office the remaining Class Officers shall meet and make a nomination of one (1) nomination student to fill that position as an *Acting Class Officer*. At the next regularly scheduled election the nominated will be voted on their respective class members. The Ballot shall have 1 option of a vote for the nominee, and one option for a no-vote. The nominee must earn a plurality of votes cast to become the permanent Class Officer.

#### Section 2: Class Officer Responsibilities.

##### Article A: The Class President

1: The President shall conduct all class officer meetings.

2: The President shall attend all Congress meetings.

3: The President shall hold voting powers in Congress.

4: The President shall present a monthly formal report to Congress.

5: The President shall correspond with fellow officers.

6: The President shall send another class officer as a voting representative to Congress meetings, if he or she is unable to attend.

- 7: The President shall serve on at least one (1) Student Government Committee
8. The Class President shall establish rules for class meetings and Participation.

Article B: The Class Vice President

- 1: The Vice President shall, in the absence of the President, assume presidential authority in class officer meetings.
- 2: The Vice President shall inform class members about class activities, as well as the goals and recent accomplishments of the Student Government and Student Government Class Officers via Email once per month.
- 3: The Vice President shall serve on at least one (1) Student Government Committee.

Article C: The Class Secretary

- 1: The Secretary shall maintain a file of proceedings of official class officer meetings.
- 2: The Secretary shall be the correspondent between the class officers and members of their respective classes. The Secretary shall inform the Class members of meeting times.
- 3: The Secretary shall serve on at least one (1) Student Government Committee.

Article D: The Class Treasurer

- 1: The Treasurer shall maintain class finances.
- 2: The Treasurer shall monitor all fundraisers.
- 3: The Treasurer shall serve on at least one (1) Student Government Committee.

Article E: The Class Senators

- 1: The Senators shall attend all Congress meetings.
- 2: The Senators shall hold voting powers in Congress.
- 3: The Senators shall assist fellow class officers with activities of the class.
- 4: The Senators shall send another class officer as a voting representative to Congress meetings if they are unable to attend.
- 5: The Senators shall serve on at least one (1) Student Government Committee.

Article F: Class Advisors

- 1: An Advisor Shall be chosen by the Class Officers.
- 2: Advisors shall assist Class Officers with planning and financial activities as needed.

Section 3: Senators At-Large

Article A: Senators At-Large shall attend all Congress meetings.

Article B: Senators At-Large shall send a representative to Congress meetings, if they are unable to attend. Representatives will be granted speaking privileges to voice student opinion in accordance with normal procedure and will relay the proceedings of the meeting back to the Senator At-Large.

Article C: Senators At-Large shall serve on at least one (1) Student Government Committee.

Article D: Senators At-large shall hold voting powers in congress.

## General Operational Procedures

Section 1: When a situation that is not covered by the Constitution or the By-Laws arises, the Cabinet shall refer to the parliamentarian, who shall refer to *Robert's Rules of Order, newly revised*. All Congress members shall be informed of basic parliamentary procedure at the first meeting of the year.

Section 2: SGA Meetings are to be conducted according to rules established in the SGA Constitution and By-Laws. Meetings shall be conducted following *Roberts Rules of Order* and parliamentary procedure; however, the SGA President may also establish procedures for meetings.

Section 3: Each elected and appointed SGA officer shall be allowed two (2) unexcused absences during a semester. The Student Government President shall excuse absences on the grounds of illness, personal emergency, theatrical or musical rehearsal or performance, athletic competition or practice, or an academic class held only during an SGA meeting time. The accumulation of three unexcused absences during the semester is grounds for impeachment.

Section 4: The SGA Congress has the ability to pass bills and resolutions. SGA bills are subject to Presidential veto.

Section 5: Resolutions express the Congress' feelings and desires. They are not binding on the parties involved and are not subject to presidential veto. Voting members of the SGA may submit resolutions. The resolution must be submitted in writing to the Secretary a minimum of 24 hours before the start of the meeting in which it is to be considered. Resolutions should be drafted according to *Roberts Rules of Order*. Resolutions become effective following approval from a majority of Congress members present.

Section 6: Amendments to the Student Government By-Laws requires a 2/3 affirmative vote by Congress. Amendments to the SGA By-Laws may be presented to Congress by any member of the Student Body in accordance with regular meeting procedures.

## Impeachment Procedures

Section 1: Any member of the Catawba College Student Body may bring charges of impeachment against any elected or appointed member of the Student Government, if violations as stated in the Student Government Constitution Article V, Section 1 have, or are believed to have occurred.

Section 2: The member of the Student Body who wishes to bring charges of impeachment must notify the Student Government President (or the Student Government Vice President if the member being charged is the President). The President or Vice President will then refer the matter to the Student Government Judicial Committee for a hearing to determine if there are grounds for impeachment before the SGA Congress. If the member being charged is a member of the Judicial Committee, he or she must remove him or herself from the committee until his/her case is completed.

Section 3: The President or Vice-President must notify the chairperson of the Judicial Committee within 3 days of notification of charges by the member of the Student Body. The committee chair must schedule separate hearings with the accuser and the accused within 3 days of notification by the President or Vice President.

Section 4: If charges of impeachment are found to be credible by the Judicial Committee, the Committee shall notify the President or Vice President and a congressional hearing and vote on impeachment will be placed on the agenda for the next regularly scheduled Congress meeting. If violations are deemed critical, the President or Vice President can schedule an emergency Congress meeting for the impeachment hearing within 5 days of notification of the Judicial Committee. A 2/3 affirmative vote by Congress is required for removal of an elected or appointed member of the SGA. If the Judicial Committee finds no grounds to warrant charges of impeachment the charges will be dropped.

## **Committees**

Section 1: The SGA President shall appoint a chairperson or co-chairpersons to each of the standing committees. Each of the standing committees shall meet at least once per month. If a standing committee fails to meet once per month, the SGA President may appoint a new Chairperson(s).

Section 2: Committee chairperson(s) shall make a formal report to Congress once per month, to report on the committee activities and to ensure that they are fulfilling their necessary duties.

Section 3: The SGA President may form *ad hoc* committees to handle any issues that may arise and are not covered in the Constitution or By-Laws

Section 4: The Standing Committees shall be the Student Comfort, Social, Faculty Advisory Liaison, Residence Life, Judicial, and Elections Committees. Committee descriptions and rules are as follows.

### **Student Comfort Committee**

The Student Comfort Committee is responsible for the upkeep of the Student Center and promotion of communication between the student body and the SGA. They shall attempt to make the students as comfortable as possible. They will deal with food services and work with the Office of Student Affairs to ensure that student concerns are heard and dealt with. This committee also shall serve as a liaison between the Office of Public Safety and the student body.

### **Social Committee**

The Social Committee is responsible for all social affairs deemed necessary by the Congress. The Social Committee in cooperation with the Director of Student Activities shall organize homecoming festivities.

### **Residence Life Committee**

The Residence Life Committee shall deal with all matters concerning Residence Halls, Residence Life staff, and any other issues not addressed elsewhere in the Constitution or By-Laws concerning resident students.

### **Judicial Committee.**

Section 1. The Judicial Committee of the Catawba College SGA shall consist of five (5) sitting members and one (1) chairperson.

Section 2. The committee shall be appointed by the President of the SGA.

Section 3. The Judicial Committee is responsible for the following:

- A. Holding hearings on presidential appointments to the College Court and making recommendations to the SGA for Congressional approval.
- B. Hearing the charges of impeachment before a Congressional vote is taken for removal. A majority vote from the Judicial Committee is necessary for trial in Congress.

### **Elections Committee**

The Elections Committee is granted the power to supervise and facilitate all elections held by the SGA. Duties of the Elections Committee include informing the student body of requirements of candidacy in the various elections and then communicating the results of said elections.

#### Section 1. General Guidelines

- 1.1 The Elections Committee will set election dates for the following year prior to Spring Break.
- 1.2 Each class shall have a separate elections ballot distinguished by color coding.

- 1.3 The Elections Committee shall advertise election dates to the Student Body concerning regular elections at least five (5) class days prior and concerning runoffs at least 24 hours prior to elections.
- 1.4 No student may run for two offices at one time.
- 1.5 Any student who seeks candidacy for any office must register by signing a statement of responsibility and submit a statement of intent within a specified time period to the Chairperson of the Elections Committee.
- 1.6 At the end of the registration period, the Elections Committee shall conduct an all Candidates meeting in which election rules concerning campaigning and conduct shall be discussed thoroughly.
- 1.7 No candidate or campaign material is allowed in visible sight of the balloting area during the election period. The Candidate may only approach the voting table to cast his/her own vote.
- 1.8 No candidate may participate in the tabulation of ballots for their particular election.

## Section 2. SGA Representation Elections

### 2.1 SGA Cabinet Elections

- a. In the event of an unopposed election, candidate registration will be left open for an extended period of time to be filled by one other candidate.
- b. A campaign budget limit is to be set at the time of the mandatory information meeting for all candidates. Other rules may also be set at this meeting. Each candidate is required to speak to the student body at a designated time and place with open invitation to all students.
- c. Campaigning may start immediately following the information meeting prior to the voting date. Voting dates and times will be advertised appropriately for both regular elections and runoffs. Elections cannot be contested on the basis of non-knowledge of voting times.
- d. Only Freshmen, Sophomores, Juniors, and Seniors not graduating that year may vote.
- e. A plurality vote is required to win.
- f. In the event of a tie, a runoff election will be held 48 hours after the original voting period.
- g. The outcome of elections will be communicated to all candidates by phone the same night that the polls close. If the candidate is not able to receive the phone call, a campus wide email will be sent out the next day notifying the student body of winners.
- h. SGA Cabinet Officers shall be sworn in by the President of the College or a College Official in an appropriate ceremony. The following oath of office must be recited by the newly elected

candidate. “I, (name of candidate), do solemnly promise to uphold and abide by the Constitution and By-Laws of the Student Government Association, and to promote and protect the interests of my constituents and of Catawba College.”

## 2.2 Class Officers and Senators-at-Large Elections

- a. In the event of an unopposed election for the class officer positions of President, Vice-President, Secretary, and Treasurer Candidate registration will be left open for an extended period of time to be filled by one other candidate. If only two people register to run for the position of Class Senators or Senators-at-Large, candidate registration will be left open for an extended period of time to be filled by one other candidate (for a total of three candidates). A campaign budget limit is to be set at the time of the mandatory information meeting for all candidates. Other rules may also be set at this meeting. Each candidate is required to speak to the student body at a designated time and place with open invitation to all students.
- b. Campaigning may start immediately following the informative meeting prior to the voting date. Voting dates and times will be advertised appropriately for both regular elections and runoffs. Elections cannot be contested on the basis of non-knowledge of voting times.
- c. Voting eligibility is based on semesters completed.
  - i. Only members of the respective class may vote on class officers for that class.
  - ii. Only by Freshmen, Sophomores, Juniors, and non-graduating Seniors may vote for Senators-at-Large.
- d. For the Class Officer positions of President, Vice-President, Secretary, and Treasurer a plurality vote is required to win. For Class Senators and Senators-at-Large the two candidates receiving the most votes will win.
- e. In the event of a tie a runoff election will be held 48 hours after the original voting period.
- f. The outcome of elections will be communicated to all candidates by phone the same night that the polls close. If the candidate is not able to receive the phone call, a campus wide email will be sent out the next day notifying the student body of winners.
- g. SGA Class Officers and Senators At-Large shall be sworn in by the President of the Student Government in an appropriate ceremony. The following oath of office must be recited by the newly elected candidate. “I, (name of candidate), do solemnly promise to uphold and abide by the Constitution and By-Laws of the Student Government Association, and to promote and

protect the interests of my constituents and of Catawba College.”

### 2.3 Freshmen Class Officers

- a. Freshmen Class Officer Elections will be held in September of their entering semester.
- b. A campaign budget is to be set at the time of the mandatory information meeting for all candidates. Other rules may also be set at this meeting. Each candidate is required to speak to the student body at a designated time and place with open invitation to all students.
- c. Campaigning may start immediately following the information meeting prior to the voting date. Voting dates and times will be advertised appropriately for both regular elections and runoffs. Elections cannot be contested on the basis of non-knowledge of voting times.
- d. For the Class Officer positions of President, Vice-President, Secretary, and Treasurer a simple majority is required to win. For Class Senators the two candidates receiving the most votes will win.
- e. Only members of the first year freshmen class can vote.
- f. In the event of a tie a runoff election will be held 48 hours after the original voting period.
- g. The outcome of elections will be communicated to all candidates by phone the same night that the polls close. If the candidate is not able to receive the phone call, a campus wide email will be sent out the next day notifying the student body of winners.
- h. Freshmen Class Officers shall be sworn in by the President of SGA at the first SGA Congress meeting after the Freshmen Class Elections. The following oath of office must be recited by the newly elected candidate. “I, (name of candidate), do solemnly promise to uphold and abide by the Constitution and By-Laws of the Student Government Association, and to promote and protect the interests of my constituents and of Catawba College.”

## Section 3. Homecoming Elections

### 3.1 Nominations

- a. Nominations will be held no fewer than two weeks before the Homecoming football game. Underclass students will nominate two males and two females from their respective classes. Seniors will nominate four males and four females from their class.
- b. Nominations will be held 48 hours prior to the elections.

- c. Voting dates and times will be advertised appropriately for nominations, elections and Homecoming King and Queen. Voting cannot be contested on the basis of non-knowledge of voting times.

### 3.2 Underclass Homecoming Court

- a. The underclass ballots will consist of the four males and four females who received the most nominations.
- b. Elections will be held 48 hours following the nominations. Members of the classes shall vote for one male and female appearing on the ballot of their class.
- c. The one male and one female candidate receiving the most votes win their class Homecoming Court.
- d. In the event of a tie, both candidates will be accepted to the Homecoming Court.
- e. The outcome of elections will be communicated to all candidates by phone the same night that the polls close. If the candidate is not able to receive the phone call, a campus wide email will be sent out the next day notifying the student body of winners.

### 3.3 Senior Homecoming Court

- a. The Senior class ballots will consist of the eight males and eight females who received the most nominations. Mr. and/or Ms. Catawba are not eligible for Homecoming Court. If nominated, their nominations will be ignored, and replaced with the next eligible student with the next most nominations.
- b. Elections will be held 48 hours following the nominations. Members of the senior class shall vote for up to three males and three females appearing on the ballot.
- c. The three male and three female candidates receiving the most votes win their class Homecoming Court.
- d. In the event of a tie, both candidates will be accepted to the Homecoming Court.
- e. The outcome of elections will be communicated to all candidates by phone the same night that the polls close. If the candidate is not able to receive the phone call, a campus wide email will be sent out the next day notifying the student body of winners.

### 3.4 King and Queen

- a. The ballot for Homecoming King and Queen will consist of the three male and three female Senior Homecoming Court representatives. Elections will be held one (1) week following the original elections.
- b. The one male and one female candidate receiving the most votes win King and Queen.
- c. In the event of a tie, runoffs will be held 24 hours after the King and Queen Election.

- d. Results of the election will be announced at halftime of the Homecoming football game.
- e. Mr. and Ms. Catawba will present Court and will be precluded from being on the homecoming court.

Section 4. Mr. and Ms. Catawba and Faculty and Staff Member of the Year

4.1 Mr. and Ms. Catawba

- a. Candidates for the position of Mr. and Ms. Catawba will be members of the rising senior class. Candidates for Mr. and Ms. Catawba will be selected by a committee consisting of the Junior Class President, Senior Class President, SGA President, and SGA Vice-President, and the Faculty Advisor(s). The number of candidates shall consist of no fewer than three but no more than eight males and females who have exemplified the qualities of leadership, participation, and service to the College community.
- b. Upon nomination, each candidate must submit a mini-biography of his/her career at Catawba and a picture to be posted on the day of elections. Failure to do so by a time specified by the Elections Committee will result in automatic forfeiture of nomination.
- c. Voting for Mr. and Ms. Catawba will be on a date specified by the Elections Committee. All students may cast one vote for Mr. and Ms. Catawba. At the voting site, the biographies submitted by the candidates will be displayed for consideration by the student body.
- d. To win, a candidate has to receive the greatest number of total votes. In the event of a tie, there will be an anonymous vote by members of Congress, tallied by the Student Government President.
- e. The winners of Mr. and Ms. Catawba shall act as a liaison for Catawba College at any events deemed necessary including Homecoming Court.
- f. Winners of the Mr. & Ms. Catawba election will be announced to the Student Body at Awards Convocation of the same year.

4.2 Faculty and Staff Member of the Year.

- a. Voting for Faculty and Staff Member of the Year will occur at the same time as voting for Mr. and Ms. Catawba. Faculty and Staff Member of the Year will be chosen through a nomination process solicited by the SGA.
- b. The persons receiving the most votes in each category will win. In the event of a tie, there will be an anonymous vote by members of Congress, tallied by the Student Government President.

- c. Winners of the Faculty & Staff Member of Year award will be announced to the college community at Awards Convocation of the same year.

### **Student Government Appropriations Committee (SGAC)**

Article 1: The SGAC shall be established to allocate funding from the Student Activities Fund to clubs and organizations on campus in order to provide meaningful and entertaining activities to the Student Body.

Article 2: The SGAC shall be established and governed by the By-Laws of the SGAC. A change in the By-Laws of the SGAC requires a 2/3 affirmative majority vote from the SGA Congress, and approval from the Director of Campus Activities.

## **College Court**

### **Section 1. Purpose and Composition**

Article A: The College Court is designed to administer justice; to determine, within the limits of its jurisdiction, whether an alleged offender is guilty or not guilty of violating campus policies and the Honor Code; and to recommend sanctions against them to be executed by the proper authorities.

Article B: The College Court shall serve as the authority on all questions of constitutionality within the SGA Constitution.

Article C: The makeup of the College Court shall coincide with the outline in the SGA Constitution.

Article D: The appointment process shall follow the guidelines laid out in the SGA Constitution and By-Laws.

Article E: Members of the Court shall be appointed for the remainder of their academic tenure at Catawba College.

Article F: No member of the SGA Congress shall sit on the College Court.

Article G: The members of the College Court are subject to SGA impeachment procedures.

Article H: New justices will be nominated as vacancies occur due to graduation, resignation, or removal.

### **Section 2: Jurisdiction**

Article A: The judicial process at Catawba College shall be in a three tiered system.

1: Summary Adjudication occurs when an accused member of the community accepts responsibility for actions taken and accepts punishment levied by the Vice President and Dean of Students.

2: Administrative Adjudication occurs when a student wishes to challenge the charges brought forth against him/her. In this scenario, the College Administration Adjudicator will hold a hearing in which all evidence, claims and witnesses will testify to the facts of the case. A decision will be rendered by the College officer and punishment guilty will be at his/her discretion if the student is found guilty.

3: College Court Hearings will occur in all cases referred to the court by the Dean of Students' Office. At the discretion of faculty members, or if a student contests charges in cases of academic dishonesty and violations of the Honor Code, such cases will be referred to the College Court. Any student charged with a violation of College policy may request that a case be sent directly to the College Court rather than being heard in an administrative hearing.

Article B. Cases concerning constitutionality of an act of SGA shall have original jurisdiction in the College Court.

Article C. The College Court shall not have jurisdiction in Honor Code violations dealing with faculty, staff and administrator of the College. These cases shall be referred to the Dean of the College.

### Section 3. Duties of the Chief Justice.

Article A. The Chief justice presides over all meetings of the College Court and may only vote in the event of a tie.

Article B. The Chief Justice and College Judicial Officer shall be responsible for communicating Court decisions to appropriate members of the College Administration.

Article C. The Chief Justice shall appoint the appropriate number of attorneys general as well as a court reporter.

Article D. Each year the College Court shall disclose verdicts of College Court cases.

Procedure: The Chief Justice shall disclose all of the following information pursuant to an affirmative vote by the Court:

Policy A. Classification of offense as committed.

Policy B. Plea rendered.

Policy C. Judgment rendered.

Policy D. Punishment recommended.

Article E. The Chief Justice must attend all SGA Congress meetings and offer monthly reports of the Courts' actions and all other relevant material.

Article F. The Chief Justice shall speak on behalf of the College Court at appeals hearings and support the Courts' decisions.

### Section 4. Attorneys General

Article A. Attorneys General shall act as the investigative unit of the College Court within the jurisdiction, direction, and supervision of the College Judicial Officer.

Article B. An attorney general may subpoena witnesses and shall be responsible for delivering written notices to all students charged with violating campus regulations within the jurisdiction of the College Court.

Article C. An attorney general shall have no voting privileges in court hearings and may only speak to relevant evidence of the case.

Article D. An attorney general shall be the presenting officer in all court hearings.

### Section 5. College Judicial Officer

Article A. The College Judicial Officer is appointed by the Dean of the College and may serve for any number of consecutive years, but shall be reconsidered every two years.

Article B. The College Judicial Officer shall serve as an advisor to the College Court, the Chief Justice, the Attorneys General and the accused.

Article C. The College Judicial Officer shall be responsible for maintaining accurate College Court records to be destroyed upon the students graduation or after seven years passes (whichever is less).

#### Section 6. Operating Procedures.

Article A. The Vice President and Dean of Students refers all cases to the College Court that are deemed within the Court's Jurisdiction.

Article B. A preliminary hearing will take place. At this time all charges as well as evidence are made known to the accused. The accused can accept guilt at this time or proceed and have his/her case referred to the College Court for judgment.

Article C. These hearings shall be conducted no more than five class days after the referral.

Article D. The College Judicial Officer, Chief Justice, Attorneys General and one Faculty Justice shall be present at these hearings.

Article E. Audio recordings of these hearings must be made.

Article F. At this conference the accused will be informed of:

Procedure 1. Any and all formal charges arising from infractions of College policies.

Procedure 2. The rights of the accused in accordance with the College Judicial System.

Procedure 3. The evidence levied in support of the charges against the defendant.

Procedure 4. Permissible Pleas:

Policy A. Not Guilty;

Policy B. Guilty; or

Policy C. No Contest.

Policy D: Guilty with extenuating circumstances

Procedure 5. Pleas may be changed at any time during the court proceedings.

Procedure 6. If a guilty or no contest or guilty with extenuating circumstances plea is chosen by the accused, he/she must sign a waiver of guilt and/or responsibility and accept the sanctions deemed appropriate by the Vice President and Dean of Students.

Procedure 7. If a plea of not guilty is chosen by the accused, the evidence is considered by the College Court. The hearing board will set a hearing time, date and place for the accused to be taken in front of the College Court.

#### Section 7. Operating Procedures: College Court

Article A. Notice of the Court Hearings, including time, place and date must be issued by the College Judicial Officer at least 48 hours prior to the time set for the court.

- Article B. Failure of the defendant to appear without having given just cause and adequate prior notification to a member of the Hearing Board shall result in a hearing *in absentia*.
- Article C. The Court shall operate with only 2/3 of the Court present including the Chief Justice.
- Article D. A defendant before the Court has the right to:
- Procedure 1. Receive prior counsel from the College Judicial Officer
  - Procedure 2. Be accompanied and counseled by a member of the Catawba College Community.
  - Procedure 3. Remain Silent.
  - Procedure 4. Ask questions to all witnesses called against them.
  - Procedure 5. Present evidence and call witnesses to the defense of the accused.
  - Procedure 6. Represent themselves.
- Article E. The College Court shall conduct its hearings in the following manner:
- Procedure 1. The hearings shall be recorded on audiotape and conducted either in private or in open court at the option of the accused. The Hearing Board may elect to close a hearing to the public if there is reason to believe that a public hearing would cause an undue ordeal to an innocent party.
  - Procedure 2. The Chief Justice convenes the College Court, with roll call taken and recorded.
  - Procedure 3. An attorney general shall read the charge(s) against the defendant.
  - Procedure 4. The defendant is asked to submit a plea.
  - Procedure 5. An attorney general presents evidence against the defendant.
  - Procedure 6. The defendant, through his/her representation, or in his/her own accord presents evidence in his/her defense.
  - Procedure 7. Testimony and evidence are questioned by the Court and the defendant.
  - Procedure 8. Both parties are permitted to make concluding remarks, with the defense closing last.
  - Procedure 9. The College Court retires to deliberate and determine a verdict. Verdicts are determined by consensus when possible; otherwise a majority rules with the Chief Justice voting only in the matter of a tie. Verdicts shall be based upon a preponderance of evidence.
  - Procedure 10. The College Court reconvenes to render its decision.
- Article F. Written copies of the College Court's findings will be sent to the defendant, the Vice President and Dean of Students, and all other appropriate College Officials.
- Article G. If there is no appeal, the audiotape of the proceedings will be retained by the College Judicial Officer until 30 days after the deadline for appeal at which time it will be destroyed. In the case of an appeal, the audiotape will be destroyed 30 days after the appeal decision is rendered.

Section 8. Appeals process.

- Article A. The Court of Appeals shall consist of 3 students, 2 faculty members, and an administrator that has no involvement with the College Judicial Process, and the College Court. The Court of Appeals shall be selected by the Dean of the College and must remain confidential to the public.
- Article B. Appeals must be made within 10 class days of guilty verdict rendered in the College Court. Request for appeal must be made to the Dean of the College.
- Article C. The Dean of the College has the discretion to call for an appeals hearing if new evidence, unfair sanctions, unfair proceedings, or misuse of power by the court are brought before him/her.
- Article D. The Court of Appeals must meet within 5 class days when the Dean of the College feels an appeals hearing is necessary.
- Article E. The Chief Justice shall present briefs to the Court of Appeals in regard to the Court's findings and defend against the new evidence being presented. The defendant must present only evidence that is being considered for overturning the initial decision.
- Article F. The Court of Appeals will deliberate and render a decision. To overturn a ruling made by the College Court, 2/3 of the members of the Court of Appeals must agree with the defendant. All decisions made by the Court of Appeals are final.