

# **The University of North Carolina Student Government Association Constitution**

## **PREAMBLE**

**We, the members of the Student Body of The University of North Carolina at  
Pembroke, desiring to:**

Preserve within the University an atmosphere of free discussion, inquiry and self-expression, to ensure the personal freedom and general welfare of the Student Body, and to continue in our traditions of responsible self-government, **do hereby establish this Constitution of The Student Government Association of The University of North Carolina at Pembroke.**

## **ARTICLE I: NAME**

**Section 1:** The governing organization of the Student Body of The University of North Carolina at Pembroke shall be known as the Student Government Association of The University of North Carolina at Pembroke. The Student Government shall be recognized as the representative of the Student Body and as such its action supersedes those of all other student organizations.

## **ARTICLE II: MISSION**

**Section 1:** The purpose of the Student Government Association is to represent and safeguard interests of the students. It is a political organization providing students with an avenue for action in matters pertaining to student rights and welfare. Although discipline is the legal responsibility of the administration, the principle of Student Government is fully supported by the administration and faculty.

## **ARTICLE III: MEMBERSHIP**

### **Section 1: Classes of membership**

There shall be a minimum of five senators per class or one representative on the Senate for every two hundred fifty (250) students. The enrollment for credit for the previous September shall be the basis for determining the number of representatives. There shall also be two positions for part-time students and one position for graduate students.

### **Section 2: Qualification of membership**

Every full-time student who has at least a 2.5 cumulative average (on the 4.0 system) has the privilege of seeking positions of leadership in the Student Government Association by either appointment or election.

### **Section 3: Methods of attaining membership**

- 3.1 Freshman Senators:** An interest meeting for potential freshman members shall be held by the Elections Committee within 1 week of the opening of the fall semester. Freshman wishing to attain membership to the Student Government Association must attend this meeting and complete an application and grade release form. Potential members will be given five days to complete the application and grade release and return these documents to the SGA office.
- 3.2 Upper-class Senators:** An interest meeting for potential upper-class senators shall be held by the Elections Committee on the 7<sup>th</sup> week of the spring semester. Upper-class students wishing to attain membership for the Student Government Association must attend this meeting, complete

an application defining the characteristics and skills they will bring to the organization, and get endorsements from two professors. Potential members will be given five days to complete all required materials and return them to the SGA office.

- 3.3 At- Large Senators:** If any Senator position(s) remain vacant one month after the first full meeting of the Student Senate, they will become Senator-at-large positions, available to any student, regardless of class, level, or status. Upon transition to Senator-at-large positions, students interested shall submit an application along with a petition and grade release form one week prior to presenting themselves to the Senate. The petition must be endorsed by five percent of the student body. After all required materials mentioned above are received and the student presents themselves to the Senate, a two-thirds approval of the Senate is required for the student to be appointed as a Senator by the President of the Senate.
- 3.4 Term of Membership:** A member's term of office shall run from one spring commencement to the next.

#### **Section 4: Duties, rights, and obligations of Student Government Association Members**

- 4.1 Pre-obligations for Senate Members:** Each member of the Student Government Association must attend an information workshop to be advised of Parliamentary Procedures, Constitutional guidelines and other duties that are required of each Student Government Association member. The President of the Student Government, Vice President of the Student Government, Vice-President of Constitutional Affairs, and Parliamentarian will be responsible for presenting the information at the workshop. This workshop shall be held within one month following the confirmation of elections.
- 4.2 Responsibilities of Student Government Association Members**
- 4.2.1** Members of the Student Government Association shall be absent from no more than 2 meetings of the Student Senate within one semester. More than 2 absences within a semester may result in impeachment by a two-thirds vote of the Senate.
- 4.2.2** Members of the Student Government Association must serve on no less than two standing committees

#### **ARTICLE IV: LEGISLATIVE BRANCH**

**Section 1:** The legislative powers of the Student Government Association shall be vested in the Student Senate.

##### **Section 2: Members of the Senate**

- 2.1** Senate membership is to include all members of the Student Government Association, with the sole exception of the Student Government President.
- 2.2** The President of the Senate, with approval of two-thirds of the Senate membership, will appoint a representative to fill any Senate position.
- 2.3** The Executive Officers of the Senate shall be: the President of the Senate, Vice President of the Senate and Parliamentarian of the Senate.
- 2.4** The Officers of the Senate shall be the Officer of Information Technology, Officer of Public Relations, Officer of State and National Affairs, Vice-

Secretary of the Senate, and Vice-Parliamentarian of the Senate. These officers are not members of the Senate Executive branch.

- 2.5 The President of the Senate shall be the Vice President of the Student Government Association.
- 2.6 All Officers of the Senate, with the exception of the President of the Senate, shall be elected at the first meeting of the Senate. These officers shall be elected by a majority vote of the Senate membership.

### **Section 3: Powers and Duties of the Student Senate**

- 3.1 Determine its rules and procedures, elect its officers, except those designated herein
- 3.2 Make a thorough examination of all Student Government elections within ten days, and be the sole judge of validity thereof and the qualifications of the officers elected therein
- 3.3 Decide all tie elections at the first meeting following the examination of election results
- 3.4 Approve all recommendations of the President of the Student Government Association for Student Government administrative positions as well as presidential and University committees.
- 3.5 Require reports from all officers of the Student Government Association
- 3.6 Approve a semester budget for the Student Government Association funds
- 3.7 Provide a copy of the Student Government Association budget to the PINE NEEDLE within thirty days following the beginning of each semester
- 3.8 Meet as a full body at least once each week
- 3.9 Establish rules of procedure which shall be included in the Student Government Association By-Laws
- 3.10 Enact all laws necessary and proper to promote the general welfare of the Student Body and to govern Student Government elections
- 3.11 Enact by a two-thirds vote of the present Senate membership the Student Government Association By-Laws
- 3.12 Override a presidential veto by a three-fourths vote of the present Senate membership

### **Section 4: Duties of Officers of the Senate**

- 4.1 **Officer of Information Technology**
  - 4.1.1 Be responsible for reconstructing, maintaining, and updating the Student Government portion of the UNC Pembroke website
  - 4.1.2 Upload Senate committee, Senate officer, and Senate executive reports and legislation online
  - 4.1.3 Advise and assists the President with obtaining and deploying new technologies, including storage, networking, and video recording
  - 4.1.4 Be responsible for any other technological and information needs of the Senate, Senate President, and Student Government President
  - 4.1.5 The Officer of Information Technology will be appointed by the Student Government President and confirmed by 2/3 vote of the Senate.
- 4.2 **Public Relations Officer**

- 4.2.1 Serve as an ex-officio member of the Senate
- 4.2.2 Serve as a spokesperson for the Student Government Association
- 4.2.3 Produce a bi-monthly publication of Student Government Activities
- 4.2.4 Update and maintain the SGA section of the University Center advertisement board
- 4.3 **Vice-Secretary**
  - 4.3.1 Be responsible for carrying out the duties of the Secretary in his/her absence
  - 4.3.2 Assist the Secretary in tasks as s/he sees fit
  - 4.3.3 Be responsible for the end of year report
- 4.4 **Parliamentarian**
  - 4.4.1 Be available to all Senate members for questions concerning parliamentary procedure
  - 4.4.2 Attend all workshops for new Senators to give instruction on parliamentary procedure
  - 4.4.3 Ensure that all Senate meetings run according to parliamentary procedure
- 4.5 **Vice-Parliamentarian**
  - 4.5.1 Be responsible for carrying out the duties of the Parliamentarian in his/her absence
- 4.6 **Officer of State and National Affairs**
  - 4.6.1 Be a delegate for the University of North Carolina Association of Student Governments, and attend all meetings of the organization
  - 4.6.2 Give monthly reports to the Senate concerning issues being addressed by the UNCASG
  - 4.6.3 Be responsible for addressing issues of state and national concern which will affect the student body of UNC Pembroke
  - 4.6.4 the Officer of State and National Affairs shall be appointed by the Student Government President and confirmed by 2/3 vote of the Senate

**Section 5: Restrictions of the Student Senate**

- 5.1 The Student Senate shall not enact any law abridging any of its powers delegated by this Constitution
- 5.2 The Student Senate shall not infringe upon the secrecy of the ballot in Student Body elections
- 5.3 The Student Senate shall not deny floor privileges to elected officers of the Student Government, University department heads, or the University administrative officers
- 5.4 The Student Senate shall not meet in Executive Session except in accordance with NCGS (North Carolina General Statute) 143-318.11, 143-318.14, 143-318.15, 143-318.18 (The Open Meeting Law)

**ARTICLE V: EXECUTIVE BRANCH**

**Section 1: Student Government Executive Officers**

Executive officers of the Student Government Association shall be the Student Government President, the Student Government Vice President/Student Senate President,

the Student Government Treasurer, and the Student Government Secretary. The executive power of the Student Government Association shall be vested in these officers.

### **Section 2: Terms and Requirements of Office**

The Student Government Association Executive Officers shall be elected for a one-year term by a plurality of those voting in the Student Government elections. Each officer shall be enrolled and in good standings with the University at the time of election. Terms for officers begin immediately following the Spring Semester Commencement and end immediately after the following Spring Commencement. The President, Vice President, Secretary and Treasurer shall each be required to be enrolled as a full-time student from the time of the fall semester of the beginning of his/her term in office until the end of the spring semester of the same academic year, and not be involved in a professional semester program. Neither the President nor the Vice President of the Student Government Association will be allowed to hold a President or Vice President position in any club or fraternal-type organization at The University of North Carolina at Pembroke while he/she is serving in an executive capacity of the Student Government Association.

### **Section 3: Duties of Executive Officers**

#### **3.1 Student Government President**

- 3.1.1** Lead by example
- 3.1.2** Serve as student representative on Board of Trustees
- 3.1.3** Appoint students to certain University committees
- 3.1.4** Hire the Association of Campus Entertainment coordinator.
- 3.1.5** Be responsible for establishing a job description and/or set of job responsibilities for officers
- 3.1.6** Be responsible for seeing that officers receive proper training in their duties
- 3.1.7** Establish the “tone” for the SGA office by conducting himself/herself in a professional manner
- 3.1.8** Set and maintain established office hours, at least 8 hours each week
- 3.1.9** Represent the Student Government Association of The University of North Carolina at Pembroke at the University of North Carolina Association of Student Governments
- 3.1.10** Give correspondence, travel, etc., to secretary in a timely manner
- 3.1.11** Attend all SGA Senate Meetings
- 3.1.12** Work closely with Treasurer and SGA Secretary on budgetary matters
- 3.1.13** Meet with Executive Board on a weekly basis
- 3.1.14** Support SGA by attending SGA sponsored events and assisting with SGA sponsored activities
- 3.1.15** Meet with Director of Student Activities on a regular basis
- 3.1.16** Establish effective communication within the SGA Office
- 3.1.17** Appoint officers for summer session, in absence of Executive Board
- 3.1.18** Contact the SGA Office either in person or by telephone every day during the SGA working week
- 3.1.19** Call special meetings of the Senate as deemed necessary

- 3.1.20 Develop and present a budget to the Senate at the beginning of each semester
- 3.1.21 When deemed necessary, the Student Government President shall call special elections with the approval of the Student Senate by a two-thirds vote of the present Senate membership
- 3.2 **Student Government Vice-President/Student Senate President**
  - 3.2.1 Be responsible for presiding over the Senate meetings
  - 3.2.2 Be responsible for appointing Senators to various committees as well as committee Chairs, must also work with committee Chairs to maintain Senator attendance log
  - 3.2.3 Be responsible for establishing and maintaining set office hours, at least 8 hours each week
  - 3.2.4 Give travel, correspondence, etc., to secretary in a timely manner
  - 3.2.5 Be responsible for elections
  - 3.2.6 Be responsible for appointing a Student Senate Vice President, Secretary, Parliamentarian, and Vice Parliamentarian from among the senate membership with two-thirds approval of the Senate
  - 3.2.7 Represent Student Body President in his/her absence
- 3.3 **Executive Assistant**
  - 3.3.1 Have authority over report submissions by Executive officers, including executive and Senate staff, and any Senate reports as required by the Student Senate President or Student Senate Vice President
  - 3.3.2 Serve as a projects manager at the request of the Student Government President
  - 3.3.3 The Executive Assistant will be appointed by the Student Government President and approved by 2/3 vote of the Senate
- 3.4 **Student Government Treasurer**
  - 3.4.1 Act as Chief Financial Officer of the Student Body
  - 3.4.2 Serve as ex officio member of the Senate
  - 3.4.3 Keep records of all expenditures and finances
  - 3.4.4 Present a minimum of three budget reports during a semester as determined by the Student Government President, and make each report available to the PINE NEEDLE
  - 3.4.5 Receive monthly reports from the Business Office at the beginning of each month
  - 3.4.6 Be responsible for establishing and maintaining set office hours, at least 5 hours each week
- 3.5 **Student Government Secretary**
  - 3.5.1 Be responsible for attending every Senate meeting and taking the minutes
  - 3.5.2 Serve as an ex-officio member of the Senate
  - 3.5.3 Be responsible for establishing and maintaining set office hours, at least 5 hours each week
  - 3.5.4 Carry out tasks designated by the Student Government President and the Student Body Vice President

#### **Section 4: Executive Board Duties**

The Executive Board, which shall be comprised of the above mentioned officers in addition to the Student Government Association Advisor, shall be required to meet weekly.

#### **Section 5: Line of Succession**

- 5.1** If the Student Government President is removed or leaves office for any reason, (s)he shall be replaced by the Student Senate President, who is the Student Government Vice President.
- 5.2** If the Student Senate President is removed or leaves office for any reason, (s)he shall be replaced by the Student Senate Vice President.
- 5.3** If the Student Senate President or Treasurer is removed or leaves office for any reason and the Student Senate Vice President position is vacant:
  - 5.3.1** The Student Government President has the authority to appoint a new Senate President/Treasurer from amongst the current Senate membership
  - 5.3.2** The appointee must be approved by a majority vote of the Senate
- 5.4** If the Student Senate Vice President is removed or leaves office for any reason, the Student Senate President shall appoint a new Vice President with a two-thirds vote from the Senate.
- 5.5** If the Student Body Treasurer is removed or leaves office for any reason, (s)he shall be replaced by a special election thirty (30) days after the vacation of this position, unless the spring election falls within this thirty (30) day period.
- 5.6** If the Student Senate Secretary is removed or leaves office for any reason, then the Student Senate President shall appoint a new secretary with a two-thirds vote of the Senate.

#### **Article VI: Voting and Elections**

##### **Section 1: Qualifications for Voting**

Only members of the Student Body shall be entitled to vote in Student Government elections

##### **Section 2: General Elections**

- 2.1** General elections for upper-class Senators, President, Vice-President, and Treasurer shall be held on two consecutive days at least 5 weeks prior to the end of the spring semester
- 2.2** The President and Vice President shall be elected on a joint ticket.
- 2.3** General elections for freshman senators must be held at least 1 week after to the mandatory interest meetings, and before 30 days of the fall semester have elapsed
- 2.4** General elections shall be conducted through online voting and all the information candidates filled out in their applications will be available beside his/her name on ballot for the student body to view
- 2.5** Those running for senator must get at least five percent of votes cast in order to be eligible to win
- 2.6** No persons running for any position, nor any organization of which they are a member, may carry around a personal laptop for the purpose of

- soliciting votes, nor may they set up a voting station using a laptop, desktop computer or cell phone with internet access
- 2.7 Special elections, when deemed necessary, may be called by the President of the Student Government Association with a two-thirds consent of the Senate
  - 2.8 Dates of elections are to be established by the Elections Committee

### **Section 3: Nominations**

- 3.1 All nominations shall be by petition and must be submitted to the SGA office by the date set by the Elections Committee
- 3.2 All nominations shall be posted one week prior to the election
- 3.3 No person shall be nominated for more than one elected position during any given election

### **Section 4: Time of Assuming Office**

The elected officers of the Student Government shall assume the duties of their offices on Commencement Day following election

### **Section 5: Qualifications for Office**

- 5.1 A student must be eligible to vote and have at least a 2.5 cumulative average (on a 4.0 scale) on his/her official transcript prior to becoming a candidate for office
- 5.2 Candidates for President, Vice-President and Treasurer must have three academic semesters completed at UNCP, with the exception of transfer students
- 5.3 Transfer students must have at least 45 credit hours completed, at least 12 of which must have been completed at UNCP, and must have completed at least once semester in the UNCP Student Government Association in order to qualify for candidacy for President, Vice-President, or Treasurer

### **Section 6: Supersession of Elections**

Elections will be vacated if, after the expiration of the deadline for nominations, the number of nominees for the position(s) is equal to, or less than, the number of vacant positions.

## **ARTICLE VII: THE ADJUDICATORY BOARDS (THE UNIVERSITY HEARING AND APPEAL SYSTEM)**

### **Section 1: Adjudicatory Powers**

All adjudicatory power of the Student Body shall be vested in a system of hearing boards with recognition that ultimate responsibility must conform to the By-Laws of the University as established by the Board of Trustees.

### **Section 2: “The Honor Code,” “Offenses Against the Student Body,” “University Code of Conduct”**

Every student shall be bound by the Honor Code, the laws of the Student Body enacted in accordance with this Constitution, and the University Code of Conduct. The Honor Code shall prohibit academic dishonesty. Offenses against the Student Body are stealing, passing bad checks (Student Check Cashing Service), and such other offenses as may be defined by the Student Senate law. The University Code of Conduct is found in the Student Handbook.

### **Section 3: Initiation of Disciplinary Proceedings**

The University of North Carolina at Pembroke is an educational institution. At educational institutions, judicial proceedings do not follow the same procedure used in courtrooms. The University does not employ lawyers to “prosecute” students, nor does it permit lawyers to represent students at university judicial hearings. The University shall have the burden of proof of guilt by clear and convincing evidence. Burden of proof of guilt by clear and convincing evidence shall be interpreted as a person being held responsible based upon a preponderance of evidence (that evidence which is more credible and more convincing) presented which any reasonable person would conclude. The purpose of the student discipline process is to maintain a healthy community where shared values, expectations, and behavioral standards set by the campus community are enforced. Students share in the responsibility for maintaining an environment in which the rights of each member of the university community are respected. The goal of the university discipline process is to provide all students with a fair and just system of adjudication.

Under the direction of the Chancellor, the Vice Chancellor for Student Affairs has primary responsibility and authority for the administration of student discipline. Further delegation of this authority may be made by the Vice Chancellor for Student Affairs to the Associate Vice Chancellor for Student Affairs and/or other disciplinary bodies such as the Campus Judicial Board (CJB) and the Committee on Extraordinary Disciplinary Emergencies.

### **3.1 Filing Complaints**

**3.1.1** Any academic or administrative official, faculty or staff member, or student may file a written complaint with the office of the Associate Vice Chancellor for Student Affairs against any student for misconduct.

**3.1.2** While action on a complaint of violating a university regulation is pending, the status of the student shall not be altered, except for reasons outlined in Section E.4 (Summary Suspension).

### **3.2 Presumption of Innocence**

Any student charged with an infraction of the Code of Conduct shall be presumed innocent until proven responsible by a preponderance of evidence.

### **3.3 Preliminary Investigation**

When the Associate Vice Chancellor for Student Affairs receives information that a student has allegedly violated university regulations or local, state, or federal law, the Associate Vice Chancellor or designee shall investigate the alleged violation. After completing a preliminary investigation, the Associate Vice Chancellor or designee may:

**3.3.1** Find no basis for the complaint and dismiss the allegation as unfounded, or

**3.3.2** Summon the student for a pre-hearing and then either dismiss the allegation, or provide student with choice of administrative or CJB hearing

**3.3.3** Proceed administratively by informing the student of the following options for resolution of the disciplinary charges:

- 3.3.3.1** Plead not responsible to the charge(s) and request an administrative hearing before the Associate Vice Chancellor for Student Affairs or designee where determination of responsibility will be made. The Associate Vice Chancellor or designee may elect not to hear the case. The case would then be heard by the Campus Judicial Board (CJB). If the student is held responsible by the administrative hearing officer, an appropriate sanction will be determined.
- 3.3.3.2** Plead not responsible to the charge(s) and have a hearing before the CJB where a determination of responsibility will be made. If the student is held responsible by the CJB, an appropriate sanction will be determined.
- 3.3.3.3** Plead responsible to the charge(s) and request an administrative hearing before the Associate Vice Chancellor for Student Affairs or designee to determine an appropriate sanction. The Associate Vice Chancellor for Student Affairs or designee may elect not to hear the case. The case would then be heard by the CJB.
- 3.3.3.4** Plead responsible to the charge(s) and request that the CJB determine an appropriate sanction.  
*NOTE:* All charges for alleged Code of Conduct violations occurring one week prior to exams and going through exam week and during summer sessions will be heard by the administrative hearing officer or designee. Appeals will be directed solely to the Chancellor or designee via the Vice Chancellor for Student Affairs or designee.
- 3.3.4** A student choosing a hearing before an administrative hearing officer or the CJB has a right of appeal to the Campus Appeal Board and then to the Chancellor. If a student chooses a hearing before the CJB and is cited for an additional violation in the interim, a student then forfeits the right to a board hearing, and an administrative hearing will be conducted on all charges.
- 3.3.5** If a student requests an administrative hearing before the Associate Vice Chancellor for Student Affairs or designee, at this point the student may waive all or part of the written notice requirements that follow. The student may also waive the number of days specified from the original date of the charge(s) and proceed with the hearing. All waivers shall be executed by a signed writing. If the student chooses an administrative hearing, the Associate Vice

Chancellor for Student Affairs or designee shall provide him/her:

- 3.3.5.1** A written notice of the charge(s) and an outline of rights. In the event that additional charges are brought, a further written notice must be forwarded to the student via certified mail.
- 3.3.5.2** Review of all available information, documents, exhibits, and a list of witnesses that may testify against him/her. This is a continuing obligation of the complaining party and the Associate Vice Chancellor for Student Affairs or designee.
- 3.3.5.3** Choice to elect not to appear at the hearing; the hearing shall be conducted in the student's absence.
- 3.3.5.4** A written notice of the date, time, and place of the hearing forwarded to the accused at least five (5) class days prior to the hearing. Unless the student waives all or part of the notice, the formal hearing will not be held less than five (5) class days from the date of the original charge letter.
- 3.3.5.5** A prehearing interview with the Associate Vice Chancellor for Student Affairs or designee where all of these rights, responsibilities, and procedures are explained

#### **3.4 Summoning a student for a pre hearing**

- 3.4.1** Should a student not appear when requested by the Associate Vice Chancellor for Student Affairs or designee, the Associate Vice Chancellor for Student Affairs or designee may formally summon a student to appear for a conference in connection with an alleged violation.
- 3.4.2** The letter shall direct the student to appear at a specified time and place not less than three (3) class days later. The letter shall also describe briefly the alleged violation.
- 3.4.3** If an accused student fails to respond to a charge letter and the required pre-hearing interview, the accused student forfeits the options in Article IV, Section C., 3.e., and will be notified by certified letter, sent at least seven (7) class days before a hearing before the Associate Vice Chancellor for Student Affairs or designee, or, at the option of the Associate Vice Chancellor for Student Affairs, the CJB. At this hearing, a decision of responsible or not responsible will be made based on available information, with or without the accused student. If the student fails to attend the hearing, all allegations against the student shall be deemed to be denied. When appropriate, a sanction will be determined and the student will be notified in writing.

#### **3.5 Disciplinary Correspondence**

All disciplinary correspondence will be sent to the student's campus post office box (for on-campus residents) by certified mail, return receipt requested, and to the permanent address of record for commuter students by certified mail, return receipt requested. The University reserves the right to use other reasonable means to notify students.

### **3.6 Campus Judicial Board**

**3.6.1** When a student requests a hearing before the CJB or when a case is referred by the Associate Vice Chancellor for Student Affairs or designee, the CJB becomes involved. The CJB is a board of the Chancellor composed of five (5) members. The Vice Chancellor for Student Affairs or designee serves as the advisor to the CJB. The members are:

**3.6.1.1** Two (2) students recommended by the President of the Student Body and appointed by the Chancellor

**3.6.1.2** Two (2) alternate students recommended by the President of the Student Body and appointed by the Chancellor

**3.6.1.3** Two (2) faculty members recommended by the Faculty Senate Chairperson and appointed by the Chancellor

**3.6.1.4** Two (2) alternate faculty members recommended by the Faculty Senate Chair-person and appointed by the Chancellor

**3.6.1.5** One (1) administrative member recommended by the Vice Chancellor for Student Affairs and appointed by the Chancellor.

**3.6.2** The Chairperson of the CJB shall be appointed by the Chancellor.

**3.6.3** QUORUM – A quorum shall consist of any three (3) members, including the Chair-person. The Chairperson of the CJB is a non-voting member, except when there is a tie vote.

#### **3.6.4 SELECTION**

**3.6.4.1** The students recommended by the President of the Student Government Association for appointment to the CJB are selected through a campus-wide application process

**3.6.4.2** CJB members will be appointed by May 1 each year. Appointments are for one (1) year.

**3.6.4.3** Vacancies occurring during the course of the year will be filled by the Chancellor.

**3.6.4.4** Members of the CJB become active members only after they have been trained by the Office of the Associate Vice Chancellor for Student Affairs.

**3.6.5 Jurisdiction of Campus Judicial Board**

**3.6.5.1** The CJB may have, at the request of the student, original jurisdiction in disciplinary cases.

**3.6.5.2** The CJB may have, upon referral by the Associate Vice Chancellor for Student Affairs or designee, original jurisdiction in disciplinary cases

**3.7 Procedural Standards for Campus Judicial Board Cases**

**3.7.1** All matters upon which the decision may be based must be introduced into evidence at the hearing before the CJB. The decision shall be based solely upon such matters and must be supported by the evidence. Any student charged with an infraction shall be presumed not responsible until proven responsible by a preponderance of the evidence.

**3.7.2** All evidence will be admitted except that which is irrelevant or repetitious or which is obtained in violation of search and entry provisions. The CJB will be the sole judge of admissibility of evidence.

**3.7.3** CJB records are maintained in the Office of the Vice Chancellor for Student Affairs and are confidential and may be released only with the consent of the accused student.

**3.7.4** No member of the hearing body who has a personal interest in the particular case may sit in judgment during the proceedings. In such cases in which a member cannot serve due to a conflict of interest, an alternate member will serve for the duration of the hearing.

**3.8 Hearings Before Campus Judicial Board**

**3.8.1** Prior to a hearing, the accused student is entitled to:

**3.8.1.1** A written notice of the charge(s) and an outline of rights. In the event that additional charges are brought, a further written notice must be forwarded to the student.

**3.8.1.2** Review of all available information, documents, exhibits and a list of witnesses that may testify against him/her. This is a continuing obligation of the complaining party and the Associate Vice Chancellor for Student Affairs or designee.

**3.8.1.3** A written notice of the date, time, and place of the hearing forwarded to the accused at least five (5) class days prior to the hearing, unless the student waives all or part of the notice. The formal hearing will not be held less than five (5) class days from the date of the original charge letter, unless the student charged waives the limit.

**3.8.1.4** A prehearing interview with the Associate Vice Chancellor for Student Affairs or designee where all

these rights, responsibilities, and procedures are explained.

**3.8.2** Duties of the Campus Judicial Board – In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by the CJB. The CJB will:

**3.8.2.1** Rule on the admissibility of evidence, motions, and objections to procedures

**3.8.2.2** Set forth finding of facts

**3.8.2.3** Render a written decision as to the accused student's guilt or innocence of the charges

**3.8.2.4** Determine the penalty, if any

**3.8.2.5** Provide the Vice Chancellor for Student Affairs with a copy of the decision.

**3.8.3** Duties of the Associate Vice Chancellor for Student Affairs – The Associate Vice Chancellor for Student Affairs shall:

**3.8.3.1** Consult the CJB in setting the date, time, and place of the hearing

**3.8.3.2** Notify the student of the date, time, and place of the hearing. The letter shall specify a hearing date not less than five (5) class days after the date of the receipt of the letter. A student may request in writing that an earlier date be set, if feasible. The CJB, for good cause, may postpone the hearing and notify all interested persons of the new hearing date, time, and place.

**3.8.3.3** A letter mailed under Part 2 above shall:

**3.8.3.3.1** Direct the student charged to appear at a date, time, and place specified

**3.8.3.3.2** Advise the student of his/her rights:

**3.8.3.3.2.1** To appear in person, hear all testimony, and present any relevant information in his/her behalf, call witnesses, ask questions of any person present at the hearing

**3.8.3.3.2.2** To elect not to appear at the hearing. The hearing then shall be conducted in the student's absence

**3.8.3.3.2.3** To refuse to answer any questions or make a statement – however, the hearing authority then shall make its decisions solely on the basis of information introduced at the hearing

**3.8.3.3.2.4** To know the identity of witnesses who will testify against him/her

**3.8.3.3.2.5** To question each witness who will testify against him/her for the purpose of clarification

**3.8.3.3.2.6** To have all statements, information, or comments given during the hearing held in strictest confidence by members of the board before, during, and after deliberation. Only those faculty and staff with an educational need to know will be informed of the outcome. The Chairperson will exercise control over the hearing to avoid needless consumption of time, to avoid repetition of information, and to prevent the harassment or intimidation of participants

**3.8.3.3.2.7** To have hearings conducted in an informal manner where technical rules of evidence will not be applied. The taking of statements of witnesses may be done by discussion, though each witness shall be subject to cross-examination. Witnesses (except for the accused) shall be present during the hearing only during the time they are testifying. While written statements are admissible, no one shall be found responsible who has not had the opportunity to testify, to present evidence and witnesses, and to hear and question adverse witnesses

**3.8.3.3.2.8** To have a summary of the hearing record

**3.8.3.3.2.9** To appeal

**3.8.3.3.3**

Contain the name of the person appointed to act as Chairperson of the CJB

**3.8.3.3.4**

Contain the names of witnesses who will testify against the student and a description of evidence

and charges that will be offered against him/her

**3.8.3.3.5** Contain a copy of the complaint

**3.8.3.3.6** Notify the charged student that the Associate Vice Chancellor for Student Affairs or designee may question a student testifying in the defendant's behalf or question the defendant if he/she testifies in his/her own behalf

**3.8.4** If a student fails, without good cause, to comply with the letter sent under this section, the CJB may proceed with the hearing in the student's absence.

**3.8.5** Hearing Procedure – The CJB shall proceed generally as follows during the hearing:

**3.8.5.1** Judicial hearings shall be closed to the public

**3.8.5.2** The Chairperson of the CJB reads a complaint and informs the student charged of his/her rights, and asks the student whether he/she pleads responsible or not responsible to the charge(s) before the CJB

**3.8.5.3** The Associate Vice Chancellor for Student Affairs or designee presents the university's case

**3.8.5.3** The student presents his/her defense

**3.8.5.4** The Associate Vice Chancellor for Student Affairs or designee and the student defendant present rebuttal evidence and arguments

**3.8.5.5** The CJB deliberates and decides the issue of responsibility or non-responsibility

**3.8.5.6** If the CJB finds the charged student responsible, the Associate Vice Chancellor for Student Affairs or designee and student charged may present evidence and arguments on an appropriate penalty

**3.8.5.7** The CJB deliberates and determines an appropriate penalty

**3.8.5.8** The CJB renders a written decision as to the accused student's responsibility or non-responsibility of charges. The decision states the penalty, if any, and procedures for appeal. The accused student, Vice Chancellor for Student Affairs, and Associate Vice Chancellor for Student Affairs shall each be given a copy of the decision.

**3.8.6** Hearing Record – The hearing record is confidential and consists of:

**3.8.6.1** A copy of the notice forwarded to the student

**3.8.6.2** A written summary of the hearing together with other material considered by the CJB

### **3.8.6.3 The decision(s) of the CJB**

#### **Section 4: Appeal of Administrative/Campus Judicial Board Decision**

In the event that a charged student disagrees with a finding of responsible or sanction of an administrative hearing officer or the CJB, the charged student may request an appeal to the Campus Appeal Board within forty-eight (48) hours after notification of the decision (see Section D.1. a. through k.) by submitting a Request For Appellate Consideration Form to the Vice Chancellor for Student Affairs. She/he will submit the appeal to the Campus Appeal Board within forty-eight (48) hours for prompt consideration. Original sanctions (except summary suspension) are normally put into effect only after the Campus Appeal Board makes a decision. The Campus Appeal Board has the authority to approve, reject, or modify sanctions. It may impose less severe sanctions as well as more severe sanctions. The decision of the Campus Appeal Board may be appealed to the Chancellor by completing the Request for Appellate Consideration Form. The appeal must be submitted to the Vice Chancellor for Student Affairs within forty-eight (48) hours, and she/he will submit the appeal to the Chancellor for prompt consideration.

#### **4.1 Campus Appeal Board**

- 4.1.1** The Campus Appeal Board shall be composed of the Chairperson of the Faculty Senate who will serve as chairperson, the President of the Student Body or his/her designee, the Dean of Students, and the academic advisor of the accused student.
- 4.1.2** A quorum shall consist of any three (3) members, including the chairperson.
- 4.1.3** The function of the Campus Appeal Board is that of reviewing the action of the administrative hearing officer or the CJB to determine if: (1) an alleged violation of the rights guaranteed the accused has occurred, (2) the sanction is too severe for the violation; or (3) new evidence has developed which has bearing on the outcome.
- 4.1.4** The Campus Appeal Board shall receive the petition from a student choosing to appeal the decision of an administrative hearing or a CJB hearing. Such petition shall be submitted to the Chair of the Campus Appeal Board through the Office of the Associate Vice Chancellor for Student Affairs, explaining in detail the reasons for the student's appeal and specifying the ways in which he/she believes the procedures or actions of the administrative hearing officer have violated his/her rights.
- 4.1.5** Upon receiving a petition, the Campus Appeal Board shall obtain the record of the administrative hearing officer or the CJB. Such record shall include relevant documents and a written statement by the hearing officer. Such statement in the case of administrative action shall summarize the case and the reasons supporting the disciplinary action.
- 4.1.6** With this information, the Campus Appeal Board shall decide whether an appeal hearing is warranted. This decision is based upon the three options for an appeal outlined in Part 1.c. above. It

shall notify the petitioner in writing of its decision within seven (7) class days after receiving the student's petition.

- 4.1.7** If the Campus Appeal Board determines that a hearing should be granted, that hearing shall be held within seven (7) class days of such determination and notification shall be given in writing at least three (3) days prior to the date set for the hearing, specifying time and place of the hearing and informing the student of his/her rights. If a student chooses to waive the seven-day (7) notice and other requirements as stated in this section, an immediate appeal hearing may be scheduled.
- 4.1.8** The Campus Appeal Board shall invite the appellant, the respective administrative hearing officer, or the Chairperson of the CJB, and such other persons as it deems appropriate to appear before the Board to make statements and respond to questions. The student and administrative hearing officer may request the Board to invite persons to testify **if and only if there is new evidence**. The Campus Appeal Board follows regular hearing procedures in appeal cases, if it elects to hear new evidence.
- 4.1.9** No member of the Campus Appeal Board shall be a party to any prior investigation or witness in the case nor should any member be placed in the position of developing or prosecuting the case.
- 4.1.10** After the hearing is concluded, the Campus Appeal Board shall go into executive session to reach a decision.
- 4.1.11** The Campus Appeal Board has the authority to approve, reject, or modify the decision in question. It may impose less severe sanctions as well as more severe sanctions. The Chairperson of the Campus Appeal Board is a non-voting member, except when there is a tie vote. The decision of the Campus Appeal Board will be submitted in writing to the Vice Chancellor for Student Affairs. The decision of the Campus Appeal Board may be appealed to the Chancellor as outlined in Section D.2. Prompt notice of the decision of the Campus Appeal Board shall be given. Any appeal of this decision must be in writing and presented within forty-eight (48) hours after notification of the decision to the Vice Chancellor for Student Affairs who will submit the appeal to the Chancellor.

## **4.2 Appeal of a Campus Appeal Board Decision**

In the event a charged student disagrees with a finding of responsible or sanction of the Campus Appeal Board, the charged student may request an appeal to the Chancellor within forty-eight (48) hours after notification of the decision. Original sanctions (except summary suspension) are normally put into effect only after the Chancellor makes a decision.

### **4.2.1 Procedure**

- 4.2.1.1** The function of the Chancellor in hearing an appeal is that of reviewing the action of the Campus Appeal Board to determine if: (a) an alleged violation of the rights guaranteed the accused has occurred; (b) the sanction is too

severe for the violation; or (c) new evidence has developed which has bearing on the verdict.

- 4.2.1.2** The Chancellor shall receive the petition from a student choosing to appeal the decision of the Campus Appeal Board. Such petition shall be submitted in writing to the Chancellor through the Vice Chancellor for Student Affairs explaining in detail the reasons for the student's appeal and specifying the ways in which he/she believes the procedures or actions of the judicial process have violated his/her rights.
- 4.2.1.3** Upon receiving a petition, the Chancellor shall obtain the record of the Campus Appeal Board. Such record shall include relevant documents and a written statement by the Campus Appeal Board. Such statement shall summarize the case and the reasons supporting the Campus Appeal Board's decision.
- 4.2.1.4** With this information, the Chancellor, or in his/her absence, the Vice Chancellor for Student Affairs shall decide whether an appeal hearing is warranted. This decision is based upon the three (3) options for an appeal in Part a-1 above. He/she shall notify the petitioner in writing of his/her decision within seven (7) class days after receiving the student's petition.
- 4.2.1.5** If the Chancellor, or in his absence the Vice Chancellor for Student Affairs, determines that a hearing shall be granted, that hearing shall be held within seven (7) class days of such determination and notification shall be given in writing at least three (3) class days prior to the date set for the hearing, specifying time, date, and place of the hearing and informing the student of his/her rights.
- 4.2.1.6** The Chancellor may invite the appellant, and other persons as he/she deems appropriate to appear before him/her to make statements and respond to questions. The student may request the Chancellor to invite persons to testify if there is new evidence.
- 4.2.1.7** The Chancellor has the authority to approve, reject, or modify the decision in question. The Chancellor may impose less severe sanctions as well as more severe sanctions.

### **Section 5: Committee on Extraordinary Disciplinary Emergencies**

Notwithstanding any other provisions of the UNCP Code of Conduct, and in fulfillment of the obligation of the University and of the Chancellor to maintain campus security and to protect the safety and welfare of students, employees, and visitors to the University, the Committee on Extraordinary Disciplinary Emergencies is established in accordance with the provisions of Sections 116-11 (2) and 116-34 (a) of the North Carolina General Statutes, Sections 502D (3), 600, 608 (2), and Appendix Sections XII and XV of the

Code of the Board of Governors of the University of North Carolina, Section XIII-A-1 of the Administrative Manual of the University of North Carolina, including the Board of Governor's Policies and Administrative Memoranda, and the UNCP Code of Conduct.

**5.1 Jurisdiction of the Committee**

The Committee on Extraordinary Disciplinary Emergencies is established under the delegation of the Chancellor pursuant to his responsibility for Student Affairs. The Committee is established to investigate, and make recommendations to the Chancellor concerning the disposition of complex cases or of those cases involving students or student organizations whose behavior, **on or off campus**, is such that their presence at the University, in the judgment of the Committee, upon referral from the Vice Chancellor for Student Affairs or the Chancellor, may pose either:

- 5.1.1** a serious risk of disruption of the academic environment; or
- 5.1.2** a serious risk of interference with the rights of other members of the University community; or
- 5.1.3** a serious risk or continuing danger to University property; or
- 5.1.4** a serious risk or continuing danger to themselves or to other members of the University community.

**5.2 Offenses**

Examples of student behavior that may come within the jurisdiction of the Committee include, but are not limited to:

- 5.2.1** students or student organizations who have been arrested or charged with a serious crime of a violent nature, or of a dangerous nature, or which involved placing another person in fear of imminent injury or damage, e.g., rape, sexual assault, felonious assault, etc.;
- 5.2.2** students subject to summary suspension.

**5.3 Committee Membership and Emergency Procedures**

The Committee shall be composed of the Vice Chancellor for Student Affairs or designee, the Provost and Vice Chancellor for Academic Affairs or designee, the Vice Chancellor for Business Affairs or designee, the Vice Chancellor for Advancement or designee, the Associate Vice Chancellor for Student Affairs or designee, the Chairman of the Faculty Senate or designee, and the President of the Student Body or designee. A quorum of the Committee shall consist of any four (4) members of the Committee or their designees. In each case, the Committee shall designate a chair to preside over the Committee. In the event of a tie vote, the administrative action of the University is ratified.

In an emergency situation, the Vice Chancellor for Student Affairs or designee shall have the power to invoke summary suspension. After a hearing, the Committee may either ratify the Vice Chancellor's action, or reverse it, or take any other appropriate action. In such emergency situations, the Vice Chancellor for Student Affairs shall inform the Chancellor of all actions taken either summarily or by the Committee under the authority of this policy. The Chancellor has the authority to approve, reject, or modify the action of the Vice Chancellor for Student

Affairs or the Committee at any stage of the proceedings. The Chancellor may impose less severe sanctions as well as more severe sanctions.555

#### **5.4 Summary Suspension**

**5.4.1** Summary suspension is an action requiring that a student immediately leave the campus and university property. It may be imposed by the Vice Chancellor for Student Affairs or designee when there is reasonable cause to believe, based on available facts, that the student is an immediate threat to the safety of himself/herself, other members of the university community or university property, or is disruptive without relief to the university community.

**5.4.2** Any student who is suspended on a summary basis and returns to the campus and university property during the suspension shall be subject to further disciplinary action and may be treated as a trespasser. Permission to be on campus for a specific purpose (e.g., to take an exam, to consult with the Associate Vice Chancellor for Student Affairs, or to participate in the disciplinary procedures against him/her) may be granted in writing by the Vice Chancellor for Student Affairs or designee.

**5.4.3** When a student is suspended on a summary basis, he/she is given notice containing the reasons for suspension, the duration and any conditions that apply, and a copy of this summary suspension policy. A student notified of such summary suspension may, within ten (10) class days of the written notice of suspension, request through the Vice Chancellor for Student Affairs or designee a hearing before the Committee on Extraordinary Emergencies to determine the innocence or guilt of the student charged and the appropriate sanction and whether the conditions of the summary suspension should continue. This hearing shall normally be conducted within five (5) class days of the student's request for a hearing.

#### **Section 6: Traffic Appeals Board**

The Traffic Appeals Board is appointed each year by the Chancellor. The board consists of two students, one faculty and one staff member. The Board has the authority to review violations to determine whether or not a violation has been properly established. The Board has the authority to void or reduce any citation when a violation of the Campus Traffic Regulations is not shown, but does not act as a substitution for public authority when it applies.

### **ARTICLE VIII: MEETINGS**

#### **Section 1: Regular Meetings**

Regular meetings of the Student Senate are to be held once a week. These meetings are to be held on Wednesday evenings beginning at 6:00 p.m. to no later than 8:00 p.m.

#### **Section 2: Special Meetings**

Special meetings may be declared at any time by the Student Government President.

**Section 3: Quorum**

A Quorum of the Student Senate shall consist of two-thirds of the actual membership of the Senate, and no official business shall be conducted without quorum.

**Section 4: Changing/Canceling Meetings**

The official meeting time may be changed or canceled on an individual basis by suspending the rules in accordance with Robert's Rules of Order; granted all cancellations and changes are carried out in manner respectable of the meeting requirements. Meetings may not be cancelled for SGA sponsored programming, as such programming should take place with responsible consideration of meeting requirements.

**ARTICLE IX: Amendment of the Constitution**

**Section 1: Process of Amendment:** All amendments to the Student Government Constitution shall require a two-thirds vote of those students voting in the Student Body Referendum following:

- .1 A two-thirds majority vote of the entire Senate membership, or
- .2 A petition signed by thirty percent of all University enfranchised students

**Section 2: Publication of Amendment:** The proposed amendment shall be provided to the PINE NEEDLE not less than one nor more than three weeks prior to the election at which it is considered.

**Section 3: Notice of Amendment**

A notice is to be given to the entire Senate membership two weeks prior to a vote on a considered amendment.

**Section 4: Review of Constitution for Amendment**

The Constitution Committee must review the Student Government Constitution for Amendment every two years.