**The SGA Judicial Council**

ARTICLE I. POWERS

The Judicial Branch of the Student Government shall be the Judicial Council (J.C.). The J.C. has the power and, because of this power, the responsibility to the College community to perform the following:

* To decide disputes between organizations provided that at least one of the

organizations in question has some effect or relationship no matter how small

to the students or the College. The J.C. shall enter a dispute after all reasonable

attempts at reconciliation by the organizations have failed, or if at least one of

the organizations feel that one of the involved organizations is uncooperative.

The J.C. may investigate and render an opinion whenever it deems necessary

without the approval or request of the organizations involved.

* To mediate and initiate appropriate action in all disciplinary situations if deems

necessary.

* To review appeals of involved parties from decisions made by the Vice President

of Student Affairs and Dean of Students (VPSA&DS).

* To initiate, on its own, judicial proceeding in any disciplinary situation it deems

necessary.

* To meet monthly to discuss the general disciplinary conditions on campus and

to suggest to the College administration ways of improving these conditions.

The meeting time and place should be decided at a previous J.C. meeting. If

no time has been decided upon, the chairperson shall set the time and place.

It shall be the chairperson’s responsibility to provide each member via campus

email or text of the meeting time and place at least 24 hours prior to the meeting.

Any person wishing to attend a regular J.C. meeting should direct such a request

in writing, to the chairperson, at least one week before the scheduled meeting,

indicating the reason for the request. An invitation will be sent to that person

24 hours before the scheduled meeting. Individuals or groups desiring to speak

to the J.C. will only be allowed to attend that portion of the meeting pertaining

to their previously stated request.

* In rendering any decisions, the J.C. should keep in mind that its main objective

shall be to act in a positive, corrective, redemptive manner that tends to

re-establish a workable relationship among injured parties, rather than act in a

punitive or legalistic manner.

ARTICLE II. ROLES OF THE JUDICIAL COUNCIL

Section A: Student Conduct

The J.C. shall promote a harmonious working relationship among the students and between the students and the College administration and shall foster an atmosphere of cooperation through the College community through ideas, plans, and methods to seek to prevent disciplinary problems from arising. The J.C. shall review and suggest disciplinary actions for particular problems resulting from irresponsible student acts, in a positive, corrective, and redemptive manner that tends to re-establish a workable relationship among involved parties. The J.C. shall follow the guidelines set forth in the KWC Student Handbook in dealing with student disciplinary cases and organizational disputes.

Section B: Elections

The J.C. Chairperson, with assistance of the SGA Senate, shall supervise all campus-wide elections and polling, which shall include preparing ballots, setting dates, times and location of the polling area: inform students within one week before elections as to the purpose of the election; count votes cast; inform the College community as to the results of the election; settle any disputes arising from the elections, and determine other guidelines deemed necessary but not stipulated in the either the SGA Constitution or KWC Student Handbook.

ARTICLE III. MEMBERSHIP AND VACANCY PROCEDURES

Section A: Membership

The J.C. shall be comprised of the student chairperson, five students chosen from the junior and/or senior classes by the SGA Executive Council (E.C.), with majority of concurrence of the Senate, two non-student members of the College community (administration, faculty, or staff), the VPSS&DS, and one faculty member appointed by the faculty. In addition to these regular members, the SGA E.C. shall choose two students from the junior and/or senior classes and one non-student member of the College community (administration, faculty, or staff) to serve as alternates. J.C. members shall be appointed during the first two weeks of classes in the fall semester and confirmed at the following Senate meeting. The term of office for regular and alternate members shall last until the end of the spring semester of the same academic year.

No student shall serve on the J.C. who is on academic probation, disciplinary probation, or who is not a full-time student at Kentucky Wesleyan College.

Section B: Vacancy Procedures

The SGA E.C. shall fill vacancies on the J.C. (as they occur) by appointment with the concurrence of the Senate.

A two-thirds majority vote of the SGA E.C. and three-fourths concurrence of the Senate is needed to appoint a new member to fill a vacancy on the J.C. within two weeks after the date of removal.

Section C: Meetings

The J.C. shall meet as often as it deems necessary to fulfill its duty. All meetings will proceed according to Robert’s Rules of Order Revised. Eighty (80) percent of the members shall constitute a quorum.

ARTICLE IV. REPORTING OF INFRACTIONS

The Chairperson of the J.C. may be informed by the VPSS&DS of all reported infractions of school regulations or policies. The chairperson shall then meet with the VPSS&DS to determine if the case merits the attention of the J.C. or VPSS&DS.

ARTICLE V. RIGHTS OF THE ACCUSED

1. The accused is entitled to be informed, in writing, of the reasons for his/her appearance,

24 hours prior to the hearing.

1. In all proceedings, the accused is entitled to be presented with a copy of all rules, regulations, and procedures governing the J.C., 24 hours prior to the hearing.
2. No student shall be compelled to give testimony that might tend to incriminate him/her and refusal to do so shall not be considered evidence of guilt.
3. The accused shall have the right to hear and to question all witnesses against him/her and to present witnesses.
4. In all proceedings of the J.C., the accused shall have the right to have only impartial Council members sit in judgment.
5. The accused, if he/she so chooses, shall enjoy the right of the assistance of an advisor within the College community.

ARTICLE VI. APPEAL PROCEDURE

Any student who feels that he/she was improperly judged or was given too severe a punishment may file an appeal as follows:

1. To appeal a decision of the VPSS/DS, the accused may file an appeal with the chairperson of the J.C.
2. To appeal a decision of the J.C., the accused may file an appeal with the President of the College (and/or the Officers of the College). All appeals must be filed within 14 days of the verdict. The body hearing the appeal may recommend to the administration that a verdict be reversed, approve the punishment, or reduce the punishment. Only the accused shall enjoy the right of appeal.

ARTICLE VII. RIGHTS OF THE JUDICIAL COUNCIL

1. The J.C. has the right to accept or deny all cases brought before it. The J.C. shall enjoy the right to call cases. Once the J.C. has ascertained that a case be brought to the Council, it shall conduct a hearing in such a manner that the true facts may by efficiently obtained and a just decision reached, but at no time violate the rights of the accused, the integrity of the J.C., or the student body.
2. Because the J.C. has the right to hear cases involving College regulations, and because it is impossible to set regulations for all offenses, the J.C. can review and act upon infractions that it feels are in direct violation of acceptable behavioral standards for college students.
3. All violations of College regulations and actions taken by respective bodies shall be reported to the chairperson of the J.C. immediately after the decision is reached. This verdict shall remain on file with the J.C. for future reference.

ARTICLE VIII. RESPONSIBILITIES OF THE OFFICERS

Section A. Chairperson

In all proceedings of the J.C., the chairperson shall be responsible for seeing that the following principles are upheld:

1. The names of all persons involved shall be kept confidential by the J.C.
2. At no time before, during, or after the hearing should the accused, members of the Council, or witnesses discuss the proceedings of the hearing with persons not involved.

The chairperson of the J.C. shall preside over the Council, have appointive powers pertaining to Council matters and have general oversight of the Council and shall convene the J.C. at any time necessary after due notice.

Section B. Secretary

From the SGA Constitution: “The J.C. shall, at its first scheduled meeting in the fall, elect a Secretary who shall record the proceedings of the Council and assist the chairperson.” A mechanical or written transcript shall be kept of the hearing, by the Secretary.

ARTICLE IX. CLARIFICATION REGARDING RECOMMENDATIONS OF JUDICIAL COUNCIL

All Council decisions in disciplinary matters are only recommendations to the VPSS/DS and the College administration and are not legally binding. The J.C. shall in no way infringe upon the VPSS/DS’s right and obligation to oversee the disciplinary behavior of Kentucky Wesleyan students. However, the Council may choose to share those responsibilities with the VPSS/DS and to recommend appropriate action.

ARTICLE X: PENALTY RECOMMENDATIONS

The J.C. may recommend the standard college penalties of:

1. Reprimand
2. Fines
3. Expulsion from the hall
4. Disciplinary probation
5. Suspension
6. Expulsion from the College
7. The J.C. is also free to recommend other specific sanctions that may seem more appropriate to the individual situation.

ARTICLE XI. COUNCIL DECISION PROCESS

Section A. Abstention from Voting

The VPSS/DS shall abstain from voting on those cases that are brought before the J.C. on appeal from a previous decision made by him/her. Any member of the J.C. who feels he or she may not be able to vote in a fair and unbiased manner, because of involvement with or in the case of the accused, shall also abstain from voting on that particular case. Also, any member of the J.C. who feels that another member may be biased may recommend to the Council that the member abstain from participating. Then, the Council by a two-thirds vote can decide if that particular member should abstain in that specific situation.

Section B. Announcement of Decision

The chairperson shall deliver the verdict of the Council and its recommendations to the VPSS/DS in writing, even though the VPSS/DS is present at the hearing.

ARTICLE XII. ENFORCEMENT OF RECOMMENDATIONS

The VPSS/DS shall be responsible for enforcing the decisions of the J.C.