

## **Article 1. Structure**

- A. The Judicial Branch of the Stout Student Association shall be made of two bodies including the investigatory body named the Student Organization Conduct Oversight Committee, herein referred to as the SOCOC and the primary body named the University Court.

## **Article 2. Governing Documents**

- B. This document is the governing document for the policies and procedures of the SOCOC and the University Court.

## **Article 3. Mission**

- A. The purpose of the Judicial Branch of the SSA is to maintain established standards by helping student and organizations understand their responsibilities to the University Community through enforcement of the Code of Conduct.
- B. This is an opportunity for student to formally respond to the actions of their peers within the philosophy of the mission, vision, and policies of the University of Wisconsin State Statute 36.09 (5).
- C. The judicial branch shall ensure the balance of powers between SSA members and student organizations, officers and senators of the legislative branch of the SSA, and the executive branch of the SSA.

## **Article 4. Purpose**

- A. The purpose of the SOCOC is to investigate complaints regarding alleged Organizational Code of Conduct violations and to represent the SSA in UC hearings.
- B. The primary purpose of the University Court is to hear cases alleging student organization misconduct and determine appropriate sanctions if needed.
- C. The secondary purpose of the University Court is to act as the oversight body of the Legislative and Executive Branches of SSA as a check and balance.

## **Article 5. Membership**

### **Section 1. Selection of the SOCOC**

- A. The SOCOC shall be chaired by the Director of Organizational Affairs and five (5) members appointed by the chair of the SOCOC and confirmed by the Senate.
- B. The chair shall establish an application and interview process for the selection of members each spring after their election in collaboration with the Advisor of the SOCOC.
- C. A Vice Chair of the SOCOC shall be elected by the SOCOC within the first two meetings.
- D. Considerations for the SOCOC should include but are not limited to: educational background, area of study, current and previous student organization involvement, and/or time commitment.
- E. Membership shall not be denied due to age, ethnicity, gender identity, gender expression, disability, race, national origin, religion, sexual orientation, sex or veteran status, etc.
- F. The SOCOC shall be advised by a faculty or staff member of the University. Additional advisors can be appointed as needed.

## **Section 2. Selection of the University Court**

- A. The University Court shall consist of one (1) Chief Justice and eight (8) Justices and the Advisor.
- B. The Chief Justice and Justices are appointed by the President of the Stout Student Association and confirmed by the Senate.
- C. The President shall establish an application and interview process for the selection of Justices each April after their election in collaboration with the Advisor(s) of the University Court.
- D. A Vice Chief Justice shall be elected by the University Court Justices within the first two meetings.
- E. Considerations for Chief Justice and Justice appointments to the University Court shall include but are not limited to: educational background, area of study, current and previous student organization involvement, and/or time commitment.
- F. Membership shall not be denied due to age, ethnicity, gender, disability, race, national origin, religion, sexual orientation, sex, or veteran status, etc.
- G. The University Court shall be advised by a faculty or staff member of the University. Additional advisors can be appointed as needed.

## **Section 3. Membership Eligibility**

- A. Student must be in good academic standing with a minimum cumulative GPA of 2.0 and no previous academic or non-academic conduct issues and carry a credit load of at minimum a half time student.
- B. SOCOC members or Justices may not have any relationship to the student and/or student organization while hearing a case or they must recuse themselves from the proceedings.
- C. Members must recuse themselves in cases where they are or have been a member of the Student Organization in question.
- D. If either the SOCOC or Student Organization is concerned about bias of a Justice moving into a hearing, each would have five (5) working days from the date of notice of the hearing to request in writing to the President of the SSA to remove up to, one (1) Justice from hearing the case. The President of the SSA will determine whether there is sufficient grounds to demonstrate bias.
- E. It is recommended that the advisor of the SOCOC and University Court be the same University staff person for effectiveness and accountability, and consistency in trainings.

## **Section 4. Term of Office**

- A. SOCOC members and Justice appoints are one (1) year terms beginning after their spring appointment.
- B. SOCOC members may serve consecutive terms, upon the approval of the Chair of the SOCOC.
- C. Justices may serve consecutive terms, upon approval of the President of the Stout Student Association.

## **Article 6. Responsibilities**

### **Section 1. Responsibilities of the SOCOC Members**

- A. To be knowledgeable of University policies and procedures, judicial policies and procedures as well as standards of behavior/operations for recognized Student Organizations.
- B. To be objective.
- C. Maintain membership eligibility throughout their term.
- D. To represent the interests of all students, not individual organizations.
- E. To review complaints brought forth to determine if there is sufficient evidence indicating that the individual or organization has violated the Organization Code of Conduct.
- F. To remove themselves in a particular case if they have a bias or direct involvement in the case, or are members of the organization under charges.
- G. To attend all delegated hearings. H. To keep confidential all proceedings, discussions and votes.

### **Section 2. Responsibilities of the Chair of the SOCOC**

- A. Maintain at minimum the standards set forth for SOCOC members.
- B. Convene the group no less than once a month (in the case that there are no complaints).
- C. Coordinate training for all SOCOC members with the assistance of the advisor or other additional resources.
- D. Preside over all meetings and cases unless recused.
- E. In the event that the Chair of the SOCOC recuses themselves their Vice Chair would preside.
- F. Maintain secure records of complaints filed.
- G. To submit proposed cases of Organization Code of Conduct violations to the University Court.

### **Section 3. Responsibilities of the Vice Chair of the SOCOC**

- A. Ensure that all written and recorded materials are saved and archived.
- B. Preside over meetings and cases in the event that the Chair of the SOCOC recuses themselves or is unable to preside.

### **Section 4. Responsibilities of University Court Justices**

- A. To be knowledgeable of University policies and procedures, judicial policies and procedures as well as standards of behavior/operations for recognized Student Organizations.
- B. To be objective.
- C. Maintain membership eligibility throughout their term.
- D. To represent the interests of all students, not individual organizations.
- E. To review the legislation and functions of the Legislative and Executive Branches of SSA as a check and balance.
- F. To preside over hearings for cases brought forward.
- G. To read complaints and familiarize themselves with the cases prior to the hearings.
- H. To remove themselves in any case if they have bias or direct involvement in the case, or are members of the Organization under charges.
- I. To attend all hearings unless recused or excused.

- J. To keep confidential all proceedings, discussions and votes.
- K. Determine appropriate sanctions as deemed necessary.

### **Section 5. Responsibilities of the Chief Justice of the University Court**

- A. Maintain at minimum the standards set forth for a University Court Justice.
- B. Convene the group no less than once a month (in the case that there are no hearings).
- C. Coordinate training for all University Court Justices with the assistance of the Advisor, Dean of Student Office representative or other additional resources.
- D. Preside over all meetings and hearings unless they recuse themselves.
- E. In the event that the Chief Justice recuses themselves their Vice Chief Justice would preside.
- F. Maintain secure records for University Court cases.
- G. To notify all parties of decisions.

### **Sections 6. Responsibilities of the Vice Chief Justice**

- A. Ensure an audio or video recordings of all hearings.
- B. Ensure that all written and recorded materials are saved and archived.
- C. Preside over hearings in the event that the Chief Justice recuses themselves or is unable to preside over a case.
- D. If the Chief Justice is removed from office, the Vice Chief Justice will serve as Chief Justice for the remainder of the term.

## **Article 7. Orientation & Training**

- A. Orientation sessions shall be held for both members of the SOCOC and University Court conducted by the Advisor and Chair of the SOCOC and Chief Justice respectively.
- B. Members of each group must complete the orientation process prior to serving.
- C. The SOCOC and University court shall each convene at minimum, once every month during the academic calendar year (excluding Summer and Winter term), as determined by the Chair of the SOCOC and Chief Justice respectively.
- D. On-going training is essential for optimum practices and knowledge of current trends in student affairs, higher education and judiciary affairs.

## **Article 8. Procedures**

### **Section 1. Procedures for Filing Organizational Code of Conduct Complaints**

- A. The University Court has jurisdiction for the interpretation of constitutions, including the SSA Constitution, By-Laws and policies.
- B. Any student, faculty or staff member of the University or member of the public may file a complaint against a recognized Student Organization with the President of the Stout Student Association.
  - a. Complaints will be filed via the "Student Organization Complaint Form".
    - i. The President of the SSA, the Chair of the SOCOC, and the Advisor of the SSA will be recipients of notice that a complaint has been filed via the form.
  - b. In the event that there is a complaint to be filed against the Executive or the USS of the SSA (including but not limited to the SOCOC) the complaint can be filed directly to the Chief Justice.

- i. The Chief Justice of the University Court would appoint two Justices to investigate the complaint, serving in place of the SOCOG (therefore recusing themselves from any further proceedings for that case as a Justice).
    - ii. The two (2) appointed Justices will, regardless of evidence, present the case before the University Court.
  - c. A complaint must be filed via the official form and include as much of the following information as possible:
    - i. Detailed description of the alleged violation.
    - ii. Date, time and place of the alleged violation.
    - iii. Name of organization(s) involved in the alleged violation.
    - iv. Name of individual(s) involved in the alleged violation.
    - v. Name and address of the person(s) filing the complaint (complainant).
    - vi. Any and all documentation of the alleged violation (when readily available).
  - d. All complaints must be appropriately filed within 180 calendar days of the alleged violation.
  - e. This policy is not to supersede any University, local, state or federal statute of limitations as defined by such laws/ordinances.

## **Section 2. Student Organization Conduct Oversight Committee Investigation**

- A. The SOCOG shall convene within fifteen (15) business days of receipt of the request or written report (coinciding with the University Academic Calendar – classes must be in session excluding Summer and Winterm) from the President of the Stout Student Association.
- B. SOCOG quorum shall consist of a majority of membership plus one.
- C. The SOCOG shall make a determination if there is sufficient evidence indicating that the individual or organization has violated the Organizational Code of Conduct or the Organization's Constitution/Bylaws or other governing documents.
- D. The SOCOG will complete an investigation of the complaint and alleged violations.
  - a. The investigation may include interviewing of witnesses, interviewing of organization members/leadership and procurement of police reports or other documentation.
- E. If, as a result of the investigation, the SOCOG determines that there is sufficient evidence indicating that a violation has occurred the Chair of the SOCOG shall prepare a written report to the President of the SSA, Chief Justice of the University Court, Student Organization President, Student Organization Advisor and any other necessary parties within ten (10) business days of that decision, requesting a hearing along with a formal Statement of Charges.
  - a. The accused organization has five (5) business days to give notice to the Chief Justice as to their two representatives for the hearings so that their class schedule can be taken into consideration for scheduling a hearing.
- F. If as a result of the investigation the SOCOG determines that there is not sufficient evidence to necessitate a hearing, the matter will be considered resolved without the necessity of further action. An electronic memo (and paper copy if requested) of the findings and beliefs

will be sent to the President of the Stout Student Association, the Advisor of the Stout Student Association, and the complainant.

- a. In the case that the complainant disagrees with the SOCOC findings, the individual or group filing the complaint may then file a direct complaint for investigating to the Chief Justice.
  - i. The Chief Justice of the University Court would appoint two Justices to investigate the complaint, serving in place of the SOCOC (therefore recusing themselves from any further proceedings for that case as a Justice).
    1. The two (2) appointed Justices have the right to determine if the case is to be brought forward to the University Courts, in which they would then serve to present the case of the alleged violation.
    2. In the case of a disagreement on the presence of a violation, it takes only one (1) investigating Justice to bring the case before the University Courts.

### **Section 3. Convening of the University Court**

- A. If a Statement of Charges is filed or there is sufficient evidence presented to move forward with a hearing the Chief Justice will convene the University Court within fifteen (15) business days of receipt of the request or written report (coinciding with the University academic calendar – classes must be in session excluding Summer and Winter).
- B. University Court quorum will be a majority of membership plus one.
- C. The hearing will be conducted, unless a different time period is mutually agreed upon by the Student Organization and the SOCOC (when involved) or is ordered or permitted by the University Court (coinciding with the University academic calendar – classes must be in session excluding Summer and Winter).

### **Section 4. University Court Hearing Procedures**

- A. Once the hearing is scheduled, the organization under charges and the SOCOC (when involved) will receive the following information from the Chief Justice in writing at least five (5) business days before the hearing.
  - a. Written notification of the date, time and location of the hearing.
  - b. Statement of the charges against the organization.
  - c. A copy of the Judicial Branch Policy and Procedures.
- B. Hearing procedures will allow for both the student organization charged and SOCOC (when involved) to be represented.
- C. Current student leaders of the Student Organization being charged will present the Student Organization's case at the hearing.
  - a. The number of representatives will be limited to two (2).
  - b. Advisors and other representatives may be present at the hearing but will not be allowed to speak unless called as a witness.
  - c. If the given Student Organization representatives are unable to attend the hearing, they must give notice and reasonable documentation for the basis of their request within 48 hours of receiving the hearing notice to the Chief Justice.

- i. At their discretion, the Chief Justice of the University Court will then have fifteen (15) additional business days to reschedule the University Court hearing.
    - ii. There will only be one (1) rescheduling of the University Court hearing. If the Student Organization representatives are unable to attend the rescheduled hearing, any and all previously submitted written documentation and evidence shall stand and will be used to determine a basis for any judgement.
  - d. The University's case will be presented by two (2) representatives of the SOCOC or by two (2) investigating Justices.
  - e. If the given SOCOC or Justices are unable to attend the hearing, they must give notice and reasonable documentation for the basis of their request within 48 hours of receiving the hearing notice to the Chief Justice.
    - i. At their discretion, the Chief Justice of the University Court will then have fifteen (15) additional business days to reschedule the University Court hearing.
    - ii. There will only be one (1) rescheduling of the University Court hearing. If the SOCOC or Justices are unable to attend the rescheduled hearing, any and all previously submitted written documentation and evidence shall stand and will be used to determine a basis for any judgement.
- D. All hearings will follow the requirement of the Wisconsin Open Meeting Law.
- E. At the beginning of the hearing the Chief Justice will:
  - a. Call the meeting to order.
  - b. Record attendance of Justices.
  - c. Ask the complainants and Student Organization representatives to introduce themselves and state their association with the case.
  - d. Explain the procedure to be followed during the hearing and answer any questions related to the proceedings.
  - e. The Chief Justice will read aloud the charges against the Student Organization in question.
  - f. The Chief Justice will ask the organization under charges to state whether it admits or denies any or all charges.
- F. If the Student Organization under charges admits to all of the charges:
  - a. First one (1) representative from the Student Organization, followed by one (1) SOCOC representative or investigating Justice will each be allowed no more than ten (10) minutes to address the University Court
  - b. After each presentation, members of the University Court may ask questions of the presenter.
  - c. The University Court will move to a vote in order to move to a closed session to deliberate on the case and the sanctions.
- G. If the organization under charges denies some or all of the charges:
  - a. One (1) SOCOC representative will be permitted to make opening remarks no more than five (5) minutes.

- b. One (1) designated presenter for the Student Organization will be permitted to make opening remarks on more than five (5) minutes.
- c. A representative of the SOCOC will present their findings and evidence, calling and questioning witnesses one at a time for no more than thirty (30) minutes.
  - i. After the SOCOC representatives questioned each witness, the Student Organization representatives may question the witness.
  - ii. At any time members of the University Court may ask questions of the witness.
  - iii. The Student Organization representatives will then present the student organization's case and evidence by calling and questioning witnesses one at a time for not more than thirty (30) minutes.
    - 1. After the Student Organization representatives questioned each witness, the SOCOC representatives may question the witness.
    - 2. At any time members of the University Court may ask questions of the witness.
- d. After both parties have presented their cases, time may be extended for evidence and witnesses at the discretion of the University Court.
- e. One (1) SOCOC representative will be permitted no more than ten (10) minutes to make closing remarks.
- f. One (1) designated presenter for the Student Organization will be permitted no more than ten (10) minutes to make closing remarks.
- g. In call cases, the SOCOC, Student Organization representatives or Justices may object to a question or evidence to be presented.
  - i. It is at the discretion of the Chief Justice of the University Court to determine the appropriateness of any questions asked or evidence presented.
  - ii. Evidence and questions must be shown to be directly relevant to the incident being reviewed.
  - iii. Character witnesses, hearsay, and unduly repetitive testimony will not be allowed.

## **Section 5. University Court Deliberation Procedures**

- A. Once all evidence and testimony has been heard, the University Court shall offer a motion and pass it in order to move into closed session for deliberation.
- B. The University Court will deliberate at the time and place determined by the Court as decided within then (10) business days of the hearing.
  - a. During the deliberations the University Court will follow parliamentary procedure.
  - b. The University Court has the right to examine evidence further and ask additional questions of witnesses already presented before the University Court.
  - c. The University Court as the right to seek council or advice from, including but not limited to, their Advisor, Campus Administrators or UW-System legal not directly involved in the case.
  - d. Alleged charges against the Student Organization or individuals will be voted upon by the members of the University Court hearing that specific case.



- i. In any given hearing multiple charges may be presented.
    - ii. An individual vote will take place for each of those proposed violations.
    - iii. A decision of the University Court requires a majority plus one.
  - e. If it is determined that a violation has occurred, sanctions will be determined by members of the University Court hearing that specific case.
    - i. In any given case, multiple sanctions may be determined.
    - ii. Any individual vote will take place for each of the proposed sanctions.
    - iii. A decision of the University Court requires a majority plus one.
- C. The University Court will issue its findings and decision electronically and paper copy (if requested) to the Stout Student Association President, SOCOC Chair, Student Organization President, Student Organization Advisor and necessary additional representatives within five (5) business days of their decision.

## **Article 9. Range of Possible Sanctions**

- A. Possible sanctions, which the SOCOC or Student Organization may recommend, are determined by the University Court including but are not limited to:
  - a. Disciplinary Warning – A written warning that the conduct of the individual or Student Organization was not appropriate and must not be repeated.
  - b. Disciplinary Probation – A status in which the Student Organization may remain recognized by the Stout Student Association and University only upon the condition that the Student Organization complies with specific standards of conduct or other requirements or restrictions on privileges, for a specified period of time, not to exceed eighteen (18) months. Probation may also have several conditions attached.
  - c. Disciplinary Suspension of University Recognition – A loss of Stout Student Association and University recognition with resultant loss of all student organization rights and privileges for a specified length of time, not to exceed 36 months.
  - d. Revocation of University Recognition – A permanent termination of Stout Student Association and University recognition for a Student Organization with resultant loss of all student organization rights and privileges. This is intended to be a permanent decision and may only be carefully reconsidered after a period of at minimum, four (4) calendar years from date of imposed sanction, and only upon the approval of the Chancellor and or appointed designee along with the USS of the SSA.
  - e. Funds Freeze – This would impose a hold on the Student Organization’s event/activity funding as provided and allowable through Allocable Segregated University Fees (ASUF). This is intended to freeze organizational funds for a maximum of an eighteen (18) month period from date of imposed sanction.
  - f. Loss of University Privileges/Services – Loss of (example: University facilities, intramural activities, use of Involvement Center services) for a maximum of eighteen (18) month period from date of imposed sanction.
  - g. Restitution – An organization may be required to pay for damages.
  - h. Community Service – Requirement of the Student Organization to organize and/or participate in specified community service activities or events in collaboration with University/community officials.

- i. Educational Sanction – This would require attendance/participation and/or organization in educational programs for the organization, member and or/campus community.
  - j. Specific Conditions Related to Organization Functions and Activities – Limitations or parameters may be placed on activities and functioning of the organization.
- B. Student Organizations in a period of disciplinary suspension or probation shall, in good faith, abide by their rules and applicable University Polices governing student organizations or they will be subject to additional sanctions which may include, but are not limited to:
  - a. Further probation.
  - b. Further suspension.
  - c. Revocation of University Recognition.
    - i. Student Organizations within a period of probation may affiliate, cosponsor, advertise or conduct an event or activity only with the approval of the USS of the SSA or Dean of Students.

## **Article 10. University Court Appeal Process**

- A. Student Organizations have the right to appeal the decision of the University Court by a final hearing with the Chancellor.
- B. Appeals must be based on one or more of the following grounds:
  - a. New information has arose that was not available at the time of the hearing.
  - b. The Judicial Policy’s procedures were not correctly followed.
  - c. Individuals or Student Organizations were discriminated against due to age, ethnicity, gender, disability, race, national origin, religion, sexual orientation, sex or veteran status, etc.
- C. The Chancellor is considered the final point in the hearing process and maintains the right to deny an appeal based on insufficient evidence.
- D. The Chief Justice will represent the University Court’s decision, and along with the Student Organization representatives, will attend a hearing with the Chancellor, scheduled at the Chancellor’s convenience.
- E. Procedure will be determined by the Chancellor at the time of the hearing.
- F. The Chancellor has the choice to lessen, support, increase and remove sanctions on the Student Organization.
- G. All appeals must be submitted to the Chancellor, Chief Justice, SSA President and the University Court Advisor electronically within five (5) business days after the notification of the decision and the sanction(s). Until such time that the Chancellor (or appointed designee) renders a decision, the decision of the University Court shall remain in effect.
  - a. The Appeal must contain the following information:
    - i. The sanctions that they are appealing.
    - ii. The grounds as outlined above.
    - iii. The rationale for the grounds for appeal and sanctions appealing.
    - iv. The original statement of charges – as distributed before the court hearing
    - v. Decision of the University Court.

## Article 11. Removal of a Member of the Judicial Branch

- A. A justice or shall be removed for reasons including, but not limited to, the following:
  - a. Violation of membership requirements as stated in Article 5.
  - b. Displaying conduct not in compliance with federal, state, or local laws or ordinances during their term as a Justice.
  - c. Showing discrimination against an organization or individual within their duties as a Justice.
- B. Any Stout student, faculty or staff member of the University or member of the public may file a complaint against a Justice with the President Student Association.
- C. Requests to remove a Justice shall be sent to the President, Vice President and Advisor to the SSA.
- D. The requests for removal must include as much of the following information as possible:
  - a. Name of the Justice in question.
  - b. Detailed description of the alleged violation.
  - c. Date, time and place of the alleged violation.
  - d. Name and contact information of the person(s) filing the complaint (complainant).
  - e. Any and all documentation (when readily available).
- E. The President of the SSA and Vice President of the SSA shall conduct the investigation and bring their decision to the USS of the SSA no later than two (2) USS meetings from the date the request for removal was received.
- F. In the occurrence that a Justice is found to have grounds for dismissal, a member of the USS shall make a motion to remove the individual from their position.
- G. The President shall then be responsible for filling the opening within reasonable time to allow for a speedy judicial process.