

Article 1. Structure

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

Article 3. Mission

- A. The purpose of the Judicial Branch of the SSA is to maintain established standards by helping students and organizations understand their responsibilities to the University Community through enforcement of the Code of Conduct.
- B. The Judicial Branch exists for students to formally hold peers accountable for their actions 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, and between officers and senators of the legislative branch of the SSA.

Article 4. Purpose

- A. The purpose of the COCO is to investigate complaints regarding alleged Organizational Code of Conduct violations in University Court hearings.
- B. The primary purpose of the University Court is to hear cases alleging student organization misconduct and determine appropriate sanctions if necessary.

Article 5. Membership

Section 1. Selection of the COCO

- A. The COCO shall be chaired by the Director of Organizational Affairs and up to five (5) members appointed by the chair of the COCO and confirmed by the University Student Senate.
 - a. Minimum of 3 members for operation – including Director of Organizational Affairs
- B. The chair shall establish an application and interview process for the selection of members in collaboration with the Advisor of the COCO.
- C. A Vice Chair of the COCO shall be elected by the COCO .
- D. The COCO Membership shall not discriminate on the basis or intersection of race, color, ethnicity, creed, religion, gender identity, sexual orientation, physical or mental ability, marital status, national origin, political ideology, or age, except when pursuant to local, state, or federal law.

Section 2. Selection of the University Court

- A. The University Court shall consist of one (1) Chief Justice and up to five (5) Justices and the Advisor.

- i. Minimum of 3 members for operation – including Chief Justice
- B. The Chief Justice and Justices are appointed by the President of the SSA and confirmed by the University Student Senate.
- C. The Chief Justice, in collaboration with the Advisor(s) of the University Court, shall establish an application and interview process for the selection of Justices continuously until quorum is filled.
- D. A Vice Chief Justice shall be elected by the University Court Justices.
- E. University Court membership shall not discriminate on the basis or intersection of race, color, ethnicity, creed, religion, gender identity, sexual orientation, physical or mental ability, marital status, national origin, political ideology, or age, except when pursuant to local, state, or federal law.

Section 3. Membership Eligibility

- A. A student must be in good academic standing and have no previous history of academic or non-academic misconduct.
- B. The COCO 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.

Section 4. Term of Office

- A. The COCO members and Justices shall be appointed to fill vacancies. Upon appointment, their term is continuous for the duration of their eligibility, as wanted by the individual.
- B. Justices may not hold any other elected or appointed position within the University Student Senate.
- C. The COCO members and Justices may be eligible for compensation for the duration of their position.

Section 5. Advisor

- A. The COCO and University Court shall be advised by a faculty or staff member of the University. Additional advisors can be appointed as needed.

Article 6. Responsibilities

Section 1. Responsibilities of COCO Members

- A. Be knowledgeable of university policies and procedures, judicial policies and procedures, and standards of behavior for recognized student organizations.
- B. Remain objective, confidential, and unbiased in the execution of its responsibilities.
- C. To maintain membership eligibility throughout their term.
- D. To represent the interests of all students, not individual organizations.
- E. To investigate alleged violations of the Organization Code of Conduct.
- F. To determine if there is sufficient evidence indicating that the organization has violated the Organization Code of Conduct upon conclusion of an investigation.
- G. To recuse themselves from any investigation or case in which they have a relationship to the student and/or student organization that would call into question the fairness or impartiality of their judgement.
- H. To participate all meetings, hearings, and training sessions required as part of their position.

- I. To keep all proceedings, discussions, and votes confidential during and after conclusion of investigations.
- J. Members must complete the orientation course prior to serving.

Section 2. Responsibilities of the Chair of the COCO

- A. Preside over all meetings and cases unless recused.
- B. Work with Judicial Branch advisor and others to fill all open seats within COCO.
- C. With the assistance of the Judicial Branch advisor, coordinate training for all COCO members.
- D. Convene the group as needed to provide training, discussion, and oversight and improvements to the investigation and complaint process no less than once a semester.
- E. Meet with Judicial Branch advisor no less than once a month.
- F. Continue membership recruitment until quorum is filled.
- G. Maintain secure records of complaints filed.
- H. Present formal Statements of Charges to the University Court when there is evidence to substantiate allegations

Section 3. Responsibilities of the Vice Chair of the COCO

- A. Ensure that all written and recorded materials are saved and archived.
- B. Fulfill the responsibilities of the COCO chair in the event that the COCO chair is unable to do so.

Section 4. Responsibilities of University Court Justices

- A. Be knowledgeable of University policies and procedures, judicial policies and procedures, and standards of behavior for recognized student organizations. To remain objective.
- B. To maintain membership eligibility throughout their term.
- C. To represent the interests of all students, not individual organizations.
- D. To review the legislation and functions of the Legislative and Executive Branches of SSA as a check and balance.
- E. To participate in all meetings, hearing and training sessions required by their position.
- F. To familiarize themselves with upcoming cases by reading all relevant documentation and records provided to the court.
- G. To recuse themselves from any investigation or case in which they have a relationship to the student and/or student organization that would call into question the fairness or impartiality of their judgement.
- H. To participate all meetings, hearings, and training sessions required as part of their position.
- I. To keep all proceedings, discussions, and votes confidential during and after conclusion of investigations.
- J. Members must complete the orientation course prior to serving.
- K. Determine appropriate sanctions as deemed necessary.
- L. To serve in a candidate pool for the Dean of Students Office for individual non-academic conduct appeal cases, as needed.

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. Continue membership recruitment until quorum is filled.
- C. Convene the group no less than once a month (in the case that there are no hearings).
- D. Meet with Judicial Branch advisor no less than once a month.
- E. Coordinate training for all University Court Justices with the assistance of the Advisor, Dean of Student Office representative or other additional resources.
- F. Host a minimum of 1 breakout session relating to the Judicial Branch as part of the Leadership Summit, hosted by the Involvement Center
- G. Preside over all meetings and hearings unless they recuse themselves.
- H. In the event that the Chief Justice recuses themselves, their Vice Chief Justice would preside.
- I. Maintain secure records for University Court cases.
- J. To notify all parties of decisions in a timely manner.

Section 6. Responsibilities of the Vice Chief Justice

- A. Ensure an audio or video recording 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 shall serve as Chief Justice for the remainder of the term.

Article 7. Procedures

Section 1. Procedure for Documenting Organizational Code of Conduct Complaints

- A. This procedure is not to supersede any University, local, state or federal statute of limitations as defined by such laws/ordinances.
- B. The University Court has jurisdiction for the interpretation of constitutions, including the SSA Constitution, By-Laws, and policies.
- C. 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 shall be filed via the “Student Organization Complaint Form”.
 - i. The President of the SSA, the Chair of the COCO, and the Advisor of the University Court shall 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 COCO) 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 COCO (therefore recusing themselves from any further proceedings for that case as a Justice).
 - ii. The two (2) appointed Justices shall, 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. Time, date, and place of the alleged violation.
- ii. Name of organization(s) involved in the alleged violation.
- iii. Name of individual(s) involved in the alleged violation.
- iv. Detailed description of the alleged violation.
- v. Any documentation of the alleged violation.

Section 2. Committee for Organizational Conduct Oversight Investigation

- A. The COCO shall convene within fifteen (15) business days (refer to University Academic Calendar) of receipt of the complaint (classes must be in session excluding Summer and Winterm)
 - a. At this initial meeting, any member with an actual or perceived bias due to their associations shall recuse themselves from all actions and deliberations.
 - b. If a complaint is received outside of the regular academic calendar, the COCO shall convene within 15 days of the next academic session.
- B. The COCO quorum shall consist of majority plus one of membership.
- C. The COCO shall complete an investigation of the complaint and alleged violations.
 - a. The investigation may include the interviewing of witnesses, interviewing of organization members/leadership, and procurement of police reports or other documentation.
- D. If, as a result of the investigation, the COCO determines that there is sufficient evidence indicating that a violation has occurred the Chair of the COCO 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.
- E. If, as a result, of the investigation the COCO determines that there is not sufficient evidence to necessitate a hearing, the matter shall be considered resolved without the necessity of further action. An electronic memo (and paper copy if requested) of the findings and beliefs shall be sent to the President of the Stout Student Association, the Advisor of the University Court, and the complainant.
 - a. In the case that the complainant disagrees with the COCO 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 COCO (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. Upon receipt of the Statement of Charges, the Chief Justice shall convene the University Court within fifteen (15) business days of receipt of the request or written report.
 - a. These dates should follow the University academic calendar – classes must be in session excluding Summer and Winter term
- B. University Court quorum shall consist of majority plus one of membership.

Section 4. University Court Hearing Procedures

- A. The Chief Justice shall set a date, time, and location for the hearing. If any justices, members of the COCO, or 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.
 - a. At their discretion, the Chief Justice of the University Court shall then have fifteen (15) additional business days to reschedule the University Court hearing. There shall only be one (1) rescheduling of the University Court hearing.
- B. If the Student Organization representatives are unable to attend the rescheduled hearing, any and all previously submitted written documentation and evidence shall stand and shall be used to determine a basis for any judgement. Once the hearing is scheduled, the organization under charges and the COCO (when involved) shall 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, including a link for virtual component if requested in scheduling.
 - b. Statement of the charges against the organization.
 - c. A copy of the Judicial Branch Policy and Procedures.
 - d. A summary of evidence from the COCO.
 - i. Evidence disclosure can be requested to be sent to the University Advisor but will only be available for viewing under supervision of the Organization's University Advisor.
- C. Hearing procedures shall allow for both the student organization charged and COCO (when involved) to be represented.
- D. Current student leaders of the Student Organization being charged shall present the Student Organization's case at the hearing.
 - a. The number of representatives shall be limited to two (2).
 - b. Advisors and other representatives may be present at the hearing but shall not be allowed to speak unless called as a witness.
 - c. The University's case shall be presented by two (2) representatives of the COCO or by two (2) investigating Justices.
 - i. Minimum 1 investigating Justice allowed.
- E. All hearings shall follow the requirement of the Wisconsin Open Meetings Law.

- F. At the beginning of the hearing the Chief Justice shall:
 - 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 Vice Chief Justice shall read aloud the charges against the Student Organization in question.
 - f. The Chief Justice shall ask the organization under charges to state whether it admits or denies any or all charges.
- G. If the Student Organization under charges claims responsibility for all charges:
 - a. Upon receipt of the Statement of Charges, if the Student Organization admits to all charges, the original hearing date will be adjusted to a Corrective Action Meeting.
 - b. The Student Organization is to provide a full, Organization Enhancement Plan, outlining all corrective action and self-imposed sanctions the Student Organization will complete (including specified deadlines) in order to remedy the situation detailing each allegation and propose corrective or disciplinary action to the University Court, Advisor of University Court and the Chair of the COCO. The Organization Enhancement Plan will be discussed and must receive approval from the University Court.
 - i. If approval is not achieved, the Student Organization will begin the hearing process.
 - c. Upon approval of the Organization Enhancement Plan, the Student Organization leadership must obtain proof of consent by ALL MEMBERS of the Student Organization within ten (10) calendar days (excluding breaks) and submit a Commitment Contract, indicating full responsibility for completing all outlined conditions and corrective actions outlined in the Organization Enhancement Plan.
 - d. If applicable, the University Court Chief Justice shall issue a letter of reprimand to the Student Organization, outline all deadlines for Organization Enhancement Plan completion.
 - i. For record keeping purposes, a copy of the letter of reprimand will also be sent to members of the Involvement Center Professional Staff as deemed appropriate.
- H. If the organization under charges denies some or all the charges:
 - a. One (1) COCO representative shall be permitted to make opening remarks no more than five (5) minutes.
 - b. One (1) designated presenter for the Student Organization shall be permitted to make opening remarks no more than five (5) minutes.
 - c. A representative of the COCO shall present their findings and evidence, calling and questioning witnesses one at a time for no more than thirty (30) minutes.
 - i. After the COCO 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 shall then present the student organization's case and evidence by calling and questioning witnesses one at a time for no more than thirty (30) minutes.
 - 1. After the Student Organization representatives questioned each witness, the COCO 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) COCO representative shall be permitted no more than ten (10) minutes to make closing remarks.
- f. One (1) designated presenter for the Student Organization shall be permitted no more than ten (10) minutes to make closing remarks.
- g. In all cases, the COCO, 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 shall 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 a closed session for deliberation.
- B. The University Court members who were present at the hearing shall deliberate at a time and place determined by the Court as decided within then (10) business days of the hearing.
 - a. During the deliberations, the University Court shall 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 has 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 shall 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 shall take place for each of those proposed violations.
 - iii. A decision of the University Court requires an agreement of more than half of the justices.
 - e. If it is determined that a violation has occurred, sanctions shall 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 shall take place for each of the proposed sanctions.
 - iii. A decision of the University Court requires agreement of more than half of the present justices.
- C. The University Court shall issue its findings and decision electronically and paper copy (if requested) to the Stout Student Association President, COCO Chair, Student Organization President, Student Organization Advisor and necessary additional representatives within five (5) business days of their decision.

Article 8. Range of Possible Sanctions

- A. Possible sanctions, which the COCO 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 the 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 shall 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 University Student Senate of the SSA or Dean of Students.

Article 9. 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 may be based on, but not limited to, one or more of the following grounds:
 - a. New information has arisen 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 shall represent the University Court's decision, and along with the Student Organization representatives, shall attend a hearing with the Chancellor, scheduled at the Chancellor's convenience.
- E. Procedure shall be determined by the Chancellor at the time of the hearing.
 - a. The Chancellor has the choice to lessen, support, increase, and remove sanctions on the Student Organization.
- F. 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 a 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 10. Removal of a Member of the Judicial Branch

- A. A Member of the Judicial Branch 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.
 - c. Showing discrimination against an organization or individual within their duties.
- B. Any Stout student, faculty or staff member of the University or member of the public may file a complaint against a member of the Judicial Branch with the President of the SSA.
- C. Requests to remove a member of the Judicial Branch shall be sent to the President, Vice President, and Advisor to the SSA, and Advisor of the Judicial Branch.
- D. The requests for removal must include as much of the following information as possible:
 - a. Name of the member 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 member of the Judicial Branch 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 of the SSA shall then be responsible for filling the opening within reasonable time to allow for a speedy judicial process.

Article 11. Amendments

- A. Amendments may be proposed by any individual to either the Chair of the COCO or the Chief Justice. The Chair of the COCO and the Chief Justice shall then formalize the proposed amendment together and bring it to their respective bodies for approval.
- B. All amendments must be approved by a 2/3 majority of both the COCO and the University Court respectively.
- C. If either the COCO or the University Court reject the amendment or propose changes, a joint meeting of the two bodies may be called by either the Chair of the COCO or the Chief Justice.