

Student Judiciary Bylaws

Purpose of The Student Judiciary

The purpose of the Student Judiciary shall always be to serve the best interests of the collective entity of Alpena Community College by adjudicating promptly and equitably on all matters brought before it. The unity and all matters presented to the Judiciary shall be acted upon with expedience and equity. Whether acting upon the case of an individual or a group, the court shall always determine a course of action consistent with the healthy operation of the entire College body and consideration shall be given the harmonious integration of that individual or group into the collective College body. The Student Judiciary is organized to provide a means for students to express themselves so as to ensure appropriate due process, therefore providing a better environment for the entire Alpena Community College community.

DUE PROCESS at Alpena Community College means that a student is assured that his/her rights as a citizen and student will be protected. Further, and specifically, a student has the right:

1. to be present at the hearing if desired;
2. to have a chosen advisor or counselor appear with the student for advice during, before, and after the hearing;
3. to hear or examine evidence presented to the Board and to present evidence by witnesses or affidavit of any defense the student desires;
4. to be informed in writing of the charge and subsequently of the findings of the Student Judiciary and any disciplinary action it recommends;
5. to appeal the decision of the Student Judiciary as herein provided for;
6. to waive the right of a formal hearing before the Student Judiciary and to have the case heard by the Dean of Student Affairs.

Article I

SECTION I: The organization shall be called "The Student Judiciary."

SECTION II: The members of the Student Judiciary shall be appointed by the Student Government, the Faculty Council, and Administration of Alpena Community College. Five (5) students shall be appointed by the Student Government, three (3) faculty members shall be appointed by the Faculty Council, and one (1) nonteaching staff member shall be appointed by Administration. All members of the Student Judiciary shall be appointed as soon as the Student Judiciary is adopted by the Student Government. An alternate may be appointed by each group (student, faculty, and administration) and will serve as a full-voting member when necessary to complete a quorum.

SECTION III: All members of the Student Judiciary shall serve for a term of one year.

SECTION IV: A member of the Student Judiciary may be removed by a majority vote of the Student Judiciary if the requirements of office have not been lived up to. An appeal may be made on this decision directly to the appropriate appointing body as defined in Article I, Section II. This appeal must be in writing within 72 hours of receiving written notification from the Student Judiciary.

SECTION V: If a vacancy should occur on the Student Judiciary, a new member shall be selected by the group (Student Government, Faculty Council, or Administration) represented.

Article II

SECTION I: The Student Judiciary shall consist of nine (9) members with one (1) acting as a voting chairperson with full participatory status.

SECTION II: The chairperson shall be appointed by the panel and shall perform duties usually associated with this office; i.e., be responsible for the orderly and efficient conduct of business and shall serve as primary spokesperson for the collective decisions of the Judiciary.

SECTION III: The chairperson shall have the interests of the student body in mind at all times. The chairperson must maintain a good record of attendance and citizenship in office. The chairperson shall, while in office, retain these requirements.

SECTION IV: Until such time as a chairperson is selected, the administrator (nonteaching staff member) may assume the position of chairperson.

SECTION V: The Student Judiciary shall have a vice-chairperson who shall be an active member of the Student Judiciary. In the absence of the chairperson, the vice-chairperson shall assume duties as stated in Article II, Section III.

SECTION VI: The vice-chairperson shall be appointed under the same conditions as the chairperson.

SECTION VII: The vice-chairperson shall assume office if a vacancy occurs in the office of chairperson.

Article III

SECTION I: The Student Judiciary shall appoint a secretary whose duties shall be to be present at all meetings and to record, in the strictest confidence, all cases presented before the Student Judiciary. These cases shall be filed in the Student Services Office. In case of absence, a member of the Judiciary shall be delegated secretarial duties for that session.

SECTION II: The secretary shall work with the Student Services Office in scheduling cases to be presented to the Student Judiciary.

SECTION III: If not a member of the Student Judiciary, as defined in Article I, the secretary does not have deliberative status as mentioned in Article VII, Section II, or voting power.

Article IV

SECTION I: The Student Judiciary shall have the power as delegated by Alpena Community College to adjudicate on all matters in which violations of the rules and regulations of Alpena Community College occur.

SECTION II: The Executive Dean shall have jurisdiction over all appeals.

SECTION III: The Student Judiciary shall have jurisdiction during the regular school year (first and second semester) excluding registration period, exam period, orientation, and summer school.

Article V

SECTION I: All appeals must be based on one of the following conditions:

1. Introduction of new evidence.
2. Inappropriate due process.
3. The decision handed down is without (not consistent with) precedence.

SECTION II: The student may appeal the ruling of the Student Judiciary or disciplinary actions concerning the student. The institution may appeal any action of the Student Judiciary (refer to addendum item 7a and b).

SECTION III: The appeal must be initiated by the student or the institution through the Student Services Office and must be initiated in writing (stating the grounds for appeal) within 72 hours of the previous decision.

SECTION IV: The route of Appeal in Judicial Procedure is as follows:

1. Appeals from the Student Judiciary Board must be made through the Student Services Office to the Executive Dean.
2. Appeals from the designated administrator must be made through the Student Services Office to the Office of the President.
3. Final appeal, on Dismissals only, from the Office of the President to the Alpena Community College Board of Trustees.

Article VI

SECTION I: The student may choose to have the case heard in an informal hearing conducted by the Dean of Student Affairs. The Dean of Student Affairs will determine the guilt or innocence of the student and if guilty, will determine the punishment.

SECTION II: The appeal process will follow the route of any decision made by the Student Judiciary (See Article V, Section IV).

Article VII

SECTION I: A quorum for carrying on business shall consist of the chairperson or vice-chairperson and two (2) students, two (2) faculty members or one (1) faculty member and one (1) nonteaching staff member.

Article VIII

SECTION I: Regular meeting dates shall be determined by the Student Judiciary during the first meeting in the fall.

SECTION II: The deliberation of all cases shall be restricted to members of the Student Judiciary except in cases where the Judiciary shall so choose that valuable insight may be obtained and the cause of justice be better served.

Article IX

SECTION I: The Student Judiciary shall be conducted according to Robert's Rules of Order and the Decision-Making Process (as found in Addendum item I.1).

Article X

SECTION I: The Bylaws and Procedures (and addendum) of the Student Judiciary and any amendments to be made therein in the future, shall be presented for discussion before the Executive Committee of the Faculty Council, the Student Senate, and the Administration. The final form of this document and any amendment in the future shall be agreed upon by all parties (Student Senate, Faculty Council, and Administration).

Addendum to Bylaws & Procedures of the Student Judiciary

The following rules of procedure shall be followed in any disciplinary proceedings and subject to the inherent right of the Board of Trustees and the delegated right of the President of the College to exercise supervision over all or any disciplinary matters of the College.

1. *Dean of Student Affairs:* The Dean of Student Affairs is designated the primary officer for administration of discipline for unacceptable conduct or infraction of college rules and regulations and will initiate disciplinary action in accordance with these regulations.

2. *Preliminary Procedures*: The Dean of Student Affairs shall advise, consult, and discuss with any student whose conduct is called to question and shall make the student aware of his/her rights. The Dean shall also allow the student the opportunity to present a personal version of the incident or occurrence before initiating judicial procedures. Students shall attend such consultations as requested by the Dean of Student Affairs. Students shall have the right to have their case heard by the Dean of Student Affairs.
3. *Formal Disposition*: The student shall have the rights of notice, hearing, and formal procedures.
4. *Temporary Suspension*: The Dean of Student Affairs may at any time temporarily suspend a student from the college pending formal procedures when it is found and believed that the presence of a student on campus, because of allegations or facts coming to the Dean's attention, would seriously disrupt the College or constitute a danger to the health, safety, or welfare of the College.
5. *Formal Procedures and Dispositions*:
 - A. *General Statement of Procedures*: A student charged with unacceptable conduct or breach of College rules or regulations is entitled to a written notice and a fair hearing. The procedures set forth below shall be interpreted and administered to accomplish this objective and provide for prompt consideration and disposition of student conduct cases. Disciplinary proceedings are not to be construed as adversary proceedings or judicial trials, but care shall be taken to comply as fully as possible with the spirit and intent of the procedural safeguards set forth herein. The legal advisor to the Board of Trustees shall be the legal advisor to the Student Judiciary.
 - B. *Notice*: The Dean of Student Affairs shall initiate disciplinary actions by arranging with the Chairperson to call a meeting of the Student Judiciary Board and by giving written notice, by mail or personal delivery, to the student charged with misconduct. This notice shall set forth the date, time and place of the alleged violation, the charge constituting the alleged violation and the date, time and place of hearing before the Judiciary Board.
 - C. *Student Rights Upon Hearing*: A student appearing before the Student Judiciary pursuant to formal notice of charges and disciplinary hearing shall have the right: (1) to be present at the hearing; (2) to have a chosen advisor or counselor to appear with the student and to consult with such advisor or counselor at any time for the purpose of securing advice and counsel during the hearing; (3) to hear or examine evidence presented to the Board against the student charged; (4) to present evidence by witness or affidavit of any defense the student desires; (5) to be informed in writing of the findings of the Judiciary Board and any disciplinary action it recommends; and (6) to petition for review or appeal as herein provided.
 - D. *Order of Hearing*. Following is the organization of a hearing:
 1. *Conduct of Hearing* - The Chairperson of the Student Judicial Board shall preside at the hearing, call the meeting to order, call the roll of the Judiciary in attendance, ascertain the presence or absence of the student charged with misconduct, read the notice of hearing and charges and verify the receipt of notice to charges by the student, establish the presence of any advisor or counselor of the student, if any, and call to the attention of the student charged and the advisor any special or extraordinary procedures to be employed during the hearing and permit the student to make formal objections to any procedure for the Student Judiciary Board to consider.

2. *Opening Statement* - The Dean of Student Affairs may make opening remarks outlining the general nature of the case. If the Dean cannot be present, the statement may be made in writing.
 3. *Presentation of College Evidence* - Evidence shall be presented in the matter under consideration by witnesses or reports.
 4. *Student's Opening Statement* - The student charged shall have an opportunity to make a statement to the Judiciary about the charge. Such statement may be made following the opening statement of the Dean of Student Affairs or at the conclusion of the presentation of the College's case, at the election of the student.
 5. *Student's Evidence* - The student may then present his evidence through witnesses, in written form, or other memorandum that will assist the Board in reaching a decision in the case.
 6. *Rebuttal Evidence* - The Judiciary may permit the College or the student to clarify their respective positions as jeopardized by adverse testimony, but no debates between opposing factions are to be allowed.
- E. **Determination by Judiciary:** The Student Judiciary Board shall then make its findings and determinations in executive session out of the presence of the student charged and/or the counsel. No discipline shall be assessed against a student by the Judiciary unless a majority of the Board is reasonably convinced by the evidence that the student has committed the violation charged.
- F. **Official Report of Findings and Determination:** The Judiciary shall promptly consider the case and make its findings and determination and transmit them to the Dean of Student Affairs and the student charged forthwith.
- G. **Rights of Student Judiciary Board:** The Student Judiciary Board shall have the right to permit the incorporation in the record by a reference of any document, affidavit or other thing produced and desired to be incorporated in the record by the College or the student charged; to question witnesses or other evidence introduced by either the College or the student at any time; to call additional witnesses or require additional investigation; to dismiss any action at any time; to dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chairperson or the Committee on request; and to summarily suspend students from the College who, during the hearing, obstruct or interfere with the course of the hearing or fail to abide by the ruling of the Chairperson or Committee on any procedural question.
- H. **Other Procedural Questions:** Procedural questions which arise during the hearing not covered by these general rules shall be determined by the Chairperson, whose ruling shall be final unless the Chairperson shall present the questions to the Board at the request of a member of the Board, in which event the ruling of the Board by majority vote shall be final.

- I. General Rules of Decorum: The following general rules of decorum shall be adhered to:
1. The Chairperson may, at any time, incorporate Robert's Rules of Order (latest edition) to aid the speedy expedition of any matter before the Judiciary. A more formal proceeding may also be elected. In either case, the decision must aid the efficient and cohesive operation of the Student Judiciary. The success of the Student Judiciary in fulfilling its purpose must ultimately depend upon its ability to make decisions and reach a consensus of opinion. Following are the five steps of the Decision-Making Process:
 - a. Ascertainment and agreement on facts;
 - b. Determination and agreement on the ethical, legal and/or administrative principle involved;
 - c. Complete and frank consultation;
 - d. Offering alternative resolutions;
 - e. Voting or reaching a consensus.

When the Student Judiciary comes together for consultation, every member present must freely and openly express the views in the most courteous manner, without fear of what others may think. Once a view is expressed, it is the property of the Judiciary. It may be attacked or adopted with no hurt feelings. All views shall be integrated, in effect, to form a unified "group consciousness." This group consciousness must transcend any feelings of attachment to personal ideas or opinions. Members of the Judiciary shall disregard personal likes and dislikes, interests and inclinations, and concentrate their minds upon those measures that will conduce to the welfare and unity of the College body. The members of the Student Judiciary must, then, strive first to act as a united body, and, secondly, must endeavor to express their views with courtesy, dignity, care and moderation in every matter seeking out truth and not insisting upon their own opinion. It is then through the Student Judiciary, as a unified and harmonious body, that justice will be administered.

2. The Chairperson will rule on all requests and points of order and may consult the Board's legal advisor prior to any ruling. The Chairperson's ruling shall be final and all participants shall abide thereby, unless the Chairperson shall present the question to the Board at the request of a member of the Board in which event the ruling of the Board by majority vote shall be final.
3. Rules of common courtesy and decency shall be respected at all times.
4. Advisors and counselors shall not be permitted to address the Board except by permission of the Chairperson, except that advisors or counselors may request clarification of a procedural matter or object on the basis of procedure at any time by addressing the Chairperson after recognition.
5. All persons in attendance at the Board hearing shall come to order on the request of the Chairperson.

6. Record of Hearing: A taped or stenographic record of the hearing shall be maintained. The hearing record shall be maintained and kept until the final disposition of any review or appeal of the action of the Student Judiciary Board. The notice, exhibits, hearing record and the findings and determination of the Board shall become the "Record" of the case and shall be filed in the office of the Dean of Student Affairs and be accessible at reasonable times and places to both the College and student.
7. Right to Appeal:
 - a. The student may appeal the decision of the Student Judiciary (in cases of disciplinary action). The appeal must be initiated by the student through the Student Services Office and must be initiated in writing (stating grounds for appeal) within 72 hours of notification of the previous decision. All appeal routes are stated in the Bylaws and Procedures of the Student Judiciary.
 - b. The institution may appeal any decision of the Alpena Community College Student Judiciary in like manner. Appeal by the institution shall be relegated to the next appropriate body on the appeal route.
8. Status During Appeal: In cases of suspension, dismissal or expulsion where a notice of appeal is filed within the required time, a student may petition authority (Student Services) in writing for permission to attend classes pending final determination of the appeal. The appellate authority may permit, upon such conditions as it may impose, a student to continue in school pending completion of appellate procedures provided such continuance will not seriously disrupt the College or constitute a danger to the health, safety or welfare of the College community. In such event, however, any final disciplinary action imposed shall be effective from the date of the action of the Student Judiciary Board.