

STUDENT BAR ASSOCIATION

JUDICIAL BOARD Complaint Procedures

Last Amended: 2/2/2018

Per SBA Bylaws Chapter VIII, Section 8, the Judicial Board shall have jurisdiction over any complaint raised concerning a Specific Officer, the SBA Council, and Student Organizations

SECTION 1. Filing a Complaint

- A. The Complainant must have standing required to bring a complaint. A Complainant has standing to bring a complaint when he or she is a member of the student body.
- B. The complaint must be submitted to the Chair of Judicial Board. If a complaint is submitted to an SBA Officer, that Officer must forward the complaint to the Judicial Board immediately.

SECTION 2. What to Include in the Complaint

The complaint must include:

- A. A description of the event that resulted in the alleged violation,
- B. The name of the alleged SBA Officer or Student Organization in violation,
- C. The SBA clause allegedly violated, and
- D. Evidence of the violation.

SECTION 3. Investigation of Complaint

The Judicial Board will

- A. Convene within one week from the day the complaint was received by the Judicial Board, when school is in session, to discuss the gravity of the complaint and the amount of time needed for investigation,
- B. Notify the Complainant the amount of time needed for investigation within one week from the day the complaint was received by the Judicial Board,
- C. Gather information relating to the complaint, without disclosing the identity of the Complainant except where the Complainant consents to the disclosure,
- D. Notify the Complainee of his or her right to submit a response to the alleged violations within one week, and
- E. Reach a decision no longer than two weeks, when school is in session, after investigation.
 - 1) A sample timeline has been provided below.

SECTION 4. Decision

- A. The Judicial Board will use a clear and convincing evidence standard in its determinations.
- B. Official Judicial Board decisions will be made by a majority vote.
 - 1) All members of the Judicial Board will remain neutral to the issue or the persons involved

- 2) All members of the Judicial Board must vote
- C. The Judicial Board will maintain a record of all complaints submitted and decisions announced.

SECTION 5. Announcement

- A. The Judicial Board will announce its decision by notifying the Complainant, the Complainee, and SBA within 48 hours of its decision.
- B. The Judicial Board will orally announce its decision at the nearest SBA meeting.

SECTION 6. Sample Timeline:

- A. January 1: Complaint received
- B. January 3: Inform the Complainee about the alleged violation and allowing him to submit a response within one week
- C. January 8: respond to the Complainant that 10 days are needed for investigation
- D. January 10: Receive a response from the Complainee
- E. January 18: Finish investigation
- F. February 2 (two weeks after January 18) at the latest: Decision must be reached
- G. February 4: Send out decision to the complainant, the Complainee, and the SBA Council
- H. If a decision is reached on January 20, the decision will be sent out by January 22.

SECTION 7. Remedy

- A. Judicial Board shall have the power to decide a remedy, based on the seriousness of the violation, including but not limited to (1) order the officer of the student organization to step down from his/her position; (2) order suspension of SBA funding to Student Organization, which shall not exceed one semester; or (3) revoking the recognition of the student organization.
 - 1) Serious violations, such as those that impact not just the Complainant but the general student body, shall receive the consequences of the next higher level of remedy than that which the violation would have merited had it not impacted the general student body.
 - i. Whether a serious violation impacts the general student body will be determined by a majority vote of the Judicial Board.
 - 2) Violations are recorded and accumulated in a three-year period
 - i. For example, a second violation occurring within the three years of the first will merit a higher-level remedy. A second violation occurring three years after the first violation will be treated as a first violation.
- B. Sample remedy standard (subject to the discretion of the Judicial Board):
 - 1) Individual conduct: The Complainee shall step down from his/her position and provide an apology to the Complainant
 - 2) Organizational Conduct:
 - i. First violation: The organization's SBA sponsorship shall be suspended for one month, and the organization shall provide an apology to the Complainant.

- ii. Second violation: The organization's SBA sponsorship shall be suspended for one semester, and the organization shall provide an apology to the Complainant and/or the general student body.
- iii. Third violation: SBA recognition of the organization shall be revoked, and the organization shall provide an apology to the Complainant and/or the general student body.