

VIII. Student Government



SGA President's Message

To all my fellow students,

It is both an honor and a privilege as President of the Student Government Association (SGA) for me to welcome you to the University of North Carolina at Pembroke.



At the heart of every university is its purpose to provide quality education to fulfill the needs of future generations of professionals. Our university is not just a place of education, it is a community. How we act as students not only reflects us as individuals, but as a part of the greater whole. Represent our university proud! Show your school colors and know that you are part of a rich tradition of academic excellence. Make life long friends and take your college experience to another level by joining one of our many student organizations on campus. This includes academic clubs to intramural teams to Greek life. Everyday at UNCP you will have the opportunity to get involved in campus activities from these various organizations. You can find out more about them from the Office of Student Involvement and Leadership.

I am grateful to inform you that as a student of UNCP you are automatically a member of SGA. We exist to champion the issues and concerns of the student body. If you are ever in need of a forum to advocate on behalf of your rights or welfare as a student, do not hesitate to contact SGA. I also invite each and every person to become active in student government. We have many leadership opportunities to those willing to take the extra step. Our doors are located in Room 225 of the James B. Chavis University Center.

This is your university, this is your student government, and this is your chance to forge a meaningful experience that will be treasured for life. I look forward to facing the challenges and opportunities of the coming year together. Let's make this one for the record books.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian McCormick".

Brian McCormick
President, Student Government Association

Brian McCormick, SGA President
Kimberly Nguyen, Vice President

General Information

The purpose of the Student Government Association (SGA) is to represent and safeguard interests of the students. It is basically a political organization providing students with an avenue for action in matters pertaining to student rights and welfare. Although discipline is the legal responsibility of the administration, the principle of student government is fully supported by the administration and faculty.

All students attending The University of North Carolina at Pembroke automatically become members of the Student Government Association. Student Government functions through its elected representatives and is subject to the general administrative authority of its sponsor, the Vice Chancellor for Student Affairs. Every full-time student who has at least a 2.5 cumulative average (on the 4.0 system) has the privilege of seeking positions of leadership in the organization by either appointment or election. The Student Government Association is elected by the student body each spring according to the Constitution and By-Laws of the organization.

The SGA is composed of three branches: Executive, Legislative, and Judicial. The Executive Branch consists of the President, Vice President, and the Cabinet. The Legislative Branch is composed of the Student Senate. There shall be a minimum of 7 senators per class. The Judicial branch of the SGA provides a system of due process through which students accused of offenses committed on campus (not necessarily within the jurisdiction of the courts) may be referred by the appropriate accuser to the appropriate adjudicatory board. All adjudicatory power is vested in a system of Hearing Boards with the By-Laws of the University as established by the Board of Trustees. The different boards are: the Campus Judicial Board, the Campus Appeal Board, and the Traffic Appeals Board.

Constitution of The University of North Carolina at Pembroke Student Government Association

VOLUME I.

We, the members of the Student Body of The University of North Carolina at Pembroke, desiring to preserve within the University an atmosphere of free discussion, inquiry and self-expression, to ensure the personal freedom and general welfare of the Student Body, and to continue in our traditions of responsible self-governance, do hereby establish this Constitution of The University of North Carolina at Pembroke Student Government Association.

ARTICLE I – NAME, MISSION, PURPOSE, AND MEMBERSHIP

SECTION ONE - NAME

The name of this association is The University of North Carolina at Pembroke Student Government Association (SGA), hereafter referred to as “Student Government.”

SECTION TWO – MISSION

The Student Government exists to champion the concerns of the Student Body and to ensure that the rights of the students are upheld. The Student Government is also tasked to ensure affordable and accessible quality education for its Student Body.

SECTION THREE – PURPOSE

- 3.1. Recognized by administration, faculty, and staff of the University, the purpose of the Student Government shall be to:
 - A. Represent the students of the University before the University Administration and the University Board of Trustees; and,
 - B. Promote each student’s right as outlined in the Student Handbook and promote the issues deemed beneficial to the students; and,
 - C. Address and act on collective interests of students enrolled in The University

- of North Carolina at Pembroke; and,
- D. Involve students in the political process by educating students on the issues affecting them and the University.

SECTION FOUR – MEMBERSHIP

- 4.1. There shall be two types of members of the Student Government:
- A. Constituent members of the Student Government;
 - B. Officers of the Student Government.
- 4.2. Every student enrolled in The University of North Carolina at Pembroke who has paid into the fees supporting the Student Government is considered a member of the Student Body. Every member of the Student Body is considered a Constituent member of the Student Government for the current semester in which he or she is enrolled. Membership to the Student Government is not restricted to only the undergraduate students of the University. Members of the Student Body are allowed to vote in the Student Government Elections.
- 4.3. Officers of the Student Government is defined as members of the Student Senate, members of the Staff, and the Executive Officers.
- 4.3.1. Executive Officers are as follows:
- A. The Student Body President;
 - B. The Student Body Vice President.
- 4.3.2. Members of the Student Senate are as follows:
- A. All elected Senators of the Student Government;
 - B. The Student Body Vice President shall be an ex-officio non-voting member serving in the capacity as the Student Senate President;
 - C. The Members of the Staff shall be ex-officio non-voting members of the Student Senate.
- 4.3.3. Members of the Staff are as follows:
- A. The Chief of Staff;
 - B. The Student Body Treasurer;
 - C. The Student Body Secretary;
 - D. The Public Relations Officer;
 - E. Any position created by the Student Body President as he/she sees fit, with two thirds (2/3) approval of the Student Senate.

ARTICLE II - EXECUTIVE

SECTION ONE – AUTHORITY

The executive power of the Student Government shall be vested in the Student Body President.

SECTION TWO – DUTIES OF THE EXECUTIVE OFFICERS

The Executive Officers shall take office at the end of the Spring Commencement and leave office at the end of the following academic year's Spring Commencement. During the term of the Executive Officers, they shall:

- A. Advise the Student Senate on any matters of student policy or on any student programs and services;
- B. Provide coordination and communication with the Student Senate;
- C. Oversee any Student Government initiatives;
- D. Meet at least once every week with the Student Government Staff and Committee Heads, inclusive of the Student Government advisor;

- E. Communicate with the Vice Chancellor for Student Affairs at least once every two weeks.

SECTION THREE– ELECTIONS

The Student Government Executive Officers shall be elected for a one-year term by a majority of those voting in the Student Body Elections. The Executive Officers shall be chosen from the Student Body at large. Requirements for Student Government Executive Offices shall be listed in the Electoral Code.

EXECUTIVE OFFICERS

SECTION FOUR– STUDENT BODY PRESIDENT

The Student Body President shall:

- A. Serve as the student representative on the Board of Trustees, in ex-officio;
- B. Appoint students in University Committees, as listed in the Student Government Statutes;
- C. Be responsible for establishing a job description and/or set of job responsibilities for Executive Officers;
- D. Be responsible for seeing that Executive Officers receive proper training in their duties;
- E. Hire members of the Staff within sixty (60) calendar days of proclamation as Student Body President-elect;
- F. Appoint officers necessary for the operation of the Student Government during the Summer sessions;
- G. Have the power to veto any Student Senate act within ten (10) days of approval from the Student Senate President;
- H. Have the power to call special elections, when deemed necessary, with approval of two thirds of the Student Senate;
- I. Have the power to create new Student Government Staff positions, as he/she sees fit, with approval of two thirds of the Student Senate, to be added onto the Student Government Statutes;
- J. Serve as an ex-officio delegate of the Student Government to The University of North Carolina Association of Student Governments, and be responsible for appointing other delegates in accordance to the Student Government Statutes;
- K. Appoint students to fill vacated elective offices, unless otherwise specified in the student Body Constitution or Student Body Statutes subject to the approval of two-thirds of the Student Senate.

SECTION FIVE – STUDENT BODY VICE PRESIDENT

The Student Body Vice President shall:

- A. Serve as the Student Senate President;
- B. Serve as presiding officer of all Student Senate meetings;
- C. Call all meetings of the Student Senate;
- D. Forward all legislation within three (3) days of its passing to the Student Body President;
- E. Assist the Student Body President in the performance of his or her duties;
- F. Succeed to the Student Body Presidency in the event of vacating that office;
- G. Exercise the powers of the Student Body President if he or she is prevented from exercising his or her powers;
- H. Be responsible for appointing a Speaker Pro Tempore and Parliamentarian from among the current Student Senate officers, with approval of two-thirds of the Student Senate;
- I. Appoint the Student Senate Committee Chairs;
- J. Have the power to call special meetings of the Student Senate, with a three (3) day notice prior to the date of the special meeting.

SECTION SIX – LINES OF SUCCESSION

- 6.1.** If the Student Body President position is vacated for any reason, the Senate President shall assume the office of Student Body President.
- 6.2.** If the Senate President position is vacated for any reason, the Speaker Pro Tempore shall assume the office of Senate President.
- 6.2.1.** If the Speaker Pro Tempore position is vacant when the Senate President position is vacated, the Student Body President has the authority to appoint a current Senator to be Senate President with approval of two-thirds of the Student Senate.
- 6.2.2.** If in the event of a write-in victory for an individual running for Student Body President and results in a vacancy in the Senate President position, the Student Body President-elect may appoint an interim Senate President from the Senator-elect pool, to be approved by the Student Senate in the following session.

ARTICLE III - LEGISLATIVE**SECTION ONE – THE STUDENT SENATE**

The supreme legislative authority of the Student Government shall be vested in the Student Senate.

SECTION TWO – SESSIONS OF THE STUDENT SENATE

Each regular session of the Student Senate begins on the week prior to the beginning of the Fall semester and shall end on the week prior to the final exams for the Spring semester.

SECTION THREE – COMPOSITION OF THE STUDENT SENATE

The Student Senate will be composed of student senators elected in processes outlined in the Electoral Code.

- 3.1.** There will be a minimum of seven senators per year level.
- 3.2. Special Officers of the Student Senate**
The Special Officers of the Student Senate shall be:
- A. The Student Senate President;
 - B. The Speaker Pro Tempore;
 - C. The Student Senate Secretary;
 - D. The Parliamentarian.
- 3.2.1.** The Student Government Vice President will serve as ex-officio Senate President.
- 3.2.1.1.** The Senate President will not be given voting privileges in the Student Senate.
- 3.2.2.** An incumbent Senator shall be appointed by the Senate President to serve as Speaker Pro Tempore with approval of two-thirds of the Student Senate.
- 3.2.2.1.** In the event of the President of the Senate's absence, the Speaker Pro Tempore shall serve as Senate President.
- 3.2.2.2.** The Speaker Pro Tempore will not be given voting privileges in the Student Senate when acting as Senate President.

- 3.2.3.** The Student Government Secretary will serve as ex-officio Student Senate Secretary.
- 3.2.3.1.** The Student Senate Secretary will not be given voting privileges in the Student Senate.
- 3.2.4.** An incumbent Senator shall be appointed by the Senate President to serve as Assistant Secretary of the Student Senate, working directly under the Student Senate Secretary.
- 3.2.4.1.** In the event of the Student Senate Secretary's absence, the Assistant Secretary of the Student Senate will serve as Student Senate Secretary.
- 3.2.5.** An incumbent Senator shall be appointed by the Senate President to serve as the Parliamentarian of the Student Senate.
- 3.2.5.1.** The Parliamentarian shall be the reference and adviser for all parliamentary questions of the Student Senate.
- 3.2.5.2.** In the event that no incumbent Senator is willing or able to serve as the Parliamentarian, the Student Government Advisor shall serve as the Parliamentarian in the interim.
- 3.2.6.** Appointed Special Officers of the Student Senate must be elected within the first two weeks of the beginning of the Student Senate Session, with the exception of the Senate President.
- 3.3. Duties of the Student Senate**
The Student Government Senate shall:
- A. Accredit its own membership;
 - B. Establish its own meeting time;
 - C. Establish its own rules of procedure, which shall be included in the Student Body Statutes;
 - D. Enact all legislation necessary to promote the general welfare of the Student Body;
 - E. Approve an annual Student Government budget;
 - F. Provide for the compilation and publication of any Student Government document to inform the Student Body;
 - G. Govern and oversee the Student Body General Elections;
 - H. Have the power to review any Student Government elections and decide its validity within ten (10) days;
 - I. Allocate funds to its constituents and programs;
 - J. Have the power to override any Presidential veto with a three-fourths approval from the Student Senate;
 - K. Confirm or reject any appointments by the Student Body President and/or the Student Senate President with a two-thirds vote;
 - L. Try all impeachments and suspensions by a three-fourths majority vote any elected or appointed official of the Student Government for malfeasance;
 - M. Not enact any law abridging its powers designated by this Constitution;
 - N. Not deny floor privileges to elected officers of the Student Government, University Faculty members, or University Administrative officers.

ARTICLE IV – STUDENT GOVERNMENT STAFF

SECTION ONE – PURPOSE

The Student Government Staff shall be appointed for the assistance to the Student Body

President and execution of duties not applicable to the Executive Officers or the Student Senate.

SECTION TWO – APPOINTMENT

Members of the Student Government Staff shall be appointed by the Student Body President and approved by two-thirds of the Student Senate.

SECTION THREE – COMPOSITION

The membership of the Student Government Staff shall be found in the Student Government Statutes.

SECTION FOUR – ACCOUNTABILITY

The Student Body President shall have the authority to remove any member of the Student Government Staff from office as he or she sees fit.

ARTICLE V – GOVERNANCE

SECTION ONE – ILLEGAL ACTS PROHIBITION

The Student Government and all its constituents shall abide by the Constitution and Laws of the United States of America, the Constitution and Laws of the state of North Carolina not inconsistent therewith.

SECTION TWO – OPEN MEETINGS

The Student Government and all its constituents shall follow the Open Meetings Law of North Carolina, N.C. General Statutes Chapter 143, Article 33C.

SECTION THREE – OPEN RECORDS

The Student Government and all its constituents shall follow the Public Records Law of North Carolina, N.C. General Statutes Chapter 132.

SECTION FOUR – RULES OF ORDER

Except as otherwise stated in the Student Government Statutes, the Student Government shall follow the latest edition of Robert’s Rules of Order, Newly Revised as their parliamentary authority.

SECTION FIVE – ELECTIONS

The Student Government and all its constituents shall follow the Student Government Electoral Code for the Student Body General Elections.

SECTION SIX – MEETINGS

- 6.1. Regular meetings of the Student Senate are to be held once a week, at the time established by the Student Senate.
- 6.2. Special Meetings may be called by the Student Senate President at any time, with restrictions of a three (3) day notification.
- 6.3. Quorum shall be defined as three-fifths (3/5) of the current Senator membership. No business may be conducted without a quorum.
- 6.4. Meetings may not be rescheduled or cancelled to accommodate Student Government sponsored activities.

ARTICLE VI – STATUTES

The Statutes of the Student Government shall be the by-laws of this Constitution and shall require passage by approval of two-thirds of the Student Senate.

ARTICLE VII –AMENDMENTS

SECTION ONE – PROCESS

All amendments to this Constitution shall require a two-thirds vote in approval of those students voting in the referendum following either:

- A. A two-thirds majority vote from the Student Senate or,
- B. A petition signed by thirty percent of all members of the Student Government Association.

- I.1. A bill must be presented to the Student Senate two (2) weeks prior to a vote on the considered amendment.
- I.2. The Government Operations Committee shall appoint officers with the responsibility of reviewing the Student Government Constitution every two (2) years for amendment.
 - I.2.1. This does not restrict amendments and review of the Student Government Constitution to the required two (2) years.

SECTION TWO – PUBLICATION

The Student Government must provide a copy of the amendment to the Pine Needle at least one week prior to the election of the amendment.

VOLUME II. The Student Government Statutes

Purpose and Scope

The Student Government Statutes are the By-Laws of the Student Government Constitution. Each item of the Student Government statutes requires passage by a two-thirds majority of the Student Senate. The Statutes supersede any conflicting customs and documents existing prior to the adoption of the Student Government Constitution. The Statutes expand upon provisions of the Constitution, and detail procedures for implementing Constitutional provisions.

Chapter One: EXECUTIVE PROCESS

Section A. Appointments

- I. The Student Senate President shall have the power to make appointments for the successful operation of the Student Senate.

Chapter Two: LEGISLATIVE PROCESS

Section A. Apportionment

See Article III, Section I.

Section B. Officers and Committee Chairmen

The Student Senate President shall appoint a Vice President, Secretary, Vice Secretary, Parliamentarian, and Vice Parliamentarian from among the Senate membership by the first senate meeting of the year, to be approved by a two-thirds vote of the senate either before, but no later than the second senate meeting of the year. They shall have full voting privileges and be responsible for fulfilling the outlined duties of his/her position.

- I. The Vice President Shall:
 - a. Preside over meetings of the Senate in the President's absence or when the President steps down from the chair;
 - b. Represent the Senate in an official capacity when the President is unable to do so;

- c. Fulfill all other duties as outlined elsewhere in the Student Government Documents.
2. The Secretary Shall:
 - a. Maintain all minutes and attendance records of the Senate;
 - b. Distribute all bills to the Senate and prepare a final copy of legislation considered;
 - c. Fulfill all other duties as outlined elsewhere in the Student Government documents.
3. The Vice Secretary Shall:
 - a. Assume the responsibilities of the Secretary during his/her absence.
4. The Parliamentarian Shall:
 - a. Insure that the Senate follows procedures outlined in the Student Government documents and adheres to Robert's Rules of Order.
5. The Vice Parliamentarian Shall:
 - a. Assume the responsibilities of the Parliamentarian during his/her absence.
6. The Committee Chairman Shall:
 - a. Be appointed by the Senate President;
 - b. Serve for the duration of the academic year and have full voting privileges;
 - c. Be responsible for: coordinating committee meetings, ensuring that minutes are taken of meeting discussions, and addressing issues of importance as requested by the Senate President.

Other positions necessary for the operation of the Student Senate shall be appointed by the Student Senate President with the approval of the Student Senate.

Section C. Student Senate Operating Rules

1. Order of Business

Business shall be handled in the following order:

- a. Opening Ceremony
- b. Roll Call
- c. Reading of Minutes
- d. Presentations
- e. Open Floor
- d. Committee Reports
- e. Unfinished Business
- f. New Business
- g. Announcements
- h. Roll Call
- i. Adjournment

2. Quorum

A quorum shall consist of two-thirds of the actual membership of the Student Senate, and no official business shall be conducted without quorum.

3. Absences

Two unexcused absences during one school semester from Committee and/or Senate meetings will qualify a Senator to be brought up for impeachment. An unexcused absence from the Senate shall be one not excused by the presiding officer of the Student Senate. Two tardies will result in one unexcused absence.

Attendance shall be taken at the beginning and the end of every meeting, and if a Senator who is initially present is absent at the end of the meeting, (s)he can be charged with one-half absence if the absence is not excused. The Senator wishing to be excused must submit his/her excuse in writing or in person to the Senate President by the end of the

succeeding meeting of the Senate after his/her absence or one-half absence. Validity of the excuse shall be ruled on by the Student Senate President. Ruling made by the Student Senate President may be appealed to the Student Senate.

Section D. Impeachment Proceedings:

The following procedures shall be adopted for all cases of impeachment of an elected or appointed student official:

1. Grounds for impeachment
 - a. Committing a criminal act
 - b. Failure to fulfill or carry out duties
 - c. Misuse of Student Government funds
 - d. Grounds noted elsewhere in these statutes or constitution
2. Procedures for Impeachment:
 - a. Impeachment allegations can be brought forth in petition form by:
 - 1) five (5) Student Senators;
 - 2) five percent (5%) of the Student Body enrollment;
 - 3) one (1) appointed Senator for a voice plus the five (5) Student Senators
 - b. Charges must state explicitly and by example, evidence of malfeasance in office (any findings of a judicial board may be entered as charges against student body officials, if included in the "impeachment allegation" petition);
 - c. Copies of this petition must be filed with the Student Government Office and mailed to the accused at this time. This petition must contain the charges for impeachment.
 - d. For Student Senators:
 - 1) The Student Senate President shall call a committee meeting to ascertain the credibility of the charges.
 - 2) If the charges are judged to be insufficient for senate consideration, the Student Senate President may opt for a censure or reprimand of the Senator, or complete dismissal of the charges. The Student Senate President may, by a two-thirds majority vote, elect to reduce or strike, individual charges, but may not add new charges.
 - e. For the Student Body President, Student Senate President, Student Body Treasurer and appointed student officials:
 - 1) The Student Senate President shall immediately call a meeting of the UNCP Student Senate Committee Chairmen, excluding the Treasurer, but including the Vice Chairman.
 - 2) The meeting shall be called to order by the Student Senate President.
 - a) The accuser(s) shall present their charges and evidence to the committee.
 - b) The accused shall then be allowed time to refute the allegations, and questioning shall follow.
 - 3) If the accused is not present at this meeting, the charges shall be judged sufficient for Senate consideration unless the absence is verifiable, unavoidable, and excused by the Senate President. In this case the charges will be brought forth at the next Senate meeting.
 - 4) If the charges are judged insufficient for impeachment, the committee may opt for a censure or a reprimand of the official; or complete dismissal of the charges. A two-thirds majority vote may elect to reduce, or strike, individual charges, but may not add new charges.
 - 5) If the charges are judged sufficient for Senate consideration, the Government official will be dismissed.
 - 6) An appeal shall follow the same procedures as an impeachment trial.

3. Procedures for Impeachment Trial (Senate Consideration of Charges):
 - a. The trial shall come under Old Business in the Orders of the Day;
 - b. If the charges are against Student Body President, Student Senate President, Student Body Treasurer, or an appointed student official, then the Student Senate Vice President shall conduct the trial;
 - c. The accuser(s) shall state reasons to justify malfeasance and offer evidence;
 - d. The accused shall immediately be allowed to answer the allegations and present evidence in his/her behalf;
 - e. The accusers, then the accused, shall be allowed to debate their final remarks;
 - f. After deliberation, a vote shall take place without further debate;
 - g. Voting shall be by voice vote unless a second vote or roll call vote is preferred by a majority of the body. (If the accused is a member of the Student Senate, his/her vote in his/her absence shall be taken as a negative vote for impeachment.)
 - h. A three-fourths majority vote is necessary for impeachment conviction pursuant to the Student Body Constitution;
 - i. If an impeachment conviction is made, removal from office shall be immediate.
4. Post Impeachment Guidelines.
 - a. An elected or appointed official cannot be impeached on the same or similar charges. (This judgment is subject to a majority vote by the Senate when impeachment proceedings are brought.)
 - b. A person, after being removed from office as a result of impeachment, shall be ineligible to run in future Student Body elections.

Section E. Conduct of Business

1. Except when raising privilege questions, no member of the Senate shall speak until recognized by the presiding officer. The speaker then has the floor.
2. The presiding officer shall state all motions as they are made.
3. At the request of the presiding officer, every major motion or amendment shall be submitted to the secretary in writing.
4. Only one motion may be debated at a time. After that motion has been seconded and approved, the other motion may be brought forth.
5. Following Robert's Rules of Order, there shall be one full round of positive debate and one full round of negative debate, each debate having a time limit of five minutes, followed by a two-minute rebuttal by both sides.
6. After a motion has been made, there shall be a second which shall be made by a Senator recognized by the presiding officer. The Secretary shall be given a copy of each piece of legislation upon introduction.

No final action may be taken on legislation until copies of the legislation are made available to every member of the Student Senate.

The Senator(s) authoring legislation shall submit it to the Student Government Office in a form suitable for making copies for general Student Government distribution. The Student Senate Secretary shall be responsible for having said legislation printed.

Section F. Orientation of Senators

A meeting of new Senators shall be held as soon as possible after all general elections for the purpose of acquainting the new Senators with Student Senate procedure. Attendance at this meeting shall be mandatory for all new senators, unless excused by the Student Senate President, and open to all other interested persons.

Section G. Roll Call Vote

Any Senator serving as a member may call for a roll call vote or a secret ballot vote on any piece of legislation if no objections to a roll call vote or secret ballot vote are voiced. If objections

are voiced, a vote shall be taken to determine the desire of the Senate. A one-third affirmative vote for a roll call or a secret ballot vote will constitute grounds for such a vote.

Chapter Three: STUDENT SENATE AND FACULTY COMMITTEES

Section A. The Student Senate President shall appoint committees to facilitate its work:

1. Student Issues Committee: This committee shall meet with the Vice Chancellor for Student Affairs to discuss student issues that come before the senate.
2. Food Committee: This committee shall meet on matters concerning the food service.
3. Constitution Committee: This committee handles the revision of the Constitution and its By-Laws. This committee meets when questions arise about any legislation.
4. Election Committee: This committee handles all aspects of student elections.
5. Inter-Club Committee: This committee is an open forum for all clubs and organizations to discuss programs and issues that affect them. It may also serve as a clearinghouse for activities sponsored by student organizations.
6. Community Service Committee: This committee designs projects to promote the link between the university and the local communities.

Section B. The Student Senate President shall appoint senate members to participate in faculty subcommittees.

1. Academic Subcommittee on Curriculum:
 - a. The Subcommittee on Curriculum:
Student Senate Secretary
SGA Senator
 - b. The Subcommittee on Admissions and Retention:
Two SGA Senators
 - c. The Subcommittee on Academic Support Services:
One SGA Senator
2. Student Affairs Committee
The Subcommittee on Student Life:
Two representatives from the SGA
3. Meetings: Upon organization by the Senate each committee or subcommittee shall meet, establish and publish a list of its scheduled meetings.
4. Absences from Meetings:
When a member of either a committee or subcommittee cannot be present for a meeting and requests to be excused, such request must be addressed to the chairman of the committee or subcommittee, preferably in writing. Two unexcused absences will result in a committee or subcommittee vote as to the removal of that member.

Chapter Four: THE STUDENT GOVERNMENT DOCUMENT SYSTEM

All Student Government documents shall be kept on file under the supervision of the Student Government Secretary.

Chapter Five: FINANCES

Section A. Budget

1. It shall be the responsibility of the Student Government President to propose annually a tentative budget to the Student Senate. The Senate may make thorough investigations and hold open meetings before making detailed recommendations concerning the amount of and manner in which the Student Government funds are to be expended for Student Government and for other co-curricular activities.

2. The budget may be amended by the Student Senate by a majority vote.
3. The SGA budget shall operate on an academic year that shall begin the first day of the semester. The academic year for a budget shall close at the close of the last business day before the new budget comes into effect.
4. Summer budgets are kept separately from academic budgets.
5. Bills incurred on a budget shall be accepted by the Student Government Treasurer for a period of one month after the budget has been closed.

Section B. Accountability of Funds Received

1. Receipts of all actual expenditures funded by the Student Senate must be submitted to the Student Government Treasurer within one week after all expenditures are made.
2. All encumbrances and actual expenditures of SGA budgetary transactions shall be entered into the SGA Office computer system.
3. It shall be the responsibility of the SGA Treasurer and/or SGA Office to record all transactions on a current and timely basis.

Section C. Student Funding

This is a special program created by SGA to help recognized student organizations receive money for special projects. Each project must be approved by the Student Funding Committee. For more information, organizations should contact the SGA Office.

Chapter Six: THE ELECTORAL CODE

ARTICLE I – ELECTIONS PROCESS

SECTION ONE – COMMISSION ON ELECTIONS

The Commission on Elections will be the official body overseeing the Fall and the Spring semester elections, and shall henceforth be referred to as the “Commission”.

SECTION TWO – VOTING MEMBERS

All members of the Student Government, as defined by the Student Government Association Constitution, are given the right to vote in the Student Government Elections.

SECTION THREE – TIMELINE

- 3.1. The Spring semester elections shall follow the schedule:
 - A. The Commission on Elections shall hold interest meetings three (3) weeks prior to the day of the elections;
 - B. The official Certificate of Candidacy shall be made available by the Commission on Elections three (3) weeks prior to the day of the elections;
 - C. The deadline for filing the Certificate of Candidacy shall be one (1) week prior to the day of the elections;
 - D. The campaign period shall start one (1) week prior to the day of the elections;
 - E. The Spring elections shall be held five (5) weeks prior to the Spring commencement, and shall be held on the Wednesday and Thursday of the decided week.
- 3.2. The Fall semester elections shall follow the schedule:
 - A. The Commission on Elections shall hold interest meetings during the first week of the Fall semester;
 - B. The official Certificate of Candidacy shall be made available by the Commission on Elections during the first week of the Fall semester;
 - C. The deadline for filing the Certificate of Candidacy shall be two (2) weeks prior to the day of the elections;
 - D. The campaign period shall start one (1) week prior to the day of the elections;

- E. The Fall elections shall be held four (4) weeks after the start of the Fall semester, and shall be held on the Wednesday and Thursday of the decided week.

SECTION FOUR – FILING PROCESS

4.1. Responsibilities of the Candidate

A student desiring to become a candidate shall be responsible for complying with the following requirements:

- A. Attending the interest meeting for the semester elections;
- B. Filing the Certificate of Candidacy within the set deadlines, as outlined in Section Three, Timeline, to the Office of Student Involvement and Leadership;
- C. Verify their name on the ballot by 5 PM on the Friday before the week of elections.

4.2. Responsibilities of the Commission

During the elections period, the Commission must:

- A. Announce the dates and locations of interest meetings in a timely manner;
- B. Notify candidates of their approval in relation to their candidacy;
- C. Invalidate any certificates that do not meet the set requirements, or may have provided falsified, misleading, or incomplete information;
- D. Publish the final ballots after 5 PM on the Friday before the week of elections.

ARTICLE II – CANDIDACY REQUIREMENTS

SECTION ONE – STUDENT GOVERNMENT OFFICERS

All officers of the Student Government must:

- A. Be a current member of the Student Government, as defined in the Student Government Association Constitution;
- B. Have a cumulative GPA of 2.5 on a 4.0 scale, prior to filing his/her Certificate of Candidacy.

SECTION TWO – EXECUTIVE BOARD OFFICERS

The President, Vice-President, and Treasurer of the must:

- A. Not hold the office of President, Vice President, or Treasurer in any other student or fraternal-type organization on campus during their term in office;
- B. Have been a Senator of the Student Government for at least one (1) complete academic semester.

SECTION THREE – EXECUTIVE BOARD RESTRICTIONS

Any student interested in running for Student Body President or Student Body Vice President must run on a complete ticket of Student Body President and Student Body Vice President. No applicant shall be allowed to run for Student Body President or Student Body Vice President on an incomplete ticket.

SECTION FOUR – AT-LARGE SENATORS

Members of the Student Body who wish to become an officer of the Student Government after the allotted elections period may apply for membership to the Student Senate as an At-Large Senator. To become an At-Large Senator, students must:

- A. Fill out the At-Large Senator application form completely and submit it to the Student Body Secretary or the Commission on Elections;
- B. Allow to be interviewed by the Commission on Elections when deemed necessary;

- C. Present him/herself to the Student Senate, to be scheduled by the Commission on Elections;
- D. Be elected to the Senate by a three-fourths (3/4) majority of the Student Senate, one week after his/her presentation to the Student Senate.

ARTICLE III – CAMPAIGNS

SECTION ONE – CAMPAIGN PERIOD

The campaign period shall be outlined by the Commission on Elections and will be only one (1) week.

SECTION TWO – CAMPAIGN RESTRICTIONS

During the campaign period, candidates may:

- A. Post flyers and posters only on designated locations, that will be outlined by the Commission on Elections;
- B. Not tear down any flyers or posters put up by other candidates who are running for similar offices;
- C. Not exceed the noise-level, similar to the restriction on car stereos, of 25-feet from the source;
- D. Not give away items worth more than two dollars (\$) each, excluding shirts;
- E. Not post campaign materials obtrusive to University foot traffic;
- F. Not post flyers on painted surfaces;
- G. Be disqualified from the elections if they do not follow the above rules.

ARTICLE IV – BALLOTS AND POLLING

SECTION ONE – ELECTION DAYS

Election days for the Spring and the Fall semesters shall be held in accordance to Article I Section Three, Timeline.

SECTION TWO – BALLOTING

- 2.1. The Commission must publish and announce the final ballot after 5 PM on the Friday before the week of elections.
- 2.2. The order of names on the ballot shall be agreed upon by the Commission. If no order is voted on, the names shall appear in alphabetical order.
- 2.3. Aliases shall be used on the ballot upon request by the candidate. However, legal names shall be used in precedence to aliases unless requested.

SECTION THREE - POLLING

- 3.1. A link to access the ballot shall be emailed to students on the Monday and Tuesday of the elections week.
- 3.2. In addition to the email, the Commission shall send a reminder email through the Office of Student Involvement and Leadership at the moment the polls open.
- 3.3. Physical polling stations shall be opened on the day(s) of elections.
 - 3.3.1. The Commission shall be responsible for establishing locations and times for the physical polling stations.

- 3.3.2. Only members of the Commission shall be allowed to operate the physical polling stations.
- 3.3.3. Candidates must keep 100-feet away from polling stations except for voting purposes.

SECTION FOUR – WRITE-IN VOTES

There shall be one (1) line for each electable office for the purposes of write-in votes.

SECTION FIVE – DETERMINATION OF WINNERS

5.1. Single Seat Winners

For any race in which only one position is available, the winner shall be determined by a simple majority (greater than 50%).

- 5.1.1. In the event that no candidate receives the majority vote, a run-off election shall be held.

- 5.1.1.1. The top two (2) candidates will be in the run-off. If there is a tie for the second seat, all three candidates will be in the run-off.

5.2. Multiple Seat Winners

For any race in which multiple seats available, the top candidates will receive a seat until all the seats are filled.

- 5.2.1. There will only be a run-off election if there is a tie for the last seat.

5.3. Write-in Winners

In order to be elected by write-in, the student must meet all qualifications for the office in question.

SECTION SIX – RUN-OFF ELECTIONS

Run-off elections shall be conducted under the same regulations as the preceding elections.

VOLUME III. The Adjudicatory Boards (The University Hearing and Appeal System)

SECTION ONE - ADJUDICATORY POWERS

All adjudicatory power of the Student Body shall be vested in a system of hearing boards with recognition that ultimate responsibility must conform to the By-Laws of the University as established by the Board of Trustees.

SECTION TWO - “THE HONOR CODE,” OFFENSES AGAINST THE STUDENT BODY,” “UNIVERSITY CODE OF CONDUCT”

Every student shall be bound by the Honor Code, the laws of the Student Body enacted in accordance with this Constitution, and the University Code of Conduct. The Honor Code shall prohibit academic dishonesty. Offenses against the Student Body are stealing, passing bad checks (Student Check Cashing Service), and such other offenses as may be defined by the Student Senate law. The University Code of Conduct is found in the *Student Handbook*.

SECTION THREE - INITIATION OF DISCIPLINARY PROCEEDINGS

The University of North Carolina at Pembroke is an educational institution. At educational institutions, judicial proceedings do not follow the same procedure used in courtrooms. The University does not employ lawyers to “prosecute” students, nor does it permit lawyers to

represent students at university judicial hearings. The University shall have the burden of proof of guilt by a preponderance of evidence. Burden of proof of guilt by a preponderance of evidence shall be interpreted as a person being held responsible based upon evidence (that evidence which is more likely than not) presented from which any reasonable person would conclude that a violation of the Code of Conduct had occurred. The purpose of the student discipline process is to maintain a healthy community where shared values, expectations, and behavioral standards set by the campus community are enforced. Students share in the responsibility for maintaining an environment in which the rights of each member of the university community are respected. The goal of the university discipline process is to provide all students with a fair and just system of adjudication.

Under the direction of the Chancellor, the Vice Chancellor for Student Affairs has primary responsibility and authority for the administration of student discipline. Further delegation of this authority may be made by the Vice Chancellor for Student Affairs to the Director of Student Conduct and/or other disciplinary bodies such as the Campus Judicial Board (CJB) and the Committee on Extraordinary Disciplinary Emergencies.

3.1 Filing Complaints

- 3.1.1** Any academic or administrative official, faculty or staff member, or student may file a written complaint with the office of the Director of Student Conduct against any student for misconduct.
- 3.1.2** While action on a complaint of violating a university regulation is pending, the status of the student shall not be altered, except for reasons outlined in Volume III, Section 5.4 (Summary Suspension).

3.2 Presumption of Innocence

Any student charged with an infraction of the Code of Conduct shall be presumed innocent until proven responsible by a preponderance of evidence.

3.3 Preliminary Investigation

When the Director of Student Conduct receives information that a student has allegedly violated university regulations or local, state, or federal law, the Director of Student Conduct or designee shall investigate the alleged violation. After completing a preliminary investigation, the Director of Student Conduct or designee may:

- 3.3.1** Find no basis for the complaint and dismiss the allegation as unfounded, or
- 3.3.2** Summon the student for a pre-hearing and then either dismiss the allegation, or provide student with choice of administrative or CJB hearing
- 3.3.3** Proceed administratively by informing the student of the following options for resolution of the disciplinary charges:
 - 3.3.3.1** Plead not responsible to the charge(s) and request an administrative hearing before the Director of Student Conduct or designee where determination of responsibility will be made. The Director of Student Conduct or designee may elect not to hear the case. The case would then be heard by the Campus Judicial Board (CJB). If the student is held responsible by the administrative hearing officer, an appropriate sanction will be determined.
 - 3.3.3.2** Plead not responsible to the charge(s) and have a hearing before the CJB where a determination of responsibility will be made. If the student is held responsible by the CJB, an appropriate sanction will be determined.
 - 3.3.3.3** Plead responsible to the charge(s) and request an administrative hearing before the Director of Student Conduct or designee to determine an appropriate sanction. The Director of Student Conduct or designee may elect not to hear the case. The case would then be heard by the CJB.

- 3.3.3.4** Plead responsible to the charge(s) and request that the CJB determine an appropriate sanction.

NOTE: All charges for alleged Code of Conduct violations occurring one week prior to exams and going through exam week and during summer sessions will be heard by the administrative hearing officer or designee. Appeals will be directed solely to the Vice Chancellor for Student Affairs or designee via the Director of Student Conduct or designee.

- 3.3.4** A student choosing a hearing before an administrative hearing officer or the CJB has a right of appeal to the Campus Appeal Board and then to the Vice Chancellor for Student Affairs. If a student chooses a hearing before the CJB and is cited for an additional violation in the interim, a student then forfeits the right to a board hearing, and an administrative hearing will be conducted on all charges.

- 3.3.5** If a student requests an administrative hearing before the Director of Student Conduct or designee, at this point the student may waive all or part of the written notice requirements that follow. The student may also waive the number of days specified from the original date of the charge(s) and proceed with the hearing. All waivers shall be executed by a signed writing. If the student chooses an administrative hearing, the Director of Student Conduct or designee shall provide him/her:

- 3.3.5.1** A written notice of the charge(s) and an outline of rights. In the event that additional charges are brought, a further written notice must be forwarded to the student via certified mail.

- 3.3.5.2** Review of all available information, documents, exhibits, and a list of witnesses that may testify against him/her. This is a continuing obligation of the complaining party and the Director of Student Conduct or designee.

- 3.3.5.3** Choice to elect not to appear at the hearing; the hearing shall be conducted in the student's absence.

- 3.3.5.4** A written notice of the date, time, and place of the hearing forwarded to the accused at least five (5) class days prior to the hearing. Unless the student waives all or part of the notice, the formal hearing will not be held less than five (5) class days from the date of the original charge letter.

- 3.3.5.5** A prehearing interview with the Director of Student Conduct or designee where all of these rights, responsibilities, and procedures are explained.

3.4 Summoning a Student for a Pre-hearing

- 3.4.1** Should a student not appear when requested by the Director of Student Conduct or designee, the Director of Student Conduct or designee may formally summon a student to appear for a conference in connection with an alleged violation.

- 3.4.2** The letter shall direct the student to appear at a specified time and place not less than three (3) class days later. The letter shall also describe briefly the alleged violation.

- 3.4.3** If an accused student fails to respond to a charge letter and the required pre-hearing interview, the accused student forfeits the options in Volume III, Section 3.3.5 and will be notified by certified letter, sent at least seven (7) class days before a hearing before the Director of Student Conduct or designee, or, at the option of the Director of Student Conduct, the CJB. At this hearing, a decision of responsible or not responsible will be made based on available information, with or without the accused student. If the student fails to attend the hearing, all allegations against the student shall be deemed to be denied.

When appropriate, a sanction will be determined and the student will be notified in writing.

3.5 **Disciplinary Correspondence**

All disciplinary correspondence will be sent to the student's campus email account via Maxient (conduct database) and/or via University email from the Director of Student Conduct or designee or to the student's campus post office box (for on-campus residents) by certified mail, return receipt requested, and to the permanent address of record for commuter students by certified mail, return receipt requested. The University reserves the right to use other reasonable means to notify students.

3.6 **Campus Judicial Board**

3.6.1 When a student requests a hearing before the CJB or when a case is referred by the Director of Student Conduct or designee, the CJB becomes involved. The CJB is a board of the Chancellor composed of five (5) members. The Director of Student Conduct or designee serves as the advisor to the CJB. The members are:

3.6.1.1 Two (2) students recommended by the President of the Student Body and appointed by the Chancellor,

3.6.1.2 Two (2) alternate students recommended by the President of the Student Body and appointed by the Chancellor,

3.6.1.3 Two (2) faculty members recommended by the Faculty Senate Chairperson and appointed by the Chancellor,

3.6.1.4 Two (2) alternate faculty members recommended by the Faculty Senate Chairperson and appointed by the Chancellor,

3.6.1.5 One (1) administrative member recommended by the Vice Chancellor for Student Affairs and appointed by the Chancellor.

3.6.2 The Chairperson of the CJB shall be appointed by the Chancellor.

3.6.3 QUORUM – A quorum shall consist of any three (3) members, including the Chairperson. The Chairperson of the CJB is a non-voting member, except when there is a tie vote.

3.6.4 SELECTION

3.6.4.1 The students recommended by the President of the Student Government Association for appointment to the CJB are selected through a campus-wide application process

3.6.4.2 CJB members will be appointed by May 1 each year. Appointments are for one (1) year.

3.6.4.3 Vacancies occurring during the course of the year will be filled by the Chancellor.

3.6.4.4 Members of the CJB become active members only after they have been trained by the Office of the Director of Student Conduct.

3.6.5 Jurisdiction of Campus Judicial Board

3.6.5.1 The CJB may have, at the request of the student, original jurisdiction in disciplinary cases.

3.6.5.2 The CJB may have, upon referral by the Director of Student Conduct or designee, original jurisdiction in disciplinary cases

3.7 **Procedural Standards for Campus Judicial Board Cases**

3.7.1 All matters upon which the decision may be based must be introduced into evidence at the hearing before the CJB. The decision shall be based solely upon such matters and must be supported by the evidence. Any student charged with an infraction shall be presumed not responsible until proven responsible by a preponderance of the evidence.

3.7.2 All evidence will be admitted except that which is irrelevant or repetitious or which is obtained in violation of search and entry provisions. The CJB will be the sole judge of admissibility of evidence.

- 3.7.3** CJB records are maintained in the Office of the Vice Chancellor for Student Affairs and are confidential and may be released only with the consent of the accused student.
- 3.7.4** No member of the hearing body who has a personal interest in the particular case may sit in judgment during the proceedings. In such cases in which a member cannot serve due to a conflict of interest, an alternate member will serve for the duration of the hearing.
- 3.8 Hearings before Campus Judicial Board**
- 3.8.1** Prior to a hearing, the accused student is entitled to:
- 3.8.1.1** A written notice of the charge(s) and an outline of rights. In the event that additional charges are brought, a further written notice must be forwarded to the student.
- 3.8.1.2** Review of all available information, documents, exhibits and a list of witnesses that may testify against him/her. This is a continuing obligation of the complaining party and the Director of Student Conduct or designee.
- 3.8.1.3** A written notice of the date, time, and place of the hearing forwarded to the accused at least five (5) class days prior to the hearing, unless the student waives all or part of the notice. The formal hearing will not be held less than five (5) class days from the date of the original charge letter, unless the student charged waives the limit.
- 3.8.1.4** A prehearing interview with the Director of Student Conduct or designee where all these rights, responsibilities, and procedures are explained.
- 3.8.2** Duties of the Campus Judicial Board – In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by the CJB. The CJB will:
- 3.8.2.1** Rule on the admissibility of evidence, motions, and objections to procedures
- 3.8.2.2** Set forth finding of facts
- 3.8.2.3** Render a written decision as to the accused student’s guilt or innocence of the charges
- 3.8.2.4** Determine the penalty, if any
- 3.8.2.5** Provide the Vice Chancellor for Student Affairs with a copy of the decision.
- 3.8.3** Duties of the Director of Student Conduct – The Director of Student Conduct or designee shall:
- 3.8.3.1** Consult the CJB in setting the date, time, and place of the hearing
- 3.8.3.2** Notify the student of the date, time, and place of the hearing. The letter shall specify a hearing date not less than five (5) class days after the date of the receipt of the letter. A student may request in writing that an earlier date be set, if feasible. The CJB, for good cause, may postpone the hearing and notify all interested persons of the new hearing date, time, and place.
- 3.8.3.3** A letter mailed under Part 2 above shall:
- 3.8.3.3.1** Direct the student charged to appear at a date, time, and place specified.
- 3.8.3.3.2** Advise the student of his/her rights:
- 3.8.3.3.2.1** To appear in person, hear all testimony, and present any relevant information in his/her behalf, call witnesses, ask questions of any person present at the hearing
- 3.8.3.3.2.2** To elect not to appear at the hearing.

The hearing then shall be conducted in the student's absence

3.8.3.3.2.3 To refuse to answer any questions or make a statement – however, the hearing authority then shall make its decisions solely on the basis of information introduced at the hearing

3.8.3.3.2.4 To know the identity of witnesses who will testify against him/her

3.8.3.3.2.5 To question each witness who will testify against him/her for the purpose of clarification

3.8.3.3.2.6 To have all statements, information, or comments given during the hearing held in strictest confidence by members of the board before, during, and after deliberation. Only those faculty and staff with an educational need to know will be informed of the outcome. The Chairperson will exercise control over the hearing to avoid needless consumption of time, to avoid repetition of information, and to prevent the harassment or intimidation of participants.

3.8.3.3.2.7 To have hearings conducted in an informal manner where technical rules of evidence will not be applied. The taking of statements of witnesses may be done by discussion, though each witness shall be subject to cross-examination. Witnesses (except for the accused) shall be present during the hearing only during the time they are testifying. While written statements are admissible, no one shall be found responsible who has not had the opportunity to testify, to present evidence and witnesses, and to hear and question adverse witnesses.

3.8.3.3.2.8 To have a summary of the hearing record

3.8.3.3.2.9 To appeal

3.8.3.3.3 Contain the name of the person appointed to act as Chairperson of the CJB

3.8.3.3.4 Contain the names of witnesses who will testify against the student and a description of evidence and charges that will be offered against him/her.

3.8.3.3.5 Contain a copy of the complaint

3.8.3.3.6 Notify the charged student that the Director of Student Conduct or designee may question a student testifying in the defendant's behalf or question the defendant if he/she testifies in his/her own behalf.

3.8.4 If a student fails, without good cause, to comply with the letter sent under this section, the CJB may proceed with the hearing in the student's absence.

3.8.5 Hearing Procedure – The CJB shall proceed generally as follows during the hearing:

3.8.5.1 Judicial hearings shall be closed to the public

3.8.5.2 The Chairperson of the CJB reads a complaint and informs the student charged of his/her rights, and asks the student whether he/she pleads responsible or not responsible to the charge(s) before the CJB

3.8.5.3 The Director of Student Conduct or designee presents the university's case

- 3.8.5.4 The student presents his/her defense
 - 3.8.5.5 The Director of Student Conduct or designee and the student defendant present rebuttal evidence and arguments
 - 3.8.5.6 The CJB deliberates and decides the issue of responsibility or non responsibility
 - 3.8.5.7 If the CJB finds the charged student responsible, the Director of Student Conduct or designee and student charged may present evidence and arguments on an appropriate penalty
 - 3.8.5.8 The CJB deliberates and determines an appropriate penalty
 - 3.8.5.9 The CJB renders a written decision as to the accused Student's responsibility or non-responsibility of charges. The decision states the penalty, if any, and procedures for appeal. The accused student, Vice Chancellor for Student Affairs, Associate Vice Chancellor for Student Affairs, and Director of Student Conduct shall each be given a copy of the decision.
- 3.8.6 Hearing Record – The hearing record is confidential and consists of:
- 3.8.6.1 A copy of the notice forwarded to the student
 - 3.8.6.2 A written summary of the hearing together with other material considered by the CJB
 - 3.8.6.3 The decision(s) of the CJB

SECTION FOUR - APPEAL OF ADMINISTRATIVE/CAMPUS JUDICIAL BOARD DECISION

In the event that a charged student disagrees with a finding of responsible or sanction of an administrative hearing officer or the CJB, the charged student may request an appeal to the Campus Appeal Board within forty-eight (48) hours after notification of the decision (see Section 4.1) by submitting a Request For Appellate Consideration Form to the Director of Student Conduct. She/he will submit the appeal to the Campus Appeal Board within forty-eight (48) hours for prompt consideration. Original sanctions (except summary suspension) are normally put into effect only after the Campus Appeal Board makes a decision. The Campus Appeal Board has the authority to approve, reject, or modify sanctions. It may impose less severe sanctions as well as more severe sanctions. The decision of the Campus Appeal Board may be appealed to the Chancellor or designee by completing the Request for Appellate Consideration Form. The appeal must be submitted to the Director of Student Conduct within forty-eight (48) hours, and she/he will submit the appeal to the Chancellor or designee for prompt consideration.

4.1 Campus Appeal Board

- 4.1.1 The Campus Appeal Board shall be composed of the Chairperson of the Faculty Senate who will serve as chairperson, the President of the Student Body or his/her designee, the Director of Housing and Residence Life, and the academic advisor of the accused student.
- 4.1.2 A quorum shall consist of any three (3) members, including the Chairperson.
- 4.1.3 The function of the Campus Appeal Board is that of reviewing the action of the administrative hearing officer or the CJB to determine if: (1) an alleged violation of the rights guaranteed the accused has occurred, (2) the sanction is too severe for the violation; or (3) new evidence has developed which has bearing on the outcome.
- 4.1.4 The Campus Appeal Board shall receive the petition from a student choosing to appeal the decision of an administrative hearing or a CJB hearing. Such petition shall be submitted to the Chair of the Campus Appeal Board through the Office of the Director of Student Conduct, explaining in detail the reasons for the student's appeal and specifying the ways in which he/she believes the procedures or actions of the administrative hearing officer have violated his/her rights.
- 4.1.5 Upon receiving a petition, the Campus Appeal Board shall obtain the record of the administrative hearing officer or the CJB. Such record shall

include relevant documents and a written statement by the hearing officer. Such statement in the case of administrative action shall summarize the case and the reasons supporting the disciplinary action.

- 4.1.6** With this information, the Campus Appeal Board shall decide whether an appeal hearing is warranted. This decision is based upon the three options for an appeal outlined in (4.1.3) above. It shall notify the petitioner in writing of its decision within seven (7) class days after receiving the student's petition.
- 4.1.7** If the Campus Appeal Board determines that a hearing should be granted, that hearing shall be held within seven (7) class days of such determination and notification shall be given in writing at least three (3) days prior to the date set for the hearing, specifying time and place of the hearing and informing the student of his/her rights. If a student chooses to waive the seven-day (7) notice and other requirements as stated in this section, an immediate appeal hearing may be scheduled.
- 4.1.8** The Campus Appeal Board shall invite the appellant, the respective administrative hearing officer, or the Chairperson of the CJB, and such other persons as it deems appropriate to appear before the Board to make statements and respond to questions. The student and administrative hearing officer may request the Board to invite persons to testify **if and only if there is new evidence**. The Campus Appeal Board follows regular hearing procedures in appeal cases, if it elects to hear new evidence.
- 4.1.9** No member of the Campus Appeal Board shall be a party to any prior investigation or witness in the case nor should any member be placed in the position of developing or prosecuting the case.
- 4.1.10** After the hearing is concluded, the Campus Appeal Board shall go into executive session to reach a decision.
- 4.1.11** The Campus Appeal Board has the authority to approve, reject, or modify the decision in question. It may impose less severe sanctions as well as more severe sanctions. The Chairperson of the Campus Appeal Board is a non-voting member, except when there is a tie vote. The decision of the Campus Appeal Board will be submitted in writing to the Director of Student Conduct. The decision of the Campus Appeal Board may be appealed to the Chancellor or designee as outlined in Volume III, Section 4.2. Prompt notice of the decision of the Campus Appeal Board shall be given. Any appeal of this decision must be in writing and presented within forty-eight (48) hours after notification of the decision to the Director of Student Conduct who will submit the appeal to the Chancellor or designee.

4.2 Appeal of a Campus Appeal Board Decision

In the event a charged student disagrees with a finding of responsible or sanction of the Campus Appeal Board, the charged student may request an appeal to the Chancellor or designee within forty-eight (48) hours after notification of the decision. Original sanctions (except summary suspension) are normally put into effect only after the Chancellor or designee makes a decision.

4.2.1 Procedure

- 4.2.1.1** The function of the Chancellor or designee in hearing an appeal is that of reviewing the action of the Campus Appeal Board to determine if: (a) an alleged violation of the rights guaranteed the accused has occurred; (b) the sanction is too severe for the violation; or (c) new evidence has developed which has bearing on the verdict.
- 4.2.1.2** The Chancellor or designee shall receive the petition from a student choosing to appeal the decision of the Campus Appeal Board. Such petition shall be submitted in writing to

the Chancellor or designee through the Director of Student Conduct explaining in detail the reasons for the student's appeal and specifying the ways in which he/she believes the procedures or actions of the judicial process have violated his/her rights.

- 4.2.1.3** Upon receiving a petition, the Chancellor or designee shall obtain the record of the Campus Appeal Board. Such record shall include relevant documents and a written statement by the Campus Appeal Board. Such statement shall summarize the case and the reasons supporting the Campus Appeal Board's decision.
- 4.2.1.4** With this information, the Chancellor or designee, or in his/her absence, the Vice Chancellor for Student Affairs or designee shall decide whether an appeal hearing is warranted. This decision is based upon the three (3) options for an appeal in (4.2.1.1) above. He/she shall notify the petitioner in writing of his/her decision within seven (7) class days after receiving the student's petition.
- 4.2.1.5** If the Chancellor or designee, or in his absence the Vice Chancellor for Student Affairs or designee, determines that a hearing shall be granted, that hearing shall be held within seven (7) class days of such determination and notification shall be given in writing at least three (3) class days prior to the date set for the hearing, specifying time, date, and place of the hearing and informing the student of his/her rights.
- 4.2.1.6** The Chancellor or designee may invite the appellant, and other persons as he/she deems appropriate to appear before him/her to make statements and respond to questions. The student may request the Chancellor or designee to invite persons to testify if there is new evidence.
- 4.2.1.7** The Chancellor or designee has the authority to approve, reject, or modify the decision in question. The Chancellor or designee may impose less severe sanctions as well as more severe sanctions.

SECTION FIVE - COMMITTEE ON EXTRAORDINARY DISCIPLINARY EMERGENCIES

Notwithstanding any other provisions of the UNCP Code of Conduct, and in fulfillment of the obligation of the University and of the Chancellor to maintain campus security and to protect the safety and welfare of students, employees, and visitors to the University, the Committee on Extraordinary Disciplinary Emergencies is established in accordance with the provisions of Sections 116-11 (2) and 116-34 (a) of the North Carolina General Statutes, Sections 502D (3), 600, 608 (2), and Appendix Sections XII and XV of the Code of the Board of Governors of the University of North Carolina, Section XIII-A-1 of the Administrative Manual of the University of North Carolina, including the Board of Governor's Policies and Administrative Memoranda, and the UNCP Code of Conduct.

5.1 Jurisdiction of the Committee

The Committee on Extraordinary Disciplinary Emergencies is established under the delegation of the Chancellor pursuant to his responsibility for Student Affairs. The Committee is established to investigate, and make recommendations to the Chancellor concerning the disposition of complex cases or of those cases involving students or student organizations whose behavior, **on or off campus**, is such that their presence at the University, in the judgment of the Committee, upon referral from the Vice Chancellor for Student Affairs or the Chancellor, may pose either:

- 5.1.1** a serious risk of disruption of the academic environment; or

- 5.1.2 a serious risk of interference with the rights of other members of the University community; or
- 5.1.3 a serious risk or continuing danger to University property; or
- 5.1.4 a serious risk or continuing danger to themselves or to other members of the University community.

5.2 Offenses

Examples of student behavior that may come within the jurisdiction of the Committee include, but are not limited to:

- 5.2.1 students or student organizations who have been arrested or charged with a serious crime of a violent nature, or of a dangerous nature, or which involved placing another person in fear of imminent injury or damage, e.g., rape, sexual assault, felonious assault, etc.;
- 5.2.2 students subject to summary suspension.

5.3 Committee Membership and Emergency Procedures

The Committee shall be composed of the Vice Chancellor for Student Affairs or designee, the Provost and Vice Chancellor for Academic Affairs or designee, the Vice Chancellor for Business Affairs or designee, the Vice Chancellor for Advancement or designee, the Associate Vice Chancellor for Student Affairs or designee, the Director of Student Conduct, or designee, Chairman of the Faculty Senate or designee, and the President of the Student Body or designee. A quorum of the Committee shall consist of any four (4) members of the Committee or their designees. In each case, the Committee shall designate a chair to preside over the Committee. In the event of a tie vote, the administrative action of the University is ratified. In an emergency situation, the Vice Chancellor for Student Affairs or designee shall have the power to invoke summary suspension. After a hearing, the Committee may either ratify the Vice Chancellor's action, or reverse it, or take any other appropriate action. In such emergency situations, the Vice Chancellor for Student Affairs shall inform the Chancellor of all actions taken either summarily or by the Committee under the authority of this policy. The Chancellor has the authority to approve, reject, or modify the action of the Vice Chancellor for Student Affairs or the Committee at any stage of the proceedings. The Chancellor may impose less severe sanctions as well as more severe sanctions.

5.4 Summary Suspension

- 5.4.1 Summary suspension is an action requiring that a student immediately leave the campus and university property. It may be imposed by the Vice Chancellor for Student Affairs or designee when there is reasonable cause to believe, based on available facts, that the student is an immediate threat to the safety of himself/herself, other members of the university community or university property, or is disruptive without relief to the university community.
- 5.4.2 Any student who is suspended on a summary basis and returns to the campus and university property during the suspension shall be subject to further disciplinary action and may be treated as a trespasser. Permission to be on campus for a specific purpose (e.g., to take an exam, to consult with the Director of Student Conduct, or to participate in the disciplinary procedures against him/her) may be granted **in writing** by the Vice Chancellor for Student Affairs or designee.
- 5.4.3 When a student is suspended on a summary basis, he/she is given notice containing the reasons for suspension, the duration and any conditions that apply, and a copy of this summary suspension policy. A student notified of such summary suspension may, within ten (10) class days of the written notice of suspension, request through the Vice Chancellor for Student Affairs or designee a hearing before the Committee on Extraordinary Emergencies to determine the innocence or guilt of the student charged and the appropriate sanction

and whether the conditions of the summary suspension should continue. This hearing shall normally be conducted within five (5) class days of the student's request for a hearing.

SECTION SIX - TRAFFIC APPEALS BOARD

The Traffic Appeals Board is appointed each year by the Chancellor. The board consists of two students, one faculty and one staff member. The Board has the authority to review violations to determine whether or not a violation has been properly established. The Board has the authority to void or reduce any citation when a violation of the Campus Traffic Regulations is not shown, but does not act as a substitution for public authority when it applies.

