
POLICY AND PROCEDURAL MANUAL
OF THE
CAMPUS JUDICIAL BOARD OF
MISSOURI STATE UNIVERSITY



MISSOURI STATE UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION

Authored By:
Ashley Diaz - Chief Justice

Co-Authored By:
Justice Joshua Baseley

Justice Justin Roberts

Justice Miles Figg

Justice Jasmine Heitz

Justice Leena Shadid

Justice Corey Thomas

Advisors:

Dr. Earl Doman, Dean of Students

Mr. Mike Jungers, Associate Dean of Students

I. Composition of the Campus Judicial Board

a. Description and purpose of the Justices

- i.** The duty of the Chief Justice is to be the speaker for the board, to organize meetings, handle the media, and post decisions.
- ii.** The duty of the Associate Justices is to attend meetings, provide input into decisions, and rule on constitutional question and hearings.

b. Rank and File

- i.** The Campus Judicial Board will consist of seven (7) Missouri State University students nominated by a Presidential Committee and confirmed by the student senate as per the guidelines set forth in the Constitution of the Student Government Association of Missouri State University.
- ii.** A Chief Justice will be selected from among the seven (7) justices currently holding office by the Presidential Committee and must also be confirmed by the Student Senate as per the guidelines set forth in the Constitution of the Student Government Association of Missouri State University.

c. Term Limits

- i.** All justices may hold office until their graduation from the University and may only be removed from office by resignation or by impeachment.
- ii.** The Chief Justice may hold office until his or her graduation from the University and may not be removed from office nor demoted by any means other than resignation or impeachment.
- iii.** Campus Judicial Board Justices may be impeached as per the guidelines set forth in the Constitution of the Student Government Association of Missouri State University.

d. Justices Rights and Responsibilities

- i.** A Campus Judicial Board Justice reserves the right to be present during any subordinate board hearing or any other

officially organized meeting provided that he or she has no conflicting activities that would force the unnecessary postponement of said meeting.

- ii. A Campus Judicial Board Justice may not be removed from any subordinate board hearing or any other officially organized meeting by any official or by any means.
- iii. A Campus Judicial Board Justice does reserve the right to recuse him or herself from any hearing or any other officially organized meeting if he or she believes that his or her own personal judgment may be affected by outside sources. A Justice who recuses him or herself need not provide written justification for that recusal.
- iv. Any Campus Judicial Board Justice reserves the right to request authorship of the official opinion or the dissenting opinion after any official hearing where such documents are requested, and, if denied, may author a concurring opinion. Any concurring opinion written by a Campus Judicial Board Justice must be treated as an official Campus Judicial Board document.

II. Jurisdiction of the Campus Judicial Board

a. Students and Student Organizations

- i. All student organizations and all students enrolled in the University shall be subject to the jurisdiction of the Campus Judicial Board as per Article V, Section 5 of the Constitution of the Student Government Association of Missouri State University.

b. Subordinate courts

- i. The Constitution of the Student Government Association of Missouri State University grants the Campus Judicial Board appellate jurisdiction over the following subordinate judicial organizations.

-
1. IFC Standards Board
 2. Panhellenic Standards Board
 3. Residence Hall Judicial Board
 4. Elections Commission
- ii. Other subordinate boards may be added to this list upon their creation and after the Campus Judicial Board has officially determined proper appellate jurisdiction.
 - iii. The Campus Judicial Board may only be called in to hear an appeal of a decision made by a subordinate group after all other options set forth by the governing documents of the organizations involved have first been exhausted.

III. Privacy and Requests for Information

a. Missouri Sunshine Law

- i. As per a decision made by the Attorney General in 1989, the Student Government Association and all branches thereof (executive, legislative, and judicial) are not subject to the Missouri Sunshine law.

b. Hearing and Official Meeting Attendance

- i. The Campus Judicial Board has the sole authority to set attendance parameters on hearings and others official meetings. While the Board may not deny access to parties directly involved in a hearing (the appellant and the respondent as well as advisors and other justices; with the exception of verifying student body elections) it may, if it believes that the integrity of the hearing/meeting may be compromised, restrict access to the general public. The Board may also make decisions regarding the use of media, such as video and/or audio recording devices, in the hearing room.

IV. The Policy and Procedural Manual of the Campus Judicial Board

a. Uses and Functions

i. The intent of this document is to provide an outline of policies and procedures in order to ensure the efficiency and consistency of the Campus Judicial Board. The authors of this document in no way expect it to be completely comprehensive. While a great deal of foresight was placed into the construction of this document, there would be no way to outline each and every situation that could possibly occur in the future of the Campus Judicial Board. This document is fully interpretable by any currently seated Board should a situation occur that they believe is not fully explained in this document. Justices should always make an effort to read not only the words in this document but also understand the intentions of the authors. Judicial precedent should be used in concurrence with common sense any time this document is called into use, and all justices of the Campus Judicial Board must make a conscious effort to act within the bounds of reason and fairness.

b. Amending this document

i. Policy and Procedural Manual of the Campus Judicial Board may be amended at any time by a positive vote from five (5) of the seven (7) justices. Senate and or student body approval is not necessary for amendment.

1. It is recommended that the Campus Judicial Board should meet in the Spring Semester to either re-certify this document or amend it. Re-certification and/or amendment during this time must occur with 5 positive votes.

V. Archives and Documentation

a. Campus Judicial Board Archives

i. An archive to house Campus Judicial Board documents is to exist in the Student Government Association office. This archive is to remain locked at all times. All Justices, the

Advisors to the Campus Judicial Board, and the officially appointed Judicial Board secretary will have access to a key.

- ii. As a precautionary measure, a secondary archive will be housed inside the Library Archives under the same lock and key measures as listed above.

b. Policy and Procedural Manual

- i. A copy of the most current edition of the Policy and Procedural Manual should be issued to each new Campus Judicial Board Justice.
- ii. An online copy of the Policy and Procedural Manual should be placed on the Student Government Association website for easy access to any student or student organization on campus.
- iii. A Master hardcopy including the Policy and Procedural Manual and all recorded cases must be kept in the Campus Judicial Board archives in the Student Government Association Office.
- iv. Any time the Policy and Procedural Manual is amended, an effort should be made to supply each Justice with a new copy, and the online document should be updated as soon as possible. At least one copy of the pre-amended document should be kept in the Campus Judicial Board archives for future reference.

c. Official Announcements of Hearings/Meetings

- i. An official announcement of an upcoming Hearing should be placed on the front doors of the Student Government Association Office no later than twenty-four (24) hours prior to the Hearing provided that confirmation of said Hearing is made at least twenty-four (24) hours before the event is scheduled.
- ii. An additional announcement should also be sent to the Missouri State Standard no later than twenty-four (24) hours prior to the Hearing, provided that confirmation of said

Hearing is made at least twenty-four (24) hours before the event is scheduled.

- iii. Hearings and appeals must be announced in a manner consistent with the guidelines set forth by this document. Regular business meetings are not subjected to said guidelines.
- iv. Any appellate decisions involving residence hall judicial boards shall not be disclosed to the public.

d. Publication of Decisions

- i. A publication of the official opinion, the dissenting opinion, and any concurring opinions must be made within forty-eight (48) hours of a decision.
- ii. A copy of all official decisions must be placed on the door of the Student Government Association office, another copy must be submitted to the Student Government Association Web Master and a third copy must be sent to the Missouri State Standard all in a manner consistent with the guidelines set forth in this manual.
- iii. A fourth and fifth copy of all decisions are to be filed in the Campus Judicial Board archives and in the Master Hard Copy for reference to judicial precedent.
- iv. The Campus Judicial Board is NOT responsible for hand delivering official copies of any decision to members of the Missouri State University community, but the documents should be made available upon request.
- v. The Campus Judicial Board shall inform the individual appealing the residence hall judicial boards, parties involved, as well as the official of judicial programs of any appellate decisions.

e. Hearing Notes and Documentation

- i. Any document considered pertinent to either a hearing and/or an interpretive decision must be filed in the Campus Judicial Board archives along with the official decisions.
- ii. Any notes taken by the justices during a hearing and/or interpretive decision are to remain on the tables after the justices have left the room, and then must be adequately disposed of by the Hearing Room Secretary.

Requesting an Appeal or Final Dispute Resolution

- I.** To request an appeal from a subordinate board, an organization must do the following:
- a.** Receive final disciplinary decision from subordinate board
 - b.** Write a letter of appeal addressed to the Campus Judicial Board including the following information:
 - i.** Parties involved
 - ii.** Original ruling
 - iii.** Explanation of why the appeal is necessary
 - iv.** Corresponding evidence for case attached
 - c.** This letter must be delivered or sent by campus mail to PSU 405, the Dean of Students Office
 - d.** The Campus Judicial Board will review the appeal and determine whether or not a Hearing will be held.
 - i.** The Chief Justice will notify the parties of the decision by e-mail or campus mail, if applicable
 - e.** If a Hearing is found necessary, the Chief Justice will post the Hearing notice on the doors of the Student Government Association office twenty-four (24) hours prior to the Hearing and send an announcement to the Standard, except in cases involving individuals
- II.** To request a final dispute resolution, an organization/student must do the following:
- a.** Write a letter of request for final dispute resolution addressed to the Campus Judicial Board including the following information:
 - i.** Parties involved
 - ii.** Current dispute standing (including disciplinary actions imposed)
 - iii.** Explanation of why dispute resolution is necessary
 - iv.** Corresponding evidence for case attached
 - b.** This letter must be delivered or sent by campus mail to PSU 405, the Dean of Students Office

-
- c. The Campus Judicial Board will review the appeal and determine whether or not a hearing will be held.
 - i. The Chief Justice will notify the parties of their decision by e-mail or campus mail, if applicable
 - d. If a hearing is found necessary, the Chief Justice will post the Hearing notice on the doors of the Student Government Association office twenty-four (24) hours prior to the Hearing and send an announcement to the Standard, except in cases involving individuals

Hearing Room Rules and Regulations

1. Quorum

- a. A quorum of justices will consist of no fewer than 4 (four) duly appointed Campus Judicial Board Justices.
- b. A quorum of justices must be present in order to have a hearing.

2. Parties present

- a. Participating parties will include a quorum of at least 4 (four) duly appointed Campus Judicial Board Justices, one of which must be the acting Chief Justice, the faculty advisor of the Campus Judicial Board, and may include the filer of the appeal (here after known as the Complainant), the complainant's advisor, the party against whom the complainant has been filed (hereafter known as the respondent), the respondent's advisor, witnesses for both the complainant and respondent and an Associate Justice shall be appointed by the Chief Justice to serve as the Hearing Secretary.
 - i. In the event that the Chief Justice of the Campus Judicial Board will be unable to be in attendance for a hearing an acting Chief Justice will be appointed using the following guidelines.
 1. The Chief Justice will appoint an acting Chief Justice for the hearing they are unable to attend.
 2. If the Chief Justice is unable to attend a hearing, and is unable to select a replacement, an acting Chief Justice may be elected by a majority vote of the remaining 6 (six) Justices.
 3. If the absence of the Chief Justice is not known by the beginning of the hearing, or if the a quorum of the remaining 6 (six) justices are unable to be contacted prior to the hearing, or if no justice receives the clear majority vote of the remaining 6 (six) justices, a decision regarding the appointment of an active Chief

Justice will be made by the Faculty Advisor of the
Campus Judicial Board.

- ii. In the event that the Complainant or Respondent is a Missouri State University organization, a representative delegated by the organization may appear as the respondent or complainant. Representatives must be a member of the organization in question and must be a currently enrolled student at Missouri State University. Faculty advisors and organizations may not appear as either the Complainant or Respondent unless the complaint is directed specifically toward them.
 - iii. In the event that the Complainant and his or her witnesses and advisor and the Respondent and his or her witnesses and advisor have been duly contacted and are unable to attend a hearing, either by refusal of the party or by unavoidable conflicts which would result in the unnecessary prolonging of the hearing date, a hearing may be held in absention of any of the aforementioned parties. The potentially absent party must be notified of the intent to hold a hearing in absention no fewer than 48 (forty-eight) hours before the hearing date so that he or she may prepare a written statement to present to the Board on the date of the hearing. A representative delegated by the absent party may appear at the hearing in place of the absent party but may not speak unless questioned by the Board. An absent advisor may not prepare a written statement to be presented to the Board.
- b. Non-participatory parties in the event of an invitation only hearing may include any party invited to attend by the Chief Justice of the Campus Judicial Board including but not limited to any individual or organization thought to be potentially affected by the decision rendered in the case, various invited observers, and various media personnel.

-
- c. In the event that a hearing is declared to be "open" to the public any and all observers will be welcome without an invitation.
 - d. All hearings involving individuals may be closed to the public at the discretion of the Campus Judicial Board.
 - e. Anyone may be removed from the hearing room for unruly conduct at any time. The Chief Justice has the sole authority to remove individuals from the hearing room.

3. Declaring the parameters of the hearing room

- a. The Chief Justice of the Campus Judicial Board has the sole authority to declare a hearing to be open or by invitation. If the Chief Justice declares a hearing to be by invitation then he or she has the sole authority to send out the invitations to the party that he or she deems of interest to the hearing.

4. Statement of Case

- a. Before the Statement of Case, the Chief Justice of the Campus Judicial Board will ensure that all recording devices are active, that the Hearing Secretary is at his or her place, and that all parties present are seated in their correct places. He or she will then rap the gavel and announce the Statement of Case as it is defined below:

- i. "The Campus Judicial Board of Missouri State University has assembled in Room (insert number of room) on this the (insert number of day with suffix) of (insert month) (insert year) for the matter of (Complainant) versus (Respondent).

5. Announcement of Name and Purpose of parties involved.

- a. All participating parties in the hearing will announce their names and purposes for documentation. This process will begin with the Chief Justice and proceed to the Justices to the right of the Chief Justice beginning with the justice and his or her most immediate right followed by the Justices to the left of the Chief Justice beginning with the justice to his or her most immediate left, then proceed to the Campus Judicial Board Advisor, the Hearing Secretary, the

Complainant, the Complainant's advisor, the Respondent and finally the Respondent's advisor.

6. Honesty Statement

- a. The Honesty Statement will be repeated after the Announcement of Name and Purpose. The Chief Justice will instruct the Complainant and Respondent to raise their right hands and repeat the following Honesty Statement:
 - i. I (insert your name) do hereby promise to present all information before this the Campus Judicial Board of Missouri State University with accuracy and honesty as the best of my abilities allow.

7. Opening Presentations

- a. Opening presentations will consist of an oral summary delivered by the Complainant and then the Respondent whereby each party states what he or she intends to prove and by what means they intend to prove it.
- b. The Chief Justice of the Campus Judicial Board has the sole authority to halt an opening presentation if he or she deems that information being presented is excessive or of an irrelevant nature and is causing the superfluous elongation of the hearing.
- c. Opening presentations must be directed solely to the Campus Judicial Board and may at no time be directed towards any other participatory or non-participatory party present.

8. Precession of Witnesses

- a. The Complainant and then the Respondent will be allowed to introduce and question any witnesses that they have brought to the hearing.
- b. Witnesses are to remain outside of the hearing room until they are needed at which point they will be summoned by the Hearing Secretary and escorted into the hearing room.

-
- c. Upon entering the hearing room a witness will be asked to state his or her name and purpose and repeat the honesty statement as is directed in sections 5 (five) and 6 (six) of the **Rules and Regulations** section of the Campus Judicial Board Policy and Procedures Manual.
 - d. Witnesses may be questioned by both sides; however, answers are directed toward the Campus Judicial Board.
 - e. After a party has finished questioning his or witness that witness will be subject to questions from the Campus Judicial Board.
 - f. After the witness has finished answering questions from both the party that called him or her and the Campus Judicial Board he or she will be dismissed and must leave the hearing room.
 - g. Any Justice of the Campus Judicial Board has the right to ask a witness to remain outside for further questioning. If there is currently no further questioning is needed, the witness must wait outside the Hearing room doors in case further questioning if necessary.
 - h. The Chief Justice of the Campus Judicial Board has the sole authority to halt the presentation and questioning of witnesses if the information being presented is apparent to be of a redundant and/or irrelevant nature.

9. Final Presentations

- a. Final presentations will consist of a summation of the arguments presented by each party.
- b. All parties are subject to further questioning by the Campus Judicial Board Justices before, after and during their final presentations.

10. Final Questioning

- a. During the final questioning stage of the hearing any Justice may ask to have a witness reintroduced into the Hearing Room for further questioning. At this point only the Campus Judicial Board has the authority to question the witness. After the Campus Judicial Board has finished with the witness he or she will be dismissed again and may leave.

11. Dismissal of the Hearing Room

- a. After all procedural steps as dictated in the **Rules and Regulations** section of the Campus Judicial Board Policy and Procedures Manual have been exhausted and the Justices have finished with their questioning the Hearing Room will be cleared for the purposes of deliberation.
- b. The Chief Justice has the sole authority to inform the parties that they may remain outside the Hearing Room for the presentation of the Decision or dismiss them to leave.

12. Deliberation

- a. Deliberation must occur between Campus Judicial Board Justices only. No other parties will be allowed to remain in the Hearing Room and all recording equipment is to be turned off.

13. Decision

- a. A decision must be rendered and delivered to both the Complainant and the Defendant within 10 business days of the hearing.
- b. A decision must be reached by achieving a clear majority the Justices who presided over the hearing.
- c. If the Justices are unable to achieve a clear majority, the appeal is automatically denied.
- d. Once a decision is rendered the Chief Justice of the Campus Judicial Board should contact both the Complainant and the Defendant to inform them of the decision. A copy of the majority opinion and dissenting opinion should be delivered to the office of the Student Government Association and fixed to the wall facing out towards the Student Union lobby.
- e. The Chief Justice of the Campus Judicial Board reserves the right to send a copy of the majority and dissenting opinion to the Missouri State Standard and/or any other media source that he or she deems appropriate.

14. After the Hearing.

- a. All notes taken by Campus Judicial Board Justices are to be left behind on the tables. The Hearing Secretary is responsible for collecting these notes and filing them or shredding them.
- b. The Chief Justice has the sole authority to dictate what notes get filed and what notes get disposed of.
- c. All documentation including the official appeal, the Hearing Secretary's notes and the audio recording of the proceedings are to be filed in a locked filing cabinet located within the Student Government Association office. Only the Chief Justice and Campus Judicial Board Advisor are allowed keys to the cabinet.
- d. Campus Judicial Board Justices are not permitted to speak of the deliberation to anyone except other duly appointed Campus Judicial Board Justices and the Campus Judicial Board Advisor.
- e. The Chief Justice should serve as the official representative of the Campus Judicial Board in all matters concerning the media and other sources inquiring about the outcome of a hearing. All questions should be referred to the Chief Justice.

Hearing Room Procedure

1. Statement of case for documentary purposes

- a. The Chief Justice will ensure that the recording devices are activated and that the Hearing Secretary is in place and then proceed to announce the Statement of Case in accordance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

2. Announcement of names and purposes of parties involved

- a. Each party currently in the hearing room will state his or her name and function as is pertinent to the hearing and in accordance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

3. Honesty Statement

- a. All parties will recite the honesty statement as it is found in and in accordance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

4. Complainant's opening presentation

- a. The complainant will provide an oral summary of their case, stating what he or she intends to prove and by what means he or she intends to prove it. Opening presentations will be conducted in accordance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

5. Respondent's opening presentation

- a. The respondent will provide an oral summary of their case, stating what he or she intends to prove and by what means he or she intends to prove it. Opening presentations will be conducted in accordance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

6. Complainant's presentation of witnesses

- a. The complainant will be allowed to introduce and question any witnesses that he or she has brought to the hearing. Questioning of

witnesses will be done in accordance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

7. Respondent's presentation of witnesses

- a. The respondent will be allowed to introduce and question any witnesses that he or she has brought to the hearing. Questioning of witnesses will be done in accordance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

8. Open questioning from the Campus Judicial Board

- a. All parties involved will be subject to questioning by the Campus Judicial Board. This examination will be conducted in accordance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

9. Complainant's summation

- a. The complainant will be allowed to provide a summation of his or her case, stating what he or she believes has been proven, by what means it has been proven, and how the information presented should affect the decision of the Board. All final summations will be subject to compliance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

10. Respondent's summation

- a. The respondent will be allowed to provide a summation of his or her case, stating what he or she believes has been proven, by what means it has been proven, and how the information presented should affect the decision of the Board. All final summations will be subject to compliance with the **Rules and Regulations** section of the CJB Policy and Procedures Manual.

11. Final Questioning from the Campus Judicial Board

12. Dismissal of the Hearing room

13. Deliberation

-
- a. Deliberation must occur between Campus Judicial Board Justices only.
No other parties will be allowed to remain in the Hearing Room and
all recording equipment is to be turned off.

14. Announcement of Decision

- a. A decision will be rendered and delivered to both the Complainant and
the Respondent within 10 Academic days of the Hearing.