

# Constitution of the Student Assembly

## ***Article I.***

### ***Organization of the Student Body***

#### ***Section 1. Name***

The name of the organization shall be the Student Body of Hamilton College.

#### ***Section 2. Membership***

Every person enrolled as an undergraduate of the Student Body shall be vested in the Student Assembly of the Hamilton College. The Student Assembly of Hamilton College shall be composed of two branches: the Judicial Branch, consisting of the Judicial board, Honor Court, and Appeals Board; and the Executive Branch, consisting of the Central Council, which shall be responsible for coordinating the activities of the student organizations falling under the auspices of this constitution, and for performing all duties not falling under the jurisdiction of the aforementioned branches.

- A. No individual may hold more than one elected position on the Student Assembly.

#### ***Section 4. Function***

The purpose of the Student Assembly shall be:

- A. to provide a controlling and directing force for those activities not directly administered by the faculty and administration;
- B. to provide the governing bodies of the College with the best possible understanding of the sentiment and opinions of the student body, and to foster the serious consideration of these opinions;
- C. to develop among the students a sense of personal responsibility for their own conduct and for the welfare of the College;
- D. to encourage, initiate, and coordinate services essential to the student body
- E. and, to pass such legislation as shall be consistent with the wishes of the student body.

## ***Article II.***

### ***The Judicial Branch***

#### ***Section 1. The Judicial Board Constitution***

- A. Responsibility

As members of a residential academic community, students share responsibility with the faculty and administration of Hamilton College for creating and maintaining an atmosphere that is conducive to learning and personal growth and respectful of the rights of others. By their attendance at Hamilton College, students are obligated to comply with its regulations and procedures, which they are expected to read and understand.

The Board of Trustees assigns responsibility for student discipline to the President and faculty. In practice, the Dean of Students bears administrative responsibility for student discipline. The discretionary authority of the President to decide finally on any student disciplinary matter is not precluded by the provisions outlined below.

The Judicial Coordinator, as designee of the Dean of Students, is responsible for determining the appropriate mechanism for adjudicating alleged violations of College regulations and generally providing oversight and coordination of the judicial process. Any member of the Hamilton community shall bring complaints against a student or a group of students to the attention of the Dean of Students, Office of Campus Safety, Office of Residential Life, the

Judicial Coordinator, or the Chair of the Judicial Board.

B. Mediation

A student complainant or the Judicial Coordinator may propose mediation as a means to resolve some disciplinary cases. Mediation is possible, with the approval of the Judicial Coordinator, when all parties involved (accuser and accused) voluntarily agree to engage in the mediation process and when students involved have not previously engaged in mediation through this process. If mediation fails, the case will be remanded to an administrative or Judicial Board hearing.

The Judicial Coordinator will keep records of all cases that have been mediated, with names and a summary. Mediation yields neither a disciplinary record nor sanction. A repeat offense of a similar nature will be remanded to an administrative or Judicial Board Hearing.

C. Hearing Procedures

Violations of standards of conduct and of College regulations are considered to be infractions against Hamilton College. Following receipt of a written complaint, the Judicial Coordinator or a designee will conduct a preliminary review to determine whether the complaint has merit and whether the alleged misconduct might result in suspension or expulsion from the College. Students not subject to suspension or expulsion may be entitled to an administrative hearing, at the discretion of the Judicial Coordinator in consultation with the Judicial Board Chair.

Students subject to suspension or expulsion are entitled to a hearing before the Judicial Board. They may waive that right under the conditions described below.

D. Administrative Hearing

The Judicial Coordinator may decide to resolve through administrative hearing cases involving students accused of offenses that normally result in penalties less than suspension or expulsion. A designee of the Dean of Students and a student member of the Judicial Board will normally jointly conduct administrative hearings. Administrative hearing decisions are final.

The following procedural protections are provided to accused students in administrative hearings:

1. Written notice of the specific charges at least three (3) business days prior to the scheduled hearing;
2. Reasonable access to evidence prior to and during the hearing;
3. An opportunity to respond to the evidence and to call relevant and necessary witnesses;
4. A right to be accompanied by an advisor from the Hamilton community. The advisor may not speak for the accused and may not be an attorney.

A brief account of the cases resolved through administrative hearings shall be made public. The names of students involved shall not appear.

A student charged with a violation that would normally result in suspension or expulsion may choose to have the case resolved through an administrative hearing if the following conditions are met:

5. The student accepts responsibility for the charge(s);
6. The student requests an administrative hearing and thereby waives a Judicial Board

hearing;

7. The Judicial Coordinator, in consultation with the Judicial Board Chair, consents to an administrative hearing;
8. The student is willing to accept the administrative hearing decision and sanction (including suspension or expulsion) as final and waives the right to appeal.

E. Composition Of The Judicial Board

The Judicial Board shall be composed of 15 members: 10 students, including a non-voting student Chair; three faculty members; and two administrators or staff members. The students, three seniors, three juniors, and three sophomores shall be elected for a one year term by the student body according to Student Assembly election procedures during the spring semester of the preceding academic year from a slate approved by the Student Assembly Election Chair in conjunction with the Committee on Student Activities. The Student Assembly Election Chair will solicit and invite nominees from the student body. Student members of the Board may not be on academic or disciplinary probation.

The faculty at its May meeting shall elect faculty members, one each year for staggered three-year terms, from a slate nominated by the Committee on Student Activities. At least two candidates will normally be nominated for each vacancy. In accordance with faculty rules, candidates may be nominated from the floor. Administrative and staff members shall be nominated by the Committee on Student Activities and appointed by the Dean of Students for staggered two year terms.

A non-voting student Chair shall be elected in the spring by the outgoing board from among candidates nominated by the Board. The Chair must have a minimum of one full academic year experience on the Board. If the Chair resigns or cannot serve for any reason, the Board will elect a Chair from among its members. The Board may select a substitute Chair for a given case where there is a conflict of interest with the Chair, or if the Chair is otherwise unable to serve.

If any vacancy on the Board occurs during the academic year, the Board shall publish notice of the vacancy in three all-campus e-mail messages and one issue of the Spectator and shall elect by a majority vote a substitute Board member from among the names of interested and qualified persons responding to the notice. Only members of the group represented by the vacated position shall be eligible for election.

Hearings shall be conducted by a panel of five members of the Board: three students and two non-student members, plus the Chair. The members for a given hearing shall be appointed by the Judicial Coordinator and/or the Chair based upon a pattern of rotation established by the Board.

If a member of the Board believes that he or she has a conflict of interest in a particular case, that member may seek to disqualify himself or herself after consultation with the Chair. The accused may request that the Chair seek disqualification of any member of the Board if the accused believes that a conflict of interest exists with that member. The accused must present to the Chair written explanation as to the nature of the alleged conflict of interest. If the Chair believes that a conflict exists, the member will be disqualified upon majority vote of the Board.

Members of the Judicial Board who are charged with a violation of this Code or with a criminal offense may be suspended from their positions by the Judicial Coordinator during the pendency of the charges against them. Members found responsible for any such violation may

be disqualified from any further participation on the Judicial Board.

The Dean of Students may establish an ad hoc hearing board whenever the regular Judicial Board is not constituted, is unable to assemble a five person hearing board due to conflict of interest, or is otherwise unable to hear a case. An ad hoc hearing board shall be composed of five members, including at least three students.

F. Student Rights In Judicial Board Hearings

1. To be informed of the charge and alleged misconduct upon which the charge is based;
2. To be informed of the evidence upon which a charge is based;
3. To obtain an expeditious hearing;
4. To be assisted at a hearing by an advisor who is a member of the Hamilton College community. The advisor may not speak for the accused student at the hearing, is not present for deliberations, and may not be an attorney;
5. To bring relevant witnesses;
6. To confront and question the complainant, all witnesses, and other evidence;
7. To testify orally or in a written document, or both, or not to testify. No inference will be drawn if the accused declines to testify.
8. To be considered innocent of the charges until proven responsible by clear and convincing evidence.

G. Judicial Board Hearing Procedures

If it is determined that the case warrants a Judicial Board hearing, the Judicial Coordinator shall prepare a formal statement of the charges and of the evidence against the accused. The Judicial Coordinator shall inform the accused, in writing and orally, of the charges, evidence and the student's rights provided in the judicial process.

Judicial Board hearings shall be de novo, without regard to any matter previously developed in informal proceedings, and no decision about responsibility in a case shall be made on evidence other than that presented at the hearing.

The Chair shall schedule a hearing to be held as soon as possible, but no sooner than three weekdays following delivery of the written charge to the accused. The accused shall present to the Judicial Coordinator a written, point-by-point response to the charges at least 24 hours before the hearing. The student's advisor and all witnesses to be brought to testify should be identified in this statement.

Normally, the Director of Campus Safety, or another College employee designated by the Judicial Coordinator, will act as complainant and bear primary responsibility for presenting the case against the accused. This does not preclude the right of the person lodging the complaint to act as sole complainant or co-complainant with the College.

Hearings are closed to observers. Neither party may have an attorney present at the hearing.

Hearings shall proceed in the following order:

1. The Chair calls the hearing to order.

2. All participants, including witnesses, are present in the hearing room. All participants introduce themselves and are admonished by the Chair that they are expected to be truthful in all their testimony.
3. Witnesses are dismissed until it is time for them to testify. The complainant and the accused are present during the presentation of all testimony. Witnesses are present only during their own testimony, but must remain available for the duration of the hearing unless excused by the Chair.
4. The Chair reads the charges.
5. The accused student is asked to admit or deny the charges.
6. The complainant gives an opening statement, presents evidence, and calls witnesses, one at a time.
7. The complainant and complainant's witnesses may be questioned by the accused student and/or members of the Board.
8. The accused student gives an opening statement, presents evidence, and calls witnesses, one at a time.
9. The accused student and accused student's witnesses may be questioned by the complainant and/or members of the Board.
10. The accused student may make a closing statement.
11. The complainant may make a closing statement.
12. Following presentation of evidence and closing statements, the hearing is adjourned and everyone except members of the hearing panel and the Judicial Coordinator are dismissed from the hearing room. Participants may be asked by the Chair to remain available while the panel deliberates. The Judicial Coordinator may not participate in deliberations unless requested by the Chair to address a procedural question.
13. Deliberations proceed in two stages. First, a determination of responsibility or lack of responsibility is made based upon a majority vote of the hearing panel. Second, if the panel finds the student responsible, evidence of prior disciplinary action is entered into the deliberations by the Chair. Prior actions are considered only in the determination of sanctions, and will normally lead to a more stringent sanction.
14. The hearing panel may conclude its deliberations and arrive at a sanction at the conclusion of the hearing, or it may, in exceptional cases at the discretion of the Chair, postpone that conclusion for not more than 24 hours. Deliberations shall be strictly confidential. Members of the panel may not at any time discuss publicly the particulars of the deliberations or facts of the case. Any member who violates this provision may be dismissed from the Board by the Chair.
15. A tape recording shall be kept of the hearing. This document is an internal record of the College to be made available to the Appeals Board or to the president by the Judicial Coordinator. A student preparing an appeal will also be allowed to listen to the tapes, under the supervision of the Dean of Student's designee.
16. A statement of the panel's findings shall be prepared by the Chair and sent to the Dean of Students within 24 hours of the conclusion of deliberations. The accused student will receive written notification of the panel's findings by the Judicial

Coordinator within 48 hours of the conclusion of deliberations.

17. A summary record of the proceedings before the panel shall be kept and a copy of the summary supplied to the accused if requested.

#### H. Sanctions

The panel may assign any of the following sanctions:

1. **Warning:** Notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. **Restitution:** Charges for damages, including replacement of goods, payment of services and/or assignment of unpaid service to the College community.
3. **Mandatory educational workshop** for alcohol or drug-related misconduct.
4. **Loss of status** in housing lottery.
5. **Residence hall** transfer or removal.
6. **Status of Probation:** To be assigned for a specified period of time. Terms of the probation shall be specified, and may include denial of specified social privileges, exclusion from extracurricular activities and other measures deemed appropriate. Violation of this Code of Conduct during the period of probation will normally result in suspension or expulsion from the College.
7. **Suspension:** Separation from the College, and exclusion from College premises, and from other privileges and activities. Readmission to the College after the term of suspension is not automatic, but requires application to the Dean of Students. A student readmitted from suspension for disciplinary reasons will normally be placed on disciplinary probation for the semester immediately following readmission. Readmission will normally be denied if the conditions specified at the time of suspension have not been met. Hamilton reserves the right to defer admission if space is not available. "Suspension for Disciplinary Reasons" is recorded on the official College transcript. Students who have been suspended are expected to leave the campus within 48 hours unless the Dean of Students grants a special extension.
8. **Expulsion:** Permanent termination of student status, and exclusion from College premises, privileges, and activities. An application for readmission shall not be considered. "Expulsion for Disciplinary Reasons" is recorded on the official College transcript. Students who have been expelled are expected to leave the campus within 48 hours unless the Dean of Students grants a special extension.
9. **Other Actions:** In addition to or in place of the above actions, the hearing panel may assign such other penalties, as it deems appropriate.

#### I. Appeal

A student subject to disciplinary action may appeal to the Appeals Board a disciplinary decision within one week of being informed in writing of that decision. See procedures below (Appeals Board).

#### J. Records

The record of the proceeding shall consist of the written statement of the charge, the written response to the charges by the accused, the summary of the Board's actions, any documentary evidence and the tapes or other record of the hearing. The written record shall be kept in the

student's file and in the files of the Dean of Students. The taped record is not a part of the student's file and shall be kept in the office of the Dean of Students, to be destroyed after adjudication or decision in any appeal. In addition, suspension and expulsion are noted on the student's academic transcript.

In pending cases that could result in suspension or expulsion, the Dean of Students will normally place a temporary encumbrance on a student's transcript.

After the week has elapsed during which an appeal may be made, a brief account of the case shall be made public. The name of the student or students shall not appear. If an appeal is made, publication shall be postponed to await the outcome of the appeal.

K. Instruction Of The Community

The Judicial Board shall make provisions for educating students about the judicial process at Hamilton College.

L. Amendment

The Judicial Board, Judicial Coordinator, and/or Dean of Students may propose changes in these procedures to the Committee of Student Activities, which will seek final approval from the President.

M. Notification Of Parents

Consistent with the terms of the Family Educational Rights and Privacy Act, the College will normally notify parents or guardians of dependent students about any pending disciplinary charge that may result in suspension or expulsion. In all cases where the penalty assigned is probation, suspension or expulsion, the Judicial Coordinator shall notify the parents or guardian within one week of the decision.

N. Perjury

All members of the Hamilton community are expected to be truthful in presenting testimony during any disciplinary inquiry and to cooperate fully in the investigation of infractions. The Chair shall remind participants in disciplinary hearings of this expectation, but failure to admonish does not remove the requirement. Perjury or obstruction of any inquiry shall itself be grounds for disciplinary action.

***Section 2. The Honor Court Constitution***

A. Purpose

The purpose of the Honor Court will be to uphold Hamilton standards of academic honesty and to ensure protection of students' rights in questions of alleged violations of the Hamilton College Honor Code.

B. Composition

The Honor Court will be composed of the non-voting student chair and ten voting members, consisting of seven students and three faculty members. The students, two seniors, two juniors, two sophomores and one first-year student, will be elected according to Student Assembly election procedures during the spring semester of the preceding academic year, except in the case of the first-year student, who will be elected during the fall semester of the current academic year. Student members of the court may not be on academic or disciplinary probation and may not have been found responsible for violating the Honor Code. A sitting member of the Court who is found responsible for violating the Honor Code, will be dismissed from the Court.

The chair will be elected in the spring by the outgoing Court from among candidates nominated by that Court.

Faculty members will be elected by the faculty at its May meeting, one each year for staggered three-year terms, from a slate nominated by the Nomination Committee of the Student Assembly Central Council. The written consent of the nominees must be presented to the Academic Council with the slate at least two weeks in advance of the election. At least two candidates will be nominated for each vacancy. If the Student Assembly is unable to present a slate, the Academic Council will nominate candidates. In accordance with faculty rules, candidates may be nominated from the floor.

If the chair resigns or cannot serve for any reason, the Court will elect a chair from among its members. The Court may select a substitute chair for a given case where there is a conflict of interest with the chair, or if the chair is otherwise unable to serve.

If there is a vacancy on the Court during the academic year the Court will publish notice of the vacancy in three all-campus email messages and one issue of the Spectator and will elect by a majority vote a substitute Court member from among the names of interested and qualified persons responding to the notice. Only members of the group represented by the vacated position will be eligible for election.

All members of the Court will be invited to every Court hearing. A quorum of the Court will consist of six voting members: five students and one faculty, plus the chair, who will not vote. If a quorum cannot be attained owing to disqualification of members for conflict of interest, the hearing must be scheduled at a time when it can be heard by the maximum number of Court members who are qualified to hear the complaint. In all other instances when a quorum is not attained, the hearing will be rescheduled, unless the parties assent in writing to going forward with the number of members currently present.

If a member of the Board believes that he or she has a conflict of interest in a particular case, that member may seek to disqualify himself or herself after consultation with the chair. The accused may request that the chair seek disqualification of any member of the Court if the accused believes that a conflict of interest exists with that member. The accused must present to the chair written explanation as to the nature of the alleged conflict of interest. If the chair believes that a conflict exists, the member will be disqualified upon majority vote of the Court.

The dean of students may establish an ad hoc hearing board whenever the regular Honor Court is not constituted or is otherwise unable to hear a case. An ad hoc hearing board will be composed of five members, including at least three students.

#### C. Procedures

Throughout these procedures, the dean of students is understood to mean the dean or his or her designee.

Violations of the Honor Code are considered to be infractions against Hamilton College. Complaints against students for alleged violations of the Honor Code will be presented to the dean of students or to the chair in writing. The dean of students and/or the chair will investigate the complaint and gather any form of evidence that may aid the members of the Court in reaching a decision. The dean of students and the chair will determine if the complaint warrants a hearing

If it is determined that the complaint does not warrant a hearing, the complaint will be dismissed. The complainant and the accused will be informed in writing. A decision not to hear a complaint may be appealed by the complainant or the accused to the Appeals Board, which may direct the Court to hear the complaint.

If it is determined that the complaint warrants a hearing, the dean of students will prepare a formal statement of the complaint and of the evidence against the accused. The dean of

students will inform the accused in writing of the complaint, the identity of the complainant, the evidence available, a witness list, the range of sanctions available to the Court, and the following rights:

1. to an expeditious hearing. Should reasonable delays occur, the College will provide an explanation to all parties involved.
2. to be informed in advance in writing of the procedures to be followed in the hearing;
3. to bring to the hearing an advisor, who must be another student, faculty member or administrator not connected to the complaint, and who may not serve as a witness but may only participate in a closing statement;
4. to bring relevant witnesses;
5. to confront and question the complainant, all witnesses, and other evidence;
6. to testify, orally, or in a written document, or both;
7. to make a closing statement in the proceedings;
8. to be considered innocent of the complaint until proven responsible by clear and convincing evidence;
9. to request an administrative hearing, conducted by the dean of students and the Honor Court chair, under the following conditions:
  - a. The accused waives the right to an Honor Court hearing, and
  - b. the complainant and the accused acknowledge that they have no substantive disagreements about the facts of the complaint, and
  - c. the violation is the student's first.

The dean of students and the Honor Court chair will decide whether to approve a request for an administrative hearing. A decision by the dean of students and Honor Court chair to deny an administrative hearing may not be appealed. Only the accused student, the complainant, the dean of students, and the Honor Court chair may take part in an administrative hearing. The complainant may suggest a sanction. After the hearing, the dean of students and the Honor Court chair will determine a sanction and the dean will inform the student in writing of the decision. The possible sanctions are the same as those outlined in section III.D, except separation from the College. Any complaint that may result in separation from the College will be referred to the Honor Court. The accused may appeal the decision of the dean of students and the Honor Court chair to the Appeals Board within one week of receiving written notification of the decision.

All hearings of the Honor Court will be conducted without regard to any matter previously developed in informal proceedings, and no decision about responsibility in a complaint will be made on evidence other than that presented at the hearing.

The chair will convene the Court for a hearing to be held as soon as possible, but no sooner than three workdays following delivery of the written charge to the accused. The accused will present to the dean of students a written, point-by-point response to the complaint at least 24 hours before the hearing. Failure to answer a complaint may result in a charge of failure to comply being forwarded to the judicial board. Any witness to be brought to testify should be identified in this statement. All points of the complaints that are not specifically denied will be deemed admitted, and evidence, testimony and witnesses regarding these points will be deemed unnecessary in the hearing. If the accused chooses not to attend the hearing, the Court has the authority to hear the complaint without the testimony of the accused.

Normally, the dean of students will select a faculty member not connected with the complaint to act as co-complainant with the faculty member or student who initially brought the complaint forward, and bear primary responsibility for presenting the complaint against the accused. The faculty member or student who initiated the complaint will give testimony in the hearing and may be asked questions by members of the Court or the accused about that testimony. The dean of students will be present at all hearings to oversee the process.

Hearings are closed to observers. Neither party may have an attorney present at the hearing. The hearing will proceed as described below.

1. The chair will call the hearing to order, introduce all participants and admonish all participants that they are expected to be truthful in all their testimony. No one may speak at the hearing unless recognized by the chair, who will have full authority over the proceedings. Witnesses will not be present until they are called, and will be admonished at that time that they are expected to be truthful in all their testimony.
2. The accused and the complainant(s) may be present during the presentation of all testimony.
3. The chair will introduce the formal statement of the complaint and the accused's written response, copies of which will have been provided to the members of the Court. The hearing will consider only those policy violations alleged in the written statement; new allegations may not be introduced during the hearing. No proof will be required for points that are deemed admitted. If the Court believes that a witness or party is lying, they may initiate a complaint so that the allegations of lying can be addressed in a separate hearing.
4. The complainant(s) will provide evidence in support of the disputed allegations, and may ask that witnesses be called. The accused may respond to that evidence, may question witnesses, and may ask that witnesses be called on his or her behalf. The complainant(s) may question the witnesses called by the accused.
5. Witnesses will be present only during their own testimony, but must remain available for the duration of the hearing unless excused by the chair.
6. Members of the Court may question any of the participants at any point during the hearing or may have any participants recalled for questioning at the discretion of the chair. In addition to the witnesses called by the parties, the Court may have identified additional witnesses who it may call.
7. The complainant, and then the accused, will have the opportunity to make closing statements.
8. Following presentation of evidence, the hearing will be closed and everyone except members of the Court and the dean of students will be dismissed from the hearing room. Participants may be asked by the chair to remain available while the Court deliberates. The dean of students may not participate in deliberations unless requested by the chair to address a procedural question.
9. Deliberations of the Court will proceed in two stages. First, the Court will determine whether the accused student violated the Honor Code. A student will only be found in violation by a vote of at least two-thirds of the Court members who heard the complaint. If the Court determines that the accused student did not violate the Honor Code, the chair will inform the accused student of the Court's findings. A student may not be tried again for the same violation unless significant new evidence arises. Second, if the Court determines that the accused student violated the Honor Code, then evidence of prior disciplinary action by the Honor Court will be entered into the deliberations by the chair, and the Court will determine a sanction by majority vote. Prior actions will be considered only in the determination of sanctions and will normally lead to a more stringent sanction. Upon conclusion of the hearing, the chair will prepare a written statement of the Court's findings, with rationale, for the dean of students. The chair may discuss the Court's rationale with the dean of students. The dean of students will administer any disciplinary action determined by the Court that modifies a student's status at the College.
10. The Court may conclude its deliberations and arrive at a sanction at the conclusion of the hearing, or it may, at the discretion of the chair, postpone that conclusion for not more than 48 hours. Participants in the complaint will be informed of the decision of the Court as soon as possible.
11. Should the accused student provide new evidence not available at the time of the hearing, the Court will reconvene to hear the new evidence. The Court will follow the same procedures outlined above, however, the Court will not be required to re-hear evidence already presented at the earlier hearing.

12. Deliberations of the Court are strictly confidential. Members of the Court may not at any time discuss the facts of the complaint or particulars of the deliberations with anyone other than the chair, the dean of students, or a member of the Court that heard the complaint. Any member violating this provision will be dismissed from the Court by the chair.
13. A tape recording will be kept of the hearing. This document is an internal record of the College to be made available to the Appeals Board or to the President by the dean of students. A student preparing an appeal will also be allowed to listen to the tapes, under the supervision of the dean of students.
14. A summary record of the proceedings before the Honor Court will be kept and a copy of the record supplied to the accused if requested.

#### D. Sanctions

1. In the case of a first violation of the Honor Code, the Honor Court will assign a sanction commensurate with the nature of the violation. In all cases of a first violation, the student will be required to complete a tutorial on academic integrity. If a student does not complete the tutorial on academic integrity within a thirty day period following notification of the sanction, the student will not be allowed to register for subsequent semesters, or graduate, until he or she has completed the tutorial. In addition, the Court may assign one of the following sanctions:
  - a. In addition to any grade assigned by the faculty member for the particular academic work wherein the violation occurred, a record of the violation and all evidence pertaining to it will be kept in the student's file in the Dean of Students' Office until one year after graduation. A copy of any letter to the student from the dean, and a report of the findings of the Honor Court, will be placed in this file, which will be open to the student's inspection. No record of the offense will appear on the student's transcript unless a second violation occurs.
  - b. The student will be removed from the course, and a record of the violation and all evidence pertaining to it will be kept in the student's file in the Dean of Students' Office until one year after graduation. A copy of any letter to the student from the dean, and a report of the findings of the Honor Court, will be placed in this file, which will be open to the student's inspection. No record of the offense will appear on the student's transcript unless a second violation occurs.
  - c. The student will be removed from the course and the notation "XF" placed on his or her transcript, which will record that XF means "Removed from the course for academic dishonesty." When the cumulative average is calculated, XF will carry the numerical value of FF. After a period of two years, the student may request in writing that the XF be removed from the student's transcript and be replaced with a grade of FF provided the student has completed all assigned tutorials and has not been found responsible for subsequent violations of the Honor Code. In addition, a record of the violation and all evidence and correspondence pertaining to it will remain a part of the student's permanent record, which will be open to the student's inspection.
  - d. The student will be suspended from the College for a length of time to be determined by the Honor Court. The notation "Suspension for academic dishonesty" will appear on the transcript. After a period of two years from the end of the term of the suspension, the student may request in writing that the notation be removed from the transcript provided the student has completed all assigned tutorials and has not been found responsible for subsequent violations of the Honor Code. Students will not normally be allowed to transfer credits completed at other institutions while on suspension.

2. In the case of a second violation, after action by the Honor Court, an XF will be recorded permanently on the student's transcript for the course in which the second violation occurred, and the student will be dismissed from the College. The notation "Expulsion for academic dishonesty" will appear on the transcript.
3. Other actions: In addition to or in place of the above actions, the Honor Court may assign such other sanctions, including community service, as it deems appropriate. It is understood, however, that such other actions will not involve the assignment of grades by the Court.

E. Records

The written record of the complaint will consist of the written statement of the charges, the written response to the charges by the accused, any documentary evidence, the summary by the chair of the Court's actions, and the letter from the dean of students informing the accused of the Court's findings. This record will be filed in the Dean of Students' Office and will be open to the student's inspection. The taped record is not part of the student's file and will be kept in the office of the dean of students, to be destroyed after adjudication or decision in any appeal.

After the week has elapsed during which an appeal could be made, if one is not made, a brief account of the complaint will be made public by the chair. The name of the student or students will not appear. If an appeal is made, publication will be postponed to await the outcome of the appeal.

F. Instruction of the Community

The College will make provisions for interpreting this system to new students upon their entrance into the College. These programs will be organized by the dean of students in consultation with the Honor Court chair.

G. Amendment

This constitution may be amended by the procedures set forth in Article XI of the Constitution of the Student Body of Hamilton College. The adopted amendments are contingent upon ratification by the faculty.

H. Duty of Honesty

All members of the Hamilton community are expected to be truthful in presenting testimony during any disciplinary inquiry and to cooperate fully in the investigation of infractions. Participants in disciplinary hearings will be reminded of this expectation by the chair, but failure to admonish does not remove the requirement. Lying or obstruction of any inquiry will itself be grounds for disciplinary action.

I. Notification of Parents

In serious disciplinary complaints where the penalty may be separation from the College, the dean of students may, at his or her discretion and after informing the student of his or her intention to do so, notify the student's parents or guardian in advance of the hearing. In all cases where the penalty assigned is removal from a course, suspension, or expulsion, the dean of students will notify the parents or guardian within one week of the decision and will send a copy of the notification to the student.

These provisions do not apply if the student is financially independent of his or her parents and has a separate domicile.

### ***Section 3. Appeals Board Constitution***

A. Jurisdiction

The function of the Appeals Board is to ascertain that hearings conducted by the Honor Court and the Judicial Board have been conducted fairly, in accordance with the procedures outlined above, and without undue bias. The Appeals Board will not substitute its own judgment for

that of the original hearing body, nor will it concern itself with the possibility that others might have arrived at a different judgment. Its terms of reference extend only to investigation of the procedures by which the original judgment was reached. Decisions of the Appeals Board are final.

B. Composition

The Appeals Board shall be composed of three faculty members, and two students. Faculty members shall be nominated by the Committee on Student Activities and elected by the faculty at large for a three-year term, one vacancy arising per year. The student members shall be nominated by the Committee on Student Activities and elected by the student body to a one year term according to Student Assembly election procedures. At least two candidates must be nominated for each vacancy. Student members must be in good academic and disciplinary standing. In case of vacancy on the Board during the academic year, the Committee on Student Activities shall appoint a replacement. A quorum shall consist of three members; two faculty and one student. The Dean of Students may attend meetings but shall not have a vote. The Chair shall be one of the faculty members, designated by the Dean of the Faculty.

C. Procedures

A student subject to disciplinary action following a hearing by the Judicial Board or Honor Court may appeal a disciplinary decision within one week of being informed in writing of that decision. The appeal must be made in writing to the Chair of the Appeals Board, with a copy to the Assistant Dean of Students (Judicial Board) or the Associate Dean of Students, Academics (Honor Court), and must state in detail the reasons for the appeal. The Chair shall inform the respondent (the Chair of the Honor Court or Judicial Board) that an appeal has been made and shall invite the appropriate Dean and the respondent to make written statements to the Appeals Board. Within one week of receipt of the appeal, the Chair shall convene the Appeals Board to determine whether the appeal shall be considered. In making that decision, the Appeals Board shall have access to the written records of the case.

Acceptable grounds for an appeal are limited to:

1. Harshness of sanction inconsistent with stated community standards and precedents
2. Procedural irregularity that affected the outcome of the hearing
3. Prejudicial bias on the part of the hearing body
4. New evidence not available at the time of the original hearing must be brought to the attention of the original hearing body for consideration before the case can be presented on appeal.

If the Appeals Board decides to consider the appeal, the Chair shall schedule another meeting for consideration and disposition of the appeal. The Appeals Board shall have access to the records of the hearing. Normally, the appellant, respondent, and Dean shall not appear before the Appeals Board, though they may be summoned at the discretion of the Chair.

The Appeals Board may decide:

1. To uphold the original decision.
2. To remand the case to the appropriate body for rehearing. This shall normally be done when there is a procedural irregularity that could be corrected in a rehearing.
3. To remand the case to the appropriate body or to the Dean of Students with a recommendation that the penalty be modified, together with an explanation of why the original penalty is deemed inappropriate.
4. To remand the case to an ad hoc hearing board. This will be done only in extraordinary cases when, in the considered opinion of the Appeals Board, prejudicial bias or procedural problems would make it impossible for the appropriate body to reach a fair decision.

The appellant, respondent, and appropriate Dean shall be informed in writing of the decision and of the grounds for the decision.

D. Records

The record of the appeal shall consist of the letter of appeal, the written statements from the respondent and the appropriate Dean; the written decision whether to hear the appeal and the outcome of the appeal. This record shall be appended to the written record of the original disciplinary action and shall be kept with it.

The Appeals Board shall make a brief account of its decision public. Names shall not appear.

### ***Article III.*** ***Central Council***

**Section 1.** The executive branch of the Student Assembly is the Central Council.

**Section 2.** The Central Council shall be responsible for coordinating the activities of the other branches of the Student Assembly and performing any duties not given to the other branches by this Constitution.

**Section 3.** The Central Council shall be composed of the following distinct voting members who, upon their respective elections, shall become Central Council members of the Student Assembly:

- The president of the Student Assembly (chair of the Central Council);
- The vice president of the Student Assembly;
- One (1) class president for all four class years;
- One (1) class secretary/treasurer for all four class years;
- Five (5) class delegates for all four class years;
- The Judicial Board chair;
- The Honor Court chair.

**Section 4.** The Central Council shall also be composed of the following distinct non-voting members:

- Central Council treasurer;
- Parliamentarian;
- Recording secretary;
- Director of public communication.
- Election Chair (if one is appointed in place of the Vice President);
- All committee chairs who are not otherwise elected members of the Central Council.

**Section 5.** For each session of the Central Council, no person shall hold more than one position enumerated in Article IV, Sections 3 and 4.

**Section 6.** There shall be five Central Council officers:

A. The president of the Student Assembly shall serve as Chair of the Central Council and shall be the chief administrative officer of the Student Assembly of Hamilton College. The president's responsibilities are as follows:

- To call all meetings of the Central Council;
- To create an agenda for all Central Council meetings;
- To conduct all Central Council meetings of the Student Assembly;
- To nominate the Central Council treasurer, parliamentarian, director of public communication, and recording secretary from the student body;
- To approve or appoint all committees and committee chairs;
- To appoint or request that the Central Council or any branch appoint special committees as deemed necessary;
- To supervise the work of all Student Assembly committees;
- To represent the Student Assembly in all dealings with the administration, faculty and trustees of the College;

- To assume discretionary powers in the event of matters requiring immediate action when the Central Council is not in session and cannot be convened. The Central Council Chair's action in such matters is subject to review by the Central Council;
- To conduct a meeting with the first-year students during orientation week, or as soon thereafter as practical, at which a presentation shall be made on behalf of the Student Assembly, describing the history, mission, structure, elections and responsibilities of the Student Assembly;
- To reserve the option of presenting a State-of-the-College address for the community at any time of his or her discretion.

B. The vice president shall assume all the responsibilities of the president in his or her absence.

C. The treasurer shall serve as the Central Council Funding Committee Chair and shall supervise the disbursement of all funds of the Student Assembly. He or she is responsible for maintaining a current account of the Student Assembly budgets. The treasurer reserves the right to notify The Office of Student Activities if an organization defaults on any of its obligations. This may result in a suspension of an organization's funding privileges and/or their recognition status.

D. The parliamentarian shall serve as Chair of the Central Council Constitutional Committee. He or she shall be responsible for advising the Central Council president on Constitutional matters and ensuring that all Student Assembly actions are in accordance with the Constitution, its Bylaws, and Robert's Rules of Order. He or she shall be responsible for interpreting, drafting, and presenting all formal amendments to the Constitution and Bylaws and he or she shall have the right to interrupt the proceedings of any Central Council meeting to ensure that the Central Council abides by proper rules.

E. The Central Council recording secretary shall be responsible for creating the official meeting minutes of the Central Council and for sending the minutes to all class treasurers after weekly Central Council meetings.

F. The Central Council director of publicity shall be responsible for maintaining the Student Assembly website including updating content to reflect the weekly proceedings of the Central Council.

**Section 7.** Two-thirds (2/3) of the voting members of the Central Council of the Student Assembly shall constitute a quorum.

**Section 8.** Main motions before the Central Council require majority vote; supermajority votes are required for special motions as outlined in Roberts Rules of Order.

## ***Article IV. Organizations***

**Section 1.** All recognized student organizations shall fall under the auspices of the Central Council. These groups shall include all organizations with student membership, except the Student Media Board and the Campus Activities Board (CAB).

**Section 2.** Those organizations recognized by The Office of Student Activities shall have specific rights and privileges that include:

- permission to reserve and use campus facilities, provided that proper request and notification procedures are followed;
- the use of campus vehicles at a normal rate, provided that proper request and driver registration procedures are followed.

**Section 3.** Recognized organizations may submit budget proposals to the Funding Committee and shall receive funding from the Central Council upon majority vote of the Central Council.

## ***Article V Committees***

**Section 1.** Each branch of the Student Assembly shall have the authority to organize and regulate all committees deemed necessary to improve Student Assembly operations or gain information. Any committee is immediately responsible to the branch that has been authorized to staff and/or oversee the activities of that committee. Any committee is ultimately responsible to the designated branch. Each committee shall present weekly committee reports to the respective branch.

**Section 2.** Standing committees, whose membership shall be restricted to Central Council members, except where stated differently, include:

- A. An Elections Committee whose duty shall be to supervise and conduct the elections for the officials enumerated in Article VII, Section 1, in accordance with Article VII. The chair of this committee shall be the Central Council vice president or designee;
- B. A Constitution Committee whose duty shall be to interpret this constitution. Upon interpretation, a majority vote by the Central Council is necessary to adopt the committee's interpretation. The parliamentarian shall serve as the chair of this committee;
- C. A Funding Committee chaired by the Central Council Treasurer and composed of one delegate from each class year.

**Section 3.** Ad-hoc committees may be appointed at the discretion of the Central Council. Ad-hoc committees must dissolve once they have attained their goals. Each ad-hoc committee shall have a charter that expires at the end of each semester. Charters may be renewed using the same methods used to create new committees.

**Section 4.** Any member of the student body may chair and sit on any committee of the Student Assembly that does not have restricted membership.

- A. Any given student may chair one and no more than one committee at any given time.

## ***Article VI.***

### ***Elections***

**Section 1.** An Election Committee chair shall be established to supervise and conduct elections of all positions of the Student Assembly, which include those enumerated in Article IV, Section 3 and representatives to the Judicial Board, Honor Court and Appeals Board. An Elections Committee will also be appointed by the Student Assembly president. No fewer than seven (7) members (including the chair) may be appointed for one academic year.

**Section 2.** Twenty-five (25) student signatures are required to complete a nomination for class representative, Judicial Board representative, and Honor Court representative. Fifty (50) student signatures are required to complete a nomination for class president, class treasurer, Judicial Board chair, and Honor Court chair. Seventy-five (75) student signatures are required to complete a nomination for Student Assembly president and vice president. Students may sign as many nominating petitions for each office as there are available positions to be filled.

- A. Furthermore, anyone who wishes to formally run for office of Student Assembly President must attend and have their attendance recorded at eight (8) full meetings of the Central Council. This requirement must be completed prior to his or her submission of a signature petition and platform in order to be formally allowed to run for Student Assembly President. However, the Vice Presidential candidate does not need to fulfill this requirement.
- B. Any candidate running for office must attend one briefing by the Elections Committee.

**Section 3.** The elections of the class delegate, Honor Court representatives, Judicial Board representatives, and Appeals Board representatives shall occur toward the end of the academic year, as determined by the Elections Committee. The elections of the Honor Court Chair and Judicial Board Chair shall occur prior to these elections.

- A. An election will be held within the first three weeks of the fall semester to fill all first year positions.
- B. No single candidate can run for more than one of the following offices: Judicial Board representative, Honor Court representative, or Appeals Board representative.

**Section 4.** The election of class presidents, except for the first-year class president, shall occur one week prior to the general spring semester elections.

**Section 5.** With the exception of Judicial Board chair, Honor Court chair, Appeals Board representatives and the president/vice president ticket, signatures shall be of students from the candidates respective class year.

**Section 6.** Platforms for class president, class treasurer, class delegate, Judicial Board chair and representatives, Honor Court chair and Honor Court representatives shall not exceed one hundred (100) words. Candidates for Student Assembly president and vice president run as a ticket and shall submit one platform that shall not exceed two hundred (200) words.

**Section 7.** Petitions and platforms are to be submitted to the Election Committee prior to any established deadlines. The Election Committee is responsible for publicizing all platforms at least five (5) days before the election.

**Section 8.** Positions are obtained by the individuals with the greatest number of votes except where noted differently.

- A. To obtain the position of Student Assembly president, Student Assembly vice president, Judicial Board chair, or Honor Court chair, one must receive at least forty percent (40%) of the votes cast.

**Section 9.** A run-off election shall be held if no individual receives the necessary number of votes needed. The run-off shall be between the two candidates who received the greatest number of votes. In the event of a tie, a run-off election shall be held between the individuals who received an equal number of votes.

**Section 10.** The election for Student Assembly president and vice president shall be held during the fall semester, between Thanksgiving recess and the end of the fall semester. These officers, who shall be elected as one ticket, will assume office the first day of the spring semester.

**Section 11.** The election for Student Assembly President and Vice President may be preceded by a debate between the candidates if agreed upon by the Elections Committee and Central Council of the Student Assembly.

**Section 12.** The Central Council may call for a revote of any election upon the recommendation of the Executive Committee. A two-thirds (2/3) vote of the Central Council is required to annul election.

## **Article VII.**

### **Loss of Office**

**Section 1.** Any member of the Central Council who has three recorded unexcused absences during his/her term in office may be dismissed from office by the president of the Student Assembly.

**Section 2.** The Central Council reserves the right to impeach any member of the Student Assembly in accordance with the Central Council Bylaws. A two-thirds (2/3) vote of the Central Council is required to carry a motion for impeachment.

**Section 3.** In the event of the resignation or impeachment of the Student Assembly president, the vice president shall assume the position of president immediately and shall serve for the remainder of the term. If the vice president does not wish to become president, he or she may serve as president pro-tempore for a term of three weeks to allow for the proper advertising and execution of a campus-wide election to determine a new president.

**Section 4.** In the event of the resignation or impeachment of the Student Assembly vice president, there shall be a campus-wide election to fill the vacancy. In the event that the vice president is assuming the office of president, there shall be a campus wide election to fill the vacancy for vice president.

**Section 5.** In the event of the resignation or impeachment of the Student Assembly treasurer, parliamentarian, recording secretary, director of public communication, or appointed committee chairs who are not also class council officers, the president shall advertise the vacancy immediately and make a new appointment within ten days.

**Section 6.** Any member of the Student Assembly that has been dismissed or impeached may not hold any elected office of the Student Assembly.

## **Article VIII.**

## ***Repeal of Legislation***

**Section 1.** The student body reserves the right to repeal any legislation adopted by any branch of the Student Assembly. A petition for repeal must be submitted with three hundred (300) student signatures no later than fourteen (14) days after the legislation's enactment.

**Section 2.** The Central Council has the right to reconsider legislation adopted by the Judicial Branch. A three-fourths (3/4) vote of the Central Council is required to reconsider legislation.

## ***Article IX.***

### ***Dissolution and Creation of a Branch***

**Section 1.** The Central Council has the right to dissolve a branch of government if its core functions cease to meet the needs of the student body or the Assembly. Any member of the Central Council may motion to dissolve a branch.

**Section 2.** A branch may be dissolved by majority vote of the student body, upon three-fourths (3/4) approval of the Central Council.

**Section 3.** Sections of this Constitution which outline the policies of a dissolved branch will be omitted.

**Section 4.** A new branch of government may be instated upon three-fourths (3/4) approval of the Central Council and majority vote of the student body.

**Section 5.** The policies of a new branch must be enumerated in this Constitution.

## ***Article X.***

### ***Advisor***

**Section 1.** The Hamilton College Student Assembly shall have as its advisor the dean of students. The Dean of Students may appoint a designee upon notification to the Student Assembly.

## ***Article XI.***

### ***Amendments***

**Section 1.** All proposed amendments must be reviewed by the Constitution Committee and presented to the Central Council by the parliamentarian.

**Section 2.** This Constitution may be amended by majority vote of the voting student body, upon three-fourths (3/4) approval of the Central Council.

## ***Article XII.***

### ***Bylaws***

**Section 1.** The Central Council and the Judicial Board shall have their own bylaws.

**Section 2.** The bylaws of each branch shall be amended by majority vote of the Central Council upon the recommendation of the Parliamentarian.