

Constitution of the Student Assembly of Hamilton College

Article I. Organization of the Student Assembly

Section 1. Name

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

Section 2. Membership

Every person enrolled as an undergraduate of Hamilton College shall be vested in the Student Assembly of 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, each with its own constitution; 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 Central Council.

Section 3. 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. to pass such legislation as shall be consistent with the wishes of the student body;
- F. and to allocate funding to various campus organizations.

Article II. The Judicial Branch

Section 1. The Judicial Board Constitution

- A. Responsibility
 1. 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.
 2. 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.
 3. The Associate Dean of Students, 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 Associate Dean of Students, or the Chair of the Judicial Board.

B. Mediation

1. A student complainant or the Associate Dean of Students may propose mediation as a means to resolve some disciplinary cases. Mediation is possible, with the approval of the Associate Dean of Students, 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.
2. The Associate Dean of Students 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

1. Violations of standards of conduct and of College regulations are considered to be infractions against Hamilton College. Following receipt of a written complaint, the Associate Dean of Students 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 Associate Dean of Students in consultation with the Judicial Board Chair.
2. 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

1. The Associate Dean of Students 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.
2. The following procedural protections are provided to accused students in administrative hearings:
 - i. Written notice of the specific charges at least three (3) business days prior to the scheduled hearing;
 - ii. Reasonable access to evidence prior to and during the hearing;
 - iii. An opportunity to respond to the evidence and to call relevant and necessary witnesses;
 - iv. 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.
3. A brief account of the cases resolved through administrative hearings shall be made public. The names of students involved shall not appear.
4. 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:
 - i. The student accepts responsibility for the charge(s);
 - ii. The student requests an administrative hearing and thereby waives a Judicial Board hearing;
 - iii. The Associate Dean of Students, in consultation with the Judicial Board Chair, consents to an administrative hearing;
 - iv. 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

1. Membership

- i. 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.

2. The students, three seniors, three juniors and three sophomores shall serve for a one-year term with a two-term limit. The student members will be selected during the spring semester of the preceding academic year by the outgoing Board. The Board will publish notice of the selection process to all students. The Current Board will select, by a majority vote, the student members from among the names of interested and qualified persons responding to the notice. Once new members have been chosen, the Student Assembly shall offer the student body the opportunity to offer their input regarding the appointments, before holding a vote to confirm the new appointments. The Board will not consider platforms from students on disciplinary probation at the time of selection. A sitting member of the Board who is found responsible for violating College policy and assigned six or more points will be dismissed from the Board.

3. Faculty Membership

- i. Faculty members shall be nominated by the Academic Council and elected by the faculty at large for a three-year term, one vacancy arising per year. 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.

4. Chairperson

- i. 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. A student may serve as chair in his/her third term 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.

5. Vacancies

- i. If any vacancy on the Board occurs during the academic year, the Board shall publish notice of the vacancy in two 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.

6. Hearings

- i. 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 Associate Dean of Students and/or the Chair based upon a pattern of rotation established by the Board.

7. Conflicts of Interest

- i. 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.

8. Violations
 - i. 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 Associate Dean of Students 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.
 9. Ad Hoc Hearing Board
 - i. 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
1. If it is determined that the case warrants a Judicial Board hearing, the Associate Dean of Students shall prepare a formal statement of the charges and of the evidence against the accused. The Associate Dean of Students shall inform the accused, in writing and orally, of the charges, evidence and the student's rights provided in the judicial process.
 2. Once a complaint has been filed, a request by a student respondent to withdraw temporarily or permanently from the College will not be approved until the hearing processes have concluded.
 3. 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.
 4. 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 Associate Dean of Students 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.
 5. Normally, the Director of Campus Safety, or another College employee designated by the Associate Dean of Students, 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.
 6. Hearings are closed to observers. Neither party may have an attorney present at the hearing.

7. Hearings shall proceed in the following order:
 - a. The Chair calls the hearing to order.
 - b. 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.
 - c. 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.
 - d. The Chair reads the charges.
 - e. The accused student is asked to admit or deny the charges.
 - f. The complainant gives an opening statement, presents evidence, and calls witnesses, one at a time.
 - g. The complainant and complainant's witnesses may be questioned by the accused student and/or members of the Board.
 - h. The accused student gives an opening statement, presents evidence, and calls witnesses, one at a time.
 - i. The accused student and accused student's witnesses may be questioned by the complainant and/or members of the Board.
 - j. The accused student may make a closing statement.
 - k. The complainant may make a closing statement.
 - l. Following presentation of evidence and closing statements, the hearing is adjourned and everyone except members of the hearing panel and the Associate Dean of Students are dismissed from the hearing room. Participants may be asked by the Chair to remain available while the panel deliberates. The Associate Dean of Students may not participate in deliberations unless requested by the Chair to address a procedural question.
 - m. 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.
 - n. 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.
 - o. 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 Associate Dean of Students. A student preparing an appeal will also be allowed to listen to the tapes, under the supervision of the Dean of Student's designee.
 - p. 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 Associate Dean of Students within 48 hours of the conclusion of deliberations.
 - q. 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 (1-3 Judicial Points):** 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 (**6-9 Judicial Points**).
 5. **Status of Probation (6-9 Judicial Points):** 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.
 6. **Suspension (10 or more Judicial Points):** 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. Students who have been suspended are expected to leave the campus within 48 hours unless the Dean of Students grants a special extension.
 7. **Expulsion (10 or more Judicial Points):** Permanent termination of student status, and exclusion from College premises, privileges, and activities. An application for readmission shall not be considered. Students who have been expelled are expected to leave the campus within 48 hours unless the Dean of Students grants a special extension.
 8. **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
1. 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
1. 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.
 2. 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.
 3. 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
1. The Judicial Board shall make provisions for educating students about the judicial process at Hamilton College.

L. Amendment

1. The Judicial Board, Associate Dean of Students, 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 (4 or more Judicial Points)

1. 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 four or more points, probation, suspension or expulsion, the Associate Dean of Students shall notify the parents or guardian within one week of the decision.

N. Perjury

1. 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 is to uphold Hamilton community 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, ordinarily at least one from each class year, shall serve for a one-year term with a two-term limit. The student members will be selected during the spring semester of the preceding academic year, except a member from the first-year class who will be selected early in the fall semester. The Court will publish notice of the selection process to all students. The current Court will select, by a majority vote, the student members from among the names of interested and qualified persons responding to the notice. Once new members have been chosen, the Student Assembly shall offer the student body the opportunity to offer their input regarding the appointments, before holding a vote to confirm the new appointments. The Court will not consider platforms from students on disciplinary probation or who 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.

Faculty members will be elected by the faculty at its May meeting, one each year for staggered three-year terms. The written consent of the nominees must be presented to the Academic Council. In accordance with faculty rules, candidates may be nominated from the floor.

The chair will be elected in the spring by the outgoing Court from among candidates nominated by that Court. A student may serve as chair for a third term on the Court.

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 and

will elect by a majority vote a substitute Court member from among the names of interested and qualified persons responding to the notice.

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 respondent may request that the chair seek disqualification of any member of the Court if the respondent believes that a conflict of interest exists with that member. The respondent 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; the 'witness of the suspected violation' is the member of the community who brought the possible violation to the attention of the Court, ordinarily the instructor of a course in which a suspected violation occurs, but may be a student or other member of the Hamilton community; the 'respondent' is the student suspected of violating the Honor Code.

Violations of the Honor Code are considered to be infractions against Hamilton College. Suspected violations of the Honor Code will be presented by the witness of the suspected violation to the dean of students or to the chair in writing. Once a suspected violation has been filed, a request by a respondent to withdraw temporarily or permanently from the College will not be approved until the hearing processes have concluded.

The dean of students and/or the chair will investigate the suspected violation 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 not to warrant a hearing, the suspected violation will be dismissed. The witness to the suspected violation and the respondent will be informed in writing. A decision not to proceed with a hearing may be appealed by the witness to the suspected violation or the respondent to the Appeals Board, which may direct the Court to hear the case.

If it is determined that the suspected violation warrants a hearing, the dean of students will prepare a formal statement of the complaint and of the evidence against the respondent. The dean of students will inform the respondent in writing of the complaint, the identity of the witness of the violation, 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 not be tried again for the same violation unless significant new evidence arises.

4. to be considered innocent of the complaint until proven responsible by clear and convincing evidence;
5. to request an administrative hearing, conducted by the dean of students and the Honor Court chair, under the following conditions:
 - a. the respondent waives the right to an Honor Court hearing, and
 - b. the respondent admits a violation of the Honor Code, and
 - c. the witness of the suspected violation and the respondent acknowledge that they have no substantive disagreements about the facts of the complaint, and
 - d. the violation is the student's first
6. to request an administrative hearing if the violation is the student's second, as long as the student admits the violation, waives the right to an appeal, and understands that the sanction is expulsion.
7. to bring to a Court 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;
8. to bring relevant witnesses;
9. to confront and question the faculty witness, all other witnesses, and other evidence;
10. to testify, orally, or in a written document, or both; to make a closing statement in the proceedings.

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 respondent, the witness of the suspected violation, the dean of students, and the Honor Court chair may take part in an administrative hearing. A faculty witness 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 D, except for separation from the College. Any complaint that may result in separation from the College will be referred to the Honor Court. The respondent 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.

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 respondent. The respondent 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 submit the written response to the complaint may result, at the discretion of the Honor Court, in a delay of the hearing of up to one week. 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 respondent chooses not to attend the hearing, the Court has the authority to hear the complaint without the testimony of the respondent.

All hearings of the Honor Court will be conducted without regard to any matter previously developed in informal proceedings, and no decision about responsibility will be made on evidence other than that presented at the hearing. During a hearing, the Court may request additional evidence for the purposes of aiding in its deliberations, at which point the Court will reconvene along with all parties involved to present the newly requested evidence and provide all eligible parties the opportunity to ask and answer questions pertaining to that evidence.

The dean of students may select a faculty member not connected with the complaint to present the complaint on behalf of the college and serve as advisor to the witness of the suspected violation. 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 respondent 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. Deliberations of the Court are strictly private. 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 members of the Court. Any member violating this provision will be dismissed from the Court by the chair.

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, other than the witness of the suspected violation, 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 respondent and the witness of the suspected violation may be present during the presentation of all testimony.
3. The chair will introduce the formal statement of the complaint and the respondent'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 witness of the suspected violation will provide evidence in support of the complaint, and may ask that other witnesses be called. The respondent may also provide evidence, may respond to evidence provided by the witness of the suspected violation, may question witnesses, and may ask that further witnesses be called. The witness of the suspected violation may respond to evidence and question witnesses brought by the respondent.
5. Witnesses (other than the witness of the suspected violation) 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 witness of the suspected violation, and then the respondent, 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 respondent 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 respondent did not violate the Honor Code, the dean of students will inform the respondent of the Court's findings. Second, if the Court determines that the respondent 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 respondent provide new evidence not available at the time of the hearing, or the Court request new evidence during 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. 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. The recording will be destroyed after the time for appeal is over.
13. A summary record of the proceedings before the Honor Court will be kept and a copy of the record supplied to the respondent if requested.

D. Sanctions

1. In the case of a first violation of the Honor Code, the Honor Court will assign sanctions 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 Honor Court decision, 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 or more 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 a separate student 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.
 - 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 F. After a period of two years, or before graduation, whichever comes first, the student may request in writing that the XF* be removed from the student's transcript and be replaced with a grade of F provided the student has completed all assigned tutorials and has not been found responsible for subsequent violations of the Honor Code. In extraordinary circumstances the Court after finding of responsibility in an Honor Court hearing may assign an XF* to be recorded permanently on the student's transcript for the course in which a first violation has occurred.
 - 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, or before graduation, whichever comes first, 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 modify the above sanctions or assign 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 respondent, any documentary evidence, the summary by the chair of the Court's actions, and the letter from the dean of students informing the respondent 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.

- E. Amendment
 - 1. 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.

- F. Duty of Honesty
 - 1. 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.

- G. Notification of Parents
 - 1. 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 in which a student is found responsible for a first violation of the Honor Code 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.
 - 2. 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
 - 1. 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
 - 1. The Appeals Board shall be composed of three faculty members, and two students. Faculty members shall be nominated by the Academic Council and elected by the faculty at large for a three-year term, one vacancy arising per year. The student members will be selected during the spring semester of the preceding academic year by the outgoing Board. The Board will publish notice of the selection process to all students. The current Board will select, by a majority vote, the student members from among the names of interested and qualified persons responding to the notice. Once new members have been chosen, the Student Assembly shall offer the student body the opportunity to offer their input regarding the appointments, before holding a vote to confirm the new appointments. The Board will not consider platforms from students on disciplinary probation or students who have been found responsible of violating the Honor Code. In case of a vacancy on the Board during the academic year, the Board will

solicit nominations and select a student to serve as 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

1. A student subject to disciplinary action following a hearing by the Judicial Board, Honor Court or the Harassment and Sexual Misconduct Board (HSMB) 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 Associate Dean of Students for Health and Safety (Judicial Board), the Associate Dean of Students for Academics (Honor Court), or the Dean of Students (HSMB) and must state in detail the reasons for the appeal. The Chair shall inform appropriate dean that an appeal has been made and shall invite that individual to make written statements to the Appeals Board. For HSMB cases, the respondent or the complainant will be invited to respond if he or she chooses. Within one week of receipt of the appeal, the Chair shall convene the Appeals Board to determine whether the appeal shall be considered.
2. 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:
 - a. Harshness of sanction inconsistent with stated community standards and precedents
 - b. Procedural irregularity that affected the outcome of the hearing
 - c. Prejudicial bias on the part of the hearing body
 - d. 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.
3. 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. The appropriate dean will present information on similar cases to inform the Board's deliberations. Normally, the appellant, respondent, and Dean shall not appear before the Appeals Board, though they may be summoned at the discretion of the Chair.
4. The Appeals Board may decide:
 - a. To uphold the original decision.
 - b. 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.
 - c. 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.
 - d. 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.
5. The appellant, respondent, and appropriate Dean shall be informed in writing of the decision and of the grounds for the decision.

D. Records

1. 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.
2. The Appeals Board shall make a brief account of its decision public. Names shall not appear.

Article III. Central Council

Section 1. Name

The executive branch of the Student Assembly is the Central Council.

Section 2. Responsibilities

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. Voting Membership

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:

- A. The president of the Student Assembly (chair of the Central Council);
- B. The vice president of the Student Assembly;
- C. One (1) class president for all four class years;
- D. One (1) class secretary/treasurer for all four class years;
- E. Four (4) class delegates for each class year;

Section 4. Non-Voting Membership

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

- A. Central Council treasurer;
- B. Parliamentarian;
- C. Secretary;
- D. Director of Publicity.
- E. Election Chair (if one is appointed in place of the Vice President);
- F. All committee chairs that are not otherwise elected members of the Central Council.

Section 5. Multiple Positions

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

Section 6. Officers

There shall be six Central Council officers:

- A. President
 1. 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.
 2. The president's responsibilities are as follows:
 - i. To call all meetings of the Central Council;
 - ii. To create an agenda for all Central Council meetings;
 - iii. To conduct all Central Council meetings of the Student Assembly;
 - iv. To nominate the Central Council treasurer, parliamentarian, director of public communication, and recording secretary from the student body;
 - v. To approve or appoint all committees and committee chairs;
 - vi. To appoint or request that the Central Council or any branch appoint special committees as deemed necessary;
 - vii. To supervise the work of all Student Assembly committees;
 - viii. To represent the Student Assembly in all dealings with the administration, faculty and trustees of the College;
 - ix. 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;
 - x. 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 Student Assembly;
 - xi. To reserve the option of presenting a State-of-the-College address for the community at any time of **the president's** discretion.
- B. Vice President
 1. The vice president shall assume all the responsibilities of the president in his or her absence.
- C. Treasurer
 1. 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. Parliamentarian
 - 1. 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 shall have the right to interrupt the proceedings of any Central Council meeting to ensure that the Central Council abides by proper rules.
- E. Secretary
 - 1. 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.
 - 2. The Secretary shall also be responsible to sending the official meeting minutes to all Hamilton College students by email.
- F. Director of Publicity
 - 1. The Central Council director of publicity shall be responsible for maintaining the Student Assembly website and social media outlets, including updating content to reflect the weekly proceedings of the Central Council.

Section 7. Quorum

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

Section 8. Robert's Rules of Order as Emergency Rule

The Student Assembly shall only strictly abide by the current edition of *Robert's Rules of Order Newly Revised* if two-thirds (2/3) Of the voting members of the Central Council of the Student Assembly vote to do so. In such a situation, the rules *Revised* shall govern the Society in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Society may adopt

Article IV. Organizations

Section 1. Recognized Organizations

All recognized student organizations shall fall under the auspices of the Central Council. Any student organization recognized by the Office of Student Activities may be eligible for funding under the auspices of the Central Council.

Section 2. Budget Proposals

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.

Section 3. Rights of Organizations

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

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

Article V. Committees

Section 1. Organization

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

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

- A. A Constitution Committee whose duty shall be to interpret this constitution and provide oversight for elections. 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;
- B. A Funding Committee chaired by the Central Council Treasurer and composed of one delegate from each class year.

Section 3. Ad-Hoc Committees

Ad-hoc committees may be appointed at the discretion of the Central Council. Ad-hoc committees must dissolve once they have attained their goals.

Section 4. Committee Chairs

Any member of the student body may chair and sit on any committee of the Student Assembly that does not have restricted membership. Any given student may chair one and no more than one committee at any given time.

Article VI. Elections

Section 1. Organization

The Vice President shall supervise and conduct elections of all positions of the Student Assembly

Section 2. Nominations

Twenty-five (25) student signatures are required to complete a nomination for class representative. Fifty (50) student signatures are required to complete a nomination for class president or class treasurer. 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. Also, anyone who wishes to run for the office of Student Assembly President must be on campus for the full term of the office. The Student Assembly Vice President, however, does not need to be on campus for the full term of the office.
- B. Any candidate running for office must attend one briefing by the Vice President.

Section 3. Election Dates

The elections of the class delegate shall occur toward the end of the academic year, as determined by the Vice President.

- 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. Class President Elections

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. Signatures

With the exception of the president/vice president ticket, signatures shall be of students from the candidates' respective class year.

Section 6. Platforms

Platforms for class president, class treasurer and class delegate 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. Submission of Materials

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. Obtaining a Position

Positions are obtained by the individuals with the greatest number of votes except where noted differently. To obtain the position of Student Assembly president or Student Assembly vice president, one must receive at least forty percent (40%) of the votes cast.

Section 9. Run-Off Elections

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. Student Assembly President and Vice-President Elections

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. Debates

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

Section 12. Revotes

The Central Council may call for a revote of any election upon the recommendation of the Executive Committee if and only if voting fraud is expected in the election. A two-thirds (2/3) vote of the Central Council is required to annul election.

Article VII. Loss of Office

Section 1. Unexcused Absences

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

Section 2. Impeachment

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. Presidential Vacancy

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. Vice-Presidential Vacancy

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. Other Central Council Vacancies

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. Miscellaneous Rules

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. Process***

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. Reconsideration

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. Process***

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. A branch may be dissolved by majority vote of the student body, following three-fourths (3/4) approval of the Central Council. Sections of this Constitution which outline the policies of a dissolved branch will be omitted.

Section 2. Establishing New Branches

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. 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, following 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.

Bylaws of the Constitution of the Student Assembly of Hamilton College

Article I. Obligations of Membership

Section 1. Each and every member of the Central Council has rights and obligations equal to those of every other member: there are no seniority rights or rights of rank, other than those stipulated in the *Constitution of the Student Body* or these Bylaws.

Article II. Central Council Meetings

Section 1. The Central Council of the Student Assembly shall meet as a whole at least once a week at a designated date and time.

Section 2. All meetings of the Central Council are open to the public, unless declared closed upon two-thirds (2/3) vote of the Assembly.

Section 3. In order for an item to be considered for the Central Council agenda, a request must be submitted to either the Secretary of Central Council or the President of the Student Assembly 24 hours before the next scheduled meeting. This does not pertain to items of extreme importance. There are no time constraints as to when items of extreme importance or motions of impeachment carried from Executive Committee meetings may be added to the agenda.

- A. Items are deemed extremely important by:
 1. The discretion of the Student Assembly President
 2. Majority vote of the Central Council
 3. Order of the Executive Committee
- B. All items of importance must be opened to the Central Council for debate.

Section 4. The following are the duties of the Student Assembly President:

- A. Seeing that a quorum consisting of two-thirds (2/3) the assembly is present
- B. Opening the meetings at the specified time by calling the members to order
- C. Recognizing members to speak
- D. Calling for a motion to vote after presenting the necessary item to the Central Council and opening it up for debate
- E. Announcing the results of all votes
- F. Enforcing decorum and deciding all questions of order
- G. Informing the participants about a point of order or specific parliamentary practice when requested
- H. Declaring the meeting adjourned when all business has been completed or after the meeting has been in session for 90 minutes.
 1. In order for a meeting to extend beyond 90 minutes, a Motion to Suspend the Rules must pass by two-thirds (2/3) vote.

Article III. Executive Committee Meetings

Section 1. The Executive Committee is a closed committee, consisting of the following:

- A. The President of the Student Assembly
- B. The Vice President of the Student Assembly
- C. The Treasurer of the Central Council (nonvoting)

- D. The Secretary of the Central Council (nonvoting)
- E. The Parliamentarian (nonvoting)
- F. The Presidents of Each Class Delegation
- G. The Director of Student Activities or designee (nonvoting)

Section 2. The President of Student Assembly may invite any relevant Committee Chairs or Student Assembly members to attend the meeting as nonvoting members when deemed appropriate.

Article IV. Attendance

Section 1. Representatives may incur three (3) absences over the course of a semester. If any representative reaches the point of three (3) absences, they may be dismissed by the president at the president's discretion. These absences include regular meetings of the General Assembly, committee meetings, and any other mandatory Student Assembly event.

Section 2. Arriving late to a meeting will count as one-third of an absence. Student Assembly will define being "late" as arriving after the president calls the meeting to order.

Section 3. The secretary will be responsible for maintaining a record of attendance, and notifying those representatives who were marked late or absent after the conclusion of the meeting by email.

Section 4. Absences may be excused if a legitimate excuse (including, but not limited to, unavoidable conflicts due to other on-campus commitments) is provided to and accepted by the secretary and the president twenty-four (24) hours prior to the meeting in question. Absences in the case of emergencies (medical, family, etc.) will not be held against the representatives.

Article V. Election Codes

Section 1. The following rules apply to all elections:

- A. The Vice President shall publicly announce each election two (2) weeks before the election day and shall concurrently publish comprehensive job descriptions for all offices, as well as a statement encouraging student candidacy and voter participation.
- B. All candidates will be briefed by the Vice President with regards to all rules, regulations, and procedures of the election process. All candidates will also receive an information sheet outlining these rules and procedures.
 - 1. A twenty-five dollar (\$25) limit is placed on an individual's election campaign. This includes donations from outside sources.
 - 2. No person may advertise their candidacy prior to the briefing meeting. This includes electronic advertisements such as Facebook groups.
 - 3. Video campaigns may be conducted for elections if approved by the Vice President and Facilities Committees.
- C. Any candidate running for office must attend one (1) briefing that will be held by the Vice President at least one (1) week prior to the election. If a candidate cannot attend the briefing meeting, the candidate must contact the Vice President prior to the meeting. The Vice President may allow a proxy to attend the meeting for the candidate.
- D. The Vice President shall publicly announce the election at least three (3) times prior to election, with the submission of one (1) announcement to the Hamilton College Spectator.

- E. Platforms for class president, class treasurer, class delegate, will be truncated after the one-hundredth (100th) word. Platforms for Student Assembly President and Vice President shall be truncated after the two-hundredth (200th) word.
- F. The following are rules governing election campaigns:
1. Any Student Assembly member found bribing members of the student body for votes shall be impeached. Any candidate found bribing members of the student body for votes shall be disqualified from the election. Any other student body member found bribing other members of the student body for votes may instigate a contested election.
 1. Bribery shall be defined by the Central Council as the process of offering a material incentive for a confirmation of support.
 2. Voting privileges are limited to registered Hamilton students.
 3. A student abroad who wishes to run for office must directly contact the Vice President and make arrangements for a suitable proxy to collect signatures and attend necessary briefings. A platform must still be submitted to the Vice President by a candidate abroad, either by e-mail or in letter form.
- G. Elections are to be held electronically unless changed by a majority vote of the Central Council. All electronic elections must meet the following criteria:
1. The voting rights of all students are protected.
 2. Students can only vote on questions posed to their class, except in the case of electing the Student Body President and Vice President.
 3. Protections are in place to prevent duplicate or fraudulent voting.
 4. Sufficient time is allowed for computer errors to be resolved.
 5. No preliminary vote counts will be made during the voting period.
 6. A contingency plan for an immediate revote is ready to be implemented in the event that data is lost, destroyed, or compromised.
- H. The date of elections shall be determined by the Vice President. The polls shall be open for at least twenty-four (24) hours. The election date may also be changed by the Central Council, by simple majority.
- I. The results shall not be viewed until twenty-four (24) hours after the closing of the polls.
- J. Upon recommendation of the Vice President, the Central Council may, by majority vote, authorize any Student Assembly election to be conducted via paper ballot. The following additional rules apply to paper ballot elections:
1. All paper ballot elections shall be held in Beinecke Village or another central and public location on campus deemed appropriate by the Central Council.
 2. Candidates or their active supporters may not loiter or display campaign material (e.g. signs, posters, etc.) within 150 feet of public, designated polling areas during polling hours.
 3. Voters are required to show a valid form of identification before being allowed to vote. Identification is considered valid if it has been issued by a government or Hamilton College.
 - i. All voters shall have their identification checked against a list of registered Hamilton College students.
 4. Any member of the student body may contact the Vice President to express interest in volunteering at the polls.
 - i. At least two (2) members of the Student Assembly must work at the polls at any given time. At least one of these members must belong to the Constitution Committee, unless prior arrangements have been made by the Vice President.
 5. Poll officers are not allowed to influence votes. This includes their time working the polls as well as the remaining time the polls are open. This includes reminding voters of write-in candidates.
 6. The ballots shall not be counted for 24 hours after the closing of the polls. Paper ballots will be locked within the ballot box and held in the office of the Director of Student Activities.

Only the Vice President and Director of Student Activities may move the ballot box from the Director's office.

7. Polls shall be open for at least six (6) hours.

Section 2. The Vice President is responsible for the knowledge of all vacancies of Student Assembly elected seats. Class presidents and committee chairs have an obligation to notify the Vice President once a seat becomes vacant. If such a seat becomes empty, the chair of the Vice President must notify the President of the Student Assembly, who will then take the appropriate action.

Article VI. Contesting an Election

Section 1. An election may be recalled if any of the Election Codes set forth by the Constitution of the Student Body or these Bylaws are broken.

Section 2. If a recount is deemed appropriate, all conclusions require two-thirds (2/3) vote of the Constitution Committee to pass. This includes the interpretation of marks on ballots.

- A. During a recount, only the Executive Committee, Constitution Committee, candidates involved, and student advisor may be present. Proxies shall not be present. The Constitution Committee will make every effort to schedule a recount so that all involved candidates may be present.

Section 3. The methods by which to contest an election are as follows:

- A. Any member of the Student Body may question any election while the polls are open or during the twenty-four (24) hour period following the closing of the polls.
- B. Any member who wishes to dispute an election must submit a signed, typed statement to the Vice President for the dispute to be considered official. Only official statements shall warrant investigation.
- C. If a member contests an election during the voting period, the polls shall remain open, and the dispute shall remain confidential until after the polls are closed.
- D. Once an election is formally questioned, the ballots shall remain uncounted until the issue is resolved.
- E. Once a written statement is received by the Vice President, the Vice President shall contact the President of the Student Assembly, who must then call for an Executive Committee meeting to hear the case as soon as possible.
 1. The only non-committee members allowed to attend hearings are the challenger(s) and defendant(s).
- F. An election hearing shall follow the following procedure:
 1. The challenger(s) and defendant(s) may not be simultaneously present at the hearing.
 2. The challenger shall enter the room.
 3. The Student Assembly President shall read the statement of dispute.
 4. The challenger shall present the challenger's case in no more than five minutes. If a dispute is coauthored, only one of the challengers is allowed to speak.
 5. The challenger may then respond to questions from the committee. Upon completion of this phase, the challenger shall be dismissed and must exit the hearing.
 6. Steps 2 – 5 shall be repeated by the defendant(s).
 7. The Executive Committee shall then close the hearing and deliberate.
- G. If the Executive Committee believes that there is enough information to merit a revote, then the Central Council shall meet as soon as possible to debate the recommendation set forth by the

Executive Committee.

- H. If the Executive Committee believes that an election should be declared invalid, they shall make a recommendation to the Central Council, which will include a Motion to Annul and a recommendation about how to proceed. The Central Council shall meet as soon as possible to consider the motion.
- I. If an election is declared invalid, the votes cast in that election must be destroyed before any tally is made.
- J. The Executive Committee reserves the right to decide what electoral information shall remain confidential and what information shall be released to the public.
 - 1. All names in challenges must be kept confidential.
 - 2. Information deemed suitable for public knowledge must be released within 24 hours.
- K. Electronic votes are subject to the above contesting procedures insofar as they apply.

Article VII. Loss of Office and Vacancy Procedures

Section 1. Any official of the Central Council shall resign by submitting the official's resignation to the President of the Student Assembly, who must then notify the Central Council of the resignation at the next meeting. Under no circumstances shall a resignation be required.

Section 2. If the seat of Vice President of the Student Assembly is vacant, a pro-tempore Vice President shall be elected from within the Central Council until one is elected by an at-large election.

Section 3. If the position of Class President becomes vacant, the outgoing President can recommend to the Central Council one member from the Class delegation to become the new President. If the outgoing President was impeached or could not make a recommendation, the Class Delegation will make the nomination. The Central Council must confirm nomination by simple majority.

Section 4. If the position of Class Secretary/Treasurer becomes vacant, the Class President can recommend one of the following to the Central Council, which then must be approved by simple majority:

- A. A current Class Representative shall fill this position permanently.
- B. A current Class Representative shall fill this position until an election is held, for which the pro-tempore candidate is eligible.
- C. Nominate an individual from the Student Body to fill the vacancy.

Section 5. If the position of Class Representative becomes vacant, the position can be filled by campus-wide election or upon a nomination of the Class President and majority vote of the Central Council.

Section 6. The process for impeachment hearings shall be as follows:

- A. Any student may make a motion to impeach any member of the Student Assembly. This motion shall only be heard once a formal statement is submitted directly to the President of the Student Assembly. This initial statement must detail the reasons for impeachment and is not presented at any Central Council meeting. If the motion is to impeach the President of the Student Assembly, then the Vice President shall assume all Presidential responsibilities with regard to this impeachment.
- B. Once the President of the Student Assembly receives the motion for impeachment, the President of Student Assembly must contact the accused within forty-eight (48) hours of receiving the motion.

- C. The President of the Student Assembly must then call for an Executive Committee meeting within seventy-two (72) hours of the notification. All members of the Executive Committee or their designated proxies must be present.
 - 1. If the indicted sits on the Executive Committee, the indicted member may not attend the Executive session as a voting member.
- D. The Student Assembly President shall chair the Executive Committee meeting and the impeachment hearing. If the Student Assembly President is indicted, the Student Assembly Vice President shall serve as Chair.
- E. The Executive Committee meeting shall follow the following procedure:
 - 1. The petitioner and the indicted may not be simultaneously present at the meeting
 - 2. The petitioner shall enter the room.
 - 3. The chair shall read the statement of dispute.
 - 4. The petitioner shall have five minutes to present the petitioner's case. Extra time may be allotted upon two-thirds (2/3) vote of a Motion to Suspend the Rules.
 - 5. The petitioner shall entertain questions from the Executive Committee.
 - 6. Upon completion of questioning, the petitioner shall exit the meeting.
 - 7. Steps 2 – 6 shall be repeated by the indicted.
 - 8. The Executive Committee shall then deliberate.
- F. The motion shall be brought before the Central Council upon two-thirds (2/3) vote of the Executive Committee. The motion requires two-thirds (2/3) vote of the Central Council to instigate a hearing.
- G. The hearing shall take place before a closed session of the Central Council. Attendance is limited to the Executive Committee and voting members of the Central Council.
- H. An impeachment hearing shall follow the following procedure:
 - 1. The petitioner and the indicted may not be simultaneously present at the hearing.
 - 2. The petitioner shall enter the room.
 - 3. The hearing chair shall read the statement of dispute.
 - 4. The petitioner shall have five minutes to present the petitioner's case. Extra time may be allotted upon two-thirds (2/3) vote of a Motion to Suspend the Rules.
 - 5. The petitioner shall have ten minutes to entertain questions from the Central Council. Extra time may be allotted upon two-thirds (2/3) vote of a Motion to Extend Debate.
 - 6. Upon completion of debate, the petitioner shall exit the hearing.
 - 7. Steps 2-6 shall be repeated by the indicted.
 - 8. The Central Council shall then close the hearing and deliberate.

Article VIII. Committees

Section 1. All voting members of the Central Council shall be required to sit on at least one committee of the Central Council. For the purposes of counting, Funding Committee, Executive Committee and Class Council may not fulfill the committee requirement.

Section 2. Any legislation may be assigned to a committee for further consideration at the discretion of the Presiding Officer or by majority vote of the Central Council

Section 3. Any formal action done on behalf of a committee must be approved by a simple majority of the Central Council.

Article IX. Additional Obligations of Specific Positions

Section 1. The Student Assembly President shall:

- A. Attend all Faculty Meetings while the College is in session
- B. Sit on the Committee on Student Activities
- C. Nominate or select a member of Central Council to accompany the President of Student Assembly to faculty meetings

Article X. Student Assembly Funding Codes**Section 1. The Purpose of Student Assembly Funding and the Student Activities Fee**

- A. Student Assembly funding serves to promote equity, efficiency, and excellence, giving as many organizations as possible the opportunity to provide the highest quality programming feasible.
- B. The purpose of the Student Assembly funding allocations are the following:
 1. To provide a more proactive, strategic spending plan for student organizations and for the entire student body.
 2. To represent the needs and desires of the Hamilton College student body.
 3. To financially assist the student body in offering more high-quality programming on campus.
 4. To assist the classes in conducting business and sponsoring class activities.

Section 2: Funding Prerequisites

- A. Organizations wishing to access funding from Student Assembly must be recognized by the Office of Student Activities as a Student Organization, fulfilling the recognition requirements set by Office of Student Activities.
- B. All Student Assembly funded organizations and on-campus events must be open to all members of the student body of Hamilton College. All students must have the opportunity to participate in organizations and off-campus events funded by Student Assembly.
 1. Organizations with selective teams must hold an interest meeting at the start of each semester open and publicized to the student body.
- C. Organizations that receive dues or have private funds set aside for them must register with Student Activities as an endowed organization and disclose the amount of funding available to their organization from their outside funds for their programming.
- D. Funds raised by organizations without dues or outside funds do not need to be accounted for in budget proposals, but the Funding Committee may recommend that those funds be used in lieu of Student Assembly Funding.

Section 3: Strategic and Non-Strategic Funds

- A. 80% of the Student Assembly budget, less holds and the discretionary fund, shall be allocated to the strategic budget fund. The remaining 20% shall be allocated to the non-strategic fund, available throughout the semester.
- B. Student Organizations have the option of submitting strategic budgets, which consist of an organization's financial planning for the duration of the semester.
- C. Strategic budgets may only be submitted within the first two weeks of the semester, with funds allocated in the Central Council meeting after the end of the application period.
- D. Organizations with strategic budgets may apply for funding for additional events within the timeframe of their budget, up to 25% of their original strategic budget. They may not, however, apply for additional funds for an event already in their strategic budget. These additional funds will come initially from the strategic fund, and then from the non-strategic fund, after the strategic fund has been exhausted.
- E. Any funds remaining in the strategic fund shall be moved to the non-strategic fund after fall break in the fall semester, and after spring break in the spring semester.

Section 4: Budget Proposals

- A. Budget proposals must be submitted to the Funding Committee at least two weeks in advance of the event or expenditure.

- B. Budget proposals must contain the following:
1. An itemized listing of costs for the event.
 2. The number of students:
 - i. For an off-campus event: the number of expected attendees.
 - ii. For an on-campus event: the number of expected attendees, not to exceed the size of the reserved space.
 - iii. For internal club expenditures (e.g. supplies): the club membership.
 - iv. For external club expenditures (e.g. public works): the expected number of students expected to benefit.
 3. The cost-per-student (CPS): the amount of money requested divided by the number of students.
 - i. The CPS is only for funds the organization is specifically requesting from Student Assembly; outside funds are not counted in the CPS.
 - ii. Strategic budgets must include a CPS (including a number of students) for each individual proposed program.
 4. A detailed explanation of the purpose of the event and how they will advance the mission of both the organization and Hamilton College.
 5. The date, time, and location of the event.
 6. Endowed organizations must provide documentary evidence of how their endowment funding is allocated toward the program.
 7. The most recent date of update for the organization's roster.
 8. Any other information requested by the Student Assembly Funding Committee.
- C. Itemization requirements for specific costs:
1. Food
 - i. The Student Assembly will only provide money for food for on-campus events if the food enhances the quality of the event and the event is open to the entire campus.
 - a. If the food is central to the event (i.e. a meal), the Funding Committee will recommend funding up to \$8 per student.
 - b. If the food is not central to the event (e.g. incentive to come), the Funding Committee will recommend funding up to \$5 per student.
 - ii. Organizations wishing to host private meals may work with Bon Appetit or other options to use a meal exchange. Organizations using meal exchange for food for events will not have the cost of meal exchanges included in their CPS.
 2. Travel
 - i. If using a personal vehicle, the Student Assembly will provide the IRS mileage rate, inclusive of tolls, gas, maintenance, and parking.
 - ii. If using a college vehicle, the Student Assembly will provide the IRS mileage rate, exclusive of tolls, gas, maintenance, and parking.
 - iii. Travel requests may include a \$25 per person per diem food rate.
 - iv. Student Assembly will fund only 25% of plane, ship, or train costs.
 - v. Organizations must include a map detailing the starting address, ending address, and total round trip mileage of the trip.
 3. Housing
 - i. Organizations requiring hotels for events are expected to maximize room capacity, placing four students in a room, assuming room availability and that the rooms can be made single-sex for those that desire it.
 - ii. Rooms purchased by Student Assembly funds must have four students per room; rooms purchased through private funding are not bound by this requirement, so long as the rooms purchased by Student Assembly retain four students per room.
 4. Alcohol
 - i. The Student Assembly will not provide funding for alcohol unless it is served by a licensed, third party vendor. The request must also receive special approval from the Funding Committee and the Associate Dean of Students, with the final decision falling to the Associate Dean of Students.
 5. Publicity

3. Organizations wishing to reallocate funds must submit a new budget proposal for those funds.
- E. No organization may receive funding from Student Assembly to pay one of its members for a service rendered for that organization. A member is defined as an individual who has been on the organization's roster and/or has been a significant contributor to the organization at any point in time within the current semester.
 - F. Outside Funds
 1. Endowed organizations requesting funds must provide documentation of how their endowed funds will be allocated to the event or program in the budget proposal.
 2. Neither the Funding Committee nor Student Assembly shall discriminate against endowed organizations.
 - G. The funding committee has the authority to reject unsatisfactory budget proposals and ask organizations to resubmit their proposals.
 - H. The Student Assembly Treasurer reserves the right to withhold tax amounts when reimbursing costs in which the purchaser failed to utilize Hamilton College's tax exempt status.

Section 5: Guidance to the Treasurer and to the Funding Committee

- A. The Student Assembly Treasurer may not make any promises to any organization with regard to funding allocations. No such promise shall be guaranteed by the Funding Committee or the Central Council. Funding amounts become official only after the approval of the Central Council.
- B. An organization will be put on probation at the discretion of the Student Assembly Treasurer if either of the following occurs:
 1. Spending money on items not approved.
 2. Overspending by more than \$40.00.
 3. Committing the College to a contract not authorized by the Office of Student Activities.
- C. The Funding Committee is to examine all budget proposals to determine whether to recommend them to the Central Council.
- D. The Funding Committee shall meet at least once during the beginning of each semester and at any time deemed necessary by the Student Assembly Treasurer or the Student Assembly President.
- E. In examining budget proposals, the Committee will review and recommend based on the following principles:
 1. The CPS
 - i. The Committee must ensure that the number of students in the event is reasonable. Organizations found to have an unreasonable number of students in their CPS will be asked to revise and resubmit their proposal.
 - ii. The Funding Committee is to use the following guidelines to determine if the number of expected students is reasonable:
 - a. The capacity of the event space, which shall serve as the upper bound of the number of students.
 - b. Attendance at previous events held by the organization.
 - c. Attendance at similar events held by other organizations.
 - iii. If the CPS exceeds 50% of the median CPS for the previous year, the Committee will submit their recommendation to the Central Council and the organization leader must present the budget to the Central Council, either in a half-page statement or in person.
 2. Overall costs
 - i. The Funding Committee must work with student organizations to ensure they are minimizing their costs without compromising the nature of their programming.
 - ii. If the overall cost exceeds 5% of the Student Assembly budget for the semester, the Committee will submit their recommendation to the Central Council and the organization leader must present the budget to the Central Council, either in a half-page statement or in person.

- iii. For organizations submitting strategic budgets, they must only provide a statement or speak before the Central Council if their average cost exceeds 10% of the Student Assembly Budget.
 - 3. The merits of the proposal, as outlined in Article V, Section 2.
 - i. If, through revising budget proposals on their merits, the proposal's CPS falls under the median threshold, the organization is not required to submit further explanation to the Central Council.
- F. The Funding Committee must release its recommendations and budget proposals to the Central Council at least 12 hours before the Student Assembly meeting to discuss the recommendation.
- G. In presenting these recommendations, the Treasurer must specify what percent of the budget they are recommending for each organization, the total recommendation, and what percent of the budget remains after each week.
- H. Funding Committee members may not vote for funds for clubs of which they are a member. A member is defined as an individual who has been on the organization's roster and/or has been a significant contributor to the organization at any point in time within the current semester.
- I. Organizations are subject to regular audit of their financial history and events, conducted at the discretion of the Funding Committee. Audit procedures include, but are not limited to:
 - 1. Requiring organizations to submit information to Student Assembly after hosting Student Assembly-funded events.
 - 2. Requiring organizations to submit records related to their events (receipts, pictures, etc.).
 - 3. In-person audit (i.e. at an event) by a member of the Executive Committee or the Funding Committee.
- J. If organizations are found in violation of funding codes, the Executive Committee reserves the right to determine sanctions. Such sanctions include, but are not limited to, increased scrutiny of funding proposals as well as potential suspension of funding privileges.
 - 1. Greater auditing scrutiny includes, but is not limited to, event-specific financial audit.
 - 2. The Executive Committee reserves the right to conditionally sanction organizations found to be in violation of the funding codes.
 - i. This may include suspension of funding until the organization appoints new leadership.

Section 6: Guidance to the Central Council

- A. The Student Assembly shall not discriminate against organizations with outside funds.
- B. The Central Council is instructed to decide on funding based on the following criteria:
 - 1. The CPS.
 - 2. The amount the organization has requested and spent previously during the semester.
 - 3. The strength of the organization's proposal.
 - 4. The amount of the budget the organization is requesting.
 - 5. The time and effort the organization must put into the programming.
- C. Approval of budgets that exceed 5% of the Student Assembly budget for the semester or budgets whose CPS exceeds 50% of the median CPS for the previous year require line-item approval.
- D. Student Assembly may not vote for funds for clubs of which they are a member. A member is defined as an individual who has been on the organization's roster and/or has been a significant contributor to the organization at any point in time within the current semester.

Section 7: Holds

- A. The Office of Student Activities, in consultation with the Funding Committee, and subject to approval by the Central Council, may designate certain funds to be held for major, annual programs or events (i.e. Movie Channel, Student Assembly Programming, Senior Week), to be reapproved every four years. The Treasurer is responsible for keeping track of hold durations.
- B. Student Assembly will vote to allocate each hold; if the fund from the hold is not approved, those funds will be returned to the general fund.
- C. Holds are not available to individual student organizations.

Section 8: Transparency Requirements

- A. After each meeting, the Student Assembly shall publish the amount of money granted to each organization, as well as the purpose of the funds.
- B. The Student Assembly shall make public a permanent record of how much each organization has requested and receiving over the course of a semester, as well as the percent of the budget they are requesting and receiving.
- C. Every Student Assembly member must publicly state and inform the Secretary all clubs in which they participate. A member is defined as an individual who has been on the organization's roster and/or has been a significant contributor to the organization at any point in time within the current semester. (ELIMINATE?)
- D. Organization members must recuse themselves from votes on funding for organizations in which they are a member in the Funding Committee and on the Central Council. The Treasurer is responsible for ensuring that members properly recuse themselves.
 - 1. When members recuse themselves, the majority required for funding is taken from the pool of non-recused members.
 - 2. In cases where recusals lead to a tie, the Student Assembly President is responsible for breaking the tie.

Section 9: Revisions

- A. The thresholds and values stated in these codes should be re-evaluated every four years to ensure timeliness and accuracy.
- B. Thresholds and values should be set so as to sustainably exhaust the Student Assembly budget throughout the duration of the semester.
- C. Data from approved budgets, including allocations, proposals, and expenditures, shall be maintained by Student Assembly for at least five years after approval to inform future revisions to the codes.
 - 1. The Funding Committee is responsible for this maintenance.
 - 2. For the purposes of this accounting, individual proposals within strategic budgets should be considered individually.

Section 10: The Student Assembly Discretionary Fund

- A. Purpose of the Discretionary Fund
 - 1. The Discretionary Fund shall exist exclusively for use by the Central Council or Executive Committee to develop programming solely for the benefit of the student body.
 - i. The Fund may *not* be used by Committees established by the Student Assembly, unless their programming is appropriated by the Central Council.
 - 2. If a program continues consistently for three years, it is recommended that a Committee established by the Student Assembly or Student Organization run the program and apply for funding outside the Discretionary Fund.
- B. Size, Approval, and Evaluation
 - 1. The Discretionary Fund will be set at \$5000 each semester. Any funds not used at the end of a semester will be rolled into general Student Assembly funding.
 - 2. If the general fund has been exhausted, the Student Assembly may, by a $\frac{2}{3}$ vote, release any or all of the remaining funds back into the general Student Assembly fund.
 - i. Up to 5% of the fund may be allocated for each of the class delegations.

Applications for the Discretionary Fund must be submitted as any other funding proposal, but do not require approval from the Funding Committee. Proposals to the Discretionary Fund must be submitted at least 24 hours before the scheduled event or expenditure. In the case of extenuating circumstances a Motion to Suspend the Rules must pass by two-thirds ($\frac{2}{3}$) vote. All other itemization rules, however, still apply.
 - 3. Approval for using this fund requires $\frac{2}{3}$ of the Central Council to approve.
 - 4. The size of the Discretionary Fund shall be reevaluated every semester, and the Fund itself shall be reevaluated every two academic years.

