UNIVERSITY-WIDE REFERENDA: SPRING 2019

There are three referenda proposals on the Spring 2019 Ballot, two of which pertain to the University Judiciary Committee (UJC) and one of which pertains to the Honor Committee. All members of the University community may vote on all proposed referenda. If ratified, all amendments will be binding and effective immediately.

The proposed amendment of the Honor Constitution is sponsored by the Honor Committee. This proposed modification adds a way for the Honor Committee to impeach a member from office with sufficient cause.

The proposed changes to the University Judiciary Committee Constitution are sponsored by the University Judiciary Committee. The first proposal would replace some outdated language in the UJC Constitution with modern language. The second proposal seeks to refine the Statute of Limitations in the UJC Constitution.

Definition, Ratification and Voter Information:

- Per the UBE’s Rules & Regulations, a referendum is “a question that has been certified to appear on an official ballot in an election administered by the University Board of Elections pursuant to these rules and the qualifications established by the constitution of the relevant student governing body, if applicable.”
- An amendment to the Honor Committee Constitution must be ratified by three-fifths of students voting in a referendum election, provided that at least ten percent (10%) of the entire eligible voting population has voted in favor of such an amendment.
- An amendment to the University Judiciary Committee Approval of any amendment shall require at least a two-thirds vote of those students voting in a referendum election, provided that at least ten percent (10%) of the entire eligible voting population has voted on the proposed amendment.
- For more information regarding University referenda, please consult Section III, Subsection E of the UBE’s Rules & Regulations, found here.
- Voters may exit out of the ballot before voting on the proposed referenda. Votes for the other elected offices will be saved. Voters may return to the ballot at any time within the voting period of Tuesday, February 26th at 10:00 am to Friday, March 1st at 4:00pm. Voting on the proposed referenda is optional – voters may choose to vote on some, all, or none.

HONOR REFERENDUM: Impeachment Amendment

Note from the University Board of Elections: This set of changes would create an additional path by which Honor Committee members could be removed from their position on the Committee. The changes would enable the Honor Committee to remove a member for sufficient cause, with advance notice and opportunity for defense given to the offending member. Four-fifths of the entire Honor Committee must
The proposed changes would preserve the current method of removal - a recall election in the school for which the member serves.

CURRENT TEXT

**Honor Committee Constitution Article IV.**

Section 2. Unless otherwise provided in a school’s constitution, an Honor Committee member may be recalled by a majority of those voting in a recall election in his school within a reasonable time after its receipt of a recall petition signed by at least ten percent of the students in the school.

PROPOSED TEXT

**Honor Committee Constitution Article IV.**

Section 2. An Honor Committee member may be removed from office by the Honor Committee for any cause deemed sufficient by the Committee, provided that in every case due notice and opportunity for defense shall be provided to the offending member and four-fifths of the entire Honor Committee shall vote for removal. An Honor Committee member may be recalled for any cause by a majority of those voting in a recall election in the member’s school; such recall election shall take place within a reasonable time after receipt by the student president of the member’s school of a recall petition signed by at least ten percent of the students in that school.

**VOTING OPTIONS:**

Yes, I am in favor of the proposed change.

No, I am not in favor of the proposed change.

**UJC REFERENDUM**

**QUESTION 1: Modernize the Language of the UJC Constitution**

*Note from the University Board of Elections: This set of changes would modify the language of the UJC Constitution to make it gender neutral (by changing terms such as “his or her” to “them”) and replace the phrase “psychological conditions” with “contributory health impairments”. There are also general updates, such as capitalizing the first letter in “article” in one instance and changing “allegations of Prohibited Misconduct” to “allegations of Prohibited Conduct.”*

CURRENT TEXT

**ARTICLE II: JURISDICTION**

D. Jurisdiction Restrictions
The Judiciary Committee shall not have jurisdiction over:

1. persons who are determined under procedures adopted by the President of the University to have psychological conditions;
2. violations of University motor vehicle regulations;
3. tuition and scholarship agreements and contractual disputes between students and the University;
4. the Student Council or the Honor Committee;
5. the exercise of journalistic and editorial functions by student groups; and
6. allegations of Prohibited Misconduct, as defined in University of Virginia Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

E. Administrative Jurisdiction

1. The Judiciary Committee shall implement all administrative procedure conferred upon it by University authorities.
2. The Committee shall oversee the operations of all autonomous subcommittees placed within the Judiciary System by University Authorities.

ARTICLE III: POWERS

A. The Judiciary Committee shall investigate and hear all complaints referred or appealed to it in order to determine whether the accused is guilty of student misconduct as defined by University authorities.

1. Complaints must be filed with the Committee within 45 calendar days of the time the complainant first knew or should have known the identity of the alleged offender.

B. Should the trial panel determine that the accused student is guilty of the offense(s) alleged, the Committee may impose any sanction(s), up to and including expulsion from the University, which it deems appropriate by a four-fifths vote, having taken into consideration all aggravating and mitigating circumstances.

1. Any violation of the University Standards of Conduct motivated by the age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, or family medical or genetic information of the victim will be deemed an aggravating circumstance, and will result in a more serious sanction up to, and including, expulsion from the University.

C. The Judiciary Committee may temporarily enjoin any student or student group from engaging in specific conduct when circumstances are sufficiently serious to warrant injunction.

1. A temporary injunction shall require the approval of the Chair and all Vice Chairs of the Committee.
2. Following the imposition of a temporary injunction, the Committee shall investigate the conduct of the accused and conduct a hearing within a reasonable time, not to exceed one week after the complaint was filed, in order to determine whether the enjoined activity constitutes prohibited conduct within the jurisdiction of the Judiciary Committee.

D. The accused may be tried in absentia when proof of reasonable notice sent to him or her is shown and if before the hearing the accused fails to show cause for not appearing.

E. The Judiciary Committee shall have the authority to select such support officers as a majority of the Committee determines are necessary in order to address effectively allegations of student misconduct.

F. The Judiciary Committee shall have the authority to establish lower judicial bodies necessary for the effective operation of the University’s Judiciary System with the advice and consent of the appropriate University authorities, and may delegate its authority to investigate and hear complaints of student misconduct to such bodies as specified in the Committee’s By-Laws.

ARTICLE IV: RIGHTS

A. No student accused of a violation within the jurisdiction of the Judiciary Committee shall be found guilty unless the complainant has demonstrated beyond a reasonable doubt in the opinion of four-fifths of the trial panel that the actions of the accused constitute such a violation.

B. Every accused student shall have the following rights:

1. To be given a written summation of charges against him or her;

2. To be given reasonable notice of and reasonable time to prepare for a hearing before the Committee;

3. To be given the name(s) and the right to confront his or her accuser(s);

4. To be informed of the nature of the evidence to be used against him or her;

5. To refuse to give any statement which he or she feels may incriminate him or her during the investigation or trial;

6. To have all personally identifiable information relating to the investigation and trial kept confidential to the extent permitted by law.

7. To a fair hearing, including the right:

a. To plead not guilty; or to plead guilty in which case the hearing will proceed directly to a hearing of evidence to determine an appropriate sanction;
b. To have all proceedings against him or her held publicly or privately at his or her election; except in those cases where the alleged offense involves a breach of confidentiality. The Committee shall have the authority to establish guidelines for an open hearing.

c. To representation of his or her choosing from the student body of the University of Virginia;

d. To be heard in his or her own defense, if he or she so desires;

e. To present witnesses and evidence on his or her own behalf;

f. To confront and cross-examine witnesses against him or her;

g. To challenge any conduct during the proceedings that may prejudice any of the foregoing rights or to challenge any judge of the trial panel; and

h. To be given written notice of the Committee’s final decision.

C. Every student found guilty by the Judiciary Committee of a violation of the Standards of Conduct shall have access to a record of the proceedings against him or her and shall have the right to appeal a final decision to the University Judicial Review Board within two weeks after the Judiciary Committee has rendered a decision. In cases where the Committee imposes the sanction of expulsion, the accused shall have the right to make final appeal to the Board of Visitors within two weeks after the University Judicial Review Board has rendered a decision.

D. Should the complainant choose to withdraw his or her complaint or should an accused student be found not guilty, records of the investigation and trial proceedings, if held, shall be destroyed except for the confidential administrative records maintained by the University Judiciary Committee.

ARTICLE V: MEMBERSHIP

A. The Judiciary Committee shall be composed of three representatives from the College of Arts and Sciences and two representatives from each of the other separate schools of the University.

B. The members of the Committee shall be elected in the spring semester of each academic year to serve a one year term. In the event that any of the UJC Representatives have not been selected by election as contemplated in this article or in the event of any subsequent vacancy for any reason, the Chair shall contact the President of the relevant school and encourage him or her to select such Representative(s) as soon as reasonably possible. If such efforts fail, the Committee shall fill the vacancy through a process of interview and appointment. The Chair of the Committee shall interview prospective candidates and recommend a candidate to the full Committee. Committee approval shall require a two-thirds vote of the current representatives.
C. To be eligible to be a candidate for election to the Judiciary Committee an undergraduate student must have completed three semesters of work toward a degree while graduate students must have completed one semester of work unless the student is enrolled in a one-year degree program. Each candidate for election shall be a full-time student and in the process of completing at least two full semesters of work in *his or her* particular school. No student on probation may be a candidate for election. If after election a member of the Committee is placed on probation *his or her* office shall become vacant.

1. A candidate for election to the Committee also shall comply with all qualification set forth in the By-Laws.

2. The University Board of Elections or its successor body shall have the power to regulate University Judiciary Committee elections.

3. For purposes of this constitution, a student is defined as a full-time student subject to full tuition and/or fees.

D. Representatives to the Judiciary Committee shall serve as judges and shall perform such other duties as the By-Laws may require.

**ARTICLE VI: OFFICERS**

A. The Committee shall elect from among its members a Chair who shall preside over the administration of the Committee, its meetings and trials.

B. The Committee also shall elect from among its members such Vice Chairs as a majority of the Committee shall determine are necessary for the effective operation of the Committee.

C. The election of officers shall take place no sooner than three weeks after the election of representatives in the Spring semester of each academic year. New members of the Committee shall be thoroughly oriented before the election of officers.

D. The officers shall fulfill all duties and responsibilities set forth in the Committee’s By-Laws.

**ARTICLE VII: IMPEACHMENT**

A. Impeachment proceedings may be instituted against any member of the Committee by the submission of a petition signed by at least half of the sitting representatives for mis-, mal- or non-feasance.
B. Following the submission of a valid impeachment petition, the accused representative shall be afforded the opportunity to defend *his or her* actions before the full Committee meeting in executive session.

C. After a full hearing of the charges and defense, an affirmative vote of at least two-thirds of the Committee shall be necessary to remove the impeached member from office.

PROPOSED TEXT

**ARTICLE II: JURISDICTION**

D. Jurisdiction Restrictions

The Judiciary Committee shall not have jurisdiction over:

1. persons who are determined under procedures adopted by the President of the University to have *contributory health impairments*;
2. violations of University motor vehicle regulations;
3. tuition and scholarship agreements and contractual disputes between students and the University;
4. the Student Council or the Honor Committee;
5. the exercise of journalistic and editorial functions by student groups; and
6. allegations of Prohibited *Conduct*, as defined in University of Virginia Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

E. Administrative Jurisdiction

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A. The Judiciary Committee shall investigate and hear all complaints referred or appealed to it in order to determine whether the accused is guilty of student misconduct as defined by University authorities.

1. Complaints must be filed with the Committee within 45 calendar days of the time the complainant first knew or should have known the identity of the alleged offender.
B. Should the trial panel determine that the accused student is guilty of the offense(s) alleged, the Committee may impose any sanction(s), up to and including expulsion from the University, which it deems appropriate by a four-fifths vote, having taken into consideration all aggravating and mitigating circumstances.

1. Any violation of the University Standards of Conduct motivated by the age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, or family medical or genetic information of the victim will be deemed an aggravating circumstance, and will result in a more serious sanction up to, and including, expulsion from the University.

C. The Judiciary Committee may temporarily enjoin any student or student group from engaging in specific conduct when circumstances are sufficiently serious to warrant injunction.

1. A temporary injunction shall require the approval of the Chair and all Vice Chairs of the Committee.

2. Following the imposition of a temporary injunction, the Committee shall investigate the conduct of the accused and conduct a hearing within a reasonable time, not to exceed one week after the complaint was filed, in order to determine whether the enjoined activity constitutes prohibited conduct within the jurisdiction of the Judiciary Committee.

D. The accused may be tried in absentia when proof of reasonable notice sent to them is shown and if before the hearing the accused fails to show cause for not appearing.

E. The Judiciary Committee shall have the authority to select such support officers as a majority of the Committee determines are necessary in order to address effectively allegations of student misconduct.

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B. Every accused student shall have the following rights:

1. To be given a written summation of charges against them;
2. To be given reasonable notice of and reasonable time to prepare for a hearing before the Committee;

3. To be given the name(s) of and the right to confront their accuser(s);

4. To be informed of the nature of the evidence to be used against them;

5. To refuse to give any statement which they feel may incriminate them during the investigation or trial;

6. To have all personally identifiable information relating to the investigation and trial kept confidential to the extent permitted by law.

7. To a fair hearing, including the right:

   a. To plead not guilty; or to plead guilty in which case the hearing will proceed directly to a hearing of evidence to determine an appropriate sanction;

   b. To have all proceedings against them held publicly or privately at their election; except in those cases where the alleged offense involves a breach of confidentiality. The Committee shall have the authority to establish guidelines for an open hearing.

   c. To representation of their choosing from the student body of the University of Virginia;

   d. To be heard in their own defense, if they so desire;

   e. To present witnesses and evidence on their own behalf;

   f. To confront and cross-examine witnesses against them;

   g. To challenge any conduct during the proceedings that may prejudice any of the foregoing rights or to challenge any judge of the trial panel; and

   h. To be given written notice of the Committee’s final decision.

C. Every student found guilty by the Judiciary Committee of a violation of the Standards of Conduct shall have access to a record of the proceedings against them and shall have the right to appeal a final decision to the University Judicial Review Board within two weeks after the Judiciary Committee has rendered a decision. In cases where the Committee imposes the sanction of expulsion, the accused shall have the right to make final appeal to the Board of Visitors within two weeks after the University Judicial Review Board has rendered a decision.
D. Should the complainant choose to withdraw *their* complaint or should an accused student be found not guilty, records of the investigation and trial proceedings, if held, shall be destroyed except for the confidential administrative records maintained by the University Judiciary Committee.

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B. The members of the Committee shall be elected in the spring semester of each academic year to serve a one year term. In the event that any of the UJC Representatives have not been selected by election as contemplated in this Article or in the event of any subsequent vacancy for any reason, the Chair shall contact the President of the relevant school and encourage *them* to select such Representative(s) as soon as reasonably possible. If such efforts fail, the Committee shall fill the vacancy through a process of interview and appointment. The Chair of the Committee shall interview prospective candidates and recommend a candidate to the full Committee. Committee approval shall require a two-thirds vote of the current representatives.

C. To be eligible to be a candidate for election to the Judiciary Committee an undergraduate student must have completed three semesters of work toward a degree while graduate students must have completed one semester of work unless the student is enrolled in a one-year degree program. Each candidate for election shall be a full-time student and in the process of completing at least two full semesters of work in *their* particular school. No student on probation may be a candidate for election. If after election a member of the Committee is placed on probation *their* office shall become vacant.

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B. Following the submission of a valid impeachment petition, the accused representative shall be afforded the opportunity to defend their actions before the full Committee meeting in executive session.

C. After a full hearing of the charges and defense, an affirmative vote of at least two-thirds of the Committee shall be necessary to remove the impeached member from office.

VOTING OPTIONS:
Yes, I am in favor of the proposed changes.
No, I am not in favor of the proposed changes.
QUESTION 2: Refine the UJC’s Statute of Limitations

Note from the University Board of Elections: This set of changes would formalize how the UJC handles the resubmission of a complaint. The proposed change outlines reasons why the UJC would request a resubmission from a complainant and creates a timeframe of 14 days for the complainant to file the resubmission.

CURRENT TEXT

ARTICLE III: POWERS

A. The Judiciary Committee shall investigate and hear all complaints referred or appealed to it in order to determine whether the accused is guilty of student misconduct as defined by University authorities.

1. Complaints must be filed with the Committee within 45 calendar days of the time the complainant first knew or should have known the identity of the alleged offender.

PROPOSED TEXT

ARTICLE III: POWERS

A. The Judiciary Committee shall investigate and hear all complaints referred or appealed to it in order to determine whether the accused is guilty of student misconduct as defined by University authorities.

1. Complaints must be filed with the Committee within 45 calendar days of the time the complainant first knew or should have known the identity of the alleged offender.

   a. If a complainant is asked to resubmit their complaint, they must file the resubmission within 14 calendar days of the time the Committee requested a resubmission.

   b. Reasons a complainant may be asked to refile a complaint may include, but are not limited to: improper formatting; the Committee’s decision to proceed with some, but not all, of the standards alleged; or a description of the incident which is insufficient to determine whether or not the alleged incident is within the Committee’s jurisdiction.

VOTING OPTIONS:
Yes, I am in favor of the proposed changes.
No, I am not in favor of the proposed changes.