

UNIVERSITY JUDICIARY COMMITTEE CONSTITUTION

Amended April 5, 2022

ARTICLE I: PURPOSE AND DERIVATION OF AUTHORITY

The Judiciary Committee, acting under the authority delegated to it by the Board of Visitors, shall uphold and promote those principles of civility and self-discipline that are appropriate to the conduct of an academic community.

ARTICLE II: JURISDICTION

A. Original Jurisdiction

1. The Judiciary Committee shall investigate and hear complaints of student misconduct, as defined in the Standards of Conduct set by the Board of Visitors. Complaints may be filed by any individual or group against any University of Virginia student or student organization. Complaints may proceed against any University of Virginia student who was registered or enrolled in an academic course of study at the time of the alleged misconduct. Complaints may also proceed when there is an allegation of misconduct occurring during an academic recess provided there is an expectation of a student's continued enrollment at the University.
2. This grant of jurisdiction is limited as specified in section D of this Article.

B. Appellate Jurisdiction

1. The Chair of the Judiciary Committee shall review all decisions of lower judicial bodies. On the basis of this review, the Chair may affirm the decision of the lower judicial bodies, order a hearing to determine the propriety of the sanction imposed, or order a trial de novo before the Judiciary Committee.
2. The Judiciary Committee shall hear appeals from its lower judicial bodies when requested within a reasonable time by a student or student group convicted by a lower judicial body.
3. The Judiciary Committee shall have all other appellate jurisdiction conferred upon it by University authorities which does not conflict with section D of this Article.

C. Non-exercise of Jurisdiction

1. When a majority of Committee members determine that more cases are pending before the Committee than it can handle effectively, the Committee may, within its discretion, refer cases to the Vice President and Chief Student Affairs Officer for disposition.

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
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.
 - 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
- 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 or expression, marital status, national or ethnic origin, political affiliation, pregnancy (including childbirth and related conditions), race, religion, sex, sexual orientation, veteran status, family medical or genetic information of the victim, or any other basis stated in the University's Notice of Non-discrimination and Equal Opportunity 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.
- 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 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) 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.

ARTICLE V: MEMBERSHIP

- A. The Judiciary Committee shall be composed of five 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 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, undergraduate and graduate students must have completed at least one semester of work unless the student is enrolled in a one-year degree program. Each candidate for election shall be in

good academic standing as defined by their particular school 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.

1. A candidate for election to the Committee also shall comply with all qualifications 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 to be in good academic standing if meeting the requirements of good academic standing according to their respective school.
- 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 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.

ARTICLE VIII: BY-LAWS

- A. The Judiciary Committee may adopt by an affirmative vote of at least two-thirds of the entire Committee such By-Laws as shall not be in conflict with this Constitution.

ARTICLE IX: AMENDMENT

- A. Amendments to this Constitution which are not defined as minor by Section C of this Article shall be proposed as follows:
 - 1. by an affirmative vote of two-thirds of the Representatives present, in a meeting with at least four-fifths of the Representatives in attendance; or
 - 2. by a petition meeting the requirements, including the form of the petition and all signature requirements, set by the University Board of Elections (or any successor organization, hereinafter, the "UBE"), from time to time.
- B. The proposed amendment must be ratified by a vote of the student body at any regularly scheduled election. 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. The validity and deadlines for receipt of petitions and signatures, election dates, vote counts, voting population, and other matters relating to the process and administration of elections, shall be as determined by the UBE (or its successor organization(s)).
- C. A minor amendment, defined as one which has no significant or substantive impact on the Committee's jurisdiction or powers or an accused student's rights, may include, but is not limited to, grammatical, language, and administrative changes. The amendments that would affect the accused student's fundamental rights or the trial process in any way shall not be considered minor amendments. Whether an amendment is minor as defined by this paragraph will be determined by the Voting Members of the UJC Executive Committee as defined in the UJC By-Laws in their sole discretion. These minor amendments shall be:
 - 1. passed by a unanimous vote of the Representatives.

ARTICLE X: RATIFICATION

This constitution may be ratified by a majority of those full-time students voting on February 24-25, 1987 and shall become effective immediately thereafter.