

**UNIVERSITY JUDICIARY COMMITTEE BY-LAWS**  
**Amended April 1st, 2024**

*Note: These By-Laws shall replace, in their entirety, the existing By-Laws of the University Judiciary Committee, the By-Laws of the First Year Judiciary Committee, and the Constitution of the First Year Judiciary Committee. Capitalized terms in these By-Laws shall have the meanings ascribed to them in Article XII (“Definitions”).*

**UJC BY-LAWS: PURPOSE**

The purpose of these By-Laws is to describe generally the powers of the University Judiciary Committee (the “UJC”), its Executive Committee, the First Year Judiciary Committee (the “FYJC”), and the UJC’s Support Officers, as well as the procedures for adjudication of Complaints by the UJC and the FYJC. While these By-Laws contain many specific provisions, they are not meant to be an exhaustive list of enumerated powers, responsibilities and procedures that extend to every imaginable contingency.

Instead, they are intended to provide a general framework from which the UJC, using sound judgment and reason, can deduce the extent of its power and responsibility, and the procedural limitations of the Judiciary System. These By-Laws incorporate, by reference, the Complaint filing and case management systems and procedures set forth on the website of the UJC, [www.ujc.virginia.edu](http://www.ujc.virginia.edu), (the “UJC Website”).

**ARTICLE I: UJC OVERVIEW**

The charge of the UJC is to investigate and adjudicate Complaints of alleged violations of the University’s Standards of Conduct and, where violations are found, to impose one or more of the sanctions set forth in Article V hereof (the “Sanctions”). The primary role of UJC Representatives is to serve as Judges in UJC Trials. UJC Trials are divided into two phases, if applicable, the first of which is the Trial for Guilt, and the second of which is the Trial for Sanction. Trial Panels are comprised of five (5) Representatives, including a Trial Chair, who shall be one of the five Voting Members of the Executive Committee (“Voting Members”). When a Complaint alleges a violation of the Standards of Conduct by a First Year Student, the trial shall be conducted by the FYJC, in which case the Trial Panel shall be comprised of five (5) FYJC Representatives, including a Trial Chair, who shall be either the FYJC Chair or the FYJC Vice-Chair.

Decisions by the UJC Trial Panel are appealable to the Judicial Review Board (the “JRB”) and reviewed by the Vice President and Chief Student Affairs Officer (“Vice President”). Decisions by the FYJC Trial Panel are appealable to the UJC and reviewed by the Chair and, ultimately, the Vice President. In certain cases, the parties may agree to a less formal adjudication before a Hearing Panel, as more particularly described in Article VII, below.

## **ARTICLE II: JURISDICTION**

### **A. ORIGINAL AND APPELLATE JURISDICTION**

1. The UJC has jurisdiction to hear and adjudicate duly filed Complaints involving alleged violations of one or more of the Standards of Conduct by a University Student or a University Group. Specifically, the UJC is empowered to exercise all original and appellate jurisdiction detailed in Article II, Section A of the UJC Constitution, and the FYJC is empowered to exercise all original jurisdiction delegated to it by the UJC. Special rules for the “Non-exercise of Jurisdiction” and certain “Jurisdiction Restrictions,” are set forth in Article II, Sections C and D of the UJC Constitution.

### **B. INTERIM SUSPENSION**

1. A University official may temporarily suspend a University Student reasonably believed to pose a threat to themselves, to the health or safety of other members of the University, to University property, or to the educational process, pending a hearing of the underlying offense(s) charged under the Standards of Conduct. In such cases, the University Student may appeal the interim suspension to the Vice President. The UJC retains jurisdiction of the underlying charges. If the Vice President affirms the interim suspension in whole or in part, the University Student may request an expedited UJC Trial on the underlying charges within seventy-two (72) hours of receipt of notice of the Vice President’s decision. When such a request is made, the UJC shall schedule a trial as soon as reasonably practicable.
2. During the period of interim suspension, the UJC retains jurisdiction over alleged violation(s) of the Standards of Conduct.

## **ARTICLE III: UJC, FYJC, EXECUTIVE COMMITTEE, SUPPORT OFFICERS**

### **A. UJC REPRESENTATIVES**

1. Election of UJC Representatives. The UJC shall be comprised of twenty-seven (27) Representatives, including three (3) Representatives from the College of Arts and Sciences and two (2) Representatives from each of the other separate schools of the University, selected as provided in Article V of the UJC Constitution. The newly-elected Representatives shall replace the existing Representatives and assume office on April 1 of each year following the applicable election.
  - a. Increases to the total number or other reapportionment of Representatives by amendment to the UJC Constitution Article V Section A shall not take effect until the university wide representative election following ratification of the applicable constitutional amendment.
2. UJC Representative Vacancies. In the event that any of the UJC Representatives have not been selected by election as contemplated in Article V of the UJC Constitution, 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, or in

the event of any subsequent vacancy for any reason, such vacancy shall be filled as described in Article V, Section B of the UJC Constitution.

3. Training of Newly-Elected UJC Representatives. During the month of March following each election of Representatives to the UJC, the outgoing Chair and Vice Chair for Trials shall be responsible for Training of the newly-elected Representatives, and shall provide reasonable advance written notice to such Representatives of the date, time, and place of all training sessions.
4. Responsibilities of Representatives. The primary responsibility of UJC Representatives is to serve as Judges in UJC Trials; other responsibilities include fulfilling all duties reasonably imposed by the Chair and Vice Chair for Trials, with the advice and consent of the UJC. In addition, each Representative shall:
  - a. Affirm their support for these By-Laws and the UJC Constitution, in writing or in person, prior to commencing to serve as a Representative, as a condition of their service on the UJC.
  - b. Attend all UJC meetings; any Representative who misses more than three (3) meetings per semester without a reasonable explanation, may be subject to disciplinary action, including impeachment, as specified in Article VII, Section A of the UJC Constitution.
  - c. Sign up and be available to serve as a Judge in a reasonable number of Trials such that all Representatives contribute their time as equally as possible throughout the duration of their term. Any Representative who fails to sign up and be available to serve as a Judge in a reasonable number of Trials shall, absent a reasonable explanation for such failure, in the reasonable discretion of 4/5 of the Voting Members, be subject to disciplinary action, including impeachment, as specified in Article VII, Section A of the UJC Constitution.
  - d. Maintain confidentiality concerning UJC and FYJC cases, in accordance with Article IX, below.
  - e. Refer any media or other requests for case information from a person or entity who is not a Representative or Support Officer to the Chair.

#### B. FIRST YEAR JUDICIARY COMMITTEE

1. The FYJC shall be comprised of twelve (12) FYJC Representatives, each of whom shall be a First Year Student, to be selected by the Vice Chair for First Years, and subject to approval by the Chair. The primary responsibility of FYJC Representatives is to serve as Judges in FYJC Trials. The FYJC Representatives shall elect from among themselves, by majority vote through an instant run off system, a FYJC Chair and a FYJC Vice Chair. Every FYJC Trial shall be chaired by either the FYJC Chair or the FYJC Vice Chair. In the event of any subsequent vacancy in a FYJC Representative position, such vacancy shall be filled as determined by the Chair and the Vice Chair for First Years, and subject to the approval of the Chair. In the event of any subsequent vacancy in the position of the FYJC Chair or the FYJC Vice Chair,

such vacancy shall be filled by election in the same manner by which the original officer was selected.

### C. UJC EXECUTIVE COMMITTEE

1. Executive Committee Membership. The UJC Executive Committee shall be comprised of twelve (12) standing members, including the Chair, the Vice Chair for Trials, the Vice Chair for Sanctions, the Vice Chair for First Years, and the Vice Chair for Graduate Students, who shall collectively comprise the Voting Members, as well as the following non-voting members: one (1) Senior Investigator, two (2) Senior Counselors, one (1) Senior Educator, one (1) Senior Data Manager, one (1) FYJC Chair, and one (1) FYJC Vice Chair. Additional non-voting and voting members may be added upon a majority vote by the Representatives.
2. Election of Voting Members of Executive Committee. Before April 1 of each year, but no sooner than three (3) weeks following the date of the most recent election, all of the newly-elected UJC Representatives who have successfully completed their training, as determined by the outgoing Chair, shall convene to elect the new Voting Members of the Executive Committee, by majority vote by instant run off, in the following order: Chair, Vice Chair for Trials, Vice Chair for Sanctions, Vice Chair for First Years, Vice Chair for Graduate Students. Such Executive Committee elections shall (a) be organized and overseen by the outgoing Chair, and (b) require the participation of at least three-quarters (3/4) of the newly-elected Representatives. In the case of a tie, the newly-elected Representatives shall continue to discuss and question the candidates in an effort to break such tie and, in the event that such efforts are not successful, the outgoing UJC Chair shall cast the tie-breaking vote.
  - a. The Vice Chair for Graduate Students must be a graduate student. In the event that no graduate student Representative is elected to the position by May 1, a majority of the Representatives may elect to waive this requirement.
3. Executive Committee Vacancies. In the event of a vacancy among the Voting Members of the Executive Committee, the Representatives shall convene to elect a replacement by majority vote by instant run off, provided that at least three-quarters (3/4) of the Representatives participate in such election. The remaining Voting Members who are not themselves running shall oversee such election. In the event that all of the remaining Voting Members are themselves running, the Representatives shall elect one of their own to oversee such election. In the event of a vacancy in the position of the Chair, the Vice Chair for Trials shall preside until a new Chair is elected.
4. Powers and Responsibilities of the Voting Members of the Executive Committee. The Voting Members of the Executive Committee may:
  - a. Serve as Trial Chair in UJC Trials. No other person may chair a UJC Trial.
  - b. Discuss cases with Support Officers, witnesses, the Complainant, the Accused Student and/or Accused Group (“Accused”), the Dean of Students, and other

University administrators and organizations as necessary in order to manage the trial and monitor and confirm completion of Sanctions.

- c. By unanimous vote, release non-identifying statistical case data as necessary to inform the University community of the UJC's presence and to further the UJC's purpose.
    - i. Release of identifying Organizational Case information and data may be permitted pursuant to Article IX Section A of these bylaws.
  - d. By unanimous vote, adopt minor grammatical and other administrative changes, updates, and amendments to these By-Laws. Such changes, updates, and amendments shall be presented to the Representatives for review at their next meeting.
5. Powers and Responsibilities of the Chair. The Chair shall:
- a. Preside at all UJC meetings.
  - b. Speak on behalf of the UJC in discussions with University officials and in other business matters.
  - c. Ensure proper administration of all Sanctions imposed by the UJC.
  - d. Ensure that Complaints are properly investigated.
  - e. Ensure that UJC Representatives are given reasonable prior notice of each UJC meeting and each UJC Trial.
  - f. Ensure that all parties to a UJC Trial have been assigned a Counselor.
  - g. Ensure submission of the Investigator's Report for each trial, together with other pertinent information, including the outcomes of both the Trial for Guilt and the Trial for Sanction, to the Vice President for review, and, where applicable, to the JRB for review.
  - h. Review all decisions of the FYJC.
  - i. Recommend to the Voting Members the dismissal of any Complaint that they determine is not within the jurisdiction of the UJC, or fails to allege violations for which the UJC can make a finding of guilt, in which case such Complaint may be dismissed upon majority vote by the Voting Members.
  - j. Appoint, with the advice of the outgoing Executive Committee, the consent of the other four Voting Members of the incoming Executive Committee, and a majority of the incoming UJC Representatives, a Senior Investigator, two (2) Senior Counselors, a Senior Educator, and a Senior Data Manager, unless expanded as permitted by this Article.
  - k. With the consent of a majority of the Voting Members, establish and appoint chairmen of any subcommittees necessary to effectuate the goals and policies of the UJC.
  - l. With the advice and consent of the other Voting Members, implement special procedures, as and when necessary, to manage unique or voluminous cases that,

based on their unique nature or volume, are inappropriate for disposition under standard UJC procedures.

- m. Oversee and supervise all other operations of the UJC, its Support Officers, and its subcommittees.
6. Powers and Responsibilities of Other Voting Members of the Executive Committee.
- a. The Vice Chair for Trials shall preside over the UJC in the absence of the Chair.
  - b. The Vice Chair for Trials shall be responsible for the administrative operations of the UJC, including the scheduling of Trials and the assignment of Judges, and shall be the head of the Representative pool.
  - c. The Vice Chair for Sanctions shall be responsible for keeping accurate records and monitoring completion of all Sanctions imposed by the UJC.
  - d. The Vice Chair for First Years shall be responsible for training of the FYJC and shall have all other UJC responsibilities relating to the FYJC.
  - e. The Vice Chair for Graduate Students shall be responsible for managing UJC outreach to the graduate schools, including recruitment.
  - f. The Voting Members of the Executive Committee shall report to the Chair and to the UJC, as appropriate, concerning any problems, and progress of their respective responsibilities.
7. Powers and Responsibilities of Non-Voting Members of the Executive Committee.
- a. The Senior Counselors shall be responsible for selecting new counselors each year in accordance with Article III, Section E.
  - b. The Senior Counselors shall be responsible for assigning counselors to cases in a timely manner and for taking cases at a similar rate as other counselors.
  - c. The Senior Investigator shall be responsible for selecting new investigators each year in accordance with Article III, Section E.
  - d. The Senior Investigator shall be responsible for assigning investigators to cases in a timely manner and for taking cases at a similar rate as other investigators.
  - e. The Senior Educator shall be responsible for selecting new educators each year in accordance with Article III, Section E.
  - f. The Senior Educator shall be responsible for overseeing and implementing the UJC's outreach activities and, when appropriate, coordinating outreach with the Vice Chair for First Years and the Vice Chair for Graduate Students.
  - g. The Senior Educator shall work with the Chair to coordinate alumni and fundraising outreach.
  - h. The Senior Data Manager shall be responsible for the creation and maintenance of the UJC's student-run technology services, including its public website.
  - i. The Senior Data Manager shall be responsible for liaising with ITS on any matters on which the UJC requires ITS assistance.

- j. The Senior Data Manager shall be responsible for creating a budget spreadsheet based on the Chair’s budget and keeping that spreadsheet up to date based on monthly UJC expenditure reports.
8. Removal from Executive Committee.
- a. The Chair alone or a majority of the Voting Members may remove a Senior Support Officer from the Executive Committee for the same reasons as a support officer may be removed from the UJC under Appendix A. A Senior Support Officer may also be removed for failure to adequately perform their duties as listed in Article III, Section D, Subsection 7.
  - b. The Chair alone or a majority of the Voting Members may initiate proceedings to remove a Voting Member from the Executive Committee for the same reasons as a Representative may be removed from the UJC under the UJC Constitution Article VII. A Voting Member may also be removed for failure to adequately perform their duties as listed in Article III, Section D, Subsections 5-6. A Voting Member may only be removed from the Executive Committee by majority vote of the UJC Representatives.

D. SUPPORT OFFICERS

- 1. The Investigators, the Counselors, and the Educators (collectively, the “Support Officers”), and the Senior Support Officers shall perform their responsibilities of investigation, advice, and education with respect to both UJC Trials and FYJC Trials.
- 2. Selection and Training of Support Officers. Each fall, the Voting Members and Senior Counselors and Investigator shall (a) recruit interested individuals to apply to serve as UJC Counselors and Investigators through a thorough application process; and (b) review the performance of incumbent Counselors and Investigators. Throughout the year, the Voting Members and Senior Educator shall (a) recruit interested individuals to apply to serve as UJC Educators based on a written application and, if necessary, an oral interview; and (b) review the performance of incumbent Educators. In the event that a deficiency in the number of Support Officers arises during the year, the Voting Members and the relevant Senior Support Officer(s) shall interview and appoint additional Support Officers, as necessary. The Senior Support Officers shall ensure that each Support Officer has been oriented as to the authority and procedures of the UJC.
- 3. Responsibilities of Support Officers.
  - a. Each Investigator shall be responsible for investigating Complaints referred to them by the Chair and the Senior Investigator, including the compilation of the Investigator’s Report, and for such other duties as determined by the Voting Members. In addition, Investigators are responsible for contacting the Complainant and the Accused following the Trial, to elicit feedback, if possible, to prepare a “Feedback Report” on the case.

- b. Each Counselor shall be responsible for advising the Complainants, Accused Students and/or Accused Groups to whom they are assigned by the Chair and the Senior Counselors, and for such other duties as determined by the Voting Members.
  - c. Each Educator shall be responsible for educating the University community on UJC policies and procedures, for supporting UJC outreach, and for such other duties as determined by the Voting Members.
  - d. Counselors and Investigators are required to attend all assigned trials.
  - e. All Support Officers are required to recuse themselves from trials in which they have a conflict of interest, defined by a Support Officer's personal connection to any party that may conflict or appear to conflict with their responsibilities to the University Judiciary Committee. Support Officers must notify a member of the Executive Committee of a potential conflict of interest. Upon notification, the Chair and respective Senior Support Officer(s) will have ultimate authority on whether a conflict of interest exists.
4. Selection of Senior Support Officers. The incoming Voting Members shall appoint two (2) Senior Counselors (from among the incumbent Counselors), a Senior Investigator (from among the incumbent Investigators), a Senior Educator (from among the incumbent Educators), and a Senior Data Manager (from among the Representatives of the UJC or FYJC or from any Support Officer pool) to serve a term of one (1) year. Additional members may be added as permitted in Section D of this Article. The Chair shall undertake such appointments with the advice of the other incoming Voting Members of the Executive Committee and the outgoing Executive Committee, followed by a majority vote of the incoming UJC Representatives.
5. Confidentiality and Professionalism; Removal. All Support Officers are held to high standards of confidentiality and professionalism, as more fully set forth in Appendix A. Violations of confidentiality or professionalism may result in sanctions, including, without limitation, suspension or removal from the UJC. Details concerning investigations and sanctions for violations of confidentiality and professionalism, together with the protocol in cases where Support Officers are facing a UJC Complaint, are more fully set forth in Appendix A.
- E. REMOVAL OF REPRESENTATIVES
- 1. UJC Representatives may be removed in accordance with Article VII of the UJC Constitution. FYJC Representatives may be removed in the same manner as UJC Representatives, except that removal proceedings against FYJC Representatives may be initiated by the Vice Chair for First Years.
- F. NO SERVICE ON JRB
- 1. No UJC Representative, FYJC Representative, or Support Officer may serve on the JRB.



## **ARTICLE IV: TRIAL PROCEDURES**

Unless otherwise specified, or the context otherwise requires, the following Trial Procedures are intended to apply both to UJC and FYJC Trials, and references herein to the procedures governing UJC Trials shall be read also to govern and include FYJC Trials. Pursuant to the Constitution, FYJC Complaints may be heard by the UJC if (1) the Voting Members of the Executive Committee determine that more cases are pending before the FYJC than can be handled effectively by the FYJC, and/or (2) the FYJC term ends prior to adjudication of any Complaint that would otherwise be adjudicated by the FYJC, and/or (3) the Voting Members of the Executive Committee determine the case is more appropriately heard by the UJC.

References in these By-Laws to a “University Group,” “Accused Group” or “Sanctioned Group” shall, as the context requires, be read to refer to their respective student representatives.

### **A. COMPLAINTS**

1. Typically, UJC Complaints are filed electronically through the UJC Website and must contain all of the information required therein. In rare cases, if a Complaint cannot be filed electronically, it nevertheless must include all of the information required by the electronic form. In accordance with the UJC Constitution, UJC Complaints must be filed within forty-five (45) calendar days from the date that the Complainant first knew or should have known the identity of the alleged offender. UJC Trials are scheduled within a reasonable time following the filing of a Complaint within the jurisdiction of the UJC. Any request by the Accused for an open trial shall be made in writing at least five (5) academic days prior to the UJC Trial date. A Complaint will be dismissed if it fails to state a basis for finding a violation of the Standards of Conduct for which the UJC could issue a sanction.

### **B. COMPOSITION OF TRIAL PANEL**

1. Each UJC Trial Panel shall be comprised of five (5) UJC Representatives, sitting as Judges, including the Trial Chair, who must be one of the Voting Members of the Executive Committee. Each FYJC Trial Panel shall be comprised of five (5) FYJC Representatives, sitting as Judges, including the Trial Chair, who must be either the FYJC Chair or the FYJC Vice Chair. The Accused Student or Accused Group may challenge any Judge on the basis of bias or conflict of interest. If such challenge is made prior to the commencement of the Trial, the challenged Judge may withdraw or may be asked to withdraw by the remaining Judges, in which case the Trial Chair may appoint an alternate Judge. If such challenge is made during the Trial, and if the challenged Judge decides, or is asked by the remaining Judges, to withdraw, the Trial shall be recessed until a new Judge is appointed and has had time to review a record of the proceedings to that point; provided, however, that if the withdrawing Judge is the Trial Chair, a new Trial shall be ordered.

### **C. RIGHTS OF THE ACCUSED**

1. The Accused Student or Accused Group shall have the rights set forth in Article IV of the UJC Constitution. In addition, the Accused Student or Accused Group may select an advisor of their choice who may be present in a non-participatory role at Trial.
2. The Accused Student or Accused Group shall also have the right to be present at the Trial. Pursuant to the UJC Constitution, the Trial may be held in absentia when proof of reasonable notice is shown, and the Accused Student or Accused Group has been informed that failure to appear at trial could result in them being tried in absentia, and if, before the Trial date, the Accused Student or Accused Group fails to show cause for not appearing at the Trial.
  - a. For these purposes, “proof of reasonable notice” means that the Accused Student or Accused Group has received email notice of the time, date, and location of the Trial at the relevant official University email address, in accordance with the University’s official notification policy set forth in the Undergraduate Record.
  - b. If the Accused Student, one or more of multiple Accused students, or the Representative of an Accused Group fails to appear at their scheduled UJC or FYJC Trial, the Trial Chair shall attempt to ascertain the whereabouts of the absent party, the cause for their absence, and ascertain that the Accused has been informed that their failure to appear could result in a trial in absentia and that reasonable notice was given per (2) above.
  - c. If the Accused’s whereabouts are determined in a timely manner and demonstrate cause for absence beyond the reasonable control of the Accused, the Trial Chair may, at their sole discretion, delay the proceeding by a reasonable amount of time so as to not create an undue burden on the assembled parties, witnesses, and officers of the Committee. If the reason for absence is found to be involuntary and due to factors beyond the reasonable control of the absent party and where timely appearance is not possible, the Trial Chair may postpone the Trial, at their sole discretion.
  - d. The Trial Panel, by majority decision, may proceed in the absence of the accused. In its analysis to postpone, the Trial Panel must consider whether a continuance would be prejudicial to the UJC’s case. The Trial Panel may review the IR and other relevant information as determined by the Trial Chair in (b) above.
    - i. If the Trial Panel votes to proceed in absentia, this decision will be recorded, and the Trial for Guilt shall begin per Article IV (E) below with a plea of not guilty on all counts assumed in the absence of the Accused.
    - ii. If the Trial Panel declines to proceed in absentia, the Trial Chair shall postpone, and the Trial may be rescheduled by the Vice Chair

for Trials. The UJC at its discretion may inform the Vice President and Chief Student Affairs Officer or designee of the Accused's failure to appear or take other necessary actions including those under Article IV (E) (1) of these Bylaws.

- e. If the Accused leaves or is removed by the Trial Chair from a Trial once the initial proceeding has begun, that proceeding and all subsequent proceedings shall continue in their absence. In this instance, postponement may be by majority decision of the Trial Panel alone. In its analysis to postpone, the Trial Panel must consider whether a continuance would be prejudicial to the UJC's case, and overly burdensome on the assembled parties, witnesses, and officers of the Committee.
- f. If the Accused appears during a proceeding that has begun in absentia, they may be admitted but the proceeding will continue and shall not restart. Readmission under circumstances of disruption are defined in Article IV (E) (6) (d) of these Bylaws. If the Accused appears during the Trial for Guilt, the Accused shall be afforded an opportunity to enter a plea of guilt to one or more counts pursuant to Article IV (E) (4) of these Bylaws.
- g. In a Trial in absentia, the Counselor for the Accused shall represent the Accused Student's or Accused Organization's interests throughout all case proceedings defined in Article IV (E) (6) of these Bylaws.

#### D. DUTY OF COMPLAINANT

- 1. In addition, the Complainant shall be present at the Trial. If the Complainant is unable to attend the Trial as initially scheduled, the Complainant shall request a continuance, which may be granted in the sole discretion of the Trial Chair.
  - a. Failure by the Complainant to appear at the Trial ~~or~~ without requesting a continuance, or wherein the Complainant acts in such a manner to be disruptive to the proceeding, may result in the dismissal of the Complaint, in the decision of a majority of the Trial Panel.
  - b. If the Trial Panel declines to dismiss the Complaint, the Trial Chair may, in their sole discretion, resume the proceeding in the presence of the Complainant, or may postpone and refer final decision to the Voting Members of the Executive Committee who shall make a final determination within three (3) business days from the date of postponement to direct the Vice Chair for Trials to reschedule the proceeding or to dismiss the Complaint.

#### E. TRIAL PROCEDURE

- 1. Registration Block. The Chair, or a Vice Chair of their designation, may through the Vice President and Chief Student Affairs Officer or their designee request that the Registrar place a registration block on an Accused who leaves the University, or who

- fails to cooperate in efforts to schedule and hold a Trial, appear at Trial, complete or cooperate with assigned sanctions.
2. Pre-Trial Exchange of Information; Investigator's Report. At least five (5) days prior to the Trial date, the parties, through their respective Counselors, shall upload to the UJC Website their respective lists of anticipated witnesses and evidence including, where restitution is sought by the Complainant, details about the nature and extent of the restitution sought. For good cause shown, the Trial Chair may, in their reasonable discretion, allow the introduction at Trial of witnesses or evidence not included in such lists. The Investigator's Report shall be uploaded to the UJC Website at least forty-eight (48) hours prior to the commencement of the Trial.
  3. Panel Instructions. In cases where the Trial Chair believes instructions about the relevant laws are necessary to guide the Panel's deliberations, the Trial Chair may recommend to the Voting Members of the Executive Committee that such panel instructions regarding relevant laws be provided to the members of the Trial Panel in the form of a written document. The Voting Members must agree by unanimous vote to allow the use of panel instructions at Trial. If agreed, the Trial Chair must consult with UJC's legal counsel to draft appropriate panel instructions. The panel instructions must be provided to all parties no later than five (5) days prior to the Trial date. Objections must be communicated to the Trial Chair no later than two (2) days prior to the Trial date. Objections that are overruled may be renewed on the record during Trial. The Trial Chair may, for good cause shown, allow the panel instructions to be revised following initial submission to the parties, provided that both parties are afforded the opportunity to review any revisions and raise any objections.
  4. Pre-Trial Meeting; Admission of Guilt by the Accused. Prior to the commencement of the Trial, the parties shall convene to discuss any unresolved issues relating to UJC or FYJC jurisdiction, including any motion to dismiss the Complaint on the basis of a lack of jurisdiction, evidentiary issues, and any other issues that may affect the conduct of the Trial. In addition, any decision by the Accused Student or Accused Group to admit guilt should be communicated to the Trial Chair prior to the Trial. In such cases, if the Trial Chair determines that the consequences of this admission are accepted and understood, there shall be no Trial for Guilt, and the Trial for Sanction shall commence immediately. If the admission is to some, but not all, of the charges in the Complaint, the Trial for Guilt shall commence as to the charges still at issue (unless the Complainant agrees to accept such partial admission of guilt, in which case the Trial may move to a Trial for Sanction).
  5. Evidence.
    - a. Trial for Guilt: All relevant evidence is admissible at the Trial for Guilt, except for evidence which, in the reasonable discretion of the Trial Chair, (i) is highly prejudicial, meaning that such evidence would unfairly bias the Judges, (ii) is plainly redundant, or (iii) relates to the Past Disciplinary Record of the Accused.

- b. Trial for Sanction: All relevant evidence is admissible at the Trial for Sanction, in the reasonable discretion of the Trial Chair, including, without limitation, a reasonable number of character witnesses for the Accused Student and the Past Disciplinary Record of the Accused Student.
6. Conduct of the Trial. The Trial for Guilt and the Trial for Sanction each shall commence with an opening statement by the Complainant, followed by an opening statement by the Accused Student or Accused Group. Witnesses and other evidence shall be presented first by the Complainant and then by the Accused Student or Accused Group, provided that each party may cross-examine the witnesses of the other party following each witness's direct testimony, and subject to the supervision of the Trial Chair. Following the presentation of all witnesses and other evidence, the Complainant shall present their closing argument, followed by the closing argument of the Accused Student or Accused Group.
- a. The opening statements, direct- and cross-examination of witnesses, and closing statements of the parties, described herein, may be made on their behalves by their respective Counselors.
  - b. It shall be the responsibility of each party to ensure that their witnesses are present at the Trial and prepared to testify. Prior to testifying, any witness called by either party must identify themselves on the record, by name and affiliation to the cases.
  - c. Any party, witness, or observer acting in a manner deemed to be disruptive to the proceeding may be warned or dismissed at the sole discretion of the Trial Chair.
    - 1. If the Accused is dismissed, the current proceeding shall continue in their absence as defined in Section C (2) above. In the instance of subsequent proceedings, the Trial Panel, at the decision of a majority vote, may readmit the Accused.
    - 2. If a witness is dismissed for disruption, the Trial Chair may, at their sole discretion, dismiss them from further testimony for the duration of all proceedings.
    - 3. Dismissal of a Complainant is defined in Section D (1) of these bylaws.
  - d. If a witness refuses to identify themselves, recognize the tenants of the Honor System in effect at the Trial (if a student Witness), acknowledge the confidentiality of the proceeding for the record, or comply with other UJC procedures, the Trial Chair may dismiss the witness.
  - e. All Trials will be recorded by audio. Independent recording of a UJC or FYJC proceeding is prohibited.
7. Sequestration of Witnesses during Trial. At the request of either party, and with the consent of the Trial Chair, all witnesses may be sequestered during the Trial, and shall, in such cases, be instructed by the Trial Chair not to discuss the case among themselves.

8. Recess for Trial Panel Conference. The Trial Chair may excuse the parties, witnesses, and spectators at any time in order to call the Judges into conference.
9. Deliberations at Trial for Guilt. All parties, witnesses, and spectators shall leave the trial room while the Judges deliberate the verdict. In accordance with the UJC Constitution, the Accused Student or Accused Group shall be convicted if at least four-fifths (4/5) of the Judges find that the Accused Student or Accused Group is guilty of the offense charged in the Complaint beyond a reasonable doubt. In cases where the Trial Chair has sought and obtained a document containing panel instructions as described in Article IV, Section E, Subsection 3, the Trial Panel may refer to these instructions during deliberations. If the Accused Student or Accused Group is acquitted, the Trial Chair shall recall the parties and announce the verdict. If the Accused Student or Accused Group is convicted, the Trial Chair shall recall the parties and announce the guilty verdict, and the Trial for Sanction shall commence immediately.
10. Deliberations at Trial for Sanction. Following the introduction of any character evidence, the Past Disciplinary Record of the Accused, if applicable, and any other applicable evidence of aggravating or mitigating circumstances, as provided in the UJC Constitution, the Judges shall determine the Sanction or Sanctions by at least a four-fifths (4/5) vote, in accordance with Article V of these By-Laws, and recall the parties to announce and explain such Sanction or Sanctions.

F. APPLICABILITY OF HONOR CODE

1. The University's Honor Code applies in all UJC Trials.

## **ARTICLE V: SANCTIONS**

A. PERMISSIBLE SANCTIONS

1. At the conclusion of the Trial for Sanction, the Judges may impose any Sanction or Sanctions they deem appropriate, without a breach of confidentiality. Appropriate Sanctions include, without limitation, the following:
  - a. Admonition: An oral admonition that the conduct in question violates or has violated one or more of the Standards of Conduct.
  - b. Disciplinary Probation: Exclusion from participation in privileged or extracurricular University activities for a period not exceeding two (2) academic semesters.
  - c. Restitution: Reimbursement for damage to, or misappropriation of, property, or damage or harm to any person.
  - d. Community Service: Service to be performed for the benefit of the University community.
  - e. Suspension: Exclusion from classes, privileged or extracurricular activities, and/or from the University for a definite period of time. In such event, the UJC shall

instruct the Registrar to place a permanent notation on the Sanctioned Student's transcript reading "Disciplinary Suspension."

- f. Expulsion: Termination of student status for an indefinite period of time. The conditions for readmission, if any, shall be stated in the order of expulsion. In such event, the UJC shall instruct the Registrar to place a permanent notation on the Sanctioned Student's transcript reading "Disciplinary Expulsion."

#### B. SANCTION HELD IN ABEYANCE

1. In its sole discretion, the UJC may hold any Sanction "in abeyance," meaning that the Sanction in question shall be considered only upon the occurrence of further specified conduct. Each Sanction held in abeyance shall be issued together with:
  - a. An explicit description of the Sanction held in abeyance, AND
  - b. An explicit description of the conduct that will activate the Sanction, AND
  - c. Specification of the time period, which may be indefinite, in which the Sanction will be held in abeyance.
2. In the event that a subsequent Complaint is filed alleging the triggering conduct, the Sanctioned Student or Sanctioned Group ("Sanctioned") shall be entitled to a Trial for Guilt to determine whether or not, beyond a reasonable doubt, such conduct occurred, and a Trial for Sanction, to determine the nature and extent of the Sanction or Sanctions to be activated.

#### C. COMMENCEMENT OF SANCTION

1. The Sanction or Sanctions shall commence no later than the date on which the decision of the UJC has been finalized; provided, however, that the Sanctioned Student or Sanctioned Group in question may elect to commence the relevant Sanction or Sanctions prior to such time.

#### D. NON-COMPLIANCE WITH SANCTION

1. If the Vice Chair for Sanctions has reason to believe that the terms of a Sanction have been violated, they shall contact in writing the Sanctioned in question, together with any party or parties with relevant information about the status of the Sanction, to inquire about the status of the Sanction.
2. The Vice Chair for Sanctions shall then recommend a new Sanction to the Voting Members, who shall affirm the new Sanction by a majority vote. Grounds to reject the proposed new Sanction shall include but are not limited to: (1) the proposed new Sanction is unduly harsh, (2) the Sanctioned has been unresponsive to UJC communication, (3) the proposed new Sanction is not educational or does not promote the health and safety of the University or the Sanctioned. The new Sanction may include the extension of deadlines for Sanction completion, the revision of the terms of the Sanction, and/or imposition of additional measures for violations of the terms of the Sanction.

3. If the Sanctioned does not comply with the new Sanction, then the Vice Chair for Sanctions may pursue a Trial against the Sanctioned alleging violation of Standards of Conduct 6 and 11. The trial shall proceed as described in Article IV, Section E.
4. If a majority of the Voting Members cannot agree on any of the recommendations, then the Vice Chair for Sanctions may pursue a trial against the Sanctioned alleging violation of Standards of Conduct 6 and 11. The trial shall proceed as described in Article IV, Section E.

## **ARTICLE VI: POST-TRIAL PROCEDURES**

### **A. UJC TRIAL: AUTOMATIC REVIEW BY VICE PRESIDENT**

1. Except for cases appealed directly to the JRB, as provided in Section B below, every decision by the UJC Trial Panel is subject to automatic review by the Vice President, who may affirm the decision of the Trial Panel or, if they feel that the decision is not in the best interests of the University, (1) remand the decision to the UJC for review, reconsideration, or retrial, or (2) refer the decision directly to the JRB.

### **B. UJC TRIAL: APPEAL TO JRB**

1. The Sanctioned may appeal the guilty verdict and/or the Sanction directly to the JRB within fourteen (14) days of the date of the UJC Trial. If the Sanctioned appeals the verdict or Sanction to the JRB, the Sanctioned must also send a copy of the appeal to the UJC through the Trial Chair.
2. Appeal of Guilty Verdict. The grounds for appeal of a guilty verdict are as follows:
  - a. A procedural error during the Trial for Guilt caused the Sanctioned to be deprived of the procedural protections afforded by Article IV of the UJC Constitution, and such error very likely affected the outcome of the UJC Trial; and/or
  - b. The Sanctioned has obtained new evidence, the existence of which would very likely have affected the outcome of the UJC Trial. "New evidence" means evidence of which the Sanctioned was unaware, and could not reasonably have been aware, prior to the UJC Trial.
3. The JRB may affirm the outcome of the UJC Trial or, alternatively, grant the appeal, in which case the JRB may remand the case for a new Trial for Guilt or, in appropriate circumstances, dismiss the case, in its sole discretion.
4. Appeal of Sanction. The grounds for appeal of a Sanction are the same as the grounds for appeal of a guilty verdict, as set forth above in Section B, Subsection 2 (where the alleged errors or new evidence relates to the Trial for Sanction phase rather than the Trial for Guilt phase), together with the following additional grounds:
  - a. Such Sanction was unduly harsh; and/or
  - b. Such Sanction was clearly excessive; and/or
  - c. Such Sanction was grossly inappropriate to the offense charged.



5. The JRB may affirm the outcome of the UJC Trial for Sanction or, alternatively, grant the appeal, in which case the JRB may remand the case for a new Trial for Sanction, or impose a substitute Sanction, in its sole discretion.
6. Final Decision. The decision of the JRB is final, and may not be further appealed, except that, in the case of the Sanction of expulsion, the Sanctioned may submit a final appeal to the Board of Visitors within fourteen (14) days from the date that the JRB has rendered its decision.

#### C. APPEAL FROM FYJC TRIAL

1. Automatic Review by UJC Chair. Except for cases appealed directly to the UJC, as provided in Section C, Subsection 2 below, every decision by the FYJC Trial Panel is subject to automatic review by the Chair, who may either affirm the decision of the FYJC Trial Panel or convene an FYJC Appellate Panel, comprised of the Chair (or one of the other Voting Members and two other UJC Representatives. The FYJC Appellate Panel may (1) affirm the decision of the FYJC Trial Panel, (2) impose a different or additional Sanction, or (3) order a new trial before the UJC. A member of the FYJC Trial Panel shall be present in order to provide information, if requested, by the FYJC Appellate Panel. Following review by the Chair, all FYJC decisions are ultimately reviewed by the Vice President.
2. Appeal to UJC. The Sanctioned may appeal the guilty verdict and/or the Sanction directly to the UJC within fourteen (14) days of the date of the FYJC Trial. The grounds for appeal of the verdict in the Trial for Guilt and the Trial for Sanction are the same as the grounds for appeal of UJC verdicts to the JRB, as provided in Section B above. Such appeals shall follow the University Judiciary Committee Procedures for First Year Judiciary Committee Appeals, outlined on the UJC Website. The UJC may, in turn, (1) affirm the decision of the FYJC Trial Panel, (2) impose a different or additional Sanction, or (3) order a new trial before the UJC. A member of the FYJC Trial Panel shall be present in order to provide information, if requested, by the FYJC Appellate Panel.

#### D. RECORDS RETENTION

1. The UJC shall retain all files and records relating to a case for ten (10) years after the date the Complaint was filed, regardless of whether the Complaint was dropped and regardless of whether the Accused was found guilty or not guilty. However, that the UJC shall retain all such files and records for twenty (20) years in cases in which the Sanctioned was found guilty of a violation of Standard 1 or Standard 2 of the Standards of Conduct, and in cases in which a Sanction of suspension, expulsion, or student organizational operating agreement suspension or termination was imposed. This shall include organizational sanctions of suspension or termination held in abeyance.

2. Following the applicable retention period, case files and records shall be destroyed. Case files and records include the signed Rights & Responsibilities form, the signed Investigator's Report, any evidence, and the audio recording of the trial.

## **ARTICLE VII: TRIAL ALTERNATIVES**

Where certain criteria are met, a UJC Trial or an FYJC Trial may be replaced by the less formal alternative of a "Hearing Panel," as described in further detail below.

### **A. HEARING PANELS**

1. Criteria. At least seventy-two (72) hours prior to a UJC Trial or an FYJC Trial, the Complainant or the Accused may request a Hearing Panel, provided that:
  - a. The Accused admits guilt and is a first-time offender (that is, the Accused has not been adjudicated "guilty" at any prior UJC Trial or FYJC Trial), and
  - b. The Voting Members deem, by majority vote, that the offense is minor, and
  - c. Both the Complainant and the Accused agree, in accordance with the UJC Website, to have the case heard by a Hearing Panel.
  - d. The Voting Members (or the FYJC Chair and FYJC Vice Chair, in consultation with the Voting Members, if applicable) may nevertheless deny any request for a Hearing Panel if they determine that a regular UJC Trial or FYJC Trial, as applicable, is appropriate.
2. Composition of Hearing Panel. The Hearing Panel shall be comprised of one (1) Voting Member, acting as Hearing Panel Chair, and two (2) other UJC Representatives. In the case of an FYJC Hearing Panel, the Panel shall be comprised of the FYJC Chair or the FYJC Vice Chair and any two (2) FYJC Representatives.
3. Proceedings of Hearing Panel. Because the Accused has already admitted guilt, the purpose of the Hearing Panel is solely to decide on a Sanction. The Sanction decision, made solely on the basis of the Investigator's Report, together with any written statements that may be submitted by the Accused. Neither the Complainant nor the Accused may address the Hearing Panel or introduce witnesses or other evidence of any kind. At any point during the Hearing Panel, the Hearing Panel Chair may order a regular UJC Trial or FYJC Trial, as applicable, if they determine that a regular Trial is necessary in order to clarify facts or ensure fairness.
4. Review and Appeal of Hearing Panel Decision. The decision of the Hearing Panel shall be subject to review and appeal in the same manner as the decision of a regular UJC Trial or FYJC Trial, as applicable, as stated in Article VI, Sections B and C.

### **B. ALTERNATIVE HEARING PANELS**

1. If an emergency situation beyond the control of the UJC causes an influx of complaints to be filed such that the Committee cannot otherwise hear the cases before it in a reasonable time, the Voting Members may by unanimous vote elect to hear a case by Alternative Hearing Panel. An Alternative Hearing Panel shall be governed

by the same procedure as a typical Hearing Panel described above in Article VII, Section A, except that:

- a. Once the Voting Members have approved a case to be heard by Alternative Hearing Panel, it will in fact be heard by Alternative Hearing Panel only if the Accused admits guilt to all charges and declines their right to resolution by trial.
- b. The Complainant need not request a Hearing Panel for a case to be heard by Alternative Hearing Panel.
- c. In addition to a written statement, both the Complainant and the Accused may submit any relevant evidence to the panel, provided that the opposing party is given a reasonable opportunity to review such evidence.

### **ARTICLE VIII: CONFIDENTIALITY; INDEPENDENCE**

#### **A. CONFIDENTIALITY OF UJC and FYJC PROCEEDINGS**

1. Except as otherwise provided in these By-Laws, or as required by applicable law, the UJC will not disclose information relating to a UJC, or FYJC Trial unless the Accused Student or Group (themselves or through their official representative) has waived their right to confidentiality, either by signing a written waiver for that purpose or through public disclosure of matters that would otherwise be held to be confidential. The Accused (through their official representative) may elect to discuss their respective UJC cases with any person or persons, except where the Complaint itself involves a breach of confidentiality. A Complainant may discuss the UJC case with the UJC Executive Committee, Trial Panel, and/or Support Officers (or other counsel of the parties' own choosing) assigned to the case, and University officials. A Complainant may not discuss the UJC case with any other persons, except upon appropriate request to the Trial Chair.
2. Questions about confidentiality and/or the status of a waiver should be directed to the Chair.
3. At any time following resolution of final appeal or beyond the expiration of the fourteen (14) day period following a proceeding without appeal, the Chair of the UJC, or their designee, may publicly release case information regarding a finalized UJC Organizational Case.
  - a. The methodology and information of such release is at the discretion of the Chair of the UJC or their designee, following consultation with the Executive Committee, subject to the limits below:
    - i. This information may include, but is not limited to: the date of adjudication; the Accused or Sanctioned Organization's name and type; relevant incident information; standards charged, verdicts, and pleas; any finalized sanctions, organizational restrictions, sanctions held in abeyance and their terms.

- ii. The Chair, in consultation with the Executive Committee, may limit or impose restrictions on the release of Organizational Case information as deemed necessary.
- b. This information will not include:
  - i. Otherwise confidential material relating to a UJC or Honor case against a Student, or another Student Group.
  - ii. Personally identifiable information of any involved students or witnesses without a waiver of their right to confidentiality by signing a written waiver for that purpose.
- c. Information not released by the UJC or at its direction pursuant to this Section (3) shall remain subject to the Confidentiality requirements in (A)(1).
- d. Subject to additional restrictions imposed by the UJC Chair or as otherwise provided for in these Bylaws, officially released information shall be public and may be reproduced or published by any person, organization, or administrative office of the University.
- e. In lieu of or in addition to its own disclosure, the UJC may require by sanction a Sanctioned Group to notify any relevant party of their UJC case, including but not limited to, the findings and sanctions thereof, and subject to the limits below.
  - i. The UJC, through the Vice Chair for Sanctions, may specify the requirements, limitations, timing, and methods of such sanctioned notification.
  - ii. Relevant parties include: Organization advisors and advisory groups; housing corporations, or other lessors of organizational property including houses and satellite houses; Owners of property where the related conduct occurred; national organizations; members, including potential new members and new members; former members and alumni; neighbors to organizational property, houses, satellite houses, or to where the related conduct occurred; oversight organizations such as the IFC, ISC, NPHC, MGC, or the Student Council Organizations Branch; victims; agencies of the University including the Vice President and Chief Student Affairs Officer, Office of the Dean of Students, Student Engagement, Fraternity and Sorority Life, and the University Police; and other parties as deemed relevant by the UJC.
  - iii. The UJC will not require a Sanctioned Group to release information specified in Section (A) (3) (b) without first obtaining a written confidentiality waiver for that purpose.

## B. INDEPENDENCE OF UJC PROCEEDINGS

1. All UJC and FYJC proceedings are conducted independent of the existence and outcomes of any civil, criminal, or parallel proceedings relating to the same underlying conduct with the exception of instances deemed outside of, or waived from, UJC jurisdiction pursuant to Article II, Sections C and D of the UJC Constitution. Subject to the rules of evidence set forth in Article IV, Section E of these By-Laws, the Trial Chair retains sole discretion in determining whether and to what extent evidence of related civil, criminal, or parallel proceedings is admissible in a UJC Trial or FYJC Trial. The Accused may, because of ongoing civil, criminal, or other parallel proceedings, opt not to testify; however, the exercise of that option will not preclude the Trial Panel from proceeding and determining the Complaint on the basis of the Investigator's Report and other evidence and information.

## **ARTICLE IX: SPECIAL PROCEDURES**

### A. CONTRIBUTORY HEALTH IMPAIRMENT

1. Complaints against University Students with health impairment concerns shall be handled pursuant to the Procedures for Student Disciplinary Cases Involving Contributory Health Impairments, which is accessible through the UJC Website.

### B. REMOTE APPEARANCE AND TESTIMONY

In circumstances where an individual cannot reasonably be physically present during a UJC or FYJC Trial, the Committee, by its discretion, may permit remote appearance by one or more individuals during an otherwise in person proceeding.

1. The Trial Chair, in consultation with the Voting Members of the Committee, shall determine the reasonableness of a Party or Witness's remote appearance during a UJC or FYJC Proceeding.
  - a. A request to appear remotely by a party of the case shall be made to the Trial Chair no later than five (5) days before the scheduled time of Trial.
  - b. A request to appear remotely by a Witness or Observer shall be made to the Trial Chair no later than three (3) days before the scheduled time of Trial.
  - c. Factors for reasonableness include but are not limited to:
    - i. Appearance in person would risk the health or the safety of the requesting individual, or others.

- ii. An individual not physically present in Charlottesville at the time of Trial, and where travel to Charlottesville would prove overly burdensome on the requesting individual.
  - iii. An individual who does not have capacity to travel to the scheduled place of Trial.
- 2. Approval of remote appearance by UJC Officers
  - a. The Trial Chair shall appear in person except in fully virtual trials defined in (C) below or as granted by the Chair of the UJC in extenuating circumstances or emergency conditions.
  - b. Virtual attendance of individual Judges shall be at the discretion of the Trial Chair, and either the Vice Chair for Trials for UJC or the Vice Chair for First Years for FYJC Judges.
  - c. Other UJC officers appearing virtually shall be at the discretion of the Trial Chair and the relevant head of Pool.
  - d. An assigned Judge or other UJC officer must make the request to appear remotely to the Trial Chair and Relevant Head of Pool, not less than five days prior to the scheduled trial unless permission for their remote appearance has been specifically granted in advance of their assignment to the case by the Trial Chair and their Head of Pool.
  - e. Factors for determining reasonableness of the request include but are not limited to the standards in (1) (c) above and the following:
    - i. Needs of the Committee, and availability of the UJC's officers and Judges.
- 3. Other than those enumerated below, all relevant procedures in the UJC Constitution and By-Laws will remain in effect.
- 4. Any in-person meeting to which a student is eligible or required to attend as part of a UJC or FYJC case may be conducted remotely if deemed necessary by the Trial Chair.
- 5. Remote appearance may either be virtual on the individual's personal electronic device or via remote link from University property via a UJC computer.
  - a. Logistics of remote appearance shall be the responsibility of the Trial Chair, the Vice Chair for Trials, and the Senior Data Manager
  - b. The audio/visual platform shall be determined by the UJC in consultation with relevant University Officials.
  - c. The UJC will work with students on challenges of participation involving access to technology to ensure, to the best of its ability, that students can participate in the process. Any requests for technology accommodations based on a disclosed disability with the Student Disability Access Center must be conveyed to the UJC in advance of any meetings or trials.

6. Individuals appearing remotely shall, for the duration of the proceeding, adhere to the following conditions.
  - a. A party of the case or UJC officer who is appearing remotely must remain visible on screen for the duration of the proceedings. A Witness appearing remotely must also remain visible on screen for the duration of their testimony.
  - b. All persons appearing remotely, including observers, must remain in a private location.
  - c. All persons must adhere to any procedures and policies as stipulated by the UJC and the Trial Chair.
7. The University's Honor Code applies to all remotely participating students to UJC and FYJC Trials.
8. Rights of the Accused & Duties of the Complainant appearing remotely.
  - a. The Accused shall have the rights set forth in Article IV, Subsection C of the UJC By-Laws.
  - b. The Complainant shall have the responsibilities set forth in Article IV, Subsection D of the UJC By-Laws.
9. The UJC will provide access to a remote technology platform for reviewing documents, photographs, videos, and other evidence related to the case to any person appearing virtually or remotely. Any evidence in a student's personal possession that they wish to add to this account may be directly emailed to the UJC for upload. Students and their advisors may not copy or share information uploaded to this account. Violations of the rules governing transmission and review of documents through the storage account may constitute separate conduct violations and may result in further disciplinary action and sanctions.
10. Consistent with UJC By-Laws Article IV (E) (6), the UJC will record all trials by audio. Independent recording of a proceeding by a remotely appearing individual is prohibited.
11. Electronically held information outside of official UJC records under Article VI (D) of the bylaws shall be destroyed and deleted following the trial.

### C. VIRTUAL PROCEEDINGS

In circumstances where a UJC or FYJC Trial cannot be held in person for health or safety reasons, or where a Trial must be held outside of the fall or spring academic semester, the Committee may, at its discretion, hold entirely virtual proceedings.

1. The Voting Members of the Committee, by a decision of a four-fifths (4/5) majority vote, shall determine the necessity and reasonableness of a virtual proceeding.
2. Individuals appearing virtually shall for the duration of the proceeding:

- a. A party of the case or UJC officer who is appearing remotely must remain visible on screen for the duration of the proceedings. A Witness appearing remotely must also remain visible for the duration of their testimony.
  - b. All persons, including observers, appearing remotely must remain in a private location.
  - c. All persons must adhere to the procedures and policies as stipulated by the UJC and the Trial Chair.
1. Rights of the Accused & Duties of the Complainant in virtual proceedings
  - a. The Accused shall have the rights set forth in Article IV, Subsection C of the UJC By-Laws.
  - b. The Complainant shall have the responsibilities set forth in Article IV, Subsection D of the UJC By-Laws.
2. Virtual Trial Procedure shall follow the Trial Procedures as set forth in Article IV, Subsection E of the UJC Bylaws.
3. The University's Honor Code applies to all participating students in virtual UJC and FYJC Trials.
4. At the conclusion of a virtual Trial for Sanction, the Judges may impose any Sanction or Sanctions they deem appropriate, and without a breach of confidentiality. Such sanctions shall abide by Article V of the UJC By-Laws.
5. Any in-person meeting to which a student is eligible or required to attend as part of a UJC or FYJC case heard virtually may be conducted remotely if deemed necessary by the Trial Chair in consultation with the Executive Committee.
6. Virtual Trial Logistics for UJC and FYJC Trials:
  - a. Logistics of virtual trials shall be the responsibility of the Trial Chair, the Vice Chair for Trials, and the Senior Data Manager.
  - b. The audio/visual platform shall be determined by the UJC in consultation with relevant University Officials.
  - c. The UJC will work with students on challenges of participation involving access to technology to ensure, to the best of its ability, that students can participate in the process. Any requests for technology accommodations based on a disclosed disability with the Student Disability Access Center must be conveyed to the UJC in advance of any meetings or trials.
7. Rules about the number and participation of advisors as delineated in the UJC Constitution and By-Laws remain in place.
8. The UJC will provide access to a remote technology platform for reviewing documents, photographs, videos, and other evidence related to the case. Any evidence in a student's personal possession that they wish to add to this account may be directly emailed to the UJC for upload. Students and their advisors may not copy or share information uploaded to this account. Violations of the rules governing transmission and review of documents



through the storage account may constitute separate conduct violations and may result in further disciplinary action and sanctions.

9. Consistent with UJC By-Laws Article IV (E) (6), the UJC will record all virtual trials by audio. Independent recording of a UJC Trial is prohibited.
10. Electronically held information outside of official UJC records under Article VI (D) of the bylaws shall be destroyed and deleted following the trial.

## **ARTICLE X: AMENDMENT**

### **A. AMENDMENT PROCEDURES**

1. These By-Laws may be amended by a vote of two-thirds (2/3) of the Representatives, four-fifths (4/5) of the Representatives in attendance. Minor grammatical and/or administrative changes may be implemented as provided in Article III, Section D, Subsection 4 above.

## **ARTICLE XI: DEFINITIONS**

“Accused” shall mean Accused Student or Accused Group.

“Accused Group” shall mean the University Group named in a Complaint. “Accused Student” shall mean the University Student named in a Complaint.

“Board of Visitors” shall mean the Rector and the Visitors of the University of Virginia. “Chair” shall mean the Chair of the UJC.

“Complainant” shall mean the person, persons, or group who file a Complaint.

“Complaint” shall mean an allegation of the violation of one or more of the University’s Standards of Conduct, filed in accordance with the requirements of the UJC Website.

“Counselors” shall mean the University Students who are selected each year by the Senior Counselors to advise Complainants and Accused through the UJC or FYJC process.

“Dean of Students” shall mean the University’s Dean of Students, and their designee.

“Educators” shall mean the University Students who are selected each year by the Senior Educator to educate the University community regarding UJC policies and procedures and to perform outreach events for the UJC.

“Executive Committee” shall mean the UJC Chair, the Vice Chair for Trials, the Vice Chair for Sanctions, the Vice Chair for First Years, and the Vice Chair for Graduate Students (collectively, the “Voting Members”), together with the following non-voting members: one (1) Senior Investigator, two (2) Senior Counselors, one (1) Senior Educator, one (1) Senior Data Manager, one (1) FYJC Chair and one (1) FYJC Vice Chair. (Additional non-voting and voting members may be added upon a majority vote by the Representatives.)

“First Year Student” shall mean any University student who has finished high school and has commenced their first year of college. This may include international students, but does not include transfer or graduate students.

“FYJC” shall mean the First Year Judiciary Committee.

“FYJC Appellate Panel” shall mean the panel comprised of one (1) of the Voting Members of the Executive Committee and two (2) other UJC Representatives who may be convened by the Chair to review the outcome of an FYJC Trial.

“FYJC Chair” shall mean the Chair of the FYJC, elected by the FYJC Representatives from among themselves.

“FYJC Representative” shall mean any of the twelve (12) members of the FYJC, each of whom shall be a First Year Student, selected as determined by the Chair and the Vice Chair for First Years, and subject to approval by the Chair.

“FYJC Vice Chair” shall mean the Vice Chair of the FYJC, elected by the FYJC Representatives from among themselves.

“Hearing Panel” shall mean the panel comprised, in the case of a UJC Hearing Panel, of one (1) Voting Member, acting as Hearing Panel Chair, and two (2) other UJC Representatives and, in the case of an FYJC Hearing Panel, the FYJC Chair or the FYJC Vice Chair, acting as Hearing Panel Chair, and two (2) other FYJC Representatives.

“Investigator’s Report” shall mean the document compiled by the Investigator that sets forth the facts of the incident or incidents underlying the Complaint and which is signed by both parties.

“Investigators” shall mean the University Students who are selected each year by the Senior Investigator to investigate Complaints.

“JRB” shall mean the University’s Judicial Review Board, or its successor body. “Judges” shall mean the UJC Representatives, acting in their capacity as Trial Judges. “Judiciary System” shall mean the system and procedures administered by the UJC.

“Organizational Case” shall mean any UJC case involving one or more Accused Group, or a case wherein one or more Students are charged only in their capacity as representative of an Accused group.

“Past Disciplinary Record of the Accused” shall mean any record of the UJC or any other record or information relating to the prior conduct of the Accused (other than the conduct alleged in the Complaint at issue in the Trial), but not including evidence of any criminal conviction relating to the offense alleged in such Complaint.

“Representatives” shall mean each of the twenty-seven (27) members of the UJC, as the same shall be duly elected (or appointed, if applicable) from time to time.

“Sanctioned” shall mean Sanctioned Student or Sanctioned Group.

“Sanctioned Group” shall mean a University Group, which has been found guilty following a Trial for Guilt or admittance of guilt and has been sanctioned following a Trial for Sanction.

“Sanctioned Student” shall mean a University Student who has been found guilty following a Trial for Guilt or admittance of guilt and has been sanctioned following a Trial for Sanction.

“Sanction(s)” shall mean any of the sanctions set forth in Article V of these By-Laws.

“Senior Support Officers” shall mean, collectively, the two (2) Senior Counselors, the Senior Investigator, the Senior Educator, and the Senior Data Manager selected each year by the Chair.

“Standards of Conduct” shall mean those standards of conduct describing behavior generally prohibited to enrolled University Students, as the same may be amended from time to time. The

Standards of Conduct are written and revised only by the Board of Visitors. The text of the current Standards of Conduct can be accessed through the UJC Website.

“Support Officers” shall mean University Students who are selected by the Senior Support Officers to serve

as Investigators, Counselors and Educators for the UJC and the FYJC.

“Trial Chair” shall mean the person who chairs a Trial. In the case of a UJC Trial, the Trial Chair must be one of the Voting Members of the UJC. In the case of an FYJC Trial, the Trial Chair must be either the FYJC Chair or the FYJC Vice Chair.

“Trial for Guilt” shall mean the first phase of a UJC Trial or FYJC Trial, in which the Trial Panel adjudicates the guilt or innocence of the Accused who is the subject of the Complaint.

“Trial for Sanction” shall mean the second phase of a UJC Trial or FYJC Trial, in which the Accused who has been found guilty in the Trial for Guilt or admittance of guilt, is sanctioned by the Trial Panel.

“Trial Panel” shall mean the five (5) Judges who adjudicate at the Trial. In the case of a UJC Trial, the Judges shall be Representatives of the UJC. In the case of an FYJC Trial, the Judges shall be Representatives of the FYJC.

“UJC” shall mean the University Judiciary Committee.

“UJC Constitution” shall mean the Constitution of the UJC. The text of which can be accessed through the UJC Website.

“University Group” shall mean a group within the University Community, excluding those over which the UJC lacks jurisdiction under Article II of the UJC Constitution

“University Student” shall mean any student who was registered or enrolled in an academic course of study at the University at the time that the conduct alleged in the Complaint occurred.

“UJC Website” shall mean the website created and maintained by the UJC and located at: [www.ujc.virginia.edu](http://www.ujc.virginia.edu).

“Vice President” shall mean the University’s Vice President of Student Affairs and Chief Student Affairs Officer, and their designee.

“Voting Members” of the Executive Committee shall mean, collectively, the Chair, the Vice Chair for Trials, the Vice Chair for Sanctions, the Vice Chair for First Years, and the Vice Chair for Graduate Students.

## **APPENDIX A: UJC SUPPORT OFFICERS: PROFESSIONALISM, REMOVAL**

### **A. PROFESSIONALISM**

1. All UJC Support Officers are expected to maintain an appropriate level of professionalism at all times.
2. Any act or behavior that is, in the reasonable discretion of the Chair, unbecoming a UJC Support Officer, shall be deemed to be a violation of professionalism. Such violations shall include, without limitation:
  - a. Violating established attendance policies;
  - b. Excessive tardiness;

- c. Failure to wear appropriate attire to UJC Trials or FYJC Trials and meetings;
- d. Failure to complete assigned work in a timely manner;
- e. Failure to comply with the confidentiality policies of the UJC;
- f. Conviction by the UJC of a violation of any of the Standards of Conduct; and/or
- g. Failure to recuse oneself and notify an Executive Committee member in the instance of a conflict of interest.

#### B. VIOLATIONS OF PROFESSIONALISM

1. When the Support Officer in question is not also facing UJC charges for a violation of any of the Standards of Conduct, the relevant Senior Support Officer shall investigate the alleged violation of professionalism and meet with the Support Officer to discuss such alleged violation. If such Senior Support Officer determines, in their reasonable discretion, that the alleged violation of professionalism occurred, one or more of the following sanctions may be imposed:
  - a. Oral admonition;
  - b. Written warning;
  - c. Suspension from the UJC (during which time the Support Officer may not participate in any UJC Trial or FYJC Trial, and may not attend any UJC meetings or events except for General Body meetings which are open to the public);
  - d. Removal from the UJC.
2. The sanctioned Support Officer may appeal the finding of a violation of professionalism or the sanction imposed by submitting a written petition to the Chair within seven (7) calendar days, which petition shall be considered by the Voting Members of the Executive Committee, who may, by majority vote, affirm, overturn, or modify the decision of the Senior Support Officer. This decision shall be final.
3. When the Support Officer in question is also facing UJC charges for a violation of any of the Standards of Conduct, such Support Officer shall be suspended immediately from the relevant Support Officer pool until such charges have been fully resolved. If such Support Officer pleads guilty or is found guilty of any of the underlying charges, the Voting Members of the Executive Committee shall decide, by majority vote, whether or not the conduct warrants permanent removal from the Support Officer pool. This decision shall be final. If the Support Officer does not plead guilty and is acquitted of such underlying charges, the alleged unprofessional conduct shall be evaluated under the procedure described in Subsection 1 above.