

# Hanszen College Judicial Code

Last updated: November 9th, 2016

## **ARTICLE I. Purpose**

The Cabinet has determined that the judicial procedures of the College should be as informal and flexible as possible; to that end, this Code attempts to set out an orderly, yet hopefully unnecessary, process for the disposition of disputes internal to the College. It is the goal of Hanszen College to obviate the need for this Code by promoting a sense of community, thereby insuring the presence of the understanding and cooperation essential for social harmony. College members are expected to behave in such a way as to avoid infringing upon the rights of fellow members. We feel that conflicts arising out of personal disputes and injustices should rightfully be settled by the parties concerned. However, in the event that those disputes cannot be settled otherwise, the following framework shall be used.

## **ARTICLE II. Jurisdiction**

Section A. The Judicial Committee of Hanszen College shall have original jurisdiction over any complaint of an alleged violation of College Rules and Regulations or University Rules brought against any member of the College, except as the same may be qualified by the referral and removal provisions of the University Judicial Code, and by the original jurisdiction of the University Court, Master(s) of the College, or the Dean of Students, as provided for in the University Judicial Code.

Section B. The Judicial Committee shall have available those procedures and powers granted by the University Judicial Code, provided that the Committee does not act contrary to this document.

## **ARTICLE III. The Judicial Committee**

Section A. The Judicial Committee shall be composed of the Chief Justice and six (6) Associate Justices: An Old Section Justice, a New Section Justice, and Class Justices for each of the classes (New Student Justice, Sophomore Justice, Junior Justice, and Senior Justice).

Section B. The Justices shall conduct themselves in such a way so that they enter a judicial procedure with an open and unprejudiced mind. Should a Justice, for whatever reason, find herself incapable of impartiality, they shall voluntarily excuse herself from the deliberation.

Section C. Associate Justices shall be selected using the following guidelines:

1. The terms of the Associate Justices shall run concurrent with an academic year.
  - a. The Old and New Section Justices shall be appointed at the beginning of the fall semester.
  - b. The Class Justices shall be elected by members of their respective class in conjunction with the election of Class Representatives.
  - c. In the event that an Associate Justice is removed from office, a new Justice shall be appointed to fill that position as soon as possible; her term shall start immediately after her approval by the Cabinet.
2. Announcements regarding the availability of the positions of the Associate Justices shall be made no less than two (2) weeks prior to their approval.
3. The Chief Justice shall nominate one (1) individual for each vacant position to be approved by a three-fourths (3/4) vote of cabinet.

## **ARTICLE IV. Powers and Duties of the Judicial Committee**

### Section A. Of the Chief Justice

1. The Chief Justice is the highest ranking Judicial Officer of the college. They alone are elected by the College as a whole, and as such is responsible to the College for safeguarding the rights of the College members and the administration of the College judicial system.
2. They shall preside at all meetings of the Judicial Committee.
3. They shall oversee Room Draw each spring semester.
4. They shall be responsible for the distribution to each member of the College annually a copy of the Rules and Regulations of Hanszen College and an explanation of members' rights under the Hanszen College Judicial Code.
5. They shall be responsible for insuring proper record-keeping during any resolution of disputes before the Judicial Committee.
6. They shall aid in the resolution of disputes as described for the Section Justices, in the event that the Section Justice is not available, the dispute involves an off-campus member, or either party in the dispute feels dissatisfied with the Justice(s) involved.
7. They may choose to excuse any Justice from a Committee meeting on the basis of bias, personal involvement, scheduling conflicts, or other extenuating circumstances.
8. They shall establish regular meetings of the Judicial Committee and may call emergency meetings as needed.

### Section B. Of the Associate Justices

1. The Associate Justices shall attend all meeting of the Judicial Committee, unless excused by the Chief Justice. The accumulation of three (3) unexcused absences shall result in automatic removal from office.
2. They shall assist with all responsibilities of the Judicial Committee, including (but not limited to) Elections, Room Draw, Parking Draw, Alcohol Policy enforcement, and any other activity required for the administration of this Code.
3. The Associate Justices may excuse the Chief Justice from a procedure if:
  - a. One of the parties involved requests her dismissal. This action shall require a three-fourths (3/4) vote of the Associate Justices.
  - b. The Associate Justices feel that the Chief Justice is biased and that her removal is necessary. This action shall require a unanimous (4/4) vote of the Associate Justices.
4. The Associate Justices will assume responsibility to handle matters traditionally handled by the Chief Justice in the event that the Chief Justice is unable to do so.
5. The Associate Justices must make themselves available to the members of their class and seek to resolve disputes to the satisfaction of all involved parties without the imposition of penalties.
6. The Senior Class Associate Justice shall lead the organization of elections.
7. The Junior Class Associate Justice shall lead the organization of room draw.

### Section C. Of the Old and New Section Justices

Section Justices must make themselves available to the residents of their sections and seek to resolve disputes to the satisfaction of all involved parties without the imposition of penalties.

### Section D. Of the College Master

The Master of the College reserves the right to remove a case from the jurisdiction of the Judicial Committee if they believe information or other extenuating circumstances deem that such action is in the best interest of one or more of the involved parties. The Chief Justice shall be notified if such an action is taken and the procedures for handling the case shall be left to the discretion of the Master of the College.

### Section E. Of the Office of Student Judicial Programs

The Office of Student Judicial Programs reserves the right to remove a case from the jurisdiction of the College if they believe information or other extenuating circumstances deem that such action is required by the powers vested in them by the University.

## **ARTICLE V. Disposition of Disputes**

### Section A. Summary Judgment

1. Any Justice has the authority to issue a verbal warning should they see an act in violation of the Rules and Regulations of the College. Should that warning be ignored, the Justice will then record the names of the parties involved and the nature of the dispute and present that information to the Chief Justice.
2. The Chief Justice will, after making a reasonable effort to gather additional information about the dispute, present the case at the next Judicial Committee meeting. The Committee will evaluate the facts of the case and issue a ruling by a majority vote.
3. This procedure shall also be followed for damages charged by Housing and Dining.

### Section B. Mediation

1. When a dispute arises between two (2) or more members of the College that they are unable to resolve on their own terms, the Judicial Committee may, with the consent of all the parties involved, mediate the case.
2. The mediation shall be held in private, with only the immediate parties, the mediating Justice(s), and the observing Justice(s) present. All parties involved must approve the mediating Justice(s).
3. The process of the mediation shall be as follows:
  - a. Mediator's opening statement, including the ground rules for the procedure.
  - b. Parties' opening statements, including their positions on the matter.
  - c. Parties' responses to the other parties' charges.
  - d. Generation of options and solutions by the parties involved. The mediating Justice(s) shall not assist in the generating of options or solutions, but should instead remain neutral.
  - e. Private caucuses, which are private sessions between the mediator and each of the parties involved.
  - f. Conclusion or end of mediation.

- g. Drafting and signing of an agreement, if one has been reached.
- 4. The decision reached by the parties is not binding until all parties sign an agreement. Once the parties have signed the agreement, it is considered binding and enforceable by the Judicial Committee.
- 5. If the parties cannot reach an agreement during the mediation, they may opt to resubmit the case for arbitration.

### Section C. Arbitration

1. Should two (2) or more parties in the College be unable to resolve a dispute on their own, the Judicial Committee may arbitrate the matter if one (1) of the following conditions is met:
  - a. The parties request an arbitration by the Judicial Committee.
  - b. Mediation is not possible due to the nature of the dispute.
  - c. The parties are in violation of the Rules and Regulations of the College.
2. The Judicial Committee shall meet as a single body, and it shall hear both sides of the case presented together. It shall then hold private caucuses with each party involved.
3. The Justices shall make a ruling with a majority vote. Once a decision has been made, all parties are bound to that ruling, and it is considered enforceable by the Judicial Committee.
4. The ruling made during arbitration may not be appealed. All parties shall be informed of this fact before entering into arbitration and shall sign a document indicating their understanding thereof.

### Section D. Hearings

1. The Chief Justice may call for a hearing should one (1) of the following arise during a dispute:
  - a. The parties are in violation of the Rules and Regulation of the College, and the involved parties refuse arbitration.
  - b. The severity of the dispute warrants a public disposition.
  - c. The College itself is one of the parties in the dispute.
2. Upon determination of the need for a hearing, the Judicial Committee shall set the date of the hearing and inform all parties involved in the dispute. At least twenty-four (24) hours before the hearing, the Chief Justice must ask the defendant(s) whether they desire an open or closed hearing.
  - a. If the defendant(s) desires an open hearing, notice will be posted in the Commons on the day of the hearing giving the time and location of the hearing.
  - b. If the defendant(s) desires a closed hearing, only the Judicial Committee, the complainant, the defendant, a representative of the defendant(s) from within the University community, and the Master(s) may be present at the hearing. In the case of a closed hearing, witnesses may be present only to testify.
3. If the defendant(s) are not present at the hearing, a new hearing date shall be set and the Chief Justice shall personally contact the defendant, ascertain why they did not appear, and inform them of the new hearing date. If the defendant(s) are not present at the second hearing, the hearing shall proceed.
  - a. If the defendant's excuse for their absence is deemed unacceptable, a plea of in violation shall be entered in absentia.
  - b. If the defendant's excuse is deemed acceptable and extenuating, the Chief Justice shall set a new hearing date.

- c. The Judicial Committee shall rule by majority whether or not an excuse is extenuating.
4. An auditory recording of the hearing should be made to provide a complete and objective record of the hearing pending appeal. This recording shall be available only to the Judicial Committee for its deliberations and to the defendant. Upon execution of the sentence, the recording shall be destroyed. The Chief Justice shall be responsible for the authenticity, disposition, and ultimate destruction of the recording.
5. The Chief Justice shall preside at the hearing. They will first establish the identity of the defendant(s) and make sure that the defendant(s) fully understands the hearing procedure. The Chief Justice will then read the accusation and ask for the plea of the defendant. The defendant(s) may plead in violation, not in violation, or no contest.
  - a. The defendant(s) may plead no contest if they admit commission of the act in question but feels that they should be excused due to extenuating circumstances and shows just cause for said action. The complainant may present a rebuttal to which the defendant(s) may respond with a short summary statement; no new evidence may be presented in this summary statement.
  - b. If the defendant(s) pleads not in violation, it shall be the responsibility of the complainant to present all facts pertaining to the case.
6. Both the defendant(s) and the complainant shall have the right to summon witnesses to appear at the hearing. Both may have the Chief Justice summon witnesses by presenting to the Chief Justice at least two (2) days before the hearing a list of witnesses the defendant(s) and complainant wish to call and question. The defendant(s) cannot be compelled to testify against themselves.
7. After all the evidence is gathered, the Judicial Committee will, in private session, consider the case and reach a decision. The Chief Justice will decide when the committee shall vote. A majority of the Justices must agree on any decision.
8. The decision will be announced by the Judicial Committee within one (1) week after the hearing. If the defendant(s) are found in violation, the sentence will be pronounced not more than forty-eight (48) hours following the approval of the sentence.
9. The Judicial Committee shall report its findings to the Master(s) and the Cabinet.

## **ARTICLE VI. Appeals**

### Section A. Appeals to the Chief Justice

1. If, after any summary judgment, any party feels dissatisfied with the fairness of the resolution by the Judicial Committee, the party may request in writing a review by the Judicial Committee. The party should state in the initial request why they believe the resolution was unjustified. Upon receiving the request, the Chief Justice shall review the facts and interview the dissatisfied party.
  - a. If the Chief Justice finds the ruling to be reasonable and the dissatisfied party still wishes to continue her appeal, then they may request from the Chief Justice an appeal to the Master(s). This appeal shall not be denied except under extraordinary circumstances.
  - b. If the Chief Justice finds the resolution to be biased or otherwise unreasonable, the Judicial Committee shall reconvene to reconsider the information. The Judicial Committee may elect to hold a review hearing, following the same procedures as a regular hearing.

- c. Instead of the Chief Justice, the dissatisfied party may approach one of the Associate Justices, who will then approach the Chief Justice on the party's behalf.
2. If, after any judgment from a hearing, either party is dissatisfied with the fairness of the outcome and wishes further appeal, they may appeal to the Masters.
3. The judgment from an arbitration may not be appealed.

#### Section B. Appeal to the Master(s)

1. The Masters of the College shall oversee appeals to judgments made by the Judicial Committee.
2. In the event that a party appeals directly to the Master(s), the Master(s) should inform the Chief Justice of that appeal.
3. The procedure for this type of appeal is at the discretion of the Master(s).

#### Section C. Appeal to the Office of Student Judicial Programs

1. The defendant(s) or complainant may appeal the decision of the Judicial Committee or the Master(s) to the Office of Student Judicial Programs.
2. The procedure for this type of appeal is at the discretion of the Office of Student Judicial Programs.

### **ARTICLE VII. Available Penalties**

#### Section A. Determining the Available Penalties

Determining the guidelines and penalties for College Infractions shall be the responsibility of the College Cabinet. These guidelines are to be reviewed annually and approved by the required number of voting members as established for amending this document as stipulated under Article X of this code.

#### Section B. For Cases Involving Property

These cases involve damage, theft or otherwise in convenience to the College's or an individual(s)' property. Penalties authorized in the settlement of disputes involving property will be from the following list:

1. Restitution paid to the offended party equal to the cost of replacement or repair.
2. Community Service not to exceed 10 hours.

#### Section C. For Cases Involving Alcohol

These cases involve violations of Rice University Alcohol Policy and other College and University substance related rules or in cases in which alcohol was involved in some capacity. Penalties authorized in the settlement of disputes involving alcohol are divided into two categories:

1. For cases in which the involved individual was the proprietor of alcohol:
  - a. These are cases in which an individual was the provider of alcohol (party/gathering host, etc). In these cases, the student was issued an college infraction or referred to the Judicial Committee for failing to meet the expectations of party/private gathering hosts under the various official University policies.
  - b. These cases should be treated as the more serious of the alcohol violations.
2. For cases in which the individual was the consumer of alcohol:

- a. These are cases in which an individual was found in violation of University or College policies regarding alcohol consumption.
3. Available Punishments
  - a. Fine not to exceed seventy-five (75) dollars.
  - b. Community service not to exceed ten (10) hours.
  - c. The Judicial Committee reserves the right to require a meeting between the involved individual and the College Masters if it believes such action would be in the best interest of the well-being of the student.

#### Section D. For Other Cases

In cases that do not fit into either of the previous two categories, the discretion of the Judicial Committee will determine what is NECESSARY and WITHIN REASON in its sentence. Available punishments for this category are a fine not to exceed seventy-five dollars, community service not to exceed ten (10) hours, and/or a meeting with the Masters of the College.

#### Section E. Exceptions

1. If the Judicial Committee feels as though an alternative sentence would better suit a case, they may seek approval of the President of the College and the two Vice Presidents of the College.
2. Procedure for requesting an Exception
  - a. The Judicial Committee must first determine if an individual is “In Violation” and approve the alternative punishment by majority vote.
  - b. The Chief Justice shall be responsible for presenting the agreed punishment to the President and two Vice Presidents of the College.
  - c. Such a presentation must ensure the confidentiality of the involved parties.
  - d. Approval of the punishment requires two-thirds vote of the President and Vice Presidents.

#### Section F. Other Infractions

If an infraction violates more than one of the above categories (i.e. Alcohol and Property), the Judicial Committee may issue a penalty incorporating any of the combined elements of available punishments.

The quantities of allowed punishments do not sum.

### **ARTICLE VIII. Complaints Against the College**

In the event of a complaint brought before the Judicial Committee by a College member to the effect that a College institution, governmental procedure, or act of the Cabinet or Master(s) violates a specific clause or rule of the College Constitution, Bylaws, Judicial Code, or Elections Code, the Committee will interview the complainant and, by a majority vote, determine whether there are reasonable grounds for a complaint. With the consent of a majority of the Committee, and upon the request of the complainant, an open evidentiary hearing may be held. The Chief Justice shall present the Committee’s findings to the Master(s) and the Cabinet for disposition and settlement.

## **ARTICLE IX. Rules and Regulations**

Outside of the rules determined by Rice University, Hanszen College has established additional rules regarding varying aspects of residential life.

1. College members shall not create disturbances that hinder the sleeping or studying of any College member, or otherwise disturb the peace.
2. College members shall not harass or intentionally inconvenience other College members.
3. College members shall not douse, by any means including water balloons, any other College member not engaged in the same activity.
4. College members shall not interfere with the conduct of any meeting, meal, seminar, or discussion in any public area.
5. Any guest is subject to all applicable College rules, and the host of a guest shall assume ultimate responsibility for that guest.
6. College members shall not steal or destroy the property of the College, University, or any College member.
7. College members shall not litter or otherwise disarrange a public area, nor interfere detrimentally with the proper function of public facilities.
8. No College member shall persist in any activity to obstruct the orderly procedure of the Judicial Committee after appropriate warning has been given that the activity is in violation of the Rules and Regulations, nor should any College member unreasonably, or without good cause, refuse to answer or give evidence before the Judicial Committee.
9. Public areas shall be defined as the Commons, Weenie Loft, TV Room, B&P, Game Room, office, halls, stairwells, quad, sundecks, laundry room, kitchens, and communal bathrooms. The consumption of alcohol in public areas is designated by the University Alcohol Policy.
10. Engaging in an activity on any roof without Housing and Dining approval is prohibited.
11. College members shall not drive or park on the sidewalks or grass in the immediate vicinity of Hanszen College.
12. The use of College facilities by any external organizations requires the permission of the Cabinet, which may, at its discretion, require a refundable deposit of seventy-five (75) dollars to cover any possible damage.
13. The use of the College laundry facilities by anyone not a member of Hanszen College is prohibited.
14. College members shall not intentionally engage in any activity that would endanger the physical well-being or reputation of the college or any College member.
15. If a holder of a Resident Lot parking sticker received that sticker to facilitate her performing duties to the College, and if that person is relieved of those duties, then that person shall no longer qualify for a parking sticker. If they do not surrender the parking sticker to the Parking Justice immediately upon the loss of office, or upon the request of the Parking Justice, then they shall be liable to prosecution for fraudulent use of a parking sticker. No College member shall fraudulently obtain or use a Resident Lot sticker.
16. College members shall not perjure themselves while testifying before any proceeding of the Judicial Committee.
17. College members shall abide by all duly delivered and approved decisions of the Judicial Committee.



18. College members shall not violate election campaign rules, nor shall they attempt to defraud or interfere with the conduct of a College election.
19. The possession and firing of fireworks is prohibited.
20. College members shall not throw or otherwise propel any object off either tower.

## **ARTICLE X. Additions and Revisions to the Code**

Additions and revisions to the Code shall be approved by a three-fourths (3/4) vote of the Cabinet or by a petition of two-thirds (2/3) of the total membership of the College. Additionally, a petition of one-fourth (1/4) of the College may propose to the Cabinet a change to this Code.