



AN ACT

To standardize the classification and handling of adjudicative actions across the Union.

Be it enacted as Rensselaer Union policy by the Student Senate,

SECTION 1. Short Title & Promulgation

1. All the following shall refer to this policy of the Rensselaer Union;
 - a. “Rensselaer Union Judicial and Adjudicative Reform Policy [Union JAR Policy]”
 - b. “Adjudicative Actions for Rensselaer Union Orgs Reform 2024 Action”
2. Definitions throughout are defined in the ‘Common Organizational Act of 2024’
3. On passage of this act by the Student Senate, a copy shall be distributed to the Officers of the Union, the Director of the Union, and the Dean of Students office

SECTION 2. Definition of Types of Judicial Cases

1. For the purposes of the Rensselaer Union operations, two categories of student conduct cases heard by the Union Judicial Board are established: Disciplinary and Civil
2. Disciplinary; cases allegedly violations of the Student Handbook of Rights and Responsibilities or other policies established by the Institute.
 - a. Procedures on handling these cases are recognized as the responsibility of the Dean of Students Office by the Union.
 - b. The Judicial Board shall make information about these procedures public where applicable, in consultation with the Dean of Students.
 - c. Disciplinary cases, as they relate to Union, are the exclusive jurisdiction of the Judicial Board, and the Dean of Students Office. No other Union body will form any sub-bodies to handle them, nor pass policies that would handle those cases without approval of the Judicial Board or Dean of Students Office.
3. Civil; cases alleging violations of the Union Constitution, bylaws of Union bodies, Union policies, Union guidelines, Union procedures, or any other legislation of Union bodies.
 - a. Procedures on handling these cases are to be part of the Judicial Board bylaws, and public record.
 - b. Cases alleging violations of the Union Constitution, or Union bylaws, shall be considered “constitutional” cases, and handled as a subset of civil cases with applicable procedures.

- c. Civil cases may be handled by a different Union body before being appealed to the Judicial Board;
- 4. Disciplinary and Civil cases shall be considered separate for purposes of double jeopardy.
 - a. The only application of this clause shall be the following: The initiation or resolution of a civil case shall not be used as a reason to prevent the initiation or resolution of a disciplinary case, and vice versa. An individual may have a civil and disciplinary case open against them for the same action but each case must be initiated and will be pursued separately.
 - b. This clause shall not be interpreted to establish any generally accepted principle of “double jeopardy” over the Judicial System established in the Student Handbook.

SECTION 3. Definition of Adjudicative Actions against Union Organizations

- 1. During regular operations, the Union may take certain actions that are judicial in nature. For this policy, and for all Union operations and further policies, “adjudicative actions of the Union” or “Union adjudicative actions” shall refer to actions taken by any Union body that have the following effects :
 - a. Probation or Suspension of a Union organization
 - b. Monetary Fine
 - c. Any other action that restricts access to Union resources for an organization or Union member as a result of a breach of Union policy, Union procedures or Union guidelines.
- 2. “Adjudicative actions” are a distinct and separate category from Judicial actions of the Judicial board granted by the Student Handbook of Rights and Responsibilities.
 - a. Adjudicative actions of the Union are distinct actions from the judicial actions of the Institute; any such actions are not to be inferred as part of the Student Handbook of Rights and Responsibilities disciplinary proceedings.
- 3. Adjudicative actions shall not include regular operational actions of Union bodies, including non-punitive budgetary decisions and budgetary appeals.
- 4. In no case shall any Union body take action that prevents an individual eligible under the Union Constitution from becoming a member of the Union, nor shall any action be taken that prevents them from fulfilling the requirements to meet the definition of a member of the Union.
 - a. This clause shall not apply for cases in which a Union body upholds a decision made by an external body which meets the criteria above.

SECTION 4. Right of Union Organizations to Fair Process

- 1. No Union body shall impose any Union adjudicative actions on any Union organization or member of the Union without the following rights being given to all parties subject to the action:
 - a. Rights to grounds;

- i. Before any proceedings may begin, the Union organization or Union member facing adjudicative actions has a right to be provided a copy and location of the Union policy, procedure or guideline they are alleged to have violated.
 - ii. Refusal by a Student government member to provide said grounds is grounds for removal.
 - b. Rights to prior notification;
 - i. Before any proceedings may begin, the Union organization or Union member facing adjudicative actions has a right to be informed of the proceedings.
 - c. Right to notice of appeal;
 - i. The Union organization or Union member facing Union adjudicative actions shall be notified during proceedings of their right to appeal the decision after it is reached to the Judicial Board.
 - d. Right to orderly and prescribed process;
 - i. Any proceedings must follow a written procedure, provided to all parties involved
 - ii. If proceedings do not exist, the creation, approval, and distribution of proceedings must be the first act of any such proceedings.
 - iii. Proceedings may contain language to allow alterations in special circumstances.
 - e. Right to timeliness
 - i. Unless otherwise stated, any proceedings on Union adjudicative actions must finish within a month of proceedings start.
2. Any Union policy or procedure that removes the prior rights is abrogated; any Union policy or procedure that imposes adjudicative action is amended to include the above rights.
 3. Failure to provide one of these rights shall not be considered in itself to nullify a Union adjudicative action, but shall be clear grounds for appeal to the Judicial Board
 4. This section shall not apply to the Union Judicial Board.

SECTION 5. Notification of Judicial Actions

1. After a Union adjudicative action is placed on a Union organization or Union member, the leadership or Union member should receive a written notification of the adjudicative action and the actions they may take in response.
2. The body placing the adjudicative actions shall be responsible for ensuring this notification of right to appeal is made. Failure to notify of right to appeal shall be considered a violation of Union policy, and subject to referral to the Judicial Board for penalties. The Judicial Board shall

determine which member of that body had the reasonable requirement to make this notification.

3. Failure to respond to this notification within a reasonable timeframe is the equivalent of accepting the action.
4. Accepting an adjudicative action does not remove the right of appeal at a later date.
5. This section shall not apply to Union organizations without recognized leadership.

SECTION 6. Elaboration of the Right to Appeal

1. Any civil case may be appealed to the Judicial Board, as per the Union Constitution.
2. Nothing in this policy shall be interpreted to set requirements beyond those of the Union Constitution on the right to appeal civil cases to the Judicial Board.
3. The “Grounds for Appeal” as established in the Student Handbook of Rights & Responsibilities shall not be restricted in any ways by this policy.