**The Judicial Council**

**Of the Student Government Association**

**Of Western Kentucky University**

Opinion 2013SP – 004

In re Censure Process

March 26, 2013

Chief Justice Seth Church delivered the opinion of the Council. Associate Justices Justin McDole, Kelly Simmons, Julia Payne and Kara Raley join.

Per section 4.5.6, the Judicial Council shall “establish general procedural rules and ethical consideration for the Judicial Council.” Under this power, the Judicial Council has created an outline of the process of censure.

The following shall be considered the process of the Judicial Council when investigating and issuing a censure:

After a request by ten students has been made to the Judicial Council or a majority of the Judicial Council has voted to investigate a possible censure, the accused will be informed of the charges against them and be given a date, time and location for them to appear for their hearing.

At this hearing, a student who brought the request for censure will act in the role of petitioner and the accused shall act as the respondent. The student requesting the censure is not required to attend the meeting. In the event the petitioner decides not to attend, the Chief Justice of the Judicial Council will present the evidence that has been gathered against the respondent. Evidence can range from attendance record, online content, communications and affidavits from witnesses signed by those witnesses.

At the beginning of the hearing, the charges are read and the respondent is asked how he or she pleads. If the respondent answers "guilty," there is no reason to proceed with the trial. If the respondent does not come to the meeting and gives no notice or explanation of the absence, he or she may be censured without the opportunity to defend themselves. If he or she pleads not guilty, the petitioner will state their argument, followed by the respondent. The petitioner will then receive a short time for rebuttal. At any point during the oral arguments, the Justices may ask questions.

After arguments, the petitioner and respondent leave the room and the Judicial Council discusses and takes a vote.

After the Judicial Council has reached a decision, an opinion will be written explaining the charges brought against the respondent and the reasoning behind the decision of the Judicial Council. The title of the opinion will be written as [Petitioner’s name] v. [Respondent’s name] or in the case of an anonymous petitioner, Judicial Council v. [Respondent’s name].

*It is so ordered.*

Chief Justice Seth Church