

PEER REVIEW AUTHORITY BYLAWS

Associated Students of Lewis & Clark

I. Purpose and Scope

Section 1. The Peer Review Authority (PRA) is the primary branch of the student conduct system at Lewis & Clark College. The PRA serves to uphold the Code of Conduct as well as arbitrating disputes that arise between students or within the ASLC Constitution.

II. Membership

Section 1. Chair

- a. PRA is chaired by the ASLC Chief Justice who is elected by ASLC voting in the ASLC general election each spring.
- b. The Chief Justice is responsible for attending weekly judicial meetings with the Dean of Students and Area Directors.
- c. The Chief Justice is responsible for setting the agenda and maintaining order during PRA meetings.
- d. The Chief Justice is a non-voting member of the Senate and serves as a Parliamentarian and advisor to the Senate.
- e. The Chief Justice must also nominate PRA members and two Associate Justices for approval of the Senate.
- f. If the Chief Justice resigns, the Associate Justices shall hold a special meeting of the PRA to decide on a new chair. The new chair shall be a current member of the PRA and must be approved by a 2/3 majority of voting board members. The new Chief Justice is then subject to approval by ASLC Cabinet.
- g. In the case of a tie the Chief Justice will serve as a voting member.
- h. The Chief Justice shall administer sanction(s) when respondents are found responsible for Code of Conduct violations by the PRA in consultation with the Associate Justices and board advisor.
- i. The Chief Justice shall convene a Constitutional Review Board that includes both Associate Justices to resolve constitutional disputes.

Section 2. Associate Justices

- a. The Associate Justices shall be appointed by the Chief Justice within the first three weeks of the fall semester and approved by two-thirds majority of the Senate. If the Associate Justices resign the Chief Justice shall fill the vacancy within two weeks.
- b. Each Associate Justice shall chair one of three PRA boards and serve as a voting member in the case of a tie.
- c. Each Associate will be able to run PRA hearings.
- d. Shall administer sanction(s) when respondents are found responsible for the Code of Conduct violations by the PRA in consultation with the Chief Justice and board advisor.
- e. The Associate Justices shall serve on the Constitutional Review Board.

Section 3. Members

- a. The PRA shall be comprised of 15 or more members, to be as representative of the student body as possible. Ideally this will include at least two off campus representatives and no less than three from each class.
- b. The Chief Justice is responsible for distributing applications and appointing students to the board whenever necessary in order to fulfill board membership requirement.
- c. The Chief Justice shall solicit applications from the student body by the fourth week of the academic year.
- d. Responsibilities
 1. Board members are responsible for hearing cases referred to the PRA.
 2. Board members must familiarize themselves with the Student Code of Conduct found in the Pathfinder.
 3. Members are expected to uphold the code of conduct in their daily campus activities and interactions.
 4. All Board members must attend a leadership training in conjunction with the Office of Campus Living

Section 4. The Director of Student Activities shall serve as an advisor and ex officio member of the PRA. The Dean of Students shall serve as a secondary advisor and assist in training the board.

Section 5. Meetings

- a. Five members of the PRA, shall meet for a formal hearing whenever a case is referred to the board. In addition, the Chief Justice can call meetings of the entire board as necessary to discuss procedural matters.
- b. If a defendant fails to arrive at a hearing within 15 minutes of the hearing's schedule start, the board shall conduct the hearing as usual relying on the incident report.
- c. Minutes shall be taken at every official meeting. Because of reasons regarding confidentiality, minutes will only be distributed as necessary. These minutes are open to any member of ASLC requesting access to them if the minutes contain no confidential information.

Section 6. Membership termination:

- a. If a PRA member is believed to be in dereliction of their duties, a different board member may call for a vote to remove the member found to be derelict. The vote must pass by a 2/3 majority of the entire board
- b. The Chief Justice may also remove board members.

III. Responsibilities and Operation

Section 1. Peer Review Authority

- a. Charges. The PRA is the student conduct body established by ASLC to accomplish the following: Adjudicate student conduct cases which fall within its jurisdiction as defined in the Code of Conduct section of the Student Handbook; resolve disputes within the student community in cases which do not involve alleged violations of the Code of Conduct, in which, all parties

must agree to binding arbitration with no right of appeal; conduct hearings to discuss possible violations of rights reserved to ASLC members, insofar as this charge does not conflict with the enumerated authority of other bodies; resolve disputes involving interpretation of ASLC Bylaws or Rules of Procedure when they are referred to the Board by the Chief Justice; act as the ASLC forum on conduct issues; adjudicate impeachment proceedings of Cabinet members and chairs of ASLC Boards, Commissions, and Committees; hold hearings in order to determine if the action of the ASLC Council, the Activities Congress or any of its Boards or Commissions that has been investigated by the Chief Justice contradicts or violates the Code of Conduct, the ASLC Bylaws, or the Rules of Procedure for the various ASLC Boards and Commissions.

- b. Measures of Accountability. Any Cabinet Officer, Senate member, Chairs or members of the ASLC Boards, Commissions, and Committees listed in these Bylaws may request that an investigation into any Executive Cabinet or Campus Activities Board action that appears to contradict or violate the Code of Conduct, the ASLC Bylaws, or the Rules of Procedure of any ASLC Boards or Commissions be undertaken by the Chief Justice. The Chief Justice, at his or her discretion, may convene a PRA hearing within 48 hours of the declaration in order to determine if the respective action indeed contradicts or violates the Code of Conduct, the ASLC Bylaws, or the Rules of Procedure of any ASLC Boards or Commissions. If the PRA finds by majority vote that the action contradicts or violates those documents the action shall be halted, voided, or otherwise remedied by the course of action determined by the PRA. All parties that will be affected by the decision of the PRA must be informed of and allowed to testify at the hearing.
- c. Operation. The PRA shall conduct hearings within its jurisdiction and impose sanctions consistent with guidelines established in the Code of Conduct section of the Student Handbook.

Section 2. The right to a PRA hearing.

- a. Requesting a Peer Review Authority Hearing. Requests must be submitted in writing to the Chief Justice within 72 hours of when the student received written notification of the charge. The Chief Justice must then consult with the Dean of Students or designee and the original hearing officer to decide whether or not the PRA shall adjudicate the case.
- b. Requesting an Appeal. All members of the ASLC have the right to request an appeal to the PRA in lieu of the Dean of Students or designee. Such appeals shall be in writing and shall be delivered to the Dean of Students or designee and the Chief Justice within 72 hours of when respondent received written notification of the sanction(s). The Dean of Students or designee and the Chief Justice shall then meet in order to decide whether an appeal before the PRA in lieu of the Dean of Students or designee is appropriate. In the event

that the Dean of Students or designee and the Chief Justice are unable to agree, the Provost shall decide the issue. All appeals shall be routed to the Director of Campus Living for further adjudication.

- c. Sexual and Academic Misconduct. Students may not request a hearing or appeal to the PRA involving charges of Academic Dishonesty or Sexual Misconduct.
- d. Requesting not to have a PRA Hearing. All members of ASLC have the right to request that the PRA not adjudicate charges involving a violation of the Code of Conduct. In lieu of the PRA, the student requesting this may ask that the charge be adjudicated by the Dean of Students or designee or a Campus Living Coordinator of his or her preference. The request must be submitted in writing to the Chief Justice and the Dean of Students or designee within 72 hours of when the student received written notification of the charge. The Dean of Students or designee and the Chief Justice shall then meet in order to decide whether it is appropriate for the PRA to renounce its jurisdiction over the case in question.

IV. Parliamentary Procedure

Section 1. Quorum consists of majority members for a given cases and the meeting's chair designated to serve as chair.

Section 2. The Chair may only vote in order to break a tie.

Section 3. All motions, unless specified otherwise in these Rules of Procedure or the ASLC Bylaws, pass by a simple majority.

Section 4. If the Chair is not present or recuses self from a vote, a member shall be designated by the Chair to serve as temporary chair. The designee shall vote only in the even of a tie.

Section 5. The PRA may convene executive session by a simple majority of voting members present.

Section 6. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the PRA in all cases to which they are applicable and in which they are not inconsistent with these Rules of Procedure, the ASLC Bylaws or the Executive Cabinet Rules of Procedure, or any special rules of order PRA may adopt.

Section 7. These Rules of Procedure govern all actions of the PRA in all cases to which they are applicable and in which they are not inconsistent with the ASLC Bylaws and the Executive Cabinet Rules of Procedure.

Section 8. The Chief Justice shall serve as parliamentarian on all questions of parliamentary procedure or interpretation of these Rules of Procedure.

V. Amendments

Section 1. All amendments and changes to these Rules of Procedure must be approved by a two-thirds majority of all PRA members and a majority of ASLC Executive Cabinet.

Last Amended: 09/03/09

