



**Association of Students of the University of Nebraska**

**Special Rules**

**Amended May 1, 2023**

# Association of Students of the University of Nebraska (ASUN) Bylaws and Special Rules

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## **Special Rules**

### **1.0 Senate Meeting Time and Location.**

The Senate shall meet Wednesdays during the regular school year at 6:30 p.m. in the Nebraska Union except for the Senate session preceding Fall and Spring Semester Break, which shall meet at 6:30 p.m. in the East Campus Union.

#### **1.1 Excused Absences.**

In order for an absence from a Senate meeting to be excused, senators must notify the Speaker of the Senate of their absence by 12:00 p.m. (noon) on the day of the meeting of their absence.

#### **1.2 Web Conferencing.**

The Senate may meet via web conferencing as defined by the Internal Vice President. During extenuating circumstances, the Internal Vice President may change the location of a scheduled senate meeting to web conferencing by 12:00 pm the day of the meeting. All votes during a web conferencing meeting must be public. Senators and the University Community shall be notified of this change via electronic communication as soon as possible.

### **2.0 Closed Sessions.**

The Senate shall conduct all closed sessions in accordance with Nebraska Revised Statutes 84-1410 regarding closed sessions. The Senate shall be allowed, but not limited to hold closed sessions for the following reasons:

1. Strategy sessions regarding negotiations or actions with regard to other bodies at UNL;
2. Investigative proceedings regarding allegations of Constitutional violations and or criminal misconduct;
3. The protection of public interest;
4. Sensitive personnel matters.

#### **2.1 Vote for Close Session.**

The vote to hold a closed session shall be taken in open session and requires a majority vote of the Senate. The Senate must reconvene in open session before any formal action may be taken.

#### **2.2 Challenging Continuation of a Closed Session.**

Any member of the Senate shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session. Such challenges shall be overruled only by a majority vote of the Senate present at the meeting.

#### **2.3 Divulging Information in Closed Session.**

Any member of the Senate who divulges information concerning the deliberations in closed session may be subject to disciplinary actions.

### **3.0 Agenda.**

The agenda shall be published by 12:00pm (noon) the Tuesday before the Senate meeting and the order of the Agenda for all Senate meetings shall be:

- |                                       |                         |
|---------------------------------------|-------------------------|
| I. Call to Order                      | VIII. Executive Reports |
| II. Attendance Roll Call              | IX. Committee Reports   |
| III. Pledge of Allegiance             | X. Unfinished Business  |
| IV. Land Acknowledgement<br>Statement | XI. New Business        |
| V. Approval of Minutes                | XII. Announcements      |
| VI. Appointments                      | XIII. Adjournment       |
| VII. Open Forum                       |                         |

### **4.0 Official Seating Area.**

The official seating area shall be that area designated for the seating of only the elected executive officers, Senators, executive committee chairs, the Recording Secretary, and the Chief of Staff. A Senator must be seated in the official seating area in order to vote or speak on pending action. No person seated in the official area shall speak to a person not seated in the official area during the meeting without going to the gallery. A person seated in the official area may allow a person seated in the gallery to address the senate by yielding their time to that person. The Internal Vice President has discretion to limit speaking time of those not seated in the official seating area.

### **5.0 Senate Legislation.**

The Senate shall consider five types of legislation: the Senate Bill, the Appropriations Bill, the Resolution, Bylaw Amendments and the Government Bill. All legislation shall be numbered and named by the Executive Committee. The official title of all legislation shall consist of the category, the number, and the name of the legislation.

#### **5.1 Senate Bill.**

A Senate Bill shall be introduced by a senator and shall require action by some branch of ASUN upon its passage. A Senate Bill requires a majority to pass and dies at the end of the Senate term.

#### **5.2 Appropriations Bill.**

Any Committee for Fee Allocation recommendations for the allocation of UPFF shall be submitted in the form of an Appropriations Bill. Additionally, for ASUN expenditures exceeding \$900 that are not line-item expenditures of the ASUN budget or from the Miscellaneous or Contingency Accounts, are subject to Special Rule 15.0.4, and the Procedures for Significant Expenditures and Budget Reallocations. Appropriations Bills require a majority to adopt. (Refer to Bylaws Article II, Section 3 [A2])

#### **5.3 Resolution.**

A Resolution expresses the opinion of the Senate on any issue. A Resolution requires no further action. A Resolution requires a majority and dies at the end of the Senate term.

#### **5.4 Government Bill.**

Only the President may submit Government Bills. Government Bills require a majority vote and die at the end of the Senate term. Government Bills shall be the first items under New Business on the agenda. (Refer to Bylaws Article II, Section 3 [A3])

#### **5.5 Standing Committees.**

All legislation except Government Bills and Bylaw Amendments, shall be referred by the Executive Committee to one of the Senate's standing committees, unless the legislation originates from within the committee. The standing committees shall have the authority to amend or kill the legislation in addition to sending it to the Senate. Any standing committee may submit Senate Bills, Resolutions, or Appropriations Bills to the Senate. If, after two regularly scheduled committee meetings, the committee has failed to take action on legislation assigned to it by the Executive Committee, the sponsor of said legislation may move that the legislation be brought to emergency status.

##### **5.5.1 Bylaw Amendments.**

All bylaw amendments shall be submitted to the Student Services Committee for review. The Student Services Committee shall have the authority to amend or kill the bylaw amendment in addition to sending it to the Senate. If, after three regularly scheduled Student Services Committee meetings, the committee has failed to take action on legislation assigned to it or has killed the amendment, the sponsor of said legislation may move that the legislation be brought to emergency status, requiring a two-thirds vote of those present and voting to consider the legislation. Bylaw amendments in emergency status must still meet the requirements for previous notice (Part IV, Article 1, Section 1).

#### **5.6 Sponsors of Legislation.**

The sponsor of any legislation or bylaw amendment – that is, a) the chair of the committee that submitted the bill, b) the first signed on a piece of legislation or bylaw amendment when signed by one or more senators, or c) the president for all government bills – shall have the right to make a five-minute closing statement before the final vote is taken on that item of business. The sponsor may yield time during the closing statement only to one co-sponsor. During the closing statement, no further amendments may be offered. The author of a bill shall not chair the senate meeting during the proceedings of said bill.

#### **5.7 Legislative Due Process.**

Staff shall be notified by 12:00 pm the Monday before the Senate meeting of all legislation, which has been passed by committee or is otherwise intended to appear on the agenda of the next Senate meeting. Where legislation is passed by committees, the chair shall be responsible for notifying staff.

#### **5.8 Notice of Legislation.**

All legislation, minutes, agenda, and other important documents –except appropriation bills –appearing on the agenda of a Senate meeting shall be communicated to all senators and uploaded to the web site for review by 12:00 pm the Tuesday before the meeting. All appropriation bills shall be communicated to all senators and uploaded to the web site prior to 4:00 pm the Friday before the meeting. Notice of this shall be sent via electronic communication to ASUN officials and others requesting to receive this notification.

#### **5.9 Emergency Status.**

Any legislation, except a Bylaw Amendment that does not appear on the agenda may be considered through a motion to bring the legislation to emergency status, requiring a two-thirds vote of those present and voting to consider the legislation.

#### **5.10 Legislation Submission.**

All legislation must be electronically sent to the Speaker of the Senate by 8:00 pm the Monday before the meeting. The Speaker of the Senate may accept a bill later than this time at their own discretion. All bills must be sent out by the 12:00 pm deadline the Tuesday before the meeting.

#### **6.0 Speaking.**

No member of the Senate shall speak more than once on the same topic when any member who has not spoken on that topic wishes to speak. Members of the Senate may only yield their time to speak once per speech.

#### **7.0 Right to Demand a Roll Call Vote.**

Any Senator may demand a roll call vote on any question before the senate.

#### **8.0 Recruitment Policy.**

The Senate, in order to expand its recruitment policy, shall communicate by paper or electronic means information of upcoming ASUN appointments, on a semester basis or at the discretion of the Executive Committee, to recognized student organizations, the staff of the Multi-Cultural Affairs, the staff of the International Education Services, the Greek Affairs Office, all Residence Hall Directors, Complex Program Directors, Presidents of Greek Houses, The Daily Nebraskan, and KRNU Radio at least ten days prior to the application deadline for those appointments.

#### **9.0 Call of the House.**

Upon passage of the motion "Call of the House," requiring a majority vote, no Senator shall be allowed to leave the Senate Chamber without permission of the Chair, under the penalty of an unexcused absence. However, under no circumstances shall a Senator be charged with more than one absence per meeting. A Call of the House shall be enforced by the Speaker of the Senate.

#### **10.0 Election of Senate Officers.**

The Senate shall elect from among its membership two officers: Speaker of the Senate and Appointments Secretary. The election of the Speaker of the Senate shall precede the election of the Appointments Secretary.

#### **10.1 Election of the Speaker.**

Nominations for the election of the Speaker shall be the first order of business in the New Business section of the agenda of the first meeting of the Senate.

##### **10.1.1 Nominations for Speaker.**

All nominations for Speaker shall be taken from the floor but the election shall not take place until the next meeting.

##### **10.1.2 Speaker Candidate Speeches.**

Candidates, one at a time, in reverse order of nomination, shall give speeches not to exceed five minutes. Upon completion of each individual speech, the floor shall be opened for questions from members of the Senate not to exceed a total time of five minutes. While each candidate presents their speech, the other candidates shall remain outside the room of the Senate meeting.

##### **10.1.3 Senate Discussion of Speaker Candidates.**

After the last candidate has finished answering questions, all candidates shall remain outside of the Senate meeting room for Senators to discuss the candidates for no more than thirty minutes.

##### **10.1.4 Voting for Speaker.**

The senators, including the candidates, shall vote by ballot for Speaker. If no candidate receives a majority, only the two highest vote-getters shall be considered. Those two candidates shall leave the room for no more than 15 minutes of discussion in the Senate of the senators. Then the senators, including the candidates who shall return to the room after this discussion, shall vote by ballot for Speaker, the candidate receiving a majority being elected Speaker. If there is a tie vote, the Senate shall re-ballot until one candidate receives a majority.

#### **10.2 Election of the Appointments Secretary.**

Nominations for the election of the Speaker shall be the second order of business in the New Business section of the agenda of the first meeting of the Senate.

##### **10.2.1 Nominations for Appointments Secretary.**

All nominations for Appointments Secretary shall be taken from the floor but the election shall not take place until the next meeting.

##### **10.2.2 Appointments Secretary Candidate Speeches.**

Candidates, one at a time, in reverse order of nomination, shall give speeches not to exceed five minutes. Upon completion of each individual speech the floor shall be opened for questions from members of the Senate, not to exceed a total time



of five minutes. While each candidate presents their speech, the other candidates shall remain outside the room of the Senate meeting.

**10.2.3 Senate Discussion of Appointments Secretary Candidates.**

After the last candidate has finished answering questions, all candidates shall remain outside of the Senate meeting room for Senators to discuss the candidates for no more than thirty minutes.

**10.2.4 Voting Appointments Secretary.**

The senators, including the candidates, shall vote by ballot for Appointments Secretary. If no candidate receives a majority, only the two highest vote-getters shall be considered. Those two candidates shall leave the room for no more than 15 minutes of discussion in the Senate of the senators. Then the senators, including the candidates who shall return to the room after this discussion, shall vote by ballot for Appointments Secretary the candidate receiving a majority being elected Appointments Secretary. If there is a tie vote, the Senate shall re-ballot until one candidate receives a majority.

**11.0 Election of Senators Serving on the FCLA Appointments Board.**

The Senate shall elect from among its membership two FCLA Appointments Board members. Nominations for the election of the two FCLA Appointment Board members shall be the third order of business in the New Business section of the agenda of the first meeting of the Senate.

**11.1 Nominations for FCLA Appointments Board members.**

All nominations for FCLA Appointments Board senator-members shall be taken from the floor but the election shall not take place until the next meeting, unless needed to ensure FCLA Appointments Board members are appointed by the end of the spring semester. In this case, nomination and elections may occur in the same meeting.

**11.2 FCLA Appointments Board Candidate Speeches.**

Candidates, one at a time, in reverse order of nomination, shall give speeches not to exceed two minutes. Upon completion of each individual speech, the floor shall be opened for questions from members of the Senate not to exceed a total time of five minutes. While each candidate presents their speech, the other candidates shall remain outside the room of the Senate meeting.

**11.3 Senate Discussion of FCLA Appointments Board Candidates.**

After the last candidate has finished answering questions, all candidates shall remain outside of the Senate meeting room for Senators to discuss the candidates for no more than ten minutes.

**11.4 Voting for FCLA Appointments Board members.**

The senators, including the candidates, shall vote by ballot for FCLA Appointments Board members. Senators shall choose up to two candidates on each ballot. The two candidates receiving the most votes shall be elected to the FCLA Appointments Board. If there is a

tie vote preventing the selection of only two candidates, the top vote getter, if there is one, shall be elected and a run-off between the candidates receiving the tied votes shall be conducted. In this run-off vote, senators shall only vote for a single candidate to fill the remaining vacancy or vacancies. The top vote getter(s) shall be elected.

**11.5 Filling At-Large FCLA Appointments Board Vacancy.**

If the at-large FCLA Appointments Board member is not filled by the last Senate meeting of the spring semester, the Senate shall elect from among its membership an FCLA Appointments Board member that is not an executive officer. Nominations to fill the at-large FCLA Appointment Board member vacancy shall be the first order of business in the New Business section of the agenda of the last spring semester meeting of the Senate.

**11.6 Nominations for Filling At-Large FCLA Appointments Board Vacancy.**

All nominations for filling the at-large FCLA Appointments Board member vacancy shall be taken from the floor and the election shall take place that meeting, the last meeting of the spring semester.

**11.7 Filling At-Large FCLA Appointments Board Vacancy Candidate Speeches.**

Candidates, one at a time, in reverse order of nomination, shall give speeches not to exceed two minutes. Upon completion of each individual speech, the floor shall be opened for questions from members of the Senate not to exceed a total time of five minutes. While each candidate presents their speech, the other candidates shall remain outside the room of the Senate meeting.

**11.8 Senate Discussion of Filling At-Large FCLA Appointments Board Vacancy Candidates.**

After the last candidate has finished answering questions, all candidates shall remain outside of the Senate meeting room for Senators to discuss the candidates for no more than ten minutes.

**11.9 Voting to Fill At-Large FCLA Appointments Board Vacancy.**

The senators, including the candidates, shall vote by ballot to fill the at-large FCLA Appointments Board vacancy. If no candidate receives a majority, only the two highest vote-getters shall be considered. Those two candidates shall leave the room for no more than 10 minutes of discussion in the Senate of the senators. Then the senators, including the candidates who shall return to the room after this discussion, shall vote by ballot to fill the at-large FCLA Appointments Board vacancy, the candidate receiving a majority being elected to fill the at-large FCLA Appointments Board vacancy. If there is a tie vote, the Senate shall re-ballot until one candidate receives a majority.

**12.0 Open Forum.**

Any person may address the Senate upon recognition by the Chair during the Open Forum section of the meeting. No person shall speak for more than ten minutes during Open Forum and no topic shall exceed fifteen minutes unless additional time is granted by the Senate.

### **13.0 Year End Report.**

All committee chairs shall compile a report at the end of their term, including suggestions for future committee's projects and activities, ideas for committee improvement, and a summary of what the committee has accomplished during the term as well as the status of any current projects that should be carried over into the new term. These reports shall be submitted to the Director of Administration no later than the last regular Senate meeting.

### **14.0 Recognized Student Organizations.**

All Recognized Student Organizations of the ASUN shall be governed by the following procedures and policies:

#### **14.1 Requirements for Recognized Student Organizations.**

##### **14.1.1 Non-discrimination.**

1. The following quoted passage must be expressed in Constitutional form or document at the organization's highest level of authority on campus: "This organization does not discriminate in the selection of members or appointments when discrimination is defined as denying individuals membership or appointment on the basis of gender, age, disability, genetic information, race, color, religion, pregnancy, marital status, veteran's status, national or ethnic origin, gender identity or expression, place of residence, political affiliation, or sexual orientation."
2. All current RSOs will not be required to update their non-discrimination clause in their constitution until they submit their next constitutional revision. New RSOs who submit a constitution for approval will be required to include the revised non-discrimination clause.
3. Place of residence shall mean the school address of the University of Nebraska student where said student receives U.S. mail when school is in session as recorded and on file with the UNL Office of Registration and Records.
4. Exemptions. Organizations who feel their purpose cannot follow the guidelines as submitted by the Student Government on non-discrimination must submit a letter stating the reasons why their organizations should receive an exemption. The letter must be submitted at the same time as submission of the Constitution on NVolveU. The Student Services Committee of ASUN has the authority to determine whether an RSO fulfills the requirements to be recognized as a specific type of organization in order to receive any automatic exemptions granted to the type of organization (e.g. military, recreational, religious, residence hall, etc.)
  - a. Exemptions for Residence hall governments. Residence hall governments are hereby granted a permanent exemption from the place of residence criterion outlined above. Residence hall governments are defined as those Recognized Student

Organizations: whose membership consists solely of UNL students who live in a residence hall as verifiable by the Department of Housing, whose representatives are duly elected by that membership, and if representing geographical sub-division of the residence halls, whose representation is undisputed by UNL Residence Hall Association.

- b. Exemptions for Military RSOs. Military RSOs are exempt from the membership requirements contradictory to U.S. Code defining membership in the military. Military RSOs must be affiliated with a branch of the United States Department of Defense. The ARMY ROTC Cadet Battalion Staff has an age requirement set forth by federal statutes. A permanent exemption to the non-discrimination policy on the basis of age shall be given to the ARMY ROTC/CBS, but they shall be required to meet all other Constitutional requirements set forth by ASUN in order to be a recognized student organization.
- c. Exemptions for Religious RSOs. Religious RSOs are exempt from the religion criterion of the non-discrimination clause. Exemptions to the religion criterion affect only their selection of membership and leadership. Religious groups are hereby defined as those organizations whose membership in a group with a solely religious purpose consists of those UNL students who believe in the religious creed set forth by that organization whose representatives are duly selected by that membership, and registered as a religious organization when filing.

#### **14.1.2 RSO Season.**

1. The following quoted passage must be expressed in Constitutional form or document at the organization's highest level of authority on campus: "All RSOs must be categorized as a Fall, Winter, or Spring Organization with ASUN and Student Involvement. RSO officers must take office on one of the following dates: On the first day classes commence fall semester (Fall Organization), the first day classes commence spring semester (Winter Organization), or the second Tuesday of April (Spring Organization). All paperwork will be filed at those times to remain in compliance. This RSO is a [insert relevant season] organization. Elections and appointments must be completed before officers take office."

#### **14.1.3 Non-student participation.**

1. The following quoted passage must be expressed in Constitutional form or document at the organization's highest level of authority on campus: "A student organization shall consist of at least five currently enrolled student members. Non-students shall be allowed to participate in any student

organization activity, but shall not be a voting member, or an elected or appointed officer of said organization. A non-student is someone who is not currently enrolled at the University of Nebraska-Lincoln.”

2. Recognized student organizations who have been recognized by the Campus Recreation Club Sports Council may apply to the Student Services Committee for exemption from the mandatory clause allowing non-student participation.

#### **14.1.4 Advisors.**

1. The following quoted passage must be expressed in Constitutional form or document at the organization's highest level of authority on campus: “RSOs shall have one Primary Advisor, which must be a regular Academic/Administrative or Managerial/Professional faculty/staff member of the University of Nebraska-Lincoln, and may have any number of Secondary Advisors, which may be regular Academic/Administrative, Managerial/Professional, or Office/Service staff members or Graduate Assistants of the University of Nebraska.

#### **14.1.5 Financial Transactions.**

1. The following quoted passage must be expressed in Constitutional form or document at the organization's highest level of authority on campus: “RSOs shall operate according to the rules and guidelines of a non-profit entity. No part of the organization’s net earnings will inure to the benefit of individuals. The RSO must establish that it will not be organized or operated for the benefit of private interests, such as the creator or the creator’s family, shareholders of the organization, other designated individuals, or persons controlled directly or indirectly by such private interests. The RSO shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purpose set forth in this document. The organization will not, as a substantial part of its activities, attempt to influence legislation (unless it elects to come under the provisions allowing certain lobbying expenditures) or participate to any extent in a political campaign for or against any candidate for public office. Notwithstanding any other provision of this constitution the RSO shall not carry on any other activities not permitted to be carried on by an organization exempt Federal Income Tax under Section 501 of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue laws). Organizational monies will be handled by Student Organizational Financial Services, regardless of source.”
2. **Process for Dissolution.** The following quoted passage must be expressed in Constitutional form or document at the organization's highest level of authority on campus: “Upon the dissolution of the RSO the officers and

advisors shall after paying or making provisions for the payment of all liabilities of the RSO, dispose of all the assets of RSO exclusively for charitable, educational, religious, or scientific purpose as shall at the time qualify as an exempt organization. Under section 501C of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law), as the officers and advisors shall determine. Any such assets not disposed of shall be disposed of by the Office of Vice Chancellor of Student Affairs, exclusively for such purposes to such organization(s), as determined by the Office of Vice Chancellor of Student Affairs.

3. **Exemption.** Recognized student organizations who have been recognized by the Campus Recreation Club Sports Council may apply to the Student Services Committee to substitute the above provision with “No part of the net earnings of the Association shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered. The organization shall not carry on any activities not permitted to be carried on by an organization exempt from federal income tax under Section 501 of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue laws).

Organizations may apply to the Student Services Committee to substitute the above provision, “Organizational monies will be handled by Student Organizational Financial Services, regardless of source” if this language directly conflicts with the organization’s main intent. The organization must submit a letter stating the reasons why their organizations should receive an exemption. The original letter must be submitted with the four copies of the organizations Constitution to the Student Services Committee for review. The Student Services Committee has the authority to determine whether an RSO fulfills the requirements to receive an exemption.

#### **14.1.6 Amendments.**

1. The following quoted passage must be expressed in Constitutional form or document at the organization's highest level of authority on campus: “All amendments must be ASUN approved through a resubmission process on NVolveU.”

#### **14.1.7 Effective Date.**

1. The following quoted passage must be expressed in Constitutional form or document at the organization's highest level of authority on campus: “This

Constitution shall go into effect [date approved by the organization, month day, year].”

#### **14.1.8 Supremacy Clause.**

1. The following quoted passage must be expressed in Constitutional form or document at the organization’s highest level of authority on campus: “In the event that this Constitution’s wording does not match the required passages outlined in the ASUN bylaws, this organization recognizes that it is still subject to the required passages outlined in the ASUN bylaws, including in any cases that might arise in front of the Student Court.”

#### **14.1.9 Other Requirements.**

1. All members of an RSO have the responsibility to obtain and orient themselves with the rules and procedures governing their own existence, and their role in the University Community.
2. A student organization shall consist of at least five currently enrolled student members.
3. The same person may not serve as both the student contact and advisor.
4. The same person cannot serve as President, Treasurer, or Primary Programmer.
5. The signature or typed name of the President and Treasurer and date at the time of the Constitution submission are required.

### **14.2 Process for Forming a Recognized Student Organization.**

#### **14.2.1 Constitution.**

Prospective RSOs must upload a Constitution to NVolveU to be approved by the ASUN Student Services Committee.

1. The Student Services Committee shall notify the organization of the results of its Constitution submission or revision within ten days from the date of review.
2. If the Student Services Committee deems the proposed Constitution as failing to meet the requirements for recognition, then the committee will message the submitter of the Constitution noting the areas out of compliance. The submitter will be given one calendar month to make corrections and resubmit for review or else risk restarting the process.
3. The procedures to amend Constitutions shall be the same as above.
4. The Student Services Committee shall have only the authority to approve or deny organization Constitutions and amendment(s). Authority over the content of the amendment(s) is reserved to the organizations, providing the amendment(s) meet all uniform requirements established by ASUN.
5. Approval of the submitted Constitution by the Student Services Committee means that all requirements of the Bylaws.

6. Unless the organization fails to maintain its compliance status as “Active,” the organization shall not be required to submit a new Constitution with the current mandatory wording and attend the annual orientation.

#### **14.2.2 Officer Information and Annual Orientation.**

1. Newly recognized organizations must submit Officers and Advisors that comply with the Officer and Advisor mandatory wording along with accurate officer and advisor contact information on the NVolveU portal at the time of starting the organization. Failure to do so will cause the RSO’s New Organization Registration Form to be denied until information is corrected and officers and advisors meet the criteria spelled out in the mandatory wording. Officers must attend an annual orientation within one month of receiving notification of recognition. Failure to do so will place the group on “Out of Compliance” status until the form has been filed and the annual orientation completed.
2. Every RSO must update Officer and Advisor contact information and attend an annual orientation, as presented by Student Involvement, once every twelve (12) months. An RSO shall be considered “Out of Compliance” if it fails to update Officer and Advisor contact information and/or attend an annual orientation within one month after the election of new officers.
3. Any RSO in “Out of Compliance” status will remain as such until its status deficiency has been remedied. This remedy may include, but is not limited to, (a) submission of Officer and Advisor contact information with the Student Involvement office; or (b) attending an orientation session. Upon remedy of the deficiency the RSO will immediately regain its “Active” status.

#### **14.3 Out of Compliance and Locked Statuses.**

A group that is “Out of Compliance” shall be unable to make use of any of the rights and privileges granted to “active” and recognized student organizations for the full term of their “Out of Compliance” status. This may include restrictions on use of University facilities and event registration and the freezing of organizational funds through the SOFS office.

1. If a RSO is deemed “Out of Compliance” according to the above, the RSO may be immediately reactivated following their contact with the Student Involvement office to submit the required officer information and complete their annual orientation and/or submit to ASUN an updated constitution with the proper required language.
2. If an organization does not update its officers and/or attend annual orientation for one calendar year, the organization is deemed “locked” and must work with Student Involvement to determine what must be done to become an active RSO.
3. A student organization choosing to dissolve shall need to complete the appropriate ASUN procedures for dissolution of a student organization, and shall



no longer be considered recognized at either status and is deemed inactive. It must complete the full “new” organization recognition process to be reactivated as an RSO with the full rights and privileges granted to “active” student organizations.

#### **14.4 Student Election Groups.**

1. Student Election Groups (SEGs) may form on a temporary basis only to involve students in student elections.
2. SEG groups must be composed of at least five student members.
3. SEG groups must file an SEG form with the ASUN office to begin the recognition process.
4. SEG groups may only be active for six months, must follow Electoral Commission rules for renewal, and become inactive two weeks after installation of the newly elected officers from said campus election.
5. SEGs may not discriminate in the selection of members or appointments when discrimination is defined as denying individuals membership or appointment on the basis of a person's gender, age, disability, race, color, religion, marital status, veteran’s status, national origin, gender identity or expression, place of residence, or sexual orientation.
6. SEGs are permitted the use of university facilities for programs through proper event registration.
7. All fund raising must be registered with the Student Organization Financial Services (SOFS) and follow all guidelines established by the Electoral Commission.
8. SEG groups may not apply for Fund Allocation Committee funds, nor apply for office space.
9. SEG groups are required to obey all applicable university rules and codes of conduct or receive disciplinary action as stated within the confines of these bylaws.
10. The SEG Advisor shall be the ASUN Director of Administration

#### **14.5 Honor and Recognition Societies.**

1. Honor and Recognition Societies (HRSs) may form on a permanent basis to encourage and recognize superior scholarship or leadership achievement either in broad fields of education or in departmental fields at either the undergraduate or graduate levels. They may also form to confer membership in recognition of a student's interest and participation in some field of study or university activity.
2. HRS groups must be composed of at least five student members.
3. HRS groups must complete the new RSO registration process.
4. HRS groups must first meet all the requirements for the formation of an RSO. If the HRS group cannot have or amend its own Constitution at the campus level, then they must meet the Constitutional requirements signed by the organization's highest student officer, advisor, the Vice-Chancellor of Student Affairs, the Vice-Chancellor of Academic Affairs, the President, and national representative.

5. HRS groups must be affiliated with an academic department, a college of the university, or Academic Affairs.
6. HRS groups must be approved as an honorary or recognition society by an academic department head, a college dean of the university, or the Vice Chancellor of Academic Affairs before being considered by the Student Services Committee for recognition.
7. Upon majority approval of the Student Services Committee, the group is recognized as an HRS/RSO. The Student Services Committee may decide if a group's purpose is consistent with these rules. This section shall be retroactive for all current HRSs.
8. HRSs are permitted the use of university facilities for programs through proper event registration and are granted all the rights and responsibilities of RSOs.
9. HRS groups are required to obey all applicable university rules and codes of conduct or receive disciplinary action as stated within the confines of these bylaws.

#### **14.6 Oversight.**

The Student Services Committee shall have the authority to discipline student organizations for violating any ASUN regulation or any rule or regulation of the University upon approval of the Senate.

1. An organization's Constitution or activities may be reviewed by the Student Services Committee upon request. Such a request should be submitted in writing stating the name of the organization and the reason for the request and must be signed by at least five currently enrolled students.
2. When the Student Services committee decides that a possible violation has occurred, the group in question, and all parties involved, shall be notified of the infraction by letter. The letter must include the specific alleged violation(s) or non-compliance(s), an invitation to appear before the entire Student Services Committee to present their case and notification that the matter must be resolved within two weeks. If, after two weeks, the group is still out of compliance, the Student Services Committee shall submit legislation to the Senate for approval to petition the Student Court. This legislation may include action against the group in question.
3. Upon approval of the Senate, the Student Services Committee shall petition the Student Court.
4. Any decision regarding discipline is subject to appeal by the organization to the UNL Appeal Board.

#### **14.7 Student Court.**

All cases heard by the Student Court shall be governed by the following procedures and policies:

##### **14.7.1 Student Court Statement.**

1. The Revised Judicial Code of the Student Court of the University of Nebraska-Lincoln (Amended 1983 and 1988) supersedes and repeals all previously existing Codes of this Court.
2. It is the purpose of this Amended Judicial Code to further refine the Revised Code set forth by this Court in 1981 so that its purpose, as stated in 1981, can be more fully accomplished. The Revised Code's purpose is worth repeating here so that its valuable guidance is not lost.
3. It is the intention of the Student Court to provide a forum under which all matters within the jurisdiction of the Court, as enumerated in the Constitution can be presented and reviewed so that a just determination may be reached in an orderly manner. Further, experience has shown that the function of this body should be to adjudicate all matters before it in a way, which shall protect the rights, privileges and immunities of every party under all applicable laws in each action. This protection must be carefully provided by this Court.
4. In addition, experience too has shown that the most advantageous way to accomplish the tasks assigned to the Court is in the least complicated manner. This Code represents what is hoped to be a substantial effort to outline simple Court procedures to accomplish those tasks. It is hoped that under this Code, any party having the ability to come before this Court can, if a legitimate inquiry or dispute exists, have their case heard in the fairest and simplest manner possible. Likewise, it is hoped that insubstantial claims can be disposed of efficiently without exposing any party to needless action before the Court. Furthermore, this Court expects all parties to meaningfully attempt to reach agreement on the matter or matters in conflict prior to instituting any action in front of this Court.
5. It should be made clear, however, that adherence to procedure, no matter what the form, is important. This Court, recognizing its role in University jurisprudence, reminds every party that in operating before this Court the expectation exists that such party shall familiarize themselves with these rules and shall conduct themselves accordingly.
6. The parties before the Court, and the Court itself, should have an expectation of stability, not only in the institution of the Court, but in the manner in which the institution operates. It is our desire that these rules provide that stability for the present and future courts of the University of Nebraska.
7. It is with great hopes and high aspirations that this, the Student Court of the University of Nebraska-Lincoln, adopt the following information as the Revised Judicial Code of the Student Court of the University of Nebraska-Lincoln.

#### **14.7.2 General Provisions.**

1. This Code shall be known as the Revised Judicial Code of the Student Court, (Amended 1983 and 1988) and shall be cited as such.
2. This Court shall exercise any and all jurisdictional grants to it under the Constitution and Bylaws.
3. The jurisdiction of the Court shall extend to matters of the trial of impeachment, matters of interpretation of this constitution, matters of contested elections, matters concerning organizations when referred to the Court by the University of Nebraska administration, the Senate or an individual student, and other matters arising under the bylaws, or ordinances of the Senate, or the exercise of the powers of the President or First and External Vice Presidents.
4. The Judicial of Disciplinary rules and regulations of the University of Nebraska are applicable to Court proceedings and parties thereto. Any party willfully presenting false or deceptive testimony, charges or evidence, concealing relevant facts or evidence from the Court, or harassing any Justice or officer of the Court shall be subject to official disciplinary proceedings of this institution upon referral of such action to the proper authorities by the Court.
5. This Court shall operate under these rules of procedure and such special rules, as the Court may deem necessary in particular actions. The Court does not operate under formal rules of evidence or civil procedure as may exist in courts of other jurisdiction. However, all parties presenting testimony or evidence to the Court must be able to supply verification of authenticity if the Court deems such necessary. The Court is responsible for providing protection to all parties to the end that a fair, just and speedy determination of actions is accomplished.
6. Parties are NOT required to be represented by third parties before the Court. Any person may represent themselves individually before the Court. However, any party to an action before the Court may be represented by an individual of their choice. PROVIDED that such representative is presently enrolled at the University of Nebraska, excluding correspondence courses. Challenges to any person serving as counsel may be issued for good cause prior to the presentation of Plaintiff's case. Representatives serve only as spokesperson for named parties to any action, thus, any party choosing to have a third party represent them before the Court shall be accountable for the actions of their representative and shall be bound by the determination of the Court.
7. In no way is any person appearing before this Court to be considered or construed to be action in the capacity of a lawyer or attorney-at-law or engaging in the practice of law; this Court specifically rejects any such representation or connotation.

### **14.7.3 Court Process.**

**14.7.3.1 Commencement of Actions.** Actions in the Student Court shall be commenced by the filing of a petition, as described below, with the Clerk of the Student Court who is hereby deemed to be the officially designated Director of Administration. Petitions shall be filed in the ASUN office during the regular office hours unless specifically accepted herein. Two copies of an original petition are required to be filed with the Clerk.

1. A petition to this Court shall be deemed sufficient for the purpose of initiating any action if it complies with the following requirements.
  - a. A heading must appear which indicates the action is before the Student Court of the University of Nebraska and setting forth the names of the Parties, Plaintiff(s) and Defendant(s), and identifying them as such. Copies of all previous petitions shall be maintained on permanent file with the Clerk, which indicates the form necessary, and such petitions shall be available for inspection during the regular ASUN office hours.
  - b. The date on which the petition is filed.
  - c. A brief, concise, accurate statement of the essential facts of the action being brought which the Plaintiff believes will entitle them to relief from the Court, including stating the section of the Constitution which the Plaintiff believes empowers the Court to act on the matter. The factual statement should be complete but shall not contain unnecessarily inflammatory or other irrelevant language. Such language may be stricken by the Court or upon motion of any party.
  - d. Following the factual summary, the Plaintiff should clearly state the relief they are requesting from the Court.
  - e. At the bottom of such petition should appear the signature of the Plaintiff(s) and the current college address and telephone number of both the Plaintiff(s) and Defendant(s). If any party chooses to be represented by a third party, the petition should also indicate, in addition to the above, such petition shall also bear the signature, address and telephone number of such representatives. If any named party is a group or organization, or representing itself to be such, the petition should include the name of its principal student officer and the name of the recognized advisor to such group. In such cases, the petition shall be made in the

name of the organization and shall be signed by one or more of its student officers.

- f. The two required copies of the petition shall be submitted to the Clerk who shall make all copies with their signature or initials and shall also affix the date and time at which the petitions were filed.
2. Upon filing, the Clerk shall set a time for hearing and cause notice to be served upon the Defendant(s). Such hearing time must be at least four regularly scheduled class days following the time provided for the Defendant(s) to answer. Defendant(s) may voluntarily waive the four regularly scheduled class days before the scheduled hearing so long as Plaintiff(s) are in full agreement. Acceptance of the waiver shall be at the discretion of the Court.
3. Notice shall be served by the Clerk as soon as possible upon the Defendant(s). Notice shall consist of a copy of the complaint, a copy of the rules, notice directing the Defendant to appear at the time set for hearing and informing the Defendant(s) if they fail to appear at the time set for hearing, judgment shall be entered against them. Notice shall be served either in person or by United States or Campus Mail Service.
4. Notice may be served on any person enrolled as a student at the University of Nebraska-Lincoln, or upon any organization or group recognized by the University body acting as such, or as indicated by the Constitution.
5. Service of notice shall constitute due notice to the Defendant(s) that an action has been instituted against them and that they are called upon to respond.
6. Any action before the Court shall be subject to the provisions in this rule EXCEPT the Court, solely in its own discretion, may schedule at the Court's convenience an immediate hearing on a petition for injunctive relief. (See injunctive relief section of these rules.)
7. The Defendant(s) shall have up to four regularly scheduled class days following notice of the pending action to file a written answer or further pleading with the Clerk. The Defendant(s) may seek an extension for just cause, provided such requires is filed with the Clerk at least twenty-four hours prior to the originally scheduled reply deadline. A grant of an extension rests solely with the discretion of the Court.
8. An answer to a complaint is sufficient if it complies with the following requirements:

- a. A heading appearing in the same form as required on Plaintiff's petition.
  - b. The date on which the answer is filed.
  - c. A brief, concise, complete statement of any facts which the Defendant(s) feel(s) constitute:
    - i. A valid defense to the Plaintiff's complaint.
    - ii. A denial of the validity of the Plaintiff's complaints and explanation thereof.
    - iii. Any other reason why the relief sought by the Plaintiff(s) should not be granted.
    - iv. An admission of the facts alleged.
  - d. A statement of any relief desired by the Defendant against the Plaintiff may be included. Any counterclaim shall be filed as part of the answer and copies (as directed for an original petition) delivered to the Clerk at least two days prior to the time of hearing.
  - e. The signature of the Defendant(s), along with their college address and telephone number, or if the Defendant(s) is/are a group or organization, the answer shall be in the name of the group and signed by a student officer authorized to act on its behalf. If the Defendant(s) is/are represented by a third party, he or she must also sign the answer and include their campus or local mailing address and telephone number.
  - f. Two copies of the Defendant's answer must be filed with the Clerk and copies delivered by the Clerk to the Plaintiff in the same manner as an original petition.
9. No formal pleading other than the petition for relief, answer and counterclaim, if any, are required in the Student Court, However, the parties, at their option or upon direction of the Court may supplement their arguments with written statements clarifying arguments. Unless otherwise directed by the Court, supporting statements shall be submitted prior to the hearing of any action.

**14.7.3.2 Counterclaims.** A counterclaim by the Defendant, if any, shall be handled as an original petition. The claim and counterclaim may, at the discretion of the Court, be consolidated or separated for hearing purposes.

1. Any party may, at any time prior to the deadlines stated above, amend their petition or answer to state different or additional facts, allegations or defenses. Post-deadline amendment shall be allowed only at the discretion of the Court.

2. Two copies of the amendment(s) must be filed with the Clerk prior to the deadline, unless otherwise authorized by the Court, and copies of such amendment(s) shall be delivered by the Clerk to the opposing party in the same manner as a petition or answer.

#### **14.7.3.3 Hearing Outline.**

1. The formal hearing process, except as otherwise noted, shall be conducted under the following format:
  - a. Instructions by the Court.
  - b. Pre-hearing motions.
  - c. Introductory statement.
  - d. Plaintiff - ten minutes maximum.
  - e. Defendant - ten minutes maximum.
  - f. Presentation of Plaintiff's case. NOTE: any witness called by a party will be subject to cross examination. Failure to cooperate shall result in the striking of the entire testimony of that witness.
  - g. Presentation of Defendant's case.
  - h. Closing Arguments.
  - i. Plaintiff - five minutes
  - j. Defendant - five minutes
2. Witnesses appearing on behalf of any party must swear or affirm to the truthfulness of their comments before the Court.
3. The Court retains the right to question any witness or party on the subject matter presented before the Court.
4. Any party wishing to introduce evidence or testimony of a witness before this Court shall submit a list of such information or witnesses to appear to the presiding officer of the Court prior to initiation of formal hearing procedures.
5. Hearings of all cases, unless otherwise excepted by these rules, shall be conducted by the entire Court presided over by the Chief Justice, or in the absence of the Chief Justice, by another Justice of the Court appointed to act temporarily as presiding officer by the Chief Justice, or in the absence of appointment by the Chief Justice, a Court member chosen to preside by a majority of the other members.
6. A majority of the Court (four) shall be present to hear any case and a majority of those Justices present shall determine the outcome of any action.
7. All hearings shall be open to the public. All deliberations of the Court shall be closed.



8. The presiding officer of the Court may expel any person from a hearing when the orderly procedure of the Court is threatened by such person or may suspend the proceedings in case of emergency or take such other action, as the Court deems necessary.

#### **14.7.3.4 Conflict of Interest.**

1. No Justice of this Court shall participate in any action in which such Justice is personally interested in the outcome of the case, has acted in such a capacity in the past so as to prejudice their objectivity in an action before the Court or has publicly announced a position on the specifics of a pending action prior to the rendering of a formal opinion by the Court. Objections to the seating of any Justice must be made prior to the initiation of the formal hearing process by any party before the Court. The decision to participate rests with the individual Justice, however, participation by an interested Justice in a decision where properly objected to shall be grounds for appeal of the decision of the Court. Formal objections not made prior to hearing shall be considered to have been waived by the parties.
2. The Student Court is responsible to provide a fair and impartial forum for students to challenge the actions of ASUN or other students when the students believe their rights have been infringed upon. Participation by a Justice in any campaign activities undertaken for the advancement of any student's candidacy would impair the ability of the justice to be fair and impartial toward any case concerning a University election brought before the Court. Any such justice of the Student Court shall withdraw from the Court for the purposes of said case.

#### **14.7.3.5 Decision of the Court.**

All final decisions of this Court shall be written opinion explaining the facts of the case, the findings and the decision of the Court. The decisions of the individual Justices shall be indicated. The decision shall be rendered by the Court as soon as the decision has been prepared. The parties to the action shall receive first notice of decision. Copies of the decision shall be made available to any interested persons through the Clerk during ASUN office hours.

#### **14.7.3.6 Transcript and Record of the Case.**

1. Proceedings before the Student Court, except informal proceedings, shall be electronically recorded. There shall be no written transcript prepared by ASUN. The taped transcript shall remain in the possession of ASUN. Any party desiring to have a

transcript prepared must arrange for a certified court reporter, acceptable to the Court, to prepare any desired transcript. Cost of such preparation rests solely with the party seeking a transcript. ASUN shall incur no costs in this area. Upon selection of the court reporter, ASUN shall transfer the tape to the reporter and upon completion of the transcription; the reporter shall surrender the tape to ASUN. At no time shall an individual party, not an authorized agent of the Court, be allowed possession of a transcript tape.

2. The taped transcript shall be preserved on a five-year basis. Following the five-year term in which the action was heard, the tape(s) shall be destroyed.
3. For purposes of appeal, upon request from the presiding officer of the University Appeals Board (UAB), the tape shall be transferred to the UAB for use in their deliberations.
4. All petitions, answers, written evidence and other material pertaining to any case shall be kept on file with the Clerk along with the tapes. Opinions of the Court shall be kept by the Clerk on permanent file.

#### **14.7.3.7 Injunctive Relief and Temporary Restraining Orders.**

Motion for injunctive relief and temporary restraining order shall be heard as follows.

1. Shall be handled as an original petition and shall be subject to the same provisions of this Court as an original petition.
2. Temporary restraining order motions as well as other petitions, seeking immediate relief, shall appear in the form of a Plaintiff's petition described above. The very nature of an immediate action petition implies a grave event or process injurious to the Plaintiff or Plaintiff class is about to happen or will take place prior to the time the normal procedure would require to reach an outcome in the particular situation. The Court recognizes that there are time when such relief is necessary and appropriate, but the burden on the Petitioner will necessarily be greater than in action because the Defendant's ability to appear is severely restricted. Therefore, the following procedures shall govern these actions.
  - a. Petitions must appear in proper form and may be presented either to the Clerk during regular office hours, or to the Chief Justice of the Court at any other time.
  - b. If time allows, a copy of the petition shall be delivered to the name Defendant(s). If action is required before notice can be given, the Court may hear the presentation of the

party seeking relief and upon proper cause issue a temporary restraining order. Any order issued without notice to the Defendant shall not be effective for more than forty eight hours unless extended by further action of the Court.

- c. A reasonable attempt to contact all Justices shall be made. If relief is required before the Court may be assembled, the Chief Justice, upon proper grounds, may grant or deny preliminary action
- d. If temporary relief is granted by the Chief Justice, that order shall become effective upon notice to the Defendant and shall be effective nor no more than four hours or until the entire Court can act, whichever is shorter. If temporary relief is denied, the Clerk shall assemble a majority of the Court at the earliest possible time to hear the issue. The issuance or denial of preliminary relief does not prejudice the Petitioner's case, which shall be heard on its merits in a fashion consistent with these rules.
- e. A petition for immediate relief must make clear the facts surrounding the allegation, the immediate injury or harm to be stopped, an explanation why such relief cannot be sought under the normal provisions of the code and under which jurisdictional grant of power to the Court in the Constitution the action is brought.
- f. In hearing motions for immediate relief, the factors to be considered are the permanence or irreparability of the harm; notice, if any, to the Defendant(s); the timing of the action and the relief sought. The Plaintiff has the burden of proof to demonstrate to satisfaction of the Court that the relief is appropriate and that immediate action is the only reasonable alternative.
- g. If the Court finds that immediate relief is not appropriate or if an individual Justice refuses to grant temporary relief, the Court may meet to determine whether the petition had any merit, and in the event that it is found to have had no merit, the party or parties presenting the petition, along with their personal representative, if applicable, may be found to be harassing the Court and may be subject to disciplinary action as set forth in General Provisions.

#### **14.7.3.8 Declaratory Judgements.**

Any student, group or organization who desires a clarification of any provision of the Constitution, Senate legislation or other statutory or procedural provision within the jurisdiction of this Court, may petition for a Declaratory Judgment. A petition must be filed as indicated above, but no Defendant need be named and only the provision requiring clarification set forward is necessary. A hearing may be scheduled in regard to such petition, if deemed necessary by the Court, or the Court in its own discretion may render a decision without hearing if it determines that a hearing is unnecessary. All Declaratory Judgment actions shall be answered by written opinion of the Court and the decisions therein made public. The Court shall not answer requests to hypothetical situations. Declaratory relief is limited to response to inquiries about existing practices or provisions within the jurisdiction of the Court.

#### **14.7.3.9 Miscellaneous Provisions**

1. Any person or organization interested in the disposition of a case may file a motion to intervene as an interested party. The motion should indicate if the party wishes to submit written supplementation or to appear at the hearing. The Court, in its discretion, shall have final determination as to whether such a motion for intervention shall be allowed.
2. The Court has the power to organize its internal structure and to allocate duties among its members to efficiently dispose of its day-to-day business.
3. The Court also has the power to further define these rules as they apply in particular actions and to take such action, as Justice requires to govern the procedural affairs of the controversies before it so long as such action is not inconsistent with these rules.

#### **14.7.3.10 Schedule of Hearing.**

Unless notified to the contrary, a hearing on the merits of any case shall be held at least eight regularly scheduled class days following the filing of the original petition. Alteration of this schedule shall be at the discretion of the Court.

#### **14.7.3.11 Rehearing.**

1. Once the outcome of any action before the Court has been announced, both parties shall be entitled to request a rehearing of the case. A rehearing is discretionary with the Court and shall automatically be denied unless the parties to an action can demonstrate to the satisfaction of the Court that:
  - a. Outcome determinative evidence unknown and/or unable to be produced at the original hearing is now available.

- b. Evidence or testimony upon which the Court relied for the basis of decision in the case was false and was known to be so by the party present it.
  - c. The Court substantially erred in its procedure during the hearing and this error was outcome determinative or prejudicial against the party seeking or rehearing.
- 2. If any party requests a rehearing of the case, a hearing on the merits of the motion shall first be held. If the motion for rehearing is denied, the Court's judgment becomes final. If the Court grants a rehearing, the original judgment of the Court in the case shall be stayed until such time as a new hearing on the merits can be held. After a rehearing, the opinion of the Court from the rehearing shall become final.

**14.7.3.12 Appeal of Student Court Decisions.**

- 1. If any party is dissatisfied with the judgment of the Student court, that party has the right to appeal the decision. The 1980 Senate through legislation has recognized the University Appeals Board as the appellate body for the Student Court.
- 2. Regulations of the University governing the circumstances under which an appeal may be found in Part IV of the Conduct Code of the University of Nebraska-Lincoln most recent edition. Special provisions governing appeals from the Student Court are available from the ASUN office or the office of the Vice Chancellor of Student Affairs. All parties' ability to appeal is strictly governed by the code and failure to exercise appellate rights within the designated time frame or to allege a ground for appeal included in the code shall amount to an acceptance of the Student Court determination in the case, which shall become final.
- 3. The date upon which the Clerk makes public an opinion of the Student Court shall be considered to be the date of "Written Notification of the Decision" under the Student Code of Conduct.

**14.7.4 Impeachment Process.**

- 1. Impeachment Authority. Pursuant to the Constitution the Student Court has the judicial power to hear Trials of Impeachment. The purpose of this article is to clearly and concisely outline the Impeachment Process.
- 2. Offices Subject to Impeachment. In accordance with the Constitution an Article of Impeachment may be brought against any Senator, the President, the First or Second Vice Presidents or any Justice of the Student Court.
  - a. Impeachable Actions. The Senate may act on an Article of Impeachment, which shall include the specific, serious and relevant,

allegations of malfeasance of office. Malfeasance shall include but not be limited to:

- i. violations of national, state, or local ordinances, Board of Regents Rulings, Student Code of Conduct, the Constitution or Bylaws, or Senate legislation and actions,
  - ii. incompetent or negligent performance,
  - iii. willful disregard of the authority of Senate,
  - iv. injury to the integrity of the Senate or any of its boards or standing committees, and
  - v. intentional mismanagement of student funds.
3. Article of Impeachment. The Article of Impeachment shall include the following information:
- a. the name and office of the person;
  - b. a list of the specific allegations of malfeasance of office the person is accused of committing;
  - c. a brief statement of the evidence supporting the allegations; and,
  - d. the name of the individuals or group that drafted the article.
4. Committee Review Process.
- a. Call for Conduct Review. The Speaker or at least one-third of the Senate may request that the conduct of any person holding an office subject to impeachment be reviewed.
  - b. Committee. The review of conduct shall be performed by the committee designate by Senate for the task.
  - c. Committee Timeline. The committee shall have no fewer than 10 scheduled undergraduate class days, excluding Saturdays, Dead Week and Finals Week, during the spring and fall semesters to conduct their review. (Scheduled undergraduate class days are days that the official University of Nebraska-Lincoln class schedule does not list as holidays.) No review shall be conducted during the Summer Sessions or during breaks between the spring and fall semesters. Following the 10 scheduled school days; the committee shall present its recommendation or request for an extension of time on its review to the Senate at the next scheduled meeting.
  - d. Committee Recommendation to Senate.
  - e. Senate Accepts Recommendation.
    - i. Committee Recommends No Action. If the committee finds that there is insufficient evidence of malfeasance of office, then they shall present such finds and recommendation to the Senate. If the Senate, by a simple majority, votes to accept the committee's recommendation, then the matter is considered settled until new information is introduced that would cause

- the Speaker or at least one-third of the Senate to request another review of conduct of the same Officer.
- ii. Committee Recommends Impeachment. If the committee recommends for impeachment, then they shall present the Senate with a recommendation for and an Article of Impeachment. If the Article of Impeachment is for a Senator, then a simple majority vote is required to ratify the article. If the article is for any other Office then a two-thirds vote is required to ratify the article. If the article passes the Senate, then the Senate appoints the prosecutor. If the Senate fails to ratify the Article of Impeachment, the matter is considered settled until new information is introduced that would cause the Speaker or at least one-third of the Senate to request another review of conduct of the same Officer.
- f. Senate Rejects Recommendation.
- g. In order to reject the committee's recommendation, either for or against impeachment, then the Senate must vote to reject the recommendation.
- i. Senate Votes to Reject Committee Recommendation.
  - ii. Reject Committee Recommendation for No Action. If the committee finds that there is insufficient evidence of malfeasance of office, then they shall present such finds and recommendation to the Senate. If the Senate votes, by a simple majority, to reject the committee's recommendation, then they must consider impeachment on the Senate floor. If the Senate does not vote by a simple majority to reject the recommendation, then the matter is considered settled until new information is introduced that would cause the Speaker or at least one-third of the Senate to request another review of conduct of the same Officer.
  - iii. Reject Committee Recommendation for Impeachment. If the committee recommends for impeachment, then they shall present the Senate with a recommendation for and an Article of Impeachment. If the Senate votes, by a simple majority, to reject the committee's recommendation, then the matter is considered settled until new information is introduced that would cause the Speaker or at least one-third of the Senate to request another review of conduct of the same Officer. If the Senate fails to override the committee's recommendation by a simple majority vote, then the committee's recommendation

shall stand and the Senate must consider impeachment on the Senate.

5. Senate Considers Impeachment.
  - a. Vote For Impeachment. Once the matter of Impeachment has been debated, a simple majority vote is needed to begin drafting an Article of Impeachment. Once the article is drafted, a vote is taken to ratify the article. If the simple majority vote for a Senator or two-thirds vote for any other office is obtained, the Article of Impeachment is ratified and the Senate proceeds with appointing a prosecutor. If the Article of Impeachment is not ratified then the matter is considered settled until new information is introduced that would cause the Speaker or at least one-third of the Senate to request another review of conduct of the same Officer.
  - b. Vote Against Impeachment. Once the matter of Impeachment has been debated, a simple majority vote is needed to begin drafting an Article of Impeachment. If the majority votes not to draft an Article of Impeachment, then the matter is considered settled until new information is introduced that would cause the Speaker or at least one-third of the Senate to request another review of conduct of the same Officer.
6. Appointment of the Prosecutor. The Senate shall appoint a prosecutor who shall perform the Commencement of Actions in order to bring the Article of Impeachment before the Student Court.
7. Trial of Impeachment. The Student Court shall adjudicate the Trial of Impeachment "...in a way which will protect the rights, privileges and immunities of every party." The Student Court "...shall operate under these rules of procedure and such special rules as the Court may deem necessary in particular actions." In order to protect the rights, privileges and immunities of every party involved in the Trial of Impeachment, the Student Court shall, if the Chief Justice deem it necessary, close the Trial of Impeachment to the public. Furthermore, if a simple majority of the Student Court deems it necessary, a gag order shall be placed on all parties involved with the Trial of Impeachment. In every other aspect, the Trial of Impeachment shall follow the rules and procedures outlined in Bylaws.
8. Penalties. If the Student Court, by a simple majority vote, finds the Officer in question guilty, then the Student Court shall have the authority to impose penalties that it deems fit. These penalties may include, but are not limited to,
  - a. verbal or written reprimand,
  - b. removal from office,
  - c. denial to hold any future office in ASUN or
  - d. no penalties at all.



- e. However, the court shall impose no penalty greater than denial to hold any further office with ASUN.
9. Appeal. Appeal of the Student Court's decision on matters of Impeachment shall follow the regular appeal process outlined in the Bylaws.

#### **15.0 Financial Management and Facilities Policies.**

1. The University shall transfer the amount of student fees collected at the beginning of each semester to the Student Organization Financial Services Office (SOFS).
2. The President shall prepare an itemized budget of proposed expenditure of ASUN for the coming fiscal year. This budget shall be submitted to the appropriate committee for review and approval. All moneys of ASUN shall be the responsibility of the President and shall be handled by the Student Activities Financial Service regardless of source.
3. In accordance with University policy, the ASUN reserve account is limited to 10% of the fiscal year's operating budget. In the case the reserve grows past this limit, the ASUN President and executive team, with advice from the treasurer and advisors, must create a four-year plan to reduce the reserve within the limit.
4. The ASUN President shall maintain and invoke Procedures for Significant Expenditures and Budget Reallocations to guide decisions of significant expenditures. These procedures are considered binding under these Rules. Changes to these procedures must be approved by 2/3 of the ASUN Senate.
5. Students or staff acting in an official capacity on behalf of ASUN may have registration and/or travel expenses reimbursed if the approved budget or a special appropriation authorizes the funding for such travel.
  - a. Any approved budget or special appropriation for official ASUN travel must include a line-item allocation for the cost of carbon offsets approximately equal to the CO<sub>2</sub> associated with their travel arrangements.
6. Registration fees and/or travel expenses for students to represent UNL at regional or national conferences of American Racial Minority students may be authorized by Senate appropriation. Every endeavor must be made to secure matching funds for such expenditures from the Vice Chancellor for Student Affairs. No funds appropriated to a specific American Racial Minority student organization may be transferred to another organization or to individuals not currently active in the officially recognized student organization.
7. Support for American racial minority conference travel may be made available to a student organization only once a year. The President, in conjunction with the Vice Chancellor of Student Affairs, shall at the beginning of the fall semester recommend the total amount to be set aside for this fund.
8. The operation and classification of space shall be under the administration of the President.

#### **15.1 Campus Elections.**

1. The ASUN, GLC, CSS and the SLS offices and any functions or meetings sponsored by these offices shall not be used by anyone for the purpose of campaigning in ASUN or other campus elections, where campaigning is defined as the display or distribution of materials that promote any candidate or Student Election Group involved in these elections.
2. No individuals shall discuss or verbally promote the efforts of any individual or SEG involved in ASUN elections when in ASUN offices or facilities or at any function sponsored by these offices.
3. No ASUN resource or facility shall be used by any individual or group for the purpose of preparing or distributing campaign materials, including, but not limited to buttons, poster, signs, fliers, etc.
4. Any allegations of activities that could be considered campaigning in ASUN offices or facilities or at ASUN functions may be taken to the Electoral Commission. The Electoral Commission shall have the authority to decide sanctions upon violators of this bylaw. Electoral Commission shall also have the authority to expand the definition of campaigning and is responsible for submitting suggestions for amendments to this bylaw. Electoral Commission may grant case by case exceptions to this bylaw in regard to ASUN elections.

#### **15.2 Local, State and National Elections.**

1. ASUN officers and facilities are not operating for the benefit of candidates participating in local, state or national elections. Where candidate is defined as any person (human being) seeking, or nominated for an office or position.
2. No campaigning for local, state or national elections shall take place in ASUN, GLC, CSS, or SLS offices or facilities or at any ASUN or GLC function where the definition of campaigning includes, but is not limited to the display or distribution of materials that promote any candidate in these elections.
3. No ASUN resources or facility may be used for the preparation or distribution of materials that promote any candidate involved in local, state, or national elections.

#### **16.0 John Lydick Outstanding ASUN Senator Award**

1. The John Lydick Outstanding ASUN Senator Award shall be awarded by the Senate to an individual senator who has exhibited exemplary performance, service, and who has upheld the values of the organization during their tenure.
2. Only Senators may nominate their peers or themselves for candidacy of this award.
3. The only qualification for the John Lydick Outstanding ASUN Senator award is that candidates must be an actively sitting ASUN Senator.
4. No candidate shall be disqualified on the basis of race, religion, disability, sexual orientation, or results of the ASUN Spring Election.

5. The Senate shall, by a secret ballot administered by the Electoral Commission Director, vote for the Outstanding ASUN Senator. The results of this ballot shall be confirmed by the Electoral Commission.”