

To: Faculty Council

Re: Proposed Revision to the Summons

Date submitted: March 31, 2000

Instrument of Student Judicial Governance: V.A.1.d., V.A.1.e., and V.A.2.c.

Rationale for Changes:

- Ensure the timely completion of the judicial process
- Provide a standard method to use when scheduling hearings for "difficult" defendants
- Provide more specific guidelines for summons delivery than, "*in person, in private, and in writing.*"

Current Text of V.A.1.d. and V.A.1.e.

d. The summons shall be delivered to the defendant(s): 1) in person, 2) in private, and 3) in writing.

e. The summons shall specify: 1) the charge, 2) the time and place of the preliminary conference, and 3) the time and place of trial.

Text of Proposed Revision to V.A.1.d. and V.A.1.e.

d. The summons shall be delivered to the defendant in writing. A defendant is deemed to have received the summons when he/she is personally given a copy of the summons, or in the case of a student organization, when any officer of the organization is personally given a copy of the summons. If an attempt to deliver the summons is unsuccessful or impractical, the Student Attorney General shall take the following actions until the summons is delivered:

1. Send the summons to the defendant at his/her most recent local address via certified mail, return receipt requested with restricted delivery.
2. If (1) is unsuccessful, send the summons by regular mail to the defendant's most recent local address in an envelope containing a deliverable return address.
3. If (2) is unsuccessful, send the summons to the defendant's permanent address (on record with the Office of the University Registrar) via certified mail, return receipt requested, with restricted delivery.
4. If (3) is unsuccessful, send the summons by regular mail to the defendant's permanent address in an envelope containing a deliverable return address.

The Student Attorney General may also take one or more of the preceding actions simultaneously to ensure timely delivery of the summons.

There shall be a rebuttable presumption that the summons has been delivered if the University receives a return receipt after mailing it in the manner described above.

There shall be a rebuttable presumption that the summons has been delivered if it is sent regular mail and the envelope is not returned to the University by the US Post Office.

- a. The summons shall specify:
 1. the violation with which the defendant is charged
 2. the time and place of the preliminary conference, and
 3. the time and place of the hearing