

ASUCI JUDICIAL BOARD POLICIES AND PROCEDURES

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I. PURPOSE

These ASUCI Judicial Board Policies and Procedures shall govern the function of the Judicial Board and shall be limited by the powers and responsibilities stated in the Constitution of the Associated Students of the University of California, Irvine.

II. COMPOSITION

A. Membership

1. The ASUCI Judicial Board shall consist of seven (7) undergraduate students, appointed by ASUCI Executive Cabinet and confirmed by a two-thirds (2/3) vote of the voting members of the ASUCI Legislative Council present.
2. The Judicial Board Chair and Vice-Chair shall be officers of the Judicial Board
3. The term of office for Judicial Board members shall be two (2) years. A Judicial Board member shall assume office on the seventh (7th) day following the approval of his/her nomination by the ASUCI Legislative Council. Judicial Board members can only be removed from office after a presentation of a recall petition to the ASUCI Legislative Council and a majority vote of the Associated Students at-large. Except when specified in this document.
4. A Judicial Board member shall have been a member of the Associated Students at the University of California, Irvine, and a registered student in good standing (as determined by the Registrar), maintaining a 2.0 overall grade point average on

a 4.0 scale at the time of candidacy

5. A Judicial Board nominee shall have been a registered student at the University of California, Irvine, and a member of the Associated Students during the academic year immediately prior to assuming office.
6. A Judicial Board member shall have attained at least a sophomore standing at the time of assuming office.
7. A Judicial Board member shall not hold another ASUCI elective or appointed office during his or her time on the Judicial Board.
8. A Judicial Board member shall forfeit the office within one (1) week upon failing to maintain a 2.0 overall grade point average on a 4.0 scale during his/her term in office
9. A Judicial Board member must be present at all meetings at which he/she wishes to cast votes. Voting by proxy will not be accepted.
10. A Judicial Board member shall attend weekly meeting(s) to review all pending legislation and other business. Any Judicial Board member absent from three (3) weekly meetings shall be subject to the automatic forfeiture of the office. An appeal may be made to the Judicial Oversight Committee, which may reinstate a Judicial Board member by majority decision.

B. Chair

1. The authorities of the Judicial Board Chair are stipulated in the ASUCI constitution and are listed as follows:
 - a. Chairs and organizes weekly Judicial Board meetings.

- b. Exercises one vote on the Judicial Board
 - c. Receives remuneration as determined by the ASUCI Legislative Council and funded from the ASUCI Treasury.
 - d. Is chosen by and from his/her peers on the Judicial Board. The term of office of the Judicial Board Chair shall be one (1) year
 - e. Submits all rulings of the Judicial Board to the ASUCI Executive Cabinet and ASUCI Legislative Council in written form.
 - f. Maintains, along with the Vice-Chair, a record of attendance for each Judicial Board member. The Chair is ultimately responsible for removing inactive or disqualified Judicial Board members, as determined by this document and the ASUCI Constitution as applicable.
2. The position of Judicial Board Chair shall be determined by majority vote of all members of the Judicial Board. Once an individual becomes the Judicial Board Chair in accordance with these procedures, that person shall remain in that capacity unless that individual is removed for cause by a two-thirds (2/3) vote of the voting membership of the Judicial Board or no longer meets the requirements for Judicial Board membership.

C. Vice-Chair

1. The authorities of the Judicial Board Vice-Chair shall be as follows:
 - a. Is chosen by his/her peers on Judicial Board
 - b. Maintains, along with the Chair, a record of attendance for each Judicial Board member.

- c. Serves as Judicial Board Chair on an interim basis should the Judicial Board Chair be absent, become incapacitated, resign, or be recalled, until a replacement member has been appointed approved by ASUCI Legislative Council, at which time a new Judicial Board Chair shall be chosen by and from his/her peers on Judicial Board.
2. The position of the Vice-Chair shall be determined by majority vote of the members of the Judicial Board present. Once an individual has become the Judicial Board Vice-Chair in accordance with these procedures, that person shall remain in that capacity unless that individual is removed for cause by a two-thirds (2/3) vote of the voting membership of the Judicial Board or no longer meets the requirements for Judicial Board members.

D. Vacancies

1. In the event that the Executive Cabinet fails to submit a nomination to the ASUCI Legislative Council within two (2) weeks of the occurrence of a vacancy, nominations may be made by an ASUCI elected representative. If an ASUCI Executive Cabinet nomination is rejected by the ASUCI Legislative Council, the ASUCI Executive Cabinet will have one (1) week to introduce another nomination (s) to fill the vacancy (ies). When vacancies occur, replacement shall serve the full, two (2) year term.
2. When vacancies occur, the Judicial Board may still function and issue opinions and decisions providing quorum requirements described herein have been met.
 - a. Should Judicial Board fail to reach quorum, the Judicial Board Chair shall issue a temporary injunction on all ASUCI legislation until enough vacancies

are filled to reach quorum.

3. Applications

- a. Judicial Board applications shall be designed and issued by the Executive Cabinet
- b. Said applications shall be immediately available upon a Judicial Board vacancy.

4. Executive Cabinet Interviews

- a. The Executive Cabinet shall determine the internal process of interviewing and nominating Judicial Board candidates. This shall be done in accordance to the ASUCI Judicial Board Policies and Procedures.
- b. If the Legislative Council nominates an individual for Judicial Board, the process for selection shall remain the same, as proscribed in the Judicial Board Policies and Procedures.

5. Rules Committee interviews

- a. Once a recommendation has been made to Legislative Council, the Rules Committee shall interview the candidate(s).
- b. A report shall be made to Legislative Council regarding the consideration of the candidate(s).

E. Appointments

- 1. In order to facilitate matters brought before the Judicial Board, the Judicial Board, at its discretion, may appoint persons to serve in the capacity of Clerk to the Judicial Board, whose duties shall be determined by the Judicial Board hearings, including closed sessions, as non-voting participants without the prerogative of

questioning witnesses during Judicial Board hearings.

III. RESPONSIBILITY AND JURISDICTION

- A. The powers and responsibilities of the Judicial Board shall be as explained in Article VI of the ASUCI Constitution, except in cases involving student misconduct, which shall be handled in accordance with the UCI code of procedures regarding student conduct.

IV. QUORUM

- A. A quorum shall be required in order to conduct all Judicial Board hearings.
- B. Quorum shall be four (4) justices in any circumstance
- C. A temporary disqualification due to a conflict of interest pertaining to a particular case shall not count against quorum but shall be recorded as an abstention.

V. MEETINGS

- A. Weekly meeting (s) shall be held to review bills and resolutions adopted by the ASUCI Legislative Council with regards to by-laws and the Constitution of ASUCI. The time and location of those meetings shall be determined by the Judicial Board Chair and Vice-Chair
- B. Meetings may also be called by the Judicial Board Chair when necessary. The Judicial Board Chair must call a meeting when so requested by a Judicial Board Member.
- C. When the Judicial Board Chair withdraws from a meeting, the Judicial Board Vice-Chair shall preside.
- D. All weekly meetings shall be closed to the public unless specified by the Judicial Board

Chair.

VI. PROCEDURES FOR HEARINGS

A. Petitions for hearings

1. Cases shall be initiated before the Judicial Board upon the filing of an official “Petition for Hearing” form to the Judicial Board Chair.
2. The Petition must explain all charges and contentions, refer to all vital evidence, cite the rule, principle or constitutional clause at issue, and state the remedy sought.
3. All Petitions shall remain confidential among Judicial Board members unless the Judicial Board determines otherwise by majority vote; however, if a formal hearing results, a copy of the petition shall be provided to the Respondent at least 24 hours prior to the hearing.

B. Preliminary Hearings

1. Upon receiving a petition for hearing, the Judicial Board Chair shall convene a Preliminary Hearing where the Judicial Board can hear arguments, vital evidence, and testimony concerning its jurisdiction in the matter, and the Judicial Board shall then make its own determination whether or not to hold a formal hearing.
2. All Preliminary Hearings shall be closed to the public unless specified by the Chair of Judicial Board.
3. In determining its jurisdiction, the Judicial Board members may also consider such factors as standing, ripeness, and justifiability.
4. If at least three (3) Judicial Board members determine that the case is within the jurisdiction of the Judicial Board, then a Formal Hearing shall be convened with

its date, time, and place announced within one (1) day of the Preliminary hearing.

5. In setting time and dates for Formal Hearings, the Judicial Board shall allow at least five (5) working days, but no more than one (1) academic quarter, with the option for extension by a vote of the Judicial Board. In matters relating to a pending election, a formal hearing shall be held within 5 days of the Preliminary hearing.

C. Formal Hearings

1. In all Matters brought before the Judicial Board, only members of the Associated Students shall participate as petitioners and respondents.
 - a. The individual or individuals who initiate the petition must act as petitioner throughout the hearing process.
 - b. If a petition is initiated against a legislation, the respondent shall be the author of the legislation, the Rules Committee Chair, or the Chair of the Legislative Council
 - c. If a petition is initiated against an action of ASUCI, the respondent shall be the individual who initiated the action or the overseeing Executive Officer.
2. Formal Hearings shall be open to the University public unless decided otherwise by a majority of the Judicial Board members voting affirmatively or negatively prior to the hearing. A vote on this matter can be initiated either by a Judicial Board member or at the request of the Respondent.
3. The format for the formal hearing shall be as follows:
 - a. Opening Statements (2 minutes each)

- b. Plaintiff's Main Argument (8 minutes)
 - c. Defendant's Main Argument (8 minutes)
 - d. Plaintiff's Rebuttal (5 minutes)
 - e. Defendant's Rebuttal (5 minutes)
 - f. Closing Statements (2 minutes each)
 - g. Questions on behalf of the Judicial Board
4. When procedural questions are raised at Formal Hearings or when evidence or testimony is questioned on the grounds of relevancy or admissibility, it shall be ruled upon by the Judicial Board Chair. The Judicial Board Chair's decision may be appealed by any other Judicial Board member. The Judicial Board member shall then move to a closed session to discuss the appeal, whereby by majority decision they may overrule the Chair's decision
 5. The right to be a witness and offer testimony before the Judicial Board shall not be limited to the members of the Associated Students, but shall apply to all persons except ASUCI staff members, including but not limited to the Executive Director.
 6. All witnesses shall be informed of their obligation to tell the truth prior to presenting testimony before the Judicial Board.
 7. All witnesses shall be presented prior to the final summations of both parties
 8. All witnesses called by either the Petitioner or the Respondent may be cross-examined by the representatives of the opposing side at the appropriate times.
 9. Judicial Board members may question the Petitioner, Respondent, and witnesses at any time.

D. Decisions

1. The Judicial Board, in closed session, shall discuss the case and reach a decision.

2. The Judicial Board, in open session, shall announce its decision.
3. The majority decision shall be recorded in writing and made available to the public within one week of the hearing.

E. Preliminary Injunction

1. The Judicial Board Chair, upon deeming it necessary, shall initiate a vote to determine whether a Preliminary Injunction shall be issued.
2. The Judicial Board Chair, with approval of the majority of the Judicial Board shall issue a Preliminary Injunction upon the action or legislation in question.
 - a. The Injunction shall not argue for or against the issue in question, but rather state the further review is needed due to possible conflict with the governing documents.
3. Upon the issuance of the Preliminary Injunction, the Judicial Board Chair shall have three (3) days to determine whether the Student Advocate General will initiate a petition against the action or legislation in question.
4. If the Student Advocate General accepts, he/she shall file a "Petition for Hearing" form to the Judicial Board Chair and will act as petitioner
5. If the Student Advocate General declines to petition the case before the Judicial Board, the Judicial Board Chair shall recuse himself/herself in the matter in question and independently file a "Petition for Hearing" form to the Judicial Board Vice-Chair and act as petitioner.
 - a. The Judicial Board Chair shall not take part in any further discussion of the case with the Judicial Board.

- b. The Vice-Chair shall, in all matters relating to the case, take full responsibilities as Chair and shall preside over the formal hearing.
- c. All formal hearing procedures shall be followed.

VII. DISQUALIFICATION AND CONDUCT

- A. Judicial Board members may not discuss cases in progress or release information outside of the Judicial Board meetings or hearings until the case is resolved. However, the Judicial Board may discuss cases or release information to affected parties or relevant individuals in order to pursue facts and evidence pertinent to pending matters.
- B. Judicial Board members, during their period of association with the Judicial Board, may not seek election to any office of ASUCI or assist any person seeking any such office with his or her campaign to such office.
- C. Judicial Board member shall temporarily disqualify themselves from particular cases when conflicts of interest arise and shall do so immediately.
- D. Failure of a Judicial Board member to abide by the rules stated within these Judicial Board Policies and Procedures shall result in a hearing by the Judicial Oversight Committee and the possible removal from office by said Committee

VIII. AMENDMENTS TO JUDICIAL BOARD POLICIES AND PROCEDURES

- 1. Amendments to these policies and procedures shall be instituted by the Legislative Council with terms described in the ASUCI Constitution and ASUCI By-laws.

IX. JUDICIAL OVERSIGHT COMMITTEE

- A. The Judicial Oversight Committee shall be convened by a unanimous vote of the present

voting members of Legislative Council, as prescribed by the ASUCI Constitution, with the exception of a removal from Judicial Board, which may be automatically appealed to the Judicial Oversight Committee.

- B. The unanimous appeal from the Legislative Council must state
 - 1. The issues being petitioned
 - 2. The violation committed
 - 3. The section of code violated
 - 4. The remedy sought
- C. The members of the Judicial Oversight Committee shall be The Chair and Vice-Chair of Judicial Board, unless either are the parties appealing, in which case another member of Judicial Board shall be the representative; a representative of the Executive Cabinet; a member of the Legislative council, determined by a majority of council members; and the Executive Director of ASUCI.
- D. The Judicial Oversight Committee shall hear the following cases:
 - 1. Disputes regarding the outcome of a formal or informal hearing due to conflict of interest on the part of a Judicial Board member, improper procedure or conduct, or improper jurisdiction.
 - 2. Appeals from elections disputes which have been appealed to the Legislative Council and voted on in the same manner prescribed above.
 - 3. An appeal of a removal from Judicial Board.
- E. The Judicial Oversight Committee shall meet within three (3) weeks of date of the Legislative Council action to instate them unless otherwise specified by the Legislative Council.

- F. In a case where it was appealed by council, The Judicial Oversight Committee shall establish whether the Judicial Board has exceeded the boundaries of their jurisdiction under the Constitution
- G. In offering a remedy, the Judicial Oversight Committee has the following options:
1. Remand the case back to the Judicial Board for a formal hearing
 2. Remand the case back to Elections Commission for final say
 3. Reinstate or uphold the removal of a Judicial Board member.
- H. Once a case has been heard once in front of the Judicial Oversight Committee, the case cannot be reheard for one (1) entire quarter.