

## **Section I - General Provisions**

1. The types of cases, and their processes, under jurisdiction of the Judicial Council are outlined herein;
2. The Judicial Council retains the authority to adjudicate and/or hear any case not listed in this Chapter, at the discretion of the Chief Justice or a simple motion by a member of the Judicial Council;
3. All decisions of the Council, pursuant to the ASUCR Constitution, shall be treated with ultimate finality, unless otherwise reversed by future action of the Council;
4. The Judicial Council reserves the right to deny the hearing of a case for any reason whatsoever, or for no reason at all;
5. All cases presented to the Council, unless otherwise directed by the ASUCR Constitution or these Chapters, shall be processed in closed session;
6. Any case Petitioner(s) and Respondent(s) of a case will not be entitled to outside representation, including but not limited to legal counsel, a Dean of Students case manager, or another student;
  - a. This must not be misconstrued to prevent either party('s)
7. Judicial Fellows may, at the discretion of the Chief Justice and/or a majority of the Council, represent any party brought in front of the Judicial Council.
  - a. Any fellow that serves as a representative may not, at any time or for any reason, exercise their *ex officio* seat or *advisory* vote for the entirety of the case.
8. Any member of the Judicial Council, upon determining a conflict of interest exists with a case, must recuse themselves from participation. Failure to do so may result in immediate dismissal by agreement of the Chief and Vice Chief Justice or a majority of the council;
  - a. The Council may overturn the decision of the Chief Justice and Vice Chief Justice through a unanimous vote.

## **Section II - Complain Against an ASUCR Official**

1. When a complaint is submitted;
  - a. The Petitioner shall submit the complaint to the Judicial Secretary and Chief Justice;

- b. It should outline the specific charges, complaints, and any other claim of wrongdoing levied against the ASUCR official;
  - c. The complaint shall be placed on the agenda of the next possible Judicial Council regular meeting, where it will be reviewed in closed session by the Council;
    - i. The Council shall, by simple majority, determine if the Complaint shall be accepted by the Council and proceed to trial at a time specified by the Council and according to these Rules and Procedures.
    - ii. In the case of a tie, the Complaint shall be treated as accepted and proceed to trial.
  - d. If the Council votes to accept the Complaint, the Chief Justice shall immediately notify the Petitioner(s) and Respondent(s) by issuing official Judicial Summons, as outlined herein;
  - e. If the Council denies the complaint, the Chief Justice or designee shall issue a Summary Judgement on behalf of the Judicial Council. This simply states that the Judicial Council did not find that the Complaint contained sufficient merit to be accepted;
    - i. The Summary Judgement shall include a brief summary of the reasons the Complaint was rejected and options for an appeal.
2. Arraignment of the ASUCR Official, in closed session, shall be in accordance with the following process:
- a. Upon approval of the Complaint by the Council, the Chief Justice shall call for a closed meeting to discuss the contents of the case, review procedures for arraignment, and determine a time and date for the hearing;
  - b. The Chief Justice, or designee, shall issue a “Summons” to the Petitioner(s) and Respondent(s), on behalf of the Judicial Council, to appear at the date and time of the arraignment;
    - i. Summons shall be sent out with at least three (3) business days’ notice, unless otherwise agreed upon by all parties.
    - ii. If an individual named on the Summons cannot appear at the date and time listed in the Summons, the individual may file a “Motion to Change Trial

Date” with the Judicial Secretary, wherein the Chief Justice shall mediate between the parties to determine a suitable alternative.

- c. On the date of the arraignment, the Chief Justice, or designee, shall read to the Council all contents of the complaint submitted by the Petitioner(s) unless the Council has otherwise agreed to confidentiality in accordance with Chapter 7 of these Rules and Procedures;
  - d. The Chief Justice shall then confirm with the Secretary of the Court and the Petitioner(s), respectively, that the Complaint was properly read, after which the Petitioner(s) shall be asked if they still wish to pursue charges;
    - i. If the Petitioner(s) answers in the affirmative, then the Chief Justice or designee shall ask the Respondent to enter a plea.
    - ii. If the Petitioner(s) answers in the negative, then the Chief Justice shall call for a motion to dismiss the case.
  - e. The Respondent(s) shall be allowed to enter a plea;
    - i. In a guilty plea, the Chief Justice, or designee, shall declare the Respondent guilty, and the Judicial Council shall deliberate, privately, on sentencing for the Respondent.
    - ii. In a not guilty plea, the Judicial Council shall move to enter into a hearing. If the hearing cannot be held on the same day of the arraignment, then the Council must decide on a date and time before adjourning that day.
  - f. If the Council decides to hold the hearing the same day as the arraignment, the Chief Justice shall call the Council to a short, maximum thirty (30) minute recess before returning to the hearing.
3. Hearing against ASUCR Official
- a. The Chief Justice, or designee, shall call the Council to order;
  - b. The hearing shall be in accordance with the following process;
    - i. Opening Argument
      1. The Petitioner(s) shall have five (5) minutes for their opening argument, followed by two (2) minutes of cross-examination by the Respondent(s). After the Respondent(s) have concluded their questions, they will then have five (5) minutes for their opening

argument, followed by two (2) minutes of cross-examination by the Petitioner(s).

ii. Witnesses

1. The Petitioner(s), followed by the Respondent(s), will each have ten (10) minutes total to question their respective witnesses.
  - a. The Council may, by majority vote, extend the time allotted for questioning.
  - b. Any additional time granted to one party, must be equally offered to the other party.
2. After each witness, the Chief Justice shall pause the time to allow the Judicial Council to ask their own questions.
3. For each witness presented by the Petitioner(s), the Respondent(s) shall have two (2) minutes of cross-examination. The same opportunity shall be given to the Petitioner(s) for witnesses presented by the Respondent(s).
4. At the conclusion of questioning, the Council may once again take the time to question the witnesses.

iii. Closing Argument

1. The Petitioner(s) will have three (3) minutes for their closing argument, after which the Respondent shall have three (3) minutes for their closing arguments.

iv. Final Questions

1. If deemed necessary, the Judicial Council may take the opportunity to question the Petitioner(s), Respondent(s), or any witnesses.

- v. After all the steps have been followed, and questions have been asked, the Chief Justice will then dismiss the Courtroom for deliberation.

c. Deliberation

- i. The Judicial Council shall then vote on whether they shall enter immediate deliberation or agree on a later time;
  1. All deliberations shall be in closed session.

2. A simple majority of the Council is needed to move into deliberation.
        3. If the Council votes in the affirmative, the Chief Justice shall call the Council into closed session, if they are not already meeting in such a manner.
  - ii. The Judicial Council will deliberate amongst themselves all items, evidence, context, and/or any other information presented during the hearing;
  - iii. The Judicial Council may, if deemed necessary, issue subpoenas for further evidence or ask questions of anyone, using any means necessary and proper.
- d. Verdict
  - i. When deliberation is over, the Chief Justice may entertain a motion for the Council to vote on the case;
    1. The motion shall include a verdict and a sentence.
    2. Example:
      - a. “I move to find the Respondent(s) innocent/guilty...” followed by a desired sentence.
  - ii. If the Judicial Council comes to an agreement;
    1. The Chief Justice, or designee, shall draft a statement on behalf of the Council explaining the verdict.
    2. A copy of the statement shall be given to the Petitioner(s) and Respondent(s), unless otherwise deemed confidential in accordance with these Rules and Procedures.
    3. The Judicial Secretary shall ensure that a copy of the statement is also posted on the ASUCR Google Drive, the ASUCR website, and Judicial social media accounts;
      - a. This requirement can be waived if the statement is deemed confidential in accordance with Rules and Procedures.

- b. If deemed confidential, the statement shall be included in a private folder of the ASUCR Google Drive, accessible only by members of the Judicial Branch.
- iii. If the Judicial Council cannot reach a consensus one way or another, then the default verdict shall be “not guilty,” wherein the Chief Justice shall draft a statement explaining the stalemate or tie.

### **Section III - Constitutional Challenges**

1. The Judicial Council bears the ultimate authority to deliberate and decide the Constitutionality of any legislation, act, statute, and any other aspect relating to the function and integrity of ASUCR.
  - a. In the case a Challenge is made from outside the Council, the Petitioner(s) shall submit the Challenge to the Judicial Secretary and/or Chief Justice.
  - b. For all Challenges made from outside the Council, the Judicial Council shall review the Challenge and;
    - i. With a majority vote decide whether to approve or deny the Challenge.
      1. If denied, then the Chief Justice shall draft a Majority Opinion, and publish all opinions therein.
    - ii. If tied, they shall accept the Challenge and move forward to a trial.
2. When, and if, approved, the Judicial Council shall proceed in accordance with the following process;
  - a. Analysis and Deliberation
    - i. The Judicial Council shall analyze the challenged item, issuing subpoenas and requesting evidence as necessary.
    - ii. All testimony, analysis, presentation, and/or discussion shall occur in closed session.
  - b. Initial Vote
    - i. When the Council concludes their analysis and deliberation, the Chief Justice, or chair, shall entertain a motion from any Justice regarding a judgement.

- ii. If the Judicial Council comes to the unanimous or majority consensus, either in acceptance or denial, the Chief Justice shall assign the writing of the majority (and minority, when necessary) opinion(s) to (a) justice(s).
  1. The assigned Justice(s) shall draft an opinion and, with approval by a majority of the Council, and signatures of the Justices, submit the opinion to the Judicial Secretary for posting.
- iii. If the Judicial Council is tied;
  1. The Chief Justice shall allow one (1) Judicial member of the opposing opinions to make a final case to the Council, each presentation not lasting more than five (5) minutes.
  2. The Council shall then take a final vote on the Challenge
  3. The Chief Justice shall assign the writing of the opposing opinions to justices, which shall be passed in the same process outlined above.
  4. Both opinions must be presented to the Council by the respective drafters.
- iv. If the Judicial Council remains tied after the final vote;
  1. Then the Council shall treat the Challenge as Constitutional and issue a “Non Binding Judicial Analysis”. This decision shall not have the binding power that a majority opinion would, and any new case regarding a similar matter will be handled as a new case, rather than an appeal.

#### **Section IV - Judicial Review**

1. The Judicial Council retains the sole authority of Judicial Review over all matters regarding ASUCR, its documents, members, actions, and/or any other matter;
2. Judicial Review shall not be predicated on an external request and the Council retains the right to review any and all matters relating to ASUCR;
3. The process for Judicial Review is outlined herein;
4. Submission of a Request;
  - a. This step shall be optional as the Council does not need an external request

- b. Any party can submit a request to the Chief Justice or Judicial Council for Review. This request shall include the item desired for review, all potential violations, and, if applicable, the desired action.
5. Acceptance or Denial of Request;
  - a. This shall be required for outside requests made to the Council. For any review proposed by the Council itself, the Chief Justice shall place the item on the next available agenda for analysis and deliberation.
  - b. The Council shall decide on whether to accept or reject any request for Review through the same process outlined in Section IV, Subsection I, Item B.
6. Analysis and Deliberation;
  - a. This section shall follow the same process outlined in Section III, Subsection III, Item C.
7. Initial Vote;
  - a. This section shall follow the same process outlined in Section IV, Subsection 2, Item b.

#### **Section V - Elections Violations**

1. This shall govern the procedures for an Elections Violation;
2. The Judicial Council shall have the authority to hear any candidates appeal to decisions made by the Elections Committee regarding a violation;
3. The Judicial Council shall have the authority to overturn decisions of the Elections Committee, regarding violations, by majority vote;
4. The Judicial Council shall maintain the authority to issue strikes, by majority vote, to any candidate it deems to have violated the Elections Code;
5. The Judicial Council shall observe the following interpretation of the ASUCR Elections Code, Part 3, Item 7, Section B, Subsection 3:
  - a. “The Judicial Branch shall then, pursuant to the Judicial Rules of Procedure, make a determination regarding the authenticity of the alleged violation within a **reasonable** timeframe...”
  - b. Reasonable is hereby defined as 3 days (excluding holidays) from official receipt of a violation by the Elections Committee.





- a. This shall follow the same process outlined in Section III, Subsection 3, Item C of this Chapter.
11. Verdict;
- a. This shall follow the same process outlined in Section III, Subsection 3, Item D of this Chapter.

**Section VI - Automatic Leave Waiver**

1. The Judicial Council is charged with the review for waivers to academic standards. The following will be the procedures for review of a request to be waived from Automatic Leave;
2. Request;
  - a. Any individual who finds themselves in need of a waiver may submit a request to the Judicial Council.
3. Summons;
  - a. The Chief Justice, or designee, shall issue a “Summons” to the necessary parties on behalf of the Judicial Council, to appear at the date and time of the arraignment;
    - i. Summons shall be sent out with at least three (3) business days’ notice, unless otherwise agreed upon by all parties.
    - ii. If an individual named on the Summons cannot appear at the date and time listed in the Summons, the individual may file a “Motion to Change Trial Date” with the Judicial Secretary, wherein the Chief Justice shall mediate between the parties to determine a suitable alternative.
  - b. If the individual names on the Summons needs evidence that the Judicial Council can compel another individual to provide, the individual shall file a “Request for Subpoena” with the Judicial Council, and any Justice shall review the Request and issue a Subpoena if they find merit in the request.
  - c. If the individual does not appear on the assigned date of the hearing, without informing the Council of a necessary cause, then the Council shall move to dismiss the case as no longer desired.
4. Hearing;

- a. All hearings relating to Automatic Leave Waivers shall follow the same process outlined in Section III, Subsection 3 of this Chapter.
5. Deliberations;
    - a. This shall follow the same process outlined in Section III, Subsection 3, Item C of this Chapter.
6. Verdict;
    - a. When the Council has concluded their deliberation, the Chief Justice may entertain a motion from any Justice regarding a judgement on the case.
    - b. A vote to grant a waiver to Automatic Leave will require a majority vote of the Judicial Council in favor of the waiver.
      - i. The Judicial Council's default decision in the case of a tie will be to deny the member a waiver.
    - c. The Petitioner(s) and Executive Director of ASUCR shall be notified immediately of the decision.
7. Appeals;
    - a. Under normal circumstances, there will be no appeals to the Judicial Council's decision.
      - i. The Chief Justice, or the Council by majority vote, may determine if there exists unusual circumstances warranting an appeal.
    - b. Requests for waivers to Automatic Leave are, by nature, appeal requests, since the action to place an individual on Automatic Leave is automatic. As such, any request for a waiver submitted to the Council is treated as a request to overturn the decision of Automatic Leave.

## **Section VII - Student Disputes**

1. The Judicial Council, existing as the adjudicatory voice of the UCR undergraduate student body, shall have the authority to hear any cases of dispute between members of the UCR undergraduate student body. Moreover, it shall be the responsibility of the Judicial Council to serve as a mediating body between Students and Faculty, should the need arise as outlined below;

2. The Judicial Council shall adjudicate on matters in so far as is related to University matters, however, when necessary, they shall cooperate with, or give way to, higher authorities as subject by laws and regulations;
3. The Judicial Council shall resolve student disputes in the following manner;
4. Submission of a Request;
  - a. Any student may submit a “Request for Arbitration” to the Judicial Secretary, outlining the issue, the parties involved, any pertaining evidence, and desired outcome.
  - b. The Secretary shall relay the request to the Chief Justice and the Council.
    - i. If the dispute is between two (or more) students, then the remainder of the request shall be processed in accordance with the procedures outlined in Section III, Subsection 3 of this Chapter.
5. If the request is made against a faculty member, then the Chief Justice shall serve as the official representative and mediator of the student to the faculty member in question, the Academic Senate, and/or the administration as needed to resolve the issue.

### **Section VIII - Appeals**

1. The Judicial Council retains the right to hear any appeal it deems to be necessary;
2. The appeal process shall follow the same processes outlined above that were used in the original decision with adjustments outlined herein;
3. There shall only be one requesting party per appeal however;
  - a. Both parties of the original decision may be allowed to submit an appeal.
  - b. If the filing party was the Respondent in the original decision, they shall become the Petitioner(s) in the Appeal.
4. Submission of an appeal request;
  - a. The submission process shall follow the same process as the original decision by submitting an “Appeal Request” to the Judicial Secretary.
  - b. Any appeal request must clearly outline the reason why the Council’s decision was invalid, including any relevant new evidence and/or circumstances.
5. Witnesses;

- a. The Petitioner(s) witnesses may be the same witnesses presented during the original case, and the Petitioner(s) reserve the right to present new witnesses before the Council.
6. Decisions;
    - a. If the Council votes to overturn the original decision, they shall immediately notify all necessary parties and retroactively repeal any strike or other punishment levied by the Council.
    - b. If the Council is tied after continued deliberation and multiple motions, the appeal will be considered as having failed. The Chief Justice or designee shall then issue a statement informing the relevant parties of the decision and its implications.

### **Section IX - Amendments**

1. This chapter of the Judicial Rules and Procedures may be amended through:
  - a. A simple majority of the Judicial Council;
  - b. Amendments may only be made by members of the Judicial Branch, as defined in Chapter 1 of the Rules and Procedures;