ASUCD JUDICIAL CODES

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SECTION 100. DEFINITION OF JUDICIAL CODES.  
The ASUCD Judicial Codes will serve to define the rules of order directly concerning the operations and duties of the ASUCD Judicial Council.

SECTION 101. ADOPTION OF JUDICIAL CODES.  
The ASUCD Judicial Codes are considered and adopted at every ASUCD Judicial Council hearing and meeting. The rules and procedures specified in these bylaws shall apply without exception to all cases brought before the ASUCD Judicial Council. The ASUCD Judicial Codes may only be amended by a majority vote of the ASUCD Judicial Council.

SECTION 102. AMENDMENT OF JUDICIAL CODES.  
The ASUCD Judicial Codes can be amended by majority vote of the Judicial Council. Any member of the Judicial Council may present an amendment to be considered.

SECTION 103. CONFLICTING JUDICIAL CODES.  
No Judicial Code is in order when it conflicts with the ASUCD Constitution. In the event that any two Judicial Codes conflict, the most recent Judicial Code shall be disregarded and the old one shall be replaced.

SECTION 104. RULES OF ORDER.  

(1) The ASUCD Judicial Council shall have presiding Members responsible for conducting business in an orderly and consistent manner and will recognize both the will of the majority and the rights of the minority to express their viewpoints. Any presiding Member may be overruled at any time by a majority consensus of the members present.

(2) Robert’s Rules of Order (The Scott, Foresman Robert’s Rules of Order, 1990 Edition), Chapter XX entitled “Disciplinary Procedures” shall be used strictly as a supplement and as a guide to the ASUCD Judicial Codes in questions of procedure. These are not thoroughly addressed by the ASUCD Constitution or ASUCD Judicial Codes.
JUDICIAL CODE TWO
STRUCTURE

SECTION 200. ASUCD JUDICIAL COUNCIL.
The ASUCD Judicial Council shall have the judicial authority and responsibility to carry out all rules designated to it in the ASUCD Constitution and its bylaws.

SECTION 201. DEFINITIONS.
(1) Case: As soon as a complaint form is submitted to the Student Government Administrative Office, a case is considered open. A case shall be titled in official Judicial Council communications with the format of Petitioner v. Respondent.

(2) Meeting: A regular session of the Judicial Council held on a weekly basis where business of the Judicial Council is discussed and considered.

(3) Hearing: An ad hoc session of the Judicial Council when a specific case is adjudicated.

SECTION 202. MEMBERSHIP OF ASUCD JUDICIAL COUNCIL.
Composition of the ASUCD Judicial Council shall consist of four (4) Council Members and one (1) Judicial Council Chair appointed by an interviewing committee and confirmed by a majority vote of the ASUCD Senate as specified in the ASUCD Constitution. No member of the Judicial Council shall serve in any elected or other appointed position in ASUCD. All Judicial Council Members shall serve terms of up to (2) years in length.

SECTION 203. AGENDA OF THE ASUCD JUDICIAL COUNCIL.
The order of the agenda for the ASUCD Judicial Council shall be: (1) call to order; (2) quorum roll call; (3) consideration of Judicial Code amendments; (4) farewell comments; (5) seating of new members; (6) consideration of complaints; (7) deliberation on passed legislation; (8) member reports; (9) public discussion and announcements; (10) adjournment.
SECTION 300. QUORUM.

(1) A quorum will be constituted when a majority three (3) members of the entire Judicial Council are present at any meeting.

(2) A quorum must be present before the Judicial Council may conduct a hearing or meeting. Once a quorum is established, only those Members that participate in the entire hearing may take part in deliberation of that hearing.

(3) In the event that a Member departing from a meeting causes a loss of quorum in the meeting, the Presiding Member must postpone the remainder of the meeting until the next possible time at which the same Members can reconvene with quorum.

SECTION 301. ATTENDANCE.
All Members of the ASUCD Judicial Council are expected to attend all hearings and meetings of the Judicial Council. If a Member is unable to attend, they must notify the Judicial Council Chair of the reason(s) of absence in advance of the scheduled meeting. The Judicial Council Chair shall use their discretion to excuse the Member’s absence. Those Members absent for more than two (2) meetings per quarter without excuse shall be forwarded by the Judicial Council Chair to the Senate President Pro Tempore for Close Session in accordance to Chapter 20 of the ASUCD Bylaws.

SECTION 302. REMOVAL FROM CASE.
Members of the ASUCD Judicial Council who remove themselves from a case for reasons of bias shall not be considered truant.
SECTION 400. DUTIES OF THE JUDICIAL COUNCIL.  
The Judicial Council shall carry out its duties in accordance with the ASUCD Constitution and rules and procedures enacted by the ASUCD Senate pursuant to the ASUCD Constitution.

SECTION 401. DUTIES OF THE JUDICIAL COUNCIL CHAIR.  
It shall be the responsibility of the Judicial Council Chair of the Judicial Council to carry out the following duties in accordance with ASUCD Judicial Code Two, Section 203.

(1) Check the ASUCD Judicial Council mailbox and record the date of all cases filed on the Judicial Council Calendar. The date, time, and room in which a case will be heard will also be recorded once that has been established by the Judicial Council. The Judicial Council Calendar shall remain posted for public inspection at all times.

(2) Establish a weekly meeting time and place for the Judicial Council.

(3) Notify all parties relevant to a given case of the following:

A. The respective rights and responsibilities of each party in accordance with the ASUCD Constitution and all legislation enacted pursuant to the Constitution including but not limited to these Judicial Codes.

B. The time and location of all meetings relevant to the case.

C. The verdict and opinion(s) of the closed case, as well as any Judicial Council Orders issued by the Bench.

(4) Coordinate the publication of all opinions of the Judicial Council.

(5) Keep record of the attendance of all Judicial Council Members.

SECTION 402. DUTIES OF THE JUDICIAL COUNCIL VICE CHAIR.  
The Judicial Council Vice Chair shall be elected by majority vote of the Judicial Council at the beginning of every academic quarter or when a vacancy occurs. They shall have the following responsibilities:

(1) In the event that the Judicial Council Chair is unable to carry out the duties enumerated in Judicial Code 401, the Vice Chair shall assume said responsibilities and serve as Acting Chair.
(2) Should a vacancy arise in the position of Judicial Council Chair, the Vice Chair shall serve as Acting Chair and assume the responsibilities enumerated in Judicial Code 401.

(3) The Judicial Council Vice Chair shall represent the Judicial Council on social media and take responsibility for updating all Judicial Council social media accounts on a regular basis.

SECTION 403. DUTIES PROHIBITED TO THE JUDICIAL COUNCIL.
No member of the ASUCD Judicial Council may author or co-author legislation, pursuant to the ASUCD Constitution.

SECTION 404. OATH OF OFFICE
All Members once confirmed by the ASUCD Senate, before obtaining a seat on the Judicial Council bench, shall abide by the ASUCD Judicial Codes by reciting the ASUCD Oath of Impartiality. All members of the ASUCD Judicial Council shall say their own name and then recite:

“I, ___________________, Student of the University of California, Davis, in good academic standing, promise to abide by the ASUCD Judicial Codes; act in a fair, honest, and impartial manner; ensure individuals’ rights are upheld when rulings are made; review and interpret legislation and actions taken by the executive and legislative branches; and faithfully execute the duties enumerated in the ASUCD Constitution, ASUCD Bylaws, and ASUCD Judicial Codes at all times during my term as a member of the ASUCD Judicial Council.”

JUDICIAL CODE FIVE
ADJUDICATION

SECTION 500. PETITIONERS AND RESPONDENTS.

(1) The person(s) filing the written complaint with the Judicial Council shall be called the “Petitioner(s).”

(2) The Petitioner(s) shall identify whom the complaint is against. That/those person(s) will be called the “Respondent(s).” An individual, a group of individuals, or a body within the Association may be named as the Respondent of a case.
Should a petitioner be unable to identify a specific individual, group of individuals, or body within the Association as the Respondent, none shall be necessary.

SECTION 501. CONSIDERATION OF A COMPLAINT

(1) Complaint forms shall be made available at the Student Government Administrative Office by the Judicial Council Chair. The forms shall solicit information such as the petitioner's name, the respondent's name (if applicable), information regarding the dispute, conflict, or challenge, and the petitioner's contact information.

(2) When a complaint form is submitted, the Judicial Council will consider the complaint at the next scheduled Judicial Council Meeting. If there is not a meeting scheduled within five (5) academic days of the date the complaint was submitted, or within a timeframe conducive to the complaint, the Judicial Council Chair will call a special meeting to consider the complaint.

(3) In considering the complaint, the Judicial Council will review the complaint and any submitted evidence and by a majority vote choose to hear the complaint.

A. Should the Judicial Council vote to hear the complaint, the Judicial Council Chair shall schedule a hearing within ten (10) academic days.

B. Should the Judicial Council vote to dismiss the complaint, the Judicial Council Chair will notify the petitioner within one (1) academic day of when the dismissal was voted on. The petitioner may then request that the Judicial Council write a memo explaining the dismissal decision.

SECTION 502. SUBMISSION OF EVIDENCE

(1) Any Petitioner(s) and/or Respondent(s) participating in a given case may submit any relevant information as evidence to the Judicial Council Chair.

A. Evidence must be submitted (a) attached to the original
petition, (b) prior to the hearing, and/or (c) during the “Petitioner(s)/Respondent(s) Statement” portions of a given hearing, and will otherwise not be considered by the Judicial Council during its deliberation.

B. With majority approval from members of the Judicial Council present, members of the public may also submit evidence for consideration during the “Public Comment” portion of a given hearing.

C. Petitioner(s), Respondent(s) and/or members of the public participating in a given case may not withdraw already submitted evidence.

(2) Once received, evidence submitted prior to a given hearing will be made readily available to the entire Judicial Council, Petitioner(s) and Respondent(s), through any medium deemed easily accessible by the Judicial Council Chair. Any evidence submitted during a given hearing must be made readily available to the Judicial Council by the individual responsible for its submission, and may otherwise not be considered by the Judicial Council during its deliberation.

(3) All evidence submitted in accordance with this section of the Judicial Codes and pertaining to a given case must be considered by the Judicial Council during its deliberation of said case, without exception.

(4) All evidence and documentation pertaining to a given case shall be archived by both the Judicial Council and SGAO once a case is closed.

SECTION 503. PROCEDURE FOR JUDICIAL COUNCIL HEARINGS.

(1) Call to Order: The Judicial Council Chair Shall Call the Hearing into Session

(2) Roll Call: Roll call of all council members present shall then be taken to ensure quorum has been established.

(3) Introduction of Complaint: The Judicial Council Chair shall introduce the complaint as well as any evidence or testimony
submitted prior to the hearing relevant to the consideration of the case.

A. Upon majority vote of the Judicial Council, the hearing may be moved into closed session in which no members of the public are present. The Judicial Council may only move into closed session if the case being considered is of a sensitive nature.

B. The Judicial Council Chair shall ask the Petitioner(s) or Respondent(s) if they chose to be represented by counsel during the hearing. At this time the Petitioner(s) or Respondent(s) must state who will be acting as counsel for the hearing. If the Petitioner(s) or Respondent(s) is not present at the hearing but wishes to be represented by counsel they must notify the Judicial Council Chair in advance of the Call to Order. Upon the Introduction of Complaint the Judicial Council Chair will state that the Petitioner(s) or Respondent(s) has elected to be represented by counsel, and will notify the council who is acting as counsel for the hearing.

(4) Public Comment: The Judicial Council shall give the public an opportunity to speak on the case being decided before the council. The Petitioner(s), the Respondent(s), or their counsel shall not speak during this time.

(5) Petitioner(s) Statement: The Petitioner(s) shall be given as much time as necessary to make a statement where they advocate the merits of their case and answer any question posed by council members.

(6) Respondent(s) Statement: The Respondent shall then be given as much time as necessary to make a statement where they shall advocate the merits of their case and answer any questions posed by council members.

A. Should no respondent be specified in a case’s petition the public comment period shall occur after the petitioner(s) statement instead of before.

(5) Concluding Statements: The Petitioner(s) or the Respondent(s)
shall be given as final opportunity to make a statement in support of their case.

(7) Deliberation: The Judicial Council Chair shall adjourn the hearing at which time the council will move into closed session for deliberation. In deliberation the council will be free to discuss the case in the manner dictated by the Judicial Council Chair. The Judicial Council Chair will, at their discretion, call a vote on the case in which members of the council shall by majority vote reach a verdict in the case. The Judicial Council Chair shall notify the Petitioner(s) and Respondent(s) as to the Court’s verdict within one (1) academic day.

(8) Opinion: The Judicial Council shall publish their opinions and make them available for public inspection through the Student Government Administrative Office. A copy of each shall be provided to the parties involved in the case. All opinions must be completed and published within five (5) academic days of the end of case deliberations. The Judicial Council shall arrive at one, several, or all of the following options:

A. Majority Opinion. The members of the council that made up the majority vote shall choose amongst themselves who will author the Majority Opinion.

B. Minority Opinion. If one or several of the members disagree with the Majority Opinion they may publish a Minority Opinion reflecting their disapproval.

C. Concurring Opinion. If one or several of the Members agrees with the verdict of a given case, but disagrees with the rationale behind it, they may publish a Concurring Opinion reflecting such.

JUDICIAL CODE SIX
RIGHTS OF RESPECTIVE PARTIES

SECTION 600. RIGHTS OF PETITIONER(S) AND RESPONDENT(S)
All Petitioners and all Respondents shall be afforded the following rights in having their cases adjudicated by the ASUCD Judicial Council:
The Right to Impartial Judgement. The impartiality of a council member may be challenged by either the Petitioner(s) or the Respondent(s) up to one (1) academic day prior to the scheduled hearing. Should a challenge be made the Judicial Council will consider the challenge prior to the hearing being called to order and by a unanimous vote, excluding the council member in question, decide to uphold or reject the challenge.

The Right to Request a Closed Hearing. The Petitioner(s) and Respondent(s) do not have a right to a closed hearing, but may request a closed hearing up to one (1) academic day prior to the scheduled hearing. Should a request be made the Judicial Council will consider the request prior to the hearing being called to order and by majority vote, decide to uphold or reject the request. The Judicial Council may also, as outlined in Judicial Code 502(3)(a) decide independent of a request to hold a closed hearing.

The Right to Seek Counsel. The Petitioner(s) and Respondent(s) may elect to be represented by counsel during a hearing. In exercising this right the Petitioner(s) and Respondent(s) must notify the Judicial Council Chair either during the “Introduction of Complaint” section of the hearing procedure or prior to the “Call to Order” section of the hearing procedure.

The Right To Notice. The Judicial Council Chair, when adjudicating a complaint before the Council, shall notify all parties to a complaint within one (1) academic day of a hearing being scheduled of the following items:

A. The nature of the complaint against the Respondent(s), and the time and place of the alleged violation, if applicable.

B. The name of the Petitioner(s) who filed the complaint.

C. The exact date, time, and location of the scheduled hearing.


E. Each party shall be entitled to appear and to participate fully, in all aspects of the proceeding and in equal capacity.
F. The ASUCD policies and/or rules and regulations allegedly violated by the Respondent(s).

G. The Right to Seek Counsel. That the Petitioner(s) and Respondent(s) may elect to be represented by counsel.

H. The Right to Impartial Judgment and the names of the current Members of the Council. The impartiality of a council member may be challenged by either the Petitioner(s) or the Respondent(s) up to one (1) academic day prior to the scheduled hearing.

I. The Right to Request a Closed Hearing. The Petitioner(s) and Respondent(s) do not have a right to a closed hearing, but may request a closed hearing up to one (1) academic day prior to the scheduled hearing.