

# Judicial Board By-Laws

Version 7.7

11/12/2001

APPROVED Judicial Board

APPROVED Senate, Jan. 15 2002, 19-0-0

## Article I - Definitions

1. The Judicial Board is the body defined by the Union Constitution, Amendment III, consisting of four undergraduates, two graduates, and a Chair, and shall be referred to as "the Board".
2. The Judicial Board Chair shall be defined as the individual selected to chair the Judicial Board under Amendment III, Section 2, and shall also be referred to as "the Chair".
3. A Regular Member shall be defined as one of six members of the Judicial Board under Amendment III, Section 2.
4. An Alternate shall be defined as an individual who has the capacity to serve in the stead of an Alternate Member for a given case.
5. The term "Appointee" shall be appended to any title to indicate an individual selected but not yet approved by the Senate.
6. The term "Designate" shall be appended to any title to indicate an individual selected and approved by the Senate, but who has not yet taken office.

## Article II - Selection

1. The Selection Committee
  - a. The Selection Committee shall be composed of:
    - i. The Judicial Board Chair, who shall serve as committee chair, unless he is reapplying, in which case a Judicial Board member who is not reapplying to the Board shall be chosen by the Judicial Board Chair and approved by a two-thirds vote of the Judicial Board.
    - ii. A Senator chosen by a two-thirds vote of the Senate
    - iii. A representative from and chosen by the Dean of Students Office.
    - iv. A faculty or staff member, who is not an employee of the Dean of Students Office, selected by the Judicial Board Chair and approved by a two-thirds vote of the Judicial Board.
    - v. A Judicial Board member who is not reapplying to the Board, chosen by the Judicial Board Chair and approved by a two-thirds vote of the Judicial Board.
    - vi. The Chair Designate, once approved by the Senate.
  - b. It shall be formed within two weeks after the start of the fall semester. If after that point, any vacancies remain, committee members shall be chosen by the Senate.

The Senate shall choose the membership in such a manner as to reflect the membership of the committee if it were normally selected.

- c. It shall require a two-thirds vote of the committee to approve any actions. All members, including the chair, shall have a vote, and count towards quorum.
2. The Selection Committee shall present the Chair appointee to the Senate no later than the first Senate meeting after October 15th.
3. The selection of all remaining Judicial Board members and Alternates shall be completed by November 5th, and the appointees shall be presented for confirmation no later than the first Senate meeting following that date.
4. The Chair Designate shall select, no later than December 15th, a Regular Member designate to serve as Vice-Chair. The appointment as Vice-Chair shall be considered independently from any other appointments, and shall be approved by a two-thirds vote of the Senate.
5. If in any case the Committee fails to make an initial appointment by the dates specified above, the Grand Marshal shall make an appointment in consultation with the Chair and Chair Designate, with those appointments to be considered by the Senate as if they had originated in the Selection Committee.
6. If an appointee for a Regular Member position, or an appointee for alternate position who would make up the required five Alternates, is not approved by the Senate, the Selection Committee shall present a new candidate for the position within fourteen days.
7. The Chair and Chair Designate shall jointly organize an orientation for Judicial Board members and Designates no later than December 15th, in conjunction with the Dean of Students Office and other groups as deemed necessary.

### **Article III - Organization**

1. Powers and Duties of the Chair
  - a. The Chair shall be responsible for the functioning of the Judicial Board, and shall preside over all meetings and hearings.
  - b. The Chair shall have the power to assign appropriate work to members.
  - c. The Chair shall have the power to recommend removal, for good cause, of any member or Alternate to the Senate. It shall require a three-fourths vote of the Senate to remove the member.
  - d. The Chair may not vote in any circumstance, and shall not count towards quorum.
2. The Vice-Chair shall assume the duties of Chair whenever the Chair is unable to discharge the duties of office.
3. The term of the Judicial Board shall be for one year, from the first of January to the thirty-first of December.
4. The Alternate pool shall be composed of no fewer than five students, one of which must be a Graduate student. Alternate members shall serve in the stead of a Regular Member when that Regular Member is unable to discharge the duties of office.

#### **Article IV - Procedure**

1. The Judicial Board shall have two types of meetings.
  - a. Hearings shall be those meetings held to consider cases. Quorum for Hearings shall be four, and at least three of those present must be Regular Members. A two-thirds vote of those members present shall be required to approve any decision.
  - b. Business meetings shall be those meetings called for any reason other than the hearing of a case. Quorum for Business Meetings shall be four Regular Members. It shall require a two-thirds vote of those Regular Members present to approve any action.
2. If in any case the Judicial Board cannot reach quorum to hear a case in the required period of time, or in which the Board as a whole has a conflict of interest, the Chair may refer the case to the Review Board without a hearing by the Judicial Board.
3. A concise statement of each case, omitting names and other non-essential information, may be submitted to campus media at the conclusion of each case except when, at the discretion of the Chair and the Dean of Students, this would not be appropriate or would compromise confidentiality.
4. The Judicial Board may set further rules for its own operation by a two-thirds vote.

#### **Article V - Jurisdiction**

1. The Judicial Board shall have the power to hear and rule on three types of cases.
  - a. Disciplinary cases, originating in the Dean of Student's Office, wherein a student is charged with a violation of the Grounds for Disciplinary Action.
  - b. Intergovernmental and constitutional disputes, in which there is a dispute over the authority of a Student Government body, or the constitutionality of its actions with respect to the Union Constitution. This shall also include disputes over the end results of elections.
  - c. Civil cases in which there is a dispute among students or student groups who wish to submit the dispute to the Judicial Board.
2. It shall be the duty of the Judicial Board to hear all disciplinary cases brought to it in accordance with the Institute Hearing Procedures.
3. It shall be the duty of the Judicial Board to hear all intergovernmental disputes brought to it.
4. The Judicial Board shall have the power to refuse to hear civil cases. If a civil case is refused, a written explanation for the refusal shall be provided to all parties involved.
5. The Judicial Board shall have the power to refer any case to any other judicial body defined the Union Constitution, if it believes either that the Judicial Board is not the appropriate body to hear the case, or that an additional matter which falls under the jurisdiction of another judicial body is contained in the case.

## **Article VI - Removal & Replacement**

1. In the case of a vacancy in the position of Chair, the Vice-Chair shall assume the position and a new Vice-Chair shall then be appointed within two weeks, and must be confirmed by a two-thirds vote of the Senate.
2. In the case of a vacancy in a Regular Member position, the Chair shall appoint, within two weeks, an Alternate to fill the position, who must then be approved by a two-thirds vote of the Senate.
3. Additional Alternates may be appointed as needed by the Judicial Board Chair, to be approved by a two-thirds vote of the Senate.
4. The Judicial Board shall have the power to, for good cause, by a two-thirds vote of Regular Members, recommend removal of the Chair to the Senate. It shall require a three-fourths vote of the Senate to remove the Chair.
5. If in any case the Chair, a member, or an Alternate ceases to be in good judicial standing during their term, they must be presented by the Chair to the Senate for removal. If the Chair ceases to be in good academic and disciplinary standing, the Vice-Chair shall present the Chair to the Senate for removal.

## **Article VII - Subordinate Judicial Bodies**

1. If the Judicial Board shall find that an excessive number of cases of a routine or minor nature are arising within any area, it may establish a subordinate judicial body.
2. The Judicial Board shall determine the jurisdiction, powers, and membership of subordinate judicial bodies.
3. All subordinate judicial bodies shall be chaired by a Judicial Board member or Alternate, appointed by the Judicial Board Chair and approved by two-thirds of the Senate.
4. Subordinate judicial bodies shall use the same procedures as Judicial Board, unless the Judicial Board explicitly provides otherwise.
5. Any decision made by a subordinate judicial body may be appealed to the Judicial Board as a whole, provided the Grounds for Appeal are met.
6. The Student Motor Vehicle Court shall exist as a subordinate judicial body. Its Chair shall be a voting member of the Parking Review Board, and shall fill the graduate or undergraduate Parking Review Board seat, depending on the Chair's status.

## **Article VIII - Amendments**

1. Amendments to these By-Laws shall require a two-thirds approval of the Judicial Board followed by a two-thirds approval of the total Senate membership.