Judicial Board Policies and Procedures

§1: Purpose.

§1.1: *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 superior governing documents, including, but not limited to, the ASUCI Bylaws and Constitution.

§2: Composition.

§2.1. *Justices.* The constitutionally delegated justices shall function as full members with appropriate parliamentary rights of the Judicial Board Body.

§2.2. *Staff and Appointments.* The Chief Justice, by consent of the Judicial Board body, may appoint relevant clerks, staffers, and other advisors.

§3: Limitations and Disqualification.

§3.1. *Academic Merit and Standing.*

§2.1.1. *GPA*. A Judicial Board member shall withdraw from office upon falling below a 2.0 GPA, or elsewise face remedies specified in the constitution.

§2.1.2. *Regular Student*. A Judicial Board member must be a registered student at the University of California, Irvine.

§4: Quorum, Conflicts of Interests, and Special Rules of Order.

§4.1. *Quorum*. A quorum shall constitute 4 Justices.

§4.1.1. *Quorum Exception.* A Justice excluded from a case pending a conflict of interest shall not count against a quorum, and shall count as an abstention.

§4.2. *Conflict of Interest*. Any Justice that holds a conflict of interest shall excuse himself from a case:

§4.2.1. *Required Parliamentary Exclusions*. Any specific conduct under the established parliamentary rules, including a financial interest in the outcome, shall qualify as a conflict of interest.

§4.2.2. *Pillow Rule*. Any case in which the primary plaintiff or defendant, or those thereby significantly affected, are a Justice's spouse, ex-spouse, or those, at the time of the case and within a five month period, sexually fraternal, or otherwise intimate relationship, shall qualify as a conflict of interest.

§4.2.2. *Open, personal, current politicization.* Any case in which a Justice has engaged in open, personal, and public opinions against a specified case or issue, within the reasonably recent past, and has shown an unreasonable hostility, shall qualify as a conflict of interest.

§4.3. *Due Process Requirement.* The Judicial Board must provide due process prior to the issuement of all rulings, pursuant to the parliamentary handmanual.

§4.3.1. *Special Counsel.* The Judicial Board may appoint a Special Counsel to investigate and prosecute cases in which petition has been made.

§5: Judicial Board Administration and Standing Rules

§5.1. *Budget*. The Judicial Board shall be required to present to the ASUCI Senate a breakdown of their budget expenditures on a bi-quarterly basis, on the Thursday of Week Three (3) and Week Six (6). The presentation or report shall include a detailed understanding as to what the funds are being used for and why. This presentation or report shall cover all recent budget expenditures of this office for the month, a breakdown of the remaining funds in each individual account that is under this office, the final standing, or projected final standing, of each individual account, and the overall budget standing for this office.

§5.2. *Standing Rules Delegation.* The Judicial Board may, by majority vote, or by designation of the Chief Justice with a minimum of three (3) days notice to the Senate, prescribe additional rules of evidence or other standing rules of administration. These rules must not be conflict with prescribed rules, general orders, or other governing documents.

§6: Regular Meetings.

§6.1. *Regular Meetings*.

§6.1.1. *Agenda*. The Chief Justice shall set the agenda of the meeting, and may review governing documents, legislation, or other work as under discretion of the body.

§6.1.2. *Frequency*. The Judicial Board shall hold meetings once per week, or by discretion of the Chief Justice, or that by petition of a majority of Justices.

§6.1.3. *Public Attendance.* All weekly meetings of the ASUCI Judicial Board shall be open to all members of the public, unless the Board enters into Executive Session.

§7: Hearing Procedures.

§7.1. *Petition for Hearing.*

§7.1.1. *Form.* Cases shall be initiated before the Judicial Board upon the filing of an official "Petition for Hearing" form to the Judicial Board Chair.

§7.1.2. *Content*. 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.

§7.1.2.1. *Standing Requirement*. A case must prove reasonable standing to be heard.

§7.1.3. *Presumption of Executive Session.* All petitions shall be held under Executive Session by the Board, unless otherwise determined by a majority vote, until the time of which the board grants a hearing or, in the case of appeals, writ of certiorari.

§7.1.4. *Motions*.

§7.1.4.1. *Preliminary Injunction*. The Judicial Board, at its discretion, may hear motions from either the defense or plaintiff, and may order preliminary injunctive relief.

§7.1.5. *Summary Opinion.* The Judicial Board, believing no facts are in dispute, may issue a summary opinion which shall have binding authority as a decision.

§7.2. *Preliminary Hearing*.

§7.2.1. *Call to Meeting*. If the Board grants a hearing, or otherwise a writ of certiorari, under §7.1., then by the Chief Justice shall establish a time for a preliminary hearing. Formal writs must be published if objection to consideration of the question is made.

§7.2.2. *Determination of Trial.* A preliminary hearing,while not contesting merit to facts, shall hear arguments, vital evidence, and testimony concerning its jurisdiction in the matter, and by a vote of three justices, shall order a formal trial. If the Board finds the case is within jurisdiction and orders a formal trial, then a formal trial shall be convened with its date, time, and place announced within one day of the preliminary hearing.

§7.2.3. *Presumption of Executive Session.* All preliminary trials shall be held under Executive Session by the Board, unless otherwise determined by a majority vote.

§7.2.4. *Limitations*. In setting time and dates for Formal Trials, the Judicial Board shall allow at least five working days, but no more than one 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 five days of the Preliminary hearing.

§7.2.4. *Motions*. The Judicial Board shall, at their discretion, hear motions and issue orders based on motions. All responding parties shall be given at least two (2) days to file response and or counterclaim to a motion heard at a preliminary hearing, prior to a ruling by the Judicial Board.

§7.2.4.1. *Preliminary Injunction*. The Judicial Board, at its discretion, may hear motions from either the defense or plaintiff, and may order preliminary injunctive relief.

§7.2.4.2. *To Dismiss*. The defense or plaintiff may move to dismiss the case, on grounds of relevance, settlement, voluntary withdrawal, procedural defect or claim is one for which the law already provides a remedy, or that which no remedy is available.

§7.2.4.3. *In Limine*. The defense or plaintiff may move to include, exclude, or preclude claims that would prejudice the outcome of a trial, or harm either side. The Judicial Board may include arguments of relevancy and impact in its analysis.

§7.2.4.4. *Discovery.* The defense or plaintiff may move for discovery on items, emails, or other documents within the jurisdiction of the Judicial Board. Private emails, servers, or other documents do not fall within this jurisdiction.

§7.2.4.5. *Subpoena and Summons.* The defense or plaintiff may move to subpoena witnesses and summon respondents or petitioners.

§7.2.4.6. *Ex Parte.* The defense or plaintiff may move to limit the time for a certain motion, hearing, or trial, given the necessity of a ruling for a constraint.

§7.3. *Formal Trial.*

§7.3.1. *Rules and Procedures*. The Judicial Board may draft necessary procedures to hearings and trials, as applicable and consistent with the assumptions of due process and parliamentary rights of the defense and plaintiff.

§7.3.2. *Objections*. Defense or plaintiff may enter objections against witnesses, evidence, or arguments, as guided by a rule. Each objection must claim a rule. The Judicial Board Chair shall rule on any objection, unless protested to by any Judicial Board member. Any protest shall be recorded, and the Judicial Board shall immediately move into a committee of the whole, held in executive session, to rule on the procedural objection by majority vote.

§7.3.3. *Special Rules of Order*.

§7.3.3.1 *Right to Question*. Any Justice, at any time, may question the defense, plaintiff, or a witness. The Chief Justice shall provide an adequate amount of time for response, except as ruled by a 2/3rd majority of the Board.

§7.3.4. *Motions*.

§7.3.4.1. *Mistrial.* The plaintiff or defense may move for a mistrial on grounds of prejudicial evidence or improper procedure. Approval by a two-thirds (⅔) of the Judicial Board would require the process to recommence, starting at the preliminary trial.

§7.4. *Decisions.*

§7.4.1. *Deliberation.* The Judicial Board, in closed executive session, shall discuss the case and reach a decision.
§7.4.2. *Public Notice.* The Judicial Board, during a regular meeting open to the public, shall announce and read its decision. The reading of papers, during this time, is immediately in order.
§7.4.3. *Publication*. All formal decisions of the Judicial Board shall be recorded in writing and made public.

§8: Parliamentary Authority

§8.1. *Parliamentary Authority.* The rules contained in the current edition of Robert's Rules of Order, Newly Revised (RONR) shall govern the Judicial Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Judicial Board may adopt.

§9: Amendments

§9.1. *Amendments and Revisions*. The Judicial Board policies and procedures may be amended or revised by recommendation of the Governance and Internal Policy Committee.