



**Associated Students, Incorporated
California State University, Los Angeles
Administrative Manual
Judicial Review Committee
Code of Procedure**

Policy 301

ARTICLE I

AUTHORITY AND FUNCTION

These codes shall act as the governing procedures for the Judicial Review Committee (JRC) of the Associated Students, Incorporated (ASI) of California State University, Los Angeles.

Section 1 – Authority

The power of the Judicial Review Committee is derived from the Associated Students, Inc. Bylaws, Article IX, Section 6.

Section 2 – Function

The Judicial Review Committee shall:

- A. review, upon appeal, decisions of the Board of Directors (BOD) involving interpretations of the Articles of Incorporation, the Bylaws, and the Board of Directors Code of Procedure.
- B. declare all elections results.
- C. hear all alleged violations of the election campaign rules and regulations outlined in the Elections Committee Code of Procedure.
- D. resolve grievances between regular members of the Associated Students, Inc., as defined in the ASI Bylaws, and all elected and appointed officers of ASI relative to the functioning of ASI
- E. hear other grievances or issues referred to the JRC by the BOD, or University President.

ARTICLE II

MEMBERSHIP AND DUTIES

Section 1 – Voting Membership

The voting membership of the JRC shall consist of a Chief Justice, three (3) Associate Justices and one (1) faculty member.

- A. The Chief Justice and the Associate Justices shall be recommended by the ASI President and appointed by a two-thirds (2/3) vote of the BOD
 1. The justices may not hold any elected or appointed office within ASI
 2. The justices must be regular members of the Associated Students, Inc. in good standing as defined by the University Registrar.
- B. The faculty member shall be recommended by the Committee on Committees of the Academic Senate and shall be approved by a two-thirds (2/3) vote of the BOD

Section 2 – Nonvoting Membership

The nonvoting membership of the JRC shall consist of the University President or his/her designee and the ASI Programs Coordinator.



Section 3 – Duties of the Chief Justice

The Chief Justice shall preside over all proceedings of the Committee.

- A. The Chief Justice shall ensure that all established rules and procedures of the Committee are adhered to.
- B. The Chief Justice shall be the official spokesperson of the Committee.
- C. In the event that the Chief Justice resigns or is absent, the JRC shall appoint an interim Chief Justice from the Associate Justices. The interim Chief Justice shall occupy this position until the position is filled by the B.O.D. in accordance with Article 2, Section 1, A of these codes.

Section 4 – Duties of the Associate Justices

The Associate Justices shall:

- A. be members of the JRC as outlined in Article I, Section 2 of these codes.
- B. be members of the ASI Bylaws and Codes of Procedure Subcommittee.

Section 5 – Duties of the Chief Clerk

The Chief Clerk shall be appointed from the membership of the committee by its second meeting.

- A. The Chief Clerk shall assume the responsibilities of the Chief Justice in their absence.
- B. The Chief Clerk shall record the minutes of the Committee's meetings.
- C. The Chief Clerk shall conduct any other duties delegated to them by the Chief Justice.

Section 5 - Removal of a Justice

In the event that a justice is found to have been derelict in his/her duties or failed to maintain qualifications for membership on the JRC, he/she may be removed by an absolute majority vote of the JRC and two-thirds (2/3) majority of the BOD

- A. The Chief Justice will notify the ASI President & Executive Director in writing regarding the removal of a justice. Two (2) Associate Justices are needed to initiate the removal of the Chief Justice.
- B. The JRC will place the removal of the justice on the meeting agenda as an action item.
- C. The justice in question shall be notified by the Executive Director one (1) week prior to the removal hearing at the BOD meeting.
- D. The BOD will hold a hearing for the justice in question, who will have the opportunity to address the BOD before a removal is voted on. Confirmation of the removal shall rest with the Executive Director.

ARTICLE III

NON-ELECTION HEARINGS

Hearings that do not pertain to the ASI elections shall follow the guidelines delineated in this article.

Section 1 - Commencing a Hearing

- A. The plaintiff(s) shall file a Hearing Request Form with the Chief Justice through a scheduled meeting in person. This request must name the defendant(s), state code violations, describe the charges being filed, and list any witnesses. Any submitted petition in connection with a grievance must accompany the Hearing Request Form.
- B. A copy of the request form must also be delivered in person, by the plaintiff(s) to the defendant(s). If undeliverable in person, the J.R.C. may use reasonable means to deliver the request form.
- C. The defendant(s) must file a written reply with the Chief Justice of the JRC through a scheduled meeting in person within five (5) business days after receiving the request of the hearing.
- D. The JRC shall meet to decide whether to hear or dismiss the case (by a simple majority of the present, voting membership), based solely on the written documents filed by the plaintiff(s) and defendant(s), within



ten (10) business days after the defendant(s) have been notified of the request for hearing, regardless of whether a rebuttal has been lodged by the defendant(s). If a case is accepted, a hearing date shall be determined.

- E. All parties shall be informed in writing of the decision (and hearing date(s), if applicable) within two (2) business days following this meeting.

Section 2 - Rules of Hearing

- A. The JRC, by its own motion, may limit the time allowed for each case, testimony, and number of witnesses. However, both sides shall be treated equally in such allotments.
- B. A postponement of the hearing may be granted by a majority vote of the JRC if the defendant(s) can show just cause.
- C. Representation by proxy for either party shall be permitted through the following process:
 - 1. The party requests permission to be represented by proxy at least twenty-four (24) hours prior to the hearing. This request should be in writing (in a letter) to the Chief Justice.
 - 2. The Chief Justice shall decide whether to allow the party to be represented by proxy.
- C. Proxies must be faculty, staff, or regular members of ASI as defined in the Bylaws.
- D. If the plaintiff(s) or proxy is not present at the set hearing, the case shall be dismissed.
- E. If the defendant(s) or proxy is not present at the set hearing, the status of the hearing will be determined by the JRC

Section 3 - Order of Hearing

- A. The Chief Justice shall read the charges brought forth by the plaintiff(s).
- B. The plaintiff(s) shall confirm the charges and present his/her case, subject to cross-examination by the defendant(s) and then the JRC
- C. The defendant(s) shall present his/her case, also subjected to cross-examination by the plaintiff(s) and then the JRC
- D. After both cases have been presented, closing arguments shall be made by the plaintiff, and then the defendant. The JRC may make further inquiries after each argument.
- E. After the closing arguments, the JRC shall have the option of deliberating in executive session and the option is exercised by a majority vote of the JRC. A vote in open session regarding the case shall be required.
- F. A majority opinion shall be written and released within one week. The majority opinion must be signed by a majority of the voting members of the JRC. Any member of the JRC may write a dissenting or concurring opinion. All opinions must be posted.

ARTICLE IV

ELECTION HEARINGS

Hearings pertaining to elections shall follow the guidelines delineated in the Non-Elections Hearings requirements with the exceptions listed in this article.

- A. A copy of the request will then be posted immediately on the bulletin board outside of the ASI Administrative Office.
- B. It is the duty of every candidate to check the board daily for hearing notices or possible complaints lodged against them.
- C. The JRC shall decide within one (1) business day after receiving the hearing request form whether or not the case shall be heard, based solely on the written Hearing Request Form. The JRC must meet in person where reasonably possible to decide whether or not to hold a hearing. In the event that a physical meeting cannot take place, all members of the JRC will be provided with the submitted Hearing Request Form. All voting members of the JRC must then present the Chief Justice with a document containing their decision.
- D. The decision to hold a hearing shall be posted on the bulletin board.



ARTICLE V

MEETINGS

Section 1 – Meetings

- A. The Justices shall determine, at the beginning of each quarter the time, day, and place for possible meetings of the Committee. Such times and places shall be convenient for the faculty member.
- B. Justices must attend all meetings unless a notice of absence has been submitted at least 24 hours in advance to the Chief Justice.
- C. Members of the Committee may disqualify themselves from any case of the Committee if a conflict of interest exists.

Section 2 – Quorum

Quorum shall be defined as ~~three (3)~~ a simple majority (50% plus one) of the current voting ~~members~~ membership of the Committee. For the purposes of establishing quorum, the chair shall be counted among the voting membership.

Section 2 – Special and Emergency Meetings

The JRC may meet on a special and emergency basis. When a special meeting is necessary, the Chief Justice shall call the meeting through a written notice to all members no less than twenty-four (24) hours prior to the meeting. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement, or both. Emergency situations are defined in the Gloria Romero Open Meeting Act of 2000. An emergency meeting may be called by either the Chief Justice, or through a request to the Chief Justice by three (3) voting members of the JRC

ARTICLE VI

AMENDMENTS

Proposed amendments to these codes shall be submitted by a majority vote of the JRC to the ASI Bylaws and Codes of Procedure Subcommittee for their review and approval prior to submitting the proposed changes to the BOD for their two-thirds (2/3) approval.

Policy History

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