

## OFFICIAL RULES OF THE JUDICIAL BOARD

### ARTICLE I

#### Judicial Board Consideration of Cases

##### Section 1: Filing

- a) In order to initiate a case one must file a “Petition for Consideration.” This document can be obtained at [usac.ucla.edu/about/jboard/](http://usac.ucla.edu/about/jboard/) or by emailing [uclajudicialboard@gmail.com](mailto:uclajudicialboard@gmail.com).
- b) Any document herein, including a “Petition for Consideration,” will be considered filed when:
  - 1) A electronic copy is received via email at [uclajudicialboard@gmail.com](mailto:uclajudicialboard@gmail.com)
  - 2) An email is sent by the Chief Justice or Associate Chief Justice confirming receipt of materials.
- c) The guidelines governing the petition’s format shall be outlined in the document.
- d) The Judicial Board may only receive and take action on petitions during the fall, winter, and spring quarters on weekdays between 9:00 AM and 9:00 PM (PST), excluding university holidays.

##### Section 2: Guidelines for the Petition

- a) A “Petition for Consideration” is not meant to serve as a detailed description of all aspects of a case. Rather, it must show clear merit as to why the case should be considered by the Judicial Board. It is therefore strongly encouraged that the petition include reference to all vital allegations of fact, citation of the main rule(s), principle(s), or constitutional clause(s) applicable, and a clear statement of the remedy sought. However, a petition that lacks one or more of these items may still be granted consideration by the Judicial Board so long as the “Petition for Consideration” exhibits clear merit.
- b) The Judicial Board must grant or deny a “Petition for Consideration” within three business days. If the merits are unclear, the Chief Justice with the consent of the majority of the Judicial Board may request additional information. In such an instance, the deadline shall extend to three days following the receipt of the requested additional information.
- c) A Justice may only vote to consider a case if the Justice believes that the “Petition for Consideration” demonstrates merit, and must vote to consider the case in that

instance. If three members of the Judicial Board vote to consider the case, the Petition must be granted.

- d) Votes to grant or deny a petition may be expressed in person to the Chief Justice, or via acceptable electronic mediums as determined by the Chief Justice. No in-person meeting of the Judicial Board is required to grant or deny consideration of a case.
- e) Until a decision to grant or deny a “Petition for Consideration” is made and the Petitioner is told of the decision, the petition is considered confidential in accordance with Part VII, § 1 herein. This includes both the content of the document and the existence thereof.
- f) Any changes to the “Petition for Consideration” document requires a three-fourths ( $\frac{3}{4}$ ) vote of the Judicial Board with the Chief Justice in the majority.

Section 3: “Petition Denied”

- a) If a “Petition for Consideration” is denied, the case will not be held for further review before the Judicial Board at that time. A denied “Petition for Consideration” may be submitted again if new considerations or merits can be shown, unless specified otherwise by the Judicial Board.
- b) If a “Petition for Consideration” is denied, the decision already in place will stand or the contested action or actions will proceed as if no complaint had been received by the Judicial Board.
- c) The grant or denial of a “Petition for Consideration” should not be construed as an endorsement of either side of any issue.
- d) The Petitioners shall be immediately made aware if their petition is denied. Within two weeks of denying a “Petition for Consideration,” the Judicial Board must publish a memorandum explaining its decision.
- e) Any case in which a directly applicable “statute of limitations” has expired or otherwise been violated will be denied consideration, absent allegations of fraud.
- f) If the Judicial Board denies a petition having identified that the cause of action arose because the Petitioner did not fully adhere to a University process or skipped a normal avenue within the University process for relief, the Chief Justice and Associate Chief Justice and/or University Advisor may jointly meet with the Petitioner prior to publication of the relevant memorandum to make the Petitioner aware of the omission.

Section 4: “Petition Granted”

- a) If a “Petition for Consideration” is granted, the case will be considered formally by the Judicial Board.
- b) If a “Petition for Consideration” is granted, the Judicial Board will notify the party that filed the “Petition for Consideration” (hereafter, “Petitioner”) and the party whose action is disputed or otherwise alleged to have been out of order (hereafter, “Respondent”) of its decision to consider the case.
- c) Upon informing the Petitioner and Respondent that the case will be considered, a copy of the petition as received and reviewed by the Judicial Board will be released to

all directly relevant parties. The Judicial Board will furthermore inform the media that a case will be considered and specify the issues under consideration. The Judicial Board will make the petition publicly available at this point in the process. At the Petitioner's request, the Judicial Board will redact student identification numbers from the publicly available version of the petition.

- d) Following a vote to accept a petition, but before issuing the acceptance memo, The Judicial Board may elect to hear only specific issues within a petition. First, a motion must be raised to hear certain issues in the petition – any Justice may raise this motion. Next, the motion must pass by a majority vote with either the Chief Justice or Associate Chief Justice in the majority. Last, a vote shall be held on each issue listed in the original petition, requiring a majority vote with either the Chief Justice or Associate Chief Justice in the majority, to be heard by The Board. Following the conclusion of this process, The Board must make its decision(s) public and specify to all relevant parties which matters it will and will not consider.
- e) Both Petitioner and Respondent must appoint a representative within three (3) business days of being notified of the Judicial Board's decision to consider the case. The Petitioner and the Respondent, if current undergraduate students at UCLA, may select themselves or another UCLA undergraduate student as their representative. Upon being selected, the representative for the Petitioner shall identify him or herself to the Judicial Board by emailing [uclajudicialboard@gmail.com](mailto:uclajudicialboard@gmail.com) and confirm that the Petitioner still seeks consideration of the case. Upon being selected, the representative for the Respondent shall identify him or herself to the Judicial Board by emailing [uclajudicialboard@gmail.com](mailto:uclajudicialboard@gmail.com) and state whether the Respondent disputes the charges alleged. Note that this is not a brief, and thus not the correct means by which to give reasons why the charge is disputed. During Elections, the Preliminary Hearing may be held as soon as the same business day as the Petition is received as per §6 of this Part. In this event, representatives shall make their appearances at the Preliminary Hearing.
- f) After its decision to consider the case, the Judicial Board will schedule a Preliminary Hearing, as per Part I §6 herein, to be held no later than five (5) business days from the granting of the petition, but not before both parties have appointed their representatives.

Section 5: “Petition for Reconsideration”

- a) The Petitioner may resubmit a previously denied Petition for Consideration but only if new evidence has been discovered that was not set forth in the original petition. The new evidence must relate to jurisdiction, standing, timeliness, justiciability, or implications and may not relate to the merits of the case. The “Petition for Reconsideration” must be filed in the same quarter as the previously denied Petition. Once the Petition for Reconsideration is filed, a Justice may request that the Judicial Board move into Preliminary Session to consider granting the Petition for Reconsideration.

Section 6: Preliminary Hearing

- a) After accepting a case, the Judicial Board shall hold a Preliminary Hearing at which both parties will be required to be present at a mutually agreeable time. Failure to attend the hearing by either party will result in a default judgment against the absent party.
- b) The Preliminary Hearing will proceed as follows:
  - 1) The Judicial Board will formally announce and explain to both parties the elements of the “Petition for Consideration” that will be considered by the Judicial Board.
  - 2) The Respondent will answer the allegations of fact contained within the petition by either admitting or denying said allegations.
  - 3) Any Preliminary Injunctions necessary to preserve the integrity of the process pursuant to Part III §3 herein shall be issued. Preliminary Injunctions may be issued before this time if their immediate issuance is required by the circumstances of the case.
  - 4) Any further matters considered timely and prudent by the Judicial Board, including, but not limited to, clarification of issues within the Petition for Consideration, preliminary motions, submission of a witness list, admission of self-authenticating documents, &c.
- c) Regarding the Respondent’s duty to answer the allegations of fact in the “Petition for Consideration,” it should be noted that an admission of an allegation of fact is not an admission of liability so long as the Respondent contests that the actions taken were not in violation of the controlling regulatory guidelines.
- d) The Preliminary Hearing shall be held no later than five (5) business days after the granting of the Petition, but not before both parties have appointed their representatives. During Elections, the Preliminary Hearing may be held as soon as the same business day as the Petition is received. In this event, representatives shall make their appearances at the Preliminary Hearing.
- e) The Preliminary Hearing shall be a closed session of the Judicial Board.

**ARTICLE II**

Judicial Board Hearing

Section 1: Court of Hearing

- a) The Judicial Board shall hold a hearing to resolve any case or controversy for which a Petition for Consideration has been granted.
- b) Any consequential response arising from or in response to the cause of action will be stayed until after the Judicial Board has announced its decision, unless four members of the Judicial Board vote otherwise.

- c) The Petitioner and Respondent are each required to submit a full list of witnesses whom they intend to call to testify before the Judicial Board. Each party must file its list within two business days following the selection of a representative. The lists will be made public to the Petitioner, Respondent, USAC, witnesses themselves, and any interested party within one business day of the time that all lists are filed. Interested parties must request witness lists in a timely manner. Any requests for witness lists following their release to the Petitioner, Respondent, USAC, and all interested parties, will be denied.
- d) Potential witnesses may decline requests to testify if they so choose. The lists of witnesses submitted by the Petitioner and Respondent are to consist only of witnesses who have indicated to the Petitioner or Respondent that they are willing and able to testify at the relevant hearing.
- e) An open session of the Judicial Board will be scheduled at a time mutually convenient for the members of the Judicial Board, the Petitioner, and the Respondent. The session will be held not later than one school week (excluding finals and vacation weeks) from the time all witness lists have been submitted. Witnesses are to rearrange their schedules to be present if at all possible. To accommodate absent witnesses, the Judicial Board may schedule additional open sessions or, if necessary, a private meeting with the representative of both sides, the Chief Justice, the Associate Chief Justice, and the University Advisor. Other Justices may attend this meeting if their schedules permit. If the latter meeting is scheduled, a copy of the proceeding will be made for the rest of the Judicial Board and be treated as though it were a normal part of the hearing.
- f) The burden of proof is on the Petitioner, meaning that the Petitioner must demonstrate that the wrong was done by a preponderance of evidence, that is that it was more likely done than not done.
- g) The Chief Justice will, during the open session, begin the hearing by announcing the issues being considered by the Judicial Board and the burden of proof that must be met.
- h) The Preliminary Hearing will proceed as follows:
  - 1) Opening Statement of the Representative for the Petitioner (5 minutes maximum).
  - 2) Opening Statement of the Representative for the Respondent (5 minutes maximum).
  - 3) Witnesses for the Petitioner. This includes questioning of these witnesses by representatives for both the Petitioner and the Respondent.
  - 4) Witnesses for the Respondent. This includes questioning of these witnesses by representatives for both the Petitioner and the Respondent.
  - 5) Closing Statement of the Representative for the Petitioner (10 minutes maximum).
  - 6) Closing Statement of the Representative for the Respondent (10 minutes maximum).

- 7) The Chief Justice will confirm that both sides have presented their case, and then declare the Judicial Board adjourned. The Judicial Board will then begin its process of deliberation, as per Part III herein.
- i) While no time limit is officially set for witness questioning, a time limit may be imposed by the Chief Justice with the consent of either the Associate Chief Justice or a majority of the Judicial Board. This time limit on witnesses may dictate a limit of time for every witness (e.g. ten minutes per witness) or for the entire witness lists of both sides (e.g. one hour for the witnesses of the Petitioner, one hour for those of the Respondent, divided up at the discretion of the Representative). Time limits can also be allotted for cross-examinations. In no case will time allotted and not used be reserved or forwarded.
- j) Redirect and Re-Cross (a second round of questioning by both sides) will be allowed so long as it is within the scope of the immediately preceding direct or cross and so long as the testimony elicited is not unnecessarily cumulative or does not constitute an undue delay.

Section 2: Procedure During Election

- a) During an election, the Judicial Board may accelerate the hearing process by a majority vote of the Judicial Board. If the process is accelerated, minimum timeframes for appointment of representative, the Preliminary Hearing, and the Hearing itself shall no longer apply.
- b) During elections, the Preliminary Hearing may be scheduled as soon as the same business day on which the Petition is received although no later than five (5) days from the receipt of the Petition.
- c) During elections, the Hearing may be held as soon as the same business day as the Preliminary Hearing although no later than one week from the Preliminary Hearing.
- d) The Judicial Board may not accelerate the Hearing process during elections if doing so would compromise the right to a fair and thorough hearing of the Petitioner, the Respondent, other involved parties or the Undergraduate Students of the University.

**ARTICLE III**

Judgement

Section 1: Announcement and Publication

- a) At the completion of the Hearing, the Judicial Board shall discuss cases in closed session and reach a decision.
- b) The ruling will be decided according to a majority vote of the Judicial Board Members

- c) The Judicial Board shall announce its decision either in an open session scheduled within one day (24 hours) of initially coming to a decision, or may privately contact involved parties, the President of the Undergraduate Students Association Council (hereafter, “USAC”), and a media representative.
- d) The majority decision shall be formally published (in writing) within two (2) weeks from the date of the decision.
- e) Concurring and dissenting opinions may be attached to the majority opinion.
- f) If in the majority, the Chief Justice shall assign who shall write the majority opinion. If the Chief Justice is not in the majority, the Justice with the most seniority shall assign who shall write the majority opinion.
- g) At the end of each school year, all decisions shall be filed with the University Historian (as per U.S.C., Article VI. §B.5).

Section 2: Stays of Enforcement of Judgement

- a) An application to Stay the Enforcement of a Judgement (hereafter, “Stay of Judgement”) may be submitted by the affected party to the Chief Justice.
- b) An application for a Stay of Judgment must state in detail why a stay is necessary.
- c) If merited, the Chief Justice, with the consent of the Associate Chief Justice, may grant application for a Stay of Judgment. If the Associate Chief Justice objects, the matter will require a majority vote of the entire Judicial Board. Granting a Stay of Judgment will forestall for five (5) business days the application of whatever remedy declared in the Judicial Board’s ruling.
- d) A Stay of Judgment may be extended beyond five business days with the approval of the University Advisor and consent of at least five (5) members of the Judicial Board. The Chief Justice must be among this majority.

Section 3: Preliminary Injunction

- a) A Preliminary Injunction is a Judicial Board order issued prior to a hearing but after acceptance of a case.
- b) Preliminary Injunctions shall be issued in order to prevent matters under adjudication from proceeding before the dispute has been resolved, e.g. prohibiting USAC legislation under dispute from being passed prior to the resolution of a case.
- c) Preliminary Injunctions must be passed by a simple majority of the Judicial Board.

## ARTICLE IV

### Generally Applicable Rules of Procedure

#### Section 1: Session Types

- a) There are three types of sessions: closed sessions, meetings, and open sessions
  - 1) Closed sessions are restricted to the Chief Justice, Associate Chief Justice, Justices, University Advisor, and law clerks.
  - 2) Meetings are closed sessions that include guests specially invited by the Chief Justice with the consent of the Associate Chief Justice or the majority of the Judicial Board
  - 3) Open sessions are open to the public and the media.
- b) Unless otherwise specified during the session or in these rules, all matters discussed in closed sessions or meetings are confidential until announced or published.

#### Section 2: Quorum

- a) A quorum shall be required in order to conduct all official Judicial Board sessions, including closed sessions, meetings, and open sessions. While discussions outside of official sessions may take place without a quorum, they are subject to the rules of confidentiality set forth at VII, § 1(a) and no such discussions will be considered official, binding, or in any way agreed upon by the Judicial Board.
- b) A quorum shall consist of four (4) voting members of the Judicial Board, one of whom must be the Chief Justice, the Associate Chief Justice, or the Acting Chief Justice. In the absence of any one of the three aforementioned figures, four Justices plus the University Advisor may constitute a quorum.

#### Section 3: Court Procedures

- a) Only members of the Undergraduate Students Association shall participate as Petitioners, Respondents, or counselors of the former.
- b) Open sessions shall be open to the university public unless decided otherwise by a majority of the Justices, including the Chief Justice. A vote on this matter will be held at the request of any Justice or at the request of the Respondent.
- c) A law clerk, a member of the Judicial Board, or the University Advisor will advise members of USAC if they are required to appear and may post a list in advance of each argument session for the convenience of USAC and the information of the public.
- d) If evidence is questioned on the grounds of relevancy or admissibility, the Chief Justice shall determine whether or not it shall be admitted.
- e) Other immediate questions-at-hand raised during hearings or presentations shall be ruled upon by the Chief Justice.
- f) In response to any ruling as discussed in Part IV. §3(d) and (e), the Associate Chief Justice may request an immediate private audience with the Chief Justice to discuss



the ruling. Such a request, if made, must be made in a timely manner (i.e. within moments of the initial ruling). If, following this audience, the Associate Chief Justice disputes the ruling, the entire Judicial Board will in a brief and immediate closed session vote upon the ruling. A majority vote is required to overturn the ruling. In the absence of a majority vote, the ruling will stand.

- g) Members of the media must request permission before using audio recording devices during open session. Permission requires a two-thirds (2/3) decision of the Judicial Board that includes the Chief Justice in the majority. Video recordings by the media are not allowed. The Judicial Board may use an audio recording device or stenographer for the purpose of creating an official record of the proceedings.
- h) If any person is disrupting an open session he or she may be removed at the request of the Chief Justice. The request may be disputed by the Associate Chief Justice, in which case a majority vote of the Judicial Board will be needed to overturn the Chief Justice's request.

Section 4: Witnesses

- a) In the Hearing, there is no restriction on who may be called as a witness, so long as
  - 1) said person's testimony is directly relevant to the case at hand,
  - 2) said person is willing and able to testify,
  - 3) said person is not a member of the Judicial Board presiding over the case, and
  - 4) said person is not the Acting University Advisor to the Judicial Board.
- b) A member of the Judicial Board who has recused him or herself from a particular case may be called to testify in that case, if his or her testimony is relevant.
- c) If the University Advisor to the Judicial Board is directly party to the proceedings, that University Advisor may recuse him or herself for that particular case, and appoint a temporary acting University Advisor to sit in on proceedings related to that one case.
- d) Witnesses shall swear to tell what is, to the best of their then-present knowledge, the truth, the whole truth, and nothing but the truth while presenting testimony before the Judicial Board. A violation of this oath will constitute perjury, and will be treated as such.
- e) All witnesses called by either the Petitioner or the Respondent may be cross-examined by the representatives of the opposing side at the appropriate time(s).
- f) The Chief Justice may disallow a question if deemed inappropriate, however rulings of the Chief Justice regarding questions may be questioned by the Associate Chief Justice, and subsequently reversed with a majority vote of the Judicial Board.
- g) The Chief Justice may at any time, with the consent of two-thirds (2/3) of the present Judicial Board, interrupt normal proceedings to call a witness to testify. However, the witness must consent to give testimony and must be present on a witness list.

Section 5:      Withdrawing a Case

- a) A case may be withdrawn in two ways.
  - 1) At any point in the process, the Petitioner may drop the charges and withdraw the case.
  - 2) At any point in the process, the Petitioner and the Respondent may reach a mutually agreeable resolution and may, by mutual consent, withdraw the Petition.
- b) A case may not be withdrawn in any other way, except with the permission of the Chief Justice and either the Associate Chief Justice or a majority of the Judicial Board.
- c) If a case is withdrawn, an email must be filed with the Judicial Board by the withdrawing party. The Judicial Board shall in turn cancel remaining open sessions pertaining to that case and, within two weeks, publish a “Memorandum of Withdrawal.”
- d) A case that has been withdrawn does not constitute an adjudication by the Judicial Board and may not be used as precedent

**ARTICLE V**

Composition

Section 1:      Membership

- a) The Judicial Board of the Undergraduate Students Association shall consist of seven voting members who are all students at an undergraduate college within the University of California, Los Angeles (UCLA).
- b) There shall be one (1) Chief Justice, one (1) Associate Chief Justice, and five (5) Justices.
- c) A student becomes a Justice of the Judicial Board after being appointed to the Judicial Board by the President of USAC and confirmed by USAC.

Section 2:      Vacancies

- a) When vacancies occur, the Judicial Board may still function and issue opinions and decisions provided that the quorum requirements (see Part IV §2) have been met.
- b) If there is a vacancy within the position of Chief Justice, the other then-current members of the Judicial Board shall select a new Chief Justice by simple majority vote.
- c) If there is a vacancy within the position of Associate Chief Justice, the other then-current members of the Judicial Board shall select a new Associate Chief Justice by simple majority vote.

- d) In the event that the vote for Chief Justice or Associate Chief Justice results in a tie, the position in question shall be assumed by the candidate with greater seniority, as per Part VI. §3.
- e) Once an individual has become the Chief Justice or Associate Chief Justice in accordance with these procedures, that person shall retain that title and duties associated therewith until:
  - 1) the person is no longer a student at a UCLA undergraduate college,
  - 2) the person chooses to relinquish his or her position as Chief Justice or Associate Chief Justice, or
  - 3) the person is removed for cause by a two thirds (2/3) majority of the Judicial Board.

Section 3: Law Clerk

- a) The Judicial Board may select up to two (2) volunteer law clerks as assistants. These volunteers will be selected by a two-thirds (2/3) vote of the Judicial Board. The law clerks assist the Justices with legal research, composition of opinions, and other matters as requested. Justices may discuss confidential material freely with the law clerks.
- b) Law clerks shall be privileged to all Judicial Board meetings as non-voting participants.
- c) Only members of the Undergraduate Students Association may participate as law clerks of the Judicial Board.
- d) Once confirmed by the Judicial Board, law clerks shall serve for the duration of their tenure as UCLA undergraduate students in good standing, to a maximum of four years. Law clerks may be removed from the Board by a two-thirds (2/3) vote of the Judicial Board in cases of gross neglect of duty or wrongdoing at the request of the Chief Justice or Associate Chief Justice.

Section 4: University Advisor

- a) There will be a University Advisor to the Judicial Board. This individual will be privy to all confidential information, and freely allowed to attend all closed sessions, meetings, and open sessions.
- b) Although the University Advisor will not have a vote or veto power, he or she will be expected to voice concerns pertaining to proper adherence to procedure, thereby ensuring that the process remains fair even within closed sessions.

**ARTICLE VI**

## Member Responsibilities

### Section 1: The Chief Justice

- a) The Chief Justice shall convene additional meetings of the Judicial Board when necessary, or when requested by any Justice or the University Advisor. Otherwise, meetings will be guided by Part VI §5 herein.
- b) The Chief Justice shall notify the President of USAC of majority decisions of the Judicial Board. The President of USAC, rather than the Chief Justice, shall be responsible for forwarding the information to the remainder of USAC.
- c) The Chief Justice shall be responsible for communicating with the media. If necessary, the Chief Justice may delegate this task to the Associate Chief Justice.
- d) The Chief Justice shall swear in Officers-Elect of USAC at the beginning of their official term of office.
- e) The Chief Justice shall notify the President of USAC if there are any vacancies in the Judicial Board.

### Section 2: The Associate Chief Justice

- a) The Associate Chief Justice shall assume all roles and responsibilities of the Chief Justice in the Chief Justice's absence.
- b) If for any reason there is no Chief Justice, the Associate Chief Justice will serve as "Acting Chief Justice" until a Chief Justice can be officially selected. For purposes of these Official Rules of the Judicial Board, the term "Chief Justice" includes any "Acting Chief Justice."
- c) If there is neither a Chief Justice nor an Associate Chief Justice, the role of "Acting Chief Justice" will be delegated by seniority, as per Part VI. §3.
- d) If for any reason there is no Associate Chief Justice, the role of "Acting Associate Chief Justice" will be delegated by seniority, as per Part VI. §3. For purposes of these Official Rules of the Judicial Board, the term "Associate Chief Justice" includes any "Acting Associate Chief Justice." Under no circumstances shall one member of the Judicial Board serve in two different capacities at once, e.g., Chief Justice and Acting Associate Chief Justice.

### Section 3: Seniority

- a) Seniority of Justices shall primarily be determined by the amount of time they have served as Justices of the Judicial Board.
- b) If and only if two Justices have served the same amount of time on the Judicial Board, the second determinant shall be the number of quarters attended at UCLA. The Justice who has attended UCLA longer will be deemed to have greater seniority.

- c) Should one Justice have attended more quarters at UCLA than another Justice, but the other Justice has served more time on the Judicial Board, then the Justice that has served more time on the Judicial Board shall be deemed senior even though the Justice may have attended fewer quarters at UCLA.

Section 4: Justices

- a) The Justices shall have the responsibility of maintaining contact with the Chief Justice, and for furnishing the Chief Justice with current local and permanent contact information.
- b) All Justices shall keep current with the materials sent to them by the Chief Justice, Associate Chief Justice, or University Advisor.
- c) All Justices must act in a manner consistent with Part VII of this document.
- d) All Justices must respond within the time allotted to “Petitions for Consideration,” attend all Judicial Board sessions, and make decisions within the time allotted. A Justice may be excused from a session if a request is approved by the Chief Justice, Associate Chief Justice, or University Advisor for extenuating circumstances.
- e) Frequent or flagrant violations of these standards without dispensation from the Chief Justice or Associate Chief Justice or University Advisor will constitute grounds for removal from the Judicial Board.

Section 5: Meetings

- a) All members of the Judicial Board are required to meet at least once every other week during fall quarter. Meetings are not required during finals week nor tenth week.
- b) Meetings shall be called by the Chief Justice. If there is not currently a sitting Chief Justice or Acting Chief Justice, meetings shall be called by the University Advisor. A meeting may also be called by the University Advisor or the Associate Chief Justice if:
  - a. the Chief Justice asks one of these individuals to call a meeting, or
  - b. if a meeting is needed or required and the Chief Justice is not reachable.
- c) Meetings should include review of old business, discussion of new business, and discussion of any current “Petition for Consideration.” Meetings shall include announcement of recent changes to the Constitution and to the current by-laws (including the Election Code).
- d) Meetings should also include reading and explanation of existent rules or by-laws, including those recently changed. This would be done strictly for the purposes of understanding the new rules, and not for any set of rules directly relevant to a current case. For these readings and explanations, the Chief Justice may, with the consent of the Associate Chief Justice or a majority of the Judicial Board, invite University Staff or appointed officials who qualify as experts on the relevant material to present. Elected USAC Officers may only be invited to present on rules with the consent of

five members of the Judicial Board, including the Chief Justice or Associate Chief Justice.

## ARTICLE VII

### Conduct

#### Section 1: Confidentiality

- a) Judicial Board members may only discuss confidential matters with their University Advisor, other members of the Judicial Board, and law clerks (if appointed). Though confidential information may be discussed outside of meetings or closed sessions, it may not be discussed in the hearing of persons not among the aforementioned.
- b) A “Petition for Consideration” not yet denied or granted is confidential (as per Part I §2(e)), and is made public once denied or granted (as per Part I §3(d) and Part I §4(b)).
- c) For all other confidential information, it is at the discretion of the Chief Justice when to make public confidential information. However, prior to the release of any such information the Chief Justice must inform the University Advisor and Associate Chief Justice, and obtain the consent of the Associate Chief Justice. If unable to obtain either the consent of the Associate Chief Justice or (as an alternative to the Associate Chief Justice) a majority vote of the entire Judicial Board, the information may not be released.

#### Section 2: Temporary Leave

- a) Any member of the Judicial Board may take a “temporary leave” (henceforth, “leave”) from the Judicial Board without penalty. However, this leave may not exceed one quarter. Leave exceeding one quarter will constitute grounds for removal from the Judicial Board.
- b) At least two weeks prior to the start of leave, a member of the Judicial Board seeking leave must inform the University Advisor, Chief Justice, and Associate Chief Justice. At least one week prior to the start of leave, the one seeking leave must inform the President of USAC in an official letter Cc’ed to the entire Judicial Board. This letter may be a physical letter or an attachment to an email, but must be signed by the one seeking leave and by the Chief Justice to confirm approval of the request. If the Chief Justice is seeking leave, the letter must be signed by the Chief Justice, the Associate Chief Justice, and the University Advisor.
- c) Leave shall always be granted to a member of the Judicial Board seeking it unless:
  - a. granting the leave would not leave enough sitting members of the Judicial Board to constitute a quorum, or

- b. another member of the Judicial Board has previously requested leave during the time sought.
- d) Law clerks are not eligible for leave.

Section 3: Non-Involvement

- a) A member of the Judicial Board may not pursue elected office.
- b) No member of the Judicial Board or law clerk may aid any campaign for a candidate seeking office while associated with the Judicial Board.
- c) No member of the Judicial Board or law clerk may work as a partisan member, advisor, etc., for the office of any elected officer of USAC or for the Elections Board, except as their Judicial Board duties require.
- d) If any member of the Judicial Board wishes to engage in activities prohibited in clauses A-C, they must resign from the Judicial Board before doing so. This provision shall not apply to actions taken during any leave of absence granted prior to May 1, 2020.
- e) Members of the Judicial Board may be involved in other clubs and organizations on campus while serving on the Judicial Board. However, the choice to be involved in other clubs and organizations may entail recusal from cases involving those groups, as per the regulations set forth in Part VII §4 and §5.

Section 4: Recusal

- a) Recusal from a case entails not being present for closed sessions in which the case is discussed and not contributing in any way to the final outcome of the case in one's capacity as a member of the Judicial Board.
- b) Should one member of the Judicial Board recuse him or herself from a case, the number required for a quorum for that particular case shall be reduced to three (3). Quorum may not be reduced to fewer than three Judicial Board members.
- c) If a member of the Judicial Board has been directly involved in the cause of action of a case being petitioned or considered, that person must recuse him or herself. No exceptions.
- d) If a member of the Judicial Board has previously been an active part of an organization but is no longer an active part of that organization, this information must be disclosed to the University Advisor, Chief Justice, and Associate Chief Justice. Should a case then arise involving said organization, the Justice must recuse him or herself, or obtain the approval from at least two of the three people aforementioned to remain involved with the case. Should a case arise involving an organization in which the Chief Justice or Associate Chief Justice was involved, permission must be obtained by a majority of the Judicial Board.
- e) If a member of the Judicial Board is still active within an organization but not present for a cause of action or intentionally uninvolved with a cause of action, the member of the Judicial Board shall either recuse him or herself from any case involving said cause of action or obtain permission from the majority of the Judicial Board after disclosing all relevant information to the entire Judicial Board. The Chief Justice must be included in this majority.

- f) If the Chief Justice is requesting to remain on a case involving a situation described within Part VII §4(d), the Associate Chief Justice must be among the majority that grants permission for the Chief Justice to remain on the case. Moreover, the Associate Chief Justice will assume the role of Acting Chief Justice for that case, and the Chief Justice will appoint another Justice to act as Acting Associate Chief Justice for that case.

Section 5: Impartiality

- a) Members of the Judicial Board are required to be impartial judges of all cases that come before them. A member of the Judicial Board must recuse him or herself if that member feels unable to meet this standard for a particular case.
- b) If one member of the Judicial Board questions the impartiality of another, the matter will be put to a majority vote of the Judicial Board in closed session. The Chief Justice must be in the majority to require a Justice or the Associate Chief Justice to recuse him or herself. Five members of the Judicial Board are required to require the Chief Justice to recuse him or herself.

**ARTICLE VIII**

Election Certification

Section 1: Approval of Certification

- a) The results of an election of officers to USAC are not to be reviewed in full by the Judicial Board unless disputed or decided otherwise by at least five members of the Judicial Board, including the Chief Justice or Associate Chief Justice. The task of full review will fall with the Election Board and the sitting members of USAC. However, a copy of certification will be submitted by the Election-Board to the Chief Justice or the University Advisor.
- b) In the event that the Chief Justice disputes the results of an election, and refuses to swear in the officer-elects, a concurrence of a unanimous Judicial Board—excluding the Chief Justice—may elect to temporarily grant the powers of swearing in officer- elects to the Associate Chief Justice. This power will become void after the officer- elects are sworn in by the Associate Chief Justice.
- c) The Judicial Board will be deemed to have approved certification when the Chief Justice, or Associate Chief Justice involving a situation described within Part VIII –§1(b), swears in the Officers-Elect.

Section 2: Limitation of Judgement Post-Approval



- a) Following the approval of certification, as marked by the swearing in of Officers- Elect, the Judicial Board will treat as moot any *new* “Petition for Consideration” disputing the election process or election results whose cause of action involves or is directly connected to the immediately previous election. As such, these cases will *only* be afforded declaratory relief (if deserving). No exceptions.
- b) If a case involving the recent election has already been granted a “Petition for Consideration” and the cause of action of that case had a high potential to alter the results of the election, the Judicial Board may stay the swearing in of Officers-Elect for not more than five (5) business days. Prior to the end of these five business days, the Judicial Board must announce a decision or swear in the new Officers-Elect.
- c) If and only if a “Petition for Consideration” is filed prior to the approval of certification by the Judicial Board but no decision is reached prior to approval of certification, a unanimous Judicial Board consisting of not fewer than six voting members may choose to enact an exception to Part VIII §2(a). In such a case, the cause of action must constitute an exceptionally grievous violation that is provable beyond a reasonable doubt and, if true, would have had high potential to alter the results of the election.

## ARTICLE IX

### Amendments

#### Section 1: Amending the Official Rules

- a) Changing or in any way altering the rules of the Judicial Board will require the approval of the University Advisor and the affirmative vote of five members of the Judicial Board, including the Chief Justice or Associate Chief Justice.
- b) The rules may also be changed without the approval of the University Advisor with the support of two thirds (2/3) of USAC and an affirmative vote of six members of the Judicial Board, including the Chief Justice.

#### Section 2: Date Effective

- a) All amendments, once approved as per Part VII §1(a) or (b), take effect immediately unless otherwise stipulated.
- b) No amendment may affect a “Petition for Consideration” or case under consideration that is in progress at the time the amendment is passed without the written consent of all parties directly involved in that case. If and only if said consent is given will the amendment affect a then-current “Petition for Consideration” or case.

- c) New editions of the Official Rules will include the date adopted on the cover page and in the upper right corner of each subsequent page to easily differentiate different versions of the Official Rules.

## ARTICLE X

### Discretion

#### Section 1: That Which is not Included

- a) In addition to interpreting ambiguous provisions of these Official Rules, all other processes, actions, and decisions, which are not instructed by these official Judicial Board Rules but pertain to the duties delegated to the Judicial Board by the Undergraduate Students Association Constitution, Bylaws, and Election Code, may be determined at the discretion of the Chief Justice. Any action(s) taken by the Chief Justice under this provision may be challenged by any member of the Judicial Board in which case a two-thirds vote of the Board is required to overturn the Chief Justice's action(s) or interpretation(s). The Chief Justice shall consult the University Advisor and the Associate Chief Justice before taking any action under this provision.