

**JUDICIAL BOARD POLICES AND PROCEDURES
OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF CALIFORNIA, IRVINE**

I. 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 the Constitution of the Associated Students of the University of California, Irvine (ASUCI).

II. COMPOSITION

A. Membership

1. The ASUCI Judicial Board shall consist of seven (7) undergraduate students appointed by the ASUCI Executive Cabinet and confirmed by the ASUCI Senate through a two-thirds (2/3) vote.
2. The Judicial Board Chair and Vice-Chair shall be officers of the Judicial Board.
3. The Judicial Board Clerk shall not be considered a member of the Judicial Board for the purposes of this document. They may only fulfill the roles directly attributed to them.
4. The term of office for Judicial Board members shall be two (2) years. Judicial Board members can only be removed from office after a presentation of a recall petition and a majority vote of the Associated Students at-large, impeachment as defined in the Constitution, and elsewhere when specified in this document.
5. A Judicial Board member shall have been a member of the Associated Students at the University of California, Irvine (ASUCI) and a registered student in good standing (as determined by the Registrar), maintaining a 2.0 overall grade point average on a 4.0 scale at the time of candidacy. If this is not maintained, they shall forfeit the office within one (1) week of reaching less than a 2.0 overall grade point average. Failure to forfeit will result in the Justice no longer being considered a member of the Judicial Board automatically after the one (1) week period.
6. A Judicial Board nominee shall have been a registered student at the University of California, Irvine (UCI) and a member of the Associated Students during the academic year immediately prior to assuming office.
7. A Judicial Board member shall have attained at least a sophomore standing at the time of assuming office.
8. A Judicial Board member shall not hold another ASUCI elective or appointed office during their time on the Judicial Board.
9. A Judicial Board member must be present for all meetings at which they wish to cast votes. Voting by proxy will not be accepted.

B. Chair

1. The authorities of the Judicial Board Chair are stipulated in the ASUCI constitution and are listed as follows:
 - a. Chairs and organizes weekly Judicial Board meetings.

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- b. Exercises one vote on the Judicial Board.
- c. Receives remuneration as determined by the ASUCI Senate and funded from the ASUCI budget.
- d. Is chosen by and from their peers on the Judicial Board to serve for one (1) year, with the term lasting until the end of the academic year for which they are appointed.
- e. Submits all rulings of the Judicial Board to the ASUCI Executive Cabinet and ASUCI Senate in written form.
- f. Maintains, along with the Vice-Chair, a record of attendance for each Judicial Board member. The Chair is ultimately responsible for removing inactive or disqualified Judicial Board members, as determined by this document and the ASUCI Constitution.
 - i. If the need arises for the Judicial Board Chair to handle the removal of a Judicial Board Member, they must inform the removed member of this, and any rights given in this document to petition against the removal, within one (1) day. They must inform all relevant parties who, by the ASUCI Constitution, appoint a new Judicial Board Justice within five (5) working days.
- g. The position of Judicial Board Chair shall be determined by a majority vote of all members of the Judicial Board. Once an individual becomes the Judicial Board Chair in accordance with these procedures, that person shall remain Chair unless that individual is removed for cause by a two-thirds (2/3) vote of the voting membership of the Judicial Board or no longer meets the requirements for Judicial Board membership.

C. Vice-Chair

- 1. The authorities of the Judicial Board Vice-Chair shall be as follows:
 - a. Is chosen by their peers on the Judicial Board.
 - b. Maintains, along with the Chair, a record of attendance for each Judicial Board member.
 - c. Serves as Judicial Board Chair on an interim basis should the Judicial Board Chair be absent, become incapacitated, resign, or be recalled.
 - d. May perform roles assigned to the Judicial Board Chair, if agreed upon by both the Judicial Board Chair and Vice-Chair.
 - e. The position of the Vice-Chair shall be determined by a majority vote of the members of the Judicial Board present. Once an individual has become the Judicial Board Vice-Chair in accordance with these procedures, that person shall remain in that capacity unless that individual is removed for cause by a two-thirds (2/3) vote of the voting

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membership of the Judicial Board or no longer meets the requirements for Judicial Board members.

D. Clerk

1. The authorities of the Judicial Board Clerk shall be as follows:
 - a. Maintains a record of attendance for each Judicial Board member through meeting minutes.
 - b. Responsible for posting meeting minutes on the ASUCI website.
 - c. Responsible for recording detailed minutes for all hearings.
 - d. Follows the same attendance policy as Judicial Board members.

E. Attendance

1. A Judicial Board member shall attend weekly meetings to review all pending legislation and other business. Any Judicial Board member with three (3) unexcused absences per quarter from weekly meetings shall be subject to the automatic forfeiture of the office. An appeal may be made to the Senate, which may exercise the right to reinstate a Judicial Board member upon a two-thirds (2/3) affirmative vote of the voting members present.
 - a. An absence shall only be considered excusable if the absence is due to one of the following circumstances:
 - i. Death or emergency in the immediate family.
 - ii. Illness, health condition, or medical treatment which prevents attendance.
 - iii. A Force Majeure, as defined by the Judicial Board Chair, as a chance occurrence or unavoidable accident.
 - b. Members of the Judicial Board must let the Judicial Board Chair know of an excused absence no less than one (1) day before the meeting. In the event of an unforeseen circumstance for which the Justices cannot notify the Judicial Board Chair of excused absences in advance, members of the Judicial Board have three (3) days after the meeting to let the Chair know.

F. Vacancies

1. If a Judicial Board member has passed their two (2) year term of office but has not yet left the Judicial Board as defined in the ASUCI Constitution, they shall continue to be considered a member of the Judicial Board but not a seated member for as long as they continue to serve. They will, therefore, not count towards quorum for the purposes of holding meetings, hearings, or having votes, but will be allowed to officially vote if in attendance and perform all other duties of the Judicial Board as necessary.
2. A Judicial Board Justice may not have their seat reappointed until they have served their two (2) year term of office, after which their seat is to be reappointed as defined in the ASUCI Constitution and Bylaws.

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3. When vacancies occur, the Judicial Board may still function and issue opinions and decisions provided that the quorum requirements described herein have been met.
 - a. Should the Judicial Board fail to reach quorum, the Judicial Board Chair shall issue a temporary injunction on all ASUCI legislation aside from Judicial Board appointment legislation. This injunction will be automatically lifted once the Judicial Board regains quorum.
 - i. The Senate may not begin, deliberate on while in session, or pass any ASUCI Legislation as long as the injunction is in effect.
 - 1) The ASUCI Senate is allowed to put legislation online, as long as it has no date of presentation to the Senate and is not actively considered by the Senate while in session.
 - ii. The Judicial Board Chair is responsible for informing the Senate, Executive Cabinet, Student Advocate General, CMTO, and the Elections Commissioner when this injunction is put in place or lifted within two (2) working days of being made aware of the loss of quorum.
4. Applications
 - a. Judicial Board applications shall be designed and issued by the Executive Cabinet.
 - i. Said applications shall be made available within the time frame described in the ASUCI Bylaws.
 - b. Judicial Board Clerk applications shall be designed by the Judicial Board and issued by the Judicial Board Chair.
5. Interviews
 - a. The Executive Cabinet shall determine the internal process of interviewing and nominating Judicial Board candidates.
 - b. If the ASUCI Senate nominates an individual for the Judicial Board, the process for selection shall remain the same.
 - c. The Judicial Board shall determine the internal process for interviewing and nominating Judicial Board Clerk candidates.

G. Appointments

1. At its discretion, the Judicial Board may appoint persons to serve in a capacity that the Judicial Board deems fit. Unpaid positions approved in this manner may not have access to the Judicial Board email.
2. The ASUCI Senate shall approve the Judicial Board Clerk by a two-thirds (2/3) vote.

H. Resignations

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1. A Judicial Board Justice may resign at any time for personal reasons without stating those reasons.
2. Any resignation must be in writing and signed and shall be submitted to the Judicial Board Chair, who shall then inform all parties who, by the ASUCI Constitution, appoint a new Judicial Board Justice within five (5) working days.

III. RESPONSIBILITY AND JURISDICTION

- A. The powers and responsibilities of the Judicial Board shall be as explained in Article VI of the ASUCI Constitution, except in cases involving student misconduct, which shall be handled in accordance with the UCI code of procedures regarding student conduct.

IV. QUORUM

- A. A quorum shall be required in order to conduct all Judicial Board hearings, votes, and meetings.
- B. Quorum is considered a majority of seated Justices.
- C. A temporary disqualification due to a conflict of interest pertaining to a particular case shall not count against quorum but shall be recorded as an abstention.

V. MEETINGS

- A. Weekly meeting (s) shall be held to review bills and resolutions adopted by the ASUCI Senate with regard to Bylaws and the Constitution of ASUCI. The time and location of those meetings shall be determined by the Judicial Board Chair and Vice-Chair.
- B. Meetings may also be called by the Judicial Board Chair when necessary. The Judicial Board Chair must call a meeting when so requested by two (2) Judicial Board Members.
- C. When the Judicial Board Chair withdraws from a meeting, the Judicial Board Vice-Chair shall preside.
- D. All weekly meetings shall be closed to the public unless specified by the Judicial Board Chair, or by a majority vote of the Judicial Board.

VI. PROCEDURES FOR HEARINGS

- A. Petitions for Hearings
 1. Cases shall be initiated before the Judicial Board upon the filing of an official Petition for Hearing Form to the Judicial Board Chair.
 2. 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.
 3. All Petitions shall remain confidential among Judicial Board members unless the Judicial Board determines otherwise by majority vote; however, if a formal hearing results, a copy of the Petition shall be provided to the respondent at least one (1) day after the date of the hearing is decided.

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B. Preliminary Hearings

1. Upon receiving a Petition for Hearing Form, the Judicial Board Chair shall convene a preliminary hearing where the Judicial Board can hear arguments, vital evidence, and testimony concerning its jurisdiction in the matter, and the Judicial Board shall then make its own determination whether or not to hold a formal hearing.
 - a. The Judicial Board, by a unanimous vote, may choose not to hold a preliminary hearing for a specific Petition for Hearing. If this is done, they must make their reasons for this accessible publicly within two (2) working days of the vote.
2. All preliminary hearings shall be closed to the public unless specified by the Chair of the Judicial Board.
3. In determining its jurisdiction, the Judicial Board members may also consider such factors as standing, ripeness, and justifiability.
4. If at least two-fifths (2/5) of the Judicial Board members determine that the case is within the jurisdiction of the Judicial Board, then a formal hearing shall be convened with its date, time, and place announced within two (2) working days of the preliminary hearing.
 - a. If the Judicial Board decides that a preliminary hearing should not move onto a formal hearing, they must make their reasoning public within one (1) week of the decision. If they decide that the case should move onto a formal hearing, however, they are not required to do so.
5. In setting time and dates for formal hearings, the Judicial Board shall allow at least five (5) working days but no more than one (1) academic quarter. The Judicial Board may extend this timetable by a two-thirds (2/3) vote, with the reasoning of the vote provided to both parties involved.
6. All information relevant to the preliminary hearing must be provided to all attending at least two (2) days before the date of the hearing. Any documents submitted after this date to the Judicial Board are considered inadmissible for the preliminary hearing.
7. In matters relating to a pending election, a formal hearing shall be held within five (5) working days of the preliminary hearing.

C. Formal Hearings

1. In all matters brought before the Judicial Board, only members of the Associated Students shall participate as petitioners and respondents.
 - a. The individual or individuals who initiate the Petition must act as petitioner throughout the hearing process.
 - i. The Judicial Board, by a two-thirds (2/3) vote, may choose to allow another person to take the role of petitioner or defendant in a case if there is a clearly defined reason for

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the original petitioner or defendant being unable to fulfill their role.

- b. If a Petition is initiated against a legislation, the respondent shall be the author of the legislation, the Rules Committee Chair, or the Chair of the ASUCI Senate.
 - c. If a Petition is initiated against an action of ASUCI, the respondent shall be the individual who initiated the action or the overseeing Executive Officer.
2. Formal hearings shall be open to the University public unless decided otherwise by a two-thirds (2/3) majority of the Judicial Board members. A vote on this matter can be initiated either by a Judicial Board member or at the request of the respondent.
3. The format for the formal hearing shall be as follows:
 - a. Opening Statements (2 minutes each)
 - b. Plaintiff's Main Argument (8 minutes)
 - c. Defendant's Main Argument (8 minutes)
 - d. Plaintiff's Rebuttal (5 minutes)
 - e. Defendant's Rebuttal (5 minutes)
 - f. Closing Statements (2 minutes each)
 - g. Questions on behalf of the Judicial Board
4. The Judicial Board, by a majority vote, may choose to extend the time of the formal hearing as needed but must do so at least five (5) working days before the formal hearing takes place or upon issuing the initial date and time. They must also extend the time of each section equally, and cannot make the formal hearing last more than two (2) hours per day, nor allow the formal hearing to last more than three (3) days.
5. When procedural questions are raised at formal hearings or when evidence or testimony is questioned on the grounds of relevancy or admissibility, it shall be ruled upon by the Judicial Board Chair. The Judicial Board Chair's decision may be appealed by any other Judicial Board member. The Judicial Board shall then move to a closed session to discuss the appeal, whereby by a majority decision, they may overrule the Chair's decision.
6. The right to be a witness and offer testimony before the Judicial Board shall not be limited to the members of the Associated Students but shall apply to all persons except ASUCI staff members, including but not limited to the Executive Director.
7. All witnesses shall be informed of their obligation to tell the truth prior to presenting testimony before the Judicial Board.
8. All witnesses shall be presented prior to the final summations of both parties.

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9. All witnesses called by either the petitioner or the respondent may be cross-examined by the representatives of the opposing side at the appropriate times.
10. Judicial Board members may question the petitioner, respondent, and witnesses at any time.
 - a. Questions from the Judicial Board shall not be considered as a part of the designated time for each section.
 - b. Answers from the parties shall not be considered as a part of the designated time for each section, but the amount of time spent on answering will be afforded to the other party to respond, if they so desire.

D. Decisions

1. The Judicial Board, in closed session, shall discuss the case and reach a decision.
2. The Judicial Board, in open session, shall announce its decision.
3. The majority decision shall be recorded in writing and made available to the public within one (1) week of the hearing.

E. Preliminary Injunction

1. The Judicial Board Chair, upon deeming it necessary, shall initiate a vote to determine whether a Preliminary Injunction shall be issued.
2. The Judicial Board Chair, with the approval of the majority of the Judicial Board, shall issue a Preliminary Injunction upon the action or legislation in question.
 - a. The Preliminary Injunction shall not argue for or against the issue in question but rather state that further review is needed due to possible conflict with the governing documents.
 - b. If the Judicial Board lifts or rescinds an injunction, the Judicial Board shall amend the injunction to include the date and time at which the injunction was lifted.
3. The Judicial Board Chair shall have the responsibility to inform any individuals affected by the Preliminary Injunction of its passage, and must inform them when the injunction is lifted.
4. All Preliminary Injunctions issued by the Judicial Board must be made public within two (2) days of a vote by the Judicial Board.
5. Upon the issuance of the Preliminary Injunction, the Judicial Board Chair shall have three (3) days to determine whether the Student Advocate General will initiate a petition against the action or legislation in question.
6. If the Student Advocate General accepts, they shall file a Petition for Hearing Form to the Judicial Board Chair and will act as petitioner.
7. If the Student Advocate General declines to petition the case before the Judicial Board, the Judicial Board Chair shall recuse themselves from the matter in question and independently file a Petition for Hearing Form to the Judicial Board Vice-Chair and act as petitioner.

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- a. The Judicial Board Chair shall not take part in any further discussion of the case with the Judicial Board.
- b. The Vice-Chair shall, in all matters relating to the case, take full responsibilities as Chair and shall preside over the formal hearing.
- c. All formal hearing procedures shall be followed.

VII. DISQUALIFICATION AND CONDUCT

- A. Judicial Board members and the Judicial Board Clerk may not discuss cases in progress or release information outside of the Judicial Board meetings or hearings until the case is resolved. However, the Judicial Board may discuss cases or release information to affected parties or relevant individuals in order to pursue facts and evidence pertinent to pending matters.
- B. Judicial Board members, during their period of association with the Judicial Board, may not seek election to any office of ASUCI or assist any person seeking any such office with their campaign for such office.
- C. Judicial Board members shall temporarily disqualify themselves from particular cases when conflicts of interest arise and shall do so immediately.
- D. Judicial Board members must follow the rules laid out in the ASUCI Code of Ethics.
- E. The Student Advocate General holds the right to investigate reported violations of these rules by Judicial Board members.

VIII. AMENDMENTS TO JUDICIAL BOARD POLICIES AND PROCEDURES

- A. Amendments to these policies and procedures shall be instituted by the ASUCI Senate with terms described in the ASUCI Constitution and ASUCI Bylaws.

As of June 8, 2023: R58-175