ASUCI JUDICIAL BOARD

"The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General."

ASUCI Senate

v.

Victory Ogbonnaya

Petitioner represented by Senate President Pro Tempore and Public Health Senator LANG, N.
Respondent presented by Internal Vice President-Elect and former Student Advocate General OGBONNAYA, V.

Ruling

Dated June 4th, 2025

MALANI, A. and FARNWORTH, J. approve of what is written. KARATAS, Z. and MARIN, R. join in part. BOLEK, C.; RINGDAHL, N.; and VISWANATH, G. abstain in full.[1] KARATAS, Z. and MARIN, R. abstain in part.

[1] The abstaining Justices recused themselves pursuant to current Judicial Board recusal policies. Judicial Board Policies Art. IV § C, Judicial Board Policies Art. VI § E(7).

Background

On Tuesday, May 6th, 2025, the Judicial Board received a formal Petition for Hearing from the ASUCI Senate President Pro Tempore and Public Health Senator, Nicole Lang, initiating the process of removal of former Student Advocate General Victory Ogbonnaya. Pursuant to Art. 11 of the ASUCI Constitution and legislation R60-116, passed May 1st 2025, the Senate may impeach an individual ASUCI officer for violations of the governing documents.

Art. 11 § 2(a)(1) of the Constitution establishes that upon the impeachment of an official who is not a Justice, the Board shall hold a hearing to determine whether the official should be removed and potentially barred from holding office in ASUCI. Under typical circumstances, the Board would forgo the Preliminary Hearing as jurisdiction is well established; however, due to the unusual procedural posture of this case — specifically, that the Senate seeks the impeachment of an individual who no longer occupies their position — the Board decided to address whether it has jurisdiction to rule on the removal and potential barment of the Respondent.

On Tuesday, May 20th, the Judicial Board conducted the Preliminary Hearing for *ASUCI Senate v. Ogbonnaya*, held open to the public via Zoom per the request of the Respondent. On Wednesday, May 21st, the Judicial Board informed the parties of its decision to proceed to a formal hearing in this case, which was similarly held in an open hearing via Zoom on Friday, June 2nd, in order to determine the disposition of the Respondent's impeachment, including all questions of barment from future office in ASUCI.

Issues Presented

1. Whether to advance this case to a Formal Hearing;
2. Whether the ASUCI Senate has standing to seek the impeachment of an individual who no longer holds their former ASUCI office;
3. Whether the Judicial Board has the authority to formally remove a former ASUCI official from their office;
4. Whether the Judicial Board has the authority to bar a former ASUCI official if they have not been formally removed.
5. Having decided in the affirmative regarding §1-4 above, whether Respondent ought to be removed; and
6. If having decided in the affirmative regarding §5 above, whether Respondent ought to be barred from future office, and if so, for what duration.

Remedies Sought

The Petitioner seeks:

1. The advancement of this case to a Formal Hearing.
2. The removal of the respondent.
3. The barment of the respondent from future office in ASUCI.

Ruling

On moving to a formal hearing:

In Favor: 4 (MALANI, A.; FARNWORTH, J.; KARATAS, Z.; MARIN, R.)
Opposed: 0
Abstaining: 3 (BOLEK, C.; VISWANATH, G.; RINGDAHL, N.)

On removing the respondent from their office:

In Favor: 4 (MALANI, A.; FARNWORTH, J.; KARATAS, Z.; MARIN, R.)
Opposed: 0
Abstaining: 3 (BOLEK, C.; VISWANATH, G.; RINGDAHL, N.)

On barring the respondent from future office in ASUCI for 18 months from the release of this decision:

In Favor: 4 (MALANI, A.; FARNWORTH, J.; KARATAS, Z.; MARIN, R.)
Opposed: 0
Abstaining: 3 (BOLEK, C.; VISWANATH, G.; RINGDAHL, N.)

Discussion

I

We begin our discussion by addressing the Board's jurisdiction. We proceed along three main questions of constitutional significance: does the Senate possess the power to impeach an individual who no longer holds their former office, whether the Board may formally remove such an individual, and whether the Board — if necessary — bar them from holding future office.

A

Powers of impeachment itself — not removal or barment — within the Constitution are primarily addressed in Art. 6, vesting the power to impeach in the Senate. Under charges of neglect of duty, malfeasance, or misconduct, the Senate may impeach certain ASUCI officials with a specified vote (either ⅘, ¾, or ⅔, depending on the position). The Constitution does little to elaborate further on specific restrictions, with the sole exception being that impeachment proceedings may not be brought against the same individual more than once per academic quarter. Art. 11 § 1(c). Further, the Senate is given a broad authority to determine what constitutes an impeachable offence under the previously established charges. Art. 6 § 2(r). Beyond these provisions, little information of an overt nature is present to address the standing in this case.

Consequently, we turn to examine the Board's power to remove and bar as addressed in Art. 8 § 2(n-o) and Art. 11 § 2(a)(1), which stipulate the following:

> "[The Judicial Board has final judicial authority of ASUCI] to conduct hearings and determine by a 2⁄3 vote whether to remove an impeached [officer];
>
> [t]o determine by a separate 2/3 vote whether elected Executive Officers, Senators, etc., who have been removed from office are barred from holding other ASUCI

office for a period of time which cannot exceed two academic years;" Art. 8 § 2(n-o).

"[i]f the Senate or Executive Cabinet impeaches an official who is not a Judicial Board Justice, the Judicial Board shall hold a hearing to determine whether or not the official *should* [emphasis added] be removed from office, and if so, whether they *should* [emphasis added] be barred from holding office in ASUCI for a period of time." Art. 11 § 2(a)(1).

In considering Article 8, we find a clear structure for removal and barment from future office. Art. 8 § 2(n) establishes the Board's mandate and power to remove — granted an impeachment has begun in the Senate — over certain constitutionally enumerated positions, including the Student Advocate General. Further, Art. 8 § 2(o) distinctly separates removal and further barment from future office. We therefore consider these processes to be fundamentally distinct.

Indeed, this is further confirmed in Art. 11 § 2(a)(1), further drawing distinct lines between the two powers and affirming the aforementioned ordering of powers. Notably, however, Art. 11's framing of removal deviates, or perhaps clarifies, this process through its use of the modal auxiliary *should*. While Art. 8 establishes the distinct powers of the Board to remove and bar, Art. 11 addresses a broader principle by which impeachment, removal, and barment shall be governed.

B

On matters of strict textual interpretation, one may consider *should* to clarify little beyond a technical process. Upon a Senate impeachment, the Judicial Board's role is to rule whether the Senate's charges have merit, warrant removal of the impeached officer, and if so, further warrant their barment from future office. Indeed, this reading of Art. 11 § 2(a)(1) in conjunction with Art. 8 § 2(n-o) establishes simply an ordering of responsibility: impeachment in the Senate, followed by the Board's

discretion to formally remove, and if so, to consider barment from future office. Should the Board accept this line of reasoning, the Board would be compelled to dismiss this case as the Respondent had resigned from their position before the Senate filed articles of impeachment and therefore can not be formally removed from office. This would subsequently establish a precedent for ASUCI officials to avoid impeachment.

We consider further a more principled reading of the process of impeachment and removal. The Constitution is consistent in delineating the distinct powers of removal and barment. However, it frames such powers as permissible regardless of directly necessitating an individual to remain in office. To be clear, the Board maintains the Constitution's separation of the Senate's power to impeach, and the Board's separate votes to remove, and bar. We, however, view Art. 11 § 2(a)(1) framing of the Board's powers as of an evaluative posture, much like those exercised by the United States in the same position, and one that considers whether the charges *ought* to be sustained with removal. In essence, in determining whether an elected official may be removed by impeachment or barred from future office, the Senate may not necessarily be required to impeach an official while they are still in office.

Indeed, the Board sees a substantial government interest in preventing such a loophole. Impeachment serves as a crucial check of accountability for ASUCI's publicly elected officials. Furthermore, the grounds on which the Senate may seek impeachment, while broad, fulfill within the Board's purview the purpose of addressing actions so grave and harmful to the Associated Students that they must not go ignored. Neglect of duty, malfeasance, and misconduct require that the behavior taken by ASUCI officials rise to such a level that the Senate may feel compelled to address. To permit officials who may very well threaten the Association to avoid accountability by resignation presents a clear absurdity. Therefore, the Board holds that the Senate's Art. 6 powers of

impeachment and the Board's Art. 8 powers of removal and barment from office extend to this case.

C

Art. 6 of the ASUCI Constitution establishes the Senate's power to impeach certain ASUCI officers. Art. 8 meanwhile establishes the Board's power to remove, and if so, bar an impeached individual from office. It further frames these two powers as both distinct and in the aforementioned ordering: removal must come first. Art. 11 stipulates the *process* of impeachment, removal, and, if so, barment of officers. Therefore, in determining jurisdiction, we primarily focus on Art. 11's framing of the process. On such grounds, we find that Art. 11 suggests that removal and barment is primarily concerned with culpability through its emphasis on whether or not an individual, "*should* [emphasis added] be removed from office, and if so, whether they *should* [emphasis added] be barred," rather than directly removing an impeached officer *per se*. Art. 11 § 2(a)(1). The Constitution's framing of impeachment in terms of "should" suggests to the Board that the process is primarily concerned with whether the impeached officer warrants removal for actions taken during their time in office. We view this as a crucial distinction between the powers and process of impeachment and removal, consistent with the Constitution's separation of powers and ordering of processes. This prevents individuals from simply removing themselves from office to avoid prosecution and further barment from office, a necessary check on ASUCI officials' powers. Meanwhile, the Board is cautious of impeachment proceedings that are improper in either their reasoning or timing; however, we remain compelled to uphold the integrity of impeachment. We therefore rule that the Board has jurisdiction in hearing this case and possesses all powers afforded to it within Art. 8 of the Constitution.

D

At the same time, however, the impeachment power of the Senate following the resignation of an official is not unchecked by other principles and mandates present in the Constitution and in the canon of our law. Under Art. 6 § 2(r) of the ASUCI Constitution, the Senate is indeed given broad latitude "to determine what constitutes an impeachable offense." However, the Senate's dispositive role in the potential removal and barment of an official ends at such a determination. Further determinations of import to the disposition of a case such as this — most notably, those of a procedural nature as are intrinsic to this analysis — are left under the judicial, and necessarily judicious, purview of this Board.

Accepting the position expressed herein that the Board's role in removing an impeached official is primarily evaluative, resembling much the position of the Senate in the same process in the Federal Government, it still remains to be addressed the procedural question intrinsic not only to this analysis but to this case: did the Senate act with all reasonable speed in advancing this proceeding to our purview? Turning to the legislative record, official Senate minutes reflect that the body entered into an executive session both on Tuesday, April 22nd, and Tuesday, April 29th, before finally passing the impeachment legislation at issue in this case at the following Senate meeting on Thursday, May 1st. Testimony during both preliminary and formal hearings in this case revealed that these proceedings were initiated in response to complaints of retaliation against the Respondent, which are alleged to have occurred from the Winter Quarter through the Spring. The last such complaint was received by the Senate on Monday, April 28th, the same day as Respondent's resignation from her position as Student Advocate General.

While the turning over of these complaints to the Senate may present issues of timeliness, which we note here that we lack the evidence to comment on thoroughly, we more conclusively note that such actions fall beyond the purview of this Board's constitutional and statutory interest, being undertaken and executed by individuals

operating in their private capacities as employees of the Associated Students. Our sole interest in this analysis is the timeliness of the Senate in moving forward with the impeachment process.

We find four principal facts as conclusive in our determination that the Senate indeed acted with proper timeliness in this case. First, the Senate's legislative record, as recorded in its minutes from the aforementioned meetings and supplemented through testimony received in hearings before the Board, reflects discussion of the respondent's impeachment having taken place before the respondent's resignation, while the question of her impeachment was, without reservation, properly considered under all manners of reasonable constitutional interpretation.

Second, this record reflects that the Senate acted within a timeline that reflects reasonable evidentiary and procedural speed. The Senate should not proceed with sanctions as grave as those resulting from impeachment without evidentiary backing sufficient to garner the requisite votes and support a robust showing of its charges for evaluation by this Board. Similarly, the Board acknowledges that the legislative process can lumber, and the drafting of legislation and the garnering of support thereof require time to reflect the multiplicity of voices that are the strength of democratic systems. While the Board does not wish to, and indeed cannot, unduly interfere in the legislative process, we are charged with evaluating whether these procedural allowances were abused. While we decline to enumerate a precise timeline by which to properly use such an allowance from abuse, believing instead that the enumeration of such a timeline is the province of the legislature, we believe that the timeline reflected by the record satisfies this condition. Upon receipt of all allegations of interest in this case, the Senate acted in less than two weeks to pass R60-116, reflecting a timeline that we deem here to be reasonable.

Third, while arguments were presented in hearings before the Board that the overlapping of this timeline with the

release of results in the 2025 ASUCI elections encourages further caution in this case, we find that our judicial processes must be, under most circumstances, blind to such political processes in the adjudication of cases before us. Absent a non-speculative showing that the Senate's actions in this case were driven by intentions to interfere in the results of these elections, we determine such a consideration to be beyond our purview, instead precluding ourselves to rule on the merits of this case.

Finally, we turn to perhaps the broadest consideration at play in the Senate's standing in this case. The Judicial Board's determination of its own jurisdiction is to be considered based on factors such as "standing, ripeness, and justifiability." ASUCI Judicial Board Policies and Procedures Art. VI § D(3). The ripeness of a former official's impeachment is, as occurred both in this case and as ought to occur in all similar such cases before the Judicial Board, necessarily called into question, demanding that a Preliminary Hearing be held to formally decide on such a consideration. As before, we decline to enumerate precise conditions to determine ripeness in cases such as this, believing instead that the enumeration of such conditions is the province of the legislature. However, as the Senate has given us no such guidelines, we emphasize here that the alleged conduct took place in the Winter and Spring Quarters, with the Senate having acted within weeks of receiving evidence of such allegations. The Senate may thus be summarized as having acted to impeach Respondent for actions alleged to have been undertaken in the position for which she was impeached and within a reasonable period following the alleged completion of such actions. These factors establish that the alleged actions undertaken by the respondent are indeed ripe for comment by the Senate, and thus for review by this Board.

E

Having established both the constitutional grounds on which proceedings flowing from impeachment but following the resignation of an applicable officer of the

Associated Students and the guidelines by which proceedings under such circumstances may be executed within available constitutional checks and balances, the Board concludes that this case is indeed within the jurisdiction of the Judicial Board. We thus move to the disposition of this case proper.

II

The Senate brought before the Judicial Board three charges against former Student Advocate General and Internal Vice President-elect Victory Ogbonnaya: retaliatory behavior against elected officials of ASUCI, violating the constitutional parameters of their former position as the Student Advocate General, and budget mismanagement. The Board, in considering this case, is only pursuing two charges: the alleged retaliatory behavior against elected officials of ASUCI and the violation of the parameters of their former position as Student Advocate General. Per Article 6 § 2 (o–q), certain ASUCI officials may be impeached for neglect of duty, malfeasance, and misconduct. Thus, the Board will be considering the previously listed charges as malfeasance and misconduct throughout the remainder of these proceedings.

A[2]

We begin with the charge of malfeasance. The Board finds that in their former capacity as the Student Advocate General, the Respondent engaged in retaliatory behavior against elected officials of ASUCI, both within and outside of the Office of the Student Advocate General. We move to examine certain matters of fact.

On April 7th, the ASUCI Elections Commission levied a Level 3 sanction against the Respondent's campaign in the ASUCI Elections. On April 8th, 2025, the Respondent sent an email to ASUCI Elections Commissioner Jun Jang, threatening to file impeachment legislation against

[2] MARIN, R. abstains from this section.

the Elections Commissioner. The Board determines this is retaliatory behavior and in violation of both the ASUCI Code of Ethics and the ASUCI Student Advocate General Policies and Procedures.

On February 26th, 2025 and February 27th, 2025, the Respondent issued two strikes against the Internal Student Advocate General. The first strike was issued against the ISAG for the ISAG's behavior during a meeting with an unnamed individual; the meeting itself had been held a month prior to the strike on January 22nd, 2025. The second strike was awarded for not inviting an unnamed member of the Executive Cabinet to a Governance and Internal Policy Committee meeting. On the former, the April 28th, 2025 Investigation Summary On Concerns Regarding the Conduct of the Student Advocate General, a Judicial Board investigative report, found the strikes to be in violation of the ASUCI Bylaws and the ASUCI Student Advocate General Policies and Procedures, as they were awarded for ambiguous reasons and without prior warning. On the latter, the aforementioned investigative report found the same, and that the unnamed member to be invited did sit on the Governance and Internal Policy Committee, but as an as-needed member. The investigative report and further deliberations on this matter also found that these strikes were deemed to be improper and unwarranted. The Board further determines this to be retaliatory behavior and in violation of the ASUCI Code of Ethics, the ASUCI Student Advocate General Policies and Procedures, and the ASUCI Bylaws.

In the Board's evaluation of this charge brought against the Respondent, the Board finds the charge of malfeasance to be substantiated.

B[3]

The Senate further brought forth that the Respondent acted improperly in violating the parameters and

[3] MARIN, R. abstains from this section.

constitutional provisions of their office. In considering this charge, we find the charge to be substantiated misconduct.

The Student Advocate General is indeed a Branch head and similarly pays and administers its own staff. However, the Student Advocate General, unlike Executive Officers, administers staff who are clear in their constitutional mandate. Further, positions such as the Internal Student Advocate General and Chief Accountability Officer are given narrow and specifically enumerated functions within the Constitution. Thus, we view this separation of powers as fundamentally distinct from, say, a chief-of-staff with responsibilities that do not pertain to specifically enumerated Constitutional duties. We therefore find the Senate's charges to have merit.

On February 22nd, 2025, the Respondent emailed members of the Governance and Internal Policy Committee requesting sanctions on an individual. The ASUCI Constitution and ASUCI Student Advocate General Policies and Procedures dictate that the chair of the Joint Committee may convene the committee. The Respondent not only did not have the authority to reconvene the Joint Committee and directly overstepped the enumerated authority of the Internal Student Advocate General, but the Respondent also did not receive the approval of the Chief Accountability Officer, which is also required before requesting a sanction by the Joint Committee. The Respondent did reach out to the Chief Accountability Officer. However, this occurred three hours after the request to reconvene the Committee, to which the Chief Accountability Officer declined to give a recommendation. In the Board's evaluation of this charge brought against the Respondent, the Board finds the charge of misconduct to be substantiated.

C[4]

[4] KARATAS, Z. abstains from this section.

We now examine whether barment from future office is warranted in this case. Under the current Constitution of the Associated Students, the Board's power to bar removed officials from future office has never been utilized. Further, during the course of oral arguments, the Respondent argued that barment is improper, as any actions taken by the Respondent during their time in office were solely within the purview of the Office of the Student Advocate General and therefore do not warrant barment from future office. However, in examining relevant precedent (notably *Schuld* and *Sosa-Hernández*), we have indeed commented on whether the misconduct in one office may rise to such a level that further barment is necessary. We now consider these decisions and their application to the case at hand.

In both *Schuld* and *Sosa-Hernández*, the Senate sought the removal of fellow Senators for failure to "complete their appointed duties." R60-79 and R60-107. Further, both cases were never formally addressed in neither a Preliminary nor a Formal Hearing, and thus, the removal of said officials was addressed via summary judgement. In both cases, the Board voted unanimously to remove the respondents, meanwhile declining to bar them from holding future office. We wrote as follows in both:

"Furthermore, the Board has decided that the Senator has not exhibited any signs of misconduct in their current position beyond a failure to appropriately participate in the business of the Senate and communicate with Senate leadership as statutorily required. Additionally, the Board has no evidence to suggest the Senator has exhibited any pattern of misconduct in any other offices, which would warrant a disbarment of the Senator from all positions across ASUCI. The Board thus chooses not to disbar the Respondent." *Schuld* and *Sosa-Hernández*.

In considering barment for both cases, we sought to clarify that patterns of misconduct within other offices may, but not necessarily, serve as a sufficient condition for barment. Indeed, both *Schuld* and *Sosa-Hernández* failed to properly execute their constitutional duties as

Senators; however, we fail to see this neglect of duty extend beyond the purview of their specific office. Moreover, *Sosa-Hernández* indeed held another position within the Office of the External Vice President as head-of-staff. We declined at that time to bar *Sosa-Hernández* and continue to affirm this position as the Respondent in that case had shown no failure in performing their other position. Further, we reiterate that misconduct in other offices is not necessarily a sufficient condition for barment. Thus, we reject the Petitioner's argument and move forward to considering a barment from future office.

D

The Board finds enough evidence to substantiate the charges of misconduct and malfeasance against the former Student Advocate General and Internal Vice President-elect. In order to ensure the integrity and accountability of ASUCI as an organization, and ASUCI elected officials as individuals, the Board has chosen to bar the former Student Advocate General and Internal Vice President-elect from holding future office in ASUCI for a time period of 18 months, after which the Respondent will regain eligibility to return to ASUCI office. The Board has determined that the time period of 18 months on the basis of the severity of the respondent's actions, both in themself and in the context of infractions previously committed within the Associated Students, and in the interest of accountability, which we deem necessary for this process to uphold.

The Board cites the clearly documented instances of misconduct and apparent patterns of retaliatory behavior and overstepping their constitutional duties in their role as the former Student Advocate General when making this decision.

Conclusion

The Judicial Board upholds the charge of impeachment against the Respondent. The Board formally removes the

Respondent from their office within ASUCI and further bars the Respondent from further office in ASUCI for 18 months from the release of this decision.

Appendices

Appendix A: June 4th, 2025

Relevant Sections of the ASUCI Constitution

As of the writing of this opinion, the cited sections of the ASUCI Constitution read as follows:

Article 6. Senate
Section 2. Authority and Powers

The Senate has primary policymaking legislative authority, and final administrative authority, for ASUCI, and under this authority has the power:

(p) To impeach, for neglect of duty, malfeasance, or misconduct, and by a ¾ vote:

(1) The Student Advocate General
(2) The Elections Commissioner

Article 6. Senate
Section 2. Authority and Powers

The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General. Under this authority, the Judicial Board has the power:

(n) To conduct hearings and determine by a 2⁄3 vote whether to remove an impeached:

(1) Elected or appointed Executive Officer;
(2) Senator:
(3) Student Advocate General;
(4) Elections Commissioner;
(5) Deputy Elections Commissioner.

(o) To determine by a separate 2⁄3 vote whether elected Executive Officers, Senators, etc. who have been removed from office are barred from holding other ASUCI office for a period of time which cannot exceed two academic years;

Article 11. Impeachment and Removal

Section 1. Impeachment

(a) The ASUCI Senate may impeach the following officials by a ⅔ vote:
(1) Individual Senators;
(2) Individual Executive Officers;
(3) Individual appointed officials in the Office of the Student Advocate General; and
(4) Individual Deputy Elections Commissioners.

(b) The ASUCI Senate may impeach the following officials by a ¾ vote:
(1) The Student Advocate General; and
(2) The Elections Commissioner.

(c) The ASUCI Senate may impeach the following officials by a ⅘ vote:
(1) Individual Judicial Board Justices.

(d) The Executive Cabinet may impeach the following by a majority vote:
(1) Appointed Executive Officers.

(e) Impeachment charges may not be brought against an official more than once per Quarter, regardless of whether the Senate or Executive Cabinet brings the charges.

Section 2. Removal Process

(a) Officials who are not Justices
(1) If the Senate or Executive Cabinet impeaches an official who is not a Judicial Board Justice, the Judicial Board shall hold a hearing to determine whether or not the official should be removed from office, and if so, whether they should be barred from holding office in ASUCI for a period of time.
(2) A ⅔ vote of present voting Justices shall be required to remove an impeached official or bar them from holding office in ASUCI.

(b) Judicial Board Justices
(1) If the Senate impeaches a Judicial Board Justice, the Executive Cabinet shall hold a hearing to determine whether or not the official should be removed from office, and if so, whether they should be barred from holding office in ASUCI for a period of time.
(2) A ⅘ vote of present voting Executive Cabinet members shall be required to remove an impeached Justice or bar them from holding other office in ASUCI.

(c) An official who is removed from office in this manner may appeal the decision by a process described in the ASUCI Bylaws.

Relevant Sections of the ASUCI Judicial Board Policies and Procedures

As of the writing of this opinion, the cited sections of the ASUCI Judicial Board Policies and Procedures read as follows:

ARTICLE VI. PROCEDURES FOR HEARINGS
D. Preliminary Hearings

3. In determining its jurisdiction, the Judicial Board members may also consider such factors as standard, ripeness, and justifiability.

ARTICLE VIII. RECUSALS

A. Judicial Board members shall disqualify themselves from particular cases or investigations by process of recusal in situations as soon as they believe their impartiality or transparency in deciding a case may be compromised or reasonably questioned, including but not limited to a conflict of interest or a personal relationship outside of the Associated Students with an individual involved in a case.

B. The recusal process shall consist of a Justice petitioning the Chair to allow for their recusal from the case. If the Chair approves the Petition, the Justice is recused from actively participating in the case at hand and shall be subject to the guidelines described in this document.

1. If the Chair denies the request, the Justice is not recused from the case in question and must actively participate.

C. If the Chair wishes to recuse themself, the Chair shall petition the Vice Chair. If the Chair is then recused, the Vice Chair shall act as Chair of the Board and approve other Justices' requests for recusal for that specific case.

D. Once recusal has been approved,

1. Attendance on matters related to the case shall still be expected and required to ensure Justices are informed and responsible to their position.

2. Justices may not speak on matters related to the case at any point of the process in which it is active.

3. For the purposes of transparency, the participation of recused Justices in all matters pertaining to the cases

from which they are recused shall be documented on all published Judicial Board materials, such as minutes, injunctions, opinions, etc. Their votes in such matters shall be documented as abstentions.

E. In the event that the good faith of the Justice petitioning for recusal is questioned, any member of the Board may move to question the petitioning Justice's reason for recusal. If the motion receives a second and a majority of the Board votes in favor of the motion, the petitioning Justice shall be compelled to inform the Board as to the reason they believe their impartial and transparent decision may be compromised or questioned.

1. Moving to question shall not be construed to remove all confidentiality responsibilities of all Justices and appointed staff under these Policies.

F. No policy outlined in this document shall be construed to prevent a Justice from abstaining from a vote.

Relevant Legislation

R60-79: Impeachment of Social Sciences Senator 2024-25
R60-107: Impeachment of At-Large Senator 2024-25
R60-116: Impeachment of the Former Student Advocate General

Relevant Judicial Board Case Law

Opinion in *ASUCI Senate v. Sosa-Hernández*
Summary Judgement in *ASUCI Senate v. Schuld*

Relevant Judicial Board Investigative Reports

Investigation Summary On Concerns Regarding the Conduct of the Student Advocate General