

asw.judicial

Judicial Code

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Article I. PURPOSE AND DEFINITIONS

The purpose of this document is to outline and guide the duties and responsibilities of the Judicial Branch (ASW Judicial) of the Associated Students of Westminster College, which acts within its duties outlined by the Constitution and By-Laws of the Associated Students of Westminster College. This body is also to remain a completely unbiased forum in which grievances, concerns, and other possible issues from the student population can be addressed.

The following bodies and names listed here within will be known as:

- a. Associated Students of Westminster College: ASW;
- b. ASW Judicial Council: JudCo;
- c. Grade Point Average: GPA;
- d. Assistant Chief Justice: ACJ; and
- e. Judicial Branch and ASW Judicial Council are synonymous terms in regard to this document.

Article II. MEMBERSHIP OF THE JUDICIAL BRANCH

SECTION 1. The Judicial Branch

- a. The Judicial Branch is to be comprised of the Chief Justice, four (4) Associate Justices, and one (1) Judicial Clerk.

SECTION 2. The Chief Justice

- a. will be elected by a simple majority vote, of fifty (50) percent plus one (1), of all ballots cast by the student members of ASW; and
- b. will serve a term from the time of swearing in to which time the next Chief Justice is sworn in.

SECTION 3. The Judicial Council

- a. will be selected by the Chief Justice and confirmed by the Senate;
- b. will be chaired by the Chief Justice;
- c. will consist of members in good standing academically by:
 1. being registered for:
 - A. six (6) undergraduate hours; or
 - B. three (3) graduate hours; and
 2. having a GPA of no less than 2.5.
- d. will have one member designated as the Assistant Chief Justice (ACJ); and
- e. will have terms concurrent with the Chief Justice's, beginning at the time of appointment and ending at the end of the Chief Justice's term.

SECTION 4. The Judicial Clerk

- a. will be appointed by the Chief Justice; and
- b. must be in good standing academically by:
 1. being registered for:
 - A. six (6) undergraduate hours; or
 - B. three (3) graduate hours; and
 2. having a GPA of no less than 2.5.

Article III. REMOVAL FROM OFFICE

- a. The Chief Justice can be removed from office through impeachment or recall proceedings as are defined in the ASW Constitution.
- b. The Associate Justices of the Judicial Council can be removed from office by the Chief Justice in any case where there has been a violation of the Constitution, Bylaws, Judicial Code, or any other documents subordinate of the Constitution.
- c. The Judicial Clerk can be removed from office at the discretion of the Chief Justice.

Article IV. DUTIES AND RESPONSIBILITIES

SECTION 1. The Chief Justice shall:

- a. chair the meetings of the Judicial Council;
- b. chair all hearings;
- c. be a voting member of the Judicial Council;
- d. oversee the operations of the Judicial Council and Judicial Clerk;
- e. hold no less than one (1) meeting per month in which the Judicial Council and Judicial Clerk are present.
- f. attend Senate meetings;
 - 1. The Chief Justice may not miss more than three (3) meetings during a given semester; and
 - 2. Arriving ten (10) minutes late to a senate meeting twice in a given semester will create one absence on the record.
- g. recuse themselves in any case where personal bias can ascertainably exist;
- h. chair impeachment proceedings;
 - 1. Impeachment proceedings will be in accordance with the ASW Constitution; and
 - 2. If the Chief Justice is the one being impeached, the ACJ will chair the impeachment proceedings.
- i. swear in all elected and appointed members of ASW

SECTION 2. The ACJ shall:

- a. be selected by the Chief Justice;
- b. have the aforementioned responsibilities and duties of the Chief Justice in any case where the Chief Justice is not available or unable to fulfill their duties;
- c. become the Interim Chief Justice until special election occurs to fill the vacancy of the Chief Justice; and
- d. be approved by the Senate as the ACJ as well as a member of the Judicial Council.

SECTION 3. The Associate Justices shall:

- a. serve as voting members of the Judicial Council;
- b. attend each Judicial Council meeting unless unavailability is justified; and
- c. attend all judicial hearings.

SECTION 4. The Judicial Clerk shall:

- a. attend each Judicial Council meeting unless unavailability is justified;
- b. attend all hearings;

- c. serve as a voting member in any case where there are less than five (5), but no less than two (2) voting members of the Judicial Council present; and
- d. keep the minutes for each Judicial Council meeting and hearing.

Article V. TYPES OF HEARINGS

SECTION 1. Impeachment hearings

- a. As defined by the ASW Constitution.

SECTION 2. Election dispute hearings

- a. Presided over by the Chief Justice;
- b. Each Associate Justice and the Chief Justice is given a vote;
- c. Judgment shall be based on a majority vote;
 1. No abstentions are allowed from any justice.
- d. Before a hearing takes place, the petitioner must submit a complaint in writing to the Chief Justice, the Judicial Council, and the Dean of Students during the election, or no more than two (2) days after the results are posted;
 1. The request for a hearing may only be made if the petitioner feels that there was an error in procedure or unethical conduct by candidates or the Judicial Council during the election;
 2. The complaint filed needs to identify, but not prove, the error in procedure or unethical conduct that may have occurred;
 3. If three (3) justices on the Judicial Council vote that the complaint meets the aforementioned criteria, the complaint shall go to hearing; and
 4. If three (3) justices do not vote that the complaint shall be heard, the justices will write a Majority opinion, and if necessary a Minority opinion, to be submitted to the petitioner so they know the reasoning as to why the complaint was denied.
- e. During the hearing, both the petitioner and the respondent are allowed to call witnesses and bring forth evidence in their support;
 1. All evidence and witnesses must be submitted to the Judicial Council no less than three (3) days before the hearing unless both parties agree to the expedient nature of the hearing;
 2. The Judicial Council will give the information from each participating party to the other party;
 3. Any member of the Judicial Council may ask questions during any testimony;
 4. Both sides must be allotted equal time during a hearing;
- f. The decision of the Judicial Council will be given out in person as well as in writing in no more than four (4) days;
 1. Minutes from the hearing as well as opinions written by the Majority, and if deemed necessary, the Minority Justices will be made available.

SECTION 3. Traditional Hearing/Ethics Code Hearing

- a. For reasons defined by the ASW Constitution.
- b. Presided over by the Chief Justice;
- c. Before a hearing takes place, the petitioner must submit a complaint in writing to the Chief Justice
- d. During the hearing, both the petitioner and the respondent are allowed to call witnesses and bring forth evidence in their support;
 1. All evidence and witnesses must be submitted to the Judicial Council no less than three (3) days before the hearing unless both parties agree to the expedient nature of the hearing;
 2. The Judicial Council will give the information from each participating party to the other party;
 3. Any member of the Judicial Council may ask questions during any testimony; and
 4. Both sides must be allotted equal time during a hearing.
- e. The decision and/or Order of Action as defined in the ASW Constitution from the Judicial Council will be given out in person as well as in writing in no more than four (4) days;
 1. Minutes from the hearing as well as opinions written by the Majority, and if deemed necessary, the Minority Justices will be made available.
- f. Each Associate Justice is given a vote; and
- g. Judgment shall be based on a majority vote of three (3) or more either way;
 1. No abstentions are allowed from any justice.

SECTION 4. Complaint Boards

- a. Complaints and allegations against any legislation, action, or person serving within ASW must be made in writing to the Chief Justice;
- b. The Judicial Council will vote on whether or not to hear the complaint;
 1. A vote in the affirmative by no less than three (3) justices will result in a hearing;
- c. All parties will be made aware of a hearing no more than four (4) days after it is decided upon;
- d. All parties are allowed to call witness and present evidence;
 1. All evidence and witnesses must be made aware of to the Judicial Council no less than three (3) days before the hearing;
 2. The Judicial Council will give the information from each participating party to the other party;
 3. Any member of the Judicial Council may ask questions during any testimony;
 4. Both parties will be given equal amounts of time to be heard;
- e. Shall be presided over by the Chief Justice;

- f. Each member of the Judicial Council is given one vote;
- g. Judgment and/or an Order of Action as defined by the ASW Constitution shall be based on a majority vote of three (3) or more either way;
 - 1. No abstentions are allowed from any justice
- h. The decision of the Judicial Council will be given out in person as well as in writing in no more than five (5) days;
 - 1. Minutes from the hearing as well as opinions written by the Majority, and if deemed necessary, the Minority Justices will be made available.

SECTION 5. Judicial Review

- a. For reasons defined by the ASW Constitution;
- b. Presided over by the Chief Justice;
- c. The Judicial Council holds the authority to review the constitutionality of all official actions or pieces of legislation brought forth by a branch or board of ASW;
 - 1. The decision to review said actions, legislation, and guiding documents requires a majority vote of the Justices of the Judicial Council;
 - A. Following an affirmative vote to review any of the above, the involved party or parties will be notified.
 - 2. The Judicial Council holds the right to Judicially Review without the need of an explicit petitioner.
- d. The review process shall operate as such:
 - 1. The Judicial Council will utilize the power of subpoena to call upon two organizations, committees, or individuals. The subpoena(s) must be sent no later than three (3) days after the Judicial Council votes to move forward with the review process. Once a subpoena is received the organization, committee, or individual must attend the scheduled review process or send representation.
 - A. If one side of representation wishes to reschedule the set time and date of the review the other side must accept the proposed schedule change. Ultimately the ASW Judicial must approve of a rescheduling. If the rescheduling is not approved the original schedule goes ahead as planned;
 - B. If an organization, committee, or individual does not attend the review process after being notified of its existence, the process will proceed without them.
 - 2. Both organizations, committees, or individuals must present all evidence to the Judicial Council no less than three (3) days before the scheduled hearing. This information will be distributed to the opposition by the Judicial Council;
 - 3. The Judicial Council will allot a sufficient and equal amount of discussion time for both sides;
 - 4. The Judicial Council requires a majority vote of three (3) justices either way to remand a piece of legislation;

5. Each member of the Judicial Council is given one vote;
 6. No abstentions are allowed from any Justice; and
 7. The Judicial Council possesses the authority to remand a piece of legislation back to its respective committee or organization until amendments are made. The Chief Justice must assure that the amendments suit the ruling.
- e. The decision of the Judicial Council will be given out in person as well as in writing no more than five (5) days after the hearing.
1. The Judicial Council will be required to create and supply an opinion on the review's outcome. If a Justice wishes to provide a dissenting opinion after the vote, they may do so; and
 2. If a document or segment is deemed unconstitutional by the Judicial Council, the document or segment is no longer considered in effect pending the review of the committee or organization.

Article VI. AMENDMENTS TO THIS DOCUMENT

This document can be amended by a two-thirds (2/3) majority vote in the affirmative by the ASW Senate.

Article VII. RATIFICATION AND IMPLEMENTATION

- a. This guiding document shall be voted on by the Senate and be passed with a two-thirds (2/3) majority vote; and
- b. This guiding document will be enacted as soon as the Senate votes with two-thirds (2/3) of the total present body in the affirmative.