



**ASSOCIATED STUDENTS  
OF  
OREGON STATE  
UNIVERSITY**

***JUDICIAL COUNCIL POLICIES***

**LAST AMENDED FALL 2017**

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**TITLE I: STATUTE SYSTEM**

Section A: ORGANIZATION

1. The ASOSU Judicial Council Rules and Procedures shall be organized and circumscribed by Title, Lettered Section, Numbered Subsection, Number and Lowercase Roman Numeral, and Lowercase Letter. This structure of organization shall be maintained by the Judicial Council.

Section B: AMENDMENTS AND REVISIONS

1. Amendments and revisions shall be incorporated into the Judicial Policies by a simple majority vote of the Judicial Council. These amendments and revisions shall adhere to the organization guidelines stated in Chapter I, Section A of the Judicial Council Policies, as well as the ASOSU Constitution and Statutes.
2. All amendments and revisions to the Judicial Council Policies shall require the approval of a simple majority of the ASOSU Senate.
3. Amendments and revisions to these policies shall go into effect immediately, upon confirmation by the ASOSU Senate.
4. These Judicial Procedures shall be stricken only with a unanimous vote of the Judicial Council and a two-thirds majority vote of the Senate.

Section C: SUBORDINATION OF JUDICIAL POLICIES

1. The Judicial Policies are herein subordinate to the ASOSU Constitution and Statutes, as well as all state and federal law.

**TITLE II: ESTABLISHMENT OF JUDICIAL COUNCIL POLICIES**

Section A: ESTABLISHMENT

1. The powers of the ASOSU are vested in the ASOSU Constitution and Statutes. As such, the ASOSU is made up of three branches, resembling that of the United States federal government. The Executive branch is comprised of the President, Vice-President, and all other Executive Officers; the Legislative branch is composed of a House of Representatives and a Senate; and the Judicial Council (JC), executes the duties similar to those of the “Supreme Court”.
  
2. According to Article V Sections C and D, “The power of the Judicial Council shall arise exclusively from any case or controversy brought before it, pertaining to any question of interpretation of ASOSU Constitution and Statutes. The Judicial Council shall be the final authority on questions of interpretation of ASOSU Constitution and Statutes.”

Section B: COMPOSITION OF THE COURT

1. The Judicial Council is comprised of seven (7) members of the ASOSU, including undergraduate and graduate students. These members cannot hold any position in either the Executive and Legislative branches.
  
2. Judicial Council members are appointed by the ASOSU President and confirmed by the Senate and serve a term of up to four (4) years while they are still a student at Oregon State University.
  
3. Judicial Councilors are required to adhere to all laws and bylaws pursuant to Title IV of the ASOSU Statutes.
  
4. The Judicial Council shall establish procedures and rules of order, appropriate for its various meetings and functions.
  
5. Officers of the Judicial Council shall be elected from within its membership at or before the beginning of every Fall term. Officer positions shall include the Judicial Council Chair and the Judicial Vice-Chair. The Judicial Chair and Vice Chair, when acting as Chair, shall adhere to all duties as described under Title VI of the ASOSU Statutes, including appointing a Court Recorder.
  
6. In the event that the Vice Chair position is unfilled the Chair shall be responsible for completing or delegating to other Councilors all Vice Chair duties.

7. The Judicial Office shall hereon be referred to as the Judicial Chambers.
  
- ~~8.~~ The Judicial Council shall establish regular meeting times and, when the Chair or a majority of Councilors deem it necessary and appropriate, hold meetings to conduct official business.
  
9. The Court Recorder’s duties shall include the following:
  - i. They shall be responsible for taking detailed and accurate notes regarding all official business of the court. All notes are to be written in professional font, size, and format. The date, page numbers, and if it is from a certain case, case number in the format: last two digits of the year followed by a dash and then the case number shall be placed in the header of every page.
  
  - ii. Judicial Councilors shall be referred to as “Justice” followed by their last name.
  
  - iii. Judicial notes shall be printed and filed in the Judicial Chambers in the appropriate folder labeled by month and year. A digital copy shall be kept on the Judicial Council computer in the appropriate folder.
  
  - iv. The Court Recorder shall be responsible for notifying all parties, as well as the Daily Barometer, of Hearing and Trial dates, times, and locations.
  
10. The Vice Chair’s duties include the following:
  - i. Acting as Chair when the Chair is absent from Judicial Council Meetings.
  
  - ii. Explaining the Hearing Rules and Procedures during court trials and hearings.
  
  - iii. Administering the oath to all witnesses during case trials prior to any taking the stand.
    - a. The Vice Chair shall order the witness to stand behind the witness stand and then ask them to raise their right hand. Once the witness has raised their right hand, the Vice Chair will ask “Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you?” and shall wait for the witness to say “yes” before returning to the bench.

- b. If the witness does not say “yes” then the Vice Chair will ask the question again. If the witness continues to refuse to say “yes”, then the witness shall be immediately removed from the witness list and shall give up all rights as a witness during that case.
  
- iv. Developing and maintaining the “Court Reporter”, which shall include, but not be limited to, all archival documents as listed in the Statutes (Title IV, section 6, letter B).
  
- 11. Should the Chair vacate their seat during an academic year, the Vice Chair shall assume the position of Chair until elections can be held during the next regularly scheduled Judicial Council meeting.
  
- 12. Quorum shall be required to conduct meetings and official business of the Judicial Council. It shall consist of no less than one-half of the current Council members.
  
- 13. Council members who wish to resign from their position on the ASOSU Judicial Council shall submit a letter of resignation, stating reasons to the Judicial Chair and supply copies to the Speaker of the House, Vice President, and President. Members of the Judicial Council shall include in their letters of resignation the name or names of at least one person whom they would prefer the President nominate to fill their seat.
  
- 14. Regularly Scheduled Meetings are to be private at the discretion of the court.

Section C: REQUIRED DOCUMENTS AND MATERIALS

- 1. Upon successful completion of the Oath given by either the President or Judicial Chair, every Judicial Council member shall be issued two things:
  - i. A black judicial robe to be used during the duration of his or her tenure as Judicial Councilor by the Judicial Chair.
    - a. Robes are to be kept in the Judicial Office. They shall be worn during all Trials and Hearings.
  
    - b. Each councilor is required to keep their robe in good condition and is responsible for any damages upon surrendering their robe to the Judicial Chair at the time of their departure from the council.

- ii. A three-ring binder containing a copy of the current ASOSU Constitution, Statutes, Judicial Policies, previous case Decisions and Opinions, and all other documents deemed relevant by the Judicial Chair.

Section D: REMOVAL OF JUDICIAL OFFICERS

1. Judicial Officers shall include anyone who is elected from within the Judicial Council to serve in a capacity greater than that of Judicial Councilor.
2. The Judicial Council Chair and Vice Chair may be removed from office by a vote of no less than two-thirds of the members of the Judicial Council. The officer removed from office must immediately vacate their position upon a successful vote for removal by the council and a new officer shall be elected into office at the next regularly scheduled meeting.
3. The removed officer shall maintain the same rights and responsibilities of a non-officer member.
4. Any member of the Council who has been removed from office shall not serve in any other elected position for the remainder of the academic year; however, upon the start of the following academic year, they shall regain full eligibility.
5. The Council’s removal from office process is distinct from that of ASOSU’s Impeachment process. When the Council removes one of its officers, that individual does not forgo their Council membership, just their officer position. For an individual to be removed from the Council, Title VI of the ASOSU Statutes must be invoked and successfully completed.

**TITLE III: SUBSIDIARY COURTS**

Section A: SERVICE ON SUBSIDIARY COURTS

1. All members of the Judicial Council may serve on all subsidiary court.
2. The Judicial Chair shall head all subsidiary courts and inform the Judicial Council of the time and date of the respective courts, as well as provide Council members with any and all required documents pertaining to the respective courts.

3. Congress shall be vested the power to create and reorganize subsidiary courts.
4. At least one member of the Judicial Council shall sit on the Elections Committee.

## **TITLE IV: DOCUMENTS**

### Section A: ELIGIBILITY

1. Any member of the ASOSU may bring a written request for review or remedy to the Council by filing all necessary documents.

### Section B: TYPES OF REQUESTS

1. Writ of Appeal: Request from member outside of the Council to review an Opinion of the Court.
2. Writ of Judicial Inquiry: General Inquiry of constitutional, statutory, or procedural understanding
3. Writ of Judicial Review: Review by current Council of past Opinions of the Court.
4. Writ of Mandamus: Order from the Council to fulfill a constitutional obligation.
5. Injunction: Order from the Council to halt a particular action or decision until a later date.

### Section C: FILING PROCESS

1. To submit a request, all documents shall be sent to the official email of the Judicial Council Chair or placed under their office door or on their desk.
2. All requests must be complete. If a request is not filled out completely or accurately, the request will automatically be denied and the Plaintiff(s) will be informed in writing why the request was denied, how to correct the errors presented in the request, and how to resubmit the document.
3. Documents shall be submitted to the Council in either of two ways:

- i. The documents may be designated as “Open”, in which the request may be viewed by any member of the ASOSU upon request.

or

- ii. A document may be designated as “Sealed”, in which the request may not be viewed by anyone outside the Judicial Council. The Council has the right to unseal any request at anytime, with a simple majority vote.

4. Upon receiving a completed request, the Judicial Chair shall:

- i. Assign an appropriate case number and add the number to all forms submitted. Case numbers are to be addressed by the last two digits in the current year followed by a “-“, then followed by the next sequential number from the last case, and then followed by either an “(i)” for Inquiry, “(r)” for Review, or “(c)” for Case.

An example would be: Case #: 09-101(i).

- ii. Notify the requesting party by e-mail or phone that the Council received all documents and inform them of the next step(s) in the judicial process.
- iii. The Chair shall write on the front page of the request the time and date the requestor was notified by the council, as well as when the Council approved or denied the case; followed by their signature.

**TITLE V: PROCEDURES, RULINGS, AND OPINIONS**

Section A: COURT PROCEDURES

- 1. The Council shall, when it deems necessary, revise its court procedures, which shall be approved by a simple majority of the ASOSU Senate before taking effect.
- 2. These Court Procedures may not conflict with the ASOSU Constitution and Statutes.

Section B: RULINGS AND OPINIONS

1. All Rulings and Opinions shall meet the requirements under Title IV, Section 5 of the ASOSU Statutes.
  
2. Opinions shall have “Majority Opinion by Councilor[s] [Last Name], followed by “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, the name of parties involved and their respective titles, designation of Inquiry, Review, or Case “to the ASOSU Judicial Council”, “No.” last two digests of the year with a dash followed by the number and abbreviation (of i for inquiry, r for review, and c for case), and lastly “[month written out, followed by day, and year].” Example, Case number 09-101(i).
  
3. All Opinions shall be written in professional size 12 font, except “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, which shall be in size 16 font and boldfaced.
  
4. They shall include Concurrent and Dissenting, and shall include the following items:
  - i. Name(s) of the Contributing Justice(s)
  - ii. Reasons for the Opinion
  - iii. All necessary citation
  - iv. Ruling Implications, which shall be included in the Majority Opinion when past rulings and opinions are either upheld or overturned.
  
5. All Rulings and Opinions must be distributed to all involved parties, as well as to the President, Vice President, and Speaker of the House, within five (5) days following the completion of the written opinion.

Section C: RECORDS AND ARCHIVES

1. The Judicial Council Records and Archives shall be from here on known as the Judicial Branch Archives.

- 2. The “Court Recorder”, an annual compilation of all Judicial Branch Archive documents, shall be kept on hand in the Judicial Council Chambers when not being updated.
- 3. The Judicial Council shall adhere to all records and archives requirements pursuant to Title IV, Section 6 of the ASOSU Statutes.
- 4. The Judicial Chairman shall distribute any and all copies of Judicial Branch Archives to any member of the ASOSU upon request.
- 5. No original documents of the Judicial Branch Archives may be distributed.

**TITLE VI: PRE-HEARING PROCEDURE**

Section A: INITIATION OF ACTIONS

- 1. Once a completed request is filed with the Judicial Council Chair, the entire Council shall decide whether to accept the case within ten (10) academic days after receipt or their next regularly scheduled meeting, whichever comes first.
  - i. The Judicial Council may summon any member of the ASOSU that seeks to utilize the services of the Council or desires a hearing to determine the legality of a body’s actions.
- 2. At any time during the preliminary hearing, if any Judicial Council member has determined there to be a conflict of interest between them and the case or the request at hand, that Judicial Councilor will inform the Council that there is a conflict and will immediately remove themselves from the case.
  - i. In any cases where a blood relative is involved in a Judicial Case, there will be a mandatory removal of that Judicial Councilor during all matters involving the case.

Section B: TYPES OF TRIALS/HEARINGS

1. Trials:
  - i. Trials are used by the Judicial Council to determine the innocence or guilt of the Defendant(s) brought before the Judicial Council by the Plaintiff(s).
  
2. Hearings:
  - i. Hearings of Interpretation are to determine interpretation of a document and do not involve a Defendant.
  - ii. Hearings of Information are hearings in which any member of the Executive or Legislative Branches may request a hearing concerning matters of the Constitution, Statutes, and all other associated documents.
  
3. During all Trials and Hearings, Judicial Council members shall be referred to as “Councilor”, “Your Honor”, “Justice”, or they may be addressed by their respective title.

#### Section C: TRIALS

1. Trials are used by the Judicial Council to determine the innocence or guilt of a Defendant brought before the Judicial Council by the Plaintiff(s).
2. All trial dates, times, and locations shall be determined by the Judicial Council and reported by the Judicial Court Recorder to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
3. Trials shall not take place any sooner than seven (7) academic days after approval by the Council and no later than what is deemed reasonable.
4. All trials shall be held in the Memorial Union Building and must be open to the public.
5. All types of media shall be allowed in the courtroom during trial proceedings unless either of the two parties, with the consent of the Council through a simple majority vote, agrees to hold a “Closed Visual Session”, in which no video or still cameras will be allowed; only audio and/or pen and paper

shall be permitted by the media. If visual equipment becomes a distraction to the case at hand, the Council shall have the authority to remove it through a simple majority vote, invoking a "Closed Visual Session".

6. Judicial Council approved Media shall be the only ones allowed to possess audio and visual recording equipment during the duration of the proceedings. All television cameras are to be set up behind the gallery.
7. All evidence and witnesses will be made available to the Council during this trial process.
8. Plaintiff(s) and Defendant(s) shall be required to provide the Council and the opposing party with a list of any and all witnesses no later than seventy two (72) hours prior to a trial.
  - i. All witnesses shall fill out a Witness Affidavit, which must be filled out and filed at the same time the list of witnesses is submitted in a sealed manila envelope to the Judicial Chair.
  - ii. The Court Recorder shall be responsible for maintaining all submitted witness forms and copies shall be provided to each Judicial Council member prior to the trial.
9. It is the responsibility of both the Plaintiff(s) and Defendant(s) to inform their respective witnesses of their rights and responsibilities as stated in the ASOSU Constitution and Statutes, as well as to inform them of all Judicial Policies and Procedures.
10. Plaintiff(s) and Defendant(s) shall be required to submit a brief, which shall include a summary of the alleged actions in violation, all appropriate charges, and all relevant evidence to the Council and to the opposing party no later than seventy two (72) hours prior to trial.
11. Plaintiffs and Defendants may choose another consenting student to represent themselves during all trials. In cases where there are more than one Plaintiff and/or Defendant, such as in a case between branches of the ASOSU, one designated member of each party shall represent the group's interests before the court. In any case involving the Executive Branch the ASOSU President will be the representative, in any case involving the Legislative Branch the Speaker of the House will be the representative. This individual shall notify the court that they are the representative for their specific party when submitting their initial request(s).

1. Interpretation Hearings shall occur no sooner than three (3) academic days after acceptance and no later than three weeks, except in the case of an academic term ending, in which case it shall occur within three weeks of the start of the next academic term.
  - i. All Interpretation Hearing dates and times will be determined by the Judicial Council and reported by the Judicial Council to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
  - ii. Interpretation Hearings are to be held in the Memorial Union building or otherwise specified location and shall be open to the public.
  
2. Informational Hearings shall occur no later than ten (10) academic days after the Judicial Council accepts the request.
  - i. In cases where immediate action is imperative, the individual requesting the hearing shall meet with no less than a simple majority of the Council no later than 48 hours after the request has been filed, upon a simple majority vote of the Council.
  - ii. Informational Hearings shall be held in closed session in the Judicial Council Chambers and shall be recorded by the Court Recorder. If the Court Recorder is not able to attend the hearing, the Judicial Chairman shall appoint a Council member attending the meeting to act as temporary Court Recorder.

Section E: ORDERS

1. Gag Orders:
  - i. Gag Orders may be issued to any member of either party invoked by any member of the Council if they deem it to be necessary.

- ii. Gag Orders shall require that no part of any Trial or Hearing is to be talked about publicly or privately amongst members of the other party or anyone external to the case outside of either the Judicial Council Chambers or the room where the trial is being held.
- iii. If a party should violate a Gag Order, they will be immediately stricken from the Trial and any and all testimony or evidence they possess will be inadmissible.

2. Orders of Injunction:

- i. Injunctions may be issued when the Council believes an action taken by a member of the ASOSU is either harmful or illegal.
- ii. Two types of injunctions will be used:
  - a. Temporary Injunction Orders (TIO) are injunctions that last no more than one academic term, and are used when the Council believes a matter can be resolved within that amount of time. A simple majority vote is needed to enact a TIO.
  - b. Full Injunction Orders (FIO) are injunctions of an indeterminate period of time, subject to renewal upon the beginning of a new term of office, and will stay in effect until lifted by the Judicial Council.

3. Summons and Subpoenas

- i. Summons
  - a. A summons is defined as an order compelling an individual to appear before the council at a hearing or meeting.
  - b. Pursuant to Title III, Section 2, Subsection D, all Executive Officers, Employees, and Elected Officials must comply with any and all summons requests.

- c. A summons may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

- ii. Subpoenas

- a. A subpoena is defined as an order compelling a member of the ASOSU to provide testimony or evidence on a matter before the Judicial Council.
- b. If that subpoenaed individual does not respond to the request, the case or hearing, if in their favor, will not be conducted.
- c. A subpoena may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

## **TITLE VII: HEARING RULES**

### Section A: RULES OF EVIDENCE

1. Definition of Evidence - Evidence is anything offered to the senses of the court to prove or disprove an alleged fact that is vital to the adjunction of a case.
  - i. Factual allegations are not evidence.
  - ii. Factual allegations should be proved or disproved through the introduction of evidence.
2. Admissible Evidence - Only admissible evidence shall be considered by in hearings of the Judicial Council.
  - i. Admissible Evidence is evidence deemed to be germane by the Judicial Council and aids in the proof or disproof of factual allegations.

### Section B: HEARSAY RULE

1. Hearsay evidence is a statement offered to prove or disprove a factual allegation by a party whose presence or direct involvement in the events of the case's question is questionable.
2. The Judicial Council shall determine the admissibility of hearsay evidence.

### Section C: RULES OF OBJECTION

1. Objections may only be raised by the Plaintiff, Defendant, either party's legal counsel or a Judicial Councilor.

2. Objections may only be raised to challenge the admissibility or relevance of evidence.
3. Objections may be overruled by a simple majority vote of the Judicial Council.

#### Section D: RULES OF CONDUCT

1. No ill behavior will be tolerated
2. All parties will be permitted to present evidence and arguments without undue interruption.
  - i. Objections from the opposing parties and from Judicial Councilors as well as points of clarification from Judicial Councilors are not undue interruptions.
3. The Judicial Council reserves the right to remove any member of the Plaintiff's or Defendant's parties or members of the gallery from the court with a simple majority vote.
  - i. The Judicial Council Chair shall appoint a Sergeant at Arms in the event of ill behavior on the part of any party present in the court.
    - a. The Sergeant at Arms will have the full power of the Judicial Council to remove persons from the court.

#### Section E: RULES OF ORAL ARGUMENTATION

1. Oral arguments shall follow the ordered progression of presentation of evidence as follows: opening statements, presentation of evidence by the Plaintiff, cross examination of the Plaintiff by the Defendant, presentation of evidence by the Defendant, cross examination of the Defendant by the Plaintiff, examination of the evidence by the Council, and closing statements.
  - i. Each party shall have 5 minutes to present their opening statement.
  - ii. Each Party shall each have 20 minutes to present evidence and testimony.
  - iii. Each party shall have 10 minutes to cross examine the opposing party.
  - iv. Each party shall have 5 minutes to present their closing statement.
  - v. The Plaintiff shall present his or her opening and closing statements before the Defendant.

#### Section F: RULE OF PRIMA FACIE

1. "Prima Facie" is a Latin term which translated means "at first face" or "first impression". This term is commonly used to denote evidence that is self-evident from the facts.
2. An order adverse to a party may be issued upon default only if a prima facie case is made on the record.

### **TITLE VIII: COURT PROCEDURES**

#### Section A: SOLICITATION OF NOTICE

1. Prior to trials, all relevant parties shall be given notice of their rights, obligations, and scheduling information.

#### Section B: CALL TO ORDER

1. The Judicial Council Chair shall call the hearing to order with two raps of the gavel, solicitation of the presence of the required parties, including Plaintiff(s), Defendant(s), their counsel, and any other subpoenaed persons, by the Court Recorder, and a final rap beginning the orders of the day.

#### Section C: INTRODUCTION OF THE COUNCIL MEMBERS

1. The Judicial Council Chair will address each member of the court formally using the title “Justice” for the purpose of roll call and as an introduction of the councilors to the court.

#### Section D: RECOGNITION BY THE COUNCIL OF EACH PARTY’S SPOKESPERSON

1. The Judicial Council Chair shall ask each party to announce their official spokesperson. In cases involving the ASOSU Executive Branch the ASOSU President will be the official party spokesperson, in cases involving the ASOSU Legislative Branch the Speaker of the House will be the Official party spokesperson. Herein, the representative official of the Plaintiff shall be referred to as the Plaintiff and the representative official of the defendant shall be known as the Defendant.

#### Section E: EXPLANATION OF HEARING RULES AND COURT PROCEDURES

1. The Judicial Council Vice Chair shall, in brief, provide explanation of the Hearing Rules and Court Procedures.

#### Section F: STATEMENT OF CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall state the charges brought against the Defendant as well as the remedy sought. Such statement will include the definitions and ramifications of the remedy sought as it applies to the Defendant.

#### Section G: SOLICITATION OF UNDERSTANDING OF STATEMENT CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall re-read the charges as filed and ask the Plaintiff and Defendant for confirmation of the accuracy of the charges and remedy sought. If the Plaintiff or Defendant disagrees with the accuracy of the statement of charges and remedy sought, they shall make their objections known and the court will recess to allow the Council to rule on the accuracy of the charges and remedy sought.

#### Section H: ADJOURNMENT FOR CLOSED DELIBERATIONS

1. After oral argumentation the court will be adjourned by the Judicial Council Chair for closed deliberations. The Judicial Council Chair will excuse the court and inform the Plaintiff(s) and Defendant(s) of when to expect the Council’s subsequent ruling.

### **TITLE IX: RULINGS**

Section A: TRIAL REMEDIES

1. There shall be three (3) types of remedies handed down by the Council:

i. Direct Judgment

a. Direct Judgments shall express the opinion of the Council concerning a dispute between parties.

ii. Writ of Mandamus

a. Shall be issued when the court determines that an Elected Official, Officer, or Employee has not fulfilled their duties as stated in the ASOSU Constitution, Statutes, or any other legal document stating required job-related duties. The Council shall interpret the meaning of the job description and the Writ of Mandamus shall require the individual in question to fulfill all job-related duties specified by the Judicial Council.

iii. Plea Agreements

a. If a Defendant(s) charged with an offense brought before the Judicial Council decides not to challenge the charges and settles with the Plaintiff(s) out of court, they shall have the ability to file a Settlement Agreement Form (SAF) with the Judicial Chair.

b. The SAF shall include the Defendant(s) and the Plaintiff(s) account of the infraction(s), along with any and all agreements made between the two parties.

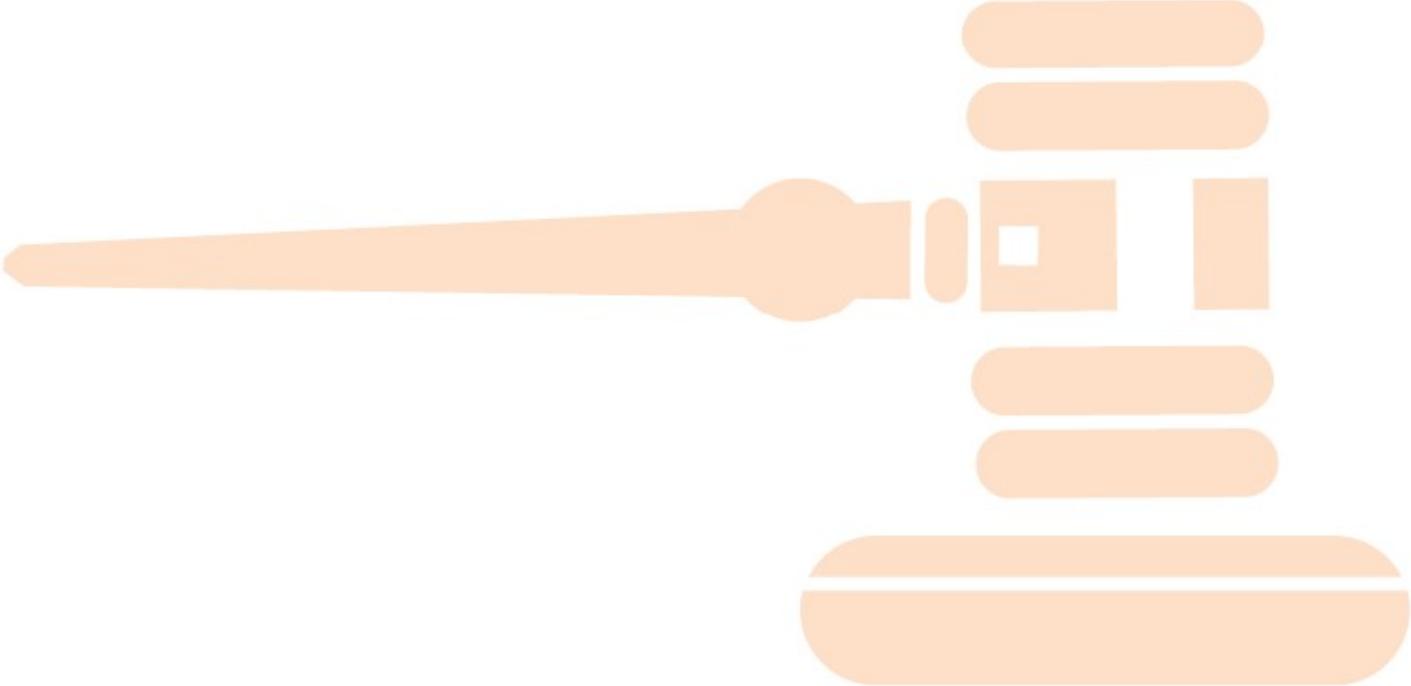
c. The Judicial Council shall decide on the legality of the settlement agreement no later than seven (7) academic days after received by the Chair. No agreement shall violate the Constitution or Statutes.

**TITLE X: POST TRIAL/HEARING PROCEDURES**

Section A: JUDGEMENT

1. Immediately following the conclusion of a Trial or Hearing, the Judicial Council shall discuss the case during closed deliberation. The date and time shall be decided upon by the Council members through a simple majority vote; however, deliberations shall not take place any later than ten (10) academic days following a trial or hearing.
2. The Court Recorder shall record all discussion that takes place during closed deliberations, including their own.
3. When voting commences, the Court Recorder shall address each Councilor by their last name, and ask how they vote. All votes shall be entered into the minutes preceded by the Councilor's last name. When it is time for the Court Recorder to vote, they shall audibly vote.
4. The Judicial Council shall have the power to request the advice of the ASOSU Legal Advocate for Students. The Legal Advocate shall only have the ability to advise and direct the Council toward relevant information. They shall stay impartial during the duration of deliberations. Once their advice has concluded, the Council will excuse them to leave the room where deliberations are taking place.
5. The Court Recorder shall record all discussion given to the Council by the Legal Advocate.
6. Two-thirds of the Council must agree on a decision in order for it to pass.
7. In order to find the Defendant(s) guilty, Council members must agree that all the following have been met:
  - i. The violation of conduct in question violates any part of the ASOSU Constitution, Statutes, and or any other document in question.
  - ii. That there was adequate witness testimony and/or evidence proving the illegality of the behavior beyond a reasonable doubt.
  - iii. That any remedy handed down fits the severity of the act in violation and the remedy does not violate the ASOSU Constitution and Statutes.

- 8. When voting, each Councilor shall explain to the Council why they either accept or refuse to accept each of the three conditions stated above.
  
- 9. The Council shall have no more than fifteen (15) days immediately following the start of closed deliberations to arrive at a decision. If no decision is made by midnight on the 15<sup>th</sup> day, the Chair shall declare a mistrial and all involved parties shall receive a letter stating the Council’s decision of a mistrial and that no punishment will be handed down.
  
- 10. Throughout the course of the proceedings, beginning with the submission of requests and continuing through deliberations, the Defendant(s) are to be assumed innocent until proven guilty.





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3. Judicial Councilors are required to adhere to all laws and bylaws pursuant to Title IV of the ASOSU Statutes.
  
4. The Judicial Council shall establish procedures and rules of order, appropriate for its various meetings and functions.
  
5. Officers of the Judicial Council shall be elected from within its membership at or before the beginning of every Fall term. Officer positions shall include the Judicial Council Chair and the Judicial Vice-Chair. The Judicial Chair and Vice Chair, when acting as Chair, shall adhere to all duties as described under Title VI of the ASOSU Statutes, including appointing a Court Recorder.
  
6. In the event that the Vice Chair position is unfilled the Chair shall be responsible for completing or delegating to other Councilors all Vice Chair duties.

7. The Judicial Office shall hereon be referred to as the Judicial Chambers.
  
- ~~8.~~ The Judicial Council shall establish regular meeting times and, when the Chair or a majority of Councilors deem it necessary and appropriate, hold meetings to conduct official business.
  
9. The Court Recorder’s duties shall include the following:
  - i. They shall be responsible for taking detailed and accurate notes regarding all official business of the court. All notes are to be written in professional font, size, and format. The date, page numbers, and if it is from a certain case, case number in the format: last two digits of the year followed by a dash and then the case number shall be placed in the header of every page.
  
  - ii. Judicial Councilors shall be referred to as “Justice” followed by their last name.
  
  - iii. Judicial notes shall be printed and filed in the Judicial Chambers in the appropriate folder labeled by month and year. A digital copy shall be kept on the Judicial Council computer in the appropriate folder.
  
  - iv. The Court Recorder shall be responsible for notifying all parties, as well as the Daily Barometer, of Hearing and Trial dates, times, and locations.
  
10. The Vice Chair’s duties include the following:
  - i. Acting as Chair when the Chair is absent from Judicial Council Meetings.
  
  - ii. Explaining the Hearing Rules and Procedures during court trials and hearings.
  
  - iii. Administering the oath to all witnesses during case trials prior to any taking the stand.
    - a. The Vice Chair shall order the witness to stand behind the witness stand and then ask them to raise their right hand. Once the witness has raised their right hand, the Vice Chair will ask “Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you?” and shall wait for the witness to say “yes” before returning to the bench.

- b. If the witness does not say “yes” then the Vice Chair will ask the question again. If the witness continues to refuse to say “yes”, then the witness shall be immediately removed from the witness list and shall give up all rights as a witness during that case.
  
- iv. Developing and maintaining the “Court Reporter”, which shall include, but not be limited to, all archival documents as listed in the Statutes (Title IV, section 6, letter B).
  
- 11. Should the Chair vacate their seat during an academic year, the Vice Chair shall assume the position of Chair until elections can be held during the next regularly scheduled Judicial Council meeting.
  
- 12. Quorum shall be required to conduct meetings and official business of the Judicial Council. It shall consist of no less than one-half of the current Council members.
  
- 13. Council members who wish to resign from their position on the ASOSU Judicial Council shall submit a letter of resignation, stating reasons to the Judicial Chair and supply copies to the Speaker of the House, Vice President, and President. Members of the Judicial Council shall include in their letters of resignation the name or names of at least one person whom they would prefer the President nominate to fill their seat.
  
- 14. Regularly Scheduled Meetings are to be private at the discretion of the court.

Section C: REQUIRED DOCUMENTS AND MATERIALS

- 1. Upon successful completion of the Oath given by either the President or Judicial Chair, every Judicial Council member shall be issued two things:
  - i. A black judicial robe to be used during the duration of his or her tenure as Judicial Councilor by the Judicial Chair.
    - a. Robes are to be kept in the Judicial Office. They shall be worn during all Trials and Hearings.
  
    - b. Each councilor is required to keep their robe in good condition and is responsible for any damages upon surrendering their robe to the Judicial Chair at the time of their departure from the council.

- ii. A three-ring binder containing a copy of the current ASOSU Constitution, Statutes, Judicial Policies, previous case Decisions and Opinions, and all other documents deemed relevant by the Judicial Chair.

Section D: REMOVAL OF JUDICIAL OFFICERS

1. Judicial Officers shall include anyone who is elected from within the Judicial Council to serve in a capacity greater than that of Judicial Councilor.
2. The Judicial Council Chair and Vice Chair may be removed from office by a vote of no less than two-thirds of the members of the Judicial Council. The officer removed from office must immediately vacate their position upon a successful vote for removal by the council and a new officer shall be elected into office at the next regularly scheduled meeting.
3. The removed officer shall maintain the same rights and responsibilities of a non-officer member.
4. Any member of the Council who has been removed from office shall not serve in any other elected position for the remainder of the academic year; however, upon the start of the following academic year, they shall regain full eligibility.
5. The Council’s removal from office process is distinct from that of ASOSU’s Impeachment process. When the Council removes one of its officers, that individual does not forgo their Council membership, just their officer position. For an individual to be removed from the Council, Title VI of the ASOSU Statutes must be invoked and successfully completed.

**TITLE III: SUBSIDIARY COURTS**

Section A: SERVICE ON SUBSIDIARY COURTS

1. All members of the Judicial Council may serve on all subsidiary court.
2. The Judicial Chair shall head all subsidiary courts and inform the Judicial Council of the time and date of the respective courts, as well as provide Council members with any and all required documents pertaining to the respective courts.

3. Congress shall be vested the power to create and reorganize subsidiary courts.
4. At least one member of the Judicial Council shall sit on the Elections Committee.

#### **TITLE IV: DOCUMENTS**

##### Section A: ELIGIBILITY

1. Any member of the ASOSU may bring a written request for review or remedy to the Council by filing all necessary documents.

##### Section B: TYPES OF REQUESTS

1. Writ of Appeal: Request from member outside of the Council to review an Opinion of the Court.
2. Writ of Judicial Inquiry: General Inquiry of constitutional, statutory, or procedural understanding
3. Writ of Judicial Review: Review by current Council of past Opinions of the Court.
4. Writ of Mandamus: Order from the Council to fulfill a constitutional obligation.
5. Injunction: Order from the Council to halt a particular action or decision until a later date.

##### Section C: FILING PROCESS

1. To submit a request, all documents shall be sent to the official email of the Judicial Council Chair or placed under their office door or on their desk.
2. All requests must be complete. If a request is not filled out completely or accurately, the request will automatically be denied and the Plaintiff(s) will be informed in writing why the request was denied, how to correct the errors presented in the request, and how to resubmit the document.
3. Documents shall be submitted to the Council in either of two ways:

- i. The documents may be designated as “Open”, in which the request may be viewed by any member of the ASOSU upon request.

or

- ii. A document may be designated as “Sealed”, in which the request may not be viewed by anyone outside the Judicial Council. The Council has the right to unseal any request at anytime, with a simple majority vote.

4. Upon receiving a completed request, the Judicial Chair shall:

- i. Assign an appropriate case number and add the number to all forms submitted. Case numbers are to be addressed by the last two digits in the current year followed by a “-“, then followed by the next sequential number from the last case, and then followed by either an “(i)” for Inquiry, “(r)” for Review, or “(c)” for Case.

An example would be: Case #: 09-101(i).

- ii. Notify the requesting party by e-mail or phone that the Council received all documents and inform them of the next step(s) in the judicial process.
- iii. The Chair shall write on the front page of the request the time and date the requestor was notified by the council, as well as when the Council approved or denied the case; followed by their signature.

**TITLE V: PROCEDURES, RULINGS, AND OPINIONS**

Section A: COURT PROCEDURES

- 1. The Council shall, when it deems necessary, revise its court procedures, which shall be approved by a simple majority of the ASOSU Senate before taking effect.
- 2. These Court Procedures may not conflict with the ASOSU Constitution and Statutes.

Section B: RULINGS AND OPINIONS

1. All Rulings and Opinions shall meet the requirements under Title IV, Section 5 of the ASOSU Statutes.
  
2. Opinions shall have “Majority Opinion by Councilor[s] [Last Name], followed by “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, the name of parties involved and their respective titles, designation of Inquiry, Review, or Case “to the ASOSU Judicial Council”, “No.” last two digests of the year with a dash followed by the number and abbreviation (of i for inquiry, r for review, and c for case), and lastly “[month written out, followed by day, and year].” Example, Case number 09-101(i).
  
3. All Opinions shall be written in professional size 12 font, except “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, which shall be in size 16 font and boldfaced.
  
4. They shall include Concurrent and Dissenting, and shall include the following items:
  - i. Name(s) of the Contributing Justice(s)
  - ii. Reasons for the Opinion
  - iii. All necessary citation
  - iv. Ruling Implications, which shall be included in the Majority Opinion when past rulings and opinions are either upheld or overturned.
  
5. All Rulings and Opinions must be distributed to all involved parties, as well as to the President, Vice President, and Speaker of the House, within five (5) days following the completion of the written opinion.

Section C: RECORDS AND ARCHIVES

1. The Judicial Council Records and Archives shall be from here on known as the Judicial Branch Archives.

- 2. The “Court Recorder”, an annual compilation of all Judicial Branch Archive documents, shall be kept on hand in the Judicial Council Chambers when not being updated.
- 3. The Judicial Council shall adhere to all records and archives requirements pursuant to Title IV, Section 6 of the ASOSU Statutes.
- 4. The Judicial Chairman shall distribute any and all copies of Judicial Branch Archives to any member of the ASOSU upon request.
- 5. No original documents of the Judicial Branch Archives may be distributed.

**TITLE VI: PRE-HEARING PROCEDURE**

Section A: INITIATION OF ACTIONS

- 1. Once a completed request is filed with the Judicial Council Chair, the entire Council shall decide whether to accept the case within ten (10) academic days after receipt or their next regularly scheduled meeting, whichever comes first.
  - i. The Judicial Council may summon any member of the ASOSU that seeks to utilize the services of the Council or desires a hearing to determine the legality of a body’s actions.
- 2. At any time during the preliminary hearing, if any Judicial Council member has determined there to be a conflict of interest between them and the case or the request at hand, that Judicial Councilor will inform the Council that there is a conflict and will immediately remove themselves from the case.
  - i. In any cases where a blood relative is involved in a Judicial Case, there will be a mandatory removal of that Judicial Councilor during all matters involving the case.

Section B: TYPES OF TRIALS/HEARINGS

1. Trials:
  - i. Trials are used by the Judicial Council to determine the innocence or guilt of the Defendant(s) brought before the Judicial Council by the Plaintiff(s).
  
2. Hearings:
  - i. Hearings of Interpretation are to determine interpretation of a document and do not involve a Defendant.
  - ii. Hearings of Information are hearings in which any member of the Executive or Legislative Branches may request a hearing concerning matters of the Constitution, Statutes, and all other associated documents.
  
3. During all Trials and Hearings, Judicial Council members shall be referred to as “Councilor”, “Your Honor”, “Justice”, or they may be addressed by their respective title.

#### Section C: TRIALS

1. Trials are used by the Judicial Council to determine the innocence or guilt of a Defendant brought before the Judicial Council by the Plaintiff(s).
2. All trial dates, times, and locations shall be determined by the Judicial Council and reported by the Judicial Court Recorder to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
3. Trials shall not take place any sooner than seven (7) academic days after approval by the Council and no later than what is deemed reasonable.
4. All trials shall be held in the Memorial Union Building and must be open to the public.
5. All types of media shall be allowed in the courtroom during trial proceedings unless either of the two parties, with the consent of the Council through a simple majority vote, agrees to hold a “Closed Visual Session”, in which no video or still cameras will be allowed; only audio and/or pen and paper

shall be permitted by the media. If visual equipment becomes a distraction to the case at hand, the Council shall have the authority to remove it through a simple majority vote, invoking a “Closed Visual Session”.

6. Judicial Council approved Media shall be the only ones allowed to possess audio and visual recording equipment during the duration of the proceedings. All television cameras are to be set up behind the gallery.
7. All evidence and witnesses will be made available to the Council during this trial process.
8. Plaintiff(s) and Defendant(s) shall be required to provide the Council and the opposing party with a list of any and all witnesses no later than seventy two (72) hours prior to a trial.
  - i. All witnesses shall fill out a Witness Affidavit, which must be filled out and filed at the same time the list of witnesses is submitted in a sealed manila envelope to the Judicial Chair.
  - ii. The Court Recorder shall be responsible for maintaining all submitted witness forms and copies shall be provided to each Judicial Council member prior to the trial.
9. It is the responsibility of both the Plaintiff(s) and Defendant(s) to inform their respective witnesses of their rights and responsibilities as stated in the ASOSU Constitution and Statutes, as well as to inform them of all Judicial Policies and Procedures.
10. Plaintiff(s) and Defendant(s) shall be required to submit a brief, which shall include a summary of the alleged actions in violation, all appropriate charges, and all relevant evidence to the Council and to the opposing party no later than seventy two (72) hours prior to trial.
11. Plaintiffs and Defendants may choose another consenting student to represent themselves during all trials. In cases where there are more than one Plaintiff and/or Defendant, such as in a case between branches of the ASOSU, one designated member of each party shall represent the group’s interests before the court. In any case involving the Executive Branch the ASOSU President will be the representative, in any case involving the Legislative Branch the Speaker of the House will be the representative. This individual shall notify the court that they are the representative for their specific party when submitting their initial request(s).

1. Interpretation Hearings shall occur no sooner than three (3) academic days after acceptance and no later than three weeks, except in the case of an academic term ending, in which case it shall occur within three weeks of the start of the next academic term.
  - i. All Interpretation Hearing dates and times will be determined by the Judicial Council and reported by the Judicial Council to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
  - ii. Interpretation Hearings are to be held in the Memorial Union building or otherwise specified location and shall be open to the public.
  
2. Informational Hearings shall occur no later than ten (10) academic days after the Judicial Council accepts the request.
  - i. In cases where immediate action is imperative, the individual requesting the hearing shall meet with no less than a simple majority of the Council no later than 48 hours after the request has been filed, upon a simple majority vote of the Council.
  - ii. Informational Hearings shall be held in closed session in the Judicial Council Chambers and shall be recorded by the Court Recorder. If the Court Recorder is not able to attend the hearing, the Judicial Chairman shall appoint a Council member attending the meeting to act as temporary Court Recorder.

Section E: ORDERS

1. Gag Orders:
  - i. Gag Orders may be issued to any member of either party invoked by any member of the Council if they deem it to be necessary.

- ii. Gag Orders shall require that no part of any Trial or Hearing is to be talked about publicly or privately amongst members of the other party or anyone external to the case outside of either the Judicial Council Chambers or the room where the trial is being held.
  
- iii. If a party should violate a Gag Order, they will be immediately stricken from the Trial and any and all testimony or evidence they possess will be inadmissible.

2. Orders of Injunction:

- i. Injunctions may be issued when the Council believes an action taken by a member of the ASOSU is either harmful or illegal.
  
- ii. Two types of injunctions will be used:
  - a. Temporary Injunction Orders (TIO) are injunctions that last no more than one academic term, and are used when the Council believes a matter can be resolved within that amount of time. A simple majority vote is needed to enact a TIO.
  
  - b. Full Injunction Orders (FIO) are injunctions of an indeterminate period of time, subject to renewal upon the beginning of a new term of office, and will stay in effect until lifted by the Judicial Council.

3. Summons and Subpoenas

- i. Summons
  - a. A summons is defined as an order compelling an individual to appear before the council at a hearing or meeting.
  
  - b. Pursuant to Title III, Section 2, Subsection D, all Executive Officers, Employees, and Elected Officials must comply with any and all summons requests.

- c. A summons may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

- ii. Subpoenas

- a. A subpoena is defined as an order compelling a member of the ASOSU to provide testimony or evidence on a matter before the Judicial Council.
- b. If that subpoenaed individual does not respond to the request, the case or hearing, if in their favor, will not be conducted.
- c. A subpoena may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

## **TITLE VII: HEARING RULES**

### Section A: RULES OF EVIDENCE

1. Definition of Evidence - Evidence is anything offered to the senses of the court to prove or disprove an alleged fact that is vital to the adjunction of a case.
  - i. Factual allegations are not evidence.
  - ii. Factual allegations should be proved or disproved through the introduction of evidence.
2. Admissible Evidence - Only admissible evidence shall be considered by in hearings of the Judicial Council.
  - i. Admissible Evidence is evidence deemed to be germane by the Judicial Council and aids in the proof or disproof of factual allegations.

### Section B: HEARSAY RULE

1. Hearsay evidence is a statement offered to prove or disprove a factual allegation by a party whose presence or direct involvement in the events of the case's question is questionable.
2. The Judicial Council shall determine the admissibility of hearsay evidence.

### Section C: RULES OF OBJECTION

1. Objections may only be raised by the Plaintiff, Defendant, either party's legal counsel or a Judicial Councilor.

2. Objections may only be raised to challenge the admissibility or relevance of evidence.
3. Objections may be overruled by a simple majority vote of the Judicial Council.

#### Section D: RULES OF CONDUCT

1. No ill behavior will be tolerated
2. All parties will be permitted to present evidence and arguments without undue interruption.
  - i. Objections from the opposing parties and from Judicial Councilors as well as points of clarification from Judicial Councilors are not undue interruptions.
3. The Judicial Council reserves the right to remove any member of the Plaintiff's or Defendant's parties or members of the gallery from the court with a simple majority vote.
  - i. The Judicial Council Chair shall appoint a Sergeant at Arms in the event of ill behavior on the part of any party present in the court.
    - a. The Sergeant at Arms will have the full power of the Judicial Council to remove persons from the court.

#### Section E: RULES OF ORAL ARGUMENTATION

1. Oral arguments shall follow the ordered progression of presentation of evidence as follows: opening statements, presentation of evidence by the Plaintiff, cross examination of the Plaintiff by the Defendant, presentation of evidence by the Defendant, cross examination of the Defendant by the Plaintiff, examination of the evidence by the Council, and closing statements.
  - i. Each party shall have 5 minutes to present their opening statement.
  - ii. Each Party shall each have 20 minutes to present evidence and testimony.
  - iii. Each party shall have 10 minutes to cross examine the opposing party.
  - iv. Each party shall have 5 minutes to present their closing statement.
  - v. The Plaintiff shall present his or her opening and closing statements before the Defendant.

#### Section F: RULE OF PRIMA FACIE

1. "Prima Facie" is a Latin term which translated means "at first face" or "first impression". This term is commonly used to denote evidence that is self-evident from the facts.
2. An order adverse to a party may be issued upon default only if a prima facie case is made on the record.

### **TITLE VIII: COURT PROCEDURES**

#### Section A: SOLICITATION OF NOTICE

1. Prior to trials, all relevant parties shall be given notice of their rights, obligations, and scheduling information.

#### Section B: CALL TO ORDER

1. The Judicial Council Chair shall call the hearing to order with two raps of the gavel, solicitation of the presence of the required parties, including Plaintiff(s), Defendant(s), their counsel, and any other subpoenaed persons, by the Court Recorder, and a final rap beginning the orders of the day.

#### Section C: INTRODUCTION OF THE COUNCIL MEMBERS

1. The Judicial Council Chair will address each member of the court formally using the title “Justice” for the purpose of roll call and as an introduction of the councilors to the court.

#### Section D: RECOGNITION BY THE COUNCIL OF EACH PARTY’S SPOKESPERSON

1. The Judicial Council Chair shall ask each party to announce their official spokesperson. In cases involving the ASOSU Executive Branch the ASOSU President will be the official party spokesperson, in cases involving the ASOSU Legislative Branch the Speaker of the House will be the Official party spokesperson. Herein, the representative official of the Plaintiff shall be referred to as the Plaintiff and the representative official of the defendant shall be known as the Defendant.

#### Section E: EXPLANATION OF HEARING RULES AND COURT PROCEDURES

1. The Judicial Council Vice Chair shall, in brief, provide explanation of the Hearing Rules and Court Procedures.

#### Section F: STATEMENT OF CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall state the charges brought against the Defendant as well as the remedy sought. Such statement will include the definitions and ramifications of the remedy sought as it applies to the Defendant.

#### Section G: SOLICITATION OF UNDERSTANDING OF STATEMENT CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall re-read the charges as filed and ask the Plaintiff and Defendant for confirmation of the accuracy of the charges and remedy sought. If the Plaintiff or Defendant disagrees with the accuracy of the statement of charges and remedy sought, they shall make their objections known and the court will recess to allow the Council to rule on the accuracy of the charges and remedy sought.

#### Section H: ADJOURNMENT FOR CLOSED DELIBERATIONS

1. After oral argumentation the court will be adjourned by the Judicial Council Chair for closed deliberations. The Judicial Council Chair will excuse the court and inform the Plaintiff(s) and Defendant(s) of when to expect the Council’s subsequent ruling.

### **TITLE IX: RULINGS**

Section A: TRIAL REMEDIES

1. There shall be three (3) types of remedies handed down by the Council:

i. Direct Judgment

a. Direct Judgments shall express the opinion of the Council concerning a dispute between parties.

ii. Writ of Mandamus

a. Shall be issued when the court determines that an Elected Official, Officer, or Employee has not fulfilled their duties as stated in the ASOSU Constitution, Statutes, or any other legal document stating required job-related duties. The Council shall interpret the meaning of the job description and the Writ of Mandamus shall require the individual in question to fulfill all job-related duties specified by the Judicial Council.

iii. Plea Agreements

a. If a Defendant(s) charged with an offense brought before the Judicial Council decides not to challenge the charges and settles with the Plaintiff(s) out of court, they shall have the ability to file a Settlement Agreement Form (SAF) with the Judicial Chair.

b. The SAF shall include the Defendant(s) and the Plaintiff(s) account of the infraction(s), along with any and all agreements made between the two parties.

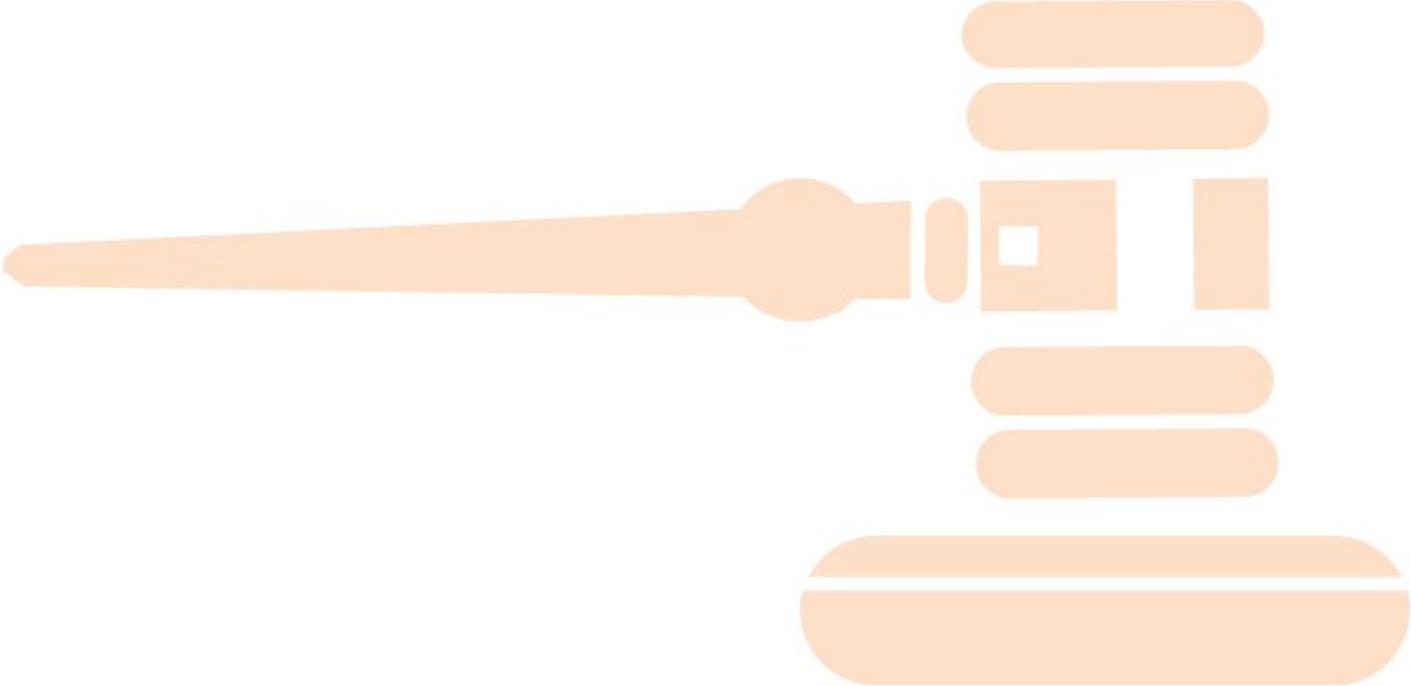
c. The Judicial Council shall decide on the legality of the settlement agreement no later than seven (7) academic days after received by the Chair. No agreement shall violate the Constitution or Statutes.

**TITLE X: POST TRIAL/HEARING PROCEDURES**

Section A: JUDGEMENT

1. Immediately following the conclusion of a Trial or Hearing, the Judicial Council shall discuss the case during closed deliberation. The date and time shall be decided upon by the Council members through a simple majority vote; however, deliberations shall not take place any later than ten (10) academic days following a trial or hearing.
  
2. The Court Recorder shall record all discussion that takes place during closed deliberations, including their own.
  
3. When voting commences, the Court Recorder shall address each Councilor by their last name, and ask how they vote. All votes shall be entered into the minutes preceded by the Councilor's last name. When it is time for the Court Recorder to vote, they shall audibly vote.
  
4. The Judicial Council shall have the power to request the advice of the ASOSU Legal Advocate for Students. The Legal Advocate shall only have the ability to advise and direct the Council toward relevant information. They shall stay impartial during the duration of deliberations. Once their advice has concluded, the Council will excuse them to leave the room where deliberations are taking place.
  
5. The Court Recorder shall record all discussion given to the Council by the Legal Advocate.
  
6. Two-thirds of the Council must agree on a decision in order for it to pass.
  
7. In order to find the Defendant(s) guilty, Council members must agree that all the following have been met:
  - i. The violation of conduct in question violates any part of the ASOSU Constitution, Statutes, and or any other document in question.
  
  - ii. That there was adequate witness testimony and/or evidence proving the illegality of the behavior beyond a reasonable doubt.
  
  - iii. That any remedy handed down fits the severity of the act in violation and the remedy does not violate the ASOSU Constitution and Statutes.

- 8. When voting, each Councilor shall explain to the Council why they either accept or refuse to accept each of the three conditions stated above.
  
- 9. The Council shall have no more than fifteen (15) days immediately following the start of closed deliberations to arrive at a decision. If no decision is made by midnight on the 15<sup>th</sup> day, the Chair shall declare a mistrial and all involved parties shall receive a letter stating the Council's decision of a mistrial and that no punishment will be handed down.
  
- 10. Throughout the course of the proceedings, beginning with the submission of requests and continuing through deliberations, the Defendant(s) are to be assumed innocent until proven guilty.





**ASSOCIATED STUDENTS  
OF  
OREGON STATE  
UNIVERSITY**

***JUDICIAL COUNCIL POLICIES***

**LAST AMENDED FALL 2017**

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**TITLE I: STATUTE SYSTEM**

Section A: ORGANIZATION

1. The ASOSU Judicial Council Rules and Procedures shall be organized and circumscribed by Title, Lettered Section, Numbered Subsection, Number and Lowercase Roman Numeral, and Lowercase Letter. This structure of organization shall be maintained by the Judicial Council.

Section B: AMENDMENTS AND REVISIONS

1. Amendments and revisions shall be incorporated into the Judicial Policies by a simple majority vote of the Judicial Council. These amendments and revisions shall adhere to the organization guidelines stated in Chapter I, Section A of the Judicial Council Policies, as well as the ASOSU Constitution and Statutes.
2. All amendments and revisions to the Judicial Council Policies shall require the approval of a simple majority of the ASOSU Senate.
3. Amendments and revisions to these policies shall go into effect immediately, upon confirmation by the ASOSU Senate.
4. These Judicial Procedures shall be stricken only with a unanimous vote of the Judicial Council and a two-thirds majority vote of the Senate.

Section C: SUBORDINATION OF JUDICIAL POLICIES

1. The Judicial Policies are herein subordinate to the ASOSU Constitution and Statutes, as well as all state and federal law.

**TITLE II: ESTABLISHMENT OF JUDICIAL COUNCIL POLICIES**

Section A: ESTABLISHMENT

1. The powers of the ASOSU are vested in the ASOSU Constitution and Statutes. As such, the ASOSU is made up of three branches, resembling that of the United States federal government. The Executive branch is comprised of the President, Vice-President, and all other Executive Officers; the Legislative branch is composed of a House of Representatives and a Senate; and the Judicial Council (JC), executes the duties similar to those of the “Supreme Court”.
  
2. According to Article V Sections C and D, “The power of the Judicial Council shall arise exclusively from any case or controversy brought before it, pertaining to any question of interpretation of ASOSU Constitution and Statutes. The Judicial Council shall be the final authority on questions of interpretation of ASOSU Constitution and Statutes.”

Section B: COMPOSITION OF THE COURT

1. The Judicial Council is comprised of seven (7) members of the ASOSU, including undergraduate and graduate students. These members cannot hold any position in either the Executive and Legislative branches.
  
2. Judicial Council members are appointed by the ASOSU President and confirmed by the Senate and serve a term of up to four (4) years while they are still a student at Oregon State University.
  
3. Judicial Councilors are required to adhere to all laws and bylaws pursuant to Title IV of the ASOSU Statutes.
  
4. The Judicial Council shall establish procedures and rules of order, appropriate for its various meetings and functions.
  
5. Officers of the Judicial Council shall be elected from within its membership at or before the beginning of every Fall term. Officer positions shall include the Judicial Council Chair and the Judicial Vice-Chair. The Judicial Chair and Vice Chair, when acting as Chair, shall adhere to all duties as described under Title VI of the ASOSU Statutes, including appointing a Court Recorder.
  
6. In the event that the Vice Chair position is unfilled the Chair shall be responsible for completing or delegating to other Councilors all Vice Chair duties.

- 7. The Judicial Office shall hereon be referred to as the Judicial Chambers.
  
- ~~8.~~ The Judicial Council shall establish regular meeting times and, when the Chair or a majority of Councilors deem it necessary and appropriate, hold meetings to conduct official business.
  
- 9. The Court Recorder’s duties shall include the following:
  - i. They shall be responsible for taking detailed and accurate notes regarding all official business of the court. All notes are to be written in professional font, size, and format. The date, page numbers, and if it is from a certain case, case number in the format: last two digits of the year followed by a dash and then the case number shall be placed in the header of every page.
  
  - ii. Judicial Councilors shall be referred to as “Justice” followed by their last name.
  
  - iii. Judicial notes shall be printed and filed in the Judicial Chambers in the appropriate folder labeled by month and year. A digital copy shall be kept on the Judicial Council computer in the appropriate folder.
  
  - iv. The Court Recorder shall be responsible for notifying all parties, as well as the Daily Barometer, of Hearing and Trial dates, times, and locations.
  
- 10. The Vice Chair’s duties include the following:
  - i. Acting as Chair when the Chair is absent from Judicial Council Meetings.
  
  - ii. Explaining the Hearing Rules and Procedures during court trials and hearings.
  
  - iii. Administering the oath to all witnesses during case trials prior to any taking the stand.
    - a. The Vice Chair shall order the witness to stand behind the witness stand and then ask them to raise their right hand. Once the witness has raised their right hand, the Vice Chair will ask “Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you?” and shall wait for the witness to say “yes” before returning to the bench.

- b. If the witness does not say “yes” then the Vice Chair will ask the question again. If the witness continues to refuse to say “yes”, then the witness shall be immediately removed from the witness list and shall give up all rights as a witness during that case.
  
- iv. Developing and maintaining the “Court Reporter”, which shall include, but not be limited to, all archival documents as listed in the Statutes (Title IV, section 6, letter B).
  
- 11. Should the Chair vacate their seat during an academic year, the Vice Chair shall assume the position of Chair until elections can be held during the next regularly scheduled Judicial Council meeting.
  
- 12. Quorum shall be required to conduct meetings and official business of the Judicial Council. It shall consist of no less than one-half of the current Council members.
  
- 13. Council members who wish to resign from their position on the ASOSU Judicial Council shall submit a letter of resignation, stating reasons to the Judicial Chair and supply copies to the Speaker of the House, Vice President, and President. Members of the Judicial Council shall include in their letters of resignation the name or names of at least one person whom they would prefer the President nominate to fill their seat.
  
- 14. Regularly Scheduled Meetings are to be private at the discretion of the court.

Section C: REQUIRED DOCUMENTS AND MATERIALS

- 1. Upon successful completion of the Oath given by either the President or Judicial Chair, every Judicial Council member shall be issued two things:
  - i. A black judicial robe to be used during the duration of his or her tenure as Judicial Councilor by the Judicial Chair.
    - a. Robes are to be kept in the Judicial Office. They shall be worn during all Trials and Hearings.
  
    - b. Each councilor is required to keep their robe in good condition and is responsible for any damages upon surrendering their robe to the Judicial Chair at the time of their departure from the council.

- ii. A three-ring binder containing a copy of the current ASOSU Constitution, Statutes, Judicial Policies, previous case Decisions and Opinions, and all other documents deemed relevant by the Judicial Chair.

Section D: REMOVAL OF JUDICIAL OFFICERS

1. Judicial Officers shall include anyone who is elected from within the Judicial Council to serve in a capacity greater than that of Judicial Councilor.
2. The Judicial Council Chair and Vice Chair may be removed from office by a vote of no less than two-thirds of the members of the Judicial Council. The officer removed from office must immediately vacate their position upon a successful vote for removal by the council and a new officer shall be elected into office at the next regularly scheduled meeting.
3. The removed officer shall maintain the same rights and responsibilities of a non-officer member.
4. Any member of the Council who has been removed from office shall not serve in any other elected position for the remainder of the academic year; however, upon the start of the following academic year, they shall regain full eligibility.
5. The Council’s removal from office process is distinct from that of ASOSU’s Impeachment process. When the Council removes one of its officers, that individual does not forgo their Council membership, just their officer position. For an individual to be removed from the Council, Title VI of the ASOSU Statutes must be invoked and successfully completed.

**TITLE III: SUBSIDIARY COURTS**

Section A: SERVICE ON SUBSIDIARY COURTS

1. All members of the Judicial Council may serve on all subsidiary court.
2. The Judicial Chair shall head all subsidiary courts and inform the Judicial Council of the time and date of the respective courts, as well as provide Council members with any and all required documents pertaining to the respective courts.

3. Congress shall be vested the power to create and reorganize subsidiary courts.
4. At least one member of the Judicial Council shall sit on the Elections Committee.

#### **TITLE IV: DOCUMENTS**

##### Section A: ELIGIBILITY

1. Any member of the ASOSU may bring a written request for review or remedy to the Council by filing all necessary documents.

##### Section B: TYPES OF REQUESTS

1. Writ of Appeal: Request from member outside of the Council to review an Opinion of the Court.
2. Writ of Judicial Inquiry: General Inquiry of constitutional, statutory, or procedural understanding
3. Writ of Judicial Review: Review by current Council of past Opinions of the Court.
4. Writ of Mandamus: Order from the Council to fulfill a constitutional obligation.
5. Injunction: Order from the Council to halt a particular action or decision until a later date.

##### Section C: FILING PROCESS

1. To submit a request, all documents shall be sent to the official email of the Judicial Council Chair or placed under their office door or on their desk.
2. All requests must be complete. If a request is not filled out completely or accurately, the request will automatically be denied and the Plaintiff(s) will be informed in writing why the request was denied, how to correct the errors presented in the request, and how to resubmit the document.
3. Documents shall be submitted to the Council in either of two ways:

- i. The documents may be designated as “Open”, in which the request may be viewed by any member of the ASOSU upon request.

or

- ii. A document may be designated as “Sealed”, in which the request may not be viewed by anyone outside the Judicial Council. The Council has the right to unseal any request at anytime, with a simple majority vote.

4. Upon receiving a completed request, the Judicial Chair shall:

- i. Assign an appropriate case number and add the number to all forms submitted. Case numbers are to be addressed by the last two digits in the current year followed by a “-“, then followed by the next sequential number from the last case, and then followed by either an “(i)” for Inquiry, “(r)” for Review, or “(c)” for Case.

An example would be: Case #: 09-101(i).

- ii. Notify the requesting party by e-mail or phone that the Council received all documents and inform them of the next step(s) in the judicial process.
- iii. The Chair shall write on the front page of the request the time and date the requestor was notified by the council, as well as when the Council approved or denied the case; followed by their signature.

**TITLE V: PROCEDURES, RULINGS, AND OPINIONS**

Section A: COURT PROCEDURES

- 1. The Council shall, when it deems necessary, revise its court procedures, which shall be approved by a simple majority of the ASOSU Senate before taking effect.
- 2. These Court Procedures may not conflict with the ASOSU Constitution and Statutes.

Section B: RULINGS AND OPINIONS

1. All Rulings and Opinions shall meet the requirements under Title IV, Section 5 of the ASOSU Statutes.
  
2. Opinions shall have “Majority Opinion by Councilor[s] [Last Name], followed by “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, the name of parties involved and their respective titles, designation of Inquiry, Review, or Case “to the ASOSU Judicial Council”, “No.” last two digests of the year with a dash followed by the number and abbreviation (of i for inquiry, r for review, and c for case), and lastly “[month written out, followed by day, and year].” Example, Case number 09-101(i).
  
3. All Opinions shall be written in professional size 12 font, except “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, which shall be in size 16 font and boldfaced.
  
4. They shall include Concurrent and Dissenting, and shall include the following items:
  - i. Name(s) of the Contributing Justice(s)
  - ii. Reasons for the Opinion
  - iii. All necessary citation
  - iv. Ruling Implications, which shall be included in the Majority Opinion when past rulings and opinions are either upheld or overturned.
  
5. All Rulings and Opinions must be distributed to all involved parties, as well as to the President, Vice President, and Speaker of the House, within five (5) days following the completion of the written opinion.

Section C: RECORDS AND ARCHIVES

1. The Judicial Council Records and Archives shall be from here on known as the Judicial Branch Archives.

- 2. The “Court Recorder”, an annual compilation of all Judicial Branch Archive documents, shall be kept on hand in the Judicial Council Chambers when not being updated.
- 3. The Judicial Council shall adhere to all records and archives requirements pursuant to Title IV, Section 6 of the ASOSU Statutes.
- 4. The Judicial Chairman shall distribute any and all copies of Judicial Branch Archives to any member of the ASOSU upon request.
- 5. No original documents of the Judicial Branch Archives may be distributed.

**TITLE VI: PRE-HEARING PROCEDURE**

Section A: INITIATION OF ACTIONS

- 1. Once a completed request is filed with the Judicial Council Chair, the entire Council shall decide whether to accept the case within ten (10) academic days after receipt or their next regularly scheduled meeting, whichever comes first.
  - i. The Judicial Council may summon any member of the ASOSU that seeks to utilize the services of the Council or desires a hearing to determine the legality of a body’s actions.
- 2. At any time during the preliminary hearing, if any Judicial Council member has determined there to be a conflict of interest between them and the case or the request at hand, that Judicial Councilor will inform the Council that there is a conflict and will immediately remove themselves from the case.
  - i. In any cases where a blood relative is involved in a Judicial Case, there will be a mandatory removal of that Judicial Councilor during all matters involving the case.

Section B: TYPES OF TRIALS/HEARINGS

1. Trials:
  - i. Trials are used by the Judicial Council to determine the innocence or guilt of the Defendant(s) brought before the Judicial Council by the Plaintiff(s).
  
2. Hearings:
  - i. Hearings of Interpretation are to determine interpretation of a document and do not involve a Defendant.
  - ii. Hearings of Information are hearings in which any member of the Executive or Legislative Branches may request a hearing concerning matters of the Constitution, Statutes, and all other associated documents.
  
3. During all Trials and Hearings, Judicial Council members shall be referred to as “Councilor”, “Your Honor”, “Justice”, or they may be addressed by their respective title.

#### Section C: TRIALS

1. Trials are used by the Judicial Council to determine the innocence or guilt of a Defendant brought before the Judicial Council by the Plaintiff(s).
2. All trial dates, times, and locations shall be determined by the Judicial Council and reported by the Judicial Court Recorder to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
3. Trials shall not take place any sooner than seven (7) academic days after approval by the Council and no later than what is deemed reasonable.
4. All trials shall be held in the Memorial Union Building and must be open to the public.
5. All types of media shall be allowed in the courtroom during trial proceedings unless either of the two parties, with the consent of the Council through a simple majority vote, agrees to hold a “Closed Visual Session”, in which no video or still cameras will be allowed; only audio and/or pen and paper

shall be permitted by the media. If visual equipment becomes a distraction to the case at hand, the Council shall have the authority to remove it through a simple majority vote, invoking a “Closed Visual Session”.

6. Judicial Council approved Media shall be the only ones allowed to possess audio and visual recording equipment during the duration of the proceedings. All television cameras are to be set up behind the gallery.
7. All evidence and witnesses will be made available to the Council during this trial process.
8. Plaintiff(s) and Defendant(s) shall be required to provide the Council and the opposing party with a list of any and all witnesses no later than seventy two (72) hours prior to a trial.
  - i. All witnesses shall fill out a Witness Affidavit, which must be filled out and filed at the same time the list of witnesses is submitted in a sealed manila envelope to the Judicial Chair.
  - ii. The Court Recorder shall be responsible for maintaining all submitted witness forms and copies shall be provided to each Judicial Council member prior to the trial.
9. It is the responsibility of both the Plaintiff(s) and Defendant(s) to inform their respective witnesses of their rights and responsibilities as stated in the ASOSU Constitution and Statutes, as well as to inform them of all Judicial Policies and Procedures.
10. Plaintiff(s) and Defendant(s) shall be required to submit a brief, which shall include a summary of the alleged actions in violation, all appropriate charges, and all relevant evidence to the Council and to the opposing party no later than seventy two (72) hours prior to trial.
11. Plaintiffs and Defendants may choose another consenting student to represent themselves during all trials. In cases where there are more than one Plaintiff and/or Defendant, such as in a case between branches of the ASOSU, one designated member of each party shall represent the group’s interests before the court. In any case involving the Executive Branch the ASOSU President will be the representative, in any case involving the Legislative Branch the Speaker of the House will be the representative. This individual shall notify the court that they are the representative for their specific party when submitting their initial request(s).

1. Interpretation Hearings shall occur no sooner than three (3) academic days after acceptance and no later than three weeks, except in the case of an academic term ending, in which case it shall occur within three weeks of the start of the next academic term.
  - i. All Interpretation Hearing dates and times will be determined by the Judicial Council and reported by the Judicial Council to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
  - ii. Interpretation Hearings are to be held in the Memorial Union building or otherwise specified location and shall be open to the public.
  
2. Informational Hearings shall occur no later than ten (10) academic days after the Judicial Council accepts the request.
  - i. In cases where immediate action is imperative, the individual requesting the hearing shall meet with no less than a simple majority of the Council no later than 48 hours after the request has been filed, upon a simple majority vote of the Council.
  - ii. Informational Hearings shall be held in closed session in the Judicial Council Chambers and shall be recorded by the Court Recorder. If the Court Recorder is not able to attend the hearing, the Judicial Chairman shall appoint a Council member attending the meeting to act as temporary Court Recorder.

Section E: ORDERS

1. Gag Orders:
  - i. Gag Orders may be issued to any member of either party invoked by any member of the Council if they deem it to be necessary.

- ii. Gag Orders shall require that no part of any Trial or Hearing is to be talked about publicly or privately amongst members of the other party or anyone external to the case outside of either the Judicial Council Chambers or the room where the trial is being held.
  
- iii. If a party should violate a Gag Order, they will be immediately stricken from the Trial and any and all testimony or evidence they possess will be inadmissible.

2. Orders of Injunction:

- i. Injunctions may be issued when the Council believes an action taken by a member of the ASOSU is either harmful or illegal.
  
- ii. Two types of injunctions will be used:
  - a. Temporary Injunction Orders (TIO) are injunctions that last no more than one academic term, and are used when the Council believes a matter can be resolved within that amount of time. A simple majority vote is needed to enact a TIO.
  
  - b. Full Injunction Orders (FIO) are injunctions of an indeterminate period of time, subject to renewal upon the beginning of a new term of office, and will stay in effect until lifted by the Judicial Council.

3. Summons and Subpoenas

i. Summons

- a. A summons is defined as an order compelling an individual to appear before the council at a hearing or meeting.
  
- b. Pursuant to Title III, Section 2, Subsection D, all Executive Officers, Employees, and Elected Officials must comply with any and all summons requests.

- c. A summons may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

- ii. Subpoenas

- a. A subpoena is defined as an order compelling a member of the ASOSU to provide testimony or evidence on a matter before the Judicial Council.
- b. If that subpoenaed individual does not respond to the request, the case or hearing, if in their favor, will not be conducted.
- c. A subpoena may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

## **TITLE VII: HEARING RULES**

### Section A: RULES OF EVIDENCE

1. Definition of Evidence - Evidence is anything offered to the senses of the court to prove or disprove an alleged fact that is vital to the adjunction of a case.
  - i. Factual allegations are not evidence.
  - ii. Factual allegations should be proved or disproved through the introduction of evidence.
2. Admissible Evidence - Only admissible evidence shall be considered by in hearings of the Judicial Council.
  - i. Admissible Evidence is evidence deemed to be germane by the Judicial Council and aids in the proof or disproof of factual allegations.

### Section B: HEARSAY RULE

1. Hearsay evidence is a statement offered to prove or disprove a factual allegation by a party whose presence or direct involvement in the events of the case's question is questionable.
2. The Judicial Council shall determine the admissibility of hearsay evidence.

### Section C: RULES OF OBJECTION

1. Objections may only be raised by the Plaintiff, Defendant, either party's legal counsel or a Judicial Councilor.

2. Objections may only be raised to challenge the admissibility or relevance of evidence.
3. Objections may be overruled by a simple majority vote of the Judicial Council.

#### Section D: RULES OF CONDUCT

1. No ill behavior will be tolerated
2. All parties will be permitted to present evidence and arguments without undue interruption.
  - i. Objections from the opposing parties and from Judicial Councilors as well as points of clarification from Judicial Councilors are not undue interruptions.
3. The Judicial Council reserves the right to remove any member of the Plaintiff's or Defendant's parties or members of the gallery from the court with a simple majority vote.
  - i. The Judicial Council Chair shall appoint a Sergeant at Arms in the event of ill behavior on the part of any party present in the court.
    - a. The Sergeant at Arms will have the full power of the Judicial Council to remove persons from the court.

#### Section E: RULES OF ORAL ARGUMENTATION

1. Oral arguments shall follow the ordered progression of presentation of evidence as follows: opening statements, presentation of evidence by the Plaintiff, cross examination of the Plaintiff by the Defendant, presentation of evidence by the Defendant, cross examination of the Defendant by the Plaintiff, examination of the evidence by the Council, and closing statements.
  - i. Each party shall have 5 minutes to present their opening statement.
  - ii. Each Party shall each have 20 minutes to present evidence and testimony.
  - iii. Each party shall have 10 minutes to cross examine the opposing party.
  - iv. Each party shall have 5 minutes to present their closing statement.
  - v. The Plaintiff shall present his or her opening and closing statements before the Defendant.

#### Section F: RULE OF PRIMA FACIE

1. "Prima Facie" is a Latin term which translated means "at first face" or "first impression". This term is commonly used to denote evidence that is self-evident from the facts.
2. An order adverse to a party may be issued upon default only if a prima facie case is made on the record.

### **TITLE VIII: COURT PROCEDURES**

#### Section A: SOLICITATION OF NOTICE

1. Prior to trials, all relevant parties shall be given notice of their rights, obligations, and scheduling information.

#### Section B: CALL TO ORDER

1. The Judicial Council Chair shall call the hearing to order with two raps of the gavel, solicitation of the presence of the required parties, including Plaintiff(s), Defendant(s), their counsel, and any other subpoenaed persons, by the Court Recorder, and a final rap beginning the orders of the day.

#### Section C: INTRODUCTION OF THE COUNCIL MEMBERS

1. The Judicial Council Chair will address each member of the court formally using the title “Justice” for the purpose of roll call and as an introduction of the councilors to the court.

#### Section D: RECOGNITION BY THE COUNCIL OF EACH PARTY’S SPOKESPERSON

1. The Judicial Council Chair shall ask each party to announce their official spokesperson. In cases involving the ASOSU Executive Branch the ASOSU President will be the official party spokesperson, in cases involving the ASOSU Legislative Branch the Speaker of the House will be the Official party spokesperson. Herein, the representative official of the Plaintiff shall be referred to as the Plaintiff and the representative official of the defendant shall be known as the Defendant.

#### Section E: EXPLANATION OF HEARING RULES AND COURT PROCEDURES

1. The Judicial Council Vice Chair shall, in brief, provide explanation of the Hearing Rules and Court Procedures.

#### Section F: STATEMENT OF CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall state the charges brought against the Defendant as well as the remedy sought. Such statement will include the definitions and ramifications of the remedy sought as it applies to the Defendant.

#### Section G: SOLICITATION OF UNDERSTANDING OF STATEMENT CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall re-read the charges as filed and ask the Plaintiff and Defendant for confirmation of the accuracy of the charges and remedy sought. If the Plaintiff or Defendant disagrees with the accuracy of the statement of charges and remedy sought, they shall make their objections known and the court will recess to allow the Council to rule on the accuracy of the charges and remedy sought.

#### Section H: ADJOURNMENT FOR CLOSED DELIBERATIONS

1. After oral argumentation the court will be adjourned by the Judicial Council Chair for closed deliberations. The Judicial Council Chair will excuse the court and inform the Plaintiff(s) and Defendant(s) of when to expect the Council’s subsequent ruling.

### **TITLE IX: RULINGS**

Section A: TRIAL REMEDIES

1. There shall be three (3) types of remedies handed down by the Council:

i. Direct Judgment

a. Direct Judgments shall express the opinion of the Council concerning a dispute between parties.

ii. Writ of Mandamus

a. Shall be issued when the court determines that an Elected Official, Officer, or Employee has not fulfilled their duties as stated in the ASOSU Constitution, Statutes, or any other legal document stating required job-related duties. The Council shall interpret the meaning of the job description and the Writ of Mandamus shall require the individual in question to fulfill all job-related duties specified by the Judicial Council.

iii. Plea Agreements

a. If a Defendant(s) charged with an offense brought before the Judicial Council decides not to challenge the charges and settles with the Plaintiff(s) out of court, they shall have the ability to file a Settlement Agreement Form (SAF) with the Judicial Chair.

b. The SAF shall include the Defendant(s) and the Plaintiff(s) account of the infraction(s), along with any and all agreements made between the two parties.

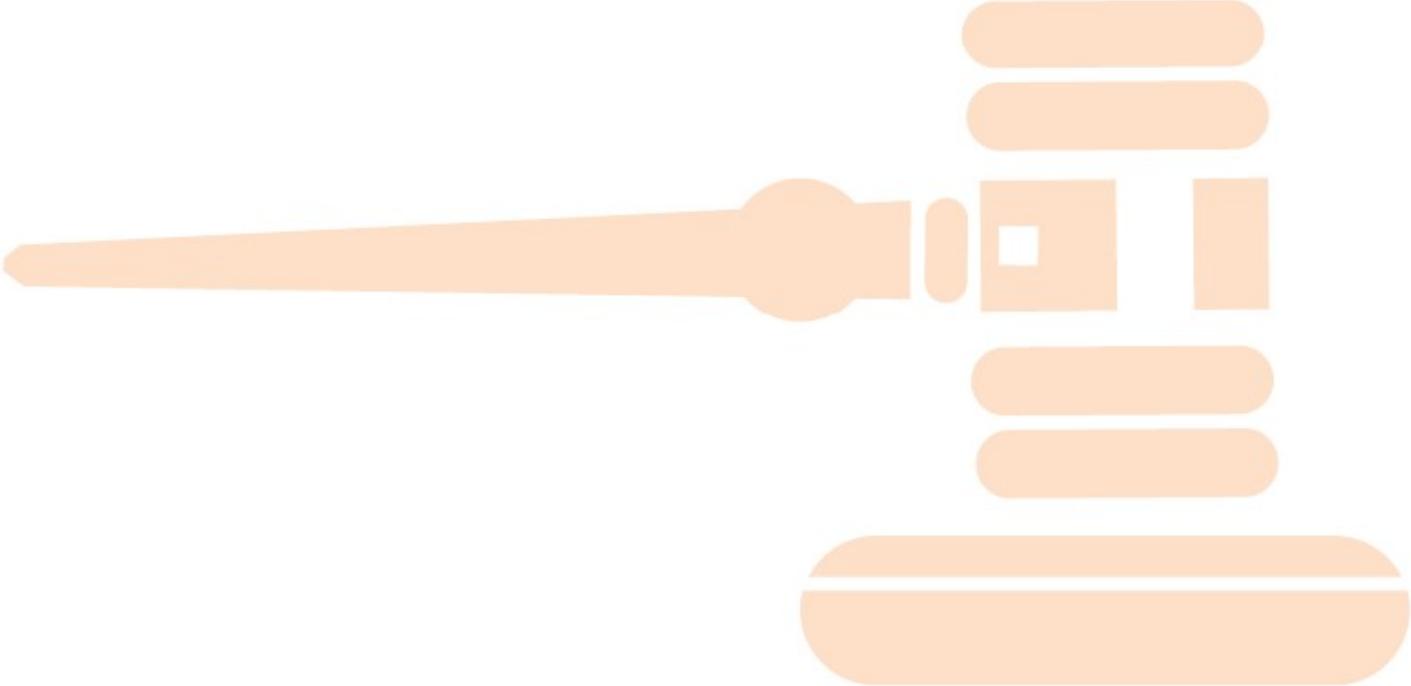
c. The Judicial Council shall decide on the legality of the settlement agreement no later than seven (7) academic days after received by the Chair. No agreement shall violate the Constitution or Statutes.

**TITLE X: POST TRIAL/HEARING PROCEDURES**

Section A: JUDGEMENT

1. Immediately following the conclusion of a Trial or Hearing, the Judicial Council shall discuss the case during closed deliberation. The date and time shall be decided upon by the Council members through a simple majority vote; however, deliberations shall not take place any later than ten (10) academic days following a trial or hearing.
2. The Court Recorder shall record all discussion that takes place during closed deliberations, including their own.
3. When voting commences, the Court Recorder shall address each Councilor by their last name, and ask how they vote. All votes shall be entered into the minutes preceded by the Councilor's last name. When it is time for the Court Recorder to vote, they shall audibly vote.
4. The Judicial Council shall have the power to request the advice of the ASOSU Legal Advocate for Students. The Legal Advocate shall only have the ability to advise and direct the Council toward relevant information. They shall stay impartial during the duration of deliberations. Once their advice has concluded, the Council will excuse them to leave the room where deliberations are taking place.
5. The Court Recorder shall record all discussion given to the Council by the Legal Advocate.
6. Two-thirds of the Council must agree on a decision in order for it to pass.
7. In order to find the Defendant(s) guilty, Council members must agree that all the following have been met:
  - i. The violation of conduct in question violates any part of the ASOSU Constitution, Statutes, and or any other document in question.
  - ii. That there was adequate witness testimony and/or evidence proving the illegality of the behavior beyond a reasonable doubt.
  - iii. That any remedy handed down fits the severity of the act in violation and the remedy does not violate the ASOSU Constitution and Statutes.

- 8. When voting, each Councilor shall explain to the Council why they either accept or refuse to accept each of the three conditions stated above.
  
- 9. The Council shall have no more than fifteen (15) days immediately following the start of closed deliberations to arrive at a decision. If no decision is made by midnight on the 15<sup>th</sup> day, the Chair shall declare a mistrial and all involved parties shall receive a letter stating the Council's decision of a mistrial and that no punishment will be handed down.
  
- 10. Throughout the course of the proceedings, beginning with the submission of requests and continuing through deliberations, the Defendant(s) are to be assumed innocent until proven guilty.





**ASSOCIATED STUDENTS  
OF  
OREGON STATE  
UNIVERSITY**

***JUDICIAL COUNCIL POLICIES***

**LAST AMENDED FALL 2017**

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**TITLE I: STATUTE SYSTEM**

Section A: ORGANIZATION

1. The ASOSU Judicial Council Rules and Procedures shall be organized and circumscribed by Title, Lettered Section, Numbered Subsection, Number and Lowercase Roman Numeral, and Lowercase Letter. This structure of organization shall be maintained by the Judicial Council.

Section B: AMENDMENTS AND REVISIONS

1. Amendments and revisions shall be incorporated into the Judicial Policies by a simple majority vote of the Judicial Council. These amendments and revisions shall adhere to the organization guidelines stated in Chapter I, Section A of the Judicial Council Policies, as well as the ASOSU Constitution and Statutes.
2. All amendments and revisions to the Judicial Council Policies shall require the approval of a simple majority of the ASOSU Senate.
3. Amendments and revisions to these policies shall go into effect immediately, upon confirmation by the ASOSU Senate.
4. These Judicial Procedures shall be stricken only with a unanimous vote of the Judicial Council and a two-thirds majority vote of the Senate.

Section C: SUBORDINATION OF JUDICIAL POLICIES

1. The Judicial Policies are herein subordinate to the ASOSU Constitution and Statutes, as well as all state and federal law.

**TITLE II: ESTABLISHMENT OF JUDICIAL COUNCIL POLICIES**

Section A: ESTABLISHMENT

1. The powers of the ASOSU are vested in the ASOSU Constitution and Statutes. As such, the ASOSU is made up of three branches, resembling that of the United States federal government. The Executive branch is comprised of the President, Vice-President, and all other Executive Officers; the Legislative branch is composed of a House of Representatives and a Senate; and the Judicial Council (JC), executes the duties similar to those of the “Supreme Court”.
  
2. According to Article V Sections C and D, “The power of the Judicial Council shall arise exclusively from any case or controversy brought before it, pertaining to any question of interpretation of ASOSU Constitution and Statutes. The Judicial Council shall be the final authority on questions of interpretation of ASOSU Constitution and Statutes.”

Section B: COMPOSITION OF THE COURT

1. The Judicial Council is comprised of seven (7) members of the ASOSU, including undergraduate and graduate students. These members cannot hold any position in either the Executive and Legislative branches.
  
2. Judicial Council members are appointed by the ASOSU President and confirmed by the Senate and serve a term of up to four (4) years while they are still a student at Oregon State University.
  
3. Judicial Councilors are required to adhere to all laws and bylaws pursuant to Title IV of the ASOSU Statutes.
  
4. The Judicial Council shall establish procedures and rules of order, appropriate for its various meetings and functions.
  
5. Officers of the Judicial Council shall be elected from within its membership at or before the beginning of every Fall term. Officer positions shall include the Judicial Council Chair and the Judicial Vice-Chair. The Judicial Chair and Vice Chair, when acting as Chair, shall adhere to all duties as described under Title VI of the ASOSU Statutes, including appointing a Court Recorder.
  
6. In the event that the Vice Chair position is unfilled the Chair shall be responsible for completing or delegating to other Councilors all Vice Chair duties.

7. The Judicial Office shall hereon be referred to as the Judicial Chambers.
  
- ~~8.~~ The Judicial Council shall establish regular meeting times and, when the Chair or a majority of Councilors deem it necessary and appropriate, hold meetings to conduct official business.
  
9. The Court Recorder’s duties shall include the following:
  - i. They shall be responsible for taking detailed and accurate notes regarding all official business of the court. All notes are to be written in professional font, size, and format. The date, page numbers, and if it is from a certain case, case number in the format: last two digits of the year followed by a dash and then the case number shall be placed in the header of every page.
  
  - ii. Judicial Councilors shall be referred to as “Justice” followed by their last name.
  
  - iii. Judicial notes shall be printed and filed in the Judicial Chambers in the appropriate folder labeled by month and year. A digital copy shall be kept on the Judicial Council computer in the appropriate folder.
  
  - iv. The Court Recorder shall be responsible for notifying all parties, as well as the Daily Barometer, of Hearing and Trial dates, times, and locations.
  
10. The Vice Chair’s duties include the following:
  - i. Acting as Chair when the Chair is absent from Judicial Council Meetings.
  
  - ii. Explaining the Hearing Rules and Procedures during court trials and hearings.
  
  - iii. Administering the oath to all witnesses during case trials prior to any taking the stand.
    - a. The Vice Chair shall order the witness to stand behind the witness stand and then ask them to raise their right hand. Once the witness has raised their right hand, the Vice Chair will ask “Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you?” and shall wait for the witness to say “yes” before returning to the bench.

- b. If the witness does not say “yes” then the Vice Chair will ask the question again. If the witness continues to refuse to say “yes”, then the witness shall be immediately removed from the witness list and shall give up all rights as a witness during that case.
  
- iv. Developing and maintaining the “Court Reporter”, which shall include, but not be limited to, all archival documents as listed in the Statutes (Title IV, section 6, letter B).
  
- 11. Should the Chair vacate their seat during an academic year, the Vice Chair shall assume the position of Chair until elections can be held during the next regularly scheduled Judicial Council meeting.
  
- 12. Quorum shall be required to conduct meetings and official business of the Judicial Council. It shall consist of no less than one-half of the current Council members.
  
- 13. Council members who wish to resign from their position on the ASOSU Judicial Council shall submit a letter of resignation, stating reasons to the Judicial Chair and supply copies to the Speaker of the House, Vice President, and President. Members of the Judicial Council shall include in their letters of resignation the name or names of at least one person whom they would prefer the President nominate to fill their seat.
  
- 14. Regularly Scheduled Meetings are to be private at the discretion of the court.

Section C: REQUIRED DOCUMENTS AND MATERIALS

- 1. Upon successful completion of the Oath given by either the President or Judicial Chair, every Judicial Council member shall be issued two things:
  - i. A black judicial robe to be used during the duration of his or her tenure as Judicial Councilor by the Judicial Chair.
    - a. Robes are to be kept in the Judicial Office. They shall be worn during all Trials and Hearings.
  
    - b. Each councilor is required to keep their robe in good condition and is responsible for any damages upon surrendering their robe to the Judicial Chair at the time of their departure from the council.

- ii. A three-ring binder containing a copy of the current ASOSU Constitution, Statutes, Judicial Policies, previous case Decisions and Opinions, and all other documents deemed relevant by the Judicial Chair.

Section D: REMOVAL OF JUDICIAL OFFICERS

1. Judicial Officers shall include anyone who is elected from within the Judicial Council to serve in a capacity greater than that of Judicial Councilor.
2. The Judicial Council Chair and Vice Chair may be removed from office by a vote of no less than two-thirds of the members of the Judicial Council. The officer removed from office must immediately vacate their position upon a successful vote for removal by the council and a new officer shall be elected into office at the next regularly scheduled meeting.
3. The removed officer shall maintain the same rights and responsibilities of a non-officer member.
4. Any member of the Council who has been removed from office shall not serve in any other elected position for the remainder of the academic year; however, upon the start of the following academic year, they shall regain full eligibility.
5. The Council’s removal from office process is distinct from that of ASOSU’s Impeachment process. When the Council removes one of its officers, that individual does not forgo their Council membership, just their officer position. For an individual to be removed from the Council, Title VI of the ASOSU Statutes must be invoked and successfully completed.

**TITLE III: SUBSIDIARY COURTS**

Section A: SERVICE ON SUBSIDIARY COURTS

1. All members of the Judicial Council may serve on all subsidiary court.
2. The Judicial Chair shall head all subsidiary courts and inform the Judicial Council of the time and date of the respective courts, as well as provide Council members with any and all required documents pertaining to the respective courts.

3. Congress shall be vested the power to create and reorganize subsidiary courts.
4. At least one member of the Judicial Council shall sit on the Elections Committee.

#### **TITLE IV: DOCUMENTS**

##### Section A: ELIGIBILITY

1. Any member of the ASOSU may bring a written request for review or remedy to the Council by filing all necessary documents.

##### Section B: TYPES OF REQUESTS

1. Writ of Appeal: Request from member outside of the Council to review an Opinion of the Court.
2. Writ of Judicial Inquiry: General Inquiry of constitutional, statutory, or procedural understanding
3. Writ of Judicial Review: Review by current Council of past Opinions of the Court.
4. Writ of Mandamus: Order from the Council to fulfill a constitutional obligation.
5. Injunction: Order from the Council to halt a particular action or decision until a later date.

##### Section C: FILING PROCESS

1. To submit a request, all documents shall be sent to the official email of the Judicial Council Chair or placed under their office door or on their desk.
2. All requests must be complete. If a request is not filled out completely or accurately, the request will automatically be denied and the Plaintiff(s) will be informed in writing why the request was denied, how to correct the errors presented in the request, and how to resubmit the document.
3. Documents shall be submitted to the Council in either of two ways:

- i. The documents may be designated as “Open”, in which the request may be viewed by any member of the ASOSU upon request.

or

- ii. A document may be designated as “Sealed”, in which the request may not be viewed by anyone outside the Judicial Council. The Council has the right to unseal any request at anytime, with a simple majority vote.

4. Upon receiving a completed request, the Judicial Chair shall:

- i. Assign an appropriate case number and add the number to all forms submitted. Case numbers are to be addressed by the last two digits in the current year followed by a “-“, then followed by the next sequential number from the last case, and then followed by either an “(i)” for Inquiry, “(r)” for Review, or “(c)” for Case.

An example would be: Case #: 09-101(i).

- ii. Notify the requesting party by e-mail or phone that the Council received all documents and inform them of the next step(s) in the judicial process.
- iii. The Chair shall write on the front page of the request the time and date the requestor was notified by the council, as well as when the Council approved or denied the case; followed by their signature.

**TITLE V: PROCEDURES, RULINGS, AND OPINIONS**

Section A: COURT PROCEDURES

- 1. The Council shall, when it deems necessary, revise its court procedures, which shall be approved by a simple majority of the ASOSU Senate before taking effect.
- 2. These Court Procedures may not conflict with the ASOSU Constitution and Statutes.

Section B: RULINGS AND OPINIONS

1. All Rulings and Opinions shall meet the requirements under Title IV, Section 5 of the ASOSU Statutes.
  
2. Opinions shall have “Majority Opinion by Councilor[s] [Last Name], followed by “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, the name of parties involved and their respective titles, designation of Inquiry, Review, or Case “to the ASOSU Judicial Council”, “No.” last two digests of the year with a dash followed by the number and abbreviation (of i for inquiry, r for review, and c for case), and lastly “[month written out, followed by day, and year].” Example, Case number 09-101(i).
  
3. All Opinions shall be written in professional size 12 font, except “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, which shall be in size 16 font and boldfaced.
  
4. They shall include Concurrent and Dissenting, and shall include the following items:
  - i. Name(s) of the Contributing Justice(s)
  - ii. Reasons for the Opinion
  - iii. All necessary citation
  - iv. Ruling Implications, which shall be included in the Majority Opinion when past rulings and opinions are either upheld or overturned.
  
5. All Rulings and Opinions must be distributed to all involved parties, as well as to the President, Vice President, and Speaker of the House, within five (5) days following the completion of the written opinion.

Section C: RECORDS AND ARCHIVES

1. The Judicial Council Records and Archives shall be from here on known as the Judicial Branch Archives.

- 2. The “Court Recorder”, an annual compilation of all Judicial Branch Archive documents, shall be kept on hand in the Judicial Council Chambers when not being updated.
- 3. The Judicial Council shall adhere to all records and archives requirements pursuant to Title IV, Section 6 of the ASOSU Statutes.
- 4. The Judicial Chairman shall distribute any and all copies of Judicial Branch Archives to any member of the ASOSU upon request.
- 5. No original documents of the Judicial Branch Archives may be distributed.

**TITLE VI: PRE-HEARING PROCEDURE**

Section A: INITIATION OF ACTIONS

- 1. Once a completed request is filed with the Judicial Council Chair, the entire Council shall decide whether to accept the case within ten (10) academic days after receipt or their next regularly scheduled meeting, whichever comes first.
  - i. The Judicial Council may summon any member of the ASOSU that seeks to utilize the services of the Council or desires a hearing to determine the legality of a body’s actions.
- 2. At any time during the preliminary hearing, if any Judicial Council member has determined there to be a conflict of interest between them and the case or the request at hand, that Judicial Councilor will inform the Council that there is a conflict and will immediately remove themselves from the case.
  - i. In any cases where a blood relative is involved in a Judicial Case, there will be a mandatory removal of that Judicial Councilor during all matters involving the case.

Section B: TYPES OF TRIALS/HEARINGS

1. Trials:

- i. Trials are used by the Judicial Council to determine the innocence or guilt of the Defendant(s) brought before the Judicial Council by the Plaintiff(s).

2. Hearings:

- i. Hearings of Interpretation are to determine interpretation of a document and do not involve a Defendant.
- ii. Hearings of Information are hearings in which any member of the Executive or Legislative Branches may request a hearing concerning matters of the Constitution, Statutes, and all other associated documents.

- 3. During all Trials and Hearings, Judicial Council members shall be referred to as “Councilor”, “Your Honor”, “Justice”, or they may be addressed by their respective title.

Section C: TRIALS

- 1. Trials are used by the Judicial Council to determine the innocence or guilt of a Defendant brought before the Judicial Council by the Plaintiff(s).
- 2. All trial dates, times, and locations shall be determined by the Judicial Council and reported by the Judicial Court Recorder to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
- 3. Trials shall not take place any sooner than seven (7) academic days after approval by the Council and no later than what is deemed reasonable.
- 4. All trials shall be held in the Memorial Union Building and must be open to the public.
- 5. All types of media shall be allowed in the courtroom during trial proceedings unless either of the two parties, with the consent of the Council through a simple majority vote, agrees to hold a “Closed Visual Session”, in which no video or still cameras will be allowed; only audio and/or pen and paper

shall be permitted by the media. If visual equipment becomes a distraction to the case at hand, the Council shall have the authority to remove it through a simple majority vote, invoking a "Closed Visual Session".

6. Judicial Council approved Media shall be the only ones allowed to possess audio and visual recording equipment during the duration of the proceedings. All television cameras are to be set up behind the gallery.
7. All evidence and witnesses will be made available to the Council during this trial process.
8. Plaintiff(s) and Defendant(s) shall be required to provide the Council and the opposing party with a list of any and all witnesses no later than seventy two (72) hours prior to a trial.
  - i. All witnesses shall fill out a Witness Affidavit, which must be filled out and filed at the same time the list of witnesses is submitted in a sealed manila envelope to the Judicial Chair.
  - ii. The Court Recorder shall be responsible for maintaining all submitted witness forms and copies shall be provided to each Judicial Council member prior to the trial.
9. It is the responsibility of both the Plaintiff(s) and Defendant(s) to inform their respective witnesses of their rights and responsibilities as stated in the ASOSU Constitution and Statutes, as well as to inform them of all Judicial Policies and Procedures.
10. Plaintiff(s) and Defendant(s) shall be required to submit a brief, which shall include a summary of the alleged actions in violation, all appropriate charges, and all relevant evidence to the Council and to the opposing party no later than seventy two (72) hours prior to trial.
11. Plaintiffs and Defendants may choose another consenting student to represent themselves during all trials. In cases where there are more than one Plaintiff and/or Defendant, such as in a case between branches of the ASOSU, one designated member of each party shall represent the group's interests before the court. In any case involving the Executive Branch the ASOSU President will be the representative, in any case involving the Legislative Branch the Speaker of the House will be the representative. This individual shall notify the court that they are the representative for their specific party when submitting their initial request(s).

1. Interpretation Hearings shall occur no sooner than three (3) academic days after acceptance and no later than three weeks, except in the case of an academic term ending, in which case it shall occur within three weeks of the start of the next academic term.
  - i. All Interpretation Hearing dates and times will be determined by the Judicial Council and reported by the Judicial Council to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
  - ii. Interpretation Hearings are to be held in the Memorial Union building or otherwise specified location and shall be open to the public.
  
2. Informational Hearings shall occur no later than ten (10) academic days after the Judicial Council accepts the request.
  - i. In cases where immediate action is imperative, the individual requesting the hearing shall meet with no less than a simple majority of the Council no later than 48 hours after the request has been filed, upon a simple majority vote of the Council.
  - ii. Informational Hearings shall be held in closed session in the Judicial Council Chambers and shall be recorded by the Court Recorder. If the Court Recorder is not able to attend the hearing, the Judicial Chairman shall appoint a Council member attending the meeting to act as temporary Court Recorder.

Section E: ORDERS

1. Gag Orders:
  - i. Gag Orders may be issued to any member of either party invoked by any member of the Council if they deem it to be necessary.

- ii. Gag Orders shall require that no part of any Trial or Hearing is to be talked about publicly or privately amongst members of the other party or anyone external to the case outside of either the Judicial Council Chambers or the room where the trial is being held.
  
- iii. If a party should violate a Gag Order, they will be immediately stricken from the Trial and any and all testimony or evidence they possess will be inadmissible.

2. Orders of Injunction:

- i. Injunctions may be issued when the Council believes an action taken by a member of the ASOSU is either harmful or illegal.
  
- ii. Two types of injunctions will be used:
  - a. Temporary Injunction Orders (TIO) are injunctions that last no more than one academic term, and are used when the Council believes a matter can be resolved within that amount of time. A simple majority vote is needed to enact a TIO.
  
  - b. Full Injunction Orders (FIO) are injunctions of an indeterminate period of time, subject to renewal upon the beginning of a new term of office, and will stay in effect until lifted by the Judicial Council.

3. Summons and Subpoenas

- i. Summons
  - a. A summons is defined as an order compelling an individual to appear before the council at a hearing or meeting.
  
  - b. Pursuant to Title III, Section 2, Subsection D, all Executive Officers, Employees, and Elected Officials must comply with any and all summons requests.

- c. A summons may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

- ii. Subpoenas

- a. A subpoena is defined as an order compelling a member of the ASOSU to provide testimony or evidence on a matter before the Judicial Council.
- b. If that subpoenaed individual does not respond to the request, the case or hearing, if in their favor, will not be conducted.
- c. A subpoena may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

## **TITLE VII: HEARING RULES**

### Section A: RULES OF EVIDENCE

1. Definition of Evidence - Evidence is anything offered to the senses of the court to prove or disprove an alleged fact that is vital to the adjunction of a case.
  - i. Factual allegations are not evidence.
  - ii. Factual allegations should be proved or disproved through the introduction of evidence.
2. Admissible Evidence - Only admissible evidence shall be considered by in hearings of the Judicial Council.
  - i. Admissible Evidence is evidence deemed to be germane by the Judicial Council and aids in the proof or disproof of factual allegations.

### Section B: HEARSAY RULE

1. Hearsay evidence is a statement offered to prove or disprove a factual allegation by a party whose presence or direct involvement in the events of the case's question is questionable.
2. The Judicial Council shall determine the admissibility of hearsay evidence.

### Section C: RULES OF OBJECTION

1. Objections may only be raised by the Plaintiff, Defendant, either party's legal counsel or a Judicial Councilor.

2. Objections may only be raised to challenge the admissibility or relevance of evidence.
3. Objections may be overruled by a simple majority vote of the Judicial Council.

#### Section D: RULES OF CONDUCT

1. No ill behavior will be tolerated
2. All parties will be permitted to present evidence and arguments without undue interruption.
  - i. Objections from the opposing parties and from Judicial Councilors as well as points of clarification from Judicial Councilors are not undue interruptions.
3. The Judicial Council reserves the right to remove any member of the Plaintiff's or Defendant's parties or members of the gallery from the court with a simple majority vote.
  - i. The Judicial Council Chair shall appoint a Sergeant at Arms in the event of ill behavior on the part of any party present in the court.
    - a. The Sergeant at Arms will have the full power of the Judicial Council to remove persons from the court.

#### Section E: RULES OF ORAL ARGUMENTATION

1. Oral arguments shall follow the ordered progression of presentation of evidence as follows: opening statements, presentation of evidence by the Plaintiff, cross examination of the Plaintiff by the Defendant, presentation of evidence by the Defendant, cross examination of the Defendant by the Plaintiff, examination of the evidence by the Council, and closing statements.
  - i. Each party shall have 5 minutes to present their opening statement.
  - ii. Each Party shall each have 20 minutes to present evidence and testimony.
  - iii. Each party shall have 10 minutes to cross examine the opposing party.
  - iv. Each party shall have 5 minutes to present their closing statement.
  - v. The Plaintiff shall present his or her opening and closing statements before the Defendant.

#### Section F: RULE OF PRIMA FACIE

1. "Prima Facie" is a Latin term which translated means "at first face" or "first impression". This term is commonly used to denote evidence that is self-evident from the facts.
2. An order adverse to a party may be issued upon default only if a prima facie case is made on the record.

### **TITLE VIII: COURT PROCEDURES**

#### Section A: SOLICITATION OF NOTICE

1. Prior to trials, all relevant parties shall be given notice of their rights, obligations, and scheduling information.

#### Section B: CALL TO ORDER

1. The Judicial Council Chair shall call the hearing to order with two raps of the gavel, solicitation of the presence of the required parties, including Plaintiff(s), Defendant(s), their counsel, and any other subpoenaed persons, by the Court Recorder, and a final rap beginning the orders of the day.

#### Section C: INTRODUCTION OF THE COUNCIL MEMBERS

1. The Judicial Council Chair will address each member of the court formally using the title “Justice” for the purpose of roll call and as an introduction of the councilors to the court.

#### Section D: RECOGNITION BY THE COUNCIL OF EACH PARTY’S SPOKESPERSON

1. The Judicial Council Chair shall ask each party to announce their official spokesperson. In cases involving the ASOSU Executive Branch the ASOSU President will be the official party spokesperson, in cases involving the ASOSU Legislative Branch the Speaker of the House will be the Official party spokesperson. Herein, the representative official of the Plaintiff shall be referred to as the Plaintiff and the representative official of the defendant shall be known as the Defendant.

#### Section E: EXPLANATION OF HEARING RULES AND COURT PROCEDURES

1. The Judicial Council Vice Chair shall, in brief, provide explanation of the Hearing Rules and Court Procedures.

#### Section F: STATEMENT OF CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall state the charges brought against the Defendant as well as the remedy sought. Such statement will include the definitions and ramifications of the remedy sought as it applies to the Defendant.

#### Section G: SOLICITATION OF UNDERSTANDING OF STATEMENT CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall re-read the charges as filed and ask the Plaintiff and Defendant for confirmation of the accuracy of the charges and remedy sought. If the Plaintiff or Defendant disagrees with the accuracy of the statement of charges and remedy sought, they shall make their objections known and the court will recess to allow the Council to rule on the accuracy of the charges and remedy sought.

#### Section H: ADJOURNMENT FOR CLOSED DELIBERATIONS

1. After oral argumentation the court will be adjourned by the Judicial Council Chair for closed deliberations. The Judicial Council Chair will excuse the court and inform the Plaintiff(s) and Defendant(s) of when to expect the Council’s subsequent ruling.

### **TITLE IX: RULINGS**

Section A: TRIAL REMEDIES

1. There shall be three (3) types of remedies handed down by the Council:

i. Direct Judgment

a. Direct Judgments shall express the opinion of the Council concerning a dispute between parties.

ii. Writ of Mandamus

a. Shall be issued when the court determines that an Elected Official, Officer, or Employee has not fulfilled their duties as stated in the ASOSU Constitution, Statutes, or any other legal document stating required job-related duties. The Council shall interpret the meaning of the job description and the Writ of Mandamus shall require the individual in question to fulfill all job-related duties specified by the Judicial Council.

iii. Plea Agreements

a. If a Defendant(s) charged with an offense brought before the Judicial Council decides not to challenge the charges and settles with the Plaintiff(s) out of court, they shall have the ability to file a Settlement Agreement Form (SAF) with the Judicial Chair.

b. The SAF shall include the Defendant(s) and the Plaintiff(s) account of the infraction(s), along with any and all agreements made between the two parties.

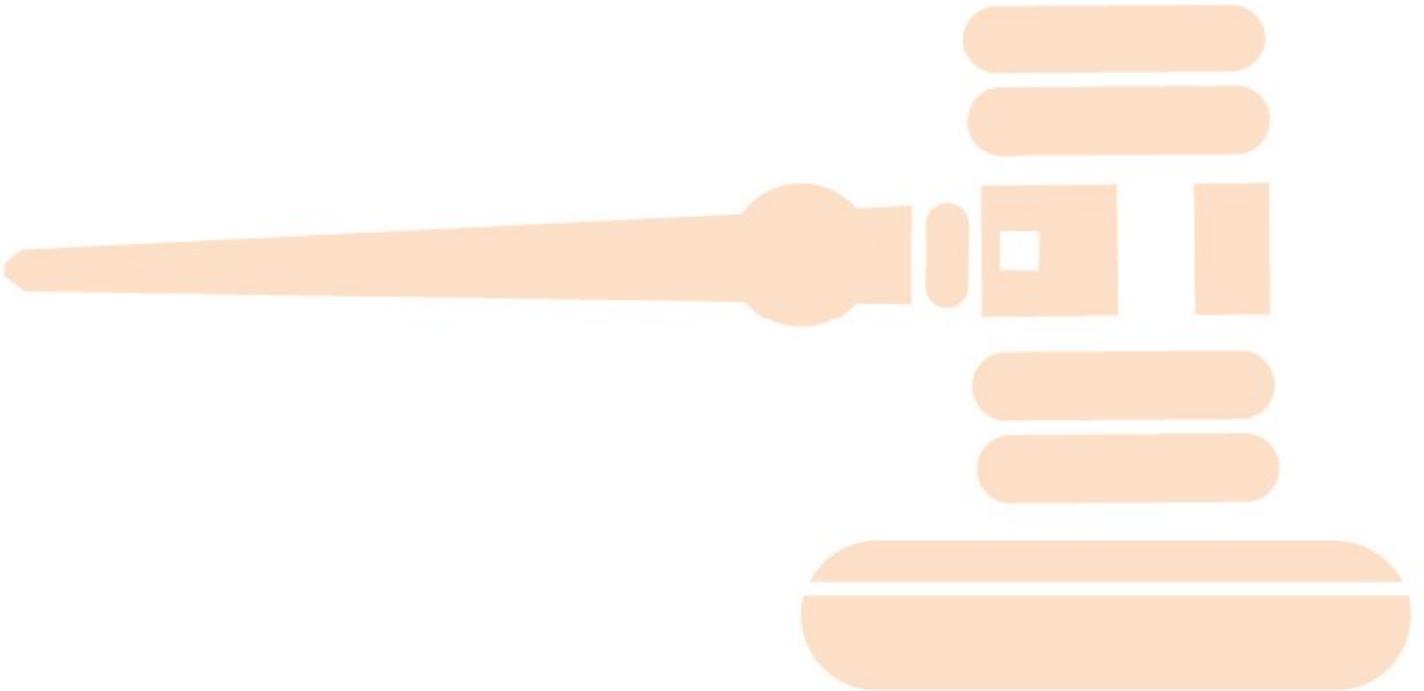
c. The Judicial Council shall decide on the legality of the settlement agreement no later than seven (7) academic days after received by the Chair. No agreement shall violate the Constitution or Statutes.

**TITLE X: POST TRIAL/HEARING PROCEDURES**

Section A: JUDGEMENT

1. Immediately following the conclusion of a Trial or Hearing, the Judicial Council shall discuss the case during closed deliberation. The date and time shall be decided upon by the Council members through a simple majority vote; however, deliberations shall not take place any later than ten (10) academic days following a trial or hearing.
2. The Court Recorder shall record all discussion that takes place during closed deliberations, including their own.
3. When voting commences, the Court Recorder shall address each Councilor by their last name, and ask how they vote. All votes shall be entered into the minutes preceded by the Councilor's last name. When it is time for the Court Recorder to vote, they shall audibly vote.
4. The Judicial Council shall have the power to request the advice of the ASOSU Legal Advocate for Students. The Legal Advocate shall only have the ability to advise and direct the Council toward relevant information. They shall stay impartial during the duration of deliberations. Once their advice has concluded, the Council will excuse them to leave the room where deliberations are taking place.
5. The Court Recorder shall record all discussion given to the Council by the Legal Advocate.
6. Two-thirds of the Council must agree on a decision in order for it to pass.
7. In order to find the Defendant(s) guilty, Council members must agree that all the following have been met:
  - i. The violation of conduct in question violates any part of the ASOSU Constitution, Statutes, and or any other document in question.
  - ii. That there was adequate witness testimony and/or evidence proving the illegality of the behavior beyond a reasonable doubt.
  - iii. That any remedy handed down fits the severity of the act in violation and the remedy does not violate the ASOSU Constitution and Statutes.

8. When voting, each Councilor shall explain to the Council why they either accept or refuse to accept each of the three conditions stated above.
  
9. The Council shall have no more than fifteen (15) days immediately following the start of closed deliberations to arrive at a decision. If no decision is made by midnight on the 15<sup>th</sup> day, the Chair shall declare a mistrial and all involved parties shall receive a letter stating the Council's decision of a mistrial and that no punishment will be handed down.
  
10. Throughout the course of the proceedings, beginning with the submission of requests and continuing through deliberations, the Defendant(s) are to be assumed innocent until proven guilty.





**ASSOCIATED STUDENTS  
OF  
OREGON STATE  
UNIVERSITY**

***JUDICIAL COUNCIL POLICIES***

**LAST AMENDED FALL 2017**

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**TITLE I: STATUTE SYSTEM**

Section A: ORGANIZATION

1. The ASOSU Judicial Council Rules and Procedures shall be organized and circumscribed by Title, Lettered Section, Numbered Subsection, Number and Lowercase Roman Numeral, and Lowercase Letter. This structure of organization shall be maintained by the Judicial Council.

Section B: AMENDMENTS AND REVISIONS

1. Amendments and revisions shall be incorporated into the Judicial Policies by a simple majority vote of the Judicial Council. These amendments and revisions shall adhere to the organization guidelines stated in Chapter I, Section A of the Judicial Council Policies, as well as the ASOSU Constitution and Statutes.
2. All amendments and revisions to the Judicial Council Policies shall require the approval of a simple majority of the ASOSU Senate.
3. Amendments and revisions to these policies shall go into effect immediately, upon confirmation by the ASOSU Senate.
4. These Judicial Procedures shall be stricken only with a unanimous vote of the Judicial Council and a two-thirds majority vote of the Senate.

Section C: SUBORDINATION OF JUDICIAL POLICIES

1. The Judicial Policies are herein subordinate to the ASOSU Constitution and Statutes, as well as all state and federal law.

**TITLE II: ESTABLISHMENT OF JUDICIAL COUNCIL POLICIES**

Section A: ESTABLISHMENT

1. The powers of the ASOSU are vested in the ASOSU Constitution and Statutes. As such, the ASOSU is made up of three branches, resembling that of the United States federal government. The Executive branch is comprised of the President, Vice-President, and all other Executive Officers; the Legislative branch is composed of a House of Representatives and a Senate; and the Judicial Council (JC), executes the duties similar to those of the “Supreme Court”.
  
2. According to Article V Sections C and D, “The power of the Judicial Council shall arise exclusively from any case or controversy brought before it, pertaining to any question of interpretation of ASOSU Constitution and Statutes. The Judicial Council shall be the final authority on questions of interpretation of ASOSU Constitution and Statutes.”

Section B: COMPOSITION OF THE COURT

1. The Judicial Council is comprised of seven (7) members of the ASOSU, including undergraduate and graduate students. These members cannot hold any position in either the Executive and Legislative branches.
  
2. Judicial Council members are appointed by the ASOSU President and confirmed by the Senate and serve a term of up to four (4) years while they are still a student at Oregon State University.
  
3. Judicial Councilors are required to adhere to all laws and bylaws pursuant to Title IV of the ASOSU Statutes.
  
4. The Judicial Council shall establish procedures and rules of order, appropriate for its various meetings and functions.
  
5. Officers of the Judicial Council shall be elected from within its membership at or before the beginning of every Fall term. Officer positions shall include the Judicial Council Chair and the Judicial Vice-Chair. The Judicial Chair and Vice Chair, when acting as Chair, shall adhere to all duties as described under Title VI of the ASOSU Statutes, including appointing a Court Recorder.
  
6. In the event that the Vice Chair position is unfilled the Chair shall be responsible for completing or delegating to other Councilors all Vice Chair duties.

7. The Judicial Office shall hereon be referred to as the Judicial Chambers.
  
- ~~8.~~ The Judicial Council shall establish regular meeting times and, when the Chair or a majority of Councilors deem it necessary and appropriate, hold meetings to conduct official business.
  
9. The Court Recorder’s duties shall include the following:
  - i. They shall be responsible for taking detailed and accurate notes regarding all official business of the court. All notes are to be written in professional font, size, and format. The date, page numbers, and if it is from a certain case, case number in the format: last two digits of the year followed by a dash and then the case number shall be placed in the header of every page.
  
  - ii. Judicial Councilors shall be referred to as “Justice” followed by their last name.
  
  - iii. Judicial notes shall be printed and filed in the Judicial Chambers in the appropriate folder labeled by month and year. A digital copy shall be kept on the Judicial Council computer in the appropriate folder.
  
  - iv. The Court Recorder shall be responsible for notifying all parties, as well as the Daily Barometer, of Hearing and Trial dates, times, and locations.
  
10. The Vice Chair’s duties include the following:
  - i. Acting as Chair when the Chair is absent from Judicial Council Meetings.
  
  - ii. Explaining the Hearing Rules and Procedures during court trials and hearings.
  
  - iii. Administering the oath to all witnesses during case trials prior to any taking the stand.
    - a. The Vice Chair shall order the witness to stand behind the witness stand and then ask them to raise their right hand. Once the witness has raised their right hand, the Vice Chair will ask “Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you?” and shall wait for the witness to say “yes” before returning to the bench.

- b. If the witness does not say “yes” then the Vice Chair will ask the question again. If the witness continues to refuse to say “yes”, then the witness shall be immediately removed from the witness list and shall give up all rights as a witness during that case.
  
- iv. Developing and maintaining the “Court Reporter”, which shall include, but not be limited to, all archival documents as listed in the Statutes (Title IV, section 6, letter B).
  
- 11. Should the Chair vacate their seat during an academic year, the Vice Chair shall assume the position of Chair until elections can be held during the next regularly scheduled Judicial Council meeting.
  
- 12. Quorum shall be required to conduct meetings and official business of the Judicial Council. It shall consist of no less than one-half of the current Council members.
  
- 13. Council members who wish to resign from their position on the ASOSU Judicial Council shall submit a letter of resignation, stating reasons to the Judicial Chair and supply copies to the Speaker of the House, Vice President, and President. Members of the Judicial Council shall include in their letters of resignation the name or names of at least one person whom they would prefer the President nominate to fill their seat.
  
- 14. Regularly Scheduled Meetings are to be private at the discretion of the court.

Section C: REQUIRED DOCUMENTS AND MATERIALS

- 1. Upon successful completion of the Oath given by either the President or Judicial Chair, every Judicial Council member shall be issued two things:
  - i. A black judicial robe to be used during the duration of his or her tenure as Judicial Councilor by the Judicial Chair.
    - a. Robes are to be kept in the Judicial Office. They shall be worn during all Trials and Hearings.
  
    - b. Each councilor is required to keep their robe in good condition and is responsible for any damages upon surrendering their robe to the Judicial Chair at the time of their departure from the council.

- ii. A three-ring binder containing a copy of the current ASOSU Constitution, Statutes, Judicial Policies, previous case Decisions and Opinions, and all other documents deemed relevant by the Judicial Chair.

Section D: REMOVAL OF JUDICIAL OFFICERS

1. Judicial Officers shall include anyone who is elected from within the Judicial Council to serve in a capacity greater than that of Judicial Councilor.
2. The Judicial Council Chair and Vice Chair may be removed from office by a vote of no less than two-thirds of the members of the Judicial Council. The officer removed from office must immediately vacate their position upon a successful vote for removal by the council and a new officer shall be elected into office at the next regularly scheduled meeting.
3. The removed officer shall maintain the same rights and responsibilities of a non-officer member.
4. Any member of the Council who has been removed from office shall not serve in any other elected position for the remainder of the academic year; however, upon the start of the following academic year, they shall regain full eligibility.
5. The Council’s removal from office process is distinct from that of ASOSU’s Impeachment process. When the Council removes one of its officers, that individual does not forgo their Council membership, just their officer position. For an individual to be removed from the Council, Title VI of the ASOSU Statutes must be invoked and successfully completed.

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Section A: SERVICE ON SUBSIDIARY COURTS

1. All members of the Judicial Council may serve on all subsidiary court.
2. The Judicial Chair shall head all subsidiary courts and inform the Judicial Council of the time and date of the respective courts, as well as provide Council members with any and all required documents pertaining to the respective courts.

3. Congress shall be vested the power to create and reorganize subsidiary courts.
4. At least one member of the Judicial Council shall sit on the Elections Committee.

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##### Section A: ELIGIBILITY

1. Any member of the ASOSU may bring a written request for review or remedy to the Council by filing all necessary documents.

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1. Writ of Appeal: Request from member outside of the Council to review an Opinion of the Court.
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1. To submit a request, all documents shall be sent to the official email of the Judicial Council Chair or placed under their office door or on their desk.
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- i. The documents may be designated as “Open”, in which the request may be viewed by any member of the ASOSU upon request.

or

- ii. A document may be designated as “Sealed”, in which the request may not be viewed by anyone outside the Judicial Council. The Council has the right to unseal any request at anytime, with a simple majority vote.

4. Upon receiving a completed request, the Judicial Chair shall:

- i. Assign an appropriate case number and add the number to all forms submitted. Case numbers are to be addressed by the last two digits in the current year followed by a “-“, then followed by the next sequential number from the last case, and then followed by either an “(i)” for Inquiry, “(r)” for Review, or “(c)” for Case.

An example would be: Case #: 09-101(i).

- ii. Notify the requesting party by e-mail or phone that the Council received all documents and inform them of the next step(s) in the judicial process.
- iii. The Chair shall write on the front page of the request the time and date the requestor was notified by the council, as well as when the Council approved or denied the case; followed by their signature.

**TITLE V: PROCEDURES, RULINGS, AND OPINIONS**

Section A: COURT PROCEDURES

- 1. The Council shall, when it deems necessary, revise its court procedures, which shall be approved by a simple majority of the ASOSU Senate before taking effect.
- 2. These Court Procedures may not conflict with the ASOSU Constitution and Statutes.

Section B: RULINGS AND OPINIONS

1. All Rulings and Opinions shall meet the requirements under Title IV, Section 5 of the ASOSU Statutes.
  
2. Opinions shall have “Majority Opinion by Councilor[s] [Last Name], followed by “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, the name of parties involved and their respective titles, designation of Inquiry, Review, or Case “to the ASOSU Judicial Council”, “No.” last two digests of the year with a dash followed by the number and abbreviation (of i for inquiry, r for review, and c for case), and lastly “[month written out, followed by day, and year].” Example, Case number 09-101(i).
  
3. All Opinions shall be written in professional size 12 font, except “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, which shall be in size 16 font and boldfaced.
  
4. They shall include Concurrent and Dissenting, and shall include the following items:
  - i. Name(s) of the Contributing Justice(s)
  - ii. Reasons for the Opinion
  - iii. All necessary citation
  - iv. Ruling Implications, which shall be included in the Majority Opinion when past rulings and opinions are either upheld or overturned.
  
5. All Rulings and Opinions must be distributed to all involved parties, as well as to the President, Vice President, and Speaker of the House, within five (5) days following the completion of the written opinion.

Section C: RECORDS AND ARCHIVES

1. The Judicial Council Records and Archives shall be from here on known as the Judicial Branch Archives.

- 2. The “Court Recorder”, an annual compilation of all Judicial Branch Archive documents, shall be kept on hand in the Judicial Council Chambers when not being updated.
- 3. The Judicial Council shall adhere to all records and archives requirements pursuant to Title IV, Section 6 of the ASOSU Statutes.
- 4. The Judicial Chairman shall distribute any and all copies of Judicial Branch Archives to any member of the ASOSU upon request.
- 5. No original documents of the Judicial Branch Archives may be distributed.

**TITLE VI: PRE-HEARING PROCEDURE**

Section A: INITIATION OF ACTIONS

- 1. Once a completed request is filed with the Judicial Council Chair, the entire Council shall decide whether to accept the case within ten (10) academic days after receipt or their next regularly scheduled meeting, whichever comes first.
  - i. The Judicial Council may summon any member of the ASOSU that seeks to utilize the services of the Council or desires a hearing to determine the legality of a body’s actions.
- 2. At any time during the preliminary hearing, if any Judicial Council member has determined there to be a conflict of interest between them and the case or the request at hand, that Judicial Councilor will inform the Council that there is a conflict and will immediately remove themselves from the case.
  - i. In any cases where a blood relative is involved in a Judicial Case, there will be a mandatory removal of that Judicial Councilor during all matters involving the case.

Section B: TYPES OF TRIALS/HEARINGS

1. Trials:

- i. Trials are used by the Judicial Council to determine the innocence or guilt of the Defendant(s) brought before the Judicial Council by the Plaintiff(s).

2. Hearings:

- i. Hearings of Interpretation are to determine interpretation of a document and do not involve a Defendant.
- ii. Hearings of Information are hearings in which any member of the Executive or Legislative Branches may request a hearing concerning matters of the Constitution, Statutes, and all other associated documents.

- 3. During all Trials and Hearings, Judicial Council members shall be referred to as “Councilor”, “Your Honor”, “Justice”, or they may be addressed by their respective title.

Section C: TRIALS

- 1. Trials are used by the Judicial Council to determine the innocence or guilt of a Defendant brought before the Judicial Council by the Plaintiff(s).
- 2. All trial dates, times, and locations shall be determined by the Judicial Council and reported by the Judicial Court Recorder to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
- 3. Trials shall not take place any sooner than seven (7) academic days after approval by the Council and no later than what is deemed reasonable.
- 4. All trials shall be held in the Memorial Union Building and must be open to the public.
- 5. All types of media shall be allowed in the courtroom during trial proceedings unless either of the two parties, with the consent of the Council through a simple majority vote, agrees to hold a “Closed Visual Session”, in which no video or still cameras will be allowed; only audio and/or pen and paper

shall be permitted by the media. If visual equipment becomes a distraction to the case at hand, the Council shall have the authority to remove it through a simple majority vote, invoking a "Closed Visual Session".

6. Judicial Council approved Media shall be the only ones allowed to possess audio and visual recording equipment during the duration of the proceedings. All television cameras are to be set up behind the gallery.
7. All evidence and witnesses will be made available to the Council during this trial process.
8. Plaintiff(s) and Defendant(s) shall be required to provide the Council and the opposing party with a list of any and all witnesses no later than seventy two (72) hours prior to a trial.
  - i. All witnesses shall fill out a Witness Affidavit, which must be filled out and filed at the same time the list of witnesses is submitted in a sealed manila envelope to the Judicial Chair.
  - ii. The Court Recorder shall be responsible for maintaining all submitted witness forms and copies shall be provided to each Judicial Council member prior to the trial.
9. It is the responsibility of both the Plaintiff(s) and Defendant(s) to inform their respective witnesses of their rights and responsibilities as stated in the ASOSU Constitution and Statutes, as well as to inform them of all Judicial Policies and Procedures.
10. Plaintiff(s) and Defendant(s) shall be required to submit a brief, which shall include a summary of the alleged actions in violation, all appropriate charges, and all relevant evidence to the Council and to the opposing party no later than seventy two (72) hours prior to trial.
11. Plaintiffs and Defendants may choose another consenting student to represent themselves during all trials. In cases where there are more than one Plaintiff and/or Defendant, such as in a case between branches of the ASOSU, one designated member of each party shall represent the group's interests before the court. In any case involving the Executive Branch the ASOSU President will be the representative, in any case involving the Legislative Branch the Speaker of the House will be the representative. This individual shall notify the court that they are the representative for their specific party when submitting their initial request(s).

1. Interpretation Hearings shall occur no sooner than three (3) academic days after acceptance and no later than three weeks, except in the case of an academic term ending, in which case it shall occur within three weeks of the start of the next academic term.
  - i. All Interpretation Hearing dates and times will be determined by the Judicial Council and reported by the Judicial Council to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
  - ii. Interpretation Hearings are to be held in the Memorial Union building or otherwise specified location and shall be open to the public.
  
2. Informational Hearings shall occur no later than ten (10) academic days after the Judicial Council accepts the request.
  - i. In cases where immediate action is imperative, the individual requesting the hearing shall meet with no less than a simple majority of the Council no later than 48 hours after the request has been filed, upon a simple majority vote of the Council.
  - ii. Informational Hearings shall be held in closed session in the Judicial Council Chambers and shall be recorded by the Court Recorder. If the Court Recorder is not able to attend the hearing, the Judicial Chairman shall appoint a Council member attending the meeting to act as temporary Court Recorder.

Section E: ORDERS

1. Gag Orders:
  - i. Gag Orders may be issued to any member of either party invoked by any member of the Council if they deem it to be necessary.

- ii. Gag Orders shall require that no part of any Trial or Hearing is to be talked about publicly or privately amongst members of the other party or anyone external to the case outside of either the Judicial Council Chambers or the room where the trial is being held.
  
- iii. If a party should violate a Gag Order, they will be immediately stricken from the Trial and any and all testimony or evidence they possess will be inadmissible.

2. Orders of Injunction:

- i. Injunctions may be issued when the Council believes an action taken by a member of the ASOSU is either harmful or illegal.
  
- ii. Two types of injunctions will be used:
  - a. Temporary Injunction Orders (TIO) are injunctions that last no more than one academic term, and are used when the Council believes a matter can be resolved within that amount of time. A simple majority vote is needed to enact a TIO.
  
  - b. Full Injunction Orders (FIO) are injunctions of an indeterminate period of time, subject to renewal upon the beginning of a new term of office, and will stay in effect until lifted by the Judicial Council.

3. Summons and Subpoenas

- i. Summons
  - a. A summons is defined as an order compelling an individual to appear before the council at a hearing or meeting.
  
  - b. Pursuant to Title III, Section 2, Subsection D, all Executive Officers, Employees, and Elected Officials must comply with any and all summons requests.

- c. A summons may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

- ii. Subpoenas

- a. A subpoena is defined as an order compelling a member of the ASOSU to provide testimony or evidence on a matter before the Judicial Council.
- b. If that subpoenaed individual does not respond to the request, the case or hearing, if in their favor, will not be conducted.
- c. A subpoena may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

## **TITLE VII: HEARING RULES**

### Section A: RULES OF EVIDENCE

1. Definition of Evidence - Evidence is anything offered to the senses of the court to prove or disprove an alleged fact that is vital to the adjunction of a case.
  - i. Factual allegations are not evidence.
  - ii. Factual allegations should be proved or disproved through the introduction of evidence.
2. Admissible Evidence - Only admissible evidence shall be considered by in hearings of the Judicial Council.
  - i. Admissible Evidence is evidence deemed to be germane by the Judicial Council and aids in the proof or disproof of factual allegations.

### Section B: HEARSAY RULE

1. Hearsay evidence is a statement offered to prove or disprove a factual allegation by a party whose presence or direct involvement in the events of the case's question is questionable.
2. The Judicial Council shall determine the admissibility of hearsay evidence.

### Section C: RULES OF OBJECTION

1. Objections may only be raised by the Plaintiff, Defendant, either party's legal counsel or a Judicial Councilor.

2. Objections may only be raised to challenge the admissibility or relevance of evidence.
3. Objections may be overruled by a simple majority vote of the Judicial Council.

#### Section D: RULES OF CONDUCT

1. No ill behavior will be tolerated
2. All parties will be permitted to present evidence and arguments without undue interruption.
  - i. Objections from the opposing parties and from Judicial Councilors as well as points of clarification from Judicial Councilors are not undue interruptions.
3. The Judicial Council reserves the right to remove any member of the Plaintiff's or Defendant's parties or members of the gallery from the court with a simple majority vote.
  - i. The Judicial Council Chair shall appoint a Sergeant at Arms in the event of ill behavior on the part of any party present in the court.
    - a. The Sergeant at Arms will have the full power of the Judicial Council to remove persons from the court.

#### Section E: RULES OF ORAL ARGUMENTATION

1. Oral arguments shall follow the ordered progression of presentation of evidence as follows: opening statements, presentation of evidence by the Plaintiff, cross examination of the Plaintiff by the Defendant, presentation of evidence by the Defendant, cross examination of the Defendant by the Plaintiff, examination of the evidence by the Council, and closing statements.
  - i. Each party shall have 5 minutes to present their opening statement.
  - ii. Each Party shall each have 20 minutes to present evidence and testimony.
  - iii. Each party shall have 10 minutes to cross examine the opposing party.
  - iv. Each party shall have 5 minutes to present their closing statement.
  - v. The Plaintiff shall present his or her opening and closing statements before the Defendant.

#### Section F: RULE OF PRIMA FACIE

1. "Prima Facie" is a Latin term which translated means "at first face" or "first impression". This term is commonly used to denote evidence that is self-evident from the facts.
2. An order adverse to a party may be issued upon default only if a prima facie case is made on the record.

### **TITLE VIII: COURT PROCEDURES**

#### Section A: SOLICITATION OF NOTICE

1. Prior to trials, all relevant parties shall be given notice of their rights, obligations, and scheduling information.

#### Section B: CALL TO ORDER

1. The Judicial Council Chair shall call the hearing to order with two raps of the gavel, solicitation of the presence of the required parties, including Plaintiff(s), Defendant(s), their counsel, and any other subpoenaed persons, by the Court Recorder, and a final rap beginning the orders of the day.

#### Section C: INTRODUCTION OF THE COUNCIL MEMBERS

1. The Judicial Council Chair will address each member of the court formally using the title “Justice” for the purpose of roll call and as an introduction of the councilors to the court.

#### Section D: RECOGNITION BY THE COUNCIL OF EACH PARTY’S SPOKESPERSON

1. The Judicial Council Chair shall ask each party to announce their official spokesperson. In cases involving the ASOSU Executive Branch the ASOSU President will be the official party spokesperson, in cases involving the ASOSU Legislative Branch the Speaker of the House will be the Official party spokesperson. Herein, the representative official of the Plaintiff shall be referred to as the Plaintiff and the representative official of the defendant shall be known as the Defendant.

#### Section E: EXPLANATION OF HEARING RULES AND COURT PROCEDURES

1. The Judicial Council Vice Chair shall, in brief, provide explanation of the Hearing Rules and Court Procedures.

#### Section F: STATEMENT OF CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall state the charges brought against the Defendant as well as the remedy sought. Such statement will include the definitions and ramifications of the remedy sought as it applies to the Defendant.

#### Section G: SOLICITATION OF UNDERSTANDING OF STATEMENT CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall re-read the charges as filed and ask the Plaintiff and Defendant for confirmation of the accuracy of the charges and remedy sought. If the Plaintiff or Defendant disagrees with the accuracy of the statement of charges and remedy sought, they shall make their objections known and the court will recess to allow the Council to rule on the accuracy of the charges and remedy sought.

#### Section H: ADJOURNMENT FOR CLOSED DELIBERATIONS

1. After oral argumentation the court will be adjourned by the Judicial Council Chair for closed deliberations. The Judicial Council Chair will excuse the court and inform the Plaintiff(s) and Defendant(s) of when to expect the Council’s subsequent ruling.

### **TITLE IX: RULINGS**

Section A: TRIAL REMEDIES

1. There shall be three (3) types of remedies handed down by the Council:

i. Direct Judgment

a. Direct Judgments shall express the opinion of the Council concerning a dispute between parties.

ii. Writ of Mandamus

a. Shall be issued when the court determines that an Elected Official, Officer, or Employee has not fulfilled their duties as stated in the ASOSU Constitution, Statutes, or any other legal document stating required job-related duties. The Council shall interpret the meaning of the job description and the Writ of Mandamus shall require the individual in question to fulfill all job-related duties specified by the Judicial Council.

iii. Plea Agreements

a. If a Defendant(s) charged with an offense brought before the Judicial Council decides not to challenge the charges and settles with the Plaintiff(s) out of court, they shall have the ability to file a Settlement Agreement Form (SAF) with the Judicial Chair.

b. The SAF shall include the Defendant(s) and the Plaintiff(s) account of the infraction(s), along with any and all agreements made between the two parties.

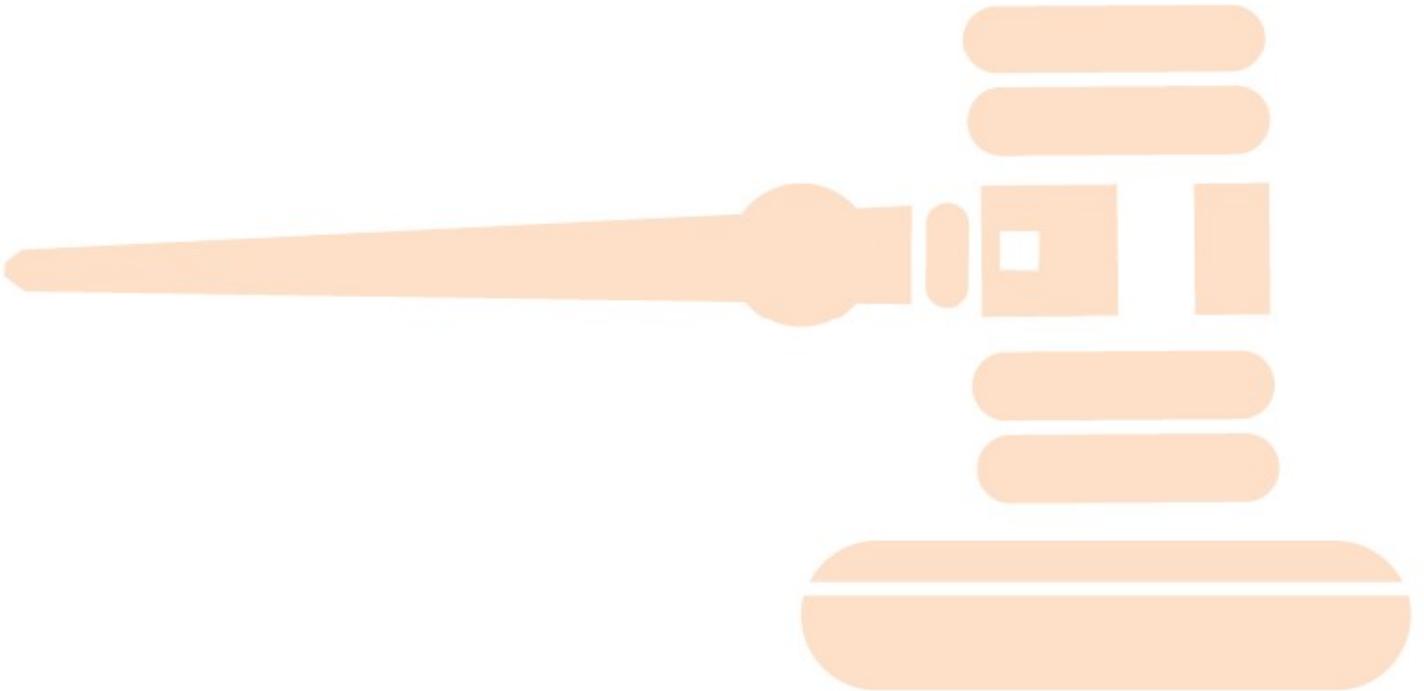
c. The Judicial Council shall decide on the legality of the settlement agreement no later than seven (7) academic days after received by the Chair. No agreement shall violate the Constitution or Statutes.

**TITLE X: POST TRIAL/HEARING PROCEDURES**

Section A: JUDGEMENT

1. Immediately following the conclusion of a Trial or Hearing, the Judicial Council shall discuss the case during closed deliberation. The date and time shall be decided upon by the Council members through a simple majority vote; however, deliberations shall not take place any later than ten (10) academic days following a trial or hearing.
2. The Court Recorder shall record all discussion that takes place during closed deliberations, including their own.
3. When voting commences, the Court Recorder shall address each Councilor by their last name, and ask how they vote. All votes shall be entered into the minutes preceded by the Councilor's last name. When it is time for the Court Recorder to vote, they shall audibly vote.
4. The Judicial Council shall have the power to request the advice of the ASOSU Legal Advocate for Students. The Legal Advocate shall only have the ability to advise and direct the Council toward relevant information. They shall stay impartial during the duration of deliberations. Once their advice has concluded, the Council will excuse them to leave the room where deliberations are taking place.
5. The Court Recorder shall record all discussion given to the Council by the Legal Advocate.
6. Two-thirds of the Council must agree on a decision in order for it to pass.
7. In order to find the Defendant(s) guilty, Council members must agree that all the following have been met:
  - i. The violation of conduct in question violates any part of the ASOSU Constitution, Statutes, and or any other document in question.
  - ii. That there was adequate witness testimony and/or evidence proving the illegality of the behavior beyond a reasonable doubt.
  - iii. That any remedy handed down fits the severity of the act in violation and the remedy does not violate the ASOSU Constitution and Statutes.

8. When voting, each Councilor shall explain to the Council why they either accept or refuse to accept each of the three conditions stated above.
  
9. The Council shall have no more than fifteen (15) days immediately following the start of closed deliberations to arrive at a decision. If no decision is made by midnight on the 15<sup>th</sup> day, the Chair shall declare a mistrial and all involved parties shall receive a letter stating the Council's decision of a mistrial and that no punishment will be handed down.
  
10. Throughout the course of the proceedings, beginning with the submission of requests and continuing through deliberations, the Defendant(s) are to be assumed innocent until proven guilty.





**ASSOCIATED STUDENTS  
OF  
OREGON STATE  
UNIVERSITY**

***JUDICIAL COUNCIL POLICIES***

**LAST AMENDED FALL 2017**

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**TITLE I: STATUTE SYSTEM**

Section A: ORGANIZATION

1. The ASOSU Judicial Council Rules and Procedures shall be organized and circumscribed by Title, Lettered Section, Numbered Subsection, Number and Lowercase Roman Numeral, and Lowercase Letter. This structure of organization shall be maintained by the Judicial Council.

Section B: AMENDMENTS AND REVISIONS

1. Amendments and revisions shall be incorporated into the Judicial Policies by a simple majority vote of the Judicial Council. These amendments and revisions shall adhere to the organization guidelines stated in Chapter I, Section A of the Judicial Council Policies, as well as the ASOSU Constitution and Statutes.
2. All amendments and revisions to the Judicial Council Policies shall require the approval of a simple majority of the ASOSU Senate.
3. Amendments and revisions to these policies shall go into effect immediately, upon confirmation by the ASOSU Senate.
4. These Judicial Procedures shall be stricken only with a unanimous vote of the Judicial Council and a two-thirds majority vote of the Senate.

Section C: SUBORDINATION OF JUDICIAL POLICIES

1. The Judicial Policies are herein subordinate to the ASOSU Constitution and Statutes, as well as all state and federal law.

**TITLE II: ESTABLISHMENT OF JUDICIAL COUNCIL POLICIES**

Section A: ESTABLISHMENT

1. The powers of the ASOSU are vested in the ASOSU Constitution and Statutes. As such, the ASOSU is made up of three branches, resembling that of the United States federal government. The Executive branch is comprised of the President, Vice-President, and all other Executive Officers; the Legislative branch is composed of a House of Representatives and a Senate; and the Judicial Council (JC), executes the duties similar to those of the “Supreme Court”.
  
2. According to Article V Sections C and D, “The power of the Judicial Council shall arise exclusively from any case or controversy brought before it, pertaining to any question of interpretation of ASOSU Constitution and Statutes. The Judicial Council shall be the final authority on questions of interpretation of ASOSU Constitution and Statutes.”

Section B: COMPOSITION OF THE COURT

1. The Judicial Council is comprised of seven (7) members of the ASOSU, including undergraduate and graduate students. These members cannot hold any position in either the Executive and Legislative branches.
  
2. Judicial Council members are appointed by the ASOSU President and confirmed by the Senate and serve a term of up to four (4) years while they are still a student at Oregon State University.
  
3. Judicial Councilors are required to adhere to all laws and bylaws pursuant to Title IV of the ASOSU Statutes.
  
4. The Judicial Council shall establish procedures and rules of order, appropriate for its various meetings and functions.
  
5. Officers of the Judicial Council shall be elected from within its membership at or before the beginning of every Fall term. Officer positions shall include the Judicial Council Chair and the Judicial Vice-Chair. The Judicial Chair and Vice Chair, when acting as Chair, shall adhere to all duties as described under Title VI of the ASOSU Statutes, including appointing a Court Recorder.
  
6. In the event that the Vice Chair position is unfilled the Chair shall be responsible for completing or delegating to other Councilors all Vice Chair duties.

- 7. The Judicial Office shall hereon be referred to as the Judicial Chambers.
  
- ~~8.~~ The Judicial Council shall establish regular meeting times and, when the Chair or a majority of Councilors deem it necessary and appropriate, hold meetings to conduct official business.
  
- 9. The Court Recorder’s duties shall include the following:
  - i. They shall be responsible for taking detailed and accurate notes regarding all official business of the court. All notes are to be written in professional font, size, and format. The date, page numbers, and if it is from a certain case, case number in the format: last two digits of the year followed by a dash and then the case number shall be placed in the header of every page.
  
  - ii. Judicial Councilors shall be referred to as “Justice” followed by their last name.
  
  - iii. Judicial notes shall be printed and filed in the Judicial Chambers in the appropriate folder labeled by month and year. A digital copy shall be kept on the Judicial Council computer in the appropriate folder.
  
  - iv. The Court Recorder shall be responsible for notifying all parties, as well as the Daily Barometer, of Hearing and Trial dates, times, and locations.
  
- 10. The Vice Chair’s duties include the following:
  - i. Acting as Chair when the Chair is absent from Judicial Council Meetings.
  
  - ii. Explaining the Hearing Rules and Procedures during court trials and hearings.
  
  - iii. Administering the oath to all witnesses during case trials prior to any taking the stand.
    - a. The Vice Chair shall order the witness to stand behind the witness stand and then ask them to raise their right hand. Once the witness has raised their right hand, the Vice Chair will ask “Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you?” and shall wait for the witness to say “yes” before returning to the bench.

- b. If the witness does not say “yes” then the Vice Chair will ask the question again. If the witness continues to refuse to say “yes”, then the witness shall be immediately removed from the witness list and shall give up all rights as a witness during that case.
- iv. Developing and maintaining the “Court Reporter”, which shall include, but not be limited to, all archival documents as listed in the Statutes (Title IV, section 6, letter B).
- 11. Should the Chair vacate their seat during an academic year, the Vice Chair shall assume the position of Chair until elections can be held during the next regularly scheduled Judicial Council meeting.
- 12. Quorum shall be required to conduct meetings and official business of the Judicial Council. It shall consist of no less than one-half of the current Council members.
- 13. Council members who wish to resign from their position on the ASOSU Judicial Council shall submit a letter of resignation, stating reasons to the Judicial Chair and supply copies to the Speaker of the House, Vice President, and President. Members of the Judicial Council shall include in their letters of resignation the name or names of at least one person whom they would prefer the President nominate to fill their seat.
- 14. Regularly Scheduled Meetings are to be private at the discretion of the court.

Section C: REQUIRED DOCUMENTS AND MATERIALS

- 1. Upon successful completion of the Oath given by either the President or Judicial Chair, every Judicial Council member shall be issued two things:
  - i. A black judicial robe to be used during the duration of his or her tenure as Judicial Councilor by the Judicial Chair.
    - a. Robes are to be kept in the Judicial Office. They shall be worn during all Trials and Hearings.
    - b. Each councilor is required to keep their robe in good condition and is responsible for any damages upon surrendering their robe to the Judicial Chair at the time of their departure from the council.

- ii. A three-ring binder containing a copy of the current ASOSU Constitution, Statutes, Judicial Policies, previous case Decisions and Opinions, and all other documents deemed relevant by the Judicial Chair.

Section D: REMOVAL OF JUDICIAL OFFICERS

1. Judicial Officers shall include anyone who is elected from within the Judicial Council to serve in a capacity greater than that of Judicial Councilor.
2. The Judicial Council Chair and Vice Chair may be removed from office by a vote of no less than two-thirds of the members of the Judicial Council. The officer removed from office must immediately vacate their position upon a successful vote for removal by the council and a new officer shall be elected into office at the next regularly scheduled meeting.
3. The removed officer shall maintain the same rights and responsibilities of a non-officer member.
4. Any member of the Council who has been removed from office shall not serve in any other elected position for the remainder of the academic year; however, upon the start of the following academic year, they shall regain full eligibility.
5. The Council’s removal from office process is distinct from that of ASOSU’s Impeachment process. When the Council removes one of its officers, that individual does not forgo their Council membership, just their officer position. For an individual to be removed from the Council, Title VI of the ASOSU Statutes must be invoked and successfully completed.

**TITLE III: SUBSIDIARY COURTS**

Section A: SERVICE ON SUBSIDIARY COURTS

1. All members of the Judicial Council may serve on all subsidiary court.
2. The Judicial Chair shall head all subsidiary courts and inform the Judicial Council of the time and date of the respective courts, as well as provide Council members with any and all required documents pertaining to the respective courts.

3. Congress shall be vested the power to create and reorganize subsidiary courts.
4. At least one member of the Judicial Council shall sit on the Elections Committee.

#### **TITLE IV: DOCUMENTS**

##### Section A: ELIGIBILITY

1. Any member of the ASOSU may bring a written request for review or remedy to the Council by filing all necessary documents.

##### Section B: TYPES OF REQUESTS

1. Writ of Appeal: Request from member outside of the Council to review an Opinion of the Court.
2. Writ of Judicial Inquiry: General Inquiry of constitutional, statutory, or procedural understanding
3. Writ of Judicial Review: Review by current Council of past Opinions of the Court.
4. Writ of Mandamus: Order from the Council to fulfill a constitutional obligation.
5. Injunction: Order from the Council to halt a particular action or decision until a later date.

##### Section C: FILING PROCESS

1. To submit a request, all documents shall be sent to the official email of the Judicial Council Chair or placed under their office door or on their desk.
2. All requests must be complete. If a request is not filled out completely or accurately, the request will automatically be denied and the Plaintiff(s) will be informed in writing why the request was denied, how to correct the errors presented in the request, and how to resubmit the document.
3. Documents shall be submitted to the Council in either of two ways:

- i. The documents may be designated as “Open”, in which the request may be viewed by any member of the ASOSU upon request.

or

- ii. A document may be designated as “Sealed”, in which the request may not be viewed by anyone outside the Judicial Council. The Council has the right to unseal any request at anytime, with a simple majority vote.

4. Upon receiving a completed request, the Judicial Chair shall:

- i. Assign an appropriate case number and add the number to all forms submitted. Case numbers are to be addressed by the last two digits in the current year followed by a “-“, then followed by the next sequential number from the last case, and then followed by either an “(i)” for Inquiry, “(r)” for Review, or “(c)” for Case.

An example would be: Case #: 09-101(i).

- ii. Notify the requesting party by e-mail or phone that the Council received all documents and inform them of the next step(s) in the judicial process.
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Section A: COURT PROCEDURES

- 1. The Council shall, when it deems necessary, revise its court procedures, which shall be approved by a simple majority of the ASOSU Senate before taking effect.
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Section B: RULINGS AND OPINIONS

1. All Rulings and Opinions shall meet the requirements under Title IV, Section 5 of the ASOSU Statutes.
  
2. Opinions shall have “Majority Opinion by Councilor[s] [Last Name], followed by “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, the name of parties involved and their respective titles, designation of Inquiry, Review, or Case “to the ASOSU Judicial Council”, “No.” last two digests of the year with a dash followed by the number and abbreviation (of i for inquiry, r for review, and c for case), and lastly “[month written out, followed by day, and year].” Example, Case number 09-101(i).
  
3. All Opinions shall be written in professional size 12 font, except “JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY”, which shall be in size 16 font and boldfaced.
  
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  - iii. All necessary citation
  - iv. Ruling Implications, which shall be included in the Majority Opinion when past rulings and opinions are either upheld or overturned.
  
5. All Rulings and Opinions must be distributed to all involved parties, as well as to the President, Vice President, and Speaker of the House, within five (5) days following the completion of the written opinion.

Section C: RECORDS AND ARCHIVES

1. The Judicial Council Records and Archives shall be from here on known as the Judicial Branch Archives.

- 2. The “Court Recorder”, an annual compilation of all Judicial Branch Archive documents, shall be kept on hand in the Judicial Council Chambers when not being updated.
- 3. The Judicial Council shall adhere to all records and archives requirements pursuant to Title IV, Section 6 of the ASOSU Statutes.
- 4. The Judicial Chairman shall distribute any and all copies of Judicial Branch Archives to any member of the ASOSU upon request.
- 5. No original documents of the Judicial Branch Archives may be distributed.

**TITLE VI: PRE-HEARING PROCEDURE**

Section A: INITIATION OF ACTIONS

- 1. Once a completed request is filed with the Judicial Council Chair, the entire Council shall decide whether to accept the case within ten (10) academic days after receipt or their next regularly scheduled meeting, whichever comes first.
  - i. The Judicial Council may summon any member of the ASOSU that seeks to utilize the services of the Council or desires a hearing to determine the legality of a body’s actions.
- 2. At any time during the preliminary hearing, if any Judicial Council member has determined there to be a conflict of interest between them and the case or the request at hand, that Judicial Councilor will inform the Council that there is a conflict and will immediately remove themselves from the case.
  - i. In any cases where a blood relative is involved in a Judicial Case, there will be a mandatory removal of that Judicial Councilor during all matters involving the case.

Section B: TYPES OF TRIALS/HEARINGS

1. Trials:

- i. Trials are used by the Judicial Council to determine the innocence or guilt of the Defendant(s) brought before the Judicial Council by the Plaintiff(s).

2. Hearings:

- i. Hearings of Interpretation are to determine interpretation of a document and do not involve a Defendant.
- ii. Hearings of Information are hearings in which any member of the Executive or Legislative Branches may request a hearing concerning matters of the Constitution, Statutes, and all other associated documents.

- 3. During all Trials and Hearings, Judicial Council members shall be referred to as “Councilor”, “Your Honor”, “Justice”, or they may be addressed by their respective title.

Section C: TRIALS

- 1. Trials are used by the Judicial Council to determine the innocence or guilt of a Defendant brought before the Judicial Council by the Plaintiff(s).
- 2. All trial dates, times, and locations shall be determined by the Judicial Council and reported by the Judicial Court Recorder to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
- 3. Trials shall not take place any sooner than seven (7) academic days after approval by the Council and no later than what is deemed reasonable.
- 4. All trials shall be held in the Memorial Union Building and must be open to the public.
- 5. All types of media shall be allowed in the courtroom during trial proceedings unless either of the two parties, with the consent of the Council through a simple majority vote, agrees to hold a “Closed Visual Session”, in which no video or still cameras will be allowed; only audio and/or pen and paper

shall be permitted by the media. If visual equipment becomes a distraction to the case at hand, the Council shall have the authority to remove it through a simple majority vote, invoking a “Closed Visual Session”.

6. Judicial Council approved Media shall be the only ones allowed to possess audio and visual recording equipment during the duration of the proceedings. All television cameras are to be set up behind the gallery.
7. All evidence and witnesses will be made available to the Council during this trial process.
8. Plaintiff(s) and Defendant(s) shall be required to provide the Council and the opposing party with a list of any and all witnesses no later than seventy two (72) hours prior to a trial.
  - i. All witnesses shall fill out a Witness Affidavit, which must be filled out and filed at the same time the list of witnesses is submitted in a sealed manila envelope to the Judicial Chair.
  - ii. The Court Recorder shall be responsible for maintaining all submitted witness forms and copies shall be provided to each Judicial Council member prior to the trial.
9. It is the responsibility of both the Plaintiff(s) and Defendant(s) to inform their respective witnesses of their rights and responsibilities as stated in the ASOSU Constitution and Statutes, as well as to inform them of all Judicial Policies and Procedures.
10. Plaintiff(s) and Defendant(s) shall be required to submit a brief, which shall include a summary of the alleged actions in violation, all appropriate charges, and all relevant evidence to the Council and to the opposing party no later than seventy two (72) hours prior to trial.
11. Plaintiffs and Defendants may choose another consenting student to represent themselves during all trials. In cases where there are more than one Plaintiff and/or Defendant, such as in a case between branches of the ASOSU, one designated member of each party shall represent the group’s interests before the court. In any case involving the Executive Branch the ASOSU President will be the representative, in any case involving the Legislative Branch the Speaker of the House will be the representative. This individual shall notify the court that they are the representative for their specific party when submitting their initial request(s).

1. Interpretation Hearings shall occur no sooner than three (3) academic days after acceptance and no later than three weeks, except in the case of an academic term ending, in which case it shall occur within three weeks of the start of the next academic term.
  - i. All Interpretation Hearing dates and times will be determined by the Judicial Council and reported by the Judicial Council to the Daily Barometer no later than one (1) academic day after a date and time has been determined.
  - ii. Interpretation Hearings are to be held in the Memorial Union building or otherwise specified location and shall be open to the public.
  
2. Informational Hearings shall occur no later than ten (10) academic days after the Judicial Council accepts the request.
  - i. In cases where immediate action is imperative, the individual requesting the hearing shall meet with no less than a simple majority of the Council no later than 48 hours after the request has been filed, upon a simple majority vote of the Council.
  - ii. Informational Hearings shall be held in closed session in the Judicial Council Chambers and shall be recorded by the Court Recorder. If the Court Recorder is not able to attend the hearing, the Judicial Chairman shall appoint a Council member attending the meeting to act as temporary Court Recorder.

Section E: ORDERS

1. Gag Orders:
  - i. Gag Orders may be issued to any member of either party invoked by any member of the Council if they deem it to be necessary.

- ii. Gag Orders shall require that no part of any Trial or Hearing is to be talked about publicly or privately amongst members of the other party or anyone external to the case outside of either the Judicial Council Chambers or the room where the trial is being held.
  
- iii. If a party should violate a Gag Order, they will be immediately stricken from the Trial and any and all testimony or evidence they possess will be inadmissible.

2. Orders of Injunction:

- i. Injunctions may be issued when the Council believes an action taken by a member of the ASOSU is either harmful or illegal.
  
- ii. Two types of injunctions will be used:
  - a. Temporary Injunction Orders (TIO) are injunctions that last no more than one academic term, and are used when the Council believes a matter can be resolved within that amount of time. A simple majority vote is needed to enact a TIO.
  
  - b. Full Injunction Orders (FIO) are injunctions of an indeterminate period of time, subject to renewal upon the beginning of a new term of office, and will stay in effect until lifted by the Judicial Council.

3. Summons and Subpoenas

- i. Summons
  - a. A summons is defined as an order compelling an individual to appear before the council at a hearing or meeting.
  
  - b. Pursuant to Title III, Section 2, Subsection D, all Executive Officers, Employees, and Elected Officials must comply with any and all summons requests.

- c. A summons may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

- ii. Subpoenas

- a. A subpoena is defined as an order compelling a member of the ASOSU to provide testimony or evidence on a matter before the Judicial Council.
- b. If that subpoenaed individual does not respond to the request, the case or hearing, if in their favor, will not be conducted.
- c. A subpoena may be issued by the Judicial Council Chair once the Council has voted in the affirmative in a simple majority vote.

## **TITLE VII: HEARING RULES**

### Section A: RULES OF EVIDENCE

1. Definition of Evidence - Evidence is anything offered to the senses of the court to prove or disprove an alleged fact that is vital to the adjunction of a case.
  - i. Factual allegations are not evidence.
  - ii. Factual allegations should be proved or disproved through the introduction of evidence.
2. Admissible Evidence - Only admissible evidence shall be considered by in hearings of the Judicial Council.
  - i. Admissible Evidence is evidence deemed to be germane by the Judicial Council and aids in the proof or disproof of factual allegations.

### Section B: HEARSAY RULE

1. Hearsay evidence is a statement offered to prove or disprove a factual allegation by a party whose presence or direct involvement in the events of the case's question is questionable.
2. The Judicial Council shall determine the admissibility of hearsay evidence.

### Section C: RULES OF OBJECTION

1. Objections may only be raised by the Plaintiff, Defendant, either party's legal counsel or a Judicial Councilor.

2. Objections may only be raised to challenge the admissibility or relevance of evidence.
3. Objections may be overruled by a simple majority vote of the Judicial Council.

#### Section D: RULES OF CONDUCT

1. No ill behavior will be tolerated
2. All parties will be permitted to present evidence and arguments without undue interruption.
  - i. Objections from the opposing parties and from Judicial Councilors as well as points of clarification from Judicial Councilors are not undue interruptions.
3. The Judicial Council reserves the right to remove any member of the Plaintiff's or Defendant's parties or members of the gallery from the court with a simple majority vote.
  - i. The Judicial Council Chair shall appoint a Sergeant at Arms in the event of ill behavior on the part of any party present in the court.
    - a. The Sergeant at Arms will have the full power of the Judicial Council to remove persons from the court.

#### Section E: RULES OF ORAL ARGUMENTATION

1. Oral arguments shall follow the ordered progression of presentation of evidence as follows: opening statements, presentation of evidence by the Plaintiff, cross examination of the Plaintiff by the Defendant, presentation of evidence by the Defendant, cross examination of the Defendant by the Plaintiff, examination of the evidence by the Council, and closing statements.
  - i. Each party shall have 5 minutes to present their opening statement.
  - ii. Each Party shall each have 20 minutes to present evidence and testimony.
  - iii. Each party shall have 10 minutes to cross examine the opposing party.
  - iv. Each party shall have 5 minutes to present their closing statement.
  - v. The Plaintiff shall present his or her opening and closing statements before the Defendant.

#### Section F: RULE OF PRIMA FACIE

1. "Prima Facie" is a Latin term which translated means "at first face" or "first impression". This term is commonly used to denote evidence that is self-evident from the facts.
2. An order adverse to a party may be issued upon default only if a prima facie case is made on the record.

### **TITLE VIII: COURT PROCEDURES**

#### Section A: SOLICITATION OF NOTICE

1. Prior to trials, all relevant parties shall be given notice of their rights, obligations, and scheduling information.

#### Section B: CALL TO ORDER

1. The Judicial Council Chair shall call the hearing to order with two raps of the gavel, solicitation of the presence of the required parties, including Plaintiff(s), Defendant(s), their counsel, and any other subpoenaed persons, by the Court Recorder, and a final rap beginning the orders of the day.

#### Section C: INTRODUCTION OF THE COUNCIL MEMBERS

1. The Judicial Council Chair will address each member of the court formally using the title “Justice” for the purpose of roll call and as an introduction of the councilors to the court.

#### Section D: RECOGNITION BY THE COUNCIL OF EACH PARTY’S SPOKESPERSON

1. The Judicial Council Chair shall ask each party to announce their official spokesperson. In cases involving the ASOSU Executive Branch the ASOSU President will be the official party spokesperson, in cases involving the ASOSU Legislative Branch the Speaker of the House will be the Official party spokesperson. Herein, the representative official of the Plaintiff shall be referred to as the Plaintiff and the representative official of the defendant shall be known as the Defendant.

#### Section E: EXPLANATION OF HEARING RULES AND COURT PROCEDURES

1. The Judicial Council Vice Chair shall, in brief, provide explanation of the Hearing Rules and Court Procedures.

#### Section F: STATEMENT OF CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall state the charges brought against the Defendant as well as the remedy sought. Such statement will include the definitions and ramifications of the remedy sought as it applies to the Defendant.

#### Section G: SOLICITATION OF UNDERSTANDING OF STATEMENT CHARGES AND REMEDY SOUGHT

1. The Judicial Council Chair shall re-read the charges as filed and ask the Plaintiff and Defendant for confirmation of the accuracy of the charges and remedy sought. If the Plaintiff or Defendant disagrees with the accuracy of the statement of charges and remedy sought, they shall make their objections known and the court will recess to allow the Council to rule on the accuracy of the charges and remedy sought.

#### Section H: ADJOURNMENT FOR CLOSED DELIBERATIONS

1. After oral argumentation the court will be adjourned by the Judicial Council Chair for closed deliberations. The Judicial Council Chair will excuse the court and inform the Plaintiff(s) and Defendant(s) of when to expect the Council’s subsequent ruling.

### **TITLE IX: RULINGS**

Section A: TRIAL REMEDIES

1. There shall be three (3) types of remedies handed down by the Council:

i. Direct Judgment

a. Direct Judgments shall express the opinion of the Council concerning a dispute between parties.

ii. Writ of Mandamus

a. Shall be issued when the court determines that an Elected Official, Officer, or Employee has not fulfilled their duties as stated in the ASOSU Constitution, Statutes, or any other legal document stating required job-related duties. The Council shall interpret the meaning of the job description and the Writ of Mandamus shall require the individual in question to fulfill all job-related duties specified by the Judicial Council.

iii. Plea Agreements

a. If a Defendant(s) charged with an offense brought before the Judicial Council decides not to challenge the charges and settles with the Plaintiff(s) out of court, they shall have the ability to file a Settlement Agreement Form (SAF) with the Judicial Chair.

b. The SAF shall include the Defendant(s) and the Plaintiff(s) account of the infraction(s), along with any and all agreements made between the two parties.

c. The Judicial Council shall decide on the legality of the settlement agreement no later than seven (7) academic days after received by the Chair. No agreement shall violate the Constitution or Statutes.

**TITLE X: POST TRIAL/HEARING PROCEDURES**

Section A: JUDGEMENT

1. Immediately following the conclusion of a Trial or Hearing, the Judicial Council shall discuss the case during closed deliberation. The date and time shall be decided upon by the Council members through a simple majority vote; however, deliberations shall not take place any later than ten (10) academic days following a trial or hearing.
2. The Court Recorder shall record all discussion that takes place during closed deliberations, including their own.
3. When voting commences, the Court Recorder shall address each Councilor by their last name, and ask how they vote. All votes shall be entered into the minutes preceded by the Councilor's last name. When it is time for the Court Recorder to vote, they shall audibly vote.
4. The Judicial Council shall have the power to request the advice of the ASOSU Legal Advocate for Students. The Legal Advocate shall only have the ability to advise and direct the Council toward relevant information. They shall stay impartial during the duration of deliberations. Once their advice has concluded, the Council will excuse them to leave the room where deliberations are taking place.
5. The Court Recorder shall record all discussion given to the Council by the Legal Advocate.
6. Two-thirds of the Council must agree on a decision in order for it to pass.
7. In order to find the Defendant(s) guilty, Council members must agree that all the following have been met:
  - i. The violation of conduct in question violates any part of the ASOSU Constitution, Statutes, and or any other document in question.
  - ii. That there was adequate witness testimony and/or evidence proving the illegality of the behavior beyond a reasonable doubt.
  - iii. That any remedy handed down fits the severity of the act in violation and the remedy does not violate the ASOSU Constitution and Statutes.

- 8. When voting, each Councilor shall explain to the Council why they either accept or refuse to accept each of the three conditions stated above.
  
- 9. The Council shall have no more than fifteen (15) days immediately following the start of closed deliberations to arrive at a decision. If no decision is made by midnight on the 15<sup>th</sup> day, the Chair shall declare a mistrial and all involved parties shall receive a letter stating the Council's decision of a mistrial and that no punishment will be handed down.
  
- 10. Throughout the course of the proceedings, beginning with the submission of requests and continuing through deliberations, the Defendant(s) are to be assumed innocent until proven guilty.

