



ASSOCIATED STUDENTS, INCORPORATED
 CALIFORNIA STATE UNIVERSITY, LOS ANGELES

ADMINISTRATIVE MANUAL

JUDICIAL REVIEW COMMITTEE
CODE OF PROCEDURE

Policy 301

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ARTICLE I. AUTHORITY AND FUNCTION.

These codes shall act as the governing procedures for the Judicial Review Committee (JRC) of the Associated Students, Incorporated (ASI) of California State University, Los Angeles.

Section 1 - Authority

The power of the Judicial Review Committee is derived from the Associated Students, Inc. Bylaws, Article IX, Section 6.

Section 2 - Function

The Judicial Review Committee shall:

- A. After appropriate legal consultation, have the power to declare corporation action contrary to the Articles of Incorporation, Bylaws, or any Code. Such declarations shall then be referred to the Board of Directors for immediate remedial action pursuant to Bylaws Article VI, Section 1, Clause.
- B. Act as an advisory committee to the ASI Board of Directors.
- C. Declare all elections results.
- D. Hear all alleged violations of the election campaign rules and regulations outlined in the Elections Committee Code of Procedure.
- E. Resolve grievances between regular members of the Associated Students, Inc., as defined in the ASI Bylaws, and all elected and appointed officers of ASI relative to the functioning of ASI.
- F. Hear other grievances or issues referred to the JRC by the BOD, or University President.

ARTICLE II. MEMBERSHIP AND DUTIES

Section 1 - Voting Membership

The voting membership of the JRC shall consist of a Chief Justice, three (3) Associate Justices and one (1) faculty member.

- A. The Chief Justice and the Associate Justices shall be recommended by the ASI President and appointed by a two-thirds (2/3) vote of the B.O.D.
 - a. The justices may not hold any elected or appointed office within ASI.
 - b. The justices must be regular members of the Associated Students, Inc. in good standing as defined by the University Registrar.
- B. The faculty member shall be recommended by the Committee on Committees of the Academic Senate and shall be approved by a two-thirds (2/3) vote of the BOD.

Section 2 - Nonvoting Membership

The nonvoting membership of the JRC shall consist of the University President or his/her designee and the ASI Programs Coordinator.

Section 3 - Duties of the Chief Justice

The Chief Justice shall preside over all proceedings of the Committee.

- A. The Chief Justice shall ensure that all established rules and procedures of the Committee are adhered to.
- B. The Chief Justice shall be the official spokesperson of the Committee.
- C. Serve as the chair of the Bylaws and COP Subcommittee.
- D. Coordinate placement of justices on ASI committees to serve as parliamentarians. The Chief Justice will serve as parliamentarian on at least three committees.
- E. In the event that the Chief Justice resigns or is absent, the JRC shall appoint an interim Chief Justice from the Associate Justices. The interim Chief Justice shall occupy this position until the position is filled by the BOD in accordance with Article 2, Section 1, A of these codes.



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Section 4 – Duties of the Associate Justices The Associate Justices shall:

- A. Be members of the JRC, as outlined in Article I, Section 2 of these codes.
- B. Be members of the ASI Bylaws and Codes of Procedure Subcommittee.
- C. Each Associate Justice will serve as parliamentarian on at least two committees.

Section 5 - Removal of a Justice

In the event that a justice or Chief Justice is found to have been derelict in his/her duties or failed to maintain qualifications for membership on the JRC, the process of removal shall follow that of Policy 020.

ARTICLE III NON-ELECTION GRIEVANCE HEARINGS

Hearings that do not pertain to the ASI elections shall follow the guidelines delineated in this article.

Section 1 - Commencing a Hearing

- A. The plaintiff(s) shall file a Hearing Request Form with the Chief Justice through a scheduled meeting in person. This request must name the defendant(s), state code violations, describe the charges being filed, and list any witnesses. Any submitted petition in connection with a grievance must accompany the Hearing Request Form.
- B. A copy of the request form must also be delivered in person, by the plaintiff(s) to the defendant(s). If undeliverable in person, the JRC may use reasonable means to deliver the request form.
- C. The defendant(s) must file a written reply with the Chief Justice of the JRC through a scheduled meeting in person within five (5) business days after receiving the request of the hearing.
- D. The JRC shall meet to decide whether to hear or dismiss the case (by a simple majority of the present, voting membership), based solely on the written documents filed by the plaintiff(s) and defendant(s), within ten (10) business days after the defendant(s) have been notified of the request for hearing, regardless of whether a rebuttal has been lodged by the defendant(s). If a case is accepted, a hearing date shall be determined.
- E. All parties shall be informed in writing of the decision (and hearing date(s), if applicable) within two (2) business days following this meeting.

Section 2 - Rules of Hearing

- A. The JRC, by its own motion, may limit the time allowed for each case, testimony, and number of witnesses. However, both sides shall be treated equally in such allotments.
- B. A postponement of the hearing may be granted by a majority vote of the JRC if the defendant(s) can show just cause.
- C. Representation by proxy for either party shall be permitted through the following process:
 - 1. The party requests permission to be represented by proxy at least twenty-four (24) hours prior to the hearing. This request should be in writing (in a letter) to the Chief Justice.
 - 2. The Chief Justice shall decide whether to allow the party to be represented by proxy. D. Proxies must be faculty, staff, or regular members of ASI as defined in the Bylaws.
- E. If the plaintiff(s) or proxy is not present at the set hearing, the case shall be dismissed.
- F. If the defendant(s) or proxy is not present at the set hearing, the status of the hearing will be determined by the JRC.

Section 3 - Order of Hearing

- A. The Chief Justice shall read the charges brought forth by the plaintiff(s).
- B. The plaintiff(s) shall confirm the charges and present his/her case, subject to cross-examination by the defendant(s) and then the
- C. The defendant(s) shall present his/her case, also subjected to cross-examination by the



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- plaintiff(s) and then the JRC.
- D. After both cases have been presented, closing arguments shall be made by the plaintiff, and then the defendant. The JRC may make further inquiries after each argument.
- E. After the closing arguments, the JRC shall have the option of deliberating in closed session.
- F. Upon the end of deliberation, the Committee shall take a vote in open session and the majority opinion shall be expressed.
- G. The majority opinion shall be written and released within one week. The majority opinion must be signed by a majority of the voting members of the JRC. Any member of the JRC may write a dissenting or concurring opinion. All opinions must be posted.

ARTICLE IV.

ELECTION HEARINGS

Section 1 - Hearing Procedures

Hearings pertaining to elections shall follow the guidelines delineated in the Non-Elections Hearings requirements with the exceptions listed in this article.

- A. A copy of the request will then be posted immediately on the bulletin board outside of the ASI Administrative Office.
- B. It is the duty of every candidate to check the board daily for hearing notices or possible complaints lodged against them.
- C. The JRC shall decide within one (1) business day after receiving the hearing request form whether or not the case shall be heard, based solely on the written Hearing Request Form. The JRC must meet in person where reasonably possible to decide whether or not to hold a hearing. In the event that a physical meeting cannot take place, all members of the JRC will be provided with the submitted Hearing Request Form. All voting members of the J.R.C. must then present the Chief Justice with a document containing their decision.
- D. The decision to hold a hearing shall be posted on the bulletin board.

Section 2 - General Elections Violations

Violations pertaining to elections shall be defined below:

- A. Minor violations of the Elections Committee Code of Procedures by an individual/candidate/slate/campaign volunteers shall consist of one entire act, which must be corrected within the twenty-four hour time period from the time of written grievance of such violation. These minor violations may include, but not be limited to:
 - i. Posters partially or completely covering other campus notifications, department notifications, or other candidates' flyers.
 - ii. Posting on trees, building walls, pillars or doors.
 - iii. Posting on any cement walls or other textiles (posts, pillars, waste receptacles) on or around campus.
 - iv. Placement of any posters without prior Elections & Orientation Commissioner Approval.
 - v. Four minor violations will equal one major violation.
- B. Major violations of the campaign rules by an individual/candidate/slate/campaign volunteers may include but are not limited to:
 - i. Use of menace, force, threat or any unlawful means towards any voter to hinder or deter such voter from voting, or directly or indirectly offering any bribe, reward, or anything of value to a voter in exchange for the voter's vote for or against any candidate.
 - ii. Tampering or alternation of any official election material or ballot without authorization.
 - iii. Failure to attend and participate in required debates.



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- iv. Failure to adhere to A.S.I. campaign spending limits.
 - v. Submitting a false expenditure form. This includes submitting an expenditure form that does not include all expenditures up to the specified date.
 - vi. Non-compliance in submission of itemized reports on time with receipts attached.
 - vii. Removal or defacement of lawfully placed political advertising without authorization.
 - viii. Use of A.S.I. equipment or supplies for campaign purposes, including phones, office machines, office space, and email accounts.
 - ix. Violating the Cal State L.A. IT Policy, Residence Hall Policy, or the Facility Services Policy as defined in the Candidate's Packet.
 - x. Interference with the academic instruction of University classes.
 - xi. Violating state or federal phone solicitation laws.
 - xii. Other gross or intentional misconduct as perceived by the Elections Committee of such violation.
- C. In all instances, the actions of a candidate's authorized agents shall be constructed as the action of the authorizing candidate.

Section 3 - Penalties for Major and Minor Violations

The Elections Committee and J.R.C. have the right to impose any or all of the following sanctions against an individual/candidate/slate/campaign volunteers who is found to have violated the Elections Committee Code of Procedure. In addition any major or minor violations that break university policies or procedures concerning student behavior may be subject to student disciplinary action by the University.

A. Minor Violation

- i. Given a warning and required to cease and desist.
- ii. Community Service within the campus.
- iii. Require an individual/candidate/slate/campaign volunteers to refrain from any/all types of campaigning for a period of at least one hour, not to exceed a period of two weeks, prior to or during the course of the election (including during the hours of voting).

B. Major Violation

- a. Recommend to the A.S.I. JRC that a candidate/slate be disqualified from assuming office.
- b. Restriction from participating for a period of up to one school year in ASI paid or volunteer positions.

ARTICLE V

MEETINGS

Section 1 - Meetings

- A. The Justices shall determine, at the beginning of each semester, the time, day, and place for possible meetings of the Committee. Such times and places shall be convenient for the faculty member.
- B. Justices must attend all meetings unless a notice of absence has been submitted at least 24 hours in advance to the Chief Justice.
- C. Members of the Committee may refuse themselves from any case of the Committee if a conflict of interest exists.

Section 2 - Quorum

Quorum shall be defined as three (3) voting members. For the purposes of establishing quorum, the chair shall be counted among the voting membership.

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Section 3- Special and Emergency Meetings

The J.R.C. may meet on a special and emergency basis. When a special meeting is necessary, the Chief Justice shall call the meeting through a written notice to all members no less than twenty-four (24) hours prior to the meeting. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement, or both. Emergency situations are defined in the Gloria Romero Open Meeting Act of 2000. An emergency meeting may be called by either the Chief Justice, or through a request to the Chief Justice by three (3) voting members of the J.R.C.

ARTICLE V. AMENDMENTS

Proposed amendments to these codes shall be submitted by a majority vote of the JRC to the ASI Bylaws and Codes of Procedure Subcommittee for their review and approval prior to submitting the proposed changes to the BOD for their two-thirds (2/3) approval.

Policy History:

- Revised: 12/81
- Revised: 01/82
- Revised: 10/85
- Revised: 10/85
- Approved: 10/85
- Revised: 04/99
- Revised: 04/01
- Revised: 11/08
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