



# Judiciary Rules & Procedures

*As amended April 23, 2019*

## **Preamble**

The Mt. San Antonio College Associated Students Student Court, do establish these intrinsic principals of fair and unbiased governing of all legal entities, set forth by the nature of law, as a means of shielding the body of people from inequalities. We do so guard the public interests through enforcement and interpretation of the Constitution, as they are the laws of the Associated Students. By accepting these rules and procedures of court governance, we continue our endeavor to protect the various needs and rights of the student body.

## **Authority of the Court**

Pursuant to the Grant of Authority provided in Article IX, Sections 1 through 5 of the Associated Students Constitution, the following represents the Rules and Procedures for the Associated Students Court. This document supersedes all prior Student Court documents.

## **SECTION I – DEFINITIONS**

These definitions are here given to aid in the understanding of this document, but should not be considered exhaustive or binding definitions of the terms when compared to authoritative texts on Western Law which might more clearly define them.

### **Part 1: Terms**

<i>Term</i>	<i>Definition</i>
Adjudicate	To render a judicial decision.
Administrative Adjudication	The process in which an administrative law judge or administrative official hears and decides on issuers that arise when administrative agencies charges a person or a firm with violating a law or regulation enforced by the agency.
Administrative Remedies	The corrective and due process procedures used by administrative agencies in the administration of law—inclusive of the Associated Students Executive Board, the Mt. SAC Office of Student Life, and the Mt. SAC Student Services Division.
Arbitrate	The process by which the parties to a dispute submit their differences to the judgment of an impartial person or group appointed by mutual consent or statutory provision.

Attorney-Client Privilege	Is a law that protects communications between attorneys and their clients and keeps them confidential. This privilege encourages openness and honesty between attorneys and their clients because attorneys cannot reveal (and indeed cannot be forced to reveal) attorney/client communications. This privilege becomes especially important in the litigation context because privileged communications, whether written or oral, are not disclosed to the opposing party.
Conflict of Interest	A conflict between official duties and personal interest that would render an impartial decision impossible.
Contempt of Court	The act of showing disrespect for the authority and/or dignity of the Court, as evidenced by disobedience or disorderly conduct towards the court.
Damage	An obstruction to an individual causing harm through loss of property, or the denial of one's electoral and constitutional rights.
Days	Any day of the week, excluding legal holidays.
Double Jeopardy	Being twice fined, punished, reprimanded, or otherwise constrained by any authority for the same incident.
Defendant	Any student club and/or organization against whom a grievance is filed with the court.
Evidence	<ol style="list-style-type: none"> <li>1. The only testimony considered competent by the court is that which results from the personal observation or experience of the witness giving it. All other including conjecture and opinion, is incompetent and considered hearsay, and will not be considered into evidence.</li> <li>2. Reference to pertinent written and tangible material must be substantiated by the presentation of said material before the Court.</li> </ol>
Gag Order	A court order restricting information or comment by the participants involved in a case.
General Session	Weekly operational meetings in which members of the court convene to determine administrative affairs.
Grievance	The process by which a personal complaint is brought before the Court.
Hearsay	<ol style="list-style-type: none"> <li>1. Unverified information heard or received from another; rumor.</li> <li>2. Evidence based on the reports of others rather than the personal knowledge of a witness and therefore generally not admissible as testimony.</li> </ol>
Judicial Review	The process to bring before the Court any legislation that is considered illegal or in conflict with the A.S. Constitution.
Justice	A Student Court judge who administers and adjudicates legal matters brought before the judiciary.
Legislation	Any rule, regulation, resolution, action, or bill passed and/or authorized by any person, branch, section, or sub division of either an organization or the student government.

Litigants	Any person or party engaged in a dispute before the court.
Leading Questions	A question that suggests the answer to a person being examined (questioned); especially a 'yes' or 'no' question.
Malfeasance	Misconduct or wrongdoing.
Mediation	A method of settling disputes outside of court by using the services of a neutral third party. The neutral third party—a “Mediator”—facilitates a decision agreed upon by both parties, as opposed to rendering his or her own decision.
No Contest	A plea by a defendant in a case that without admitting guilt subjects the defendant to conviction as in the case of a guilty plea.
Nonfeasance	Failure to perform an official duty as outlined in the A.S. Constitution, ICC, the Organizational Directive.
Offense	Any act or statement that undermines the procedures of the court.
Officers	Personnel appointed by the court.
Organization	Any group, club, enterprise, or body of persons authorized, sanctioned, or appointed by the Associated Students.
Perjury	Any person, who having taken an oath that he/she will testify before the Court, states as true any material matter which he/she knows to be false, or which he states with reckless disregard for the truth.
Plaintiff	That student club and/or organization initiating or filing the grievance with the Court.
Prerogative	The exclusive right and power to command, decide, rule, or judge.
Promulgated	<ol style="list-style-type: none"> <li>1) To make known (a decree, for example) by public declaration; announce officially.</li> <li>2) To put (a law) into effect by formal public announcement.</li> </ol>
Reconsideration	A request for review of any decision of the Court brought within 10 days of such decision and based upon new or different evidence.
Refute	To prove to be false or erroneous; overthrow by argument or proof.
Representative	A person, agent, legal advisor, or attorney, that has been chosen or appointed to accompany a Defendant. The Representative may not act or speak on behalf of another before the Court.
Standing	The requirement that an individual must have a sufficient stake in a controversy before he/she can bring a lawsuit. The plaintiff must demonstrate that they have been directly injured, directly threatened with injury, or expressly denied their due rights.
Student	Any person enrolled in any class listed within the Mt. San Antonio College Community Services or Credit Courses Catalog who has paid their Student Activities Fee.
Student Government	Any member of Executive, Legislative, or Judicial branch of the government having been created in the prescribed manner and in accordance with the Constitution and directives of the Associated Students.
Subpoena	The process by which the attendance of a witness, either for the

	Plaintiff or the Defendant is required before the Court.
Summons	The process by which the attendance of a Defendant before the Court is request.
Writ of Mandate	A court order to a government agency, including another court, to follow the law by correcting its prior actions or ceasing illegal acts.

**Part 2: Parties**

All references as to parties mentioned in this document are defined as follows:

Associated Students of Mt. San Antonio College is hereinafter referred to as the A.S.

- 1) Mt. San Antonio College Constitution of the Associated Students is hereinafter referred to as the A.S. Constitution.
- 2) Associated Students Student Court is hereinafter referred to as the Court.
- 3) The Associated Students Senate is hereinafter referred to as the Senate.
- 4) The Chief Justice and Associate Justices shall hereinafter be referred to as Justices.

**SECTION II – PURPOSE AND JURISDICTION OF THE COURT**

**Part 1: Purpose**

- 1) Uphold and protect the A.S. Constitution and directives of the A.S. from alteration by illegal means and degradation by those persons who so desire.
- 2) Ensure that those bodies of government, having been created by the student body, do not infringe upon nor abuse those privileges and rights afforded to them by the A.S. Constitution.
- 3) Administer all judgments equitably, never allowing personal prejudices, opinion, or political influence to obscure or alter decisions.

**Part 2: Jurisdiction**

- 1) All grievances regarding malfeasance, or nonfeasance of any office or position, whether elected or appointed, within the A.S.
- 2) Any grievance regarding the constitutionality of any legislation, statute, or rule promulgated within the A.S.
- 3) A Grievance filed against or between:
  - a. A.S. Officers
  - b. A.S. Organizations
  - c. A.S. branches
  - d. Club members
  - e. Students
- 4) Render any advisory opinions, affect decisions and/or arbitrate disputes involving the A.S. organization, A.S. councils, A.S. commissions, or A.S. committees upon referral by a college employee or a member of the A.S. government
- 5) Before a grievance can be taken to trial, the following requirements must be fulfilled:
  - a. Plaintiff must show sufficient standing to bring about the case,
  - b. Plaintiff must demonstrate that he/she has attempted and sought out any and

all administrative remedies and the court is the best option for remedial action.

- c. Plaintiff must have sufficient evidence to bring a case against an individual / organization,
- d. These are all accepted at the discretion of the court.

### **SECTION III – GENERAL ADMINISTRATION**

#### **Rule 1: Qualifications**

Please refer to the current A.S. Constitution, A.S. Officer Eligibility section for qualifications. In addition to the A.S. Officer Eligibility, Student Court Officers must remain available every Wednesday from 11:00 AM to 2:00 PM during all terms including Winter and Summer.

#### **Rule 2: Associate Justices shall:**

- 1) Uphold the A.S. Constitution, A.S. Directives, and other A.S. Policies, Procedures, and Documents as well as the College rules and regulations.
- 2) Study issues before the Court meeting is called.
- 3) Attend all meetings of the Court.
- 4) Make impartial decisions.

#### **Rule 3: Chief Justice shall:**

- 1) Be elected by a majority of the Justices.
- 2) Preside over meetings of the Court.
- 3) Enforce the rules of procedure and rule on motions and objections.
- 4) Perform these duties in addition to those defined in Rule 2.
- 5) Preside over impeachment hearings??

#### **Rule 4: Representation**

It shall be the duty of the Representative to familiarize himself/herself with all the procedures and standards of the Court. The student may represent himself/herself, and has the right to be accompanied by a person of his/her choice, provided that said person is not an attorney and is not acting as a spokesperson for the student. However, Student Court may, in its sole discretion, permit the student to be accompanied by an attorney. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) business days prior to the date of the Hearing. If the Student Court permits the student to be accompanied by an attorney, the Student Court shall also be permitted to be accompanied by an attorney. The role of the attorneys shall be limited to providing advice to their respective clients. In no event shall the attorneys present their respective clients' cases during the Hearing.

### **Rule 5: Confidentiality**

- 1) All information presented to the Court regarding a case is to be confidential and will be discussed with no one outside the Court.

### **Rule 6: Conflict of Interest**

- 1) All Justices have a duty to disclose any potential conflict of interest.
- 2) If the Court suspects that a Justice(s) is involved in a conflict of interest, the Court, (in its discretion), may not allow the Justice(s) to participate in the case in question.
- 3) A Justice may not participate in any case that involves him/her as either the defendant, the plaintiff or as a witness.
- 4) In the circumstance that a Justice is running for any other office in an A.S. election, or any Justice is assisting any candidate seeking office, then she/he may not participate as a Justice in any elections related case.

### **Rule 7: Attendance Policy**

- 1) A maximum of three (3) unexcused absences are allowed for all Student Court meetings/events.
- 2) No unexcused absences shall be allowed for other Student Court duties such as Student Conduct Board Hearings or Grievances.
- 3) An absence is defined as either arriving more than fifteen (15) minutes late from the beginning of the official scheduled starting time for meetings, leaving fifteen (15) minutes early, or not arriving at all.

### **Rule 8: Appointment and Removal**

- 1) A vacant Justice position is open to the eligible student body through written application and interview process as outlined by the existing Justices.
- 2) If there is a vacant position on the court, the incoming Justices will be appointed by the current Justices. The appointment shall be ratified by Executive Board.
- 3) If there are less than three (3) Justices, the A.S. President shall appoint the required minimum number of existing A.S. officers, per request of sitting Justice(s), in order to meet quorum, solely for appointment purposes.
- 4) A majority vote shall be required to appoint an officer of the Court. In case of a tie, the Student Court Advisor may choose the appointee.
- 5) A Justice may only be removed for: failure to follow Attendance policy, failure to perform job duties, violation of the A.S. Constitutional eligibility requirements, or for being in bad standing with the College.
- 6) Failure to abide by any of the previously stated expectations will result in a meeting with the Student Court Advisor.
- 7) The Student Court Advisor shall brief the rest of Student Court and make a recommendation for action without the presence of the Officer in question.
- 8) In the case of failure to follow the Attendance policy, the Officer will be suspended indefinitely from their position.
- 9) Should the officer present a written petition for reinstatement within one week of removal to the Executive Board for review, the Executive Board shall deliberate the circumstances

- unique to each absence and determine whether or not the officer's suspension will be final.
- 10) The rest of the Student Court members shall make a recommendation on appropriate action for all matters other than attendance.
  - 11) The student Court Advisor's recommendation and Student Court's recommendation shall be forwarded to A.S. Executive Board for final action, which may include removal from the position.

**Rule 8: Quorum**

Student Court must meet the quorum requirements as defined in the A.S. Constitution.

**SECTION IV: PRE-HEARING PROCEDURE**

**Part 1: Procedure for grievance or judicial review**

- Rule 1: A request for Court action may be made by submitting a formal grievance or request for an advisory opinion to any Justice. Grievances may be submitted by any member of the Associated Students either on his/her behalf, on behalf of an organization, or branch of the A.S. government.
- Rule 2: Those persons who have a case to bring before the Court shall initiate proceedings by obtaining from the A.S. office the form entitled GRIEVANCE or ADVISORY OPINION. The Plaintiff shall return this form to any Justice after he/she has legibly filled in all of the required information.
- Rule 3: The grievance, the response and the advisory opinion forms must include the following information: It must explain all charges and contentions; refer to all vital evidence; cite the rule, principle or constitutional clause at issue; and state the remedy sought.

- Rule 4: Upon receipt, the form shall be dated and initialed by any Justice and shall be filed with the Court.
- Rule 5: It shall be the sole responsibility of the Plaintiff to follow up on his/her grievance or advisory opinion request. If the Plaintiff fails to appear within the first 10 minutes of the hearing, the case in question shall be dismissed, unless the Court deems otherwise.
- Rule 6: At the same time the Plaintiff receives notification of acceptance of hearing, he/she shall also receive:
- 1) A copy of the notice of grievance.
  - 2) A copy of the Rules of Procedure of the Court.
  - 3) Official notification of the time of the hearing and whether the hearing will be formal or informal.
- Rule 7: The presiding Justice shall determine whether the hearing shall be formal or informal.
- Rule 8: The Defendant shall be notified by the Court at least five (5) days prior to the hearing. Notification will be given during the regular business hours of the Student Life Office. This deadline may be less than 5 days if deemed appropriate by the Court advisor. The Court shall present the Defendant with the following:
- 1) Notice to appear including the date, time, and location of the hearing.
  - 2) A copy of the Rules and Procedures of the Court.
  - 3) Notice of whether the hearing will be formal or informal.
  - 4) A copy of the filed student grievance form.
- Rule 9: The Plaintiff or Defendant may request that a specific individual(s) appear as a witness(es). The granting of such a request is at the discretion of the Court.
- Rule 10: Notice of the hearing date, time, and location with a request to appear shall be delivered to the appropriate witness(es).
- Rule 11: Prior to a grievance being filed, the party filing must exhaust all applicable and respective administrative remedies. Only then can the Justices claim jurisdiction over the case in question.



## **SECTION V: COURTROOM PROCEDURES**

### **Part 1: General Hearing Procedure**

- Rule 1: The Plaintiff or his/her representative must be present at the hearing or the case shall be dismissed.
- Rule 2: At the time of the hearing, the Defendant may request a postponement of the hearing due to insufficient time allowed to prepare his/her case. Such a request is at the discretion of the Presiding Justice.
- Rule 3: The Presiding Justice shall retain the right to limit the amount of time allowed for the litigants' case, rebutting evidence, argument, examination of witnesses, and the number of witnesses. The litigants must, however, be granted equal amounts of time to present their cases.
- Rule 4: A motion for dismissal of the case may be made by the Plaintiff at any time prior to the reading of the official Court decision. The granting of such a motion is at the discretion of the Court (See Section VI, Part 2, Dismissals).
- Rule 5: Recommended Timings for Cases:  
1) It is up to the discretion of the Justices to decide the time frame of a case, given that both parties are allocated equal time.

### **Part 2: Objections**

- Rule 1: The Presiding Justice shall rule on an objection immediately; either sustained or overruled. No explanation shall be necessary.
- Rule 2: Objections shall be made against:  
1) Any irrelevant or immaterial evidence or testimony.  
2) Arguing with or harassing a witness.  
3) Repetition of the same question to a witness after an answer has been given.  
4) Leading questions.  
5) Evidence that is construed as hearsay.
- Rule 3: When an objection is made the other party is not allowed to talk over the objection. The court must be able to fully hear the objection.

### **Part 3: Informal Hearing Procedure**

- Rule 1: The Presiding Justice, shall, with the exception of the following rule, determine the manner in which an informal hearing will proceed and explain such procedure to the litigants at the time of the hearing.

- Rule 2: In an informal preliminary hearing, the Court shall hear only the litigants.
- Rule 3: A minimum of three Justices shall constitute a quorum.
- Rule 4: The court may also act as mediators if the parties have a discrepancy and a grievance is not necessary to file. This would take place in an informal hearing. Litigants must agree for this process before hand, and whatever the mediator rules must be followed by both parties. In the event both litigants agree to mediation, the mediator shall be a neutral third party. Mediators may include Student Services and Student Life staff, but not any of the current Justices. In the event both parties can not agree upon a mediator, the court shall appoint one.

#### **Part 4: Formal Hearing Procedure**

- Rule 1: All Justices shall be addressed as “your honor” unless addressed by another Justice.
- Rule 2: In the event that there is an even number of Justices, the presiding Justice shall forfeit his/her vote.
- Rule 3: In a formal hearing, the litigants may be represented. Any member of the A.S may be a representative.
- Rule 4: Witnesses shall answer only questions posed by the Plaintiff (or their representative), the Defendant (or their representative), or the Justices hearing the case.
- Rule 5: Prior to the examination of any witness, a student court officer shall ask the following question: “To the best of your ability do you swear or affirm that the testimony you are about to give in this case shall be the truth?” The witness must answer “I do” or otherwise indicated that he/she is replying to the question in an affirmative manner. If the witness answers the question in some manner other than in the affirmative, he/she shall not be permitted to testify.
- Rule 6: A formal hearing will proceed in the following manner (unless the court deems that it is in the interest of justice to alter the procedure):
- 1) Call to order.
  - 2) Acknowledgement and identification of the Plaintiff and the Defendant and their representatives (if any).
  - 3) In the event that the Defendant is representing himself/herself, the presiding Justice shall ask the Defendant if he/she understands his/her rights before the Court and explain any which the Defendant does not understand.
  - 4) A student court officer shall read the charges set forth in the grievance.

- 5) After the reading of the grievance, the Defendant shall enter one of the following pleas:
  - a. I/We admit the charges are true. (Guilty)
  - b. I/We deny the charges are true. (Not Guilty)
  - c. I/We plead no contest.
  - d. I/We admit the charges to be true but deny that they constitute an offense.
- 6) If the Defendant admits to the charges brought against him/her to be true or pleads no contest as stated above, the court may render a decision immediately. If the Defendant denies the charges brought against him/her then that hearing shall proceed as outlined below.

### **Part 5: Order of the Trial**

#### **IN CASES WITH WITNESSES**

- A. Opening Statements by Plaintiff and the Defendant
  - a. Gives the Plaintiff the opportunity to present the general facts of the case and his/her proposed course of action.
  - b. Gives the Defendant the opportunity to prepare the Court for his/her defense. The Defendant may reserve his/her opening statement until he/she presents his/her case.
- B. Plaintiff's Case
  - a. The Plaintiff may begin with a direct examination of his/her witness, confining himself/herself to simple questions. The Plaintiff should present fact in chronological order. After he/she is satisfied that the witness has made the necessary point as to information known to him/her about the case, the prosecution shall submit to the Defendant.
  - b. The Defendant now begins cross-examination of that same witness. He/she must confine himself/herself to the facts that were brought out in direct examination. After he/she has questioned the witness, the defense shall submit to the Plaintiff.
  - c. The Plaintiff may elect to engage in redirect examination, but must limit himself/herself to the new material which has been brought out in cross-examination by the defense.
  - d. After the redirect-examination by the Plaintiff the Defendant may elect to re-cross-examine, but must confine himself/herself to the material brought out in redirect-examination.
  - e. When the Plaintiff has called all of his/her witnesses and submitted all the evidence, he/she rests his/her case.
- C. Defendant's Case
  - a. After the Plaintiff has presented his/her case, the Defendant may move for a dismissal on the ground that the Plaintiff has failed to prove his/her case beyond a reasonable doubt.
    - i. If his/her motion is granted, the case is dismissed.

- ii. If his/her motion is denied, the Defendant must now present his/her case.
  - iii. A majority vote by the Justices present at the time the motion is made is required to grant or deny a dismissal.
- b. The Defendant brings forth his/her witness for direct examination, and then the Plaintiff has the option of cross-examination.
- c. If the cross-examination by the Plaintiff takes place, the Defendant may (if so desired) engage in redirect examination.
  - i. The Plaintiff may re-cross-examine if so desired.
  - ii. After the Defendant has brought forth his/her witnesses and evidence, and has done as much as possible to prove the innocence of the Defendant he/she rests their case.
  - iii. At the conclusion of the Defendant's last witness testimony the Justices will be able to cross-examine the plaintiff and his/her witnesses and the defendant and his/her witnesses.
  - iv. Summations or closing arguments by the Plaintiff and Defendant are now in order. Each attempts to review the law and the facts brought up during the trial and to summarize the important facts of the case.
  - v. After the summations, the case shall be submitted to the Court for a decision.

## **IN CASES WITHOUT WITNESSES**

- A. Opening Statements by the Plaintiff and the Defendant.
  - a. Gives the Plaintiff the opportunity to present the general facts of the case and his/her proposed course of action.
  - b. Gives the Defendant the opportunity to prepare the Court for his/her defense. The Defendant may reserve his/her opening statement until he/she presents his/her case.
- B. Rebuttals by the Plaintiff and the Defendant
  - a. Gives the Plaintiff the opportunity to refute the information presented by the defendant.
  - b. Gives the Defendant the opportunity to refute the information presented by the Plaintiff.
  - c. At the end of the rebuttals, the Justices will be able to ask questions to both the Plaintiff and the Defendant.
- C. Closing Statements
  - a. Each party attempts to review the law and the facts brought up during the trial and to summarize the important facts of the case.

## **Part 6: Post Hearing Procedure**

- Rule 1: A quorum must be present to conduct court, and a majority of those present will decide a verdict.

- Rule 2: All verdicts, rulings, and recommendations rendered by the Court are valid only if a quorum of Justices and the Court's advisor are present.
- Rule 3: All decisions will be read before the Defendant, whose presence is required.
- Rule 4: The decision shall be recorded in writing and made available to the public within two (2) weeks from the date of the decision; concurring and dissenting opinions may also be attached to the opinion of the court.
- Rule 5: The decision will also go on file in the Court minutes.

## **SECTION VI: JUDICIAL POWERS RELATING TO CASES**

### **Part 1: Contempt of Court**

- Rule 1: Any person or persons showing disobedience or disorderly conduct towards the Court may be held in contempt of court.
- Rule 2: Any person found or pronounced in contempt of court will be given:
- 1) 1<sup>st</sup> Offense – Warning.
  - 2) 2<sup>nd</sup> Offense – Dismissal from proceedings.
  - 3) 3<sup>rd</sup> Offense – Dismissal of Case
- Rule 3: Elastic Clause for Contempt of Court: The Justices shall institute any proper corrective procedures that they feel are necessary to reasonably account for contempt of court.

### **Part 2: Dismissals**

- Rule 1: The court may, by its own motion, dismiss any case before it when:
- 1) Upon notice and in the opinion of the Court, the situation surrounding the case has been changed so as to affect the validity of the case.
  - 2) The evidence presented by a Plaintiff during a hearing is, in the opinion of the Court, insufficient to prove the case beyond a reasonable doubt.
  - 3) Either party has received three citations for contempt.

### **Part 3: Injunctions**

- Rule 1: The Court may, by its own motion issue a temporary emergency injunction to:
- 1) Command an act which the Court requires essential to justice.
  - 2) Prevent the doing of any act whereby the rights in controversy may be materially damaged or endangered before the final decree of the Court or until an opportunity is afforded for full and deliberate investigation.
- Rule 2: Three copies of an injunction shall be produced: one for the Court files, another for the intended recipient, and a final one for the Director of Student Life.
- Rule 3: The copy of an injunction shall be sent to the recipient by an authorized agent of the Court or by registered mail with return receipt requested.

- Rule 4: Under emergency conditions, if a majority of justices deem it necessary to issue an injunction they may do so, without having to state it during the actual court proceedings.
- Rule 5: Under emergency conditions, the court would issue a “Temporary Emergency Injunction.” This would only be temporary and a case regarding the injunction would immediately be placed on the docket for the next Student Court proceeding. After the case has been decided the court will either remove the injunction or make it permanent.
- Rule 6: Emergency conditions are defined as those reasons listed under Section VI, Part 3, Rule 1.

#### **Part 4: Punitive Action**

The Court may, in cases where it is deemed necessary, with a majority vote of its members concurring, institute the following upon any student and/or organization:

- 1) Recommend that students, clubs and/or organizations be put on probation for the Fall or Spring semesters. Probation should not exceed one academic year.
- 2) Recommend to the Director of Student Life as to sanctions that either party should receive.
- 3) Recommend that a student be removed from any office held in student government or any campus club and/or organization, in the prescribed manner.

#### **SECTION VII: ADVISORY OPINIONS AND DECLARATIVE JUDGMENTS**

##### **Rule 1: Advisory Opinions**

Upon request of the A.S. President or the Senate, the Court may render its own opinion as to the validity of either existing or proposed legislation or administrative regulations. In such an instance, there is no actual controversy or case, and the decision of the Court is not binding on either the Court, in the event of future litigation, or on those who request the opinion.

##### **Rule 2: Declarative Judgments**

Upon the request of the parties to a situation that may or may not involve an actual controversy, the Court may declare what are the rights and duties of the said parties. The Court may base its decision on the material presented in the written brief alone, or it may order an informal hearing. The same procedure for initiating regular proceedings shall be followed to initiate a request for a declarative judgment.

## **SECTION VIII: COURT DOCUMENTS**

Rule 1: At the end of the spring semester all court documents will be given to the A.S. Secretary.

## **APPENDIX I: RIGHTS OF LITIGANTS BEFORE THE COURT**

### **Rights of the Defendant:**

- 1) The right to be informed in writing of the charge(s).
- 2) The right to know the identity of the Plaintiff.
- 3) The right to a fair, impartial hearing.
- 4) The right to notification of changes, time, and type of hearing.
- 5) The right to request to change the manner in which the case is being heard.
- 6) The right to request that a witness be present.
- 7) The right to request the postponement of a hearing.
- 8) The right to be represented in a formal hearing.
- 9) The right to cross-examine a witness in a formal hearing.
- 10) The right to request an injunction.
- 11) The right to request a dismissal of the case.
- 12) The right to represent himself/herself.
- 13) The right to be presumed innocent.
- 14) The right of not being compelled to testify against himself/herself.
- 15) The right to request reconsideration within ten days upon revelation of new facts.

### **Rights of the Plaintiff:**

- 1) The right to petition for judicial action.
- 2) The right to request to change the manner in which the case is being heard.
- 3) The right to request a dismissal of the case.
- 4) The right to a fair, impartial hearing.
- 5) The right to request that a witness be present.
- 6) The right to be represented in a formal hearing.
- 7) The right to cross-examine witnesses in a formal hearing.
- 8) The right to request an injunction.
- 9) The right to request reconsideration within ten days upon revelation of new facts.

## **APPENDIX II: AMENDMENT PROCEDURES**

This document and the procedures contained herein may be amended in the event that 2/3 of all the appointed Justices deem the original Rules and Procedures inappropriate of the demands of justice. This document must also be approved by the appropriate legislative bodies as dictated by the Associated Students Constitution.

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**Judicial Procedure Amendments**

Judicial Directives created July 1986; Amended and Ratified July 15, 1986

Amended and approved by the Senate on November 11, 1986

Amended and approved by the Senate on August 4, 1993

Amended by Senate Bill #7 (2004-05); Approved May 10, 2005

Amended by Senate Bill #6 (2005-06); Approved April 27, 2006

Amended by Senate Bill#6 (2006-07); Approved November 30, 2006

Amended by Senate Bill #1 (2010-11); Approved October 26, 2010