



JUDICIAL DIRECTIVE

As amended March 1, 2022

I. PURPOSE

The judicial power of the Associated Students (A.S.) per the A.S. Constitution Article IX shall be vested in the Student Court. The Judicial Directive shall govern the official responsibilities, duties, rules, and procedures of Student Court.

II. AUTHORITY

The Student Court shall have the authority to:

1. Interpret the constitution and supporting documents of A.S.
2. Provide a judicial review over any legislation or action enacted by the A.S. Senate, the Executive Board, or President
3. Provide a judicial review of official actions taken by clubs or organizations
4. Oversee the impeachment of A.S. Officers, excluding Associate Justices
5. Levy disciplinary action over areas within its purview
6. Serve on Student Conduct Board Hearings
7. Serve on Grievance Review Committees/Hearings

III. COMPOSITION

A. MEMBERSHIP

1. Consists of five (5) justices: one (1) Chief Justice and four (4) Associate Justices
2. Follows the A.S. Officer eligibility requirements as defined by the A.S. Constitution, Article III
3. Requires availability every Wednesday from 11:00 a.m. to 2:00 p.m., or at any other time agreed upon by majority for all terms: summer, fall, winter, spring.
4. Requires availability to other times agreed upon by a Justice for service to a Student Conduct Board Hearing or Grievance Review Committee/Hearing

B. MEETINGS

1. In accordance with A.S. Constitution Article IV, Student Court will conduct business meetings in accordance with state law and the Brown Act which includes posting meeting agendas 72 hours in advance, requiring quorum, and using parliamentary procedures
2. Student Court will meet bi-weekly or as needed
3. Informal meetings may occur for training purposes where no voting is required
4. Justices will be appointed by rotation to Student Conduct Board Hearing and Grievance Review Committee/Hearing

C. RESPONSIBILITIES OF ASSOCIATE JUSTICES

1. Uphold integrity, impartiality, and confidentiality
2. Uphold and abide by the Associated Students Constitution, Governing Documents, and all Mt. SAC Board Policies and Administrative Procedures
3. Participate in all A.S. trainings
4. Review all agendas, minutes, and supplemental materials prior to meetings
5. Disclose any conflict of interest prior to a meeting or hearing
6. Attend all Student Court meetings, Student Conduct Board Hearings (as assigned), and Grievance Review Committees/Hearings (as assigned)
7. Any absence of a Student Court meeting, Hearing, or Committee meeting will require a minimum of 2-hour notice in advance to the Chief Justice and A.S. Advisor(s).
8. Serve as a voting member in all meetings and hearings
9. Appoint a Chief Justice by majority
10. Participate in all Student Court recruitment events or activities

- D. RESPONSIBILITIES OF CHIEF JUSTICE
 - 1. Perform all the duties and responsibilities of Associate Justices
 - 2. Chair all Student Court meetings and maintain impartiality to ensure fair discussion
 - 3. Serve as the official spokesperson of Student Court
 - 4. Attend weekly meetings with A.S. Advisor(s)
 - 5. Meet with individual Justices to support training and development (as needed)

IV. ADMINISTRATION

A. ATTENDANCE POLICY

- 1. An absence is missing a Student Court Meeting, Student Conduct Board Hearing, Grievance Review Committee/Hearing, or Student Court Recruitment event.
- 2. Late arrival or early departure of 15 minutes or more to any Student Court assignment is counted as an absence.
- 3. Three (3) absences within one term, shall result in removal from Student Court until reinstatement by a majority vote of Student Court.

B. CONFLICT OF INTEREST

- 1. Is defined as having a personal benefit in the outcome of a decision, personal knowledge of a matter that may influence bias, or being a party involved in a matter addressed by Student Court.
- 2. It is the responsibility of all Justices to disclose potential conflict of interest prior to a Student Court Meeting, Student Conduct Board Hearing, and/or a Grievance Review Committee/Hearing.
- 3. Justices shall not vote in any Student Court Meeting where a conflict of interest is present.
- 4. Justices shall not serve on a Student Conduct Board Hearing or Grievance Review Committee/Hearing where a conflict of interest is present.

C. CONFIDENTIALITY

- 1. Is defined as information that is private and shall not be repeated to any other persons.
- 2. In accordance with the Brown Act, Justices may not discuss agenda items with other Justices outside of the Student Court Meetings.
- 3. Items within the purview of Student Court such as Impeachment, Advisory Opinions, and/or Declarative Judgments are the business of Student Court and shall not be discussed with any party outside of Student Court.
- 4. All information provided and discussed at Student Conduct Board Hearings and Grievance Review Committees/Hearings is confidential.

D. APPOINTMENT

- 1. Any Mt. SAC student deemed eligible as outlined in the A.S. Constitution may apply to become a Justice.
- 2. The appointment of all Justices is completed through an interview process with Student Court and must be ratified by the A.S. Executive Board.
- 3. In the case where there are less than three Justices, including the Chief Justice, the A.S. President may appoint the required number of Justices only at the request of the incumbent Court.
- 4. Before assuming office, all Justices are required to take an Oath of Office and complete an examination that demonstrates their understanding of the A.S. Constitution and governing documents. This examination must be set by the incumbent Student Court and the Student Court Advisor(s).

E. JUSTICE REMOVAL

- 1. The Chief Justice in consultation with the A.S. Advisor, has the power to propose a removal of any Justice at a Student Court meeting for one or more of the following evidenced reasons:
 - a) Fails to uphold their responsibilities and duties
 - b) Fails to abide by the A.S. Constitution or rules of any governing documents
 - c) Accumulates three (3) absences in one term
- 2. The Chief Justice and Student Court Advisor(s) may call for a meeting with a Justice in

- question to issue a warning prior to removal.
3. The proposal for a Justice removal will be placed as a closed session agenda item and will require majority vote to remove the Justice.
 4. A Justice may appeal their removal through a written petition to the A.S. Advisor(s) and Chief Justice within 7 calendar days from the date of removal. The petition will be placed as a closed-session agenda item and will require a majority vote to reinstate the Justice.
 5. A Justice will be automatically removed from Student Court for not maintaining eligibility as outlined in the A.S. Constitution and/or not maintaining availability outlined in the Judicial Directive. This removal is permanent, final, and cannot be appealed.

V. DUTIES

A. IMPEACHMENT

Pursuant to the Constitution Article IX, Section V and Section III of this Directive, Student Court has jurisdiction over grievances of Malfeasance, Nonfeasance, and Impeachment. The following hearing procedures are intended to provide for a fair and impartial meeting in Student Court.

1. Pre-Hearing

- a) A request for Student Court action may be submitted to the Chief Justice by an A.S. Officer acting on behalf of themselves, an organization, and/or branch of A.S. Government. The request must include all charges, evidence, specific violations that occurred, and remedies sought by Student Court.
- b) Upon receipt of the grievance, the Chief Justice must immediately notify the Student Court and its Advisor(s) of the grievance and provide them with a copy, at which time the grievance will be placed on the next available agenda. The Student Court must first vote by majority on whether the grievance will proceed to a hearing or be dismissed. Should Student Court dismiss the case, the Complainant may appeal the decision. If a decision is determined from an appeal, then the Student Court's decision is final.
- c) Should the Student Court vote to proceed into a hearing, its time and date shall be set during the same meeting. The Respondent must be notified of the hearing at least five (5) days prior and be presented with the following: Official Notice to Appear (time, date, and location of the hearing included), a copy of the Court's Rules and Procedures, if the hearing will be formal or informal, and a copy of the filed grievance.
- d) A request for witnesses, additional evidence, testimony, or other materials deemed relevant to the case must be submitted to the Student Court at minimum three (3) days prior to the hearing. It is the responsibility of the Student Court to ensure that such a request is properly filed in accordance with the Brown Act.

2. Informal Hearing

- a) During an informal hearing, the Court will only hear from the Complainant and Respondent. The hearing may only begin when both parties are present and Court quorum is established. The respondent may request the hearing be postponed at which time they shall state their reasoning. The decision to postpone is at the discretion of the Presiding Justice.
- b) It is the responsibility of the Presiding Justice to properly explain the hearing process to all parties prior to the hearing. It is the discretion of the Presiding Justice to limit the amount of time allowed for each parties' arguments and case, however the Court must ensure that equal time be granted to both parties for the presentation of their case.

3. Formal Hearing

- a) During a Formal Hearing, the Court may hear from both the Complainant, the Respondent, and witnesses. Moreover, either party has the right to formal representation both from A.S. and non-A.S. sources. The hearing will begin with a Call to Order and roll call of Justices present. After ensuring that quorum is established, the Presiding Justice will acknowledge the presence of both parties and representatives (if any).

- b) The parties will then be asked if they understand their rights, which, should either party need, will be explained by the Court. After this, the Presiding Justice will read the charges presented in the Grievance, to which the Respondent will reply with one of the following pleas: Guilty, Not Guilty, or No Contest. If the Respondent pleads Guilty or No Contest, the Court may immediately render a decision. If the respondent pleads Not Guilty, the hearing shall proceed as follows. The hearing shall begin with opening statements from the Complainant and Respondent, the timing of which is at the discretion of the Presiding Justice. After the statements are made, the Complainant will be given the opportunity to call their witnesses, if any, to the stand for questioning. Upon taking the stand, the Presiding Justice, or assigned Court Justice, shall ask, "To the best of your ability do you swear that the testimony you are about to give in this case shall be the truth?" The witness must answer "I do," or otherwise in the affirmative. If the witness does not do so, or the Court has reason to doubt their affirmation, the witness may be dismissed by majority vote of the Court.
- c) After the Complainant has completed their questioning, an equal amount of time will be provided to the Respondent to cross-examine the witnesses. At any time, it is the discretion of the Court Justices to ask witnesses any questions that they may have relating to the case. However, only the Complainant, Respondent, and the Court Justices are allowed to question, no exceptions. If there are no witnesses, Rebuttal Speeches shall follow opening statements. The Complainant will first be given the floor to refute arguments presented by the Respondent. Then, the Respondent will be given the floor, for an equal amount of time, to refute arguments presented by the Complainant.
- d) Finally, the Court Justices may question either party and each party will be given equal time to present their Closing Statements. No new arguments are allowed during this time and it is the responsibility of the Court to dismiss any new argument presented. During this time, each party shall review the grievance and facts presented during the trial to summarize their respective cases. At this point, the hearing shall be adjourned for closed deliberation by the Court.

4. Post-Hearing

- a) In order for a decision to be reached, quorum must be established and a majority vote will decide the verdict. After deliberation, both Parties and the Public shall return to the room where the Presiding Justice shall read out the decision.
- b) The presence of both parties is required before a verdict is read out loud. The Decision, including vote tally, shall be made available to the Public no later than one week after the hearing, as well as filed within official Court minutes.

B. JUDICIAL REVIEW

In accordance with the A.S. Constitution and the A.S. Organizational Directive, Student Court retains the right of judicial review over any administrative, Associated Student, or RSCO policies. Thus, all newly enacted policies or legislation are to be presented to the Court for purposes regarding familiarization as an information item in the information/discussion section of an agenda meeting. Any sitting Justice may motion that the court move from discussion/information to drafting an advisory opinion or declarative judgment for a policy as an action item, so long as the motion passes with majority vote.

All enrolled students may make their concerns over certain policies to the Court during the "Public Forum" section of an agenda meeting. In doing so, the Court may review a policy more than once. While the Court may not take immediate action, they may determine whether to add that concern to the agenda of a future meeting. The court must then decide to dismiss the concern or make one of two types of decisions:

1. Advisory Opinions

The Student Court may render a written opinion on the validity of Legislation or Administrative regulation along with a dissenting opinion of any opposing justice. In doing so, the Student Court concludes that there is no actual controversy nor case, and the opinion is not binding to any part involved, including the Student Court itself.

2. Declarative Judgments

In such instances wherein the Student Court may deem to be unconstitutional or counter to College policy, the Student Court has the authority to issue a decision that is binding to all parties involved, including Student Court. This decision will be reached after the issue is agendaized in a Student Court meeting, through majority vote. Student Court may obtain information, testimony, or other resources deemed necessary to reach a decision. If passed, this decision supersedes all action taken by Associated Students or a Mt. SAC RSCO. The Court must make its written arguments, final decision, and dissenting opinions public and directly sent to all Executive Board officers.

C. **GRIEVANCE REVIEW COMMITTEE MEETINGS/HEARINGS**

All Justices are appointed to serve on Student Grievance Committees and Hearings through Student Life. Justices will be assigned on an as-available basis. The Justice assigned to serve on a Student Grievance Committee/Hearing must confirm receipt of grievance materials, review all materials to prepare for the committee/hearing, prepare questions to pose, and arrive to the committee/hearing five minutes prior to the start of the assigned date.

VI. **AMENDMENTS**

This document and the procedures contained herein may be amended by 2/3 vote of all the appointed Justices. This document must also be approved by the appropriate legislative bodies as dictated by the Associated Students Constitution.

Judicial Directive 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

Amended by Senate Bill (2018-9) Approved April 23, 2018

Amended by Student Court August 26, 2020

Approved by Senate and Ratified by Executive Board March 9, 2021

Approved by Senate and ratified by Executive Board March 1, 2022