

## **TITLE 4: THE JUDICIAL BRANCH**

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### **Chapter 1: The Code of Statutes of the Review Board**

§4.1-1. This Code of Statutes shall contain the policies and procedures of the Review Board.

#### **§4.1-2. Authority**

1. The Review Board shall have original jurisdiction over all cases arising out of the Constitution of the Student Assembly, the Code of the Student Assembly, and regulations produced by Student Assembly agencies. Examples of such cases are:
  - a. Conflicts between branches, divisions, agencies, offices, or officials within the Student Assembly about the meaning or impact of Student Assembly regulations.
  - b. Allegations of denial of due process, discrimination, and/or unfair treatment by funded organizations.
2. The Review Board has appellate jurisdiction over all cases originally brought before the Elections Commission.
3. The Review Board shall provide advisory opinions upon the request of the President of the Student Assembly or the Chair of the Senate.

#### **§4.1-3. Abbreviations and Definitions**

1. Within this title, the phrase Student Assembly may be abbreviated as SA, and the phrase Review Board may be abbreviated as Board.
2. Within this title, any branch, department, agency, or office within the Student Assembly may be generically referred to as a functional unit of the SA.
3. Any student, student organization, or functional unit of the SA that files a complaint with the Review Board shall be known as a petitioner.
4. Any student, student organization, or functional unit of the SA that is challenged in a complaint filed with the Review Board shall be known as a respondent.
5. An opinion is defined as a written report containing the findings of the Review Board and stating any remedies to be implemented. An opinion of the Board shall include the names of the members who heard the case, and the number of members who voted for and against the opinion.
6. An advisory opinion is defined as an interpretation and/or clarification of the regulations governing the Student Assembly, including but not limited to the Constitution, Code, and previous Review Board opinions.

#### **§4.1-4. Initiating a Case**

1. To initiate a case before the Review Board, any student(s), student organization, or SA functional unit may file a complaint. In order to be considered, complaints must meet the following standards:
  - a. All complaints must be submitted to the Chair of the Review Board.
  - b. Complaints must be submitted in English, and be readable unaided by a person with normal vision.

- c. Complaints may be submitted as physical documents, by facsimile, or by electronic mail. Complaints sent by electronic mail must be in the form of an attached printable document (either Microsoft Word or Adobe PDF format).
  - d. Complaints must name the student(s), student organization, or SA functional unit submitting the complaint, and the student(s) and/or SA functional unit challenged.
  - e. Complaints must contain a description of the situation or actions that the petitioner believes to be wrongful. Complaints must argue that the respondent is in some way responsible for the situation or actions.
  - f. Complaints must be filed within the statute of limitations prescribed by the regulations of the Student Assembly.
  - g. Complaints may be no longer than five pages. Typed complaints must use one-inch margins and 12-point serif or sans-serif typeface.
  - h. All complaints must be made in good faith, and signed by the petitioner(s). If the petitioner is a student organization or SA functional unit, the organization's president or otherwise highest officer must sign the complaint.
2. Complaints may be amended by the petitioner within 72 hours of the initial filing of the complaint. The amended complaint must comply with all requirements enumerated in §4.1-4.1 above. Amendments to a complaint may not add further respondents.
3. Upon receiving an original or amended complaint, the Review Board shall notify all of its members within 48 hours. The Review Board shall also notify the respondents named in the complaint within 48 hours, and provide them with copies of the complaint.
4. After notification of a complaint, each respondent must submit a response to the complaint within 72 hours. If a complaint names multiple respondents, the respondents may opt to file a single response, or to file responses individually. Responses must meet the following standards in order to be considered:
  - a. All responses to complaints must be submitted to the Chair of the Review Board.
  - b. Responses must be submitted in English, and be readable unaided by a person with normal vision.
  - c. Responses may be submitted as physical documents, by facsimile, or by electronic mail. Responses sent by electronic mail must be in the form of an attached printable document (either Microsoft Word or Adobe PDF format).
  - d. Responses must clearly indicate what complaint they are responding to, and must clearly name the student(s), student organization, or SA functional unit responding to the complaint.
  - e. Responses must attempt to answer the challenges made in the complaint.
  - f. Responses to complaints may be no longer than five pages. Typed responses must use one-inch margins and 12-point serif or sans-serif typeface.
  - g. All responses to complaints must be made in good faith, and signed by the respondent(s). If the respondent is a student organization or SA functional unit, the organization's president or otherwise highest officer must sign the response.
5. Respondents shall be notified of any amendments made to the complaint, and given an additional 72 hours to change their response from the time of the last amendment. They are not required to do so.

6. Within 72 hours after the time to file complaints and responses has closed, the Review Board shall decide whether or not to hold a hearing. At least three members must vote in favor of a hearing in order for a hearing to be conducted.
7. All petitioners and respondents shall be notified if a hearing is to be conducted. The Review Board shall attempt to schedule a hearing at a mutually convenient time for those involved, which shall always be at least 72 hours after notification of a hearing has been given.
8. This process can be expedited with the mutual approval of the petitioner(s) and respondent(s).

#### §4.1-5. Hearings of the Review Board

1. The Review Board conducts hearings in order to determine the validity of challenges made against a respondent. Hearings shall be run under the parliamentary authority of the Student Assembly.
2. A majority of the Review Board must be present in order to conduct a hearing.
3. A member the Review Board who believes himself to be personally involved in a case to an extent that he is unable to rule fairly may recuse himself from a hearing and its deliberations. A recused member observing a hearing does not count towards the majority required to conduct a hearing.
4. All hearings shall be open to the public unless the Review Board votes to close them. A vote to close a hearing shall succeed only if all members present, or all but one of the members present, agree to do so.
5. Speaking to the Review Board
  - a. Petitioners and respondents always have the right to speak at their hearings.
  - b. A student may nominate another willing student to speak on his behalf at a hearing.
  - c. An organization or SA functional unit MUST nominate one or more students to speak on its behalf.
  - d. Students nominated to speak on behalf of a petitioner or respondent may remain in the hearing room during a closed hearing.
  - e. The Review Board reserves the right to limit the number of people that may speak at a hearing on behalf of a petitioner or respondent.
6. Conduct of the Hearing
  - a. Hearings of the Review Board are conducted in a consistent format.
  - b. At the beginning of a hearing, the petitioner and respondent shall each have three minutes to present opening arguments to the Review Board without interruption. The petitioner presents his arguments first.
  - c. The Review Board will then interview the petitioner for 20 minutes. Following the interview with the petitioner, the Review Board will interview the respondent for 20 minutes. At its discretion, the Review Board may extend the length of time allotted for either interview to allow for the presentation of longer or more involved arguments.
  - d. Following the interviews, the petitioner and respondent shall each have five minutes to present closing arguments to the Review Board without interruption. As with opening arguments, the petitioner presents first.
7. After the hearing for a case has concluded, the Review Board shall meet to deliberate and write an opinion. The deliberations may be conducted immediately after the hearing, or at any time within the following 48 hours.

#### §4.1-6. Deliberations

1. Deliberations of the Review Board shall be conducted in closed session. Only members present at the hearing for a case may participate in the deliberations to decide the outcome of the case.
2. The Review Board is responsible for producing a written opinion at this time. This opinion must satisfy the requirements given in §4.1-3.5.
3. A majority of the Review Board must vote in favor of a particular opinion in order to decide a case. The majority opinion is binding on all parties.
4. Review Board members who vote in the minority against the final opinion may write a dissenting opinion that satisfies the guidelines in §4.1-3.5. Dissenting opinions are not binding.
5. Petitioners and respondents shall be given a copy of the written opinion within 48 hours of the conclusion of deliberations.
6. The names of members voting for or against opinions shall not be released, except by unanimous consent at the time of the decision.
7. The Review Board shall submit the majority opinion, and any dissenting opinions, that it produces to the Agency for Internal Affairs, the Chair of the Senate, the President of the Student Assembly, and the Undergraduate and Graduate Councils.

#### §4.1-7. Remedies

1. The Review Board may issue a binding interpretation of a section of the Constitution or Code of the Student Assembly.
2. The Review Board may find regulations of the Student Assembly contrary to the Constitution of the Student Assembly. Regulations that are declared unconstitutional cease operating immediately.
3. The Review Board, through its written opinions, may publicly identify officials of the Student Assembly who are failing to comply with the regulations of the Student Assembly. The Review Board has the power to order officials and functional units of the Student Assembly to complete tasks required by the regulations that govern them.
4. Elections
  - a. The Review Board may allow someone whose request for candidacy was denied by the Elections Commission to appear on the ballot.
  - b. The Review Board may remove sanctions imposed by the Elections Commission, including but not limited to fines, warnings, and removal from the ballot.
  - c. If a case is brought involving an election that has already concluded, the Review Board may order a special election to be conducted.
5. This section should not be construed to deny the Review Board the ability to implement other just remedies as a particular case may dictate.

#### §4.1-8. Advisory Opinions

1. The President of the Student Assembly and the Chairperson of the Senate shall have the ability to request advisory opinions from the Board.
2. The President of the Student Assembly and the Chairperson of the Senate both shall receive copies of each advisory opinion, including the language of the requests and the Review Board's response.

3. Advisory opinions may be rendered with a single meeting of the Review Board, in lieu of a full hearing. A majority of the Review Board must agree on the advisory opinion.

#### §4.1-9. Appealing Decisions of the Review Board

1. A respondent who is unsatisfied with the decision made by the Review Board may request an appeal by filing a written complaint to the Review Board within ten academic days of receiving the decision.
2. A complaint used to initiate an appeal must follow the guidelines in §4.1-4.1; the respondent need not be named on the complaint, as it is by definition the Review Board. It may not be amended.
3. The complaint must argue that the decision of the Review Board was erroneous. A complaint filed as an appeal should cite at least one relevant passage in the regulations of the Student Assembly.
4. At least three members of the Board must vote to hear an appeal within 72 hours of the appeal being received by the Board.
5. No formal hearing is required to decide an appeal, but the Board may schedule an interview with the appellant if questions arise.
6. Appeals are decided by deliberation in closed session. At least five members of the Board must be present, but the members present during an appeal need not have been present at the original hearing. Upon reaching a decision, the Review Board will report it in a written opinion meeting the criteria of §4.1-3.5. Four members of the Board must concur on the opinion for it to become effective.
7. The Review Board may implement any of the remedies discussed in §4.1-7 if found to be necessary as the result of an appeal. Remedies implemented as the result of the case that led to the appeal may also be reversed, if appropriate.
8. Decisions reached upon appeal are final.