



THE BYLAWS OF THE JUDICIAL BRANCH OF THE ASSOCIATED STUDENT GOVERNMENT OF THE UNIVERSITY OF SAN DIEGO

PREAMBLE: The purpose of these Bylaws is to provide structures and procedures to implement the Associated Student Government Constitution.

ARTICLE I. NAME

Section 1 The name of this organization shall be the Judicial Branch of the Associated Student Government of the University of San Diego (ASG Judicial Branch).

ARTICLE II. PURPOSE

Section 1 The purpose of this organization shall be to provide self-governance, in the areas noted under “Jurisdiction” below, by respecting the privilege of peer review, prioritizing ethical and moral behavior of all members, providing learning opportunities, and restoring members to the community, while striving to create and maintain a highly competent judicial body that makes responsible decisions in the best interest of the student body. In addition, this organization provides accountability by ensuring ongoing compliance with all Associated Student Government Constitution and Bylaws, as well as Robert’s Rules of Order, and shall consider written disputes regarding the documents previously named.



ARTICLE III. MEMBERSHIP

Section 1 The Judicial Branch shall consist of a Chief Justice and four (4) Associate Justices, one of whom will serve as the Parliamentarian. All members of the Judicial Branch shall have equal voting power.

Section 2 Qualifications

- A. No Judicial Branch member may be a member of the Associated Student Government Senate, Executive Branch, or Torero Program Board (TPB).

Section 3 Appointment Process

- A. In the case of the nomination process of the Associate Justices, an ASG advisor shall be present. The nomination committee shall consist of the following members:
 - a. Incoming ASG President
 - b. Incoming ASG Vice President
 - c. Current ASG Speaker of the Senate
 - d. Outgoing Chief Justice
 - e. An ASG Advisor will be present at the nomination committee as a non-voting member.
- B. The nominations for the Associate Justices are all subject to confirmation by the Student Senate with a two-thirds ($\frac{2}{3}$) majority vote.
- C. In the case of the selection process of the Chief Justice, as outlined in the ASG Constitution, the five (5) appointed Associate Justices will nominate one (1) of their Associate Justices to be the Chief Justice. The Chief Justice must have a minimum of sixty (60) units completed by the end of the semester in which they are selected.



D. In the case of the selection process of the Parliamentarian, the Chief Justice shall appoint one (1) from amongst the Associate Justices. The Judicial Branch may meet prior to deliberate and discuss this selection.

Section 4 A Justice shall serve a term of one (1) academic year or until their successor is sworn in, barring a resignation or removal.

- A. There exists no limit on the number of terms a Justice can serve.
- B. Upon completing their term, a Justice must go through the appointment process again if wishing to serve another term.

Section 5 Jurisdiction and Member Responsibilities

A. Jurisdiction

- a. To interpret the ASG Constitution.
- b. To adjudicate all cases involving violations of the provisions of the ASG Constitution and Bylaws, including the Performance Review Bylaws.
- c. To hear appeals arising out of Associated Student Government Elections.
- d. To adjudicate cases involving Parking Re-Appeals from Parking Services.
- e. To apportion the Student Senate each year in preparation for the Spring election. The apportionment of senators shall be based on academic registration and housing occupancy figures for the fall semester prior to the elections. The Judicial Branch shall have the power to change Article IV, Section 4 of the Constitution without ratification.
- f. To conduct meetings following decisions of the Student Senate in order to properly review any and all direct action taken by the



legislative and executive branches. These meetings may be held as needed but must occur a minimum of once a month.

- g. The Judicial Branch shall act as the Elections Commission, and shall:
 - i. Create an elections calendar with a complete timeline of each ASG election.
 - ii. Share the calendar with the Executive Board and the Student Senate no later than the first Monday of March (for the Spring elections).
- h. To work in conjunction with the Office of Ethical Development and Restorative Practices to serve as the Student Organization Discipline Board for student organizations registered with ASG.

B. The Chief Justice shall have the following duties:

- a. Faithfully observe the Constitution and Bylaws of the Associated Student Government in all matters.
- b. Preside over, or appoint the presiding Justice to all Court sessions and hearings.
 - i. The Chief Justice chooses the presiding Justice based on a rotation system.
- c. Initiate the process for all campus-wide referendums of the ASG.
- d. Call special meetings of the Judicial Branch.
- e. Appoint one (1) from among the Associate Justices to serve as the Parliamentarian.
- f. Organize weekly meetings with all four (4) Associate Justices to fulfill the duties of the Judicial Branch.



- g. Represent the Judicial Branch, or appoint the Parliamentarian as a representative in their absence, in all business with the Legislative and Executive Branches of the Associated Student Government.
- h. Hold a minimum of ten (10) hours of office hours weekly.
- i. Cast one (1) vote at meetings of the Judicial Branch at which cases are decided.

C. The Parliamentarian shall have the following duties:

- a. Serve as a Judicial expert in the Associated Student Government Constitution and Bylaws, and Robert's Rules of Order.
- b. Serve as the Judicial Branch representative to the Associated Student Government Senate, serving as a member of the Senate Leadership Team, and attending all required meetings, and providing clarification of Robert's Rules of Order as needed.
- c. Represent the Chief Justice in all business of the Judicial Branch in their absence.
- d. Cast one (1) vote at meetings of the Judicial Branch at which cases are decided.
- e. Write a judicial opinion in each case, detailing their concurrence or dissent.
- f. Hold a minimum of five (5) office hours a week.

D. The Associate Justices shall have the following duties:

- a. Serve as a Judicial expert in the Associated Students Government Constitutions and Bylaws, and Robert's Rules of Order.
- b. Cast one (1) vote at meetings of the Judicial Branch at which cases are decided.



- c. Write a judicial opinion in each case, detailing their concurrence or dissent.
- d. Hold a minimum of five (5) office hours a week.

Section 6 Accountability

- A. All Justices of the ASG Judicial Branch shall be held accountable by the Chief Justice to fulfill the Associated Student Government and University mission.
 1. The Chief Justice shall be held accountable by the Parliamentarian to fulfill the Associated Student Government and University mission.
- B. A Justice is allowed no more than three (3) unexcused absences for meetings or two (2) unexcused absences to hearings during the academic year. These meetings include Judicial Branch meetings and regularly scheduled 1:1 meetings. The Parliamentarian is also subject to unexcused absences from Senate meetings. After three (3) unexcused absences or two (2) unexcused absences from hearings the Justice shall be removed from their position.
 1. The Justice must notify the Chief Justice of any absences beforehand, for which the Chief Justice will determine if the absence is excused or unexcused.
 2. The Parliamentarian must notify the Chief Justice and Speaker of the Senate of an absence no less than twenty-four (24) hours before the scheduled Senate meeting.
- C. If the student body or any member of the Associated Student Government identifies gross violations of this section or other rules of the Associated Students, a Justice shall be petitioned for a performance review. The



process of Performance Review of a Justice is outlined in the ASG Performance Review Bylaws.

Section 7 Vacancy Procedure

A. Vacancy

1. When vacancies occur, the Judicial Branch may still function and issue opinions and decisions provided that the quorum requirements (see Article IV Section 1) are met.
2. If there is a vacancy within the position of Chief Justice, the other Justices shall select a new Chief Justice by simple majority vote.
3. If the Parliamentarian role is vacant, the Chief Justice will appoint a new Parliamentarian.
4. Associate Justice vacancies will be filled in accordance with Section 3 (see appointment procedures).
5. All appointments are subject to approval by the ASG Senate.

Section 8 Resignation Procedure

- A. The resignation of the Chief Justice shall be in writing and submitted to the ASG President and the Parliamentarian, whereby it shall be effective immediately upon receipt.
- B. The resignation of all other Justices shall be in writing and submitted to the Chief Justice, whereby it shall be effective immediately upon receipt.

ARTICLE IV. GENERAL PROCEDURE

Section 1 Quorum for sessions shall be composed of three (3) Justices.

Section 2 All votes shall require a simple majority unless otherwise stated.



- A. A one-third ($\frac{1}{3}$) minority of all voting members present is required for a roll call vote to be held.

Section 3 Session Types

- A. There are three (3) types of sessions: closed sessions, meetings, and open sessions.
 - 1. Closed sessions (only when there is a concern of a FERPA violation) are restricted to the Chief Justice, Parliamentarian, Associate Justices, and (an) ASG Advisor(s).
 - 2. Meetings are closed sessions that include guests specially invited by the Chief Justice with the Parliamentarian's consent or the simple majority of the Judicial Branch.
 - 3. Open sessions are open to the public and the media.
- B. Unless otherwise specified during the session or in these rules, all matters discussed in closed sessions or meetings are confidential.

Section 4 Review of Direct Action Taken by the other Branches

- A. The Judicial Branch reviews the direct action taken by the executive, legislative, and programming branches to ensure compliance with the ASG Constitution and Bylaws, as well as Robert's Rules of Order.

Section 5 Parking Re-Appeals

- A. The processes for Parking Re-Appeals are outlined in the Parking Re-Appeals Bylaws.

Section 6 Elections

- A. The processes for elections are outlined in the Elections Bylaws.



Section 7 Performance Review

- A. The processes for Performance Review are outlined in the Performance Review Bylaws.

Section 8 Student Organization Discipline Board

- A. The processes for Student Organization Conduct are outlined in the Student Organizations Handbook
- B. The Judicial Branch will work with the Office of Ethical Development and Restorative Practices to receive training in Student Organizations' standards and hearing procedures.

ARTICLE V. HEARING PROCEDURES

Section 1 This Article outlines the hearing procedure for matters related to disputes over the ASG Constitution and/or Bylaws, except for those in the realm of Parking, Performance Review, Elections, the Student Organization Discipline Board.

Section 2 Student Rights

- A. Right to a notice in writing of all charges at a minimum of five (5) academic days prior to the hearing.
- B. Right to appear in person or virtually at the hearing.
- C. Right to present arguments on their own behalf.
- D. Right upon request to receive a list of all witnesses who will appear.
- E. Right to request witnesses and present witnesses on one's behalf.
- F. Right to have access to all information and all evidence.
- G. Right to receive a written copy of the decision as rendered by the Judicial Branch.



- H. Right to appeal of sanctions, if any.
- I. The accused shall be presumed not responsible for charges brought against them until proven otherwise.
- J. The burden of proof shall lie with the party presenting the charges.
- K. The standard for finding (an) individual(s) responsible is that which is most probable, not necessarily a burden of proof that is completely without a doubt.
- L. If it is believed that a student has not been honest and forthright, the Court, with approval from the Student Court Advisor, may report that information to the Office of Ethical Development and Restorative Practices as an allegation of the Rule of Conduct which states, "Acts of dishonesty, including but not limited to the following: Furnishing false information to any University official, faculty member or department."

Section 3 Filing a Petition

- A. Process to File and Assignment of Complainant's Representative
 - a. To file a petition, the complainant must properly complete the "Judicial Branch Petition Form" and submit the form electronically to the Chief Justice within twenty-one (21) academic days of the incident. This form must include:
 - i. The complainant's name and contact information.
 - ii. The appropriate accused party (i.e. name of student or student organization), and their contact information, if applicable.
 - iii. Time, date, and place of specific violations.
 - iv. Summary of relevant supporting evidence.
 - v. Statements as to the constitutional, statutory, and/or regulatory provisions allegedly violated.



- vi. The complainant may provide an example of a desired outcome, but the decision is made by the ASG Judicial Branch.
- vii. The signature of the complainant.

B. Withdrawal of a Petition

- a. The complainant may withdraw a petition by notifying the Presiding Justice in writing. Petitions may be withdrawn any time before or during the formal hearing.

Section 4 Processing the Petition

- A. In the case of a petition bringing forth charges against (an) individual(s)
 - a. The Chief Justice and Judicial Branch Advisor shall review complaints to determine whether there is sufficient evidence to charge a violation and to hold a hearing.
 - b. Written notification to the complainant(s) must be provided for all dismissed cases, citing the reason for dismissal.
 - i. The ASG Advisors shall keep all dismissed complaints in the Office of Student Activities and Involvement for record keeping and historical context for a minimum of five (5) years.
 - c. The Chief Justice shall inform the other Justices of any dismissed cases, citing the reason for dismissal.
 - d. If any Justice believes the case shall be heard, a motion to hold a hearing shall be initiated. A simple majority vote shall be required for a hearing to be held.
 - e. A denied Petition for Consideration may be submitted again if new considerations or merits can be shown, unless specified otherwise by the Judicial Branch.



- f. The grant or denial of a “Petition for Consideration” should not be construed as an endorsement of either side of any issue.
 - g. In order to accept a case, the following conditions must be met:
 - i. The case is within its jurisdiction.
 - ii. The factual allegations constitute violations of the Constitution, guidelines and/or Bylaws stated on the Petition.
 - iii. The Constitution or Bylaws cited provide adequate grounds for the remedies requested.
- B. In the case of a petition for a judicial interpretation of the Constitution/Bylaws
- a. All cases requesting an interpretation of ASG Constitution and/or bylaws shall be granted unless a pre-existing interpretation already exists.
 - i. If an interpretation for the matter at hand already exists, the parties shall be referred to the relevant document(s).
 - ii. If the petitioning parties or a Justice believes a new interpretation is pertinent, then they shall notify the body, and two-fifths ($\frac{2}{5}$) of the justices must agree for a new interpretation to be made.
- C. Notification of the Accused
- a. If the petition for consideration is granted, the Chief Justice shall notify the relevant parties of the charges or imminent interpretation, including a copy of the Judicial Branch Petition Form within two (2) academic days. If the relevant parties are members of the Associated Student Government, the Chief Justice shall notify the head of every ASG branch (Speaker of the Senate, President, Chief Justice, and Torero Program Board) within one (1)



academic day. All relevant parties must represent themselves. If the accused party is the Associated Student Government, the Executive Board shall choose a member of the body to act as the designated representative.

D. Motion to Dismiss Charges

- a. A motion to dismiss charges may be made if it can be shown that at least one (1) of the conditions for accepting a case no longer qualifies.
- b. A motion to dismiss charges may be made if it can be shown that the effective outcome of the case is moot.
 - i. If the case involves a matter of interpretation that may be applied later to similar circumstances, the Judicial Branch may choose to deny the motion.

E. Scheduling of Hearing

- a. The presiding Justice shall request copies of the schedules of the designated representatives of the parties involved for the next three (3) weeks.
- b. The formal hearing on the petition must take place within fifteen (15) academic days. A date for the formal hearing must be announced and all parties notified at least five (5) academic days before the start of the hearing. Any request by either party to postpone the formal hearing must be submitted to the presiding Justice, who may grant the request only with good cause.

F. Disqualification of Members

- a. Members of the Judicial Branch are disqualified from sitting on any case they are a party of or testifying at. Members of the Judicial Branch are expected to use good judgment in determining if they



have a conflict of interest in a case to which they have a significant personal connection and disqualify themselves accordingly.

- b. All parties may challenge up to one (1) member of the Judicial Branch based on evidence of personal bias or conflict of interest.
 - i. In close consultation with the Judicial Advisor, the Chief Justice shall determine the outcome of any disqualification challenges against any Justices.
 - ii. The Judicial Advisor shall determine the outcome of a disqualification challenge against the Chief Justice.
 - iii. Forced disqualification may not occur if it will reduce the Judicial Branch to below quorum.

G. Witnesses and Evidence

a. Witnesses

- i. Witnesses are not typically present at hearings of the Board. If deemed necessary by the presiding Justice, all relevant witness testimonies shall be submitted in writing forty-eight (48) hours prior to the hearing. If the Board deems that a witness needs to be present at the hearing, the witness and all relevant parties will be notified of this requirement.
- ii. The Judicial Branch reserves the right to call any member of the Associated Student Government to give a witness account.
 1. A member of the Judicial Branch who has recused themselves from a particular case may be called to testify in that matter, if their testimony is relevant.
- iii. If the event the ASG Advisor to the Judicial Branch is directly party to the proceedings, the Advisor must recuse themselves for that particular case and appoint a temporary

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acting Advisor for that case.

b. Evidence

- i. All evidence relevant to a hearing must be submitted to the Board and all parties forty-eight (48) hours prior to the hearing.
- ii. If it is not logistically feasible to submit the actual evidence to the Board and all parties prior to the hearing, a list with detailed descriptions of the evidence may be submitted instead.
 1. Individual Justices may compel the parties in a hearing to submit the actual evidence prior to the hearing if the Justice believes it is logistically feasible to do so.
- iii. Evidence is anything offered to the Board to prove or disprove an alleged fact.
- iv. All evidence presented to the Board must be relevant to the proceedings. Relevant evidence is that which tends to prove or to disprove the factual issue in the complaint.
- v. Any evidence not submitted forty-eight (48) hours prior to the hearing may be disallowed by the Board unless it can be proven that the evidence was not known or available to the relevant party before the deadline.
- vi. All parties have the right to examine all evidence once submitted to the Board.
- vii. All evidence presented is admitted if there are no valid objections.



Section 5 Formal Hearing Procedure

- A. Hearings are intended to be restorative and educational, and are not a formal court of law; therefore, formal rules of evidence and discovery are not applicable in this forum.
- B. The presiding Justice shall explain the hearing process and verbally note the following provisions.
 - a. Hearings shall be open unless otherwise, the case is pertaining to a FERPA violation.
 - b. All hearings shall be recorded by the Judicial Branch using a digital audio recording device. The audio will not be released.
 - i. Official written or digital records of audio recordings may be discarded no earlier than seven (7) academic years following the hearing.
 - ii. Digital audio recordings shall be coordinated and their records maintained by the Judicial Branch Advisor.
 - 1. Records of individuals processed through the University's conduct procedures shall be subject to the provisions of the Family Educational Rights and Privacy Act of 1974.
 - iii. The digital audio record taken during hearings is admissible with appeal.
- C. The presiding Justice shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of individuals present. Any individual, including advisor(s), who disrupts the hearing or fails to adhere to the Judicial Branch's rulings may be excluded from the proceedings.



D. Exchange of Evidence

- a. Evidence must be made available to all parties within twenty-four (24) hours after the relevant deadlines.

E. Failure of Either Party to Appear

- a. If the accused party fails to appear at the formal hearing, then the case will be decided based upon the evidence presented at the hearing. If the complainant fails to appear at the formal hearing concerning charges brought against another individual, then the case will be dismissed. All cases concerning an interpretation of the Constitution and/or Bylaws shall proceed, regardless of who is present.

F. Order of Presentation of cases concerning a violation. (Time is a guideline.)

- a. Chair introduces case (2 min)
- b. Accuser presents case (7 min)
- c. Judicial Branch questions all present parties and witnesses (no more than 45 min)
- d. Closed deliberation (no more than 1 hour)

G. Order of Presentation of cases concerning an interpretation (Time is a guideline.)

- a. Chair introduces case (2 min)
- b. Parties explain the circumstances prompting an interpretation (10 min)
- c. Judicial Branch questions all present parties (no more than 45 min)
- d. Closed deliberation (no more than 1 hour)

H. Actions of the Judicial Branch During a Hearing

- a. Any member of the Judicial Branch will have the right to ask questions to clarify any testimony at any time.



- i. Any member of the Judicial Branch will have the right to motion to extend the allotted time.
 1. A simple majority vote is required to pass the motion.

I. Recesses

- a. Any Justice may call for a recess at any time during the hearing. The Judicial Branch must then immediately go into a closed session.

Section 6 Decision

A. Determining the Outcome

- a. The decision on the petition will be based on the standard of the preponderance of the evidence. The outcome is based only on evidence presented at the formal hearing. All deliberations shall be open only to the membership of the Judicial Branch and an ASG Advisor.
- b. Cases concerning a violation/charges
 - i. Decisions are by a preponderance of the evidence (what is more likely than not to have happened).
- c. The Judicial Branch will make its decision by simple majority vote of those members participating in the case.
 - i. If the decision ties or falls below the simple or two thirds ($\frac{2}{3}$) majority requisite, then the motion to find the party responsible fails and they are found not responsible.
 - ii. In cases concerning an interpretation, the body must come to a simple majority decision.

B. Written Opinions

- a. The justices shall each write an opinion on the case. The opinions may be consenting or dissenting.



- b. In delivering a decision and opinion, members must adhere to precedent unless they explicitly reverse their prior decision or if there are significantly different circumstances. Judicial members may use federal and state court decisions to aid in their decision-making but shall not be required to use those decisions as binding precedent.

C. Notification and Publication of Decision

- a. The rationales shall be published online within a timely manner of the formal hearing for ten (10) academic days. In cases where FERPA limitations apply, appropriate redactions may be included.

Section 7 Appeals

- A. When appealing, the burden of proof rests on the petitioner. Appeals may be considered for any of the following:
 - a. To determine whether the hearing was conducted fairly in light of the charges and information presented and in conformity with applicable procedures. To determine whether the decision reached regarding the Alleged Offender was reasonably based on the information made available to the Hearing Board or hearing officer (i.e. whether there were facts in the case that, if believed by the hearing board or hearing officer, were supported by a preponderance of the evidence).
 - b. To consider new and significant information that is sufficient to alter a decision because such information was not known to the Alleged Offender and could not have been reasonably discovered at or before the time of the original hearing.
 - c. To determine whether the sanction(s) imposed was inappropriate and excessive under the circumstances.



B. Appellate Procedure

- a. Any Hearing Board decision may be appealed by the accused to the Assistant Vice President for Student Affairs or their designee. To be considered, the appeal must be delivered in writing to the Assistant Vice President for Student Affairs within five (5) business days of notification of the Hearing Board's decision.

C. Following review:

- a. On appeal, the Assistant Vice President for Student Affairs or their designee may reverse, modify, or sustain the Hearing Board's actions as well as refer a case back to the Hearing Board. The Assistant Vice President for Student Affairs or their designee will notify the accused in writing of their decision on the appeal. The decision of the Assistant Vice President for Student Affairs or their designee is final.

Section 8 Sanctions and Remedies

- A. Warning Letter — The Judicial Branch shall be empowered to dispense a written reprimand to the responsible parties for the violations specified, including notice that repeated violations may be cause for further Judicial action.
- B. Formal Letter of Apology — The Judicial Branch shall be empowered to order the responsible parties to write a letter apologizing to those individuals or organizations affected by the responsible parties' violation(s).
- C. Restorative Process — The Judicial Branch shall be empowered to invite the responsible parties to participate in a Restorative Justice process to repair the harm that may include an apology, reconciliation, and/or



restitution. This may also encompass the removal of offensive or damaging materials.

- D. Specific Performance — The Judicial Branch shall be empowered to order specific performance(s) for the responsible parties to carry out. The Chief Justice may order specific performances outside of inquiry submissions when appropriate. These orders shall be classified as Performance Orders.
- E. Restitution or Reimbursement for Damages or Lost Property – The Judicial Branch shall be empowered to require the responsible parties to pay for damages or lost property when appropriate.
- F. Educational Opportunity — The Judicial Branch shall be empowered to require all responsible parties to conduct research, complete a reading and response paper, prepare and present a program, attend an educational program, or engage in other educational activities related to the violation.
- G. Probation Status — The Judicial Branch shall be empowered to place the responsible parties on ASG-related probation, defined as a specific period of time during which the responsible party must abide by all established policies and regulations, with the knowledge that more severe Judicial Branch actions will be taken as a result of future violations.
- H. Loss of Privileges — The Judicial Branch shall be empowered to revoke the responsible parties’ privileges, defined as the exclusion of the responsible party from participating in ASG activities and/or removal of duties and responsibilities.
- I. Failure to comply with a sanction or course of action may result in further judicial action and more severe sanctions.

ARTICLE VI. CONDUCT

Section 1 Confidentiality



- A. Judicial Branch members may only discuss confidential matters with their ASG Advisor(s) and other members of the Judicial Branch within a closed session.
- B. A “Petition for Consideration” not yet denied or granted is confidential and is no longer considered confidential once formally denied or granted.
- C. For all other (non-FERPA) confidential information, it is at the discretion of the Chief Justice when to release confidential information. However, prior to the release of any such information the Chief Justice must inform and obtain the consent of USD’s General Counsel and the Parliamentarian. If unable to obtain either the consent of the Parliamentarian or (as an alternative to the Parliamentarian) a simple majority vote of the entire Judicial Branch, the information may not be released. Any denial by USD’s General Counsel would automatically bar the release of any information.

Section 2 Impartiality

- A. Members of the Judicial Branch are required to be impartial judges for all cases that come before them. A member of the Judicial Branch must recuse themselves if that member feels unable to meet this standard for a particular case.
 - a. Should the absolute need for recusal obstruct the ability to meet quorum requirements, the board may request the assistance of trained members of the Student Conduct Leadership Team.
- B. If one (1) member of the Judicial Branch questions another’s impartiality, the matter will be put to a simple majority vote of the Judicial Branch in closed session.



- C. If a member fails to recuse oneself from a hearing with which they lack impartiality, there are grounds to be put under Performance Review and possibly removed from office.

Section 3 Recusal

- A. Conflict of Interest — Should a conflict of interest arise, the Justice must make a full public disclosure to all involved parties of that interest and recuse themselves from all transactions potentially influenced by that conflict of interest.
- B. Recusal from a case entails not being present for closed sessions in which the case is discussed and not contributing in any way to the final outcome of the case in one's capacity as a member of the Judicial Branch.
- C. If a member of the Judicial Branch has been directly involved in the cause of action of a case being petitioned or considered, without exception, that person must recuse themselves.
- D. If a member of the Judicial Branch has previously been an active part of an organization but is no longer an active part of that organization, this information must be disclosed to the ASG Advisor, Chief Justice, and Parliamentarian. Should a case then arise involving said organization, the Justice must recuse themselves, or obtain the approval from at least two (2) of the three (3) people aforementioned to remain involved with the case. Should a case arise involving an organization in which the Chief Justice or Parliamentarian was involved, permission must be obtained by a majority of the Judicial Branch.
- E. If a member of the Judicial Branch is still active within an organization but not present for a cause of action or intentionally uninvolved with a cause of action, the member of the Judicial Branch shall either recuse themselves from any case involving said cause of action or obtain permission



from the majority of the Judicial Branch after disclosing all relevant information to the entire Judicial Branch. The Chief Justice must be included in this majority.

- F. If the Chief Justice is requesting to remain on a case involving a situation described within Article VI, Section 3D, the Parliamentarian must be among the majority that grants permission for the Chief Justice to remain on the case. Moreover, the Parliamentarian will assume the role of Acting Chief Justice for that case, and the Chief Justice will appoint another Justice to act as Acting Parliamentarian for that case.

ARTICLE VII. DISCRETION

Section 1 That Which is not Included.

- A. All other processes, actions, and decisions, which are not instructed by these official Judicial Branch Rules but pertain to the duties delegated to the Judicial Branch by the Associated Student Government Constitution and Bylaws may be determined at the discretion of the Chief Justice. All action(s) taken by the Chief Justice under this provision may be challenged by any member of the Judicial Branch in which case a simple vote of the other members of the Branch is required to overturn the Chief Justice's action(s).

ARTICLE VIII. AMENDMENTS TO THESE BYLAWS

Section 1 Any member of the Associated Student Government may submit a proposed amendment.



A. The proposed amendment requires a two-thirds ($\frac{2}{3}$) majority of the Judicial Branch to be approved.

Section 2 A two-thirds ($\frac{2}{3}$) majority of the ASG Student Senate shall be necessary for the adoption of an amendment to these Bylaws.

Section 3 Changes to these Bylaws do not apply to current cases on the docket.

ARTICLE IX. RATIFICATION

Section 1 Ratification of these Bylaws requires a two-thirds ($\frac{2}{3}$) majority vote by the Judicial Branch.

Section 2 Final ratification of the Bylaws will be effective upon a two-thirds ($\frac{2}{3}$) vote of the entire ASG Senate.