



THE AMERICAN UNIVERSITY STUDENT GOVERNMENT

The Judicial Register

Article I. Officers of the Judicial Board

Section 1. Chair of the Judicial Board

Subsection i. Selection

There shall be a Chair of the Judicial Board, jointly nominated by the President of Student Government and the Speaker of the Undergraduate Senate, with the approval of the Undergraduate Senate.

Subsection ii. Duties and Responsibilities

The Chair of the Judicial Board shall serve as the head of the Judicial Branch and shall preside over all meetings of the Judicial Board. The Chair of the Judicial Board shall also write all majority opinions for the Judicial Board and present all decisions made by the Chair or the full Judicial Board at the next scheduled Undergraduate Senate meeting.

Subsection iii. Powers and Privileges

The Chair of the Judicial Board shall be empowered to issue Judicial Orders towards any end they deem necessary for the operations of the Judicial Board, including but not limited to: the announcement of their clerical policies, the appointment of individuals to the Judicial Branch, the removal of individuals in Judicial Branch positions not confirmed by the Undergraduate Senate, and the creation of any positions or departments deemed necessary to advance the business of the Judicial Board.

Subsection iv. Interim Parliamentarian

During the absence or vacancy of the Parliamentarian of Student Government, the Chair of the Judicial Board shall serve the duties and responsibilities of the Parliamentarian.

Section 2. Vice Chair of the Judicial Board

Subsection i. Selection

There shall be a Vice Chair of the Judicial Board who shall be an Associate Member of the Judicial Board, selected by the Chair of the Judicial Board at the discretion of the Chair.

Subsection ii. Duties and Responsibilities

Besides the duties and responsibilities set forth for Associate Members of the Judicial Board, the Vice Chair of the Judicial Board shall act as the Interim Chair and execute the duties and responsibilities of the Chair of the Judicial Board during the vacancy or absence of the Chair. The Vice Chair of the Judicial Board shall write all majority opinions of the Judicial Board when the Chair of the Judicial Board is in the minority or when assigned by the Chair.

Subsection iii. Interim Parliamentarian

Should the Parliamentarian and the Chair of the Judicial Board be absent, the Vice Chair of the Judicial Board shall serve the duties and responsibilities of the Parliamentarian.

Section 3. Associate Members of the Judicial Board

Subsection i. Selection

There shall be four (4) Associate Members of the Judicial Board, including the Vice Chair of the Judicial Board: two (2) shall be nominated by the President of Student Government and two (2) shall be nominated by the Speaker of the Undergraduate Senate, all with the approval of the Undergraduate Senate.

Subsection ii. Duties and Responsibilities

Associate Members of the Judicial Board shall participate in Judicial Board actions and decisions unless excused by the Chair of the Judicial Board. The senior-most Associate Member of the Judicial Board shall write majority opinions when the Chair and Vice Chair of the Judicial Board are in the minority or when assigned by the Chair.

Subsection iii. Interim Parliamentarian

Should the Parliamentarian, Chair of the Judicial Board, and Vice Chair of the Judicial Board be absent, the longest-serving Associate Member of the Judicial Board shall serve the duties and responsibilities of the Parliamentarian.

Section 4. Inspector of Student Government

Subsection i. Selection

There shall be an Inspector of Student Government who shall be selected by the Chair of the Judicial Board and shall serve at the pleasure of the Chair.

Subsection ii. Duties and Responsibilities

The Inspector of Student Government shall serve as the head of the investigative authority of the Judicial Branch. They shall be charged with identifying violations of Student Government policy and raising them before the Judicial Board. The Inspector of Student Government shall be empowered to resolve informal disputes or informally recommend to Student Government officials how they may better adhere to Student Government policy without raising cases against them before the Judicial Board. The Inspector of Student Government shall submit a report outlining the facts and evidence before each formal hearing and shall take minutes during all physical meetings of the Judicial Board. The Judicial Board, by majority vote, shall be empowered to authorize formal investigations into any Government-related matters that are deemed appropriate, with the Inspector then being required to conduct such investigation. The Inspector must report back to the Judicial Board on any facts and evidence collected from the investigation, but it shall be up to the discretion of the Inspector on whether or not to file a formal inquiry with the Chair of the Board. Investigations may not be authorized into matters that the Board believes may involve violations of any university policy or local, state, or federal laws.

All Student Government members must fully comply with any investigation led by the Inspector.

Subsection iii. Vacancy

In the absence or vacancy of the Inspector of Student Government, the Chair of the Judicial Board shall execute the informal duties and responsibilities of the Inspector as described in subsection (ii). Because the Chair is a member of the Judicial Board, they may not formally raise cases before the Board.

Article II. Operations of the Judicial Board

Section 1. Final Authority

Subsection i. Governing Documents

The Judicial Board shall be the final authority on the Governing Documents of the Student Government. The Chair of the Judicial Board shall work with the Speaker of the Undergraduate Senate and the President of Student Government to make the most updated versions of the Governing Documents public.

Subsection ii. Judicial Register

This Judicial Register shall be considered a policy book and a legislative document. It shall be submitted to the Undergraduate Senate for approval on an annual basis anytime during the second semester of an academic year. The Undergraduate Senate may amend the Judicial Register outside this annual review cycle at any time with the approval of a majority of the Judicial Board or the Executive Board, so long as the amendments do not affect any pending judicial inquiry. At no point may anyone subject to the rules of Student Government lie to any member of the Judicial Board or the Judicial Branch when conducting official business.

Section 2. Meetings

Subsection i. Time, Place, and Manner

The Chair of the Judicial Board shall determine the time and place of all meetings of the Judicial Board as necessary to conduct business. The Chair of the Judicial Board may conduct business physically in person or through electronic communication.

Subsection ii. Quorum

Quorum for a meeting of the Judicial Board shall be defined as a majority. For business conducted electronically, Members of the Judicial Board will have 24 hours to respond before they are not counted as part of the quorum for a vote. The Chair of the Judicial Board may allow more time as appropriate or for Members who request an extension.

Subsection iii. Voting

The Judicial Board shall construct and approve a response with a majority vote. Business conducted with three (3) or fewer members of the Board participating in a decision shall require a unanimous decision among those participating.

Subsection iv. Proxies

The Chair and Associate Members of the Judicial Board may not be represented by proxies in any matter before the Judicial Board.

Subsection v. Speaking Rights

Members of the Judicial Board, the Parliamentarian of Student Government, the Inspector of Student Government, and relevant parties at the discretion of the Chair shall entertain speaking rights in any

physical meetings of the Judicial Board. Speaking rights shall be granted to any student or member of Student Government with a majority vote of the Judicial Board.

Section 3. Restrictions

Subsection i. Impartiality

All Members of the Judicial Branch, including Members of the Judicial Board, the Parliamentarian of Student Government, and the Inspector of Student Government must remain impartial at all times, may not run for elected office while holding their position, and may not be involved in any campaigning whatsoever. All Members of the Judicial Board shall recuse themselves from decisions where they will be unable to render a fair and impartial judgment.

Subsection ii. Confidentiality

Any business relating to judicial cases in progress shall be kept confidential until the Chair has either dismissed the inquiry or once the inquiry has been assigned to an informal or formal resolution at the discretion of the Chair. The Chair of the Judicial Board may conduct any business of the Judicial Board in private if deemed appropriate for reasons of confidentiality. No Member of the Judicial Board shall be allowed to make public any information deemed confidential by the Chair of the Judicial Board.

Subsection iii. Removal Authority

The Judicial Board may not remove any member from Student Government. The Undergraduate Senate shall have the final word on all removals from office.

Subsection iv. Interceding Authority

The Judicial Board may only intercede in a parliamentary dispute on appeal from an aggrieved party and only if the Committee on Rules and Privileges has rendered unfavorable judgment to said party.

Subsection v. Election Authority

No Member of the Judicial Board or Judicial Branch may know the results of any special or regular election prior to the certification by the Undergraduate Senate and the announcement by the Elections Commission.

Section 4. Formal Hearings

Subsection i. Call to Order

Only formal resolutions shall require a formal hearing. The Chair of the Judicial Board will determine the dates, times, locations, and procedures of formal hearings. Evidence, witnesses, and reports from all parties and the Inspector of Student Government must be submitted before a formal hearing at a time determined by the Chair of the Judicial Board.

Subsection ii. Report from the Inspector of Student Government

The Inspector of Student Government shall write a report briefing the Members of the Judicial Board on all facts, evidence, and potential violations before a formal hearing. The Inspector shall verbally report on such findings before oral arguments in a formal hearing.

Subsection iii. Oral Arguments

Both parties shall have five (5) minutes for initial presentation followed immediately by five (5) minutes of questioning by members of the Judicial Board. Time may be extended by a majority vote of the Judicial Board. Both parties shall be represented by no more than two (2) students who shall both have speaking rights during a formal hearing.

Subsection iv. Additional Questioning

The Judicial Board shall have ten (10) minutes for additional questioning for either side or for questioning for the Inspector of Student Government. Time may be extended by a majority vote of the Judicial Board.

Subsection v. Closing Arguments

Both parties shall have five (5) minutes for closing arguments. Time may be extended by a majority vote of the Judicial Board.

Subsection vi. Closing Report from Inspector of Student Government

The Inspector of Student Government shall verbally report again after oral arguments. Time may be extended by a majority vote of the Judicial Board.

Subsection vii. Adjournment

The Judicial Board will meet to construct and approve a response with a majority vote.

Article III. Process of the Judicial Board

Section 1. Submission

Subsection i. Jurisdiction

The Judicial Board shall be empowered to hear all questions related to the Governing Documents, procedures, and policies of the Student Government. The Chair of the Judicial Board shall decide whether

an inquiry shall be considered non-binding or binding as well as whether a decision shall be considered through an informal or formal resolution.

Subsection ii. Standing

Any student or member of Student Government may submit an inquiry to the Chair of the Judicial Board for consideration. All submissions shall include questions for consideration and evidence underlying the inquiry. All parties to a case must be made public unless reasonable fear of retaliation can be shown at the discretion of the Chair of the Judicial Board.

Subsection iii. Acceptance or Dismissal

The Chair of the Judicial Board shall determine to accept or dismiss inquiries based on sufficient merit. Dismissal may be authorized based on either a lack of merit, a lack of jurisdiction, or the presence of an anonymous inquiry, which cannot be adjudicated.

The Chair may dismiss inquiries after initial acceptance with the consent of both parties involved, but must be before any hearing or conference has taken place.

Subsection iv. Official Inquiry

Only inquiries submitted on the American University Student Government website will be considered an official inquiry. The Chair of the Judicial Board may make an unofficial inquiry an official inquiry based on merit.

Section 2. Types of Inquiries

Subsection i. Non-binding Decisions

- A. *Advisory Inquiries*: These inquiries shall be initiated by any member of Student Government seeking interpretation of the Governing Documents. The Chair of the Judicial Board shall be empowered to review and decide the non-binding advisory inquiry within three (3) days of submission. Standing shall not be required for parties submitting an Advisory Inquiry. No hearing shall be required for Advisory Inquiries. No appeals may be made to non-binding Advisory Inquiries, but parties may submit any binding decision inquiry to the Judicial Board, which shall supersede any non-binding decision made by the Chair of the Judicial Board. Opinions issued under this subsection shall be classified as Advisory Opinions.
- B. *Judicial Notices*: These inquiries shall be initiated by the Chair of the Judicial Board in order to clarify an interpretation of the Governing Documents. No appeals may be made to non-binding Judicial Notices, but parties may submit binding decision inquiries to the full Judicial Board, which shall supersede any non-binding decision made by the Chair of the Judicial Board. Judicial Notices may not nullify any act or Governing Document of Student Government. Opinions issued under this subsection shall be classified as Judicial Notices.

Subsection ii. Binding Decisions

- A. *Parliamentary Inquiries*: These inquiries shall be questions pertaining to parliamentary procedure of the Undergraduate Senate. The Judicial Board shall serve as the final appellate authority over parliamentary rulings of the Parliamentarian, Speaker, and the Committee on Rules and Privileges. Parliamentary Inquiries shall be decided within five (5) days of submission. Opinions issues under this subsection shall be classified as Parliamentary Opinions.
- B. *Judicial Inquiries*: These inquiries shall be questions pertaining to the Governing Documents of Student Government. Judicial Inquiries shall be decided within five (5) business days of submission. Opinions under this subsection shall be classified as Judicial Opinions and may be used by the Judicial Board to offer binding interpretations, adjudicate an inquiry alleging a violation of the Governing Documents by a member of the Government, or to rule a particular action, legislation, or executive order in violation of the Governing Documents.
- C. *Election Inquiries*: These inquiries shall be questions pertaining to the interpretation, administration, and adjudication of the Student Government election cycle and the Elections Policy Book. The Inspector of Student Government shall be empowered to resolve Election Inquiries through informal resolutions. The Judicial Board shall serve as the final appellate authority over election rulings of the Elections Commission Policy Board. Election Inquiries shall be given a response within twenty-four (24) hours and decided within five (5) days of submission. Opinions issued under this subsection shall be classified as Election Opinions.

Subsection iii. Opinions and Dissents

- A. *Opinions*: All opinions and decisions of the Judicial Board shall be filed with the Secretary for publication and presented to the Undergraduate Senate at the next regularly scheduled meeting by the author of the decision or a designee of theirs. Decisions shall be authored by the Chair of the Judicial Board unless they are in the minority. If this is the case, the Vice Chair shall author

the decision unless they are in the minority as well. If this is the case as well, then the decision shall be authored by the most senior Associate Member in the majority. Opinions must fully explain the logic behind as well as the ramifications of the decision, citing all appropriate and relevant clauses of the Governing Documents.

- B. Dissents: Dissents shall be permitted under this Register, and may be authored by any member(s) of the Board that find themselves in the minority. Dissents must fully explain the logic behind the disagreement(s) with the opinion, and if relevant, the areas in which the minority agree with the decision. Dissents must be filed with the Secretary for publication and shall be presented at the next regularly scheduled meeting of the Undergraduate Senate.

Section 3. Types of Resolutions

Subsection i. Informal Resolution

For cases assigned to Informal Resolution, the Chair of the Judicial Board and/or the Inspector of Student Government shall meet with all parties to discuss a mutually agreeable solution that all parties agree on. If no mutually agreeable solution can be rendered, the Inspector of Student Government shall impartially decide a solution with the Chair of the Judicial Board. Informal Resolutions can be appealed as a Formal Resolution.

Subsection ii. Formal Resolution

For cases assigned to Formal Resolution, the Chair of the Judicial Board shall convene the full Judicial Board within five (5) business days of assignment for a hearing. All sides shall have equal time to present evidence and arguments. Members of the Judicial Board shall then have time for questioning all parties. Formal Resolutions cannot be appealed.

Section 4. Types of Sanctions & Remedies

Subsection i. Public Apology

The Judicial Board shall be empowered to order a student to publicly apologize for any violations, which shall be read at the next scheduled Undergraduate Senate meeting.

Subsection ii. Subpoena

The Judicial Board shall be empowered to issue subpoenas of any member of Student Government or election campaigns. The Chair of the Judicial Board may issue subpoenas outside of inquiry submissions when appropriate. Subpoenas are limited to accessing the contents of emails, documents (both physical and electronic), and conversations related to the issue. Any emails sent from or to an official Student Government email account, as well as those sent to any email account set up specifically for running a campaign for Student Government, are within the jurisdiction of a subpoena. Conversations that take place in Student Government spaces or events are within the jurisdiction of a subpoena. Text messages and phone call records are not within the jurisdiction of a subpoena.

Subsection iii. Specific Performance

The Judicial Board shall be empowered to order specific performance on a party to carry out. The Chair of the Judicial Board may order specific performances outside of inquiry submissions when appropriate. These orders shall be classified as Performance Orders.

Subsection iv. Injunctions

The Judicial Board shall be empowered to order injunctions in situations of crisis, emergency, or in the event of an action is deemed contradictory to the Governing Documents. The Chair of the Judicial Board may order injunctions outside of inquiry submissions when appropriate.

Injunctions may be used to halt the execution or administration of a piece of legislation, executive order, or any action that the Chair or the Board deems contradictory to the Governing Documents.

Following the issuance of an injunction from the Chair, the Judicial Board shall be required to convene within five (5) business days to either uphold the injunction or reject it thereby null and voiding it immediately.

Any student may request of the Chair or the Board the issuance of an injunction.

Subsection v. Temporary Suspension

The Judicial Board shall be empowered to temporarily suspend members of Student Government and election campaigns for any period of time not to exceed a period of time equal or greater than the term of the member's position, or until the Undergraduate Senate itself reinstates or removes the member beforehand.

Subsection vi. Removal Request

The Judicial Board shall be empowered to request the removal of a member of Student Government. Such a request will not automatically trigger impeachment or censure proceedings.

Subsection vii. Other

The Judicial Branch shall be empowered to use other means of sanctions and remedies as long as the sanction does not permanently remove a member of Student Government.

Subsection viii. Elections

The Judicial Board shall be empowered to use means of sanctions and remedies as outlined in the Elections Policy Book for election inquiries. The Judicial Board may not decertify or certify races.

Subsection ix. Governing Document Correction Recommendations

The Judicial Board, either in or outside of inquiry submissions and with unanimous consent, may alert the Undergraduate Senate and the Student Government to potential Governing Document inconsistencies that they believe need to be addressed in the interest of the policies and procedures of the Student Government.

Subsection x. Contempt of the Board

Any member of the Student Government that does not comply with any lawful Judicial Board action, including but not limited to subpoenas, injunctions, or decisions, shall be subject to be found in contempt of the Board by a majority vote of the Board. If a member is found to be in contempt, they shall immediately enter a period of a one-week suspension and the Board shall be empowered to hold a hearing on the case of the contempt. Should the Board convene a meeting, it must occur during the period of the member's suspension.

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