



The Judicial Council of ASUCR

Rules of Procedure

Version 2.1

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Preamble

Introduction

The Judicial Council Rules of Procedure are directly subordinate to the ASUCR Constitution, and govern the membership, meetings, operations, procedures, evidence rules, and other aspects of the Judicial Branch of ASUCR. They are intended to be public and a living document. All members of the Associated Students are always welcome to suggest changes to the Rules of Procedure. They are intended to set up rules for fair adjudication of all matters that fall in the jurisdiction of the Judicial Council. The Judicial Council retains the power to amend these Rules of Procedure, but it will always be done in an open meeting, and there will be advance notice to the ASUCR community so that it has time to review these amendments, to ensure maximum transparency.

The ASUCR Judicial Branch Mission Statement

The ASUCR Judicial Branch is the branch of ASUCR charged with adjudicating any conflicts, violations, inconsistencies, and clarity issues with the actions and documents of ASUCR. It intends to be an efficient branch while still doing its due diligence in fairly evaluating all evidence and documents. It intends to be as transparent as it can be. The members of the ASUCR Judicial Branch will be upstanding UCR students, and will set an example not only for the other student representatives of ASUCR but for UCR and the community as a whole.

Title I: Membership

1. This shall define and govern the membership of the Judicial Branch of ASUCR.
2. Judicial Branch: Definition
 - a. The Judicial Branch shall be defined as all members of the entire branch of government that is responsible for the adjudication of cases, along with the support staff of such.
 - b. Therefore, the Judicial Branch shall be defined as all of the Justices who are installed by the Senate, and the staff members appointed by the Justices, and any fellows or any other personnel who support the mission of the Judicial Branch.
3. Judicial Council: Definition
 - a. The Judicial Council shall be defined as the six (6) Justices.
 - b. There shall be four (4) Associate Justices, one (1) Vice Chief Justice, and one (1) Chief Justice.
 - i. The Vice Chief Justice and the Chief Justice shall be elected by the Judicial Council. This election shall be governed by the process herein.
 - ii. The Chief Justice shall have been a Justice in the prior year, without exception, per the ASUCR Constitution. The Vice Chief Justice shall have been a Justice in the prior year, except when there are no eligible Justices under this rule, in which it shall be allowed.
4. Judicial Staff: Definition
 - a. The Judicial Staff shall be defined as the staff members who support the mission of the Judicial Branch.

- b. These staff members shall consist of one (1) General Advocate, and one (1) Secretary of the Court.
 - c. These staff members shall be nonvoting members of the Judicial Branch, shall not participate in questioning during hearings or deliberations unless specifically requested by the Judicial Council, and shall serve at the pleasure of the Judicial Council.
5. Judicial Fellows: Definition
- a. The Judicial Fellows shall be defined as the members of the Judicial Branch who are serving primarily to gain experience in the workings of the Judicial Branch and to better understand the mission of the Judicial Branch and of ASUCR in general.
 - b. There may be up to three (3) Judicial Fellows at any given time.
 - c. These Judicial Fellows shall serve primarily under one Judicial Council or Judicial Staff member, and this Council or Staff member shall be responsible for his or her development and performance evaluation. These Judicial Fellows shall be nonvoting members of the Judicial Branch, shall not participate in questioning during hearings or deliberations unless specifically requested by the Judicial Council, and shall serve at the pleasure of the Judicial Council.
6. Associate Justice: Job Description
- a. Associate Justices shall have the adjudicatory responsibilities of ASUCR.
 - b. Associate Justices shall vote on whether to accept or reject all cases, constitutional challenges, requests for judicial review, and all other instances of the need for the official opinion of the Judicial Council.
 - c. Should the instance be accepted, Associate Justices shall at minimum review the documents and/or evidence, deliberate with the other Justices, and make a decision.
 - d. Associate Justices shall abide by all ASUCR, UCR, and UC policies, in addition to all local, state, and federal laws, that may come up in the performance of their duties.
7. Vice Chief Justice: Job Description
- a. The Vice Chief Justice shall have all of the duties of an Associate Justice, plus the following additional duties.
 - b. The Vice Chief Justice shall hold, at minimum, one (1) fifty (50) minute office hours session in the Judicial office, once per week, during every week of the regular academic year.
 - c. The Vice Chief Justice shall assume any of the duties of the Chief Justice if he or she is absent or otherwise unable to fulfill his or her duties.
8. Chief Justice: Job Description
- a. The Chief Justice shall have all of the duties of an Associate Justice, plus the following additional duties.
 - b. The Chief Justice shall hold, at minimum, one (1) fifty (50) minute office hours session in the Judicial office, once per week, during every week of the regular academic year.
 - c. The Chief Justice shall chair all official meetings of the Judicial Council. He or she shall have the final say on all interpretations of Robert's Rules of Order.
 - d. The Chief Justice shall be the custodian of all financial matters of the Judicial Council, including but not limited to signing requisitions, drafting a budget for approval by the Judicial Council, and ordering necessary items.

- e. The Chief Justice may temporarily, or for the balance of the year, delegate any of his or her duties to another member of the Judicial Council, or to the Judicial Council as a whole, at his or her discretion.
9. General Advocate: Job Description
 - a. The General Advocate shall be the Judicial Council's liaison between it and the rest of ASUCR.
 - b. He or she shall communicate decisions, subpoenas, hearing locations and times, and other matters to the necessary parties, unless this duty is delegated to another person, either herein or by the Judicial Council.
 - c. He or she shall attend meetings of the ASUCR Senate, unless excused by the Judicial Council.
 - d. He or she shall perform other duties related to the communication and smooth operation of the link between the Judicial Branch and the other two branches, as the Judicial Council sees fit.
10. Secretary of the Court: Job Description
 - a. The Secretary of the Court shall draft meeting agendas and minutes for all official meetings of the Judicial Council, and release these for publication on the ASUCR website when they are finalized by a majority vote of the Judicial Council.
 - b. The Secretary of the Court shall be responsible for the maintenance of all official records of the Judicial Council, whether on paper or on the computer.
 - c. The Secretary of the Court shall be responsible for booking rooms for the Judicial Council's meetings, and obtaining any other space or materials that are needed for the meetings.
11. Judicial Council Fellows: Job Description
 - a. The Judicial Council Fellows shall perform duties related to the support of the mission of the Judicial Branch, as the Judicial Council and/or his or her supervisor sees fit.
12. Attendance Regulations
 - a. All members of the Judicial Council, the General Advocate, and the Secretary of the Court must be present at all official meetings.
 - i. With three (3) days' notice, the Chief Justice may require any other member of the Judicial Council to be present, so long as there is no conflict with the member's class or work schedule.
 - ii. This applies even if the member is under censure. However, Automatic Leave shall free the member of his or her attendance obligations for the duration of the Automatic Leave.
 - b. Attendance Waivers
 - i. An Associate Justice or a non-Judicial Council member of the Judicial Branch can be waived by the Chief Justice, the Vice Chief Justice plus one Associate Justice other than the Justice seeking the waiver, or by three Associate Justices other than the Justice seeking the waiver.
 - ii. The Vice Chief Justice can be waived by the Chief Justice or by three Associate Justices.
 - iii. The Chief Justice can be waived by the Vice Chief Justice plus one Associate Justice, or by three Associate Justices.

- iv. Acceptable reasons for waiver shall be at the discretion of the person(s) issuing the waiver.
- v. The waiver shall be issued before the absence if at all possible, but if extenuating circumstances prevent this, the waiver can be retroactively issued.
- vi. An attendance waiver shall prevent the absence from being counted against the number of absences to subject the member to dismissal or to be automatically dismissed. The attendance waiver shall not, however, prevent the absence from causing the loss of a right to vote, as outlined herein.
- c. Loss of Voting Right Due to Absence
 - i. The Judicial Council recognizes the importance of a Justice being present for all meetings, but especially recognizes that it is not in the interest of parties involved for a Justice to be absent from a hearing or deliberations of a case and then to vote on the case.
 - ii. Therefore, when a Justice is absent from a hearing or deliberations of a case, the Justice shall lose his or her ability to vote on the decision of the case.
 - iii. If the absence was not waived, the voting right cannot be reinstated. If the absence was waived, the Judicial Council can reinstate the voting right of the member for the case if all other Justices are in unanimous agreement that the voting right should be reinstated.
- d. After missing three (3) official meetings without waiver, the member shall be subject to dismissal by a majority vote, not including the member in question. After missing five (5) official meetings without waiver, the member shall be automatically dismissed.
 - i. This standard shall be applied across the entire academic year, beginning the day after the last day of commencement, and ending the last day of commencement.
- 13. Requirements of All Members of the Judicial Branch
 - a. All members of the Judicial Branch must be a student in good academic and conduct standing with UCR, however that is defined by the Office of the Registrar and/or the member's College.
 - b. All members of the Judicial Branch are also subject to the regulations placed on members of ASUCR by the bylaws relating to Automatic Leave.
- 14. Restrictions on Members of the Judicial Branch
 - a. Members of the Judicial Branch must refrain from campaigning for or publicly supporting any candidate during any ASUCR election. Additionally, members of the Judicial Branch shall not be eligible to run for office in an election during their time of service. Additionally, members of the Judicial Branch shall not be eligible to serve on the Elections Committee.
 - b. Members of the Judicial Branch shall not hold an official or staff position in either of the other two branches. They shall not hold any other position that is paid by ASUCR.
 - i. This shall not be construed to mean that members of the Judicial Branch cannot participate in committees of ASUCR (other than the Elections Committee) or other committees in which ASUCR has control over the membership. Members of the Judicial Branch are encouraged to get involved in ASUCR, and in UCR as a whole, as much as they can without compromising their ability to adjudicate fairly.

15. Removal of Members of the Judicial Branch
 - a. For members other than Justices, removal will be the result of a majority vote by the Judicial Council, in the case of malfeasance or dereliction of duty.
 - b. For the Judicial Council, removal will follow the procedure outlined in the Constitution, Article VI, Section G.
 - c. Any member of the Judicial Branch can also be removed as a result of the accumulation of enough strikes through the ASUCR Penal System, or for poor attendance, both as described within this document.

Title II: Meetings

1. This shall govern the meetings of the Judicial Council.
2. Voting Rights
 - a. Members of the Judicial Council, as defined by this document, shall each exercise one vote in all matters.
 - i. This vote shall not count for or against the motion in question if the voting member is under censure, but the voting member shall still be allowed to vote for the record.
 - ii. A member shall be subject to loss of voting right due to absence through the procedures outlined previously in this document.
 - b. Members of the Judicial Branch who are not members of the Judicial Council, as defined by this document, shall not exercise any vote at any time.
 - c. Members of the Judicial Council shall have the ability to recuse themselves in cases in which they have a personal interest that they feel may affect their ability to fairly adjudicate the case.
 - i. If another member feels that Justice should recuse themselves but the Justice does not, the member may bring it to the attention of the entire Judicial Council through a motion to recuse the Justice. This motion requires a second, and normal debate will take place. The Judicial Council shall vote on the motion, and the member in question shall have his or her vote recorded as an abstention. A majority of the remaining members of the Judicial Council shall be sufficient to recuse the Justice.
 - ii. If the Judicial Council has one or more recusals for a case, the meetings which primarily concern that case shall not be subject to quorum requirements.
3. Quorum
 - a. Quorum shall be defined as four Justices when there are at least four Justices with active terms. In circumstances where there are three or fewer Justices with active terms, due to vacancies in the Judicial Council, quorum shall be defined as all Justices with active terms.
 - b. Quorum shall be required for all regular weekly meetings. Quorum shall also be required whenever a hearing is on the agenda, or whenever a vote could take place that day to decide on a matter brought before the Judicial Council.
 - c. Quorum shall specifically be required for non-regular, primarily administrative meetings, including but not limited to interviews, discussion of interviewees that will not lead to a vote that meeting, or discussions of budgets.
4. Meeting Procedures

- a. An agenda will be drafted by the Secretary of the Court or designee at least twenty four (24) hours before the meeting, and this agenda will be posted, at minimum, on the outside of the door of the Judicial Branch office, at least four (4) hours before the regularly scheduled meeting. This agenda will be a draft until it is approved at the beginning of the meeting for which it is written.
 - i. It is encouraged that the Judicial Branch follow this section for all meetings, but only required for regularly scheduled meetings.
 - ii. Each meeting of the Judicial Council shall begin when there is quorum or when it is the scheduled time of the meeting, whichever comes later.
- b. Meetings shall adhere to Robert's Rules of Order in all cases not specified within these Rules of Procedure.
- c. A roll call shall be taken by the Chief Justice or designee. He or she shall read the name of each member required to be at the meeting, and the member shall respond if present. A list of names of all other attendees shall be taken by the Secretary of the Court, if practical. However, at minimum, all attendees who speak at the meeting shall have his or her name recorded by the Secretary of the Court.
- d. Other ASUCR officials, staff members or fellows shall be allowed to have a specifically allotted time to speak, if they contact the Judicial Council, at minimum, forty eight (48) hours in advance of the meeting at which they wish to speak. Based on the issue and the amount of time available, the Chief Justice will assign a specific number of minutes to the speaker, and will notify the speaker and place the item in the agenda.
- e. An amount of time for public comment will be available at each regularly scheduled meeting. Each speaker will be allowed to speak for three (3) minutes.
 - i. The Judicial Council may extend this time by a simple motion if it feels there is merit.
 - ii. The Judicial Council may also limit the number of speakers in public comment at its own discretion, but it will always allow at least three (3) speakers to speak.
- f. Minutes will be taken at all official meetings, including the closed session part of any meeting, or in meetings which are without open session. However, the closed session minutes will not be available to the public.
 - i. It is acceptable for the Judicial Branch to record the meeting using an audio recording device and take minutes at a later time, when listening to the recording.
- g. The Chief Justice, or Justice acting in the temporary capacity of Chief Justice, shall have the right to either move the meeting to closed session or to eject specific attendees (not to include other Judicial Branch members) for disruptive behavior, at his or her own discretion.
 - i. This can be overridden only if all other present members of the Judicial Council object.

Title III: General Operational Procedures

- I. Confidentiality
 - a. This shall govern the Judicial Branch in relation to the confidentiality of its documents, discussions, evidence, and other items.
 - b. Motion to Seal

- i. Any Justice can propose a Motion to Seal any official court document, when the Justice feels that it is necessary and proper. This motion shall only need a second to be put into place.
 - c. Mandatory Confidentiality
 - i. When an ASUCR, UCR or UC policy, or a local, state, and/or federal law, requires the confidentiality of an item, the item is sealed by default and Judicial Branch members keep this piece of information confidential.
 - ii. When possible, the Judicial Branch will redact the confidential information from the document and release the rest. However, this will only happen if it is possible to redact a piece or pieces of the document and release it without providing only one logical conclusion for what the redacted information contains.
 - d. Sealed Items
 - i. A document, discussion, piece of evidence, or other item that is sealed shall not be discussed with anyone without a legitimate need-to-know outside of the Judicial Branch.
 1. This necessitates that all discussions of the item must be in closed session.
 - e. Declassifying an Item from Sealed Status
 - i. Any Justice can propose a Motion to Declassify an Item from Sealed Status, when the Justice feels it is necessary and proper. This will require a second and a majority vote.
 - ii. Justices do not have the ability to declassify an item from sealed status that was sealed as a result of mandatory confidentiality, unless the policy for which it was sealed is changed.
2. Administrative
 - a. This shall govern the Judicial Branch's administrative matters.
 - b. Office Policies
 - i. The Judicial Branch office shall be available to all members of the Judicial Branch for matters related to official ASUCR or UCR business.
 - ii. The Chief Justice and the Vice Chief Justice shall be required to have office hours in accordance with the aforementioned policy. All other members of the Judicial Branch are encouraged but not required to have office hours.
 - iii. Computer
 1. The computer shall be managed by any Justice.
 2. Each member of the Judicial Branch will have the option of using the common Judicial Branch account, or to use their own personal account, on the computer.
 3. The member shall not use the computer to engage in any illegal or morally reprehensible activity, or to participate in the elections process.
 4. Printing is allowed only for official business.
 - c. Budget
 - i. The Chief Justice shall draft a budget each Spring for the following year, and present it to the Judicial Council for recommendations.

1. The staff members of the Judicial Branch shall be able to make recommendations but not vote.
 2. The Judicial Council shall adopt a final budget by majority vote.
 - ii. The Chief Justice shall be the authorized signature for all Judicial Branch requisitions.
 1. The Vice Chief Justice may be designated as the authorized signer instead, but this must be authorized in advance, in writing, with approval of a majority of the Judicial Council. This authorization must be given to the ASUCR Financial Operations Manager and the Vice President of Finance.
 - iii. This budget and the budgeting process shall be in accordance with all ASUCR budget policies. In any case of conflict over budget between these Rules of Procedure and the ASUCR Finance Bylaws, the Finance Bylaws shall prevail.
3. Case Management
 - a. This shall govern the management of the Judicial Council caseload.
 - b. Assignment of a Docket Number
 - i. Each request received by the Secretary of the Court will be assigned a docket number.
 - ii. This docket number shall start with the academic term abbreviation, such as S16 for Spring Quarter 2016. It then shall list an abbreviation for the type of case. Then, it shall list the filing number, starting with 1 each quarter. This filing number shall not differentiate between different types of cases.
 - iii. The following shall be the abbreviations for each type of case:
 Complaint Against an ASUCR Official - C
 Constitutional Challenge to a Statute - CC
 Judicial Review - JR
 Elections Violation - EV
 Automatic Leave Waiver- AC
 Other Type of Case - ZZ
 Appeals shall be assigned the same abbreviation but with an A at the end of the abbreviation.
 - iv. Examples:
 Fall 2015, Complaint Against an ASUCR Official Appeal, 5th request filed for the quarter: F15-CA-5
 Winter 2016, Judicial Review, 11th request filed for the quarter: W16-JR-11
 - c. Storage of Case Documents
 - i. If the case is filed electronically, the Secretary of the Court shall distribute the case and all related documents via email to all of the Justices.
 - ii. If the case is filed on paper, the Secretary of the Court shall scan the documents and distribute the case and all related documents via email to all of the Justices.
 - iii. Paper documents should be destroyed when the case has been decided, once it has been confirmed they are stored electronically.
4. Elections, Recall, Nominations and Appointments
 - a. This shall govern the Judicial Branch's elections, recall, nominations, and appointments of ASUCR officials.

- b. Election of the Chief Justice
 - i. The Chief Justice shall be selected by the Judicial Council before the end of the academic year, for a term effective the day after the last day of Commencement and ending on the last day of Commencement of the following year.
 - ii. The Justice shall announce the intent to seek the position, and shall give a brief overview of why he or she wants to be the Chief Justice, and will take questions from the rest of the Judicial Council.
 - iii. The vote will be a closed ballot vote. The candidate(s) shall be allowed to vote. A plurality of votes shall win the position.
 - iv. The Chief Justice Elect shall notify the ASUCR Senate, the ASUCR President, and the ASUCR professional staff promptly of his or her appointment.
- c. Election of the Vice Chief Justice
 - i. The Vice Chief Justice shall be selected by the Judicial Council, for the current academic year, no later than the third official meeting (with quorum present) of the Judicial Council of the academic year, for a term effective immediately and ending the last day of Commencement.
 - ii. The Justice shall announce the intent to seek the position, and shall give a brief overview of why he or she wants to be the Vice Chief Justice, and will take questions from the rest of the Judicial Council.
 - iii. The vote will be a closed ballot vote. The candidate(s) shall be allowed to vote. A plurality of votes shall win the position.
 - iv. The Vice Chief Justice shall notify the ASUCR Senate, the ASUCR President, and the ASUCR professional staff promptly of his or her appointment.
- d. Recall of Chief Justice or Vice Chief Justice
 - i. Recall of the Chief Justice or Vice Chief Justice may become necessary if it is apparent that the Justice is not performing the additional duties associated with the leadership position in a satisfactory manner. A successful vote to recall the Chief Justice or Vice Chief Justice shall result in demotion to an Associate Justice.
 - ii. Any member of the Judicial Council may entertain a motion to recall the incumbent Chief Justice or Vice Chief Justice. This motion must be done in closed session, and will require a second.
 - iii. Each member of the Judicial Council shall be allowed three (3) minutes to speak for or against the recall on the table.
 - iv. When everyone has had a chance to speak, there will be a closed ballot vote.
 - v. If a plurality of the Judicial Council votes to recall the member, the member shall have his or her title revoked and election of a new Chief Justice and/or Vice Chief Justice shall take place at the next regularly scheduled Judicial Council meeting.
 - vi. If a plurality of the Judicial Council votes against the recall of the member, the matter may not be brought up again for the duration of the quarter.
 - vii. In the event of a tie, the default shall be to not recall the member, but the provision of the matter not being brought up again for the duration of the quarter shall not apply.
- e. Staff Members/Judicial Fellows

- i. The Justices shall select candidates to interview through an application process, and will interview the candidates using any method convenient. This application must be advertised to the entire ASUCR community. A quorum is not required for interviews.
 - ii. The Justices shall meet in closed session to deliberate the candidates.
 - iii. The vote will be a closed ballot vote. A plurality of votes shall win the position.
 - iv. The Judicial Council also has the ability to reappoint a candidate who has served in the past.
 - v. The Chief Justice shall notify the ASUCR Senate, the ASUCR President, and the ASUCR professional staff promptly of the staff/Judicial Fellow appointment.
- f. Other Appointments/Nominations
- i. At times, the Judicial Council must either nominate or appoint candidates for other positions, as provided in the Constitution, Bylaws, or as requested by the ASUCR President.
 - ii. The Justices shall select candidates to interview through an application process in which the Judicial Council shall have oversight, and will interview the candidates using any method convenient. This application must be advertised to the entire ASUCR community. A quorum is not required for interviews.
 - iii. The Justices shall meet in closed session to deliberate the candidates.
 - iv. The vote will be a closed ballot vote. A plurality of votes shall win the nomination or appointment.
 - v. The Chief Justice shall notify the ASUCR Senate, the ASUCR President, and the ASUCR professional staff promptly of the nomination or appointment.

Title IV: Penal System

1. This shall govern the ASUCR Penal System, which is administered by the Judicial Branch.
2. Applicability
 - a. The ASUCR Penal System shall apply to all members of ASUCR, including elected members, appointed members, student staff, fellows, interns, and anyone else who falls under the purview of the Judicial Council.
3. Allocation
 - a. The Judicial Council shall have the sole authority to allocate strikes, and to decide on all matters relating to the allocation of strikes.
 - b. As with all Judicial Council action, the allocation of strikes is final unless reversed by subsequent action of the Judicial Council.
4. Strike System
 - a. Strikes are a way of assigning differing levels of corrective action based on the severity of a breach of the rules. Therefore, the Judicial Council does not have strike allocation guidelines, as the allocation will be based on the facts of the matter.
 - b. Strikes will most often be assigned as a result of a guilty verdict in a case against a member of ASUCR. However, the Judicial Council has the authority to assign strikes in other situations when it feels it is necessary and proper. In situations where strikes are assigned as a result of something a guilty verdict, the notification of strikes assigned will be accompanied by a written explanation.

- c. Strikes shall remain with the member of ASUCR for the duration of his or her term.
 - i. This shall not apply to the Judicial Council, since it is the only position that has a two year term. For the Judicial Council, strikes shall reset for each member the day after the last day of commencement.
- d. A member who accumulates three strikes will be subject to a six week censure, and will lose any applicable pay and voting rights for those six weeks.
- e. A member who accumulates five strikes will be subject to immediate removal.

Title V: Cases

I. General Provisions

- a. The processes for types of cases that will normally be heard by the Judicial Council are outlined herein. For unusual types of cases that are accepted, the Judicial Council will use its discretion to best hear the case, using the general guidelines set by the procedure for other types of hearings.
- b. The Judicial Council reserves the right to deny the hearing of a case for any reason whatsoever, or for no reason at all.
- c. The Petitioner(s) and Respondent(s) of a case will not be entitled to representation by anyone else at any time, including but not limited to legal counsel, a Dean of Students case manager, or another student.
 - i. The only exception to this will be if there are multiple Petitioners and/or Respondents on a single case. In this case, each side will have the option to select one person to represent all Petitioners and/or Respondents, but this person be one of the respective Petitioners or Respondents and be a third party.
 - ii. While the Judicial Council can prevent the Petitioner(s) and/or Respondent(s) of a case from being represented by a third party in a hearing or in official interactions with the Judicial Council, it recognizes that it is the individual's prerogative to consult anyone they feel they need to consult in preparation for a hearing, and the Judicial Council cannot prevent this nor does it desire to do so.

2. Complaint Against an ASUCR Official

- a. This shall govern the procedures for a Complaint Against an ASUCR Official.
- b. Submission of Complaint
 - i. The Petitioner will submit the Complaint to the Secretary of the Court and the Secretary of the Court will receive it.
 - ii. The Complaint should outline the specific statutes the official has violated (the charges).
- c. Acceptance/Denial of the Complaint
 - i. The Judicial Council shall review the Complaint and make a decision by majority vote on whether to accept the Complaint and go to trial.
 - 1. In a tie, the Judicial Council will default to an acceptance of the Complaint and a move forward to trial.
 - ii. If the Judicial Council accepts the Complaint, the Complaint will move forward to trial.

1. The Judicial Council will promptly notify the Petitioner and Respondent by issuing a Summons, as outlined herein.
 - iii. If the Judicial Council denies the Complaint, the Chief Justice or designee will issue a Summary Judgement on behalf of the Judicial Council. This simply states that the Judicial Council did not find that the Complaint contained sufficient merit to be accepted and to move forward to trial.
 - d. Arraignment
 - i. The Judicial Council shall issue a Summons to the Petitioner and Respondent to appear at the date and time of the arraignment. This summons shall be with at least three (3) business days' notice.
 1. If an individual named on the Summons cannot appear at the date and time listed on the Summons, the individual shall file a Motion to Change Trial Date with the Judicial Council, and the Chief Justice or designee shall work with the individual to find a suitable solution.
 - ii. On the date of the arraignment, the Chief Justice or designee shall read to the Court which statutes the Respondent is accused of violating. The Petitioner shall be asked whether he or she still wishes to pursue the charges. If the Petitioner responds in the affirmative, then the Chief Justice or designee shall ask the Respondent to enter a plea.
 1. In a guilty plea, the Chief Justice or designee shall declare the Respondent guilty, and the Judicial Council will deliberate on sentencing for the Respondent.
 2. In a not guilty plea, the Judicial Council shall set the date and time of the hearing, either at the arraignment or a reasonable amount of time after.
 3. The plea of _____, or "no contest", is not available in arraignments in the Judicial Council.
 - e. Hearing
 - i. The Chief Justice or designee shall call the Court to order.
 - ii. Opening Argument
 1. The Petitioner will have five (5) minutes for his or her opening argument, and the Respondent will then have five (5) minutes for his or her opening argument.
 - iii. Witnesses
 1. The Petitioner, and then the Respondent, will have each ten (10) minutes total to question their respective witnesses.
 2. After each witness, the Judicial Council will pause the time to allow itself to ask questions of the witnesses.
 3. After the Petitioner's witnesses are questioned by the Petitioner, the Respondent will have two (2) minutes per witness to cross examine. After the Respondent's witnesses, the Petitioner will receive the same opportunity.
 4. After each cross examination, the Judicial Council will give itself another opportunity to question the witnesses.
 - iv. Closing Argument

- iii. If the Judicial Council accepts the request, the request will move forward to analysis and deliberations.
- iv. If the Judicial Council denies the request, the Chief Justice or designee will issue a Notice of Denial of Request for Judicial Review on behalf of the Judicial Council. This simply states that the Judicial Council did not find that the request contained sufficient merit to be accepted and to move forward to analysis and deliberations.
- d. Analysis and Deliberations
 - i. All deliberations shall be in closed session.
 - ii. The Judicial Council shall analyze the action in the context of the documents. This can happen outside of the courtroom or during deliberations.
 - iii. If the justices feel it is necessary, they may issue subpoenas for further evidence or ask questions of anyone, using any means necessary and proper.
- e. Initial Vote
 - i. When the Judicial Council is ready, it will entertain motions from any justice regarding a judgment.
 - 1. This motion need not be the final language, because a written opinion will be issued. It need only sum up the essence of the opinion to be written.
 - ii. If the Judicial Council comes to unanimous or majority consensus, it will assign the writing of the majority (and minority, if necessary) opinion(s) to (a) justice(s).
 - 1. The assigned justice will draft an opinion, ask for input and corrections from the other justices sharing the opinion, and the justices shall sign the opinion when they are satisfied with the result.
 - 2. At this point, the majority opinion is binding and the process therefore ends.
 - iii. If the Judicial Council is tied, it will assign the writing of the opposing opinions to justices.
 - 1. The assigned justices will draft an opinion, ask for input and corrections from the other justices sharing the opinion, and the justices shall sign the opinion when they are satisfied with the result.
- f. Presentation of Opinions (Tie Only)
 - i. The justices from each respective opinion side shall present their opinions to the whole Judicial Council at the next meeting after the completion and signature of the opinions.
- g. Final Vote (Tie Only)
 - i. The Judicial Council shall take one last vote for the justices to choose one opinion or the other.
 - ii. If the tie is resolved due to a change in sides from one or more justices, the opinions shall be signed and released and the process therefore ends.
 - iii. If the tie remains, the statute shall stand as if it were constitutional, and the written opinions will be released as Nonbinding Judicial Analyses. However, this decision shall not have the binding power that a majority opinion would,

and any new case regarding a substantially similar matter will be handled as a new case and not an appeal, as it would if there was a majority opinion.

4. Judicial Review

- a. This shall govern the procedures for Judicial Review.
- b. Definition
 - i. Judicial Review shall be defined as when the Judicial Council needs to review an action in the context of a statute or multiple statutes.
 - ii. The difference between Judicial Review and a Constitutional Challenge to a Statute is that Judicial Review looks at _____ in reference to a statute or multiple statutes, and Constitutional Challenge to a Statute looks at the _____ in reference to the Constitution.
- c. Submission of a Request
 - i. This step shall be optional - the Judicial Council does not need a request from an outside party to perform a Judicial Review.
 - ii. Any party can submit a request to the Judicial Council for Judicial Review. This request shall include the action it is desired for the Judicial Council to review, and if possible, a list of statutes that the action may have violated.
 - iii. The Secretary of the Court shall receive this request.
- d. Acceptance/Denial of the Request
 - i. This section will only be operative for outside requests. For internal reviews undertaken upon request of members of the Judicial Council, this section will not apply. The case will automatically be accepted.
 - ii. The Judicial Council shall review the request and make a decision by majority vote on whether to accept the request and eventually issue a Majority Opinion.
 - i. In a tie, the Judicial Council will default to an acceptance of the Complaint and a move forward to trial.
 - iii. If the Judicial Council accepts the request, the request will move forward to analysis and deliberations.
 - iv. If the Judicial Council denies the request, the Chief Justice or designee will issue a Notice of Denial of Request for Judicial Review on behalf of the Judicial Council. This simply states that the Judicial Council did not find that the request contained sufficient merit to be accepted and to move forward to analysis and deliberations.
- e. Analysis and Deliberations
 - i. All deliberations shall be in closed session.
 - ii. The Judicial Council shall analyze the action in the context of the documents. This can happen outside of the courtroom or during deliberations.
 - iii. If the justices feel it is necessary, they may issue subpoenas for further evidence or ask questions of anyone, using any means necessary and proper.
- f. Initial Vote
 - i. When the Judicial Council is ready, it will entertain motions from any justice regarding a judgment.
 - i. This motion need not be the final language, because a written opinion will be issued. It need only sum up the essence of the opinion to be written.

- ii. If the Judicial Council comes to unanimous or majority consensus, it will assign the writing of the majority (and minority, if necessary) opinion(s) to (a) justice(s).
 - 1. The assigned justice will draft an opinion, ask for input and corrections from the other justices sharing the opinion, and the justices shall sign the opinion when they are satisfied with the result.
 - 2. At this point, the majority opinion is binding and the process therefore ends.
- iii. If the Judicial Council is tied, it will assign the writing of the opposing opinions to justices.
 - 1. The assigned justices will draft an opinion, ask for input and corrections from the other justices sharing the opinion, and the justices shall sign the opinion when they are satisfied with the result.
- g. Presentation of Opinions (Tie Only)
 - i. The justices from each respective opinion side shall present their opinions to the whole Judicial Council at the next meeting after the completion and signature of the opinions.
- h. Final Vote (Tie Only)
 - i. The Judicial Council shall take one last vote for the justices to choose one opinion or the other.
 - ii. If the tie is resolved due to a change in sides from one or more justices, the opinions shall be signed and released and the process therefore ends.
 - iii. If the tie remains, the action shall stand as if it were in accordance with any applicable statutes, and the written opinions will be released as Nonbinding Judicial Analyses. However, this decision shall not have the binding power that a majority opinion would, and any new case regarding a substantially similar matter will be handled as a new case and not an appeal, as it would if there was a majority opinion.
- 5. Elections Violation
 - a. This shall govern the procedures for an Elections Violation.
 - b. Submission of Complaint
 - i. The Elections Director will submit the Complaint, along with an _____, pursuant to the ASUCR Elections Code, to the Secretary of the Court and the Secretary of the Court will receive it.
 - ii. The _____ should outline the Elections Director's opinion on the legitimacy of the alleged violation.
 - c. Acceptance/Denial of the Complaint
 - i. The Judicial Council shall review the Complaint and the _____ and make a decision by majority vote on whether to accept the Complaint and go to trial.
 - 1. In a tie, the Judicial Council will default to an acceptance of the Complaint and a move forward to trial.
 - ii. If the Judicial Council accepts the Complaint, the Complaint will move forward to trial.

- iv. Closing Argument
 - i. The Petitioner will have three (3) minutes for his or her closing argument, and the Respondent will then have three (3) minutes for his or her closing argument.
 - v. Elections Director
 - i. Though the Elections Director will have submitted an _____ to the Judicial Council, he or she will be allowed three (3) minutes to speak to the Judicial Council at this time, if he or she so chooses. Only the Elections Director is authorized to use this time. There will be no designee allowed to come in lieu of the Elections Director, and the Elections Director shall not be allowed to question any witnesses.
 - a. This section shall not apply if the Elections Director is the Petitioner or Respondent.
 - vi. Final Questions
 - i. The Judicial Council will give itself one last opportunity to question the Petitioner, the Respondent, the Elections Director, or any of the witnesses.
 - vii. The Chief Justice will then dismiss the Courtroom.
 - viii. The Judicial Council may extend any of the times listed above by a simple motion if it feels there is merit.
 - f. Deliberations
 - i. The Judicial Council shall either immediately proceed to deliberations, or shall decide amongst itself a later date to deliberate the case.
 - ii. All deliberations shall be in closed session.
 - iii. Justices will deliberate amongst themselves regarding the facts, arguments and evidence presented during oral arguments.
 - iv. If the justices feel it is necessary, they may issue subpoenas for further evidence or ask questions of anyone, using any means necessary and proper.
 - g. Verdict
 - i. When the Judicial Council is ready, it will entertain motions from any justice regarding a judgment of the case.
 - ii. A guilty verdict will result in a strike. The sentencing will not follow the ASUCR Penal System in an Elections Violation case. Instead, it will follow the strike system outlined in the ASUCR Elections Code.
 - iii. If the Judicial Council comes to a majority consensus, it will issue this verdict to the Petitioner and the Respondent, and any other party it sees fit, unless the case is bound by any confidentiality. A guilty verdict must include a warning that continued violations may result in disqualification. It must also include a notice of the Respondent's right to appeal the decision.
 - iv. If the Judicial Council is tied after continued deliberation and multiple motions, the Judicial Council shall issue a statement saying that there was a tie and the default verdict shall be not guilty.
6. Automatic Leave Waiver

- a. The Judicial Council is charged with the review for waivers to academic standards. The following will be the procedures for review of a request to be waived from Automatic Leave.
- b. Summons
 - i. The Judicial Council shall issue a Summons to the necessary parties to appear at the date and time of the hearing. This summons shall be with at least three (3) business days' notice.
 - I. If the individual named on the Summons cannot appear at the date and time listed on the Summons, the individual shall file a Motion to Change Trial Date with the Judicial Council, and the Chief Justice or designee shall work with the individual to find a suitable solution.
 - ii. If the individual named on the Summons needs evidence that the Judicial Council can compel another individual to provide, the individual shall file a Request for Subpoena with the Judicial Council, and any justice shall review the Request and issue a Subpoena to the necessary individual if the justice finds merit in the Request.
 - iii. The individual's appearance before the Judicial Council shall constitute a request for the Judicial Council to consider a waiver. This request shall automatically be granted by the Judicial Council. If, however, the individual does not appear, and does not contact the Judicial Council to change the hearing date, this shall be construed as sufficient evidence that the individual does want the Judicial Council to consider a waiver, and the matter will be closed.
- c. Hearing
 - i. The Chief Justice or designee shall call the Court to order.
 - ii. If the individual does not have any witnesses, the individual shall have eight (8) minutes to make his or her argument. If the individual has witnesses, the time constraints shall be as follows:
 1. Opening Argument
 - a. The Petitioner will have five (5) minutes for his or her opening argument.
 2. Witnesses
 - a. The Petitioner will have ten (10) minutes total to question his or her witnesses.
 - b. After each witness, the Judicial Council will pause the time to allow itself to ask questions of the witnesses.
 3. Closing Argument
 - a. The Petitioner will have three (3) minutes for his or her closing argument.
 - iii. Final Questions
 1. The Judicial Council will give itself one last opportunity to question the Petitioner or any of the witnesses.
 - iv. The Chief Justice will then dismiss the Courtroom.
 - v. The Judicial Council may extend any of the times listed above by a simple motion if it feels there is merit.

- d. Deliberations
 - i. The Judicial Council shall either immediately proceed to deliberations, or shall decide amongst itself a later date to deliberate the case.
 - ii. All deliberations shall be in closed session.
 - iii. Justices will deliberate amongst themselves regarding the facts, arguments and evidence presented during the hearing.
 - iv. If the justices feel it is necessary, they may issue subpoenas for further evidence or ask questions of anyone, using any means necessary and proper.
- e. Verdict
 - i. When the Judicial Council is ready, it will entertain motions from any justice regarding a judgment of the case.
 - ii. A vote to grant a waiver to Automatic Leave will require a majority vote of the Judicial Council in favor of the waiver. Therefore, the Judicial Council's default decision in the case of a tie will be to waive the member, and the member will remain on Automatic Leave.
 - iii. The Petitioner and the Executive Director will be notified of the verdict promptly.
- f. Appeals to Decisions Regarding Automatic Leave
 - i. Requests for waivers to Automatic Leave are, by nature, appeal requests, since the action to place an individual on Automatic Leave is automatic. The request to the Judicial Council is a request to undo that decision and waive the member. Therefore, under normal circumstances, there will be no appeals to the Judicial Council's decision to waive a member or not.

Title VI: Appeals

I. General Provisions

- a. Appeals can only be filed for verdicts that come as a result of a Complaint Against an ASUCR Official or an Elections Violation. Appeals will not be heard for Constitutional Challenge to a Statute, Judicial Review or Automatic Leave Waiver. Additionally, no appeals to an appellate decision will be heard.
 - i. The Judicial Council reserves the right to hear any kind of appeal it would like to hear, including appeals to appellate decisions. However, this request can come only from a member of the Judicial Council and can only be heard by a vote of a minimum of four Justices. A request for this type of appeal should only be the result of extenuating circumstances.
- b. The processes for types of appeals that will normally be heard by the Judicial Council are outlined herein. For unusual types of appeals that are accepted, the Judicial Council will use its discretion to best hear the appeal, using the general guidelines set by both the procedure for the original hearing, and the procedure for other types of appeals.
- c. Appeals will only be heard if there is significant new evidence or a change in the circumstances, compared to the first decision of the case. It is the responsibility of the Petitioner to convince the Judicial Council of this in the appeal request. The Judicial Council will hear appeals simply because the Petitioner wishes to have a second chance at a trial.

- i. The Judicial Council reserves the right to deny the hearing of an appeal for any reason whatsoever, or for no reason at all.
 - d. Appeals for a Complaint Against an ASUCR Official or an Elections Violation decision can only be filed if there is a guilty verdict, and then can only be filed by the named Respondent or one of the name Respondents, if there are multiple.
 - i. Appeals cannot be filed for dismissals, or not guilty verdicts, and cannot be filed by a party not found guilty.
 - e. The Petitioner(s) of an appeal will not be entitled to representation by anyone else at any time, including but not limited to legal counsel, a Dean of Students case manager, or another student.
 - i. The only exception to this will be if there are multiple Petitioners on a single appeal. In this case, each side will have the option to select one person to represent all Petitioners, but this person be one of the respective Petitioners and be a third party.
 - ii. While the Judicial Council can prevent the Petitioner(s) of an appeal from being represented by a third party in a hearing or in official interactions with the Judicial Council, it recognizes that it is the individual's prerogative to consult anyone they feel they need to consult in preparation for a hearing, and the Judicial Council cannot prevent this nor does it desire to do so.
- 2. Elections Appeal
 - a. This shall govern the procedures for an Elections Violation.
 - b. Submission of Appeal Request
 - i. The Respondent of the case being appealed shall file an Appeal Request with the Secretary of the Court, and the Secretary of the Court will receive it. This Respondent in the original case will now be the Petitioner for the appeal, and there will be no Respondent.
 - ii. The Appeal Request should outline the reason why the Judicial Council's original decision is now no longer valid. This should point to new evidence or new circumstances.
 - c. Acceptance/Denial of the Appeal Request
 - i. The Judicial Council shall review the Request and make a decision by majority vote on whether to accept the Request and hear the appeal.
 - 1. In a tie, the Judicial Council will default to a denial of the Request and the previous decision shall stand.
 - ii. If the Judicial Council accepts the Request, the Request will be heard.
 - 1. The Judicial Council will promptly notify the Petitioner by issuing a Summons. It will also notify the Elections Director that the Request has been accepted.
 - iii. If the Judicial Council denies the Request, the Judicial Council shall notify the Petitioner, stating that the Judicial Council did not find that the Request contained sufficient merit to be accepted and to move forward to a hearing.
 - d. Hearing
 - i. The Chief Justice or designee shall call the Court to order.
 - ii. Opening Argument

1. The Petitioner will have five (5) minutes for his or her opening argument.
 - iii. Witnesses
 1. The Petitioner's witnesses must be _____ witnesses, or witnesses previously heard but primarily speaking to _____. Witnesses primarily repeating previous testimony will _____ be accepted.
 2. The Petitioner will have ten (10) minutes total to question his or her witnesses.
 3. After each witness, the Judicial Council will pause the time to allow itself to ask questions of the witnesses.
 - iv. Closing Argument
 1. The Petitioner will have three (3) minutes for his or her closing argument.
 - v. Final Questions
 1. The Judicial Council will give itself one last opportunity to question the Petitioner or any of the witnesses.
 - vi. The Chief Justice will then dismiss the Courtroom.
 - vii. The Judicial Council may extend any of the times listed above by a simple motion if it feels there is merit.
 - e. Deliberations
 - i. The Judicial Council shall either immediately proceed to deliberations, or shall decide amongst itself a later date to deliberate the case.
 - ii. All deliberations shall be in closed session.
 - iii. Justices will deliberate amongst themselves regarding the facts, arguments and evidence presented during oral arguments.
 - iv. If the justices feel it is necessary, they may issue subpoenas for further evidence or ask questions of anyone, using any means necessary and proper.
 - f. Decision
 - i. When the Judicial Council is ready, it will entertain motions from any justice regarding a judgment of the appeal.
 - ii. If the Judicial Council finds there was compelling evidence to overturn the violation issued, it will do so, notify the Petitioner of the appeal and the Petitioner of the original case, and the Elections Director. The strike will be retroactively removed from the record.
 - iii. If the Judicial Council decides to keep the previous decision, it will notify the Petitioner of the appeal and the Elections Director.
 - iv. If the Judicial Council is tied after continued deliberation and multiple motions, the Judicial Council shall issue a statement saying that there was a tie and the previous decision will stand.
3. ASUCR Official Conviction Appeal
 - a. This shall govern the procedures of an appeal of a conviction of an ASUCR Official by the Judicial Council.
 - b. Submission of Appeal Request
 - i. The Respondent of the case being appealed shall file an Appeal Request with the Secretary of the Court, and the Secretary of the Court will receive it. This

Respondent in the original case will now be the Petitioner for the appeal, and there will be no Respondent.

- ii. The Appeal Request should outline the reason why the Judicial Council's original decision is now no longer valid. This should point to new evidence or new circumstances.
- c. Acceptance/Denial of the Appeal Request
 - i. The Judicial Council shall review the Request and make a decision by majority vote on whether to accept the Request and hear the appeal.
 1. In a tie, the Judicial Council will default to a denial of the Request and the previous decision shall stand.
 - ii. If the Judicial Council accepts the Request, the Request will be heard.
 1. The Judicial Council will promptly notify the Petitioner by issuing a Summons.
 2. If the Judicial Council denies the Request, the Judicial Council shall notify the Petitioner, stating that the Judicial Council did not find that the Request contained sufficient merit to be accepted and to move forward to a hearing.
- d. Hearing
 - i. The Chief Justice or designee shall call the Court to order.
 - ii. Opening Argument
 1. The Petitioner will have five (5) minutes for his or her opening argument.
 - iii. Witnesses
 1. The Petitioner's witnesses must be witnesses, or witnesses previously heard but primarily speaking to . Witnesses primarily repeating previous testimony will be accepted.
 2. The Petitioner will have ten (10) minutes total to question his or her witnesses.
 3. After each witness, the Judicial Council will pause the time to allow itself to ask questions of the witnesses.
 - iv. Closing Argument
 1. The Petitioner will have three (3) minutes for his or her closing argument.
 - v. Final Questions
 1. The Judicial Council will give itself one last opportunity to question the Petitioner or any of the witnesses.
 - vi. The Chief Justice will then dismiss the Courtroom.
 - vii. The Judicial Council may extend any of the times listed above by a simple motion if it feels there is merit.
- e. Deliberations
 - i. The Judicial Council shall either immediately proceed to deliberations, or shall decide amongst itself a later date to deliberate the case.
 - ii. All deliberations shall be in closed session.
 - iii. Justices will deliberate amongst themselves regarding the facts, arguments and evidence presented during oral arguments.

- iv. If the justices feel it is necessary, they may issue subpoenas for further evidence or ask questions of anyone, using any means necessary and proper.
- f. Decision
 - i. When the Judicial Council is ready, it will entertain motions from any justice regarding a judgment of the appeal.
 - ii. If the Judicial Council finds there was compelling evidence to overturn the verdict issued, it will do so and notify the Petitioner of the appeal and the Petitioner of the original case. Any sentencing that was issued will be retroactively removed from the record.
 - iii. If the Judicial Council decides to keep the previous decision, it will notify the Petitioner of the appeal.
 - iv. If the Judicial Council is tied after continued deliberation and multiple motions, the Judicial Council shall issue a statement saying that there was a tie and the previous decision will stand.

Title VII: Witness and Evidence Rules

- 1. General Provisions
 - a. The Witness and Evidence Rules are in place to ensure the Judicial Council has the ability to ensure a fair and speedy trial for all parties involved, without any tainted witnesses or evidence present.
 - b. The Judicial Council reserves the right to manage evidence and witnesses as it sees fit, to ensure a fair and speedy trial, a just decision, and the smooth and efficient operation of ASUCR.
- 2. Evidence Submission
 - a. This shall govern the submission and distribution of evidence to be used in a case.
 - b. Discovery
 - i. All evidence to be used in a hearing or any other part of a case must be submitted during the discovery process. This includes any primary source material that is going to be used to make an argument. A list of all witnesses to be called in a hearing or trial is considered evidence, for the purposes of this section.
 - I. This does not include statutes to be used to make an argument, and this does not include anything created by the party for the purposes of the case. For example, if the plaintiff submits photos, but then organizes them onto a single page with the violation listed next to them, the submission of only the photos would be sufficient.
 - ii. Any evidence that should have been submitted in discovery, but was not, will generally be considered inadmissible by the Judicial Council.
 - I. This may be waived in situations when the evidence was not available by the deadline, or at the discretion of the Judicial Council.
 - iii. Each party will submit the evidence to the Secretary of the Court and the Secretary of the Court shall receive it and send it via email to all of the Justices. The Chief Justice will compile the evidence from each party, review it and make sure there is no information that cannot be released, and send each party's evidence to the other party.

- iv. The deadline for initial submission of the evidence will be 72 hours before the time of the hearing or trial, in normal cases. This can be changed if it is deemed necessary and proper by the Chief Justice.
- v. The Judicial Council will make every attempt to review the evidence and issue it to the parties within 24 hours of receiving both parties' evidence. However, in case this is not possible, the Judicial Council will issue it as soon as is reasonably possible.

3. Evidence Rules

- a. This shall govern the rules of evidence to be used in a case.
- b. Inadmissible Evidence
 - i. Evidence shall be deemed inadmissible by the Judicial Council if one of the following conditions exists:
 - 1. If the evidence was obtained using means in violation of ASUCR, UCR or UC policy, or a local, state, and/or federal law;
 - 2. If the evidence is irrelevant;
 - a. Relevant evidence shall be defined as evidence having any tendency to make a fact more or less probable than it would be without the evidence.
 - 3. If the evidence only serves to defame the character of one or more parties, and does not serve any real purpose for the case;
 - 4. If the evidence was not submitted by the deadline set by the Judicial Council, and the Judicial Council did not grant a waiver.
 - ii. No conclusions can be drawn from the inadmissible evidence, from any of the parties or from the Judicial Council. This evidence cannot be used to make arguments in a hearing.
- c. Motion to Strike Evidence for Inadmissibility
 - i. A party to the case can enter a motion to strike evidence for inadmissibility, at the beginning of the trial before opening arguments.
 - ii. The party shall clearly state that they are making a motion to strike evidence for inadmissibility, and shall state why he or she believes the evidence is inadmissible.
 - iii. The Judicial Council shall deliberate if necessary, and either sustain or overrule the motion.
 - 1. If the motion is sustained, the evidence will be inadmissible. If the motion is overruled, the evidence shall be allowed.

4. Witness Rules

- a. This shall govern the witnesses used in a hearing.
- b. Inadmissible Witnesses
 - i. All witnesses shall be admissible in a hearing unless one of the following conditions exists:
 - 1. If the witness is not competent to testify, as determined by a licensed medical practitioner;
 - 2. If the witness does not have personal knowledge of the case;

- a. This shall be defined as the witness having personal knowledge of a matter which arises in the case through evidence. This evidence can include the witness's testimony itself.
 3. If the witness refuses to sign an agreement stating that all testimony will be truthful.
 - c. Motion to Strike a Witness for Inadmissibility
 - i. A party to the case can enter a motion to strike a witness for inadmissibility, either at the beginning of the trial before opening arguments or when the witness takes the stand for examination.
 - ii. The party shall clearly state that they are making a motion to strike a witness for inadmissibility, and shall state why he or she believes the witness is inadmissible.
 - iii. The Judicial Council shall deliberate if necessary, and either sustain or overrule the motion.
 - i. If the motion is sustained, the witness will be inadmissible and will not take the stand. If the motion is overruled, the witness shall be allowed.
 - d. Agreement to be Truthful
 - i. All witnesses taking the stand shall sign an agreement, prepared by the Judicial Council, saying that he or she will be truthful in his or her testimony and will not lie or intentionally mislead the Court.
 - ii. This agreement shall discuss that there may be consequences for failure to abide by this agreement, and that the Judicial Council will pursue these consequences to their fullest extent.
5. Objecting to Evidence or Testimony
 - a. This shall govern objections to evidence or testimony brought up in a trial.
 - b. The Judicial Council shall allow objections to evidence or testimony brought up in a trial, from any party including the Judicial Council. They shall be as follows:
 - i. Argumentative: when the party is making an argument rather than asking a question;
 - ii. Asked and answered: when the party is asking a question already answered, and this question is only for added effect;
 - iii. Assumes facts not in evidence: when the party asks a question or makes a statement which relies on a fact not proved by evidence presented;
 - iv. Badgering: when the party is antagonizing the witness in order to provoke a response, either by asking questions without giving the witness an opportunity to answer or by openly mocking the witness;
 - v. Beyond the scope: when a party asks a witness a question during cross examination that is beyond the scope of the line of questioning in the initial testimony;
 - vi. Calls for a conclusion/speculation: when a party asks for an opinion or speculation rather than facts;
 - vii. Compound question: when the party asks a question for which there are multiple parts;

- viii. Fruit of the poisonous tree: when evidence was obtained illegally, or when testimony or arguments rely on evidence obtained illegally or otherwise declared inadmissible;
 - ix. Incompetent: when a witness does not have sufficient knowledge to answer a question;
 - x. Irrelevant: when the question is not relevant to the facts of the case;
 - xi. Lack of foundation: when evidence lacks any authenticity or source.
- c. Making an Objection
- i. The party shall clearly state that they are making an objection, and shall state the type of objection they are making.
 - ii. The Judicial Council shall deliberate if necessary, and either sustain or overrule the objection.
 - I. If the objection is sustained, the testimony, argument, or evidence will be inadmissible. If the motion is overruled, it shall be allowed.