

SENATE BILL #2675

TITLE: Revisions to Funding Appeals Processes
DATE INTRODUCED: October 29, 2019
AUTHOR: Chief of Legislative Affairs Hoversland
SPONSORS: Senators Applegate, Conard, and Mulhall



1. WHEREAS, the purpose of the Associated Students of the University of Wyoming (ASUW)
2. Student Government is to serve our fellow students in the best manner possible; and,
3. WHEREAS, the ASUW Student Government is composed of three branches meant to work
4. in collaboration with one another; and,
5. WHEREAS, the Judicial Council (JC) of ASUW amended their Rules and Procedures as
6. shown in Addendum B; and,
7. WHEREAS, the JC received the proper approval of these changes by the ASUW Senate
8. during the October 22, 2019 ASUW Senate meeting in accordance with Senate Bill #2147;
9. and,
10. WHEREAS, it is important for the transparency, efficiency, and effectiveness of the appeals
11. process for Registered Student Organizations (RSOs) and ASUW partners, programs, and
12. services that the working documents of multiple ASUW branches be in tandem with one
13. another; and,
14. WHEREAS, ASUW is supposed to work with student entities across campus and RSOs are
15. included in that category; and,
16. WHEREAS, making the proposed changes to the Finance Policy would support ASUW and
17. its mission and purpose by being more helpful and understandable to RSOs and ASUW
18. partners, programs, and services.
19. THEREFORE, be it enacted by the Associated Students of the University of Wyoming

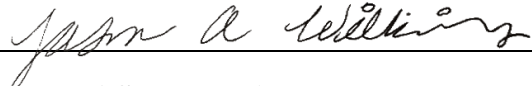
20. (ASUW) Student Government that the changes to the ASUW Finance Policy as shown in
21. Addendum A be adopted by the ASUW Senate; and,
22. THEREFORE, be it further enacted that these changes take effect immediately upon passage
23. of this bill.

Referred to: Budget and Planning; RSO Funding Board

Date of Passage: 11/05/2019 **Signed:** 

(ASUW Chairperson)

“Being enacted on 11/06/2019 **, I do hereby sign my name hereto and**

approve this Senate action.” 

ASUW President

Addendum A

Article 2. ASUW BUDGET AND PLANNING COMMITTEE

Section 2.05 Appealing a Realignment Request to the ASUW Judicial Council

1. Entities that would like to appeal a realignment decision of the ASUW Senate must make their appeal to the Judicial Council in writing within 24 hours of the ASUW Senate decision.
2. The ASUW Judicial Council must hold a hearing of the appeal of the realigning entity within ten (10) ~~business academic~~ days from ~~the~~ receiving the appeal. The Judicial Council then will issue a decision within ten (10) ~~business academic~~ days of ~~reaching a decision the hearing.~~
- ~~3. The ASUW Judicial Council may deny a realignment request, but if they approve the appeal, they may only require the ASUW Senate to revisit the funding decision with the recommendation that the ASUW Senate approve the funding. The ASUW Judicial Council's authority to entity realignment requests shall be limited to denial or approval of their appeal.
If the ASUW Judicial Council approves an entity's realignment appeal that was denied by the ASUW Senate, the Judicial Council will remand the decision to the ASUW Senate for consideration and for corrective action.~~

Article 5. RSO Funding Appeal Process

Section 5.01 Appeals to the ASUW Senate

1. The ASUW Senate may appeal the RSO Funding Board's decision regarding any funding request or RSO infraction.
2. One (1) Senator may bring forth a motion to appeal the decision of the RSO Funding Board, which must be seconded on the floor by another Senator. This motion to appeal requires a two-thirds (2/3) standing vote of the ASUW Senate to pass.
 - A. The Senator intending to appeal a decision of the RSO Funding Board must notify the full Senate and the ASUW Vice President in writing at least 6 hours before the next regularly scheduled ASUW Senate Meeting.
3. The ASUW Senate may only do the following on appeal;
 - A. Decide by majority vote to overrule the funding decision made by the RSO Funding Board.
 - B. Decide by vote that no infraction of the ASUW Finance Policy or additional stipulations occurred, resulting in a lifting of all suspension of funding or probation.
 - C. Decide that a RSO did violate the ASUW Finance Policy or additional stipulations, and place that RSO on probation for a full calendar year.

Section 5.02 Appeals to the ASUW Judicial Council

1. A RSO may appeal the decision of the ~~RSO Funding Board and/or~~ ASUW Senate to the Judicial Council. ~~An appeal to the Judicial Council can proceed prior to the ASUW Senate hearing a motion to appeal brought by a Senator.~~

2. The ASUW Judicial Council must hold a hearing of the appeal of a RSO within ten (10) academic days from receiving the appeal. The Judicial Council then will issue a decision within ten (10) academic days of ~~reaching a decision the hearing.~~
- ~~3. RSOs may appeal a funding decision, probationary period, or suspension of funding decision of the RSO Funding Board.~~
3. RSOs may appeal a funding decision, probationary period, ~~or~~ suspension of funding, ~~or the failure of the ASUW Senate to hear an appeal decision of the ASUW Senate.~~
4. The ASUW Judicial Council's authority with regards to RSOs' funding requests shall be limited to denial or approval of a RSO's appeal. If the ASUW Judicial Council approves a RSO's appeal for funding that was denied by the ASUW Senate, the Judicial Council will ~~require the ASUW Senate to revisit their decision with recommendation that the ASUW Senate approve the funding remand the decision with findings, to the ASUW Senate for reconsideration and for corrective action.~~
5. The ASUW Judicial Council has the authority to overturn the decision to suspend or place a RSO on probation if they determine the RSO did not violate the ASUW Finance Policy or any additional stipulations placed by the ~~RSO Funding Board or~~ ASUW Senate.
 - A. If on appeal the ASUW Judicial Council finds that the RSO made no major infractions pursuant to the ASUW Finance Policy, but minor infractions did occur, the ASUW Judicial Council may lift the suspension of funding and place the RSO on probation.
 - B. If on appeal the ASUW Judicial Council finds that the RSO made no minor infractions pursuant to the ASUW Finance Policy, the ASUW Judicial Council may lift the probationary period.
6. ~~If the Judicial Council finds that the ASUW Senate erred in failing to hear an appeal of an RSO, the Judicial Council can require the Senate to include and hear the appeal under New Business at the next regularly scheduled meeting.~~
 - A. ~~When this occurs, the RSO does not need to have a Senator file a six (6) hour notice to the Senate, nor will the Senate vote on whether they will hear the appeal.~~

Addendum B

Article 1. Introduction

In order for the Judicial Council to function properly and to ensure the Judicial Council discharges the responsibility of ensuring due process, fairness, equity, and consistency within the proceedings and business of the Judicial Council of the Associated Students of the University of Wyoming (ASUW), these Rules and Procedures are adopted pursuant to the Associated Students of the University of Wyoming By-Laws Article 3 Section 3.01 subsection 4, clause A.

Article 2. Responsibilities and Authorities of Judicial Council Members

Section 2.01 The Chief Justice shall:

1. Act as the spokesperson and advocate for the Judicial Council in pursuit of the goals of the Judicial Council, ASUW and the University.
2. Create and present a Vision and Goals document for the Judicial Council annually after confirmation by the ASUW Senate.

The Vision and Goals documents should include, but is not limited to the Chief Justice's goals, plans, and initiative they will pursue during their term of office.

The Vision and Goals document will be presented, in addition to the Associate Justices and Judicial Council Advisor, to the ASUW Executives, Senate, and University officials who have a vested interest in ASUW.

3. Establish the dates, times and locations for all Judicial Council business meetings and hearings.
4. Organize and conduct a training session annually in the fall for members of the Judicial Council in consultation with the Judicial Council Advisor. The session should include, but is not limited to the following:

Reviewing the purpose and function of the Judicial Council within the ASUW.

Reviewing the ASUW Constitution, ASUW By-Laws, ASUW Judicial Council Governing Procedures and other ASUW working documents.

5. Annually ensure that the Rules and Procedures of the Judicial Council are submitted to the ASUW Senate for approval pursuant to Senate Bill #2147.
6. Appoint one (1) of the Associate Justices as Secretary of the Judicial Council.
7. Receive all requests for interpretation, referrals, and complaints from the ASUW Secretary, or the relevant position, and disseminate these documents to the Associate Justices.
8. Inform the named parties in the case of referral, complaint, or appeal of their rights under the Rules and Procedures of the Judicial Council, in writing.
9. Preside over all Judicial Council business meetings and hearings.
In the event the Chief is unable to preside over a business meeting or hearing, the Secretary of the Judicial Council will preside.
10. Assign the writing of the Council's opinion in the disposition of requests for interpretation, referrals, and complaints if the Chief is a member of the majority on the matter.

If the Chief Justice is not in the majority on the disposition of a matter, they shall delegate the writing of the opinion to the senior most Associate Justice within the majority.

The Chief Justice, or senior most Associate Justice with this power, may reserve the right to write the opinion themselves.

The opinion written must be in unanimous agreement with those who have joined the opinion.

11. Manage the Judicial Council's budget.
12. Prepare the Judicial Council's budget for the next academic year.
13. Report resignations to the President of ASUW.
14. Prepare and present a Summary and Report document at the end of the term for the incoming President and administration of the ASUW.

The Summary and Report document should include, but is not limited to, a summary of the strengths and weakness of the Council the previous year, who the returning Associate Justices are, and how many vacancies will need to be filled.

15. Recuse themselves from voting on: a request for interpretation, referral, complaint, or appeal in the event of a conflict of interest.
16. Delegate any of the aforementioned duties to an Associate Justice if necessary.
17. Retain all responsibilities and authority of an Associate Justice in addition to those as Chief.

Section 2.02 Associate Justices shall:

1. Attend all Judicial Council business meetings, hearings and ASUW special events deemed necessary by the Chief Justice.
2. Communicate with the Chief Justice on scheduling availability.
3. Participate in all Council decisions from an unbiased perspective.
4. Request that the Chief Justice recuse them from voting on: a request for interpretation, referral, complaint, or appeal in the event of a conflict of interest.
5. Serve as Judicial Council Secretary if appointed by the Chief Justice.

Section 2.03 The Secretary shall:

1. Record and prepare the minutes of Judicial Council business meetings.
2. Procure, setup, and breakdown audio recording equipment used for official Judicial Council hearings.
3. Manage and maintain the Judicial Council's permanent files in connection with the ASUW Secretary, or the relevant position, pursuant to Senate Bill #2107. Permanent files include, but are not limited to, opinions and the Judicial Council Rules and Procedures.
4. Preside over Judicial Council business meetings and hearings in the event the Chief Justice is unable to preside.

Section 2.04 The Advisor shall:

1. Act as a neutral party in advising the Judicial Council on procedure and precedent.
2. Assist in the annual Judicial Council training.
3. Assist in the recording and maintenance of Judicial Council precedent.

4. Assist and aid in the annual transition of Judicial Council leadership.
5. Assist in the internal management of the Judicial Council.
6. Serve as the Clerk of the Council during hearings.
7. Be a member only for purposes of having quorum for business meetings.

Section 2.05 The Clerk of the Council shall:

1. Act as an advisor
2. Answer questions on procedure and process.
3. Assist in the operation of the recording equipment.

Article 3. Absenteeism and Removal from Office

Section 3.01 Absence Policy

1. In the event a member of the Judicial Council has three (3) or more absences, the absent member will be called before the Chief Justice and Judicial Council Advisor to explain their absences.
2. The Chief Justice and Judicial Council Advisor may find that the absent member of the Council has excuses for their absences.
 - A. Excused absences include, but are not limited to, absences due to class meeting times, tests, or other academic related activity. Non-academic related absences are presumed to be unexcused.
 - B. There are no excused absences for missed hearings.
3. If the Chief Justice and Judicial Council find that the absent member does not have an excuse for their absences, the matter is referred to the Judicial Council as a whole for consideration.
 - A. The Judicial Council will consider the matter under the process and procedures of a referral as spelled out in the Rules and Procedures of the Judicial Council. The referred absent member will not be allowed to vote on the disposition of the referral.
 - B. If the Judicial Council finds that that the absences were unexcused, they may impose sanctions.
 - C. Sanctions are at the discretion of the Judicial Council, including but are not limited to, campus service, community service, or similar action.
 - D. All sanctions shall be proportional to the severity of the offense.

Section 3.02 Removal from office

4. Impeachment shall be referred to the ASUW Senate by the Chief Justice for proceedings:
 - A. When any Judicial Council member has six (6) or more absences, whether excused or unexcused. OR
 - B. When any Judicial Council member violates Article 6 of the ASUW By-Laws.
5. Resignation shall be accepted:
 - A. When an Associate Justice wishing to resign their Judicial Council seat shall present written notification of resignation to the Chief Justice, or in the event that it is the Chief Justice who resigns, to the President of ASUW. OR

- B. When the Associate Justices announce their resignation during a regular business meeting of the Judicial Council.

Article 4. Process for Formal Proceedings

Section 4.01 Initiation of Formal Proceedings

1. **Complaint or Referral**
 - A. A written referral or complaint to the Judicial Council shall include the following:
 - a. The name of the accusing and accused parties.
 - b. A recitation of the facts that lead to a rationale for referral or complaint.
 - c. Generally, the evidence that supports the rationale for referral or complaint.
 - d. The relief sought by the accusing party.
2. **Appeal**
 - A. A written appeal to the Judicial Council shall include the following:
 - a. The name of the appellant.
 - b. The name of the decision-making body being appealed from.
 - c. A recitation of the facts that lead to a rationale for the appeal.
 - d. Generally, the evidence that supports the rationale for the appeal.
 - e. The specific issue that is being appealed and the specific relief sought.
3. **Request for Interpretation**
 - A. A written request for interpretation is to include the following:
 - a. The name of the party requesting interpretation.
 - b. The specific document(s) and area(s) that are to be interpreted.
 - c. The context in which the request for interpretation arose.

Section 4.02 Timeline

1. After the filing of a formal written referral or complaint or appeal with the ASUW Secretary, or the relevant position, and forwarding to the Chief Justice, a hearing will be scheduled and convened within ten (10) academic days.
 - A. The Chief Justice will schedule a hearing date, time, and location.
 - B. The Chief Justice will inform all relevant parties of this information at least five (5) academic days prior to the hearing, if possible.
2. After the filing of a request for interpretation with the ASUW Secretary, or the relevant position, and forwarding to the Chief Justice, the Judicial Council will convene and reach a decision within ten (10) academic days.
3. Once the Council has reached a decision on the outcome of a referral or complaint or an appeal, a written opinion shall be released by the Judicial Council within ten (10) academic days.

Section 4.03 Complaint or Referral Hearing Procedure

1. The Clerk of the Council will announce for the record the date, time, and location of the hearing, the Justices present and those recused, the accused, and the accusing parties present.

- A. Only the hearing is recorded
- B. The private deliberations of the Council are not recorded.
- C. Hearing recordings are to be maintained in the ASUW office for three (3) years after the date of the hearing.
 - a. Accidental loss or destruction of the recordings does not invalidate the findings of the Judicial Council.
 - b. The recordings are only open to members of the Judicial Council, the Judicial Council Advisor, and the relevant parties if the matter is appealed.
- 2. The hearing will be called to order by the Chief Justice.
- 3. Any relevant party who fails to appear before the Judicial Council or to submit a written statement in lieu of appearing before the Council shall result in the absent party being considered in Contempt of the Council.
 - A. Contempt of the Council cases shall be forwarded to the Dean of Students Office as a potential violation of the Student Code of Conduct.
- 4. All individuals in attendance will act in a courteous and respectful manner throughout the proceedings. Failure to do so may result in expulsion from the hearing.
- 5. The Chief Justice may exclude evidence admitted to the hearing on the grounds of relevancy, authenticity, reliability, or conflict with these or other ASUW governing documents.
- 6. Both the accusing and the accused parties shall have equal opportunity to present an opening argument.
- 7. The accusing party will first present their rationale for referral or complaint and the evidence and witnesses they have to support their claim.
- 8. The accused party will then have the opportunity to present their defense, and the evidence and witnesses they have to defend their case
- 9. The accusing party and the accused party shall have the opportunity to cross-examine the other side's witnesses and evidence.
 - A. Cross examination may continue to occur as long as the Chief Justice deems it necessary to ensure the fairness of the hearing.
- 10. Both the accusing and the accused parties shall have equal opportunity to present a closing argument.
- 11. The Judicial Council will then convene privately to discuss the disposition of the referral or the complaint.
 - A. Only members of the Judicial Council, including the Judicial Council Advisor, shall be in attendance for the deliberation.

Section 4.04 Appeal Hearing Procedure

- 1. **RSO Funding Board**
 - A. All appeals of Funding Board decisions must first be attempted at Senate.
 - a. If the Senate denies to hear the appeal, denies the appeal after hearing it, or any other issue occurs, the RSO may appeal to the Judicial Council, and that appeal will follow the process outlined in Section 4.04, subsection 2 of these Rules and Procedures.

2. Senate Appeals

A. Remedies Sought

a. Relief from Funding Decisions

1. If on appeal the Judicial Council finds a factual or legal error that occurred procedurally or otherwise, the Judicial Council can require the ASUW Senate to revisit the funding decision but will only recommend to the ASUW Senate that the ASUW Senate approve the funding. These recommendations must include the findings of the Judicial Council.

b. Relief from Probation or Suspension

1. If on appeal the Judicial Council finds that the RSO made no major infractions pursuant to the ASUW Finance Policy, but minor infractions did occur, the Judicial Council may lift the suspension of funding and place the RSO on probation.
2. If on appeal the Judicial Council finds that the RSO made no minor infractions pursuant to the ASUW Finance Policy, the Judicial Council may lift the probationary period.

c. Relief from Senate Failure to Hear Appeal

1. If the Judicial Council finds that there is a valid reason for an appeal to be heard, the Judicial Council can require the Senate to include and hear the appeal under New Business at the next regularly scheduled meeting.
 - i) When this occurs, the RSO does not need to have a Senator file a six (6) hour notice to the Senate, nor will the Senate vote on whether they will hear the appeal.

B. The Judicial Council will be limited to approving or denying the relief sought as consistent with Section 4.04 section 2, clause A of these procedures.

a. The Majority Opinion will be remanded back to Senate for corrective action

C. The RSO can only appeal the same funding request once and as such must plead all issues and claims for relief that is sought at the same time. Failure to plead an issue, claim or relief sought automatically waives that issue, claim or relief.

D. Procedure

a. The Clerk of the Council will announce for the record the date, time, and location of the hearing, the Justices present, and the Appellant and Senatorial representation.

1. Only the hearing is recorded
2. The private deliberations of the Council are not recorded.
3. Hearing recordings are to be maintained in the ASUW office for three (3) years after the date of the hearing.
 - i) Accidental loss or destruction of the recordings does not invalidate the findings of the Judicial Council.
 - ii) The recordings are only open to members of the Judicial Council, the Judicial Council Advisor, and the relevant parties if the matter is appealed.

b. The hearing will be called to order by the Chief Justice.

- c. The Vice President, and Chair of RSO Funding Board or delegate, are required to attend.
- d. Any relevant party who fails to appear before the Judicial Council or to submit a written statement in lieu of appearing before the Council shall result in the absent party being considered in Contempt of the Council.
 - 1. Contempt of the Council cases shall be forwarded to the Dean of Students Office as a potential violation of the Student Code of Conduct.
- e. All individuals in attendance will act in a courteous and respectful manner throughout the proceedings. Failure to do so may result in expulsion from the hearing.
- f. The Chief Justice may exclude evidence admitted to the hearing on the grounds of relevancy, authenticity, reliability, or conflict with these or other ASUW governing documents.
- g. Both the appellant and the Senatorial representation shall have equal opportunity to present an opening argument.
- h. The appellant will first present their rationale for appeal and the evidence and witnesses they have to support their claim.
- i. The Senatorial representation will then have the opportunity to present their response, and the evidence and witnesses in support of their response
- j. The appellant and the Senatorial representation shall have the opportunity to cross-examine the other side's witnesses and evidence.
 - 1. Cross examination may continue to occur as long as the Chief Justice deems it necessary to ensure the fairness of the hearing.
- k. Both the appellant and the Senatorial representation shall have equal opportunity to present a closing argument.
 - 1. The Judicial Council will then convene privately to discuss the disposition of the referral or the complaint.
- m. Only members of the Judicial Council, including the Judicial Council Advisor, shall be in attendance for the deliberation.

Section 4.05 Request for Interpretation Procedure

- 1. The Judicial Council will convene to discuss the matter in private.
- 2. The party requesting interpretation may be required to attend if deemed necessary by the Council for clarification of the request.
- 3. Parties with a vested interest may submit briefs on the topic under consideration as Friends of the Council.

Section 4.06 Decisions

- 1. A written opinion is not binding unless the Judicial Council has voted and the Majority Opinion has been written and distributed to the Judicial Council members.
- 2. The form of Decisions and Opinions are outlined as follows:
 - A. Four or more Justices of the Judicial Council joined in agreement of the end result constitutes the overall decision of the Judicial Council.

- a. The Majority Opinion consists of the author and those who have joined. They are the most numerous Justices who agree on both the end result and the rationale of the decision.
 - b. The Concurring Opinion consists of the author and those who have joined. They agree with the end results of the Majority Opinion but do not agree with the rationale set forth in the Majority Opinion.
 - c. The Dissenting Opinion consists of the author and those who have joined. They disagree with the result and potentially the rationale set forth in the Majority Opinion.
3. Copies of the opinion are to be sent to:
 - A. The party requesting interpretation (if applicable).
 - B. The accusing/accused parties (if applicable)
 - C. The appellant/Senatorial representation (if applicable)
 - D. The President of the University of Wyoming
 - E. The Vice President for Student Affairs
 - F. The Dean of Students
 - G. The ASUW President
 - H. The ASUW Advisor
 4. If sanctions are recommended, the opinion sent to the Vice President for Student Affairs will serve as notice of the recommended sanction for their implementation.
 5. Pursuant to the ASUW By-Laws, only cases of recommended sanctions maybe appealed to the University Board of Student Appeals.

Article 5. Fundamental Rights

Section 5.01 Complaint and Referral

1. Accused Party has the right:
 - A. To be informed, in writing, of their rights under the Rules and Procedures of the Judicial Council.
 - B. To be informed, in writing, of any referrals or complaints against them.
 - C. To be informed of the name(s) of the person(s) referring or filing a complaint against them.
 - D. To be informed of the evidence on which the charges against them are based.
 - E. To be informed of the names of potential witnesses that might be called against them.
 - F. To have the case against them proven by a preponderance of the evidence.
 - G. To request a closed hearing if they so choose. A request for a closed hearing must be made in writing to the Chief Justice at least five (5) academic days prior to the hearing.
 - H. To be given a reasonable amount of time to prepare a defense prior to Judicial Council hearings. Requests for additional time to prepare a defense must be submitted in writing to the Chief Justice within two (2) academic days of being notified of the scheduled time of their hearing.
 - I. To appear before the Judicial Council in person to respond to the charges against them.

- a. It is the responsibility of the accused to make every effort to attend the hearing as scheduled by the Chief Justice.
 - b. If the person is unable to attend the scheduled hearing time, they may present a written defense in lieu of an oral response. A written defense waives the right of cross-examination.
 - J. To have a person of their choice advise them throughout the adjudicative process. Professional legal council is not allowed.
 - K. To present evidence in defense of the referral or complaint against them.
 - L. To present witnesses in defense of the referral or complaint against them.
 - M. To remain silent during the hearings so as to not incriminate themselves.
 - N. To question the accusing party, or their written statement, their evidence, and witnesses.
 - O. To be issued a written copy of the Judicial Council's opinion.
2. **Accusing Party has the right:**
- A. To be informed, in writing, of their rights under the Rules and Procedures of the Judicial Council.
 - B. To appear before the Judicial Council in person to present their rationale for referral or complaint.
 - a. It is the responsibility of the accusing party to make every effort to attend the hearing as scheduled by the Chief Justice.
 - b. If the accuser is unable to attend the scheduled hearing time, they may present a written summary of their rationale for referral or complaint. The presentation of a written argument waives the right for cross-examination of witnesses.
 - C. To have a person of their choice advise them throughout the adjudicative process. Professional legal council is not allowed.
 - D. To present evidence in defense of their rationale for referral or complaint.
 - E. To present witnesses in defense of their rationale for referral or complaint.
 - F. To question the accused party, their evidence, and witnesses.
 - G. To be issued a written copy of the Judicial Council's opinion.
3. **Committee or Organization has the right:**
- A. To be awarded the same rights as if they were an individual person.
 - B. To be represented by the Chairperson of the committee of President of the Organization.
 - a. The Chairperson or President may delegate this authority to another person within the committee or organization if they have informed the Chief Justice of the change.

Section 5.02 Appeal

1. **Senatorial Representation has the right:**
- A. To be informed, in writing, of their rights under the Rules and Procedures of the Judicial Council.
 - B. To be informed, in writing, of any appeals against them.

- C. To be informed of the name(s) of the person(s) referring or filing a complaint against them.
- D. To be informed of the evidence on which the charges against them are based.
- E. To be informed of the names of potential witnesses that might be called against them.
- F. To have the case against them proven by a preponderance of the evidence.
- G. To request a closed hearing if they so choose. A request for a closed hearing must be made in writing to the Chief Justice at least five (5) academic days prior to the hearing.
- H. To be given a reasonable amount of time to prepare a defense prior to Judicial Council hearings. Requests for additional time to prepare a defense must be submitted in writing to the Chief Justice within two (2) academic days of being notified of the scheduled time of their hearing.
- I. To appear before the Judicial Council in person to respond to the charges against them.
 - a. It is the responsibility of the Senatorial representation to make every effort to attend the hearing as scheduled by the Chief Justice.
 - b. If the person is unable to attend the scheduled hearing time, they may present a written defense in lieu of an oral response. A written defense waives the right of cross-examination.
- J. To have a person of their choice advise them throughout the adjudicative process. Professional legal council is not allowed.
- K. To present evidence in defense of the referral or complaint against them.
- L. To present witnesses in defense of the referral or complaint against them.
- M. To remain silent during the hearings so as to not incriminate themselves.
- N. To question the appellant, or their written statement, their evidence, and witnesses.
- O. To be issued a written copy of the Judicial Council's opinion.

2. **Appellant has the right:**

- A. To be informed, in writing, of their rights under the Rules and Procedures of the Judicial Council.
- B. To appear before the Judicial Council in person to present their rationale for referral or complaint.
 - a. It is the responsibility of the appellant to make every effort to attend the hearing as scheduled by the Chief Justice.
 - b. If the appellant is unable to attend the scheduled hearing time, they may present a written summary of their rationale for referral or complaint. The presentation of a written argument waives the right for cross-examination of witnesses.
- C. To have a person of their choice advise them throughout the adjudicative process. Professional legal council is not allowed.
- D. To present evidence in defense of their rationale for referral or complaint.
- E. To present witnesses in defense of their rationale for referral or complaint.

- F. To question the accused party, their evidence, and witnesses.
- G. To be issued a written copy of the Judicial Council's opinion.

Article 6. Business Meeting

Section 6.01 Purpose

- 1. Business meetings shall be called when the Judicial Council has internal management, regulatory, training or informational needs.

Section 6.02 Frequency

- 1. Business meetings shall be called at the discretion of the Chief Justice.

Section 6.03 Procedure and Policy

- 1. The Judicial Council Secretary shall take minutes of all business meetings, which shall be posted and maintained on the ASUW website.
- 2. The meetings may follow Robert's Rules of Order, or another method at the discretion of the Chief Justice.
- 3. Five members of the Judicial Council, including the Judicial Council Advisor, constitute a quorum.

Article 7. Revisions and Ratification

Section 7.01 Revisions

- 1. Revisions to the Rules and Procedure of the Judicial Council of the ASUW shall be initiated in Judicial Council business meetings and voted upon after a comment period of five (5) academic days.
- 2. Approval by five (5) of the seven (7) Justices of the Judicial Council shall make all changes binding.
- 3. The ASUW Senate shall be notified of all changes to the Rules and Procedures at the next annual vote of approval.

Section 7.02 Ratification

- 1. The Rules and Procedures of the Judicial Council of the ASUW shall be ratified and in effect upon the following:
- 2. Approval by five (5) of the seven (7) Justices of the Judicial Council during a business meeting after the Rules and Procedures have been open to comment for at least five (5) academic days prior to the vote.
- 3. Approval by two-thirds (2/3) of the ASUW Senate annually.