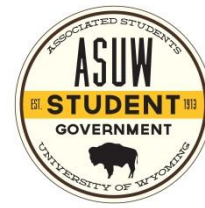




RULES AND PROCEDURES OF THE JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF WYOMING



Article I - Introduction

- I. In the spirit 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 III, Section 3(C).

Article II - Responsibilities of Judicial Council Members

- I. The Chief Justice of the Judicial Council has the following responsibilities and authority:
 - a. Act as the spokesperson and advocate for the Judicial Council in pursuit of the goals of the Judicial Council, ASUW and the University.
 - b. Create and present a Vision and Goals document for the Judicial Council annually after confirmation by the ASUW Senate.
 - i. The Vision and Goals documents should include, but is not limited to the Chief Justice's goals, plans, and initiatives (s)he will peruse during the term of office.
 - ii. 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 with a vested interest in ASUW.
 - c. Establish the dates, times and locations for all Judicial Council business meetings and hearings.
 - d. 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:
 - i. Reviewing the purpose and function of the Judicial Council within the ASUW.
 - ii. Reviewing the ASUW Constitution, ASUW By-Laws, ASUW Judicial Council Governing Procedures and other ASUW working documents.
 - e. Annually ensure that the Rules and Procedures of the Judicial Council are submitted to the ASUW Senate for approval pursuant to Senate Bill #2147.
 - f. Appoint one (1) of the Associate Justices as Secretary of the Judicial Council.
 - g. Receive all requests for interpretation, referrals, and complaints from the ASUW Secretary and disseminate these documents to the Associate Justices.
 - h. Inform the named parties in the case of referral or complaint of their rights under the Rules and Procedures of the Judicial Council, in writing.
 - i. Preside over all Judicial Council business meetings and hearings.
 - i. In the event the Chief is unable to preside over a business meeting or hearing, the Secretary of the Judicial Council will preside.

- j. 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.
 - i. If the Chief Justice is not in the majority on the disposition of a matter, delegation of assigning the writing of the opinion falls to the senior most Associate Justice within the majority.
 - ii. The Chief Justice, or senior Associate Justice delegated this power, may reserve the right to write the opinion themselves.
 - k. Manage the Judicial Council’s budget.
 - l. Prepare the Judicial Council’s budget for the next academic year.
 - m. Prepare and present a Summary and Report document at the end of the term for the incoming President and administration of the ASUW.
 - i. 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.
 - n. Delegate any of the aforementioned duties to an Associate Justice if necessary.
 - o. Retain all responsibilities and authority of an Associate Justice in addition to those as Chief.
- II. Associate Justices of the Judicial Council have the following responsibilities and authority:
- a. Attend all Judicial Council business meetings, hearings and ASUW special events deemed necessary by the Chief Justice or ASUW President.
 - i. Failure to attend three (3) or business meetings, hearings, or special events deemed necessary shall result in invocation of the Council’s absence policy.
 - b. Communicate with the Chief Justice on scheduling availability.
 - c. Participate in all Council decisions from an unbiased perspective.
 - d. Recuse from voting in the event of a conflict of interest with a request for interpretation, referral, or complaint.
 - e. Serve as Judicial Council Secretary if appointed by the Chief Justice.
 - i. The responsibility and authority of the Secretary of the Judicial Council include, but are not limited too the following:
 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.
 4. Ensure a copy of all Judicial Council opinions are sent to the permanent file pursuant to Senate Bill #2107
 5. Prepare and maintain the Judicial Council binders with the most current ASUW documents in connection with the Chief Justice and Judicial Council Advisor.
 6. Preside over Judicial Council business meetings and hearings in the event the Chief Justice is unable to preside.

- III. The Judicial Council Advisor has the following responsibilities and authority:
- a. Act as a neutral party in advising the Judicial Council on procedure and precedent.
 - b. Assist in the annual Judicial Council training.
 - c. Assist in the recording and maintenance of Judicial Council precedent.
 - d. Assist and aid in the annual transition of Judicial Council leadership.
 - e. Assist in the internal management of the Judicial Council.
 - f. Serve as the Clerk of the Council during hearings.

Article III - Absence Policy

- I. 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.
- a. The Chief Justice and Judicial Council Advisor may find that the absent member of the Council has excuses for their absences.
 - i. It is the responsibility of the absent member to make every effort to attend Judicial Council business meetings and special events deemed necessary.
 - ii. There are no excused absences for missed hearings.
 - iii. Excused absences include, but are not limited too, absences due to class meeting times, tests, or other academic related activity. Non-academic related absences are presumed to be unexcused.
 - b. 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.
 - i. 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.
 - ii. If the Judicial Council finds that that the absences were unexcused they may impose sanctions.
 - i. Sanctions are at the discretion of the Judicial Council, including but are not limited too, campus service, community service, or similar action.
 - ii. All sanctions shall be proportional to the severity of the offense.
- II. In order for the Council to function properly, any Judicial Council member who has six (6) or more absences, whether excused or unexcused, shall be referred to the ASUW Senate for impeachment proceedings.

Article IV - Fundamental Rights

- I. The rights the accused party, in the event of a referral or complaint to the Judicial
- a. To be informed, in writing, of any referrals or complaints against them.
 - b. To be informed of the name(s) of the person(s) referring or filing a complaint against them.

- c. To be informed of the evidence on which the charges against them are based .
 - d. To be informed of the names of potential witnesses that might be called against them.
 - e. To have the case against them proven by a preponderance of the evidence.
 - f. To choose 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.
 - g. 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) days of being notified of the scheduled time of their hearing.
 - h. To appear before the Judicial Council in person to respond to the charges against them.
 - i. It is the responsibility of the accused to make every effort to attend the hearing as scheduled by the Chief Justice.
 - ii. 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.
 - i. To have a person of their choice advise them throughout the adjudicative process. Professional legal council is not allowed.
 - j. To present evidence in defense of the referral or complaint against them.
 - k. To present witnesses in defense of the referral or complaint against them.
 - l. To remain silent during the hearings so as to not incriminate themselves.
 - m. To question the accusing party, their evidence, and witnesses.
 - n. To be issued a written copy of the Judicial Council's opinion.
 - o. To be informed, in writing, of their rights under the Rules and Procedures of the Judicial Council.
- II. The rights of the accusing party, in the event of a referral or complaint to the Judicial Council are:
- a. To appear before the Judicial Council in person to present their rational for referral or complaint.
 - i. It is the responsibility of the accusing party to make every effort to attend the hearing as scheduled by the Chief Justice.
 - ii. If the person is unable to attend the scheduled hearing time, they may present a written summary of their rational for referral or complaint. The presentation of a written argument waives the right for cross-examination of witnesses.
 - b. To have a person of their choice advise them throughout the adjudicative process. Professional legal council is not allowed.
 - c. To present evidence in defense of their rational for referral or complaint.
 - d. To present witnesses in defense of their rational referral or complaint.
 - e. To question the accused party, their evidence, and witnesses.
 - f. To be issued a written copy of the Judicial Council's opinion.
 - g. To be informed, in writing, of their rights under the Rules and Procedures of the Judicial Council.
- III. In the event that the accused party or the accusing party is a committee or organization, they

are awarded the same rights as if they were an individual person.

- a. The committee or organization is to be represented by the Chairperson of the committee or President of the organization.
- b. 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.

Article V - Formal Proceeding Procedures

I. Formal, non-business proceedings by the Judicial Council are initiated by the filing of a written complaint, referral or request for interpretation.

- a. A written referral or complaint to the Judicial Council shall include the following:
 - i. The name of the accusing party.
 - ii. The name of the accused party.
 - iii. A recitation of the facts that lead to a rational for referral or complaint.
 - iv. Generally, the evidence that supports the rational for referral or complaint.
 - v. The relief sought by the accusing party.
- b. A written request for interpretation is to include the following:
 - i. The name of the party requesting interpretation.
 - ii. The specific document(s) and area(s) that are to be interpreted.
 - iii. The context in which the request for interpretation arose.
- c. After the filing of a formal written referral or complaint with the ASUW Secretary and forwarding to the Chief Justice, a hearing will be scheduled within ten (10) academic days.
- d. After the filing of a formal request for interpretation with the ASUW Secretary and forwarding to the Chief Justice, the Judicial Council will convene on the matter within ten (10) academic days.
 - i. The Judicial Council will convene to discuss the matter in private.
 - ii. The party requesting interpretation may be required to attend if deemed necessary by the Council for clarification of the request.
 - iii. Parties with a vested interest may submit briefs on the topic under consideration as Friends of the Council.

II. The procedures for a hearing of the Judicial Council are as follows:

- a. The Chief Justice will schedule a hearing date, time, and location.
 - i. The Chief Justice will inform all relevant parties of this information at least five (5) days prior to the hearing, if possible.
 - ii. Failure 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 Honor Code.
- b. The hearing will be called to order by the Chief Justice.
- c. 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.

- d. The accusing party will present their rationale for referral or complaint and the evidence they have to support their claim.
 - e. The accused party will have the opportunity to present the defense and evidence to support said defense.
 - f. The accusing party and the accused party shall have the opportunity to cross-examine the other side's evidence.
 - i. Cross examination may continue to occur as long as the Chief Justice deems it necessary to ensure the fairness of the hearing.
 - ii. The Chief Justice may limit the evidence admitted to the hearing on the grounds of relevancy or authenticity.
 - g. The accusing party and the accused party shall have the opportunity to present a closing argument.
 - h. The Judicial Council will then convene privately to discuss the disposition of the referral or the complaint.
 - i. Only members of the Judicial Council, including the Judicial Council Advisor, shall be in attendance for the deliberation.
 - ii. Four members of the Judicial Council in concurrence constitute a majority.
 - iii. 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.
 - 1. Once an opinion is released to the relevant parties, it is presumed binding.
 - i. The Judicial Council Advisor serves as the Clerk of the Council during hearings.
 - i. The Clerk of the Council is allowed to answer questions on procedure and process.
 - ii. The Clerk of the Council operates the recording equipment.
 - 1. The Clerk of the Council will announce for the record the date, time, and location of the hearing, the Justices present, the accused and the accusing parties present prior to the hearing being called to order by the Chief Justice.
 - 2. Only the hearing is recorded, the private deliberations of the Council are not recorded.
 - j. 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.
- III. Once the Council has reached a decision on the outcome of a request for interpretation, referral or complaint, a written opinion shall be released by the Judicial Council within ten (10) academic days.
- a. Copies of the opinion are to be sent, in addition to the party requesting interpretation, or the accused and accusing parties, to:
 - i. The party requesting interpretation (if applicable).
 - ii. The accusing party (if applicable)

- iii. The accused party (if applicable)
 - iv. The President of the University of Wyoming
 - v. The Vice President for Student Affairs
 - vi. The Dean of Students
 - vii. The President of the ASUW
 - viii. The ASUW Advisor
- b. In the event sanctions are recommended, the opinion sent to the Vice President for Student Affairs will serve as notice to the Vice President for Student Affairs of the recommended sanction for their implementation.
 - c. Pursuant to the ASUW By-Laws, only cases of recommended sanctions maybe appealed to the University Board of Student Appeals.

Article VI - Business Proceeding Procedures

- I. Business meetings shall be called at the discretion of the Chief Justice when the Judicial Council has internal management, regulatory, training or informational needs.
 - a. The Judicial Council Secretary shall take minutes of all business meetings, which shall be posted and maintained in the ASUW office and/or on the ASUW website.
 - b. The meetings may follow *Robert's Rules of Order*, or another method at the discretion of the Chief Justice.
 - c. Business meetings are open to the public.
 - d. Five members of the Judicial Council constitute a quorum.

Article VII - Ratification and Revision

- I. In the spirit of ensuring fairness and due process while maintaining a separation of powers, the Rules and Procedures of the Judicial Council of the ASUW shall be ratified and in effect upon the following:
 - a. 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 seven (7) days prior to the vote.
 - b. Approval by two-thirds (2/3) of the ASUW Senate annually.
- II. 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 seven (7) days.
 - a. Approval by five (5) of the seven (7) Justices of the Judicial Council shall make all changes binding.
 - b. The ASUW Senate shall be notified of all changes to the Rules and Procedures at the next annual vote of approval.

These Rules and Procedures of the Judicial Council of the Associate Students of the University of Wyoming are approved by a _____ vote of the Council on _____.

Signed: _____
Chief Justice, ASUW Judicial Council