



### **ASUW JC Injunction**

Order of the Judicial Council delivered by Justice Compton. Justice Compton is joined by Justices Wangen, Swaney, Cruz, and the Chief Justice.

#### **Background**

The Judicial Council received an anonymous report alleging witness tampering on April 5<sup>th</sup>. This report involved individuals who may be called as witnesses on behalf of the J. Reuben Clack Law Society (JRCLS) in its appeal of the Student Organization Funding Board (SOFB) 1-year funding suspension. This report raised concerns about witness tampering, including articles of censure, removal from committees, or impeachment. The report also asked for an injunction to prevent intimidation and retribution of the JRCLS witnesses.

The Judicial Council takes these matters seriously, and as such, we are granting the request for an injunction to protect the fundamental rights of the appellants. Their witnesses should not fear reprisal solely based on their decision to testify.

#### **The JC has the Authority to Enjoin the Other Branches as Required**

The ASUW By-Laws art. 3 § 3.01(3) (C), provides “[t]he council shall have the right to make recommendations to or require actions of other branches of the ASUW as they determine are required.” By negative implication, this section gives the Judicial Council the authority to prevent actions of other branches of the ASUW when they are required. *See* ASUW By-Laws art. 3 § 3.01(3) (C).

Appellants have the right to present witnesses to support their defense. JC Rules and Procedures art. 5 § 5.02 (2) (E). Witnesses in fear of retribution cannot adequately support the defense of an appellant. Intimidation tactics such as threats, censure, loss of committee seats, or impeachment place undue influence upon otherwise objective witnesses.

The Judicial Council has an obligation to protect the fundamental rights of appellants. JC Rules and Procedure art. 5 § 5.02 H(2). To protect the fundamental rights of appellants, the Judicial Council may require actions or prevent actions of the other branches of the ASUW. By granting an injunction, the Judicial Council protects the fundamental rights of appellants by allowing them to “present witnesses in defense of their rationale for a referral or complaint” JC Rules and Procedures art. 5 § 5.02 (2).



### **Scope of Injunction**

The Judicial Council grants an injunction to prevent any action by the Senate, including articles of censure, articles of impeachment, or removal from committee against any individual who has been called as a witness on behalf of the JRLCS. The Senate may bring articles of censure, articles of impeachment, or remove from committee a member who violates ASUW policies, the ASUW code of ethics, cannot fulfill the duties of their office, or who has compromised their integrity as a student leader. ASUW By-Laws art. 6 § 6.02 (1). However, these measures taken against the JRCLS witnesses must be first reviewed by the Judicial Council to ensure that justification exists for these measures outside participation in the JRCLS appeal.

The injunction shall protect only those called as witnesses by the JRCLS in the JRLCS v. SOFB appeal from retribution solely based on their testimony supporting the JRLCS position. This injunction shall end at the end of the term for the 111<sup>th</sup> administration, April 30<sup>th</sup>, 2024. This injunction does not protect those called to be witnesses for the SOFB alone but can protect those who are called as witnesses by the JRLCS as well as the SOFB. These protections do not extend to those who violate ASUW policies or procedures.

It is so ordered.