JUDICIAL COURT

<table>
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<th>NAME:</th>
<th>This Code shall be known as Code #104b, the Code on the Associated Students Judicial Court.</th>
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<tr>
<td>AUTHORITY:</td>
<td>This Code is established under Article IX of the Associated Students Constitution of California State University, Northridge, Inc.</td>
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<td>PURPOSE:</td>
<td>The purpose of this Code is to outline and define the membership, terms of office, powers, duties, meetings, and judicial processes of the A.S. Judicial Court.</td>
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<td>DATE OF EFFECTIVENESS:</td>
<td>This Code shall be effective when approved by a majority vote of the Associated Students Senate.</td>
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<td>AMENDMENTS:</td>
<td>This Code may be amended by a majority of the total voting membership of the Associated Students Senate.</td>
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I. RESPONSIBILITIES: The Judicial Court is established under the authority of the Associated Students Constitution, and is responsible for ensuring that Associated Students actions, policies, and procedures are in alignment with the terms and spirit of the A.S. Constitution. Among, but not exclusive to, those responsibilities includes oversight of the A.S. process for chartering new campus clubs, reviewing purpose and name changes of A.S. chartered organizations, hearing challenges to the constitutionality of A.S. Elections-related issues, and making determinations of the constitutionality of an issue, subject, policy or procedure of the Associated Students. The Judicial Court shall have the responsibility upon the conclusion of judicial proceedings to make recommendations on any changes on or clarification of the A.S. Constitution, Senate Standing Rules, Codes, and other University policies.

II. MEMBERSHIP: The membership of the A.S. Judicial Court shall consist of the following:
   A. Voting Members (5 total):
      1. Chief Justice
      2. Four (4) Associate Justices, one of which will be appointed as the Vice Chief Justice by the Chief Justice.
B. Non-Voting Members (3 total):
   1. Attorney General
   2. Senate Representative to the Judicial Court
   3. Advisor to the Judicial Court

III. QUORUM AND ABSENCES:
A. Quorum for the A.S. Judicial Court shall be defined as a minimum of three (3) voting members present.
B. Voting members of the Judicial Court may have no more than three (3) unexcused absences from official meetings/hearings of the Judicial Court per academic year.
C. Any voting member of the Judicial Court who has more than three (3) unexcused absences per academic year will be considered as having vacated the seat.
D. Voting members of the Judicial Court may have a combination of no more than two (2) unexcused absences and three (3) excused absences per academic year.
E. Voting members of the Judicial Court who arrive more than fifteen (15) minutes late to any official meeting/hearing without notifying the Chief Justice an hour prior to the meeting/hearing shall be considered an unexcused absence.
F. The Attorney General will be responsible for reporting unexcused absences from the Judicial Court to the A.S. President.

IV. APPOINTMENTS AND TERMS OF OFFICE: The following outlines the methods and terms of office for the A.S. Judicial Court.
A. Chief Justice:
   1. The Chief Justice shall be appointed by the A.S. President and confirmed by a majority of the total voting membership of the A.S. Senate.
   2. The term of office for the Chief Justice is one-year, to be concurrent with that of the A.S. President who appoints them.
   3. The Chief Justice may be recommended for reappointment by any future administrations without limit to the number of reappointments.
B. Four (4) Associate Justices:
   1. Associate Justices shall be appointed by the A.S. President and confirmed by a majority of the total voting membership of the A.S. Senate.
   2. The term of office for an Associate Justice is two (2) years from the date of their appointment to the Judicial Court.
   3. An Associate Justice may be recommended for reappointment by any future administration without limit to the number of reappointments.
   a. The Vice Chief Justice:
      i. The Vice Chief Justice shall be appointed by the Chief Justice at the first official meeting of each semester and confirmed by a majority vote of the voting membership of the Judicial Court.
Associated Students, California State University, Northridge, Inc.

Codes & Policies

ii. There is no limit to the number of times an Associate Justice may be approved to hold the position of Vice Chief Justice.

C. Senate Representative to the Judicial Court:

1. The Senate Representative to the Judicial Court is nominated by the A.S. Senate at the first meeting of each new Administration (June), and is approved by a majority vote of the A.S. Senate. The term of office is a maximum of one year, ending with the last meeting in May of each year. In the event of a vacancy in the Senate Representative position, a new appointment will be made at the next Senate meeting.

V. MEETINGS: Regular meetings of the A.S. Judicial Court will be on Mondays at 2:00 pm. The location of the meetings will be posted seventy-two (72) hours or three working days prior to the meeting as part of the regular agenda. The time and date of the meetings may be changed by a majority vote of the A.S. Senate. The Judicial Court shall have the ability to create any procedures which will ensure a fair and orderly hearing.

VI. DUTIES:

A. In addition to the duties and processes outlined in the A.S. Constitution, the following specific duties apply to the Judicial Court:

1. The Chief Justice will:
   a. Prepare and appropriately distribute agendas for all meetings and proceedings of the Judicial Court.
   b. Chair all meetings and proceedings of the Judicial Court.
   c. Ensure that majority, and, if applicable, minority dissenting opinions are written and published for distribution.
   d. Present pending constitutions for approval and address Senate questions related to those constitutions.

2. The Vice Chief Justice will:
   a. Act as the Chief Justice in the absence of the Chief Justice, and will carry out those duties as outlined in the A.S. Code on the Judicial Court;
   b. Take minutes of all Judicial Court meetings and decisions, and make sure a historical record of the Judicial Court is kept, including copies of all majority and, if applicable, minority dissenting opinions written and published online.
   c. Post the minutes in the A.S. Student Leadership Suite and on the A.S. website within twenty-four (24) hours following any meeting or Judicial Proceeding.
   d. Be distributed to:
      i. The A.S. President and Vice President

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ii. The A.S. Senate
iii. The membership of the A.S. Judicial Court
iv. The A.S. Coordinator for Student Leadership
v. The A.S. Government Secretary
vi. The A.S. Government General Manager
vii. The A.S. Chair for Clubs and Organizations
viii. Members of the A.S. Executive Cabinet
ix. Advisor to the A.S. Judicial Court
x. Assistant Director, Matador Involvement Center

3. The Associate Justices will:
   a. Participate fully in all related Judicial Court meetings and hearings.
   b. Write and sign opinions.

4. The Senate Representative to the Judicial Court will:
   a. Ensure the A.S. Senate is informed of the work and issues present before the Judicial Court.
   b. Ensure the Judicial Court is similarly informed of the Senate.

5. The Attorney General will:
   a. Represent the issues and processes of the Associated Students in matters presented to the Judicial Court for review.
   b. Notify the Senate of final decisions made by the Judicial Court, and notify the Judicial Court of any decisions to overturn made by the Senate.

VII. PROCESSES
A. Judicial Proceedings:
   1. Filing Complaints to the Judicial Court
      a. Complaints must be filed using the official Judicial Complaint form, and submitted to the Judicial Court within five (5) business days after an alleged violation has taken place.
      b. All appeals to an Elections Committee decision regarding election eligibility or misconduct must be submitted using the Judicial Complaint form, and must be submitted within two (2) business days of the Elections Committee decision.
      c. The Judicial Complaint form may be submitted online and in writing.
         i. Any Judicial Complaint forms submitted in writing must be signed by the Coordinator for Student Leadership prior to being submitted. Two (2) copies of the completed form are to be turned in to the Central A.S. Student Leadership Office:
            1) One to the attention of the A.S. Attorney General
2) One to the attention of the Chief Justice
   
   ii. All online submissions will be sent to the Chief Justice, Attorney General, and Manager for Student Leadership.
   
   d. Following the submission of the Judicial Complaint form, the Chief Justice will ensure the form has been completely filled out, and then assign the complaint a number. Before it can be heard, the complaint must include specific reference to the actual rule, code, policy or constitution that has allegedly been violated.
   
   e. The Judicial Court shall notify all individuals and group defendants of any/all complaints filed against them within five (5) business days of the date the complaint is submitted.

   f. After being notified by the Judicial Court, the Defendant must meet with the Plaintiff for mediation within ten (10) business days.

2. Mediation
   
   a. The purpose of mediation is to find a solution satisfactory to both the complaining party and the accused party that is appropriate under the A.S. Constitution and Codes.
   
   b. Cases must go through mediation before being heard at a Judicial Hearing, unless the Chief Justice determines a decision must be made within ten (10) business days.
   
   c. The Matador Involvement Center Activities Coordinator or their designee will serve as the mediator. If the Activities Coordinator cannot be ruled as a neutral party, the Chief Justice shall appoint a neutral party to serve as the mediator. The Chief Justice will sit as an observing party on the mediation.
   
   d. Mediation shall be closed to the public. The participants in mediation shall be representatives from both the complaining and defending parties.
   
   e. If a complaint is not resolved through mediation, the case will be heard at the next regular Judicial Court meeting. If the Chief Justice determines time is a critical factor, the Chief Justice may call a Special Judicial Court Hearing with no less than forty-eight (48) hour notice.

3. Witnesses
   
   a. Both the Plaintiff and Defendant must submit written lists of any/all potential witnesses to the Chief Justice no later than twenty-four (24) hours prior to a Judicial Court Hearing.

4. Judicial Hearing Procedures
   
   a. The Chief Justice will call the meeting to order and determine the presence of quorum.
   
   b. The Chief Justice shall recognize members of the gallery who may be called upon to address the complaint being heard by the Judicial Court.
   
   c. Pre-Trial Motions:
i. The Defendant may make the following pre-trial motions:
   1) To dismiss on jurisdictional grounds.
   2) To dismiss based on the fact that the case is moot or not ready.
   3) To dismiss on the basis that both parties have agreed to terms of mediation which are presented to the Judicial Court in writing.

d. Opening Statements:
   i. The Plaintiff presents their brief and main argument (five minute maximum)
   ii. The Defendant presents their brief and main argument (five minute maximum)

e. Presentation of Witnesses:
   i. The Plaintiff presents all their witnesses (15 minutes total presentation time for all witnesses combined)
   ii. Defendant cross examination of any/all witnesses (15 minutes total cross for all witnesses combined)
   iii. The Defendant presents all their witnesses (15 minutes total presentation time for all witnesses combined)
   iv. Plaintiff cross examination of any/all witnesses (15 minutes total cross for all witnesses combined)

f. Questions from the Court
   i. The Judicial Court may inquire on any information presented orally or in writing in regards to the complaint (15 minutes)

g. Closing Statements
   i. Plaintiff closing statement (5 minutes maximum)
   ii. Defendant closing statement (5 minutes maximum)

h. Court Deliberation
   i. The Court will deliberate in closed session until a majority decision is reached.
   ii. If applicable, it shall also issue a dissenting opinion.
   iii. Any Justice may author the majority or minority opinion on behalf of the Judicial Court. It is the responsibility of the voting members of the Judiciary to determine who will write each opinion. Those Justices who do not write an opinion have the responsibility to sign on to either the majority or minority opinion.

   i. The majority opinion of the Judicial Court may only be appealed to the A.S. Senate through the sponsorship of an A.S. Senator.

   i. Appeals are announced during the Attorney General’s report.

B. Approval of Constitutions: The Judicial Court shall review constitutions for those student clubs and organizations requesting Associated Students Charter. In addition, any substantive changes or amendments that are not the result of CSU and/or
university mandates, which include, but are not limited to, the purpose and name changes of A.S. chartered organizations, must adhere to the following process:

1. The club/organization must submit all appropriate paperwork and begin the recognition process through the Matador Involvement Center (MIC).
   a. One (1) printed, and one (1) electronic copy of their constitution must be forwarded by the MIC to the Associated Students Judicial Court, no later than any given Tuesday at 12 PM noon to begin this process.

2. Once the Judicial Court receives the club/organization’s constitution, it will be placed on the Judicial Court’s agenda for review. The following timeline will then apply:
   a. **Week 1:** Constitution is placed on agenda and assigned to a voting member of the Judicial Court for review. The Judicial Court will notify the club/organization of changes required by the Judicial Court before the constitution will be forwarded to the Senate for review. These changes will be transmitted electronically. The assigned Judicial Court member will keep in contact with the club/organization representative to answer any questions and to make sure that changes to the constitution (required by the Judicial Court) are made by the next Judicial Court meeting.
   b. **Week 2:** The corrected constitution is submitted to the assigned voting member, during their club/organization’s open forum presentation. The assigned voting member of the Judicial Court will review the revised constitution and will ask any clarifying questions to the designated club/organization representative. If a member of the club/organization requesting recognition is NOT present, the constitution will be tabled per the discretion of the Judicial Court.

The Judicial Court will review the final changes to the Constitution, and vote to table or move the constitution to Senate for final approval, at the next following Senate meeting. Upon approval, the Chief Justice will send moved constitutions to the A.S. Government Secretary no later than 24 hours before the A.S. Senate Agenda has to be posted.

   c. **Week 3:** A.S. Senate will vote on the Action Item to approve the constitution, under New Business.

3. During and following the review process and approval, all student clubs and organizations are required to observe and follow the policies and procedures that govern student clubs and organizations at California State University, Northridge.

C. **Exceptions**

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1. In circumstances when the CSU and/or the university mandates that University Recognized and A.S. Chartered student club and organization constitutions be revised, in whole or in part; mandated constitutional revisions shall be provided, reviewed and approved by the Matador Involvement Center Professional and/or Student Staff, and not be subject to the Constitution Approval Process, as stated in Article XII, Section B.

D. Judicial Opinions

1. From time to time, a question may be raised as to the constitutionality of an issue, practice or policy. Such constitutional questions may be referred through the A.S. Senate to the Judicial Court for review and interpretation.

2. If an issue is referred to the A.S. Judiciary for clarification, the issue should be put on the agenda at the first available Judicial Court meeting.

3. The Judicial Court may request the appearance of any person(s) who may be able to help clarify the question and aid in resolving the question.

4. The Judicial Court will render its decision or opinion in writing to the person/group/organization posing the question, and distribute its answers to its regular distribution list as well.

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<th>REGULATION:</th>
<th>The Code for the A.S. Judicial Court shall, in the execution of its responsibilities, uphold the policies of the:</th>
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<tr>
<td></td>
<td>The United States Constitution</td>
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<td></td>
<td>The State of California</td>
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<td>California State University, Northridge Associated Students, Inc.</td>
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| PARLIAMENTARY AUTHORITY: | The parliamentary authority for the A.S. Judicial Court shall be the most current edition of Robert’s Rules of Order, Newly Revised. |

| ENABLING CAUSE: | This Code shall supersede any and all Codes on the A.S. Judicial Court passed prior to March 30, 2015. |

Approved on: September 22, 2014
Amended on: November 28, 2016