

ASSOCIATED STUDENTS OF THE UNIVERSITY OF WASHINGTON
JURISPRUDENCE OF THE JUDICIAL COMMITTEE

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PREAMBLE

The Judicial Committee has been created to ensure that the actions of the ASUW subscribe to the goals and guidelines as set forth in its Articles of Incorporation, Constitution, and Bylaws. The Judicial Committee and its members are tasked with remaining impartial, analytical, and to interpret to the best of their ability the Articles of Incorporation, Constitution, and Bylaws of the ASUW. Creation of this Committee is by no means designed as a check on the Board of Directors; rather it is intended to provide the Board of Directors with a resource for further investigation of complex legal and policy issues. The Judicial Committee must, therefore, recognize that the Board of Directors retains the final decision making power of the ASUW with every issue on which the Board of Directors chooses to take action.

ARTICLE I: STRUCTURE AND FUNCTIONS

SECTION 1: Membership of the Judicial Committee

- A. The membership of the Judicial Committee is delineated in the ASUW Constitution, Article XI, Section 2A. In cases involving review of elections violations, Judicial Committee members who are also Board of Directors members, including the Chair and ASUW President or proxy, shall not be involved in discussion or voting. Committee members excluded from participation may be called upon by the remaining members of the Committee to address complaints filed by and/or against them.
- B. Voting members of the Committee shall include:
 - 1. An at-large member of the Board of Directors, who shall serve as Chair of the Judicial Committee;
 - 2. ASUW President or proxy;
 - 3. Four additional at-large members chosen through the Open Selection Process, two of which shall be appointed every odd year and two of which shall be appointed every even year for two-year appointments; and
 - 4. One member of the Student Senate.
- C. Non-voting members of the Committee shall include:
 - 1. A liaison from Student Legal Services; and
 - 2. A representative of the Student Activities Office.

SECTION 2: Definitions

- A. A recommendation is a decision made by the Judicial Committee that recommends a particular course of action to the Board of Directors, as outlined in the ASUW Constitution, Article XI, Section 2B, 1a;
- B. A judgment is a decision made by the Judicial Committee that mandates a particular course of action to the Board of Directors, as outlined in the ASUW Constitution, Article XI, Section 2B, 1b;
- C. A “Request for Review” is the official form that must be completed in order to request Judicial Committee action. The form, to be designated by the Judicial Committee and approved by the Board of Directors, must include the following information:

1. Submitter's name;
 2. Submitter's student number (to verify student status);
 3. Appropriate reference number of legislation, Board of Directors Bill number, location in the ASUW Constitution or Bylaws where the violation is said to occur, or sections of the Constitution or Bylaws the submitter would like the Judicial Committee to review, if applicable;
 4. Purpose of legislation or an explanation of the request, in the form of a brief summary of the intent of the legislation in question or a description of the question being asked of the Judicial Committee; and
 5. Justification for review, in the form of specific references where the ASUW has violated its governing laws or policies, an in-depth description of the action, or an explanation of why the submitter believes there is a need for Judicial Review of the matter in question.
- D. To reach a quorum requires the presence of at least four voting members of the Judicial Committee.

SECTION 3: Duties

- A. The Chair of the Judicial Committee shall:
1. Ensure Committee actions conform to guidelines delineated in the ASUW Constitution and Bylaws;
 2. Assign tasks and act as a liaison to Committee members as necessary to successfully fulfill the purpose of the Judicial Committee as delineated in the Constitution;
 - a. Assign one committee member to Board of Directors meetings and another to Student Senate meetings. These Judicial Liaisons shall act as judicial advisors to those bodies and shall report to the Judicial Committee at the next meeting of such of the business of the body in which they were a liaison to;
 3. Write reviews, recommendations, and judgments in accordance with findings of the Judicial Committee;
 4. Present recommendations and judgments of the Committee to the Board of Directors, unless this responsibility is specifically delegated by the Chair to an at-large member of the Judicial Committee;
 5. Ensure all members of the Committee are contributing. If the Chair finds any member(s) to be inadequately carrying out their responsibilities, the Chair will report any inadequacies to the Vice President for review;
 6. Assign at-large members of the Committee to the Secretary positions by the second meeting of Autumn Quarter;
 7. Reassign responsibilities of the Secretaries if the workload is determined to be excessive for one individual; and
 8. Prepare a review of the performance of two-year appointees at the end of their first year for the incoming Judicial Committee Chair.

- B. One at-large member of the Judicial Committee not serving as the Secretary of Recommendations shall serve as Secretary of Judgments. The duties of the Secretary shall include:
 - 1. Providing additional research on Judicial Judgments as deemed necessary by the Judicial Committee Chair;
 - 2. Serving as Chair of the Judicial Committee when hearing matters related to ASUW elections; and
 - 3. Perform duties as assigned by the Chair of the Judicial Committee.
- C. One member of the Judicial Committee who is not serving as the Secretary of Judgments, and who is not the President or Presidential proxy, shall serve as Secretary of Recommendations. The duties of Secretary shall include:
 - 1. Providing additional research on Judicial Recommendations as deemed necessary by the Judicial Committee;
 - 2. Serving as Vice Chair of the Judicial Committee; and
 - 3. Performing duties as assigned by the Chair of the Judicial Committee.
- D. Responsibilities of the Judicial Committee:
 - 1. All voting members of the Judicial Committee shall perform duties as assigned by the Chair of the Judicial Committee;
 - 2. These duties shall include the assignment of each Judicial Committee member to an ASUW Committee to serve as a resource for the investigation of specific legal and policy issues within that committee. Each member shall meet with their assigned committee or sit on a committee meeting no less than once per quarter; and,
 - 3. Every voting member of the Judicial Committee must attend one Board of Directors meeting per quarter, unless otherwise excused by the Chair of the Judicial Committee.

SECTION 4: Functions and Limitations.

The functions and limitations of the Judicial Committee shall be as delineated in the ASUW Constitution with the following provisions:

- A. In no way shall the functions and powers of the Judicial Committee replace or supersede those of the Board of Directors, as granted in the ASUW Constitution;
- B. The Judicial Committee may undertake no action of its own without that power being explicitly delineated in the ASUW Constitution or specifically granted by the Board of Directors;
- C. The Judicial Committee reserves the right to defer review of an issue pending recommendations from the appropriate University authority for legal or procedural information if the issue involves investigation beyond their means and/or if the consequence of their decision warrants such action;
- D. The Judicial Committee must follow University guidelines when referring issues to the University resources; and,

- E. The Judicial Committee must recognize the authority of University resources upon receiving requested recommendations from that University resource.

ARTICLE II: ETHICS AND STANDARDS

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The ethics and standards of the Judicial Committee shall follow those outlined in the ASUW Bylaws, Article II.

ARTICLE III: CONSTITUTIONAL APPRAISAL

Commented [FP2]: New article

Throughout the session the Judicial Committee shall review the ASUW Bylaws and Constitution. Examination of both shall be done to ensure that any contradictions in such documents are adequately addressed. By the penultimate Board of Directors meeting of the Spring quarter the committee shall submit to the Board of Directors this constitutional appraisal of the various notes, observations, and suggestions to improve the associations governing efficiency and legal remedies.

In the event that a Constitutional Convention is called then the collection of the Constitutional Appraisals since the previous convention shall be presented to the current convention. This collection of appraisals shall be used to assist the convention in understanding the overall observations of constitutional and bylaw interpretations from previous ASUW sessions to better assist the current convention on possible amendments and context to current articles.

ARTICLE IV: PROCEDURES

The Committee shall use Sturgis Standard Guide to Parliamentary Procedure in accordance with the Board of Directors Bylaws. Situations allowing the Judicial Committee to review ASUW actions for recommendation and judgment are delineated in the ASUW Constitution.

SECTION 1: Procedures of the Committee.

A. Procedures for submission:

1. The presented information requesting Judicial Committee action must meet the criteria delineated in the ASUW Constitution;
2. Students who are requesting Judicial Review must fill out a Request for Review;
3. The student(s) must then submit the Request to the Chair of the Judicial Committee five (5) days prior to the next scheduled Judicial Committee meeting;
4. Submitted "Requests for Review" that ask for a Judicial Committee judgment must be filed no longer than ten regular class days after the Board of Directors decision in question:
 - a. The Judicial Committee may extend the deadline a maximum of five regular class days when provided with sufficient justification from the submitter; and
 - b. Re-filed Requests for Review must be submitted within five regular class days of its return in order to be considered by the Judicial Committee.

5. Submitted Requests for Review that are past deadline shall not be considered by the Judicial Committee. In these instances, only new legislation by the Board of Directors can reverse or replace a prior action or decision of the ASUW, Board of Directors, or ASUW Entity.
- B. Procedure for review:
1. The Chair shall verify all information on the Request, as well as perform any additional research deemed necessary;
 2. The Judicial Committee shall, at its next meeting, review the merits of the Request. At this time, the Committee may vote by simple majority on one of the following actions:
 - a. Vote to investigate the Request further and offer a recommendation or judgment on the current date, or a later date;
 - b. Refer the Request back to the submitter with requests for further information;
 - c. Reject the Request for Review if the issues involved are outside the jurisdiction of the Judicial Committee or are not felt to be grounded in fact; or
 - d. Refer the issue to the appropriate University resources for legal or procedural information.
- C. If the Judicial Committee decides to investigate, a written summary of their conclusions must be provided to the submitter as well as the Board of Directors. These conclusions, once presented to the Board at their next meeting, are not debatable. However:
1. The submitter may choose to re-file the Request as long as sufficient revisions have been completed that warrant further inquiry by the Judicial Committee; and
 2. The Board of Directors may overturn judgments of the Judicial Committee as delineated in the ASUW Constitution.
- D. If the Judicial Committee refers the Request back to the submitter, the Committee must provide, in writing, the specific information needed to review the Request;
- E. If the Judicial Committee rejects the Request, they must provide a written summary of the reasons for rejection. This rejection, once written, is not debatable; however, the submitter may choose to re-file the Request as long as sufficient revisions have been completed such that further inquiry by the Judicial Committee is warranted;
- F. If the Judicial Committee refers the Request to an “appropriate University resource,” the Committee must provide the submitter, in writing, a summary of the Committee’s reasoning for such referral;
- G. The Judicial Committee must approve and amend, as necessary, the final text of the referral summary during the next meeting after a Committee decision has been made, unless the Committee finds that the manner is of a timely nature and would hinder ASUW operations if delayed, in which case a draft of the review may be approved at the initial meeting. If the Judicial Committee elects to approve a draft of their version of their review, the Chair must provide the final version at the next meeting.

SECTION 2: Additional Procedures for Review of Election Issues.

Upon receiving complaints from the Elections Administration Committee, candidates, and students at large, the following shall be the rules regarding the final presentation of the Judicial Committee's findings to the Board of Directors.

- A. The functions of the Judicial Committee regarding election complaints shall be as follows:
 - 1. To collect data, investigate charges, and take punitive measures regarding alleged violations of ASUW elections rules; and,
 - 2. To hear complaints from the Elections Administration Committee, candidates, and students.
- B. A public hearing shall be convened five regular school days after the last day of ASUW elections to hear elections matters:
 - 1. All decisions shall be made in executive session;
 - 2. Board of Directors members and the President's proxy serving on the Judicial Committee shall not vote or participate in Committee discussion; and
 - 3. The Secretary of Judgments shall serve as Chair of special sessions involving elections.
- C. Complainants must fill out an Elections Complaint Form to register allegations of election misconduct;
- D. The Request shall be automatically rejected if filed more than two regular school days after the election;
- E. Candidates against whom a complaint has been filed must be notified within three school days of the election, or the Request must be dismissed; and,
- F. A special report of the results shall be sent to the Board of Directors, where it shall be dealt with in accordance with the Board of Directors Bylaws and the Elections Policies and Procedures.

SECTION 3: Judicial Committee Actions.

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- A. Classification:
 - 1. Each Judicial Committee Action shall be classified in a format with two numbers separated by a period.
 - 2. The first number shall be the classification number of the Judicial Committee Action as follows:
 - a. 1- Judicial Committee Judgments and Appraisals;
 - b. 2- Judicial Committee Recommendations;
 - 3. The second number shall be one more than the number of Judicial Committee Actions of the same classification submitted to the Administrative Assistant to the Judicial Committee that session. The first Action of each type during a session shall start at 1.
- B. Declaration Clause:

1. All Judicial Committee Judgments shall be declared by the clause “THEREFORE, BE IT THE JUDGMENT OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF WASHINGTON JUDICIAL COMMITTEE”;
2. All Judicial Committee Recommendations shall be declared by the clause “THEREFORE, BE IT THE RECOMMENDATION OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF WASHINGTON JUDICIAL COMMITTEE”;

C. Title:

1. Following the Classification number the title of the Judicial Committee Action shall be in reference to the person and/or entity who submitted the Request for Review (Submitter) versus the action/entity in which the request for review was submitted to review in the first place (Respondent), and;
 - a. Example, “Submitter versus Respondent”, or “Submitter vs. Respondent”.

ARTICLE V: AMENDMENTS

Commented [FP4]: New article.

The Committee shall establish amendments to this Jurisprudence whenever they deem necessary. Any member of the Committee shall propose an amendment to this Jurisprudence. The amendment, if approved by 2/3 of the voting members, shall be adopted by the Committee. The Board of Directors approves such amendments with a 2/3 vote.

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