

BYLAWS OF THE WARREN COLLEGE JUDICIAL BOARD

Earl Warren College

University of California, San Diego

Adopted: 03/04/2004; Amended: 06/03/04

ARTICLE I: Name

The name of this assembly shall be the Warren College Judicial Board, hereinafter referred to as WCJB.

ARTICLE II: Membership

- A. Membership is comprised of 9 members, appointed to two-year terms by the Judicial Board with the consent of the Warren College Student Council (WCSC) Legislative Board.
- B. Chair
 - 1. Appointed by a vote of WCJB for a term of one year
 - 2. Shall call and preside over all hearings and meetings of the WCJB
 - 3. Shall assemble an agenda for all WCJB meetings, excluding official hearings
 - 4. Shall not vote in hearings or meetings except in case of a tie
 - 5. Shall be ineligible to be reappointed to the position of Chair after two terms as Chair
 - 6. Must be a currently appointed WCJB member
 - 7. Must be a currently registered Warren Student
- C. Vice Chair
 - 1. Appointed by a vote of WCJB for a term of one year
 - 2. Shall assume the duties, responsibilities, and limitations of the Chair when the Chair is absent
 - 3. Must be a currently appointed WCJB member
 - 4. Must be a currently registered Warren Student
- D. Representative to Legislative Board
 - 1. Appointed by a vote of WCJB for a term of one year
 - 2. Shall be the official representative of WCJB to Legislative Board meetings but shall not have the power of vote in the Legislative Board
 - 3. Must be a currently appointed WCJB member
 - 4. Must be a currently registered Warren Student
- E. WCJB may establish other unofficial internal positions at their discretion.
- F. The Warren College Dean of Student Affairs shall advise WCJB.

ARTICLE III: Duties

- A. Conflicts of Interest
 - 1. WCJB members shall be required to recuse themselves from a case to which they are a party or a witness.
 - 2. WCJB members shall be expected to use good judgment in determining if they have a conflict of interest in a case to which they have a personal connection and recuse themselves accordingly.
- B. WCJB shall have the authority to establish their own rules and procedures consistent with these bylaws.

- C. WCJB shall appoint or send representatives as necessary to hearing boards including, but not limited to, those listed below in this section.
 - 1. All-Campus Academic Dishonesty Hearing Board
 - 2. A.S. Judicial Board
 - 3. All-Campus Judicial Board
- D. Conduct Appeals
 - 1. The Warren College Dean of Student Affairs shall initiate the proceedings for Conduct Appeals.
 - 2. The UCSD Student Conduct Code and/or the UCSD PPM shall guide the operation of such appeals.
- E. Disputes Over Rules
 - 1. Shall hear questions of parliamentary procedure and constitutionality of bylaws and legislation
 - 2. Shall have original jurisdiction over such cases
- F. Removal From Office
 - 1. Shall hear such cases when a member has been impeached by the Legislative board
 - 2. Shall determine:
 - a. if the disputed actions took place
 - b. if they fall under the grounds for removal articulated in the Constitution of the Warren College Student Body (WCSB).
- G. Elections Violations
 - 1. Shall hear cases concerning violations of Election Bylaws
 - 2. Shall have original jurisdiction over such cases
 - 3. Shall determine:
 - a. if the disputed actions took place
 - b. if the disputed actions violate the Warren College Elections Bylaws
 - c. the appropriate sanction, up to disqualification

ARTICLE IV: Meetings

- A. WCJB shall meet, at minimum, twice in one quarter, excluding official hearings.
- B. Excluding official hearings, parliamentary procedure for WCJB meetings, based on Robert's Rules of Order, shall be used at the discretion of the Chair. This discretion may be overridden by a majority of voting members.
- C. A quorum of majority of WCJB voting members must be present to conduct official business.
- D. At the discretion of the Chair, minutes shall be taken by the Vice Chair or designee. This discretion may be overridden by a majority of voting members.

ARTICLE V: Filing a Complaint

- A. Each party is allowed one spokesperson to present its case, which may be the complainant or the accused.
- B. The complainant is required to complete the appropriate paperwork.
 - 1. For rules and elections cases, the complainant must complete a complaint form and a detailed schedule of available times for his or her subsequent three-week period.

2. This must be submitted to either the Warren College Dean of Student Affairs Office or the Chair of WCJB within ten (10) academic days of the incident.
3. The filing procedure for impeachment cases is outlined in the Constitution of the Warren College Student Body.
4. The filing procedure for conduct cases is handled by the Warren College Dean of Student Affairs.

ARTICLE VI: Processing the Complaint

- A. If the complainant is seeking a preliminary injunction, an order preserving the status quo, until a full hearing can be held:
 1. The Chair of WCJB shall schedule a preliminary hearing with a preliminary hearing officer and the spokespersons from each party within the time needed for the preliminary injunction to have effect.
 2. The preliminary hearing officer may be any member of WCJB.
 3. Only the spokespersons from each party shall be allowed to speak at this preliminary hearing.
 4. For a preliminary injunction to be granted, the complainant must show:
 - a. that there is probable cause the complaint is true and
 - b. the harm to be incurred by the complainant if the preliminary injunction is not issued is greater than the harm to be suffered by the accused if the preliminary injunction is issued
 5. The preliminary hearing officer shall have the authority to grant or deny the complainant's request for a preliminary injunction based on the merits of the complainant's request by the information presented at the hearing only.
- B. After submission of the appropriate paperwork, the WCJB shall have seven (7) academic days to determine if they have jurisdiction over the dispute.
- C. Should the board determine that a hearing is in order, the following steps shall be taken:
 1. Notification of the accused party of the charges filing against him or her within three (3) academic days
 2. Request within three (3) academic days for a schedule of available times for the subsequent three-week period of his or her official spokesperson
 3. A hearing date will be announced. This date must be within fourteen (14) academic days from the original submission of the appropriate paperwork. Both parties shall be notified in writing at least four days before the scheduled hearing. Any request for postponement must be submitted to the Chair of WCJB in writing at least two days before the scheduled hearing.
- D. The complainant must provide the accused with a comprehensive list of all the evidence and witnesses to be presented at the hearing at least 48 hours before the scheduled hearing. The accused may waive this right.
- E. The accused must provide the complainant with a comprehensive list of all evidence and witnesses to be presented at the hearing at least 24 hours before the scheduled hearing. The complainant may waive this right.

ARTICLE VII: The Hearing

- A. Any objections raised on a failure to follow the afore-mentioned procedures must be made before the start of the hearing. The Board will determine the merits of any such request.
- B. Quorum for any hearing will be a majority of the board.
- C. The hearing will be open to the public, unless requested otherwise. The Chair of WCJB, subject to the approval of the Board, shall have final judgment on any such requests.
- D. The Chair of WCJB, with the Board's approval, shall have the authority to take any appropriate action necessary for the proper conduct of the proceedings.
- E. If the accused party fails to appear, then the case will be decided based upon the evidence presented at the hearing. If the complainant fails to appear, then the case will be dismissed.
- F. If the complainant or accused is not his or her official spokesperson, then he or she may only speak as a witness.

ARTICLE VIII: The Decision

- A. The decision will be based on the preponderance of the evidence that was presented at the hearing only.
- B. All deliberations shall be closed to voting members of WCJB and the Chair of WCJB.
- C. The Board will make its decision by majority vote with the Chair voting only in case of a tie.
- D. In non-conduct cases, the presiding member or designee shall write the Opinion of the Board.
 - 1. This Opinion must be approved by a majority vote of the prevailing side.
 - 2. In delivering a decision and opinion, WCJB members must adhere to WCJB precedent unless they explicitly reverse themselves or the circumstances are significantly different. WCJB members shall use AS Judicial Board decisions as an aid in their decision making, but shall not be required to use the decisions of AS Judicial Board as binding precedent.
 - 3. This Opinion of the Board serves as binding precedent for future cases and controversies, unless sealed as described below.
 - 4. Any member on the prevailing side who disagrees with the Opinion of the Board or wishes to add to it may issue a concurring opinion. This concurring opinion shall not serve as binding precedent.
 - 5. Any member not on the prevailing side may issue a dissenting opinion.
 - 6. The board may issue an injunction or any other judicial remedy deemed appropriate to enforce its judgment.
 - 7. The Opinion of the Board along with any concurring and dissenting opinions shall be published within seven (7) days of the hearing.
 - 8. The official copy of the Opinion of the Board and any concurring and dissenting opinions shall be placed in the Warren College Dean of Student Affairs office within seven (7) days of the hearing in a file open to the public, unless:
 - a. The Chair of WCJB orders the opinions sealed if it would be illegal to make such records public.
 - b. If the opinions are sealed, the Opinion of the Board shall not serve as binding precedent for future cases and controversies.

9. The official copy of the Opinion of the Board shall bear the signature of the presiding member.
 10. All parties to the dispute shall receive a copy of the Opinion of the Board along with any concurring and dissenting opinions.
 11. The Chair of WCJB shall notify Warren College Student Council of its findings.
- E. In Conduct cases, the presiding member shall write a letter to all parties, informing them of the decision, in accordance with the UCSD Student Conduct Code.

ARTICLE IX: Rehearing a Case

- A. All decisions of WCJB are final.
- B. If extraordinary circumstances arise, either party may submit a formal written request for a rehearing or reconsideration to the Board.
- C. The Board will decide on any such requests within ten days of its submission.
- D. Extraordinary circumstances include, but are not limited to:
 1. Newly discovered important evidence not known at the time of the hearing
 2. The decision is not supported by the findings
 3. Misapplication or misinterpretation of the WCSB Constitution or any of its bylaws
 4. Violation of University policy
 5. Unfairness in the proceedings such as but not limited to the denial of due process that prejudiced the result