

# **California College Republican Judicial Board**

## **Article I. Purpose**

Section 1: The Judicial Board shall be established to hold accountable unethical or unconstitutional activities, whether by an entity or individual, and shall act duly to enforce, interpret, and provide guidance to the California College Republicans to ensure equal justice under the law.

Section 2: The Judicial Board shall be established to assist in the creation, drafting, or amending of bylaws or other legal documents pursuant to appropriation by the Chair.

## **Article II. Jurisdiction**

Section 1: The Judicial Board shall be the governing Judiciary of the California College Republicans, and shall thus act within the spirit and text of the constitution, and the limitations provided thereof.

Section 2: The Judicial Board shall work within all appropriated powers of the Board of Directors, and with approval of the Executive Committee.

Section 3: The Judicial Board shall retain a right to preliminary authority over all decisions involving procedural or substantive grievances arising out of a violation of the CCR Bylaws or Constitution.

Section 4: The Judicial Board shall retain the authority to issue preliminary injunctions against any member within the powers of the Executive Committee without prior counsel or notice to the Executive Committee.

Section 5: Upon discovery and due process that proves any person(s) offering testimony to the Judicial Board was falsified, that person shall be indefinitely classified as a member in poor standing from the California College Republicans pending a ruling from the General Assembly.

## **Article III. Rights and Limitations**

Section 1: No member shall be deprived of his rights under the California College Republican constitution or other governing entity without due process of law.

Section 2: No member shall be subject for the same offense to be twice put in jeopardy; nor shall be compelled in any case to be a witness against himself. All members shall be permitted to

appoint counsel or representation on their behalf, but shall not burden the Judicial Board with the duty to do so on their behalf.

Section 3: No preliminary injunction shall exceed 15 days without due process of the law.

Section 4: Only the Chief Justice retains the right to approve a preliminary injunction.

Section 5: All members have a right to a public and speedy trial or case.

Section 6: All members hold a right to accountability for Justices. Justices may not discuss cases in progress or release information outside of the Judicial Board meetings or hearings until the case is resolved or unless by a 2/3rds vote of the Judicial Board. However, the Judicial Board may discuss cases or release information to affected parties or relevant individuals in order to pursue facts and evidence pertinent to pending matters.

Section 7: The defendant or plaintiff has a right to file for a summary judgement. Summary judgements shall skip trial hearings, and shall be binding pursuant to this charter. Motions for summary judgements must be included in the petition. The Judicial Board may reject a motion for a summary judgement by a two thirds vote. If rejected, the Judicial Board will hold a trial hearing at either the next California College Republican Convention, or California College Republican Board of Director's Retreat, which will be determined by whichever event is closer by date or by a majority vote of the Judicial Board.

Section 8: Proxy voting is prohibited.

#### **Article IV. Composition**

Section 1: The Judicial Board shall consist of 5 Justices and 3 alternate Justices appointed by the Chairman and confirmed by a majority of votes of voting members of the California College Republican Executive Committee.

Section 2: The Judicial Board shall consist of a Chief Justice, a Vice Chief Justice, and 3 other Associate Justices.

Section 3: The Chief Justice of the Judicial Board shall be appointed by the Chairman of CCR. The Chief Justice shall hold the following responsibilities:

- A. Preside over and organize meetings;
- B. Request reasonable remuneration from the Executive Committee or other California College Republican Committees for official Judicial Board expenses;
- C. To submit all rulings to the Executive Committee;

- D. To maintain a record of attendance of all Justices;
- E. To suspend all Justices who fail to show up to any official meetings with no prior approved and legitimate reason;
- F. To appoint any necessary auxiliary staff, such as clerks;

Section 4: The Vice Chief Justice shall be elected by the Judicial Board by a majority vote.

Section 5: The Judicial Board shall, by a majority vote, appoint a committee parliamentarian.

### **Article V. General Meetings**

Section 1: The Chief Justice or any Justice may move for the Chief Justice to hold a General meeting to review cases, potential problems, review bills and or resolutions, or other non-binding matters.

Section 2: The time and meeting of location shall be determined by those calling the meeting. Any meeting not called by the Chief Justice shall require a 24 hour notice, and must have an opportunity for online attendance.

Section 3: The Chief Justice shall preside over all General meetings. All General meetings shall be closed to the public unless specified otherwise by either the Judicial Board or the California College Republican constitution.

### **Article VI. Annual Meetings**

Section 1: The Judicial Board shall hold an annual meeting once per year. The Chief Justice retains the authority to call additional meetings upon the consent of at least a simple majority of the Justices.

Section 2: Quorum shall be 4 justices in any circumstance. Quorum shall be required to vote on any issue.

Section 3: All meetings shall follow Robert's Rules of Order Newly Revised 11th edition (hereafter RORN), with the exception of a formal hearings. All meetings shall herein be defined as formalized discussions of legal problems affecting CCR, and resolutions to expand, renew, or adjust procedural functions of the Judicial Board. The Judicial Board shall not hear any specific cases during these meetings.

Section 4: All meetings shall be open to the public and to reasonable public comment determined by the Chief Justice, or a majority vote of the Justices .

Section 5: Alternate Justices shall not count towards quorum unless they are attending in place of another Justice.

Section 6: Alternate Justices are empowered to act as Justices if a Justice is not in attendance for the extent of the case.

Section 7: In the case of a multitude of Alternate Justices vying for the same seat, with the Associate Justice not in attendance, the Alternate Justice shall be picked by a random number generator.

Section 8: The Annual Meeting shall take place at the California College Republicans convention.

## **Article VII. Procedures for Hearings**

Section 1: A formal hearing shall hereby be defined as a petition to hear a legal or ethical problem that has arose in the California College Republicans.

Section 2: Any member or associate member of the California College Republicans, from any chartered or non-chartered College Republican club, association, or group, may petition the Judicial Board for a formal hearing.

Section 3: The Judicial Board retains the right to investigate, hear, and subpoena members, associate members, or entities of the California College Republicans, within the limitations of the CCR constitution.

Section 4: A Justice's temporary disqualification due to a conflict of interest pertaining to a particular case shall not count against quorum but shall be recorded as an abstention.

Section 5: A conflict of interest for a Justice shall only pertain to the following cases:

- A. A family member is significantly involved in a case;
- B. A spouse or ex-spouse is significantly involved a case;
- C. The Justice is pursuing an intimate relationship with a significant member found within the case or has sexually fraternized with a significant member found within the case at least one year prior to the filing of the case without public disclosure;
- D. The Justice has pursued open, notorious, and numerous personal attacks against either the plaintiff or defendant of any case;

Section 6: In the case where all Justices have a significant conflict of interest, the case shall be investigated by the Judicial Board, written, recommended, and referred to the General Session. A conflict of interest shall not extend past those directly involved in the case. An Executive member involved in a case does not necessarily equate to the Executive Committee being involved, and vice versa.

Section 7: All members or entities of the California College Republicans have a right to petition the Judicial Board for grievances against any member, associate member, or entity within the jurisdiction of this charter and the California College Republican constitution.

Section 8: To file a petition the petitioner must complete all forms and procedures found within the Trial Procedures and Rules of Evidence produced by the Judicial Board.

Section 9: The procedure to file a petition with the Judicial Board is as follows:

- A. The petitioner files a written grievance with the Judicial Board using a “Petition for Hearing” form;
  - i. The petition contains all charges and contentions, refers to all vital evidence, cites the relevant rule, principle or constitutional clause at issue, and states the remedy sought;

Section 10: The process to a Formal Hearing that arises from the successful filing of a petition pursuant to §9 of this article is as follows:

- A. The Chief Justice shall convene a preliminary hearing, which may be online or in person, where the Judicial Board can hear arguments, vital evidence, and testimony concerning its jurisdiction in the matter, and the Judicial Board, upon a two-thirds shall then make its own determination whether or not to hold a trial hearing. Upon a successful vote, a trial hearing shall take place:
  - i. A preliminary hearing shall only hear evidence, arguments regarding evidence, and citations of the rule;
  - ii. All Preliminary Hearings shall be closed to the public unless specified by the Chief Justice;
  - iii. If at least three (3) Judicial Board members determine that the case is within the jurisdiction of the Judicial Board, then a Formal Hearing shall be convened with its date, time, and place announced within one (1) day of the Preliminary hearing. If the petitioner does not receive at least 3 members recognizing jurisdiction, the case is passed onto the Chair and or the Executive Committee, depending on the circumstance;
  - iv. In setting time and dates for Formal Hearings, the Judicial Board shall allow at least five (5) working days, but no more than one (1) academic quarter (as defined by the University of California, Irvine), with the option for extension by a vote of

the Judicial Board. In matters relating to a pending election, a formal hearing shall be held within 5 days of the Preliminary hearing;

v. The petitioner may request the Judicial Board subpoena any member of the California College Republicans, and that the subpoenaed member be given good notice and ability to testify;

B. Upon receiving the necessary votes under provision A, the Chief Justice in accordance to the established procedure shall call a Formal Hearing:

i. Formal Hearings shall be open to all California College Republicans members unless decided otherwise by a majority of the Judicial Board members. A vote on this matter can be initiated either by a Judicial Board member or at the request of the Respondent;

ii. The Formal Hearing shall have the following procedures, in addition to prior published procedures:

(1). The Judicial Board shall establish Trial procedures that are to be open and public;

(2). When procedural questions are raised at Formal Hearings or when evidence or testimony is questioned on the grounds of relevancy or admissibility, it shall be ruled upon by the Chief Justice. The Chief Justice's decision may be appealed by any other Judicial Board member. The Judicial Board member shall then move to a closed session to discuss the appeal, whereby by majority decision they may overrule the Chair's decision;

(3). The right to be a witness and offer testimony before the Judicial Board shall not be limited to the members of the California College Republicans;

(4). All witnesses shall be informed of their obligation to tell the truth prior to presenting testimony before the Judicial Board;

(5). All witnesses shall be presented prior to the final summations of both parties;

(6). All evidence, witnesses, and other methods of proof must be submitted prior to the Formal Hearing at the Preliminary Hearing except in cases of request by the Chief Justice or the majority of the Judicial Board;

(7). All witnesses called by either the Petitioner or the Respondent may be cross-examined by the representatives of the opposing side at the appropriate times;

(8). Judicial Board members may question the Petitioner, Respondent, and witnesses at any time, as deemed appropriate by the Chief Justice;

iii. Decisions and judgments reached by the Judicial Board shall be announced in a general meeting, with the decision open to the public. If the decision is pertinent

to the voting delegates of the California College Republicans General Session, the Judicial Board shall advise the respondent of their right to appeal;

iv. The majority decision shall be recorded in writing and made available to the public within 14 business days of the hearing;

C. Upon specification in the petition, or at the discretion of the majority of the Judicial Board, the Judicial Board may issue a preliminary injunction, that is binding with the signature of the Chief Justice;

Section 11: All trial hearing procedure shall be in accordance to published trial procedure by the Judicial Board.

Section 12: The Judicial Board retains a right, for at any time, to adjourn for a closed session to discuss or deliberate upon any case.

Section 13: All rulings are decided by a majority vote.

Section 14: Speaking times, rules of evidence, and other procedural guidelines not specified in this charter will be developed and approved by a majority vote of the Judicial Board.

### **Article VIII. Parliamentary Authority**

Section 1: The Parliamentary authority for the Judicial Board shall be Robert's Rules of Order Newly Revised, 11th Edition (RONR).

### **Article XI. Amendments**

Section 1: The CCR Senate or Judicial Board may amend these bylaws by a majority vote.