1. Mission and Philosophy
   
   a. The Judicial Branch is dedicated to the interpretation and enforcement of all the governing documents and legislation of ASSOU.

   b. To this end, the Judicial Branch shall take an active part in the weekly affairs of the ASSOU, monitoring activity, and working with the Legislative and Executive branches to ensure ASSOU laws are upheld.

   c. The Judicial Branch shall make itself available and accessible to other officers and members-at-large of the ASSOU to make interpretations of ASSOU rules and to settle any grievances that arise.

2. The Judicial Branch shall strive to uphold the overarching values of fairness, justice, and transparency, and shall work to ensure that no member of the ASSOU is denied the rights given to them by the ASSOU Constitution.

   a. When in doubt as to the proper course of action, Justices shall refer to these guiding principles and the ASSOU Constitution.

   b. The Judicial Branch will keep its rules as simple and understandable as possible.

   c. The Judicial Branch will communicate all of its rules and decisions to all relevant entities by the next meeting of those relevant entities.

   d. Justices commit to looking at every issue in an impartial manner, and to give due consideration to all parties of an issue.

3. The Judicial Branch grants all students the following rights:

   a. The right to file a grievance based on a potential infringement of ASSOU rules.

   b. The right to face their accuser.

   c. The right to a fair and speedy Judicial Review when allegations are made about inappropriate conduct.

   d. The right to a clear understanding of the rules and procedures laid forth in ASSOU law.

4. Branch Composition

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a. The Judicial Branch shall be composed of five Justices: a Chief Justice and three full time administrative Associate Justices, and two At-Large Justices.

5. Position Descriptions

a. The Chief Justice

   a.i. The Chief Justice shall be the chair of all Judicial Branch Meetings.

   a.ii. The Chief Justice shall facilitate the work of the Judicial Branch.

   a.iii. The Chief Justice shall abstain from voting except when it is necessary to break a tie.


   a.v. The Chief Justice shall post and attend Weekly offices hours in order that the Chief stay accessible for ASSOU and the student body.

   a.vi. The Chief Justice shall work with the University Coordinator, Student Conduct and Co-Curricular Accommodations and other members of ASSOU to facilitate Student Conduct Boards.

b. The Associate Justices

   b.i. The Associate Justices shall be paid officers of ASSOU.

   b.ii. The Associate Justices will attend meetings of the Legislative Branch, Executive Branch, and any other relevant ASSOU meetings on a rotating basis with the Chief Justice.

   b.iii. The Associate Justices shall post and attend office hours in order that they stay accessible for ASSOU and the student body.

   b.iv. The Associate Justices shall be required to attend official branch meetings.

   b.v. One Associate Justice shall be voted Vice-Chair by the rest of the Branch.

   b.vi. The Associate Justices shall sit on Student Conduct Boards.

6. Regular Procedure

a. The Judicial Branch shall meet weekly regularly to conduct business.

   a.i. Regular business includes review and comment on pending and recently passed legislation, updates about the activity of the Executive and Legislative branches, and discussion of any questions about ASSOU rules that have been brought forward by members of the ASSOU.

   a.ii. Regular business shall always be conducted before any business relating to special business or Judicial Review.
b. Regular one-on-one meetings will take place between the Chief Justice and other Justices.

c. The Justice as Vice-Chair, shall run meetings when the Chief Justice is absent, and shall take responsibility for promulgating minutes and decisions from any such meetings.

d. The Judicial Branch shall make all decisions by majority vote, using the guiding principles of Robert’s Rules of Order to help expedite decision making processes.

   d.i. The branch may vote to move out of Robert’s Rules.

e. The Judicial Branch reserves speaking rights for Justices; all other members of the ASSOU may speak when given time by a Justice.

f. Official opinions and decisions of the Judicial Branch can only be made during official meetings of the Judicial Branch. Opinions of the entire branch are made by majority approval.

   f.i. At the conclusion of business the Chief Justice shall assign the duty of writing any opinions made during the meeting.

g. Justices shall be allowed to voice their personal opinions but shall not indicate that their opinion is representative of the entire branch.

h. The Judicial Branch must have a quorum of officers present and have publicized the meeting in order to do business.

i. The Chief Justice shall have the ability to call an emergency meeting of the Judiciary

j. The Chief Justice shall work with the appropriate officer of the Executive branch to ensure that all meetings and minutes are publicized appropriately.

k. The Chief Justice shall work with members of the Legislative and Executive branches to ensure that all ASSOU officers are aware of and understand all decisions of the Judiciary.

l. Whenever the Judiciary senses a major conflict between the Executive and Legislative branches, the Chief Justice shall work with involved parties to initiate potential mediation.

7. Mediation

   a. The Chief Justice and Associate Justices shall facilitate mediation between ASSOU Officers or branches within ASSOU.

   b. When mediation takes place between the Executive and Legislative branches an equal number of Senators and Executive officers, who are affected by the conflict, shall be present and take part in the resolution of said conflict.

   c. The Justice overseeing the mediation shall give progress reports to the judicial branch, taking care not to disclose private information of the groups or individuals involved.

   d. Mediation shall not exceed two weeks for any one conflict.

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If the conflict has not been resolved within this time, the Justice mediating the conflict, with the consent of both parties involved, may decide to extend mediation or move the issue to a Judicial Review.

8. Oath of Office

   a. A justice must swear the oath of office as soon as possible upon appointment and confirmation, administered by the Chief Justice before the Senate, or by the any Justice if the Chief Justice is not available.

   b. The oath of office is as follows: “I, [state your name], do solemnly pledge to represent the Constitution of the Associated Students of Southern Oregon University, and to interpret its meaning as a member of the Judiciary, to the best of my ability.”


   9. Respect for Law. A justice should respect and comply with the ASSOU Constitution, Bylaws, and Branch Rules and should act at all times in a manner that promotes confidence in the integrity and impartiality of the judiciary.

   10. Outside Influence. A justice should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment. A justice should neither lend the prestige of the judicial office to advance the private interests of the justice or others nor convey or permit others to convey the impression that they are in a special position to influence the judge. A justice should not testify voluntarily as a character witness.

   11. Nondiscriminatory Membership. A justice should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.

   12. Judicial Fairness and Competence. A justice shall perform his or her duties in the following manner:

       a. A justice should be faithful to, and maintain professional competence in, ASSOU law and should not be swayed by partisan interests, public clamor, or fear of criticism.

       b. A justice should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings.

       c. A justice should be patient, dignified, respectful, and courteous to accusers, defendants, witnesses, student advocates, and others with whom the justice deals in an official capacity. A justice should require similar conduct of those subject to the justice’s control, including accusers to the extent consistent with their role in the adversary process.

       d. A justice should dispose promptly of the business of the court.

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1 This includes public declarations of political allegiance within an ASSOU framework, such as joining Facebook (or other such online sites) groups supporting the candidacy of a specific ASSOU political figure or party, though this does not include private friendships with other students who also serve as members of the ASSOU, or are running for an ASSOU office in an upcoming election.
e. A justice should not make public comment on the merits of a matter pending or impending in any court. A justice should require similar restraint by court personnel subject to the justice's direction and control. The prohibition on public comment on the merits does not extend to public statements made in the course of the justice's official duties, to explanations of court procedures, or to scholarly presentations made for purposes of legal education.

13. Political Neutrality. A justice may not be affiliated with any person or ASSOU political party at SOU. This includes serving as a leader of any such movement, as well as making public speeches in support of such groups. Membership of groups supporting SOU related political causes include online membership or support on such websites (though not limited to) Facebook, MySpace, etc. A justice may not solicit funds for, contribute funds for, or attend any event sponsored for a specific political group or persons, which is not equally open to all other political parties and persons to attend or espouse their political stances.

   a. Resignation upon Candidacy. A justice should resign the judicial office if the justice becomes a candidate in an election for any office.

14. Slander and Libel. No Justice shall; through written, spoken, or recorded testimony, assault the reputation of a member of the ASSOU or Student Body through force of their office.

   a. Censure and impeachment do not constitute slander or libel as they are a part of the duties and powers of the judiciary.

15. Judicial Disqualification. A justice shall disqualify themselves in a proceeding in which the justice's impartiality might reasonably be questioned, including but not limited to the following instances. The decision on what is to be considered reasonable is up to the discretion of the Justices as a whole:

   a. The justice has a personal bias or prejudice concerning a party;

   b. The justice is related to any of the parties involved in the dispute, be they a spouse, etc., within the third degree of relationship;

   c. The justice is known to have an interest that could be substantially affected by the outcome of the proceeding; or to the justice's knowledge, they are likely to be a witness in the proceeding;

   d. For the purposes of this section:

   e. The degree of relationship is calculated according to the civil law system; the following relatives are within the third degree of relationship: parent, child, grandparent, grandchild, great grandparent, great grandchild, sister, brother, aunt, uncle, niece, and nephew; the listed relatives include whole and half blood relatives and most step relatives;

   f. Remittal of Disqualification. Instead of withdrawing from the proceeding, a justice disqualified by 3.7 and/or its subsections may disclose on the record the basis of disqualification. The justice may participate in the proceeding if, after that disclosure, the parties, and remaining justices

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2 This allows for attendance at debates, public forums, senate meetings, and the like, but not dinner-parties, political rallies (unless multiple parties are involved), and the like.
have an opportunity to confer outside the presence of the justice in question, and all agree in writing or on the record that the justice should not be disqualified, and that the justice is then willing to participate. The agreement should be incorporated in the record of the proceeding.

**Special Procedures**

16. While the Judiciary attempts to dispense with issues in a casual manner, certain situations and constitutional duties require more formal procedures. These issues include but are not limited to, Judicial Review of conduct, appeals and grievances, certification of elections, ordering officers to perform their duties, and potential censure or impeachment.

   a. When any of these issues arise, the Judiciary shall use the following guidelines. The Judiciary may also deem any other issue to be subject to the Special Procedures rules by a majority vote.

   b. While Justices always conduct themselves with fairness and discretion in mind, it is especially important for Justices to show respect and consideration for all parties involved in Special Procedures, in deference to the sensitive nature of these issues.

17. Judicial Review

   a. A Judicial Review is a process the Judiciary undertakes to acquire information and make a decision on a Special Procedures issue that has come before the body.

   b. Generally, an Judicial Review will not last for more than two weeks. However, in particularly complicated cases, the Judiciary may vote to extend the Judicial Review process for a week at a time.

   c. A Judicial Review begins with the Judiciary determining the relevant issues in a case, notifying relevant parties that the Judicial Review has begun, and assigning Justices information-gathering duties. At this time, any witnesses will be called.

   d. Generally, relevant parties include anyone who is involved in the case, the heads of the branches of ASSOU, and the advisor of ASSOU. Certain cases may have more relevant parties. At the beginning of a Judicial Review, the Judiciary must decide who are the relevant parties of the case.

   e. Witnesses and parties in a Judicial Review will be asked to come before the Judicial Branch within a week of being notified of the Judicial Review.

   f. If they are not available during a regular meeting of the Judicial Branch, the Chief Justice will work with the parties and Justices to find a meeting time that the Justices and parties can attend.

   g. Any extra meetings must be properly publicized.

   h. Whenever possible, all parties, witnesses, and Justices should come together and speak in the same meeting.
i. Once the information has been collected, the Judiciary will meet to discuss their findings and make a decision on the case.

j. The Chief Justice shall inform all relevant parties in advance of the date on which a pending decision will be made.

k. Once the decision is made, the Chief Justice shall inform all relevant parties of the outcome in writing within 48 hours.

l. Upon deciding the outcome of a case, the Judiciary shall appoint a Justice to write an opinion on the case, which is to be presented at the next meeting of the Judiciary and then promulgated to all relevant parties and read during a Senate meeting. If desired, the Judiciary may also appoint a Justice to write a minority opinion.

18. Grievances

a. Any member of the ASSOU may file a grievance, which is defined as a written complaint about a potential violation of ASSOU rules.

b. Grievances must contain the following information: name of complainant, name of the accused party (or parties), the relevant section of law that was violated, a description of the alleged violation, and names of any witnessed to the violation.

c. Grievances must be sent to the Chief Justice, who will acknowledge receipt of the grievance within 48 hours. If the complainant does not receive acknowledgement after this time, they shall send the grievance to the other Justices, who then have the responsibility to acknowledge the grievance.

d. The Chief Justice shall inform all relevant parties that the grievance has been filed. Relevant parties include all people named in the grievance, the heads of all three branches of ASSOU, all Justices, and the advisor of ASSOU.

e. The Judiciary shall then initiate an Judicial Review (Section 17).

19. Conduct Judicial Review

a. A conduct Judicial Review is a Judicial Review that is looking into an alleged breach of an officer’s code of ethics. It functions as a regular Judicial Review (Section 17) with the addition of these considerations.

b. Judicial Review into potential unethical conduct may be initiated through the filing of a grievance.

c. Alternatively, the Judicial Branch may initiate the Judicial Review independently. As the Judiciary monitors all ASSOU activity, it may become aware of a potential conduct issue without a grievance being filed.

d. A person being investigated for conduct issues has the right to bring witnesses in their defense.

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e. In order to testify, these witnesses must attend the Judicial meeting at which the person being investigated gives testimony, or must make separate arrangements with the Chief Justice more than the 48 hours before the person being investigated gives testimony.

f. If the person being investigated is found to have acted unethically, the Judiciary shall consider the options of censure, impeachment, or formal warning (Section 22).

20. Certification of Elections

a. Upon completion of an election, the Chief Justice shall get the results from the appropriate member of the ASSOU Office Specialist.

b. The Judiciary shall conduct a Judicial Review of the election procedures (Section 17) to ensure that all election rules were followed in the election.

c. Relevant parties include all candidates in the election, individuals who filed ballot measures, and the person in charge of running the election, as well as the normal relevant parties.

d. If the Judiciary finds that all election rules were followed, they shall certify the election as legitimate, at which point newly elected officers may be sworn in.

e. If the Judiciary finds that any election rules were not followed, they may:

   e.i. Certify the election as valid if they feel that the rules violations did not have an effect on the outcome of the election.

   e.ii. Invalidate the election, thereby requiring all or parts of a new election process.

   e.iii. Disqualify a candidate who broke rules in a way that irrevocably altered the outcome of the election.

21. Accountability and Enforcement

a. Upon recognition of wrongdoing through Judicial Review, the Judiciary shall make a report to Senate with a recommendation of Formal Warning, Probation or Impeachment.

b. Formal Warning is defined as telling ASSOU officer(s) to perform their duties or a public reprimanding an officer for inappropriate behavior.

c. When the Judiciary becomes aware that an officer of the ASSOU has neglected a duty enumerated in the Constitution or the rules of that officer’s branch, the Judicial Branch shall order that officer to fulfill that duty and may issue a Formal Warning.

   c.i.1. When the Judiciary votes to issue a Formal Warning, the Chief Justice shall inform the officer(s) it is against, heads of branches of ASSOU, and the ASSOU advisor within 48 hours. The Formal Warning shall also be announced by the judicial representative at the next Senate meeting and Executive Meeting.
c.ii. The Judiciary shall determine the length of time the officer has to comply based on the duty in question.

c.iii. When the Judiciary makes such an order, the Chief Justice shall inform the officer in question, as well as the head of that officer’s branch, within 48 hours.

c.iv. If the officer does not give evidence of compliance by the end of the time period given by the Judiciary, the Judiciary shall consider options of probation or impeachment.

d. Probation

d.i. When an ASSOU officer(s) does not comply with a Formal Warning, they shall be placed on probation.

d.i.1. When the Judiciary votes to place an officer(s) on Probation, the Chief Justice shall inform the officer(s) it is against, heads of branches of ASSOU, the ASSOU advisor, and within 48 hours. The notice of Probation shall also be announced by the judicial representative at the next Senate meeting and Executive Meeting.

d.ii. When on probation, the ASSOU officer(s) shall meet with the Chief Justice and head of that officer’s branch to discuss to fulfill that officer(s) duties and what may be impeding that.

d.ii.1. This group will set a timeline and possible method(s) to correct the infraction.

d.iii. If this timeline is not complied with or there is not sufficient evidence, the Judiciary may move to begin impeachment proceedings.

e. When an officer of the ASSOU engages in gross misconduct or dereliction of duty, the Judiciary shall impeach that officer.

e.i. Impeachment is defined as beginning dismissal proceedings against an officer. The resulting dismissal proceedings are conducted by the ASSOU Senate.

e.ii. Impeachment is reserved for officers the Judiciary deems unfit to serve because of repeated or grievous actions.

e.iii. If the Judiciary is considering impeachment, they shall conduct an Judicial Review into the matter (Section 17), unless the consideration of impeachment is the result of a previous Judicial Review.

e.iv. After an officer is impeached by the Judicial Branch, the Chief Justice shall work closely with the Speaker of the Senate to transfer all relevant information and evidence to the Senate, and shall attend Senate’s dismissal proceedings.

e.v. When a Judicial Review results in findings that the wrong doing was a mistake or minor the Judicial Branch shall issue a Formal Warning in front of Senate.