The Consolidated Students of the University of Nevada, Las Vegas

JUDICIAL COUNCIL OPERATING POLICY

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TITLE I: JUDICIAL COUNCIL COMPOSITION

A. COMPOSITION

The Judicial Branch ("**Council"**) is comprised of seven (7) Associate Justices, with the possibility for one (1) Associate Chief Justice, and one (1) Chief Justice, each nominated by the Executive Board and confirmed by the Senate of the Consolidated Students of the University of Nevada Las Vegas ("**CSUN**") and for which the only qualification to serve in these positions is to be a member of CSUN and fulfill the requirements laid out in the constitution.

B. ASSOCIATE JUSTICE DUTIES

1. The duties of an Associate Justice include, but are not limited to:
    a. Interpret the legal and governing documents of CSUN;
    b. Hear all accepted charges brought against the Executive and Legislative branches of CSUN;
    c. Review past decisions of previous Councils in order to establish foundation for precedent;
    d. Administer the oaths of office as necessary to officers of CSUN;
    e. Create and provide a digital and live report to the CSUN Senate during their regular meetings of the activities of the Judicial Council
        i. The Chief Justice shall assign a member of the Judicial Council to create a digital report of the Council's activities

C. MOST SENIOR ASSOCIATE JUSTICE DUTIES

1. The composition of the Most Senior Associate Justice constitutes the following:
    a. The Associate Justice with the longest, consecutive term is considered to be the Most Senior Associate Justice.
    b. The reappointment of an Associate Justice shall be considered a continuation of their previous term, so long as it is consecutive.
    c. In the event of a similar appointment date, the justice that has completed the most UNLV-recognized credit hours shall be considered Most Senior Associate Justice.
    d. In the event an Associate Justice does not desire the position, the next most senior Justice will assume the position after discussion and announcement with the Council.
2. In addition to the duties of an Associate Justice, the Most Senior Associate Justice include, but are not limited to:
    a. In the vacancy or absence of the Associate Chief Justice, the Most Senior Associate Justice, shall maintain the minutes of all Council meetings.

b. Assist the Chief Justice and ensure that all meetings are compliant to Nevada Open Meeting Law prior to the meeting.

D. ASSOCIATE CHIEF JUSTICE DUTIES

1. In addition to the duties of an Associate Justice, the Associate Chief Justice include, but are not limited to:
    a. Assist the Chief Justice in administering the Council;
    b. Maintain the minutes of all Council meetings;
    c. Set up and supervise a clerkship program;
    d. May, alongside any other justice, design Judicial Council sponsored events, but must supervise that process.
    e. Meet once a month with the Senate President Pro Tempore and the Chief of Staff to discuss the status of the Clerkship Program.
    f. Participate alongside the Chief of Staff and Senate President Pro Tempore in Internship interviews.
        i. In case the Associate Chief Justice is not available, (or in the case of an absence of an Associate Chief Justice, the Chief Justice may select for them) a representative of their choice shall attend the meeting in their place.
    g. Assist the Chief Justice and ensure that all meetings are compliant to Nevada Open Meeting Law prior to the meeting.

E. CHIEF JUSTICE DUTIES

1. In addition to the duties of Associate Justice, the duties of the Chief Justice include, but are not limited to:
    a. Shall serve as liaison between the Council and the Executive Board and the Legislative Branch;
    b. Chief Administrative Officer and Presiding Officer of the Council;
    c. Shall be responsible for publicizing the agendas
    d. Shall be responsible for ensuring that all members of the Council adhere to all Bylaws, operating policies, and codes of conduct;
    e. Determine operating procedures for the judicial branch not defined in the governing documents;
    f. Set guidelines for Judicial Council training;
    g. Shall maintain attendance records and determine if absences are excused or unexcused.
    h. Shall create and maintain documentation that outlines what kind of absences will be excused or unexcused and ensure members are aware of such documentation.

i. Shall assign Associate Justices as liaisons who will attend meetings of or work on special projects which may include, but are not limited to, Internal Affairs Liaison, Ways and Means Liaison, Community Outreach Liaison, and Media Relations Liaison.

TITLE II: SCOPE OF OPERATION

A. CONSTITUTIONAL POWERS

1. The Council interprets the CSUN Constitution and Bylaws.
2. The Council may decide the constitutionality of acts of or within CSUN entities when requested to do so by any CSUN member.
3. The Council may invalidate an improperly conducted election, order a new election, and invalidate elections board decisions.
4. The Council is responsible for ensuring the due process of CSUN members and entities as defined by the Judicial Council operating policy.
5. The Council may act as an arbitrator between CSUN members and entities of the University of Nevada System.

B. OFFICE OF THE ATTORNEY GENERAL

1. Mission and Duties
    a. The primary mission of the Office of the Attorney General shall be to maintain transparency of official CSUN actions, ensure due process of CSUN members, and hold all CSUN officers accountable to a professional standard. The duties of the Attorney General as relevant to the Council include, but are not limited to, the following:
        i. Work closely with all branches of CSUN to serve as an advisor on all matters that pertain to federal and state laws; the NSHE Board of Regents' Handbook and the NSHE Board of Regents' Procedures & Guidelines Manual; the CSUN Constitution; bylaws to the CSUN Constitution; enactments of the Senate; and the most recent edition of Robert's Rules of Order.
        ii. Serve as a liaison between the Judicial Council and remainder of CSUN to prevent and mediate conflict, and actively correct systematic or procedural errors.
            1. The Chief Justice maintains the right to invite the Attorney General to all activities and meetings of the Council except for hearings or deliberations themselves.

C. HEARINGS AND MEETINGS

1. Hearings

a. Hearings are not bound to NRS 241 “Nevada Open Meeting Law” and are closed unless otherwise announced.
b. Minimum quorum for hearings is seven (7) Justices.
    i. For judicial cases heard during the summer sessions, the requirement for minimum quorum for hearings shall be lowered to five (5) justices.
c. The Council reserves the right to further limit days of operation to exclude summer sessions, winter recesses, University recognized holidays where the class is suspended, and periods in which the Judicial Council does not have a minimum quorum of Justices available to hear a case.

2. Meetings
    a. Meetings to consider the adoption of rules are subject to Nevada Open Meeting Law. A minimum quorum for meetings to consider the adoption of rules, deliberate, or render any decision is seven (7) Justices.
        i. For judicial meetings that occur during the summer sessions, the requirement for minimum quorum for meetings shall be lowered to five (5) justices.
    b. The minutes of these meetings shall be approved at the next meeting.
    c. All other meetings are not subject to Nevada Open Meeting Law and, at the discretion of the Chief Justice or a majority of the Justices present, may or may not be closed.
    d. The Council is required to meet at least once within the first 30 calendar days of both the fall and spring academic semesters.
        i. At the first meeting of every academic semester, the Council will discuss and approve any changes made to an operating policy to be presented to the Senate at the first Legislative meeting in October and March.
    e. Additional meeting dates and times will be determined by the Chief Justice or a minimum of 3 consenting Justices.
        i. The Justice must be given five (5) business days' advance notice of the meeting, excluding emergency meetings.
        ii. The Chief Justice or a minimum of (3) consenting Justices can call for emergency meetings at their discretion.

3. Presiding Officer
    a. The Chief Justice shall preside over all meetings and hearings.
    b. In the vacancy of the Chief Justice, the Associate Chief Justice will serve as the acting Chief Justice.
    c. In the vacancy of both the Chief Justice and the Associate Chief Justice, the Most Senior Associate Justice will serve as the acting Chief Justice.

TITLE III: PROCEDURE

A. CASE SUBMISSION PROCESS

1. Any CSUN member may submit a case to the Council by properly completing a Case Submission Form (“Case Form”).
2. A Case Form can only be turned in during CSUN business days and hours before the filing deadline for that hearing date.
    a. In cases dealing with the eligibility of a Senator-elect, the case must be submitted within one week of the election in question but no later than one (1) CSUN business day before the first meeting of the newly elected Senate.
    b. If a case deals with any other type of appeal or unconstitutional action, the case must be submitted within ten (10) CSUN business days of the alleged action or can otherwise be accepted by a majority vote of the whole Council.
    c. If a case simply asks for an interpretation of the Constitution or Bylaws or if it asks for an appeal of a past Council decision, it can be submitted at any time with no constraint.
3. A Case Form must be submitted to a Justice of the Judicial Council, either:
    a. Electronically via the Justice’s official CSUN email; or
    b. Must be time stamped in the CSUN main office at the SU and must be handed in to any Justice.
4. Upon Receiving a Case Form, if it is not filed directly with the Chief Justice, the Justice receiving it must immediately notify and forward it to the Chief Justice.
5. The Chief Justice will notify and provide physical or electronic copies of the completed Case Form to all Justices.
6. The Council will then have five (5) CSUN business days to decide whether or not to hear a case.
7. The Chief Justice, or a minimum consensus of three (3) Justices, may issue preliminary injunctions, summons for witness and/or evidence, and other related orders before a hearing if it is requested and is deemed necessary to a hearing’s outcome.
8. If a case is accepted and proceeds to a general hearing, the petitioner will be required to turn in a written brief no later than six (6) CSUN business days before the requested hearing date. The respondent will be required to turn in a reply brief no later than three (3) CSUN business days before the requested hearing date.
9. If a case is accepted and proceeds to an interpretation hearing, all of section 8 applies except for the requirements for a respondent brief.
10. If a case is accepted and does not proceed to a hearing, but rather straight into closed deliberations, the petitioner and respondent (if applicable) must turn in a brief no later than five (5) CSUN business days after Council accepts the case.

a. Briefs are written legal documents which present the argument and counterarguments to parties in a case and making reference to any and all evidence to be brought up in hearings (if applicable).
b. Any and all evidence must be attached and properly referred to in the briefs unless otherwise summoned by the Judicial Council, requiring a majority vote.
c. If actual evidence is not available prior to a hearing, a detailed description of the evidence can be submitted provided that the actual evidence will be submitted upon availability or summons.
d. Briefs must be turned in-person or in e-mail submissions to the Chief Justice.
e. The Chief Justice, or any designated Justice, will coordinate the submission of briefs and ensure each party receives a copy of the other side's brief before the specific deadlines and scheduled hearings.
f. Deadlines are fixed unless otherwise announced by the Council.

11. The responsibility of proper submission of case forms rests entirely on the petitioner. Justices are not responsible in ensuring a petitioner has properly submitted a case but can advise the submitter on the case submission process.

B. NOTIFICATION PROCESS

1. If a case is accepted by the Council, the parties involved will be notified by the Chief Justice or any designated Justice.
2. If a case is rejected, the Chief Justice or any designated Justice will notify the petitioner. A brief explanation for rejection may be provided at the discretion of the Council.
3. All notifications will be by E-mail deliveries for this section's purposes.
4. Announcements of decisions to hear or reject a case will be posted in a minimum of one (1) established CSUN posting locations.

C. FILING PROCESS

1. The Chief Justice or Associate Chief Justice is responsible for electronically posting case deliberations, including majority, dissenting and concurring opinions within ten (10) business days of a case issuance.
    a. Electronic posting is defined as being relative to the technologies immediately at the disposal of the Council and CSUN Student Government.
2. The Office of the Attorney General (AG) will act as a secondary check on this system to ensure the proper execution of case and deliberation postings.

3. All case related document submissions and official communication with the Judicial Council will be done through the official CSUN Judicial Council email addresses (Firstname.Lastname@unlv.edu).

TITLE IV: RULES OF JUDICIAL PROCEEDINGS

A. GROUNDS AND LIMITATIONS FOR HEARING A CASE

1. The Council adopts the Rule of Four when deciding to hear a case. If at least four (4) Justices wish to hear a case, then the case will be accepted.
2. A case has grounds to be heard if it is asking the Council to:
    a. Judge the constitutionality of acts within CSUN Student Government;
    b. Conduct interpretations of any CSUN document, including but not limited to, CSUN Constitution, CSUN Bylaws, and CSUN Election Rules;
    c. Hear an appeal of decisions of any CSUN entity, including but not limited to, the Executive Board, the Senate, and the Elections Board;
    d. Issue a Judicial Writ of Order including but not limited to:
        i. Preliminary Injunction
        ii. Writ of Mandamus
    e. Issue summary judgment regarding an accepted case. The purpose of a summary judgment is to avoid an unnecessary hearing when there is no genuine issue of material fact.
    f. Perform any action within the Council's scope of power.
    g. The ability to adjudicate against Robert's Rules of Order.
3. The Council may decline to hear a case if:
    a. The case is submitted improperly.
    b. It is not valid within the context of the CSUN Constitution.
    c. In the case of an appeal, a majority of Justices agree with the previous decision.
    d. A majority of Justices find fault with Petitioner's argument and/or claim(s).

B. JUDICIAL HEARINGS

1. The Council may summon any individual of CSUN that seeks to affect the Council or its actions to a hearing to determine the legality of the body's actions
    a. Should the body refuse to appear, the Council may continue to behave according to these rules or the status quo
2. If either party to a hearing fails to meet any of the requirements set forth in this document, or fails to appear at the hearing, the Council may declare a Default Judgment against the delinquent party if the majority of the Council determines that the violation prevented the opposing party from receiving a fair hearing. In applying this rule, the Council shall first consider all other judicial remedies.

3. Before oral arguments, any petitioner or respondent may bring a charge of conflict of interest against any participating Justice to dismiss them from the case.
    a. A charge must be filed as a case submission form with all supporting evidence and can be turned in before a hearing to the Chief Justice or the Justice presiding in the Chief's vacancy.
        i. If the charge regards the Chief Justice, then it may be submitted to the Associate Chief Justice.
    b. A conflict of interest arises when a Justice (or the spouse, minor child residing in the Justice's household, or other close relative of the Justice) has an intimate relationship with an involved party, or when a Justice might be so personally or financially affected by a matter that a reasonable person with knowledge of the relevant facts would question the Justice's ability to properly perform official duties in an impartial manner.
    c. A majority of all the Justices present, excluding the Justice in question, shall be needed to dismiss a Justice upon demonstration of a conflict of interest.
    d. A Justice may also voluntarily recuse themselves from a case at their discretion
4. Oral arguments will be represented by each of the parties in the case.
    a. Each party will have ten (10) minutes to present their argument of the case or motion unless extended or otherwise notified by the Chief Justice.
    b. The Petitioner will present their argument first, and then the Respondent will follow (if applicable).
    c. Each party is entitled to represent themselves in a given case.
        i. Each party is allowed up to an additional three (3) people, or co-counsels, that may accompany and speak for their respective parties.
            1. The list of co-counsels' names must be listed with the filing of the briefs.
            2. An individual may be disqualified from being a counsel if they have a conflict of interest and if deemed necessary by the Chief Justice or a majority of the Council in the interest of fairness and objectivity.
            3. Time will not stop when co-counsel is yielded the floor.
        ii. Each party is allowed witnesses whose names have been listed with the briefs and may call them during the party's presentation.
            1. Time will be stopped when the witness is entering and leaving the hearing but will resume during the witness' testimony.

d. The Justices, at any time during arguments, may interject and ask questions, give comments, or ask for clarification from the person speaking
    i. The clock will be stopped at this point and will resume after the question is resolved.
e. The Chief Justice reserves the right to remove any member of a party who becomes disruptive from the proceedings.

5. After all parties finish their arguments, the Council will proceed with a question and answer session.
    a. This session is unlimited and will end when all Justices finish asking questions.
    b. Justices may direct questions to both parties and/or one specific member or party.
    c. All members must remain silent unless a Justice allows a member to speak
    d. The Justice reserves the right to silence any member who is out of order.
    e. A Justice can request any evidence that may be required in order to render a decision that a party of interest is willing to divulge. The Justice must receive a majority vote of the council in order to request this evidence.

C. DELIBERATIONS AND DECISIONS

1. The Council will discuss cases in closed deliberations and render a decision when it has reached a majority consensus.
    a. If a hearing took place, at least all but two Justices must have sat on a hearing to render a decision.
    b. The outcome of any case must be decided by a majority of the Justices present. In the event of an even split in voting Justices then no outcome or decision will be made by the Council.
    c. The Council may consult the Office of the CSUN Attorney General and/or UNLV legal counsel before rendering decisions.
    d. In order to ensure deliberations are free of bias, both real and perceived, justices are strictly forbidden from providing direct legal advice or resources to Petitioning and/or Responding parties.
        i. Justices encountering this aforementioned situation are required to forward any legal questions to the Office of the Attorney General.
        ii. In general, the Judicial Council should empower the Office of the Attorney General to answer legal questions and/or provide counsel to officials and entities of the CSUN Student Government.

iii. No Justices shall engage in ex parte communication with any individual, internal or external, outside of deliberations regarding any matter of a case.

2. The Council shall have the power to issue orders to ensure the proper execution of its responsibilities and authority derived from the CSUN Constitution and from the laws, rules, and regulations of CSUN.
3. Decisions come in the form of Judicial Orders, Writs, and Opinions.
4. Judicial Writs and Orders such as Summary Judgments and Preliminary Injunctions, can be, at the discretion of the Council and at the request of the party filing the motion, announced immediately.
    a. A written output of this decision will follow
5. Majority Opinions are written by the Justices from the majority voting bloc of the Council.
    a. The Chief Justice (or the Most Senior Associate Justice in the majority) may assign any number of Justices in the majority to serve as writers of the majority opinion, which may be embraced by the bloc at large.
    b. A majority opinion states the majority's verdict to the case, explains the reasoning for the verdict, and may suggest/demand any actions as a result of the case.
6. Any Justice in the majority who is not writing the majority opinion may write a concurring opinion at their discretion.
    a. A concurring opinion explains why a Justice agrees with the conclusion of the case but for different reasons stated in the majority opinion.
7. Dissenting Opinions are written by a Justice from the minority voting bloc of the Council.
    a. The Chief Justice, if in the minority, or the most senior Justice in the minority will assign a Justice to write this opinion.
    b. Any Justice reserves the right to write a separate dissenting opinion on his or her own.
    c. A dissenting opinion explains why a Justice disagrees with the verdict and the reasoning in the majority opinion.
8. All posting of decisions must occur within ten (10) CSUN business days of the hearing.
9. If a case has not been summarily adjudicated, the final and official decision of the Council will be the published Majority Opinion.
10. All decisions are to be posted in established CSUN posting locations.

D. APPEALS

1. When appealing, the burden of proof rests on the petitioner. Appeals may be granted for any of the following, but are not limited to:

    a. Demonstration that a reversible error with regard to a conclusion of law may exist
    b. Demonstration that judgment was significantly influenced by a violation of due process, as set forth in these rules of procedure.
2. Petitioners seeing to appeal a prior decision shall file a new Case Form and note their intention to appeal.
3. Appellate hearings shall be conducted in a similar manner to regular judicial hearings.

TITLE V: ACCOUNTABILITY OF JUDICIAL OFFICERS

A. ADMINISTRATIVE STRUCTURE

1. The Council is directly accountable to the specific judicial provisions within the CSUN Constitution.
2. The Chief Justice is the chief administrative officer of the Council and will be responsible for holding the members of the Council accountable to its rules and regulations.

B. OPERATING POLICY

1. The Council is accountable, in addition to the specific judicial provisions within the CSUN Constitution, to this operating policy.
2. The Council reserves the right to temporarily suspend certain provisions of this operating policy at any time so long as it does not conflict with the CSUN Constitution
    a. A written notice, which shall be posted in three (3) separate public locations no later than (3) CSUN business days before, must be given by the Council when it intends to suspend any part of this operating policy for any reason.
3. The Council reserves the right to amend in part or the whole of this operating policy through an official and open meeting.
4. This Operating Policy may be submitted to the Senate to be adopted as a Bylaw for all intents and purposes.

C. ATTENDANCE POLICY

1. All meetings and hearings of the Judicial Council are mandatory.
    a. This includes online correspondence for deliberations which must be responded to by the deadline established by the Chief Justice.
2. Justices shall email and/or meet with their designated Judicial Clerk(s) once a week.

3. The Chief Justice shall maintain attendance records and determine if absences are excused or unexcused.
    a. In the vacancy of the Chief Justice, the Associate Chief Justice will maintain records and determine if absences are excused or unexcused.
    b. In the vacancies of both the Chief Justice and the Associate Chief Justice, the Most Senior Associate Justice of the Council shall maintain attendance records and determine if absences are excused or unexcused.
4. Justices are allowed only one (1) unexcused absences throughout a semester.
5. Justices who accrue more than one (1) unexcused absences throughout a semester shall be impeached under the nonfeasance clause in the CSUN Constitution.

TITLE VI: CLERKSHIP PROGRAM

A. DESCRIPTION OF PROGRAM

1. The Judicial Council Clerkship Program will compose of Judicial Clerks who will assist and aid the Justices in fulfilling their duties and responsibilities.
    a. This program will enhance the Council's presence within the CSUN membership and allow potential Justices to gain hands-on experience from the Council.

B. STRUCTURE AND COMPOSITION

1. The Associate Chief Justice shall be responsible for the administration of the Clerkship Program.
    a. In the vacancy of the Associate Chief Justice, the Chief Justice may designate any other Associate Justice(s) to administer and head the Clerkship Program.
2. Any CSUN intern can specialize as a Judicial Clerk and can serve for as long as they are a CSUN member pending a dismissal.
3. The maximum amount of Judicial Clerks within the Council shall be 9 (nine)
4. After joining the Clerkship Program, Judicial Clerks will be paired with a Justice and will complete specialized modules educating them on the role of the Judicial Branch
    a. The modules can include, but are not limited to, information within the Judicial Council Operating Policy, Case Law Library, etc.
5. A list of additional duties and responsibilities for the Judicial Clerks shall be determined by the designated head of the program.
6. After completion of the specialized Clerkship modules, all Judicial Clerks will participate in a Capstone Project.

    a. This Capstone Project will entail writing a judicial opinion based on a mock case.
    b. Once completed, the opinion must be submitted to the Associate Chief Justice for approval.
    c. After the opinion is approved, the Judicial Clerk is eligible for graduation from the Clerkship Program.
7. Justices shall email and/or meet with their designated Judicial Clerk(s) once a week.
8. All Justices are required to attend the capstone presentations, unless they provide a valid reason, for an excused absence as decided by the Chief Justice.
9. The Associate Chief Justice must meet with all Judicial Clerks and Justice mentors at least once a month.