



# **Associated Students of Eastern Washington University Superior Court**

## **Court Meeting Agenda**

May 30, 2019

PUB 207J

12:00 p.m.

1. Call To Order
2. Roll Call
  - a. Raul Sanchez Chief Justice
  - b. Elizabeth Shimamoto Associate Justice #1
  - c. Brett Wyborney Associate Justice #4
  - d. Taylor Coffell Court Clerk
3. Approval of Minutes:

May 16, 2019
4. Speaking Rights.
  - a. Guests wishing to speak on any matter before the Court may speak up during 'Guest Participation' or seek acknowledgement from the chair at any time.
  - b. When the Court is not in deliberation, all conversations shall be limited to the pertinent business before the Court.
  - c. When the Court is in deliberation, all conversations shall be limited to the case at hand and only such information as is presented before the Court, or such information that has been requested by the Court for that case being considered.
5. Guest Participation
6. Justice Reports
  - a. Chief Justice- Raul
    - i. Committee Reports
    - ii. Bylaw Meeting Updates
    - iii. Other
  - b. Associate Justice #1- Elizabeth
    - i. Committee Reports

- ii. Bylaw Meeting Updates
    - iii. Other
  - c. Associate Justice #4- Brett
    - i. Committee Reports
    - ii. Bylaw Meeting Updates
    - iii. Other
- 7. Unfinished Business
  - a. Rulings
    - i. None
- 8. New Business
  - a. Hearings
    - i. None
  - b. Approval of the resignation of Taylor Coffell effective June 15, 2019
  - c. Approval of the appointment of Kelsie Coffell for Court Clerk effective June 15, 2019
  - d. Approval of Standing Rule 010/2018-19: Hearing Guidelines and Procedure
  - e. Approval of Standing Rule 011/2018-19: Appeal Guidelines and Procedure
  - f. Approval of rescinding Judicial Form #5/2018-19: Hearing Guidelines and Procedure
- 9. Announcements
- 10. Adjournment



# Associated Students of Eastern Washington University Superior Court

## Standing Rule 010/2018-19

### Hearing Guidelines & Procedure

#### General Guidelines

1. Accusations and/or request for judicial review may be brought by any member of the student body alleging a violation of the Constitution of the ASEWU, and its bylaws, the EWU Student Conduct Code and/or applicable federal, state, or local law against:
  - a. an elected or appointed member of the ASEWU Council or Cabinet;
  - b. a recognized student organization;
  - c. any candidate for elected ASEWU office; and/or
  - d. any branch, committee or section of the ASEWU government.
- ~~2. Appeals may be brought by any member of the student body who is personally, or as a member of a recognized club or organization, aggrieved by an action of the ASEWU Council, an ASEWU Committee or of a decision rendered by a properly constituted lesser court of the ASEWU. They shall have the right to appeal to the ASEWU Superior Court, provided a Petition of Appeal is received by the Court within five (5) school days after the notice of the decision is given.~~
- ~~3.2.~~ Complaints may be brought by the ASEWU Superior Court due to information from the twice-annual performance evaluations of elected and appointed members of ASEWU. The ASEWU Superior Court will fulfil the role as the complainant to present information of alleging any violations of the Constitution of the ASEWU, and its bylaws, the EWU Student Conduct Code and/or applicable federal, state, or local laws. As complainants, the ASEWU Superior Court will yield their time for opening and closing statements but reserve the right to question the accused.
- ~~4.3.~~ In order to maintain standards of due process, any information to be entered against the accused shall be submitted to the Chief Justice at least five (5) school days prior to the date of the hearing.
  - a. Copies of all information shall be submitted, by the Court, to the accused at least three (3) days prior to the date of the hearing.
  - ~~b.~~ This requirement may be waived by the consent of the accused and the concurrence of the majority of the Court.
  - ~~c.~~ For appeals, the ASEWU Superior Court must request a written report of the case from the originating body before making its decision.

~~The ASEWU Superior Court has the right to request additional information or explanation from any of the parties before rendering its decision.~~

~~In making its decision, the ASEWU Superior Court shall only consider the written record before it, the Petition of Appeal, the written report from the originating body and any other information and explanation requested from the parties to the proceeding.~~

~~d.b. The ASEWU Superior Court is empowered to affirm, reverse, remand or modify the decisions of the ASEWU Council or lesser Court.~~

~~5.4.~~ Proceedings under these guidelines shall follow the procedures listed out in the current 700 series bylaws and the 200 series bylaws.

- a. These proceedings shall be limited in scope to the execution of the official duties of the accused listed under the Constitution of the ASEWU, and its bylaws, the EWU Student Conduct Code and/or applicable federal, state or local laws. The scope of sanctions shall be limited to the sanctions enumerated in the 700 series bylaws.

~~6.5.~~ All information shall be given to the Court only.

~~7.6.~~ All parties shall maintain an orderly and respectful demeanor during the course of the hearing.

- a. In the event that either party fails to maintain proper conduct, members of that party may be removed, and the hearing shall continue as outlined in Bylaw 701 Section 8.
- b. The Justices reserve the right to notify the Office of Student Rights and Responsibilities and/or EWU Campus Police in the event of unruly and/or threatening behavior by either party.

~~8.7.~~ In the case of hearings before a properly constituted lesser court of the ASEWU, the chairperson shall fulfill the role of the Chief Justice and other members shall fulfill the role of the associate justices.

### **Hearing Procedure**

1. The chair person will call the Court to order and each Associate Justice sitting for the case and clerk shall read for the record their names. In hearings involving student organizations, the Advisor for Student Organizations or designee may act as a non-voting member of the court.
2. The chair person shall announce the names of those representing each party for the record.
3. The chair person shall read the petition and any other necessary documents for the record.
4. The chair person shall ask the Accused if they have been informed in writing of the accusations and whether the Accused has had adequate time for preparation.
5. The chair person will receive a list of witnesses from both the Complainant and the Accused.
  - a. Witnesses may be sequestered from the hearing as deemed necessary by the court until such a time as their statement is provided to the Court.
6. Any information being entered will be presented prior to the opening statement of the respective side.
7. Opening Statement for the Complainant shall be up to three (3) minutes.
8. Opening Statement for the Accused shall be up to three (3) minutes.

9. The Complainant shall read their brief and present their case for the record and shall be given up to ten (10) minutes to present their case.
10. The Accused shall read their remarks and present their case for the record and shall be given up to ten (10) minutes to present their case.
11. The court shall ask such questions of both parties as it deems necessary to aid the court in reaching its decision.
12. The Court shall call such witnesses as have been presented and ask such questions as it deems necessary to aid the Court in reaching its decision. Only the ASEWU Superior Court Justices may question the witnesses.
13. Closing statement for the Complainant shall be up to three (3) minutes.
14. Closing statement for the Accused shall be up to three (3) minutes.
15. After the complainant and the accused have presented their respective cases, the Court will adjourn to chambers for deliberation.
16. Upon reaching a decision the Court will return to the room, the chair person shall announce the decision of the Court as to whether the Court has:
  - a. Found the accused to be in violation of the Constitution of the ASEWU, its bylaws, EWU Student Conduct Code and/or applicable federal, state or local laws.
  - b. Affirmed or reversed the decision of the ASEWU Council, any branch, committee or section of the ASEWU government, or lesser Court;
  - c. Remanded the case back to the lesser Court to be re-heard; and/or
  - d. Modify the sanction imposed by the lesser Court.
17. If the accused has been found in violation, the chair person shall:
  - a. Announce the sanction(s) given by the Court;
  - b. Announce the sanction imposed by the ASEWU Superior Court if the sanction has been modified;
  - c. In cases originating in a properly constituted lesser Court, inform the accused of their right to appeal the decision to the ASEWU Superior Court; and/or
  - d. In all other cases, inform the Accused and Complainant that all judgments made by the Superior Court may be overturned by the ASEWU Council with a unanimous vote, as per Article IV, Section VI of the ASEWU Constitution. The appeal must be given to the ASEWU Executive Vice President at no later than five (5) business days after receiving a judgment.
18. The chair person shall adjourn the Court.
19. A written ruling shall be issued to all parties within three (3) school days following the hearing.



# Associated Students of Eastern Washington University Superior Court

## Standing Rule 011/2018-19

### Appeal Guidelines & Procedure **\*Draft**

#### General Guidelines

1. Accusations and/or request for judicial review may be brought by any member of the student body alleging a violation of the Constitution of the ASEWU, and its bylaws, the EWU Student Conduct Code and/or applicable federal, state, or local law against:
  - a. an elected or appointed member of the ASEWU Council or Cabinet;
  - b. a recognized student organization;
  - c. any candidate for elected ASEWU office; and/or
  - d. any branch, committee or section of the ASEWU government.
2. Appeals may be brought by any member of the student body who is personally, or as a member of a recognized club or organization, aggrieved by an action of the ASEWU Council, ASEWU Branch, an ASEWU Committee, or of a decision rendered by a properly constituted lesser court of the ASEWU. They shall have the right to appeal to the ASEWU Superior Court, provided a Petition of Appeal is received by the Court within two (2) schools days after the notice of the decision for the ASEWU Election Board is given and five (5) school days after any other decision.
3. Appeals for the decision rendered by the ASEWU Election board or a properly constituted lesser court of the ASEWU may be filed by the respondent or the complainant. Appeals may be filed for one or more of the following reasons:
  - a. To determine whether the hearing was conducted according to established procedures. A hearing may have deviated from established procedures if:
    - i. The hearing was not conducted fairly in light of the notice of allegations and information presented.
    - ii. The complainant was not given a reasonable opportunity to prepare and to present information as provided by the ASEWU Constitution, Bylaws, and ASEWU Superior Court Standing Rules.
    - iii. The respondent was not given a reasonable opportunity to prepare and to present a response as provided by the ASEWU Constitution, Bylaws, and ASEWU Superior Court Standing Rules.
  - b. The hearing authority misinterpreted the ASEWU Constitution and/or its bylaws.

- c. To determine whether the decision reached by the ASEWU Election board or a properly constituted lesser court of the ASEWU was based on the information presented and that information was sufficient to reasonably establish that a violation of the conduct code did or did not occur based on a preponderance of the evidence.
  - d. To determine whether the sanction(s) imposed were reasonable and appropriate for the associated ASEWU Constitution and/or bylaw violation(s).
  - e. To consider newly discovered, material information which was not known to the appellant and could not reasonably have been discovered and presented by the appellant at the original hearing. It is the party's obligation to present all information at the time of the original hearing. The ASEWU Superior Court is not obligated to grant an appeal and conduct a new hearing when parties do not take reasonable efforts to prepare their cases for the original hearing.
4. In order to maintain standards of due process, any information to be entered against the accused shall be submitted to the Chief Justice at least five (5) school days prior to the date of the appeal meeting.
5. The ASEWU Superior Court must request a written report of the case from the originating body before making its decision.
  - a. The ASEWU Superior Court has the right to request additional information or explanation from any of the parties before rendering its decision.
  - b. In making its decision, the ASEWU Superior Court shall only consider the written record before it, the Petition of Appeal, the written report from the originating body and any other information and explanation requested from the parties to the proceeding.
  - c. The ASEWU Superior Court is empowered to affirm, reverse, remand or modify the decisions of the ASEWU Council or lesser Court.
6. Proceedings under these guidelines shall follow the procedures listed out in the current 700 series bylaws and the 200 series bylaws.
  - a. These proceedings shall be limited in scope to the execution of the official duties of the accused listed under the Constitution of the ASEWU, and its bylaws, the EWU Student Conduct Code and/or applicable federal, state or local laws.
  - b. The scope of sanctions shall be limited to the sanctions enumerated in the 700 series bylaws.
  - c. All information shall be given to the Court only.

### **Appeal Procedure**

1. The chief justice will call the Court to order in a closed session and each Associate Justice sitting for the case and clerk shall read for the record their names. In appeals involving student organizations, the Advisor for Student Organizations or designee may act as a non-voting member of the court.
2. The chief justice shall read the petition and any other necessary documents for the record.
3. The Court shall call such witnesses as have been presented and ask such questions as it deems necessary to aid the Court in reaching its decision. Only the ASEWU Superior Court Justices may question the witnesses.

4. After the chief justice reads the written record before the Court, the Petition of Appeal, the written report from the originating body and any other information and explanations requested from the parties to the proceeding, the Court will deliberate.
5. Upon reaching a decision the Court will provide a written ruling to all parties within three (3) school days following the appeal as to whether the Court has:
  - a. Found the accused to be in violation of the Constitution of the ASEWU, its bylaws, EWU Student Conduct Code and/or applicable federal, state or local laws.
  - b. Affirmed or reversed the decision of the ASEWU Council, any branch, committee or section of the ASEWU government, or lesser Court;
  - c. Remanded the case back to the lesser Court to be re-heard; and/or
  - d. Modify the sanction imposed by the lesser Court.
6. If the accused has been found in violation, the Court shall:
  - a. Provide the sanction(s) given by the Court;
  - b. Provide the sanction imposed by the ASEWU Superior Court if the sanction has been modified;
  - c. Inform the Accused and Complainant that all judgments made by the Superior Court may be overturned by the ASEWU Council with a unanimous vote, as per Article IV, Section VI of the ASEWU Constitution. The appeal must be given to the ASEWU Executive Vice President at no later than five (5) business days after receiving a judgment.
7. The chief justice shall adjourn the Court.





# **Associated Students of Eastern Washington University Superior Court**

## **Judicial Form #5/2018-19: Hearing Guidelines & Procedure**

### **General Guidelines**

1. Accusations and/or request for judicial review may be brought by any member of the student body alleging a violation of the Constitution of the ASEWU, and its bylaws, the EWU Student Conduct Code and/or applicable federal, state, or local law against:
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  - b. a recognized student organization;
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2. Appeals may be brought by any member of the student body who is personally, or as a member of a recognized club or organization, aggrieved by an action of the ASEWU Council, an ASEWU Committee or of a decision rendered by a properly constituted lesser court of the ASEWU. They shall have the right to appeal to the ASEWU Superior Court, provided a Petition of Appeal is received by the Court within five (5) school days after the notice of the decision is given.
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7. All information shall be given to the Court only.
8. All parties shall maintain an orderly and respectful demeanor during the course of the hearing.
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9. In the case of hearings before a properly constituted lesser court of the ASEWU, the chairperson shall fulfill the role of the Chief Justice and other members shall fulfill the role of the associate justices.

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