



THE JUDICIARY OF THE ASSOCIATED STUDENTS

RULES AND PROCEDURES
As Amended November 2006



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Preamble

The Mount San Antonio College Associated Students Judiciary, do establish these intrinsic principles of fair and unbiased governing of all legal entities, set forth by the nature of law, as a means of shielding the body of people from inequalities. We do so guard the public interests through enforcement and interpretation of the Constitution as they are the laws of the Association. By accepting these rules and procedures of court governance, we continue our endeavor to protect the various needs and rights of the student body.

Authority of the Court

Pursuant to the Grant of Authority provided in Article VIII, Sections 1 through 5 of the Mt. San Antonio College Constitution of the Associated Students, the following represents the Rules and Procedures for the Associated Students Court. This document supersedes all prior Student Court documents.

SECTION I – DEFINITIONS

These definitions are here given to aid in the understanding of this document, but should not be considered exhaustive or binding definitions of the terms when compared to authoritative texts on Western Law which might more clearly define them.

Part 1: Terms

<i>Term</i>	<i>Definition</i>
Adjudicate	To render a judicial decision.
Administrative Adjudication	The process in which an administrative law judge or administrative official hears and decides on issuers that arise when administrative agencies charges a person or a firm with violating a law or regulation enforced by the agency.
Administrative Remedies	The corrective and due process procedures used by administrative agencies in the administration of law—inclusive of the Associated Students Executive Board, the Mt. SAC Office of Student Life, and the Mt. SAC Student Services Division.
Arbitrate	The process by which the parties to a dispute submit their differences to the judgment of an impartial person or group appointed by mutual consent or statutory provision.
Attorney-Client Privilege	A legal right that protects communications between attorneys and their clients and keeps them confidential. This privilege encourages openness and honesty between attorneys and their clients because attorneys cannot reveal (and indeed cannot be forced to reveal) attorney/client communications. This privilege becomes especially important in the litigation context because privileged communications, whether written or oral, are not disclosed to the opposing party.
Conflict of Interest	A conflict between official duties and personal interest that would

	render an impartial decision impossible.
Contempt of Court	The act of showing disrespect for the authority and/or dignity of the Court, as evidenced by disobedience or disorderly conduct towards the court.
Damage	An obstruction to an individual causing harm through loss of property, or the denial of ones electoral and constitutional rights.
Days	Monday Through Friday, excluding legal holidays.
Double Jeopardy	Being twice fined, punished, reprimanded, or otherwise constrained by any authority for the same offense.
Defendant	Any student and/or organization against whom a grievance is filed with the court.
Evidence	<ol style="list-style-type: none"> 1. The only testimony considered competent by the court is that which results from the personal observation or experience of the witness giving it. All other including conjecture and opinion, is incompetent and considered hearsay, and will not be considered into evidence. 2. Reference to pertinent written and tangible material must be substantiated by the presentation of said material before the Court.
Gag Order	A court order restricting information or comment by the participants involved in a case.
General Session	Weekly operational meetings in which members of the court convene to determine administrative affairs.
Grievance	<ol style="list-style-type: none"> 1. <i>n.</i> A complaint or protestation based on the denial of justice. 2. <i>v.</i> The process by which a personal complaint is brought before the Court.
Hearsay	<ol style="list-style-type: none"> 1. Unverified information heard or received from another; rumor. 2. Evidence based on the reports of others rather than the personal knowledge of a witness and therefore generally not admissible as testimony.
Judicial Review	The process to bring before the Court any legislation that is considered illegal or in conflict with the A.S. Constitution.
Justice	A Student Court judge who administers and adjudicates legal matters brought before the judiciary.
Legislation	Any rule, regulation, resolution, action, or bill passed and/or authorized by any person, branch, section, or sub division of either an organization or the student government.
Litigants	Any person or party engaged in a dispute before the court.
Leading Questions	A question that suggests the answer to a person being examined (questioned); especially a 'yes' or 'no' question.
Malfeasance	Misconduct or wrongdoing, especially by a public official.
Mediation	A method of settling disputes outside of court by using the services of a neutral third party. The neutral third party—a “Mediator”—facilitates a decision agreed upon by both parties, as opposed to rendering his or her own decision.

Misfeasance	Improper and unlawful execution of an act that in itself is lawful and proper.
No Contest	A plea by a defendant in a case that without admitting guilt subjects the defendant to conviction as in the case of a guilty plea.
Nonfeasance	Failure to perform an act that is either an official duty or a legal requirement.
Offense	Any act or statement that undermines the procedures of the court.
Officers	Personnel appointed by the court.
Organization	Any group, club, enterprise, or body of persons authorized, sanctioned, or appointed by the Associated Students.
Perjury	Any person, who having taken an oath that he/she will testify before the Court, states as true any material matter which he/she knows to be false, or which he states with reckless disregard for the truth.
Plaintiff	That student and/or organization initiating or filing the grievance with the Court.
Prerogative	The exclusive right and power to command, decide, rule, or judge.
Promulgated	<ol style="list-style-type: none"> 1) To make known (a decree, for example) by public declaration; announce officially. 2) To put (a law) into effect by formal public announcement.
Reconsideration	A request for review of any decision of the Court brought within 10 days of such decision and based upon new or different evidence.
Refute	To prove to be false or erroneous; overthrow by argument or proof.
Representative	An individual chosen by each party in a case to ensure that all the rights of a student and/or student organization are protected when faced with action before the Court.
Standing	The requirement that an individual must have a sufficient stake in a controversy before he/she can bring a lawsuit. The plaintiff must demonstrate that they have been directly injured, directly threatened with injury, or expressly denied their due rights.
Student	Any person enrolled in any class listed within the Mt. San Antonio College Community Services or Credit Courses Catalog who has paid there Student Activities Fee.
Student Government	Any member of Executive, Legislative, or Judicial branch of the government having been created in the prescribed manner and in accordance with the Constitution and directives of the Associated Students.
Subpoena	The process by which the attendance of a witness, either for the Plaintiff or the Defendant is required before the Court.
Summons	The process by which the attendance of a Defendant before the Court is request.
Writ of Mandate	A court order to a government agency, including another court, to follow the law by correcting its prior actions or ceasing illegal acts.

Part 2: Parties

All references as to parties mentioned in this document are defined as follows:

- 1) Associated Students of Mt. San Antonio College is hereinafter referred to as the A.S.
- 2) Mt. San Antonio College Constitution of the Associated Students is hereinafter referred to as the A.S. Constitution.
- 3) Associated Students Court is hereinafter referred to as the Court.
- 4) The Associated Students Senate is hereinafter referred to as the Senate.
- 5) The Chief Justice, Associate Chief Justice and Associate Justices shall hereinafter be referred to as Justices.
- 6) All non-Justice members of the Student Court shall be referred to hereinafter as Officers.

Part 3: Administration

- 1) Recognized officers of the Student Court shall include a Chief Justice, Associate Chief Justice, Associate Justices (3), Court Clerks, Court Bailiffs, Law Clerks, Court Advisor and a Judicial Liaison.
- 2) A maximum of 5 Justices shall serve on the Student Court.

SECTION II – PURPOSE AND JURISDICTION OF THE COURT

Part 1: Purpose

- 1) Uphold and protect the Constitution and directives of the A.S. from alteration by illegal means and degradation by those persons who so desire.
- 2) Ensure that those bodies of government, having been created by the student body, do not infringe upon nor abuse those privileges and rights afforded them by the A.S. Constitution.
- 3) Administer all judgments equitably, never allowing personal prejudices, opinion, or political influence to obscure or alter decisions.
- 4) To protect and uphold the laws of the State of California and the United States.

Part 2: Jurisdiction

- 1) All grievances regarding misfeasance, malfeasance, or nonfeasance of any office or position, whether elected or appointed, within the A.S. government.
- 2) Any grievance regarding the constitutionality of any legislation, statute, or rule promulgated within the A.S. government.
- 3) A Grievance filed against or between:
 - A. One or more students.
 - B. One or more A.S. organizations.
 - C. One or more students and/or one or more A.S. organizations.

- 4) Render any advisory opinions, effect decisions and/or arbitrate disputes involving A.S. organizations, councils, commissions, or committees upon referral by a college employee or a member of the A.S. government.
- 5) Before a grievance can be taken to trial, the following requirements must be fulfilled:
 - A) Plaintiff must show he has sufficient standing to bring about the case,
 - B) Plaintiff must prove that he/she has exhausted any and all administrative remedies and the court is the last option for remedial action,
 - C) Plaintiff must have sufficient evidence to bring a case against an individual / organization,
 - D) These are all accepted at the discretion of the court.

SECTION III – GENERAL ADMINISTRATION

Rule 1: Qualifications

All Court members must have completed a minimum of 6 Mt. SAC units with a cumulative grade point average of 2.0. All court members must be enrolled in 5 units and must maintain a 2.0 grade point average, and be a member of the Associated Students. Senators, Executive Officers, Club or Organization Officers are not eligible to be Justices or officers of the Court.

Rule 2: Associate Justices shall:

- 1) Uphold the A.S. Constitution, A.S. Directives, and other A.S. Policies, Procedures, and Documents as well as the College rules and regulations.
- 2) Study issues before the Court meeting is called.
- 3) Attend all meetings of the Court.
- 4) Make impartial judgments.

Rule 3: Chief Justice shall:

- 1) Be elected by a majority of the Justices.
- 2) Preside over meetings of the Court.
- 3) Enforce the rules of procedure and rule on motions and objections.
- 4) Perform these duties in addition to those defined in Rule 2.

Rule 4: Associate Chief Justice

- 1) Be elected by a majority of the Justices.
- 2) Fulfill the duties of the Chief Justice in their absence.
- 3) Perform these duties in addition to those defined in Rule 2.

Rule 5: The Court Clerk(s) shall:

- 1) Keep the minutes of Court meetings.

- 2) Maintain the official files of the cases brought before the Court, which is to include the complete Court record for each case.
- 3) Make and supply copies of pending grievances to the Court Justices.
- 4) Tape record all hearings.
- 5) Transcribe all hearings upon request.
- 6) Be present at all Court meetings.
- 7) In the absence of a bailiff, the clerk will be responsible for the swearing in of any and all Plaintiffs, Defendants, and witnesses before testimony is given to the Court.
- 8) The Clerk(s) will be allowed to attend all Court meetings including executive sessions, as non-voting participants without the prerogative of questioning witnesses during Court meetings.
- 9) The Clerk(s) receives documents for filing with the Court and has the authority to reject any submitted filing that does not comply with these rules.
- 10) There will be a maximum of three clerks.

Rule 6: The Court Bailiff(s) shall:

- 1) Maintain the public order during all cases brought before the Court.
- 2) Be responsible for the swearing in of any and all Plaintiffs, Defendants, and witnesses before testimony is given to the Court.
- 3) Act as the agent of the Court in notifying the defendant in any case pending and provide the Defendant with the proper forms as referred to in
- 4) Act as the agent of the Court in the delivery of subpoenas.
- 5) Be present at all Court meetings.
- 6) The Bailiff(s) will be allowed to attend all Court meetings including executive sessions, as non-voting participants without the prerogative of questioning witnesses during Court meetings.
- 7) There will be a maximum of three bailiffs.

Rule 7: Law Clerk(s)

- 1) The Justices shall each have the option of having one volunteer law clerk as an assistant.
- 2) The law clerk will assist the Justices with legal research and composition of opinions if necessary. Justices may discuss cases in progress freely with their law clerks
- 3) Law clerks shall attend all Court meetings, including executive sessions, as non-voting participants. The law clerks are to only speak with the Justice that employs he/she during Court meetings.

Rule 8: Court Advisor

- 1) The Court Advisor shall assist the Justices and all officers with the operations and education of the court.
- 2) He or she shall be elected by all members of the court and willing to serve freely.
- 3) Court Advisors shall have served in some legal/governmental capacity.

Rule 9: Judicial Liaison

- 1) The role of the Judicial Liaison shall be to act as the official representative of the Judiciary to the Associated Students Executive Board, Senate, the Student Services and Student Life divisions, as well as members of the public and press.
- 2) The duties of the Judicial Liaison shall be, but not limited to:
 - A) Providing open and responsive communication to all Associated Students constituent bodies, as well as members of the public and the press.
 - B) Maintaining the continuity and membership of the court through active recruiting.
 - C) Preparing respective media and literature to be disseminated to all respective bodies.
 - D) Working with the Student Activities Coordinator and the Associated Students Advisor for the purpose of publicizing the court.
 - E) Attending all court meetings, as well as having the ability to attend Associated Student Senate and Executive Board meetings when needed.
 - F) Abide by the Court's conduct of professionalism and neutrality.
- 3) The application process for the Judicial Liaison shall be the same as for a Justice. The current Justices shall appoint the Judicial Liaison by a simple majority.

Rule 10: Absence of Officers

- 1) In the absence of a Bailiff and a Court Clerk, the Judicial Liaison shall oversee the respective duties of these officers.
- 2) In the absence of a Law Clerk, the Justices shall oversee the respective duties of these officers.
- 3) In the absence of a Judicial Liaison, the following actions shall occur:
 - A) The Justices shall appoint a Liaison in accordance to Rule 14, Clause 4.
 - B) If a Liaison can not be appointed by the Justices, the Executive Board and Senate shall have the option of delegating a representative to serve as a communication between the Court and their respective branch. The delegate will serve only for general operations and communication, and not in the event a grievance involves either branch as a litigant.
 - C) If neither of these appointments can be fulfilled, the Associate Chief Justice shall administer the Liaison's duties except when a conflict of interest shall arise.

Rule 11: Representation

It shall be the duty of the Representative to familiarize himself/herself with all the procedures and standards of the Court.

Rule 12: Confidentiality

- 1) All information presented to the Court prior to final disposition of the case is to be confidential and will be discussed with no one outside the Court.

- 2) If anyone presents this information outside of Court they may be subjected to a gag order or be held in contempt of court.

Rule 13: Conflict of Interest

- 1) All Court officers have a duty to disclose any potential conflict of interest.
- 2) If the Court suspects that an officer(s) is involved in a conflict of interest, the Court, (in its discretion), may not allow the officer to participate in the case in question.
- 3) A Justice may not participate as a justice in any case that involves him/her as either the defendant, the plaintiff or as a witness.
- 4) In the circumstance that a Justice is running for any other office in an A.S. election, or any Justice is assisting any candidate seeking office, then they may not participate as a Justice in any elections related case.

Rule 14: Appointment and Removal

- 1) The Justices for the Fall semester will be nominated by the previous years Justices, at the end of that previous years spring semester.
- 2) If there are not three Justices during a certain point in the semester, the Justices will be nominated by the Senate and confirmed by the Executive Board through a majority vote.
- 3) If, in the middle of one of the semesters there is a vacancy, or a Justice is removed, resigns, or his/her term ends, the Justices will nominate a new Justice(s). Confirmation will be done by the Senate as stated above.
- 4) Two-thirds of all Justices shall be required to appoint or remove an officer of the Court.
- 5) A Justice may only be removed for cause by a 3/4 vote of the Senate.

Rule 15: Closed Session

A Closed Session shall consist of any closed hearing called by the Chief Justice for a discussion of:

- 1) Whether a case has enough evidence to go to trial
- 2) The merits of a case prior to decision.
- 3) Administrative matters relevant to the court.
- 4) How to decide a case.
- 5) The opinion of the court.

Rule 16: Closed Session Rules

- 1) The Closed Session shall be attended by all Justices, all officers and the advisor of the court.
- 2) No one in attendance including Justices, advisors or officers shall reveal or discuss to any person not in attendance the content related to the executive session.

- 3) Breaking of this code is a punishable offense, which may result in removal from the court, or disciplinary action decided by the Director of Student Life.

SECTION IV: PRE-HEARING PROCEDURE

Part 1: Procedure for grievance or judicial review

- Rule 1: A request for Court action may be made by submitting a formal grievance or advisory opinion form by any member of the A.S. in his or her own behalf, on behalf of an organization, or branch of the A.S. government, to the Court Clerk or Justices.
- Rule 2: Those persons who have a case to bring before the Court shall initiate proceedings by obtaining from the A.S. office the form entitled GRIEVANCE or ADVISORY OPINION. The Plaintiff shall return this form to the Court Clerk or Justices after he/she has filled in legibly all the required information.
- Rule 3: The grievance, the response and the advisory opinion forms must include the following information: It must explain all charges and contentions; refer to all vital evidence; cite the rule, principle or constitutional clause at issue; and state the remedy sought.
- Rule 4: Upon receipt, the form shall be dated and initialed by the Court Clerk and shall be filed with the Court.
- Rule 5: The acceptance of grievances is at the discretion of the Court. A quorum of Justices present shall determine the Court's position.
- Rule 7: At least 3 justices must be present to constitute a quorum in order to determine how the Court will act on a grievance. In any situation that requires a 3/5 vote of all Justices, 2/3 of the minimum quorum shall suffice.
- Rule 8: It shall be the sole responsibility of the Plaintiff to follow up on his/her grievance or advisory opinion submission. The Plaintiff shall have 5 school days to respond. If the Plaintiff fails to appear within the allocated time, the case in question shall be dismissed, unless the Court deems otherwise.
- Rule 9: At the same time the Plaintiff receives notification of acceptance of hearing, he/she shall also receive:
- 1) A copy of the notice of grievance.
 - 2) A copy of the Rules of Procedure of the Court.
 - 3) Official notification of the time of the hearing and whether the hearing will be formal or informal.

- Rule 10: A majority of the Justices present shall determine whether the hearing shall be formal or informal.
- Rule 11: The Defendant shall be notified by the Court. The Court shall present the Defendant with the following forms at least 5 days prior to the hearing.
- 1) Notice of Summons and Subpoena and order to appear.
 - 2) A copy of the Rules and Procedures of the Court.
 - 3) Official notification of the time of the hearing and whether the hearing will be formal or informal.
 - 4) A copy of the filed student grievance form.
 - 5) Student answer to grievance form.
- Rule 12: Either the Plaintiff or the Defendant may request that certain individuals be ordered to appear as a witness providing that they show good cause why this should be done. The granting of such a request is at the discretion of the Court.
- Rule 13: The form “Order to Appear as a Witness” shall be delivered to the appropriate persons by the Court, with the Court retaining a copy.
- Rule 14: Prior to a grievance being filed, the party filing must exhaust all applicable and respective administrative remedies. Only then can the Justices claim jurisdiction over the case in question.

SECTION V: COURTROOM PROCEDURES

Part 1: General Hearing Procedure

- Rule 1: The Plaintiff or his/her Representative must be present at the hearing or the case shall be dismissed.
- Rule 2: If the Defendant or his/her Representative fails to appear at the hearing, the case shall be awarded to the Plaintiff by default, unless the Defendant can show cause for his/her failure to appear within two school days.
- Rule 3: At the time of the hearing, the Defendant may request a postponement of the hearing due to insufficient time allowed to prepare his/her case. Such a request is at the discretion of the Presiding Justice.
- Rule 4: The Presiding Justice shall retain the right to limit the amount of time allowed for the litigants’ case, rebutting evidence, argument, examination of witnesses, and the number of witnesses. The litigants must, however, be granted equal amounts of time to present their cases.

Rule 5: A motion for dismissal of the case may be made by the Plaintiff at any time prior to the reading of the official Court decision. The granting of such a motion is at the discretion of the Court (See Section VI, Part 2, Dismissals).

Rule 6: Recommended Timings for Cases:
 1) It is up to the discretion of the Justices to decide the time frame of a case, given that both parties are allocated equal time.

For Cases without Witnesses

Name	Time (in minutes)	Further Breakdown
Call to Order	1	Call to Order
Introduction	1	Introduction of Justices
Opening Statements	20	10 minutes for Plaintiff 10 minutes for Defendant
Rebuttals	10	5 minutes for Defendant 5 minutes for Plaintiff
Cross-examination	18	18 minutes for Court Justices
Closing Statements	10	5 minutes for Plaintiff 5 minutes for Defendant

For Cases with Witnesses

Name	Time (in minutes)	Further Breakdown
Call to order	1	Call to Order
Introduction	1	Introduction of Justices
Opening Statements	10	5 minutes for Plaintiff 5 minutes for Defendant
Cross-examination	39	3 witnesses maximum (per side) 12 minutes for Plaintiff (Each witness will be on the stand for 4 minutes, with 2 minutes been given for the Plaintiff to examine the witness and 2 minutes given for the Defendant to cross-examine the witness. The same process will be done for every witness) 12 Minutes for Defendant 15 Minutes for the Justices (7.5 minutes per side)
Closing Statements	6	3 minutes for Plaintiff 3 minutes for Defendant

Part 2: Objections

- Rule 1: The Presiding Justice shall rule on an objection immediately; either sustained or overruled. No explanation shall be necessary.
- Rule 2: Objections shall be made against:
- 1) Any irrelevant or immaterial evidence or testimony.
 - 2) Arguing with or harassing a witness.
 - 3) Repetition of the same question to a witness after an answer has been given.
 - 4) Leading questions.
 - 5) Evidence that is construed as hearsay.
- Rule 3: The person who is in charge of keeping time for the case will pause the stopwatch when there is an objection raised.
- Rule 4: When an objection is made the other party is not allowed to talk over the objection. The court must be able to fully hear the objection.

Part 3: Informal Hearing Procedure

- Rule 1: The Presiding Justice, shall, with the exception of the following rule, determine the manner in which an informal hearing will proceed and explain such procedure to the litigants at the time of the hearing.
- Rule 2: In an informal preliminary hearing, the Court shall hear only the litigants.
- Rule 3: A minimum of three Justices shall constitute a quorum.
- Rule 4: The court may also act as mediators if the parties have a discrepancy and a grievance is not necessary to file. This would take place in an informal hearing. Litigants must agree for this process before hand, and whatever the mediator rules must be followed by both parties. In the event both litigants agree to mediation, the mediator shall be a neutral third party. Mediators may include Student Services and Student Life staff, but not any of the current Justices. In the event both parties can not agree upon a mediator, the court shall appoint one.

Part 4: Formal Hearing Procedure

- Rule 1: All Justices shall be addressed as “your honor” unless addressed by another Justice.
- Rule 2: A minimum of three Justices must sit on any case for which a formal hearing has been called.

- Rule 3: In the event that there is an even number of Justices, the presiding Justice shall forfeit his/her vote.
- Rule 4: In a formal hearing, the litigants may be represented. Any member of the A.S may be a representative.
- Rule 5: Witnesses shall answer only questions posed by the Plaintiff (or their representative), the Defendant (or their representative), or the Justices hearing the case.
- Rule 6: Prior to the examination of any witness, an authorized Court official shall ask the following question: “To the best of you ability do you swear or affirm that the testimony you are about to give in this case shall be the truth?” The witness must answer “I do” or otherwise indicated that he/she is replying to the question in an affirmative manner. If the witness answers the question in some manner other than in the affirmative, he/she shall not be permitted to testify.
- Rule 7: A formal hearing will proceed in the following manner (unless the court deems that it is in the interest of justice to alter the procedure):
- 1) Call to order.
 - 2) Acknowledgement and identification of the Plaintiff and the Defendant and their representatives (if any).
 - 3) In the event that the Defendant is representing himself/herself, the presiding Justice shall ask the Defendant if he/she understands his/her rights before the Court and explain any which the Defendant does not understand.
 - 4) An authorized Court official shall read the charges set for in the grievance.
 - 5) After the reading of the grievance, the Defendant shall enter one of the following pleas:
 - a. I/We admit the charges are true. (Guilty)
 - b. I/We deny the charges are true. (Not Guilty)
 - c. I/We plead no contest.
 - d. I/We admit the charges to be true but deny that they constitute an offense.
 - 6) If the Defendant admits the charges brought against him/her to be true or pleads no contest as stated above, the court may render a decision immediately, or retire and deliberate on a decision regarding the case. If the Defendant denies the charges brought against him/her then that hearing shall proceed as outlined below.

Part 5: Order of the Trial

IN CASES WITH WITNESSES

- A. Opening Statements by Plaintiff and the Defendant
 - a. Gives the Plaintiff the opportunity to present the general facts of the case and his/her proposed course of action.
 - b. Gives the Defendant the opportunity to prepare the Court for his/her defense. The Defendant may reserve his/her opening statement until he/she presents his/her case.

- B. Plaintiff's Case
 - a. The Plaintiff may begin with a direct examination of his/her witness, confining himself/herself to simple questions. The Plaintiff should present fact in chronological order. After he/she is satisfied that the witness has made the necessary point as to information known to him/her about the case, the prosecution shall submit to the Defendant.
 - b. The Defendant now begins cross-examination of that same witness. He/she must confine himself/herself to the facts that were brought out in direct examination. After he/she has questioned the witness, the defense shall submit to the Plaintiff.
 - c. The Plaintiff may elect to engage in redirect examination, but must limit himself/herself to the new material which has been brought out in cross-examination by the defense.
 - d. After the redirect-examination by the Plaintiff the Defendant may elect to re-cross-examine, but must confine himself/herself to the material brought out in redirect-examination.
 - e. When the Plaintiff has called all of his/her witnesses and submitted all the evidence, he/she rests his/her case.

- C. Defendant's Case
 - a. After the Plaintiff has presented his/her case, the Defendant may move for a dismissal on the ground that the Plaintiff has failed to prove his/her case beyond a reasonable doubt.
 - i. If his/her motion is granted, the case is dismissed.
 - ii. If his/her is denied, the Defendant must now present his/her case.

- iii. A majority vote by the Justices present at the time the motion is made is required to grant or deny a dismissal.
- b. The Defendant brings forth his/her witness for direct examination, and then the Plaintiff has the option of cross-examination.
- c. If the cross-examination by the Plaintiff takes place, the Defendant may (if so desired) engage in redirect examination.
 - i. The Plaintiff may re-cross-examine if so desired.
 - ii. After the Defendant has brought forth his/her witnesses and evidence, and has done as much as possible to prove the innocence of the Defendant he/she rests their case.
 - iii. At the conclusion of the Defendants last witness the Justices will be able to cross-examine the plaintiff and his/her witnesses and the defendant and his/her witnesses.
 - iv. Summations or closing arguments by the Plaintiff and Defendant are now in order. Each attempts to review the law and the facts brought up during the trial and to summarize the important facts of the case.
 - v. After the summations, the case shall be submitted to the Court for deliberations.

IN CASES WITHOUT WITNESSES

- A. Opening Statements by the Plaintiff and the Defendant.
 - a. Gives the Plaintiff the opportunity to present the general facts of the case and his/her proposed course of action.
 - b. Gives the Defendant the opportunity to prepare the Court for his/her defense. The Defendant may reserve his/her opening statement until he/she presents his/her case.
- B. Rebuttals by the Plaintiff and the Defendant
 - a. Gives the Plaintiff the opportunity to refute the information presented by the defendant.
 - b. Gives the Defendant the opportunity to refute the information presented by the Plaintiff.
 - c. At the end of the rebuttals, the Justices will be able to ask questions to both the Plaintiff and the Defendant.
- C. Closing Statements
 - a. Each party attempts to review the law and the facts brought up during the trial and to summarize the important facts of the case.

Part 6: Post Hearing Procedure

- Rule 1: The Court shall deliberate in closed session.
- Rule 2: A quorum of three Justices must be present to conduct court, and a majority of those present will decide a verdict.
- Rule 3: All verdicts, rulings, and recommendations rendered by the Court are valid only if a quorum of Justices and the Court's advisor are present.
- Rule 4: All decisions will be read before the Defendant, whose presence is required. The decisions will be submitted in writing to the Defendant, the Plaintiff, and the Director of Student Life.
- Rule 5: The decision shall be recorded in writing and made available to the public within two (2) weeks from the date of the decision; concurring and dissenting opinions may also be attached to the opinion of the court.
- Rule 6: The decision will also go on file in the Court records.
- Rule 7: It shall not be required that any Justice make public the individual way he/she has voted; however, any justice is free to produce either a concurring or dissenting opinion, though it will not be an official court position.
- Rule 8: The numerical vote will be made public.
- Rule 9: In the event that the Defendant admits the charges to be true as stated, either at arraignment or trial, the Court record will state that "the Defendant admits the charges to be true as stated."

SECTION VI: JUDICIAL POWERS RELATING TO CASES

Part 1: Contempt of Court

- Rule 1: Any person or persons showing disobedience or disorderly conduct towards the Court maybe be held in contempt of court.
- Rule 2: Any person found or pronounced in contempt of court will be given:
- 1) 1st Offense – Warning.
 - 2) 2nd Offense – Dismissal from proceedings.
 - 3) 3rd Offense –Referral of disciplinary action to the Director of Student Life.
 - 4) 4th Offense – Dismissal of Case

Rule 3: Elastic Clause for Contempt of Court: The Justices shall institute any proper corrective procedures that they feel are necessary to reasonably account for contempt of court.

Part 2: Dismissals

Rule 1: The court may, by its own motion, dismiss any case before it when:

- 1) Upon notice and in the opinion of the Court, the situation surrounding the case has been changed so as to affect the validity of the case.
- 2) The evidence presented by a Plaintiff during a hearing is, in the opinion of the Court, insufficient to prove the case beyond a reasonable doubt.
- 3) Either party has received three citations for contempt.

Part 3: Injunctions

Rule 1: The Court may, by its own motion issue a temporary emergency injunction to:

- 1) Command an act which the Court requires essential to justice.
- 2) Prevent the doing of any act whereby the rights in controversy may be materially damaged or endangered before the final decree of the Court or until an opportunity is afforded for full and deliberate investigation.

Rule 2: Three copies of an injunction shall be produced: one for the Court files, another for the intended recipient, and a final one for the Director of Student Life.

Rule 3: The copy of an injunction shall be sent to the recipient by an authorized agent of the Court or by registered mail with return receipt requested.

Rule 4: Under emergency conditions, if a majority of justices deem it necessary to issue an injunction they may do so, without having to state it during the actual court proceedings.

Rule 5: Under emergency conditions, the court would issue a “Temporary Emergency Injunction.” This would only be temporary and a case regarding the injunction would immediately be placed on the docket for the next Student Court proceeding. After the case has been decided the court will either remove the injunction or make it permanent.

Rule 6: Emergency conditions are defined as those reasons listed under Section VI, Part 3, Rule 1.

Part 4: Punitive Action

The Court may, in cases where it is deemed necessary, with a majority vote of its members concurring, institute the following upon any student and/or organization:

- 1) Recommend fines to the Director of Student Life.
- 2) Recommend that students and/or organizations be put on probation for a period not to exceed one non-summer semester.
- 3) Recommend to the Director of Student Life as to sanctions that either party should receive.
- 4) Recommend that a student be removed from any office held in either student government or any campus organization, in the prescribed manner.

SECTION VII: ADVISORY OPINIONS AND DECLARATIVE JUDGMENTS

Rule 1: Advisory Opinions

Upon request of the A.S. President or the Senate, the Court may render its own opinion as to the validity of either existing or proposed legislation or administrative regulations. In such an instance, there is no actual controversy or case, and the decision of the Court is not binding on either the Court, in the event of future litigation, or on those who request the opinion.

Rule 2: Declarative Judgments

Upon the request of the parties to a situation that may or may not involve an actual controversy, the Court may declare what are the rights and duties of the said parties. The Court may base its decision on the material presented in the written brief alone, or it may order an informal hearing. The same procedure for initiating regular proceedings shall be followed to initiate a request for a declarative judgment.

SECTION VIII: COURT DOCUMENTS

At the end of the spring semester all court documents will be given to the A.S. Secretary. These documents will only be released to Court members. The Court's documents are not public record.

SECTION IX: PRESS

- Rule 1: Members of the news media are welcome at all public judicial board meetings. However, they are urged to act with discretion.
- Rule 2: The court shall determine and take the steps necessary to ensure compliance with Rule 1. The court will decide on this based on the majority of Justices present.

APPENDIX I: COURT CODE OF CONDUCT

All members of the Court have the obligation and responsibility to ensure that all work done on behalf of the Court is fair and ethical, and complies with both the letter and the spirit of our laws.

To encourage public confidence in our work and our renderings, we shall agree to the following:

- 1) All members of the Court will work for the common good of the Associated Students and the Mt. San Antonio College student body, not for any private, personal, political or partisan interest.
- 2) Members of the Court will treat all persons in a fair, equitable, and courteous manner. Court members will listen to all public and parties discussions and maintain the highest standards of conduct in our interactions with each other, with speakers, and with other officers of the Associated Students.
- 3) Members of the Court will study their background and case materials and shall inform themselves of the facts in an ethical manner, and in the legal time allotted by our governing directives. We shall make renderings according to the merit and substance of the case before us void of all personal prejudice.
- 4) Members of the Court will honor the public trust and keep confidential any materials deemed confidential by the Court.
- 5) Members of the Court will disclose any conflict of interest and will abstain from voting or participating on any issue in case of such a conflict.
- 6) Members of the Court will refrain from accepting any gifts or favors, or promises of future benefit, which might compromise or impair independent judgment regarding issues addressed by the Court.
- 7) Members of the Court will conduct the public's business in an open and transparent manner, unless deemed confidential or ruled as a closed session issue.
- 8) Members of the Court will refrain from using their Court titles for identification in support for any political candidate or cause.

APPENDIX II: RIGHTS OF LITIGANTS BEFORE THE COURT

Rights of the Defendant:

- 1) The right to be informed in writing of the charge 5 school days prior to arraignment.
- 2) The right to know the identity of the Plaintiff.
- 3) The right to a fair, impartial hearing.
 - a. The defendant may request a closed hearing.
- 4) The right to notification of changes, time, and type of hearing at least five days prior to hearing.
 - a. This may be waived by the Defendant.
- 5) The right to request to change the manner in which the case is being heard.
- 6) The right to request that a witness be subpoenaed.
- 7) The right to request the postponement of a hearing.
- 8) The right to be represented in a formal hearing.
- 9) The right to cross-examine a witness in a formal hearing.

- 10) The right to request an injunction.
- 11) The right to request a dismissal of the case.
- 12) The right to represent himself/herself.
- 13) The right to be presumed innocent.
- 14) The right of not being compelled to testify against himself/herself.
- 15) No person shall be twice held in jeopardy for the same offense.
- 16) The right to request reconsideration within ten days upon revelation of new facts.

Rights of the Plaintiff:

- 1) The right to petition for judicial action.
- 2) The right to request to change the manner in which the case is being heard.
- 3) The right to request a dismissal of the case.
- 4) The right to a fair, impartial hearing.
- 5) The right to request that a witness be subpoenaed.
- 6) The right to be represented in a formal hearing.
- 7) The right to cross-examine witnesses in a formal hearing.
- 8) The right to request an injunction.
- 9) The right to request reconsideration within ten days upon revelation of new facts.

APPENDIX III: AMENDMENT PROCEDURES

This document and the procedures contained herein may be amended in the event that 2/3 Justices deem the original Rules and Procedures inappropriate of the demands of justice, with a concurring opinion of and a 2/3 approval of Senate.

Judicial Procedure Amendments

Judicial Directives created July 1986; Amended and Ratified July 15th, 1986

Amended by the Senate on November 11th, 1986

Amended by the Senate on August 4th, 1993

Senate Bill #7 (2004-05) F.R. March 24th; Confirmed May 10th.

Senate Bill #6 (2005-06) F.R. April 25th; Confirmed April 27th.

Senate Bill#6 (2006-07) F.R. November 28th; Confirmed November 30th.

