

Article V
Judicial Branch

Last amended on February 23, 2005.

Section 1

General

The Judicial Board shall handle all appeals rendered to it by the students of Marist College.

- A. The Judicial Board shall hear cases involving club affairs.
- B. The Judicial Board shall ensure the executive and legislative branches are operating within the framework of the Constitution for the Marist College Student Government Association and the Bylaws for the Student Government Association.
 - 1. An appeal is defined as the examination of the condition under which an incident is dealt with by a supervising official.
 - 2. The appeal process is not automatic. The decision to hear a case is left solely to the Chief Justice.
 - 3. The only grounds for an appeal to the Judicial Board are faulty procedure or prejudice.
 - 4. The Judicial Board renders judgment on a common sense basis where reasonable belief exists that an action has either occurred or been missed where sanctioning is appropriate. The Judicial Board and Marist College do not operate under the “beyond a reasonable doubt” standard.
- C. The Judicial Board shall review all Student Government Association legislation for constitutionality, fairness, proper procedure, and clarity.
 - 1. Unconstitutionality is when the law is in direct violation of the Constitution for the Marist College Student Government Association.
 - 2. Fairness ensures that the law does not show extreme bias toward one group or individual.
 - 3. Proper procedure insures that all bills passed are in accordance with these bylaws.
 - 4. Clarity is determining whether the law clearly outlines its purpose.

Section 2

Membership

- A. The Judicial Board shall consist of five (5) members:
 - 1. The Chief Justice, a student appointed by the Student Body President upon confirmation by a two-thirds vote of the Senate.
 - 2. Three (3) resident students appointed by the Student Body President as Resident Justices upon confirmation by a majority vote of the Senate.
 - 3. One (1) commuter student appointed by the Student Body President as Commuter Justice upon confirmation by a majority vote of the Senate.
- B. Judicial Board members shall remain on the board according to the following provisions:
 - 1. The Chief Justice shall remain in office while a student at Marist College, or until resignation or impeachment and removal by the Senate.
 - 2. Resident and Commuter Justices shall serve terms of twelve (12) consecutive months and shall be eligible for re-appointment.
- C. An annual review of all Judicial Board members including the Chief Justice shall be conducted by the Student Body President during the first week of February and presented to the Senate.

Section 3

Meetings

- A. The Judicial Board shall meet at least biweekly at a designated time, or more often at the discretion of the Chief Justice.
- B. All members of the Judicial Board must be notified of all meetings.
- C. The Judicial Board may be called into emergency session by the Chief Justice should the need arise.

- D. For official business to be conducted quorum is required, which shall be defined as one less than the total number of sitting Judicial Board members.
- E. The Judicial Board may move into Judicial Session for the purpose of reviewing and deciding upon parking ticket appeals and the discussion of other confidential matters as necessary to protect the privacy interests of identifiable individuals.
 - 1. Only Judicial Board members may be present during Judicial Session.
 - 2. All matters discussed in Judicial Session shall not be recorded in the minutes.
 - 3. All matters discussed during Judicial Session shall be held strictly confidential and shall never be disclosed to any third party.
 - 4. Breach of Judicial Session confidence shall be considered gross negligence of duty and/or misconduct for purposes of impeachment.
- F. Members must attend all meetings.
 - 1. Only the Chief Justice may issue excused absences.
 - 2. Three (3) unexcused absences by a member per term will result in an automatic review of membership eligibility by the Senate.
 - 3. More than eight (8) excused absences may result in a review by the Senate.
 - 4. Any decision to remove a member of the Judicial Board from office must be in accordance with Article VI of the Constitution for the Marist College Student Government Association.
- G. The Judicial Board shall review all Student Government Association legislation during regularly scheduled meetings.
 - 1. Should the Judicial Board find any legislation unconstitutional, unclear, unfair, or passed using faulty procedure, a hearing will convene to allow the Student Body President and a member of the affirmative side of the Senate to defend the legislation.
 - 2. Should the Judicial Board uphold its decision, the legislation will no longer be valid. Any member of the Student Government Association may appeal this decision within three (3) working days to the Dean of Student Affairs or his/her designee who will render the final decision. If the decision is upheld, the legislation is to be archived as “UNCONSTITUTIONAL”, “UNCLEAR”, “UNFAIR”, or “FAULTY PROCEDURE” depending on the grounds of invalidity as aforementioned in Section 1 of this Article.
- H. Minutes will be taken at every regular meeting.
 - 1. Minutes shall be reviewed and approved at the following meeting of the Judicial Board.
 - 2. A copy of minutes shall be made available to any member of the Marist College community who requests one.

Section 4

Judicial Board Positions

- A. Chief Justice
 - 1. Shall serve as Chief Justice while a student at Marist College, or until resignation or impeachment and removal by the Senate.
 - 2. May hold an appointed position on any other Student Government Association branch, board, or committee while serving as Chief Justice so long as such position is not in conflict of interest to the responsibilities of the Judicial Board.
 - 3. Shall decide what cases will be heard by the Judicial Board based on the nature of the complaint and the evidence presented.
 - 4. Shall organize, conduct, and chair all Judicial Board meetings and appeal hearings.
 - 5. Shall preside over all impeachment proceedings, except his/her own.
 - 6. Shall vote only in the case of a tie.
 - 7. Should a conflict of interest arise that prevents the Chief Justice from voting in a tie, his/her vote will be cast by the Dean of Student Affairs or his/her designee.
 - 8. Shall archive all documents pertaining to an appeal or an appeal hearing.
 - 9. Shall record all appeal hearings electronically and insure they are properly archived.

10. Shall render and communicate in writing all decisions and/or official statements to the appropriate parties involved a matter.
 11. Shall meet regularly with the following persons to update them on Judicial Board matters:
 - a. The Dean of Student Affairs or his/her designee.
 - b. The Student Body President and the Speaker of the Senate.
 - c. The faculty advisor to the Judicial Board.
 12. Shall confer with the Student Body President regarding all pending and current Student Government Association policies, procedures, and legislation.
 13. Shall not be required to attend Executive Board, Senate, or Joint meetings unless issues arise that such attendance would be in the best interest of the Judicial Board, or upon invitation by the Student Body President or Speaker of the Senate.
 14. Shall keep all matters confidential and secure all documents, reports, and statements that are used in any appeal process.
 15. In the absence of a Chief Justice, appeals shall be referred to the Dean of Student Affairs or his/her designee for final decision.
 16. Shall swear in the Student Body President-Elect as Student Body President at the Transition Banquet.
- B. Resident and Commuter Justices
1. Shall keep all matters of the Judicial Board confidential.
 2. Shall cast one vote when Judicial Board matters require voting.
 3. Shall abstain from voting in the event of a conflict of interest.
 4. One member shall take the official minutes of the Judicial Board.
 5. May not hold any elected or appointed position within the Student Government Association.

Section 5

Guidelines for Appeal

The Judicial Board will use the Constitution for Marist College Student Government Association, the Bylaws for the Marist College Student Government Association, the Class and Club Disciplinary Matrix, the bylaws of student organizations, any other governing documents of the Marist College Student Government Association, and the Marist College Handbook as guides to all decisions.

Section 6

Appeal Requests

- A. All letters of request for an appeal must be given to the Chief Justice through the Student Government Association office. An appellant shall have fourteen (14) normal academic term days to file an appeal after the party has rendered the decision in question.
- B. Upon receipt of the letter of request for appeal, the Chief Justice will inform in writing the Dean of Student Affairs or his/her designee, the Student Body President, and the office associated with the appellant (if applicable).
- C. The Chief Justice will decide whether to hear the case based on the criteria in Article V Section 1 of these Bylaws. The Chief Justice should confer with the faculty and/or administrative advisors to the Judicial Board before a decision is rendered.
- D. The Chief Justice shall gather information pertinent to the appeal including the collection of documents, conducting of interviews, and research into precedent.
- E. The Chief Justice will meet with the appellant to clarify any questions or concerns regarding the appeal. In this meeting:
 1. The Chief Justice will render a final decision as to whether there is enough evidence for a hearing.
 2. The Chief Justice will advise the appellant, Judicial Board, and Student Body President of his/her decision in writing.
 3. Will make clear that the appellant carries the burden proof at all times in requests and hearings.

- F. Common sense judgment will be used in determining whether the student was not denied due process, or the decision showed signs of prejudice.
- G. If evidence does not indicate prejudice or lack of due process, then the appellant will not be granted an appeal hearing.
- H. Should faulty procedure or prejudice be evident, then the student shall be granted an appeal hearing.

Section 7

Pre-Appeal

- A. The Chief Justice will set the date and time of the appeal hearing and will inform the following:
 - 1. The Dean of Student Affairs or his/her designee.
 - 2. The members of the Judicial Board.
 - 3. The Student Body President.
 - 4. The Speaker of the Senate.
 - 5. All parties involved in the appeal.
- B. The Chief Justice may then call another meeting with the appellant to discuss pertinent information to the appeal.
- C. All documents and records that will aid in the fair evaluation of the case will be made available to members of the Judicial Board at least twenty-four (24) hours in advance of the hearing.
- D. Any additional evidence regarding the appeal may be turned into the Chief Justice no later than forty-eight (48) hours before the appeal hearing.
- E. The Chief Justice will present copies of all evidence to all parties involved prior to the appeal hearing.

Section 8

Appeal Hearing

- A. The proper procedure for the appeal should be made clear to the participants at the beginning of the hearing.
- B. The proper procedure is:
 - 1. Presentation of the case by the appellant.
 - 2. Presentation of the case by the opposing party.
 - 3. Judicial Board requests for clarification from both sides.
 - 4. Any necessary testimony of witnesses for the appellant.
 - 5. Any necessary testimony of witness for the opposing party.
 - 6. Summation by the appellant.
 - 7. Summation of the opposing party.
 - 8. Deliberation by the Judicial Board in Judicial Session.
 - 9. Judicial Board may request for clarification from either side if any questions arise during deliberation.
 - 10. The ruling of the Judicial Board that will be expressed in writing to all parties involved.
- C. All appeal hearings shall be closed to the public.
- D. The sides of the appeal may not converse with each other during the hearing.
- E. Both sides may have an advisor available for support and guidance, but each side must speak on their own behalf. The advisor may not directly address the Judicial Board.
- F. Each side will have thirty (30) minutes to present their case. Upon request, the Judicial Board can decide, at its sole discretion, to extend this time limit.

Section 9

Post-Appeal

- A. All decisions of the Judicial Board will be in writing and be distributed to all parties involved, the Student Body President, and the Dean of Student Affairs or his/her designee.
- B. All material pertaining to the case, other than the Chief Justice's records, will be collected at the conclusion of the case from the Judicial Board members and the parties in the appeal. These materials will be destroyed.

- C. The Chief Justice will ensure that his/her records are sealed and secured to maintain confidentiality and to protect the rights of the involved parties.
- D. No Judicial Board member will share any information regarding the case with any member of the college community or media, except the Chief Justice may discuss the results of the case with the Student Body President and the Dean of Student Affairs or his/her designee.

Section 10

Parking Violation Appeals

- A. The Judicial Board shall govern the parking violation appeals process and set any terms and conditions of appeal for said process at its sole discretion. The decisions rendered by the Judicial Board regarding parking violation appeals are final and cannot be appealed further.
- B. Parking violation appeals shall be considered separate from other appeals under the jurisdiction of the Judicial Board. Therefore, any section other than Section 10 of this Article shall not apply to the parking violation appeal process.
- C. The terms and conditions of the parking violation appeal process shall be made available in writing through physical and/or electronic mediums. A violation will be governed according to the terms and conditions in effect at the time the violation was issued.