

Standing Rules of the Judicial Branch

2024-2025

Undergraduate Student Government The Ohio State University

For the purposes of establishing conduct and order within the USG Judicial Branch, these rules are herein created.

September 10th, 2024

SUBMITTED BY Utkarsh Mahey, CHIEF JUSTICE PRESIDING

I: Acknowledgement of Superseding Documents

i. All rules contained herein are superseded by and shall not conflict with the USG Constitution and Bylaws.

II: Membership to the Judicial Panel

i. The membership process to the Judicial Panel will look as such:

- a. There shall be a month-long period, occurring between the commencement of classes and the last day of October, during which applications to the Judicial Panel will be open.

- b. Following the review of applications, a two-week period will ensue during which the Chief Justice will collaborate with the President and Vice President of the Executive Branch to conduct in-person interviews for each applicant who passes the initial review.
- c. Applicants will be evaluated based on their demonstrated commitment to impartiality, leadership, and a willingness to uphold the values of the Judicial Panel as outlined in the USG Constitution.
- d. The selection of new members shall be finalized no later than two weeks after the conclusion of interviews, with formal notification given to all applicants regarding the decision.
- e. New members of the Judicial Panel shall undergo a mandatory one week orientation period where they will be briefed on procedures, decorum, the responsibilities of their roles, and the process of recusal in the event of conflicts of interest.
- f. As stipulated in the Constitution, while the responsibility of ensuring that the Judicial Panel is fully staffed lies with the Executive Branch, there shall be open communication between the Judicial and Executive Branches throughout the process to promote transparency.

III: Clerks of Court

- i. Clerks of Court shall be selected following an application and interview process. The Chief Justice, in consultation with the Executive Branch, shall appoint Clerks to facilitate the Judicial Panel's operations, improve the quality of rulings, and act as liaisons between outside parties and the Judicial Panel. Final decisions regarding the appointment of Clerks shall rest with the Chief Justice.
- ii. Clerks of Court may be removed by a majority vote of the Judicial Panel in cases of misconduct, failure to perform duties, or other breaches of responsibility.
- iii. Clerks of Court shall have the following responsibilities:

Pre-Hearing Responsibilities:

- a. Act as liaisons between the Judicial Panel and all outside parties.
- b. Schedule a time and place for all hearings.
- c. Notify all parties, the Judicial Panel, the Judicial Panel of Appeals, and officers of the court of scheduled hearings.
- d. Receive and distribute all briefs submitted to the Judicial Panel and Judicial Panel of Appeals.

In-Hearing Responsibilities:

- e. Research relevant precedent prior to hearings and brief the Judicial Panel on facts, evidence, and relevant precedent.
- f. Ensure that all parties and witnesses remain accessible and informed during hearings.

Post-Hearing Responsibilities:

- g. Assist the Judicial Panel in writing opinions when requested.
 - h. Compile written opinions and prepare official records of the Judicial Panel.
 - i. Any other duties necessary for the facilitation of the Judicial Panel's operations.
- iv. Clerks of Court shall arrange designated meeting areas for parties and witnesses and provide them with contact information, including phone numbers and email addresses.
 - v. Clerks of Court shall retain the same responsibilities for the Judicial Panel of Appeals.
 - vi. The Chief Justice shall oversee all procedures followed by the Clerks of Court.
 - vii. Clerks of Court shall not attend deliberations if they are parties in a hearing or have a conflict of interest.

IV: Hearing Bylaw Violations

- i. All proceedings for which the Judicial Panel has original jurisdiction shall be heard by the Chief Justice and 4 Associate Justices. These justices constitute the panel with original jurisdiction and shall participate in the hearing and adjudication processes for each case for which they are empaneled.
- ii. This shall apply to all types of bylaw violations, including Type I, II, III, IV, and V, as defined by the USG Constitution and bylaws.
- iii. The Judicial Panel shall follow the same procedures for all bylaw violations, ensuring consistency and fairness across all hearings.
- iv. The Chief Justice shall retain the authority to moderate all hearings and ensure proper decorum.
- v. In the event of a conflict of interest, any Justice involved shall recuse themselves, and another Justice may be assigned to ensure the case is heard by a full panel.

V: Judicial Panel of Appeals

- i. The Judicial Branch of the Undergraduate Student Government shall be divided between a Judicial Panel with original jurisdiction and a Judicial Panel of Appeals with appellate jurisdiction.
 - a. For all panels, justices shall be chosen at random. All parties involved at the hearing have the right to be present during justice selection.
 - b. Any Justice who exhibits a conflict of interest must recuse themselves or may be forcibly recused by the Chief Justice to be replaced by another justice at random.

- c. The faculty advisor of the Undergraduate Student Government who does not have a conflict of interest, shall be present to hear appeals with full speaking privileges but without voting privileges. If the faculty advisor cannot attend, then he/she reserves the right to delegate a closely linked persons from the office of student life to attend in place. The Judicial Branch shall ensure this.
- ii. Three Associate Justices shall be chosen at random to serve on the Judicial Panel of Appeals from the Justices who did not hear nor who have conflict with the original claim.
- iii. The Chief Justice shall moderate the appeals hearing.

VI: Decorum

i. General Conduct:

- a. The proceedings before this panel shall be respectful and orderly at all times.
- b. Parties are expected to address the Chief Justice as “Chief Justice [last name]” and Associate Justices as “Justice [last name].”
- c. Parties are expected to be punctual for all proceedings. In the event of tardiness or absence, parties must notify the Clerk of Court as soon as possible. Failure to do so may result in the proceedings continuing without them, at the discretion of the Chief Justice.
- d. All parties must follow instructions from the Chief Justice during proceedings and refrain from any disruptive behavior, including but not limited to:
 - 1. Interrupting speakers
 - 2. Using disrespectful or inflammatory language
 - 3. Demonstrating aggression or physical disruption

ii. Consequences for Breach of Decorum:

- a. A breach of decorum may result in immediate removal from the proceedings. The panel may continue to deliberate and render a decision even in the absence of the removed party.
- b. In the event a party is removed, additional consequences may include:
 - 1. Suspension from future Judicial Panel hearings or proceedings.
 - 2. Disqualification from involvement in specific matters, depending on the severity of the breach.
- c. Removal from the hearing due to a violation of decorum shall not be grounds for appeal.

iii. Public and Press Attendance:

- a. All hearings shall be open to the public and the press. However, the Chief Justice may allow exceptions in cases where this presence could be prejudicial to the judicial process.
- b. All hearings that are open to the public must have a virtual option for the public, listed under the Judicial Panel Opinions page on the Undergraduate Student Government Website.

iv. Decorum in Virtual Hearings:

a. If proceedings are held virtually, all parties are expected to maintain the same level of decorum as in-person hearings. This includes dressing appropriately, participating from a quiet and professional environment, and following the same rules for addressing the Justices.

VII: Standards of the Courts and Rights of Parties

i. Standards

a. Beyond a Reasonable Doubt Standard:

- The Judicial Panel will evaluate claims based on whether it is beyond a reasonable doubt that a violation occurred that a violation has occurred. This is the standard of proof that will be used for all claims and appeals.
- *Simplified Language*: "The panel will decide based on what seems is true, beyond a reasonable doubt."

b. Reasonable Person Standard:

- When there's a dispute over the facts, the Judicial Panel will use the reasonable person standard. This means they will consider how a typical person would act or think in a similar situation.
- *Simplified Language*: "The panel will decide how a reasonable person would act or think in the same situation when there's a disagreement over the facts."

ii. Rights of Parties

c. Presumption of Innocence:

- The respondent (person accused) is considered not in violation until proven otherwise by the Judicial Panel.

d. Burden of Proof:

- The complainant (person making the accusation) carries the burden of proving their case. In appeals, the appellant (person appealing) must prove why the original decision was incorrect.
- *Simplified Language*: "The person accusing must prove their case. If the decision is appealed, the person appealing must prove why the original decision was wrong."

e. Notice of Charges and Hearings:

- Both the complainant and the respondent must receive notice of the charges and the hearing's time and location in advance.

f. Right to Legal Counsel:

- Both parties have the right to legal counsel, but this counsel must be a current Ohio State undergraduate student. Each party can have only one legal counsel per hearing.

g. Rights of Respondents/Defendants:

1. The right to question the person accusing them and any witnesses.

2. The right to refuse to answer questions without being presumed guilty.
3. The right not to face a second hearing for the same accusation (no double jeopardy).

4. The right to see all evidence and witness lists before the hearing. The respondent may make no attempt to sway, intimidate, or pressure any witnesses; any such actions shall be assessed against the respondent in their case and shall be referred to Student Conduct proceedings as well

h. Multiple Defendants:

- If there are multiple people being accused in the same complaint, they have the right to separate hearings.

i. All Other Rights:

- All parties retain the rights guaranteed to them as students of Ohio State University.

VIII: Notification

i. Once a brief is filed, the Clerk of Court shall provide a copy of the brief to the accused (Respondent/Defendant) and the Chief Justice within 24 hours of the filing.

ii. The Respondent/Defendant shall be given at least 72 hours' notice of the hearing date, time, and location unless the offense occurs during the campaign window, then the party will be given at least a 24-hour notice.

iii. The hearing must be held within 10 business days of the brief being filed.

iv. The Judicial Panel or Judicial Panel of Appeals shall issue a decision within one academic week of the hearing.

v. If the Respondent/Defendant chooses to appeal the decision, they must do so within 48 hours of receiving the decision from the Panel.

a. For appeals based on the discovery of substantial new evidence that was unavailable at the time of the hearing, the appeal must be filed within five days of receiving the decision.

IX: Briefs

i. Complainant Briefs

- Complainants must submit briefs to the Clerks of Court when filing claims or appeals.

a. Each brief must include the following:

1. A cover page.

2. The specific bylaw alleged to have been violated. For appeals, the specific procedural error committed by the Judicial Panel.

3. A short summary of the Complainant's case.
4. A list of evidence and witnesses the Complainant intends to introduce.
5. The relevance of all witnesses the Complainant intends to question during direct examination.
6. Any discussion of precedent or statute that the Complainant wishes the Panel to examine prior to the hearing.
7. A conclusion summarizing the desired outcome.

b. Briefs may be submitted in electronic format using the template provided on the USG website.

ii. Defendant Briefs

- Defendants may also submit briefs to the Clerks of Court.

a. Briefs submitted by the Defendant must follow the same format and guidelines as those submitted by the Complainant.

X: Procedures for Hearings

i. Commencement of Hearings:

- Hearings shall begin when the Clerk of Court permits both parties to enter the courtroom. The hearing will officially begin when the Chief Justice calls it to order.

a. The Chief Justice shall serve as the chief spokesperson for the Judicial Panel and retain all powers necessary to ensure a fair and impartial judicial process, as granted by the USG Constitution and these Standing Rules.

ii. Opening Statements:

- After the hearing is called to order, each party shall present their opening statements, beginning with the Complainant and followed by the Respondent/Defendant.

a. Each party's statement shall be limited to seven minutes.

iii. Introduction of Evidence by the Complainant:

- After opening statements, the Complainant shall introduce their evidence, including witness testimony if applicable. All witness testimony shall be considered evidence.

iv. Cross-Examination by the Respondent/Defendant:

- The Respondent/Defendant shall then cross-examine the evidence introduced by the Complainant, including witness testimony, where appropriate.

v. Introduction of Evidence by the Respondent/Defendant:

- After cross-examination, the Respondent/Defendant shall introduce their own evidence, including witness testimony where applicable.

vi. Cross-Examination by the Complainant:

- The Complainant shall have the opportunity to cross-examine the evidence presented by the Respondent/Defendant, including witness testimony.

vii. Panel Inquiry and Investigation:

- After both parties have presented and cross-examined evidence, the Judicial Panel shall conduct an investigation phase. In this phase, both parties may request that the Panel inquire further into specific points of clarification based on the evidence presented.

- The Complainant shall go first, followed by the Respondent/Defendant.

viii. Closing Statements:

- After the investigation phase, each party shall make a closing statement, starting with the Complainant and followed by the Respondent/Defendant.

a. Each closing statement shall be limited to seven minutes.

ix. Adjournment of Hearings:

- The hearing shall conclude when the Chief Justice adjourns the court.

x. Deliberation by the Judicial Panel:

- After the hearing concludes, the Judicial Panel shall meet in private to deliberate and discuss the case. The Chief Justice shall determine the procedure for these deliberations, ensuring that all justices have an opportunity to share their perspectives.

xi. Questioning by the Panel:

- Members of the Judicial Panel or Judicial Panel of Appeals may ask questions of either party at any point during the hearing to clarify evidence or testimony.

xii. Relevance of Questions:

- The Chief Justice retains sole authority to deem any question asked by either party as irrelevant or inadmissible. The Chief Justice may instruct the Judicial Panel or Judicial Panel of Appeals to disregard irrelevant questions or evidence.

xiii. Issuance of Written Opinions and Ruling:

- The Judicial Panel, or Judicial Panel of Appeals, shall issue a written majority opinion after each ruling. This opinion must be circulated to both parties and all justices on the Judicial Panel within 72 hours of the ruling.

- The written opinion shall include the vote margin, any dissenting opinions, and a clear explanation of the reasoning behind the ruling.

XI: Procedures for Appeals

i. Authority of the Chief Justice:

- a. The Chief Justice shall have the final ruling on all procedural matters considered by the Judicial Panel of Appeals.
- b. The Chief Justice shall serve as the spokesperson for the Judicial Panel of Appeals.
- c. The Chief Justice shall retain all constitutionally and statutorily granted powers necessary to

ensure a fair and impartial appellate process, in addition to any powers not explicitly granted by these Standing Rules.

ii. Grounds for Appeal:

a. Appeals may only be filed on the following grounds:

1. Procedural Errors: If the Judicial Panel has made a significant error in following its procedures that resulted in an unfair process.
2. Substantial New Evidence: If new evidence has been discovered that was unavailable at the time of the initial hearing and could have significantly impacted the outcome.

b. Procedural Error Appeal:

- The Judicial Panel of Appeals may only find that a procedural error occurred under the following circumstances:

1. The Judicial Panel improperly allowed or excluded critical evidence.
2. The Judicial Panel's ruling conflicts with the USG Constitution or bylaws.
3. The Judicial Panel's ruling is inconsistent with other Judicial Panel rulings.
4. Demonstrated bias by the Judicial Panel toward a party.
5. The Judicial Panel imposed a penalty disproportionate to the violation.
6. Any other serious procedural error that led to the loss of a fair and impartial process.

- Appeals filed on procedural grounds must be submitted within 48 hours of the initial ruling.

c. New Evidence Appeal:

- If substantial new evidence has become available that was not accessible at the time of the hearing, an appeal can be filed. The Judicial Panel of Appeals will review whether this evidence could significantly alter the outcome of the case.

- Appeals on these grounds must be filed within 5 days of the initial ruling.

iii. Appellate Rulings and Remands:

a. The Judicial Panel of Appeals may only review procedural matters and shall not reconsider the facts of the case or the interpretation of those facts, except in cases where new evidence is presented.

b. When no procedural error is found, the Judicial Panel of Appeals shall uphold the original decision, unless substantial new evidence warrants reconsideration.

c. If the Judicial Panel of Appeals identifies a significant procedural error, it may remand the case to the Judicial Panel for further review or clarification.

d. Remanded Cases:

- Remanded cases shall be heard by the same justices who heard the original claim unless a justice is indisposed, in which case another justice may serve.

- Remanded cases may be appealed again following their resolution, should further issues arise.

iv. Publication of Appellate Decisions:

- All decisions made by the Judicial Panel of Appeals shall be published and made available to the parties involved within 48 hours of the ruling.

- The reasoning behind the decision, whether to uphold or remand, must be clearly explained

to ensure transparency. **XII:**

Procedures for Elections

i. Candidate Meetings:

- The Judicial Panel must hold at least four mandatory meetings for candidates intending to run in an election, which must take place before Election Time.

a. These meetings will cover all pertinent information regarding election procedures, submission of required materials, campaign rules, and expectations for conduct as outlined in the Election By-Laws.

b. Attendance at these meetings is mandatory, and candidates who fail to attend without a valid excuse may face disqualification.

ii. Verification of Petitions and Documents:

- The Clerk of Court is responsible for verifying the legitimacy and accuracy of all petitions, candidacy declarations, and other documents submitted by candidates, in accordance with the Election By-Laws.

- Any discrepancies or issues must be reported to the Judicial Panel within 48 hours of submission.

iii. Oversight of Election Timeline:

- The elections shall be conducted in accordance with the approved timeline and procedures outlined in Title 1 of the Election By-Laws.

- Any changes to the timeline must be approved by the Judicial Panel and communicated to all candidates and involved parties at least 5 days in advance.

iv. Judicial Panel's Authority:

- Per the Constitution, the Judicial Panel retains any additional powers not explicitly listed in this section with respect to elections. The Judicial Panel is the sole authority overseeing the operation of elections, ensuring compliance with the Election By-Laws, and addressing any disputes or irregularities that arise.

v. Election Integrity:

- The Judicial Panel is responsible for ensuring the integrity and fairness of the elections, including the transparent counting of votes, timely reporting of results, and resolution of disputes in accordance with established rules and regulations.

XIII: Records of Initial and Appellate Hearings

i. Access to Recordings and Transcripts:

- a. Audio recordings or transcripts of initial and appellate hearings shall be made available upon request to undergraduate students. Requests must be submitted in writing to the Clerk of Court, and access will be granted within 24 hours of the request being received if approved. These records shall be provided through a secure and confidential platform to ensure proper distribution and monitoring.
- b. Neither audio recordings nor transcripts shall be altered in any way that makes those records misleading.
- c. Privacy Considerations: In cases involving sensitive personal information, necessary redactions may be made to protect the privacy of the parties involved while maintaining the integrity of the hearing.

ii. Exclusion of Deliberation Records:

- d. No transcripts or recordings of the deliberations of the Judicial Panel or the Judicial Panel of Appeals shall be made available at any time, to preserve the confidentiality of the panel's decision-making process.

iii. Record Retention:

- e. Audio recordings and transcripts shall be retained for a period of at least one academic year and will remain accessible upon request during this time. After this period, records may be archived or deleted unless required for ongoing appeals or legal purposes.

XIV: Opinions

- i. Majority Opinions of the Judicial Panel shall include an overview of the facts of the case, relevant precedents, arguments, and evidence presented by both parties, as well as the Judicial

Panel's ruling and the reasoning behind it. Written opinions are required for ****all bylaw violations****, including Type I and II violations, and must be issued within 7 days of the ruling.

ii. Majority Opinions of the Judicial Panel of Appeals shall include a discussion of the Judicial Panel's initial ruling, any alleged procedural errors, relevant precedents, and the Judicial Panel of Appeals' ruling and reasoning.

a. The Judicial Panel of Appeals may not issue any opinion on the correctness, soundness, or practicality of the Judicial Panel's initial ruling on the facts of the case. Majority Opinions of the Judicial Panel of Appeals are limited to discussions of alleged ****procedural errors****.

iii. Disclosure of Voting Results: All Majority Opinions shall include the vote margin by which the case was decided and shall disclose which justices dissented, if applicable.

iv. Dissenting Opinions: Justices who disagree with the Majority Opinion may write a dissenting opinion, explaining the reasons for their disagreement.

v. Concurring Opinions: Justices who agree with the outcome of the Majority Opinion but for different reasons may write a concurring opinion, explaining their reasoning.

vi. Public Access to Written Opinions: All written opinions, including Majority, Dissenting, and Concurring Opinions, shall be made publicly available on the Undergraduate Student Government (USG) website within 7 days of the ruling, to ensure transparency. However, confidentiality may be maintained to protect the involved parties in cases where it is necessary.

XV: Autonomy

i. The Judicial Panel recognizes that the bodies listened within the student government's superseding documents holds all authority over the Undergraduate Student Government.

ii. If any ruling by the Judicial Panel of Appeals is overturned or appealed by any body at The Ohio State University that is not one of the bodies in the superseding documents, such as the Board of Trustees, the Judicial Panel reserves the right to maintain its decision and disregard any conflicting opinions as non-binding.

XVI: Transparency

i. These Standing Rules shall be made available to all undergraduates and shall be circulated to all parties involved in hearings or appeals.

ii. The Standing Rules shall be accessible on the Undergraduate Student Government website and updated versions shall be posted within 24 hours of any approved amendments.

XVII: Amendments to the Election Bylaws

i. The Chief Justice and Associate Justices may propose amendments to the Election Bylaws for approval by the Oversight Committee who will then refer the amendment to the General Assembly or an iteration of the G.A.

ii. Amendments to the Election Bylaws proposed by Associate Justices shall be approved by a majority vote of all Justices before being submitted for the Oversight Committee approval.

XVIII: Amendments to the Standing Rules of the Judicial Branch

i. The Chief Justice and Associate Justices may propose amendments to the Judicial Panel Standing Rules for approval by the Oversight Committee who will then refer the amendment to the General Assembly or an iteration of the G.A.

ii. Amendments to the Standing Rules proposed by Associate Justices shall be approved by a majority vote of all Justices before being submitted for Oversight Committee approval.