

Code Section VII

Judicial Code

- 7.10 The By-Laws of the Judiciary shall be known as the Judicial Code and shall govern the judicial matters of the Associated Students of Cerritos College.
- 7.11 Decisions of the Court shall constitute the final authority of the Associated Students.
- 7.12 The Court shall have no more than one (1) Chief Justice, and eight (8) Associate Justices, nor less than one (1) Chief Justice and four (4) Associate Justices.
- 7.13 The Chief Justice shall be the presiding member of the Court.
- 7.131 The Court shall elect a Chief Justice Pro-Tem who shall act in the absence of the Chief Justice.
- 7.132 The duties of the Chief Justice shall be to:
- a) Function as the official administrator of the Court.
 - b) Preside at the meetings of the Court
 - c) Appoint the clerk of the Court and any other officials that the Court deems necessary with approval of the Senate.
 - d) Call a pre-hearing conference with the disputants for the purpose of determining whether the Court has cause to act, if the Court is unable to make such a determination based on petition alone.
 - e) Maintain the Court Calendar and assign the time, date, and place of hearing.
- 7.14 Justices shall hold their office for the full duration as regular full-time students of Cerritos College, although it shall be mandatory for any Justice to retire after the completion of six (6) full-time Fall and/or Spring Semesters of Court work.
- 7.15 Any breach in tenure at the College shall result in automatic dismissal of said Court member.
- 7.151 The Court shall be responsible for the discipline of its own members. When, in the opinion of the Court, one of its own members is found to have either:
- a) Allowed a personal gain or a personal loyalty to a party in a case before him to exercise an appreciable influence in his/her decision on that particular case, or
 - b) Been derelict in his/her duties as a member of the Court, or
 - c) Acted in a manner unbecoming to the responsibilities of his/her position, the Court may, after consultation with the member found in default and upon an affirmation vote of two-thirds (2/3) of the remaining Court, formally ask for the resignation of said member or publicly censure him or her.
- 7.152 If the member found in default refuses to resign, it shall be the duty of the Chief Justice or Chief Justice Pro-Tem to refuse to assign such member to any case before the Court until:
- a) The member's term of office has expired.
 - b) The member resigns.
 - c) The member is formally impeached.
- 7.16 The Court Clerk shall be appointed by the Chief Justice.

- 7.161 The duties of the Clerk shall be to:
- a) Maintain the supply of all forms used by the Court.
 - b) Perform the administrative functions set forth in other sections of this code.
 - c) Maintain the official files of the cases brought before the Court.
 - d) Record the testimony of a hearing upon the request of the presiding Justice.
 - e) Perform any administrative tasks that the Chief Justice assigns.
- 7.17 The Court shall keep a record of its meetings and shall publish them in the Judicial Report.
- 7.18 Court sessions shall be open to public attendance, except when the Court goes into executive session.
- 7.19 The Court shall be vested with the authority of Judicial Review.
- 7.20 The Court shall have the power of creating "special" court orders for the purpose of expediting Court business and administering justice.
- 7.21 The Court shall have the power to issue a Writ of Mandamus.
- 7.211 A Writ of Mandamus is a special order which commands an officer of the ASCC to perform his/her duty as required by law.
- 7.212 The Writ of Mandamus can be issued only when the duty under the law is explicitly stated.
- 7.22 In cases of actual disputes, the Court shall have the power to declare the legal rights and legal relation of interested parties. Such a declaration shall have the force and effect of the final judgment.
- 7.221 The above power shall be referred to, for convenience, as the power of Declaratory Judgment.
- 7.222 In order of Declaratory Proceedings to have force, all parties concerned must first agree to such a proceeding, and the decision of the Court shall be binding on 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 procedures for initiating regular proceedings shall be followed to initiate a request for a declaratory judgment.
- 7.223 In Declaratory Judgment Proceedings, none of the parties have to prove that any wrong has been done or is immediately threatened.
- 7.23 The Court shall have the power to grant injunctions.
- 7.231 An injunction shall be a court order which directs that a threatened infraction of the law is not to take place.
- 7.232 The party or parties filing complaint must show to the Court that a certain action would result in an infraction.
- 7.233 The Court shall handle an injunction proceeding immediately upon request.
- 7.234 If an injunction is granted, without the presence of the defendant, the defendant may

make a motion before the Court to have the injunction lifted, stating his/her reasons for said motion.

- 7.24 Any Court Order which is not obeyed may result in a Contempt of Court Citation.
- 7.241 The Court may find anyone conducting himself before it in a manner uncomplimentary to the dignity of said Court in Contempt of Court.
- 7.25 The Court shall convene no less than once a week during the regular school year, with the exception of holidays, vacations, and semester finals.
- 7.26 It shall be mandatory for all Justices to attend all sessions unless officially excused by the Chief Justice.
- 7.261 Any Court justice absent without excuse from two (2) consecutive or more than two (2) meetings of the ASCC Court in one semester shall automatically cease to serve as an ASCC court member.
- 7.27 Emergency sessions may be scheduled when necessary by a simple majority vote of the Court, or called by the Chief Justice, or in the absence of the Chief Justice, by the Chief Justice Pro-Tem or Student Government Advisor.
- 7.28 A quorum consisting of at least two-thirds (2/3) of the Justices shall be required in order for the Court to convene. Accordingly for a five (5) member court, the quorum is four (4); for a six (6) member court, it is four (4); for a seven (7) member court, it is five (5); for an eight (8) member court, it is five (5); and for a nine (9) member court, it is six (6).
- 7.29 All matters requiring the consideration of the Court shall be presented to the Court Clerk or the Chief Justice for placement on the Calendar of Business by 12:00 noon on Thursday.
- 7.291 The Calendar of Business shall be available to the Justices and the public at all times.
- 7.30 All matters, with the exception of petitions for court injunctions, shall be considered by the Court in order of their presentation to the Court Clerk or Chief Justice.
- 7.301 Any Justice shall have the prerogative to recommend that any measure on the Calendar of Business take precedence scheduling. A majority vote of the Court shall decide whether to abide by this suggestion.
- 7.31 There shall be one (1) hearing procedure adhered to by the Supreme Court. The following hearing procedure will apply to all cases.
 - 7.311 The Court shall have the power to alter certain parts of the following general procedures in order that the Court may more effectively conduct business in certain types of cases. Any variations in procedures must be approved by two-thirds (2/3) vote of all the Justices.
 - 7.312 A request for Court action may be made by a petition by any ASCC member.
 - 7.313 Those persons who have a case to bring before the Court shall initiate proceedings by obtaining from the Court Clerk or other person at the Office of Student Activities, the for entitled "COMPLAINT." The plaintiff shall return this petition to the Clerk or any Justice

- after he has entered in typewritten (or legibly printed) form, all the information required.
- 7.314 Upon receipt, the petition shall be dated and initialed by the court official receiving it and shall be filed with the cases pending before the court.
- 7.315 At its next meeting, the Court shall review all the petitions received since the previous meeting to determine individually for each petition whether the Court has cause to act.
- 7.316 The determination of whether the Court is to act on a petition shall be based on all of the following questions:
- a) Does the damaging action or situation involve a point of law which is within the jurisdiction of the Court to render a decision and which the Court can offer to remedy or judicial relief? Must be answered in the affirmative.
 - b) Is there an actual case or controversy? Must be answered in the affirmative.
- 7.317 If the Court is unable to make a determination as to whether to act on a petition, the Chief Justice may informally call a pre-hearing conference with disputants for the purpose of determining whether the court has cause to act based upon the condition of 7.316.
- 7.32 Upon the Petition of Complaint's acceptance by the Court, the case shall be scheduled on the Calendar of Business.
- 7.33 There shall be a State's Attorney to defend the ASCC in cases in which the ASCC is the defendant.
- 7.331 The State's Attorney shall be appointed by the ASCC President with approval of the Senate.
- 7.332 The State's Attorney may act to defend in the interest of the ASCC only when directed to do so by the ASCC President.
- 7.34 If the ASCC President maintains that a charge should be brought against a certain party, he may direct the State's Attorney to file a Petition of Complaint with the Court.
- 7.35 The actual hearing shall take place in the following manner:
- 7.351 The Chief Justice shall call the Court to order.
 - 7.352 The Court Clerk shall call the title and number of the case to be heard. The names of the plaintiff and defendant(s) shall be indicated.
 - 7.353 The Chief Justice shall ask the defendant if the defendant wishes to contest the Petition of Complaint. If the defendant decides to contest, then all the following hearing procedures will apply. If the defendant decides not to contest, then the Court shall disregard the following procedures except the part that deals with going into executive session and making a decision.
 - 7.354 The Chief Justice shall state the procedure to be used during the hearing. The Chief Justice shall also ask, at the end of the statement of procedure, if both parties fully

- understand or have any questions regarding the procedure.
- 7.355 The plaintiff shall present his/her case, followed by the defendant who shall also present his/her case.
- 7.356 The Justices present may direct questions to the plaintiff and defendant.
- 7.357 The defendant and plaintiff shall both have the opportunity to present witnesses.
- 7.358 The defendant and plaintiff shall have equal time in which to summarize and re-establish the cases.
- 7.359 Upon completion of the hearing the Chief Justice shall move the Court into Executive Session. During Executive Session, the Justices may only discuss the relative merits of opposing cases. The Justices shall come to the decision during Executive Session. The Executive Session may be adjourned and scheduled to continue another day if time is warranted.
- 7.36 The Majority Ruling of the Court, concurring opinions, and dissenting opinions, if any, shall be printed in the "Judicial Report" within a two (2) week period of the hearing and/or cases.
- 7.37 There are different magnitudes of student law.
- 7.371 Constitutional law is of a higher magnitude than the By-Laws. The By-Laws are higher in magnitude than Legislation. Legislation is of higher magnitude than Executive Orders.
- 7.372 When a law of a higher magnitude conflicts with a law of lower magnitude, the higher magnitude of law shall be followed in making a decision.
- 7.38 **General Hearing Procedures:**
- 7.381 The disputants have the right to a fair, impartial and public hearing. Either of the disputants may request a closed hearing provided they show reasonable cause for such action. A motion for a closed hearing is not a matter of right, but rests at the discretion of the presiding Justice. This section shall not preclude the Court from regulating the admission of the public to prevent overcrowding or disorder or ordering any person who interferes with the orderly conduct of the hearing from the room.
- 7.382 The plaintiff must be present at the hearing or the case shall be dismissed.
- 7.383 If the defendant or his/her representative fail to appear at the hearing, the case shall be awarded to the plaintiff by default upon presentation by the plaintiff of prima facie evidence that the defendant was properly notified of the time and place of the hearing.
- 7.384 At the time of the hearing, the defendant may request a postponement of the hearing due to insufficient time allowed for him to prepare his/her case. Such request for postponement is not a matter of rights, but rests at the discretion of the Court.
- 7.385 Only questions that are relevant and material shall be permitted at any time during the proceedings.

- 7.386 The presiding Justice shall enforce the Rules of Procedure and rules of motion and objections.
- 7.387 The Court shall retain the right to limit the amount of time allowed for the disputants' case, rebutting evidence, argument and the number of witnesses. The disputants must, however, be granted equal amounts of time to present their cases.
- 7.388 A motion for dismissal of the cases may be made by the plaintiff or defendants at any time prior to the reading of the official Court decision.
- 7.389 Photography and tape recorders shall be permitted only by prior arrangement and with the permission of the Court.
- 7.39 **Post Hearing Procedure:**
- 7.391 In evaluating the evidence presented in a case, the Court shall give consideration to:
- a) Relevance
 - b) First-hand knowledge (witnesses)
 - c) Impeachment of Bias (of witnesses)
- 7.392 The Court shall adhere to the doctrine of stare decisis.
- 7.393 All decisions of the Court shall take effect when read by the Court Clerk or the presiding Justice in session unless otherwise stipulated in the decision.
- 7.40 Senate Impeachment Hearing. The Chief Justice of the Court of the Associated Students of Cerritos College shall preside over the hearings in the case of impeachment of the President and of the Vice President of the ASCC. The presiding officer of the hearing is charged with conducting the meeting and maintaining order. He shall not vote in any Senate proceeding.
- 7.401 By two-thirds (2/3) vote, the Senate may formally impeach the accused wherein the Senate shall petition in the Court to try the accused for his/her office and/or standing in the ASCC. The petition shall be delivered by the Senate Clerk to the Court Clerk.
- 7.41 Responsibility for Elections. The Student Court shall be charged with the official responsibility for all student elections. Those Court members who are not candidates for election, will, by vote, determine the membership of the Elections Board. Those Court members who are not candidates for election, shall, prior to each election, appoint three (3) Justices to the Elections Board. No person shall serve on the Elections Board if that person is listed as a candidate for an election. The Elections Board shall:
1. Enforce the rules of the election.
 2. Supervise the canvassing of the polling places.
 3. Certify challenged ballots, void ballots, and the total of disqualified ballots on the final summary.
 4. Have the power to assist the Commissioner of Public Relations by removing illegally posted election publicity.
 5. Confirm the legality of all write-in candidates and include those tallies in the final summary.
 6. Make provisions to place the measures of an amendment on the ballot before the next

election as stated in the Constitution of the ASCC.

7. Designate the legal ballot for all elections.
8. Have clerks to assist in counting ballots.

7.42 ASCC Publicity Commissioner Appeal. If the decision of the Commissioner is appealed, the review of the decision of the Commissioner will be by a member of the ASCC Supreme Court within two (2) days. If the decision of the Court member is appealed, the review of the Court member's decision will be by the Vice President of Student Services.