

# ASSOCIATED STUDENTS OF COLORADO STATE UNIVERSITY SUPREME COURT BYLAWS

The judicial power of the Associated Students of Colorado State University shall be vested in one Supreme Court. Representations of the name may include ASCSU Supreme Court, Supreme Court, or Court.

## **A. JURISDICTION AND PURPOSE**

1. The ASCSU Supreme Court shall have judicial authority over the ASCSU, including the power to:
  - a. Interpret, uphold, and enforce the ASCSU Constitution.
  - b. Interpret and conduct judicial review of acts of the ASCSU Senate and of all ASCSU administrative boards. Interpret, uphold and enforce acts of Senate including any ASCSU Code of Ethics.
  - c. Set bylaws, rules of order, and rules of procedure for the Supreme Court.
  - d. Hear cases involving any ASCSU member(s), provided that the stated ASCSU member(s) have already gone through established University procedures.
  - e. Hear cases involving ASCSU Constitutional amendments, Senate bills, Senate resolutions, inter-branch disputes, intra-branch disputes, and Elections Appeals.
  - f. Hear cases involving CSU Clubs recognized by the ASCSU through the SLICE office in either appellate or original jurisdiction.
  - g. Interpret, uphold, and enforce the bylaws of the ASCSU Supreme Court.
2. Additionally, ASCSU Supreme Court Justices<sup>1</sup> shall have the power to serve on the University Pre-Admissions Hearing Committee, the University Appeals Hearing Committee, and the All University Hearing Board. Information about these boards and their procedures can be found in the Student Conduct Code and through the Office of Conflict Resolution and Student Conduct Services.
3. The ASCSU Supreme Court retains appellate jurisdiction of a case when it is the original hearing body.
4. ASCSU Supreme Court Justices may prepare a written opinion regarding the outcome of any case heard before the Court. Any Justice not in the majority may author a dissenting opinion.

## **B. OFFICERS AND DUTIES**

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<sup>1</sup> Where used in this document, “Justice” means Chief Justice, Deputy Chief Justice or Associate Justice.

The Supreme Court shall be composed of one (1) Chief Justice, one (1) Deputy Chief Justice, and five (5) Associate Justices. It shall be assisted by additional Judicial Officials consisting of one (1) Court Liaison, and one (1) Sergeant-at-Arms.

**C. POLICIES**

1. Office Hours. The Chief Justice shall keep at least six (6) office hours in the ASCSU office each week. The Deputy Chief Justice shall keep at least six (6) office hours in the ASCSU office each week. Associate Justices shall keep at least two (2) office hours in the ASCSU office each week. The Court Liaison shall keep at least one (1) office hour in the ASCSU office each week. The Sergeant-at-Arms shall keep at least one (1) office hour in the ASCSU office each week.

Any Associate Justice, Court Liaison, or Sergeant-at-Arms who fails three (3) times to complete the required office hours without being formally excused, in writing, by the Chief Justice will be placed on probation, as notified by the Chief Justice in writing. Additional offenses within a semester are grounds for dismissal.

2. Training. Training is mandatory for all Justices and Court Officials. Exceptions will be made only in the event of extenuating circumstances. Requests for exceptions must be made in a timely manner to the Chief Justice.
3. Meetings. Two (2) unexcused absences by a Justice from Court meetings in a single semester will lead to probation as notified by the Chief Justice in writing. During this probationary period, the Chief Justice may revoke the Justice's voting privileges. Additional offenses within the semester are grounds for dismissal.
4. Voting. Unless both the Chief Justice and the Deputy Chief Justice must recuse themselves, one shall serve as chair of a Court meeting. The Chair shall abstain in all voting matters except in the event of a tie or when specifically allowed by these bylaws, when the Chair shall cast the deciding vote. Justices shall each have a single vote on all Court decisions. A quorum for the Supreme Court will be achieved at four (4) Justices. Only Justices may vote.
5. Deliberations. Deliberations of the Court shall be confidential and closed to the public because they are considered to be ongoing legal matters. Additionally, confidential deliberations allow the Court to more extensively discuss all possible options and rulings before making a decision. Only Justices and Judicial Officials may be present during deliberations.
6. Campus Involvement. Each academic year Justices shall each attend a minimum of four (4) ASCSU-sponsored events and four (4) non-ASCSU-sponsored events, two (2) of which must be diversity-related. Other Judicial Officials must attend a minimum of three (3) ASCSU-sponsored events.

7. Amendments. Any Justice or Judicial Official may propose amendments to these Bylaws. Any amendments to these Bylaws must be ratified by a two-thirds (2/3) affirmative vote of the Supreme Court Justices. Pursuant to Article IV, Section 402 of the ASCSU Constitution, the Court will alert the ASCSU Senate to changes made to these Bylaws.

#### **D. PROCEDURES**

1. Internal Complaints. These procedures are outlined in the Internal ASCSU Supreme Court Hearing Procedures document.
2. Requests for Opinion/Review. Upon the filing of a request for opinion or review, the Supreme Court shall decide within one (1) week whether or not to hear the case. Four (4) Justices are required to voice dissent for a case not to be heard. If the Court decides not to hear a case, the Chief Justice will notify the requestor of the decision.

If the Court decides to hear the case, it shall be assigned a number that starts with the current number of the Senate followed by two digits denoting the number of cases heard to this point. For example, the third case heard in the 44<sup>th</sup> Senate would be assigned Case Number 4403. Deliberations of the case shall occur at the next Supreme Court Meeting.

The subject matter of the case shall be made open to the public and announced at the Senate Session immediately preceding the Court meeting. Any member of ASCSU may submit a written brief arguing why the Court should rule one way or another. Deliberations for requests for opinions or review are not chaired; the Chief Justice ensures a Justice is assigned to write the majority opinion, but is not restricted from voting. Deliberations are concluded when the Court agrees it has answered the questions in the request for opinion or review. All voting towards the majority opinion must approve of the wording of said opinion (though this can occur after deliberations) before the opinion is made official. Upon completion of the majority opinion, the requestor shall be notified of the decision, and the Justice authoring the opinion shall present the opinion in the following Senate Session. At this time, any dissenting opinions may also be presented.

3. Elections Appeals. These procedures are outlined in the Elections Appeal Procedures document.
4. All Other Appeals. Other appeals to the Supreme Court occur as defined in their specific procedures. Unless otherwise stated, appeals must be filed within one month following the initial decision and are addressed by a panel of three (3) Justices who did not serve on the initial hearing board and who were not involved in the decision-making process.

#### **E. REMOVAL**

1. Dismissal. Any Associate Justice, Court Liaison, or Sergeant-at-Arms may be dismissed at any time during their term for failure to follow guidelines for their behavior or for failing to perform their duties as outlined in these Bylaws. The Chief Justice shall notify the individual of the dismissal charges at least one (1) week before the next scheduled Supreme Court meeting. At the ensuing Supreme Court meeting, the Associate Justice or Court Liaison may have fifteen (15) minutes to respond to the dismissal charges. Dismissal will be approved by a majority vote of the Justices present at the meeting, with a quorum being four (4) Justices. Dismissal charges may be brought against the Sergeant-at-Arms by request of the Speaker of the Senate or by a two-thirds vote of the Senate.
2. Impeachment. Any Supreme Court Official may be impeached under the grounds and procedures outlined in Article VII of the ASCSU Constitution.

## F. JUDICIAL CONDUCT<sup>2</sup>

ASCSU Supreme Court Justices are to observe the following guidelines in their behavior and in the performance of their duties wherever appropriate and applicable.

1. ***A Justice should uphold the integrity and independence of the Judiciary.*** An independent and honorable judiciary is indispensable to justice in our society. A Justice should participate in establishing, maintaining, and enforcing high standards of conduct, and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.
2. ***A Justice should avoid impropriety and the appearance of impropriety in all activities.***
  - a. A Justice should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
  - b. A Justice should not allow family, social, or other relationships to influence judicial conduct or judgment. A Justice should not lend the prestige of the judicial office to advance the private interests of others; nor convey or permit others to convey the impression that they are in a special position to influence the Justice.
  - c. A Justice should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.
3. ***A Justice should perform the duties of the office impartially and diligently.***
  - a. Adjudicative Responsibilities.
    - i. A Justice should be faithful to and maintain professional competence in the law, and should not be swayed by partisan interests, public clamor, or fear of criticism.

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<sup>2</sup> Relevant sections excerpted from the Code of Conduct for United States Justices. Document available in full with commentary at: <http://www.uscourts.gov/guide/vol2/ch1.html>.

- ii. A Justice should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings.
  - iii. A Justice should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the Justice deals in an official capacity, and should require similar conduct of those subject to the Justice's control.
  - iv. A Justice should accord to every person who is legally interested in a proceeding, or the person's lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte communications on the merits, or procedures affecting the merits, of a pending or impending proceeding. A Justice may, however, obtain the advice of a disinterested expert on the law applicable to a proceeding before the Justice if the Justice gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. A Justice may, with consent of the parties, confer separately with the parties and their counsel in an effort to mediate or settle pending matters.
  - v. A Justice should dispose promptly of the business of the court.
  - vi. A Justice should avoid public comment on the merits of a pending or impending action, requiring similar restraint by court personnel subject to the Justice's direction and control. This proscription does not extend to public statements made in the course of the Justice's official duties, to the explanation of court procedures, or to a scholarly presentation made for purposes of legal education.
- b. Administrative Responsibilities.
- i. A Justice should diligently discharge the Justice's administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other Justices and court officials.
  - ii. A Justice should require court officials, staff, and others subject to the Justice's direction and control, to observe the same standards of fidelity and diligence applicable to the Justice.
  - iii. A Justice should initiate appropriate action when the Justice becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by a Justice or lawyer.
  - iv. A Justice should not make unnecessary appointments and should exercise that power only on the basis of merit, avoiding nepotism and favoritism. A Justice should not approve compensation of appointees beyond the fair value of services rendered.
  - v. A Justice with supervisory authority over other Justices should take reasonable measures to assure the timely and effective performance of their duties.

- c. Disqualification.<sup>3</sup>
- i. A Justice shall disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, including but not limited to instances in which:
    - 1) The Justice has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
    - 2) the Justice knows that the Justice, individually or as a fiduciary, or the Justice's spouse or minor child residing in the Justice's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding;
    - 3) The Justice or the Justice's spouse, or a person related to either within the third degree of relationship, or the spouse of such a person:
      - (i) is a party to the proceeding, or an officer, director, or trustee of a party;
      - (ii) is acting as a lawyer in the proceeding;
      - (iii) is known by the Justice to have an interest that could be substantially affected by the outcome of the proceeding; or
      - (iv) is to the Justice's knowledge likely to be a material witness in the proceeding; or
    - 4) the Justice has expressed an opinion concerning the merits of the particular case in controversy.
  - ii. A Justice should keep informed about the Justice's personal and fiduciary financial interests, and make a reasonable effort to keep informed about the personal financial interests of the Justice's spouse and minor children residing in the Justice's household.
4. ***A Justice should regulate extra-judicial activities to minimize the risk of conflict with judicial duties.***
- a. Avocational Activities. A Justice may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the Justice's office or interfere with the performance of the Justice's judicial duties.
  - b. Extra-judicial Appointments. A Justice should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice, unless appointment of a Justice is required by an Act of the ASCSU Senate. A Justice should not, in any event, accept such an appointment if the Justice's governmental duties would interfere with the performance of judicial duties or tend to undermine the public confidence in the integrity, impartiality, or independence of the judiciary.

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<sup>3</sup> See complete document at [<http://www.uscourts.gov/guide/vol2/ch1.html>] for further details, definitions, and exceptions.

- c. Chambers, Resources, and Staff. A Justice should not use judicial chambers, resources, or staff to engage in extra-judicial activities, except for uses that are *de minimis*.
- 5. A Justice should refrain from political activity.**
- a. A Justice should not engage in the following activities as they relate to ASCSU:
    - i. act as a leader or hold any office in a political campaign that attempts to elect candidates to office;
    - ii. make speeches for a political organization or candidate or publicly endorse or oppose a candidate for public office;
    - iii. solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions;
    - iv. accept food, beverages, or clothing from any campaign; or
    - v. associate with candidates or campaign supporters while those individuals are engaging in political advocacy.
  - b. A Justice may attend debates between candidates for ASCSU offices but may not wear any attire in support of or opposition to any candidate. In addition, a Justice will refrain from expressing demonstrations for or against any candidate.
  - c. A Justice should resign the judicial office when the Justice becomes a candidate either in a primary or in a general election for any office.
  - d. A Justice shall refrain from disclosing their current election vote(s) until appointment of the succeeding administration.