

Prepared and Maintained by The Judicial Council



## JUDICIAL COUNCIL *of* NOTRE DAME

2024–2025

### BYLAWS OF THE JUDICIAL COUNCIL

APRIL 27, 2024—Last Updated

APRIL 26, 2024—Last Amended

#### *Section I—General Provisions*

1. The Judicial Council shall “work to ensure that the Student Union operates ethically and within this Constitution,” in accordance with Article XII, Section 1 of the Constitution of the Undergraduate Student Body of the University of Notre Dame du Lac (“the Constitution”). The judicial power of the Student Union shall be vested in the Judicial Council.
2. The Judicial Council shall have the power to hear petitions to decide interpretive questions of all Student Union enactments, and issue binding opinions regarding questions of interpretation by a majority vote of the Officers of the Judicial Council, provided no more than one officer is absent. In the event of a tied opinion, the interpretation supported by the Judicial Council President shall stand. After the Judicial Council Officers have issued a decision, the Judicial Council President shall assign the task of writing the opinion of the Judicial

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Council to a concurring Officer and shall assign the task of writing the dissenting opinion to a dissenting Officer, if needed. Judicial Council Officers may additionally write concurring decisions. The Opinions of the Judicial Council, alongside all dissenting and concurring opinions, shall be made available to the public and shall stand as precedent.

3. After the petition is filed, the Judicial Council President or two consenting officers of the Judicial Council may grant review. If the Judicial Council does not grant review, the previous decision, if any, shall stand.
4. The motto of the Judicial Council and its members shall be “Justice for All.”
5. The Judicial Council Officers, along with all Hall Election Coordinators, Election Committee members, Peer Advocates, Student Union Ethics Commissioners (“the Commissioners”), and at-large members of the Committee on the Constitution shall make up the general membership of the Judicial Council. All members of the Judicial Council are responsible for the constitutional duties entrusted to them. Any member who behaves unethically, engages in misconduct as outlined in the Constitution, or who otherwise fails to fulfill their constitutional obligations shall be subject to review by the Student Union Ethics Commission.
6. Members of the Judicial Council are expected to attend all meetings of their respective Judicial Council bodies. Any member unable to attend a meeting shall notify the relevant Judicial Council Officer(s) no less than 24 hours in advance. The Chair of any Judicial Council Committee may consider an absence to be excused if this notice is given for good cause.
7. At all meetings where votes are to be taken, a two-thirds quorum of voting members is required for any business to be heard. If a voting member of the Judicial Council or its subsidiary bodies shall recuse themselves, their attendance shall still count towards the total number of voting members present and therefore shall still count towards quorum. Any votes that would be cast by the recused member shall count as abstentions. Abstentions, or abstaining from

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a vote, shall have no effect on the outcome of the vote.

### ***Section II—Judicial Council Officers***

1. The Judicial Council President (“the President”) shall be the Chairperson of the Judicial Council and Student Union Ethics Commission ex officio. The President shall serve a one-year term beginning on April 1st of the year nominated. The President shall administer applications, interview applicants, and nominate such qualified persons for the remaining Judicial Council officer positions to the Student Senate prior to the end of each regular academic year. Applications to Judicial Council officer positions must be made available publicly to the Undergraduate Student Body of the University of Notre Dame du Lac (“the Student Body”). The President shall nominate their successor to the Student Senate before March 15th of each year. The President shall solicit nominations for the Irish Clover Award, Michael J. Palumbo Award, and Frank O’Malley Undergraduate Teaching Award from the Student Body.
2. The Vice President of Elections shall be the Chairperson of the Election Committee ex officio. The Vice President of Elections shall serve a one-year term following their confirmation by the Student Senate. The Vice President of Elections shall, in coordination with the Election Committee, administer Student Union elections in accordance with the Constitution. They shall, in partnership with the President, administer applications and interview applicants for the Election Committee. These applications shall be made available publicly to the Student Body.
3. The Vice President of Peer Advocacy shall serve a one-year term following their confirmation by the Student Senate. The Vice President of Peer Advocacy shall oversee all actions and duties of the Peer Advocates. They shall, in partnership with the President, administer applications and interview applicants for the Office of Peer Advocacy. These applications shall be made available publicly to the Student Body.
4. The Student Union Parliamentarian (“the Parliamentarian”) shall be the Chairperson of the Committee on the Constitution ex officio. The Parliamentarian shall serve a one-year term following their

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confirmation by the Student Senate and lasting until the next term's Parliamentarian is confirmed. They shall advise the Senate, Student Union Ethics Commission, Campus Life Council, and the Election Committee on matters of constitutional conduct and parliamentary procedure in accordance with the Constitution. They may, in partnership with the Judicial Council President, appoint no more than two Deputy Student Union Parliamentarians who shall aid the Parliamentarian in the execution of their constitutional duties.

5. The Student Union Parliamentarian shall inform all Student Union officers enumerated in Article I, Section 3(b) of The Constitution of their requirement to complete a violence prevention training course, pursuant to Article I, Section 3(b)(1) of the same, within one month of their assumption of office
6. The Student Union Historian ("the Historian") shall be responsible for the maintenance, preservation, and continued growth of the Student Union archives. The Historian shall serve a one-year term following their nomination by the Judicial Council President and lasting until the next term's Historian is nominated. The Student Union Historian shall disseminate and make publicly accessible all archival material and shall be responsible for advising Student Union Organizations, leaders, and groups on matters of relevant history and precedent.
7. The Vice President of Operations shall ensure the efficient and effective operation of the Judicial Council, and assist the Judicial Council President and other Officers in the administration of the Judicial Council. The Vice President of Operations shall serve a one-year term following their nomination by the Judicial Council President.
8. The Judicial Council Officers and their Student Activities advisor ("the Advisor") shall meet no less frequently than once every two weeks during the academic year, at which the President serves as Chairperson. All Judicial Council Officers retain the right to agenda and speaking privileges at such meetings. In the event of a tie, the President shall vote.

### ***Section III—Student Union Ethics Commission***

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1. Following their appointment, the President shall review and, if necessary, revise the operational procedures codified in this Section, pursuant to Section VIII(2) of this Statute.
2. The Chairperson of the Student Union Ethics Commission shall call meetings of the same with no less than 48 hours' notice to all the Commissioners. Meetings may be closed by a unanimous vote of the Commissioners. A two-thirds quorum of voting members shall be required for the Commission to conduct any business.
3. Any member of the Student Union Ethics Commission unable to attend a meeting may send a proxy at the discretion of the Chairperson. Rules regarding attendance shall also be dictated by the Chairperson.
4. In the event of the absence of the Chairperson, and in the event the Chairperson has not given notice and appointed an acting chairperson, the Commissioners shall elect an acting chairperson from among the present Commissioners. In the event that an allegation is lodged against any member of the Judicial Council or its subsidiary bodies, any three Commissioners may call a hearing with no less than 48 hours' notice to all Commissioners.
5. Commissioners shall be chosen by May 1st of the term they serve in their respective organizations, with the exception of the commissioner from the First Year Class Officers, who shall be chosen in conjunction with their election. All Commissioners shall serve until May 1st of the following calendar year. Commissioners shall be chosen at random within each of the aforementioned groups. The person chosen may accept or decline the position; this process shall continue until a representative accepts the position.
6. Any person accused of misconduct to the Student Union Ethics Commission shall have the right to examine evidence held against them; to procure substantive witnesses in their defense; and to testify to the Commissioners in their defense.
7. The alleged party shall be provided with the constitutional or bylaw regulation in question and the allegation of unethical behavior to the extent that confidentiality can be maintained. This information shall be provided prior to the hearing. All other information shall be

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considered confidential.

8. Student Union organizations, individuals therein, their Student Activities advisor(s), and undergraduate students may submit allegations of misconduct to the Chairperson or any Commissioner for official review by the Commission. Such allegations, to be valid, must be lodged against a member of the Student Union for a violation of an explicitly referenced constitutional, bylaw, or statutory provision not within the jurisdiction of the Election Committee. The Chairperson shall call a hearing to consider any valid allegation within two academic weeks.
9. If at any time a Commissioner is unable to give an unbiased judgment, either by their own estimation or the decision of the Commission by majority vote, said Commissioner must recuse themselves. When an allegation is brought forth against an individual from any Student Union organization, the Ethics Commission representative from that organization will automatically be recused from the hearing, and that organization's position on the Ethics Commission will be voided for that hearing. In the event that an allegation is brought against the Judicial Council President, they must recuse themselves, and the procedure outlined in Section III(3) of these Bylaws shall be used to appoint an acting chairperson. In the event that an allegation is brought against a Commissioner other than the Judicial Council President, said Commissioner must recuse themselves.
10. At official allegation hearings, *The Standard Code of Parliamentary Procedure* shall take effect. All votes, motions, and verdicts shall be recorded for future use. The Chairperson shall present the allegation to the Commissioners for deliberation. The Commissioners shall decide, by majority vote, what their official response shall be.
11. In any allegation, the Commission shall first decide whether or not a violation of the Constitution, bylaws, or statutory code has occurred.
12. If the Student Union Ethics Commission finds that any provision of a bylaw or statutory code conflicts with the Constitution, that provision shall be void. No member of the Student Union shall be found in violation of an unconstitutional bylaw or statutory code, nor may one's compliance with a bylaw or statutory code serve as a

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defense to an allegation of a constitutional violation.

13. If a violation has occurred, the Commission, pursuant to its authority to enforce the Constitution under Article XII, Section 6(a), may censure the party who is in violation if it so chooses.
14. If a censure is imposed, the name of the censured party and a brief description of their misconduct shall be posted on the Judicial Council website until the end of the alleged party's term; shall be released to campus media; and shall be posted outside the Student Government office for a period of one academic week.
15. If a violation has occurred and the party who is in violation is subject to impeachment under Article XIII, Section 1(a) of the Constitution, the Commission may further choose to issue a Bill of Impeachment to the Senate specifically citing instance(s) of misconduct and element(s) of Article XIII, Section 1(b)(1) which provide a basis for impeachment.
16. Within 24 hours of the conclusion of any allegation hearing, the Chairperson shall author a Ruling of the Commission which states which, if any, constitutional, bylaw, or statutory provision was violated, the rationale behind the decision, and what sanction, if any, was imposed. The Ruling of the Commission shall never include the name of the alleging party, nor any unnecessary identifying information.
17. In the event that either no violation was found, or a violation was found but no sanction was imposed, the Ruling of the Commission shall be sent to the two parties involved. In the event that a violation was found and censure was imposed, the Ruling of the Commission shall be circulated among the membership of the alleged party's organization and shall be made available on the Judicial Council website until the end of the alleged party's term. In the event that a violation was found and a Bill of Impeachment was imposed, the Ruling of the Commission shall also be sent to the Chairperson of the Senate.
18. The Judicial Council President may, at the conclusion of the alleged party's term in office, publish a version of the Ruling of the Commission with all names redacted for the purpose of clarifying the

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Student Union Ethics Commission's precedent.

***Section IV—Election Committee***

1. Following their appointment, each new Vice President of Elections shall review and, if necessary, revise the operational procedures codified in this Section.
2. All Election Committee members shall serve until May 1st of the current academic term following approval by the Senate.
3. For each new academic year, the Vice President of Elections shall lead a meeting which all newly confirmed Members of the Election Committee must attend in September.
4. The Vice President shall hold no fewer than three subsequent meetings of the Election Committee in the Fall Semester, and may schedule such meetings as are deemed necessary in the Spring Semester. Members of the Election Committee who have more than one unexcused absence will be subject to disciplinary action including but not limited to removal.
5. The Vice President of Elections shall announce meetings to all Members of the Election Committee no later than 48 hours before they begin. The Vice President of Elections may cancel or reschedule future meetings, Section IV(3) notwithstanding, so long as the Members of the Election Committee are given no fewer than 48 hours notice, or else exigent circumstances require amendment.
6. In the event of the absence of the Chairperson, and in the event the Chairperson has not given notice and appointed an acting chairperson, the Election Committee members shall elect an acting chairperson from among their present members.
7. All allegations of election misconduct are to be submitted to the Vice President of Elections. All potential violations must be reported within 48 hours of the time committed or within one hour of the end of voting, whichever is sooner. Any allegation may be withdrawn before the appropriate meeting is called to order.
8. After an allegation is deemed to have merit to proceed to a hearing,



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the alleged party shall be provided with the constitutional or electoral regulation in question and the allegation of election misconduct to the extent that confidentiality can be maintained. This information shall be provided prior to the hearing. All other information shall be considered confidential.

9. The Vice President of Elections along with the President and the Advisor shall decide if the allegation has merit to proceed to a hearing of the Election Committee. If merit is determined, the Election Committee must convene within 24 hours of the submission of the allegation to the Vice President of Elections.
10. To select seven voting members of the Election Committee for allegation hearings, the Vice President of Elections shall contact the entire Election Committee, and the first seven members to reply stating they will be in attendance will become the voting membership for the duration of the allegation and shall hereafter be referred to as the Election Committee. Those not serving in a specific allegation hearing shall be given priority in the event of subsequent allegation(s). This procedure will continue for as many allegations as are necessary during the term of the Election Committee.
11. At official allegation hearings, *The Standard Code of Parliamentary Procedure* shall take effect. All votes, motions, and verdicts shall be recorded. The Chairperson of the Election Committee shall present the allegation to the members of the Committee. Both the alleging and alleged parties will be permitted to speak and to call substantive witnesses, subject to the Committee's approval. Following testimony, the Election Committee will meet in a private forum to discuss and debate. The Election Committee will determine whether the alleged party is in violation of election regulations. If a violation has occurred, the Election Committee must determine appropriate sanctions. "No sanction" does not constitute a sanction. Both decisions require a majority vote of the Election Committee. In the event of a tie, the Chairperson will vote.
12. If at any time a member of the Election Committee is unable to give an unbiased judgment regarding an allegation of election misconduct, either by their own estimation or the decision of the Committee by majority vote, that member must recuse him or herself from the proceedings of the Committee which regard that particular

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allegation. If a voting member recuses him or herself, their attendance shall still count towards the total number of voting members present and therefore shall still count towards quorum. Any votes that would be cast by the recused Committee member shall count as abstentions.

13. Any time the Election Committee finds a candidate/ticket in violation of the elections regulations or guilty of misconduct, the Vice President shall issue a written decision on behalf of the Judicial Council to be released to the campus media, which shall include the violation, the sanction given, and a brief explanation for the decision. The Vice President of Elections shall provide the candidate a full statement, in writing, of the Election Committee's decision; the statement shall explain the process leading to the decision as best as possible and is for the candidate's use only. All other information pertaining to hearings and appeals shall be considered confidential.
14. The decision of the Election Committee can only be appealed if there existed a procedural defect in the allegation hearing or if there is new evidence to present. Appeals of the decision of the Election Committee based on procedural defects or new evidence must be filed within 12 hours of the hearings and shall be addressed directly to the Senate. The Chairperson of the Student Senate and the Judicial Council President along with the advisor to the Student Senate shall decide if the appeal has merit and shall proceed to the consideration of the full Senate.
15. If the Senate overturns the decision of the Election Committee, the Committee must reconvene within 24 hours to reconsider the allegation in light of the Senate's decision. This decision of the Election Committee, which must be informed by the written report of the Senate and may not be identical to the original decision, is final.

#### ***Section V—Office of Peer Advocacy***

1. Following their appointment, each new Vice President of Peer Advocacy shall review and, if necessary, revise the operational procedures codified in this Section.
2. For each new academic year, the Vice President of Peer Advocacy shall lead a meeting in conjunction with the Office of Community

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Standards, at their earliest convenience in the fall semester, which all newly confirmed Members of Peer Advocacy must attend. September. This meeting will include training by the Office of Community Standards on the roles and duties of a Peer Advocate.

3. The Vice President shall hold no fewer than two subsequent meetings with Peer Advocates in the Fall Semester, and may schedule meetings as deemed necessary in the Spring Semester.
4. The Vice President of Peer Advocacy shall announce meetings to all Peer Advocates no later than 48 hours before they begin. The Vice President of Peer Advocacy may cancel or reschedule future meetings so long as the Members of Peer Advocacy are given no fewer than 48 hours' notice, or else exigent circumstances require amendment.

#### ***Section VI—Committee on the Constitution***

1. Following Senate confirmation, the Parliamentarian shall review and, if necessary, revise the operational procedures codified in this Section, pursuant to Section VIII(2) of this Statute.
2. The Committee on the Constitution (“ComCon”) shall monitor the transition, internal review, and overall process of the Student Union and make appropriate recommendations to the full Student Senate.
3. Members of the Senate interested in serving on ComCon shall be presented to the Senate for election no later than September 1st. The Parliamentarian reserves the right to limit the number of members of the Senate to be elected, so long that at least three members of the Senate are elected. If a limit is imposed, a ballot shall be furnished. If a limit is not imposed, the individuals must receive a majority of the votes cast to earn Committee membership.
4. Members of the Student Body shall be notified of at-large positions as Members of the Committee. Applications from the Student Body shall be reviewed by the Parliamentarian with consultation from any Deputy Student Union Parliamentarians. The Parliamentarian shall appoint at-large members to ComCon at his or her own discretion. These appointments shall be approved by the Senate.
5. The Parliamentarian shall announce meetings to all Members of

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ComCon no later than 48 hours before they begin. The Parliamentarian may cancel or reschedule future meetings, so long as the Members of ComCon are given no fewer than 48 hours' notice, or else exigent circumstances require amendment. Members who have more than two unexcused absences per semester will be subject to disciplinary action including but not limited to removal.

6. If present, a Deputy Student Union Parliamentarian shall record the minutes of the meeting. Meetings may be closed by a unanimous vote of the Members of ComCon.
7. All members of ComCon shall be considered voting members. Each vote shall require a simple majority to pass, unless otherwise noted. Members may reserve the right to abstain from voting, effectively recusing their vote.

#### ***Section VII—Emergency Procedures***

1. In the event that the President is unable to fulfill the duties of their office by resignation, removal from office, sudden and severe incapacitation, or other extenuating circumstances, the office of the President shall be considered vacant. The President or a representative thereof shall, if possible, communicate such vacancy to the Advisor. Following the President's vacancy of office, the remaining Judicial Council Officers shall be informed by the Advisor and shall, by majority vote, nominate a successor to the Student Senate. The Student Union Parliamentarian shall present the written nomination to the Chairperson of the Student Senate for consideration within two academic weeks of the vacancy, pursuant to Article XIV, Section 3(b)(2) of the Constitution.
2. In the event that the full Election Committee has not yet been assembled at the time of an allegation, or if the Election Committee cannot reach quorum within 24 hours of the submission of the allegation, the Judicial Council President and Vice President of Elections shall issue a decision and appropriate sanctions based on their judgment of the facts of the allegation.

#### ***Section VIII—Ratification, Reauthorization, Amendment, and***

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### ***Replacement***

1. The approval of these bylaws by at least two-thirds of the Judicial Council Officers with approval by the Advisor, shall constitute the establishment of this Statute.
2. The Judicial Council Officers shall conduct a process of internal review and reform of this Statute and the sections of the Constitution pertaining to the Judicial Council at the beginning of their term. The President shall present this Statute to the Student Union Ethics Commission.
3. This Statute may be altered, amended, or repealed only by at least two-thirds agreement of the Judicial Council Officers with approval of the Advisor, provided that such proposed alteration, amendment, or appeal shall have been sent to each of the Officers and the Advisor with sufficient time for review. Once approved, the Judicial Council President must notify the Student Union Ethics Commission of such alteration, amendment, or repeal for review and comment.
4. In the event that a new Statute is drafted and proposed, the Judicial Council Officers shall draft a document listing and explaining all changes from the old Statute and distribute it to the Commissioners for review and comment. Informed by the recommendations of the Student Union Ethics Commission, the Judicial Council Officers shall make all necessary alterations. A new Statute must be ratified by at least two-thirds vote of the Judicial Council Officers and the approval of the Advisor.