

# THE JUDICIARY BY-LAW

*Be it enacted by the Senate of Duke Student Government (DSG):*

## TITLE I: OVERVIEW OF THE JUDICIARY

### SECTION 1: General

1. The Judiciary shall be composed of the Chief Justice and six Associate Justices.
2. No Justice may serve concurrently in any other branch of DSG. Sitting senators and other members of DSG are not eligible to serve on the Judiciary.
3. Justices may be impeached or removed for malfeasance or nonfeasance in office under the process outlined in the DSG Constitution.
4. The Senate Judiciary Committee (SJC) shall work closely with the Judiciary and maintain the powers stated in the Senate By-Law.

## TITLE II: MEMBERSHIP

### SECTION 1: The Chief Justice

1. Once the full bench of Justices is selected, the Justices shall nominate from among their number one Chief Justice, whose qualifications shall be reviewed by the SJC. The Committee shall submit their recommendation to the Senate, which shall vote on the confirmation of the new Chief Justice.
2. The Chief Justice shall:
  - a. Preside over the DSG Judiciary and shall serve a term of one year;
  - b. Convene trials of the Judiciary;
  - c. Transmit written decisions to parties in cases;
  - d. Preside at the trial of any impeachment;
  - e. When practicable, inaugurate DSG officers and senators.

### SECTION 2: The Associate Justices

The Judiciary shall be additionally composed of six Associate Justices who shall also serve terms of one year. Six Associate Justices shall serve each academic year. The Justices are to be sworn in by the Chief Justice following their confirmation by the Senate.

### SECTION 3: Reappointment of Sitting Justices

1. In the spring of each year, all Justices wishing to be reappointed shall notify the chair of the SJC.
2. The SJC shall review all sitting Justices who wish to be reappointed, having regard to their conduct and fulfillment of duties, and shall transmit their recommendations to the Senate.

3. After hearing the Committee's recommendations, the Senate shall, by majority vote, decide whether each Justice shall be appointed to serve another one-year term.

#### **SECTION 4: Selection of New Justices**

If any seats will be vacated by the graduation, removal, or non-reappointment of any Justices, the SJC shall work with the Chief Justice to prepare an application for filling the vacant seat(s).

1. Any undergraduate shall be eligible to apply, with preference given to any applicants currently serving as clerks of the Judiciary.
2. The Chair of the SJC shall publish the application through campus-wide media to the entire undergraduate student body at least seven (7) days prior to the application deadline.
3. The SJC shall review all applications, conduct interviews, and submit to the President and Senate a list of qualified applicants. For this purpose, the Justices reappointed under Section 4 and all graduating senior Justices shall sit as non-voting members of the Committee.
4. The President shall have the power to add nominations to this list.
5. The Senate shall select as many Justices as there are open positions from the final list.
6. This process should be conducted in the spring of each year. If not completed in the spring, vacant seats shall be filled by the same process in the fall.

#### **SECTION 5: Term of Office**

The Chief Justice and Associate Justices shall serve for the duration of an academic year in good behavior, until their successors are inaugurated. At the penultimate Senate meeting of the academic year, sitting Justices wishing to be reappointed shall be selected according to the procedure in Section 4. New Justices shall then be selected from the final list generated by the procedure in Section 5. The new Chief Justice shall be selected according to the procedure in Section 2.

#### **SECTION 6: Vacancies During the Year**

Any vacancy in the Judiciary shall be filled by the procedure of Section 5 (with all remaining Justices sitting as non-voting members of the Judiciary Committee). If the office of Chief Justice falls vacant, the seat on the Judiciary shall first be filled as in Section 5, and the Senate shall then elect a Chief Justice in accordance with Section 2.

#### **SECTION 7: Officers of the Judiciary**

The Judiciary shall have the power to select from within its membership an Associate Chief Justice to preside over matters in the Chief Justice's absence, and such other officers as it may require, to appoint any clerks it deems necessary to discharge its duties, and to revoke any such selections and appointments.

## **TITLE III: PROCEDURES AND DUTIES**

### **SECTION 1: Rules and Procedures**

The Judiciary shall meet regularly, not less than once a semester, and shall have all powers as delegated in the Constitution. The Judiciary shall further have the power to create, by a majority vote, rules and procedures for the conduct of its hearings and dealings with the DSG and the larger University community, subject to constitutional stipulations. Hearing procedure rules shall be made publicly available.

### **SECTION 2: Advocates**

The Judiciary, through an appointed liaison, shall provide support to the Student Advocate's Office (SAO) in the training, testing, and supervision of Advocates, who shall be available to represent parties to cases. The liaison will work closely with the Judiciary Branch Director of the SAO. Any current Justice or clerk in good standing may serve as the liaison.

### **SECTION 3: Right to Notification**

Students and organizations shall be notified of their rights to seek judicial redress, as follows:

1. The K-Ville Head Line Monitors shall notify all students who register for tenting that adverse actions of the line monitors may be challenged in the Judiciary based on inconsistency with DSG law. This notification shall be in such form as the Judiciary directs.
2. Whenever an officer or body of DSG takes adverse action against a student or organization, the student or organization shall be notified of the right to judicial review.

Adverse actions include but are not limited to:

- a. Docking votes from a candidate in an election
  - b. Disqualifying a candidate in an election
  - c. Repossessing funds from an organization through an SOFC audit
  - d. Dissolving an organization for inactivity or failure to file
  - e. Assessing a missed tent check, dismissing a group from tenting, or imposing any other penalty against a student or group in K-Ville
3. Groups denied funding or status (rather than retroactively deprived thereof) may be notified of the right to judicial review by the SOFC.

## **TITLE IV: ENACTMENT AND EFFECTS**

This By-Law shall be effective immediately. The previous Judiciary By-Law is hereby repealed, and any By-Law, Statute, policy, or practice in conflict with this By-Law is hereby declared null and void.