GRIEVANCE POLICY

BACKGROUND AND PURPOSE

The Judicial Council is a standing committee of the Associated Students of San Francisco State University (the “Associated Students” or “AS”) Board of Directors (“the Board”), composed of four (4) students-at-large, the Chief Justice, the Interim/Executive Director or designee, and the VP of Student Affairs and Enrollment Management (“SAEM”) or designee. The purpose of the Judicial Council is to adjudicate and settle grievances received during the Associated Students elections of the Board. The Judicial Council shall ensure accountability and effectiveness of the Board, comply with the Bylaws of the Associated Students of San Francisco State University, and follow all regulations set forth by the California Student University.
POLICY STATEMENT

The following code shall serve to establish the procedures for all operations of the Judicial Council.

APPLICABILITY TO THE POLICY

This policy applies to all members of the Judicial Council, all members of Associated Students and all Candidates of the Associated Students elections.

DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>Agent</td>
<td>Any individual student or Student Organization officially campaigning under the direction or on behalf of Candidates or Slates through specified campaigning duties and roles.</td>
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<td>Business Day</td>
<td>Any day that is not a Saturday, a Sunday or any day on which University or State of California offices are authorized or obligated by law or executive order to be closed.</td>
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<td>Candidate</td>
<td>A student who has met all qualifications as determined by the California State University Regulations for student office holders; San Francisco State University; and the Bylaws, confirmed by the Student Affairs &amp; Enrollment Management to participate in the annual Associated Students Board elections and whose name appears on the official ballot. Candidates are currently enrolled at the University and have paid all University fees or have received waivers of University fees, including the Associated Students fees.</td>
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<tr>
<td>Case</td>
<td>Once a grievance is determined to have merit, a case is considered open. In all communications between and from the Judicial Council, the case shall be titled Claimant v. Defendant.</td>
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<tr>
<td>Chief Justice</td>
<td>A student-at-large appointed by the AS President and approved by the Board within the first sixty (60) days of the new term. Chairs and oversees the Judicial Council.</td>
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<td>Claimant</td>
<td>A person who submits a grievance pertaining the election cycle. The Claimant may be a Witness to the incident.</td>
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<td>Defendant</td>
<td>A person accused of violating the Associated Students Election Code, San Francisco State University Code of Conduct, and/or the Bylaws, often identified by the Claimant in the Grievance. During Judicial Council hearings, additional violators of the Election Code and pertinent governing policies may be discovered, and shall also be referred to as Defendants.</td>
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<tr>
<td><strong>Election Code</strong></td>
<td>The most recent Associated Students of San Francisco State University Student Government Election Code, approved by the Board.</td>
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<td><strong>Elections Commissioner</strong></td>
<td>A student employee of Associated Students of San Francisco State University. Implements and enforces all provisions of the Election Code.</td>
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<tr>
<td><strong>Grievance</strong></td>
<td>A formal complaint that is raised and filed due to a breach in the policies, regulations or conduct expectations set forth in this Election Code for the purposes of conflict resolution, submitted through the Grievance Form, available in the Election Code.</td>
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<td><strong>Hearing</strong></td>
<td>An official meeting of the Judicial Council in which an open case is adjudicated.</td>
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<td><strong>Investigation</strong></td>
<td>A process where information is gathered or requested by the Judicial Council or individual Justices.</td>
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<tr>
<td><strong>Judicable</strong></td>
<td>Capable of being adjudicated by the Judicial Council. Grievances filed that are beyond the jurisdiction of the Judicial Council, i.e. violations of California Rules of Regulations, shall be referred to the appropriate entities by the Judicial Council or Board.</td>
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<tr>
<td><strong>Justice</strong></td>
<td>A student-at-large recommended by the Chief Justice and approved by the Board.</td>
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<td><strong>Life Cycle</strong></td>
<td>The procedural requirements of a Grievance from submission to final disposition.</td>
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<tr>
<td><strong>Party</strong></td>
<td>A person or a group of people that is named in a grievance and called to attend a hearing.</td>
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<td><strong>Slate</strong></td>
<td>A group of Candidates running for elected office on a common platform, who have submitted a Slate Form to the Election Commissioner.</td>
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<td><strong>Witness</strong></td>
<td>A person, group, or entity that is called on to provide an account of events, provide an amicus brief, or is asked to supply the Council with information not originally contained in a grievance.</td>
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**CHIEF JUSTICE AND JUDICIAL COUNCIL**

**CHIEF JUSTICE**

A. The Chief Justice is a student-at-large appointed by the President of Associated Students and approved by the Board within the first sixty (60) days of a new term.

B. The Chief Justice shall serve as the chair of Judicial Council.
C. The Chief Justice shall not seek elected office, hold elected office, act as an Agent for a Candidate or Slate, or endorse a Candidate or Slate during the election cycle.

D. As chair of the Judicial Council, the Chief Justice shall:

1. Set agendas for the Judicial Council;

2. Preside over all meetings and Hearings of the Judicial Council.

E. The Chief Justice is expected to preside over all hearings of the Judicial Council. If the Chief Justice is unable to preside over a hearing, they may designate a Justice with senior standing to preside over the hearing in their place.

JUDICIAL COUNCIL

A. The voting members of the Judicial Council are:

1. Six (6) students-at-large, called Justices;

2. The Chief Justice;

3. VP of SAEM or designee;

4. Interim/Executive Director or designee.

B. All Justices shall be appointed in accordance with the most recent Appointment Policy approved by the Board.

C. All members of the Judicial Council shall not seek elected office, hold elected office, act as an Agent for a Candidate or Slate, or endorse a Candidate or Slate during the election cycle. Members found not in compliance with any of these regulations will be removed from the Judicial Council.

D. All Justices are expected to attend all hearings of the Judicial Council. If a Justice is unable to attend, they must notify the Chief Justice with reason of absence in advance. Excused absences are the discretion of the Chief Justice. The Chief Justice reserves the right to dismiss a Justice with three (3) or more unexcused absences during hearings.

E. A quorum for a hearing will be constituted when all Justices and Parties who have agreed to attend are present at a hearing. A quorum must be present during a hearing before the Judicial Council may hear statements from the Parties.

F. All meetings of the Judicial Council shall be conducted in accordance with the open meeting laws of Associated Students.
GRIEVANCES

OVERVIEW OF GRIEVANCES

A. All students may file a Grievance against a Candidate by completing the Grievance Form, available in the Election Code. Grievances shall specify:
   
   i. Date, time and location of the incident;

   ii. Section(s) of the Election Code alleged to have been violated;

   iii. The person identified as the Claimant and, where applicable, clear and verifiable indication that the name(s) of the Witnesses are redacted per the individual's' request;

   iv. Status of Defendants (ex: Candidate; Agent; Residential Assistant; unknown);

   v. Claimant and Witnesses' involvement with the incident (ex: campus event; student organization meeting; plain sight of incident; social media; etc);

   vi. Any and all photos; audio; videos; and other documentation that may be used as evidence to support your claim; and

   vii. Primary email of the Claimant and all Witnesses.

B. All Candidates may file a Grievance if the alleged violation pertains to the Election Code.

SUBMISSIONS

A. All Grievances shall be filed through email with the Elections Commissioner of Associated Students. Grievances must be filed within twenty-four (24) hours of the alleged violation. Grievances submitted beyond this timeframe shall be rendered null and void.

B. The Elections Commissioner shall forward the Grievance to the Chief Justice within twenty-four (24) hours and provide a timestamp.

C. All Grievances are to be fully completed, and must include evidence. Incomplete Grievances, as determined by the Judicial Council, shall be rendered null and void.

D. Grievances cannot be submitted more than twenty-four (24) hours after the closing of polls, unless the Grievance pertains to tabulations or unofficial election results.

E. During the election cycle, the Judicial Council shall maintain a log of all activities pertinent to a Grievance, called a Case Log, which include, but are not limited to, the following:

   1. Summary of Grievance;

   2. Date(s) of incident;

   3. Date(s) of submission;

   4. Official correspondence from the Judicial Council and Chief Justice;
5. Date(s) and summary of hearing;

6. Final decision made by the Judicial Council.

DETERMINATIONS

A. Upon receiving a Grievance from the Elections Commissioner, the Chief Justice shall forward the grievance to all Justices.

B. The Judicial Council shall determine through majority vote within two Business Days of receiving a Grievance if the Grievance has merit to move forward with a hearing.

C. The Judicial Council reserves the right to dismiss a Grievance that lacks merit. Reasons include, but are not limited to, the following. The Judicial Council shall immediately notify the Claimant of such a decision through email:

1. No evidence;
2. Not judiciable by Judicial Council;
3. No violations made of the Election Code.

D. Grievances that are not judiciable by the Judicial Council shall be referred to the appropriate entities by the Judicial Council or Board.

PENALTIES FOR VIOLATIONS OF THE ELECTION CODE

A. Certain violations of Article VI, Section I and Article VI, Section II of the Election Code may be considered minor, and Candidates, Agents, and Slates may be penalized for such violations in accordance with the following guidelines:

1. Each improper use of Associated Students resources (Election Code VI-I.A through VI-I.E):
   
   i. First offense: Warning
   
   ii. Second offense: One week ban of posting campaign flyers in CCSC
   
   iii. Third offense: Permanent ban of posting campaign material on campus and online
   
   iv. Fourth offense: Permanent ban of any form of campaigning from Agents and Endorsements
   
   v. Fifth offense: Disqualification

2. Each improper campaigning infraction (Election Code VI-I.F through VI-I.I):

   i. First offense: Warning
ii. Second offense: One week ban of posting campaign flyers in CCSC

iii. Third offense: Permanent ban of posting campaign material on campus and online

iv. Fourth offense: Permanent ban of campaigning from Agents and Endorsements

v. Fifth offense: Disqualification

3. Each campaign material infraction in the CCSC, MWC and University facilities:
   i. First offense: Warning

   ii. Second offense: One week ban of posting campaign flyers in CCSC

   iii. Third offense: Permanent ban of posting campaign flyers on campus and online

   iv. Fourth offense: Permanent ban of campaigning from Agents and Endorsements

   v. Fifth offense: Disqualification

4. Each campaign material infraction (Election VI-II.A through VI-II.E):
   i. First offense: Warning

   ii. Second offense: One week ban of posting campaign material online

   iii. Third offense: Permanent ban of posting campaign material on campus and online

   iv. Fourth offense: Permanent ban of any form of campaigning from Agents and Endorsements

   v. Fifth offense: Disqualification

HEARINGS

OVERVIEW OF HEARINGS

A. If the Judicial Council determines that a Grievance has merit, it shall schedule a hearing for the open Case. The Chief Justice shall inform all Parties involved in the hearings through email with seventy-two (72) hours notice at minimum, and include in the email:

1. The names of all Parties;
2. The date, time, and location of the hearing;

3. The official submitted Grievance from the Election Commissioner.

B. Hearings shall be included in the Judicial Council meeting agenda and publicly posted no later than seventy-two (72) hours prior to the Hearing.

C. All Claimants and Defendants are encourage to attend hearings, but attendance is not mandatory. If a Claimant or Defendant is unable to attend, they may request that the Judicial Council reschedule the hearing. Parties who do not plan on attending shall inform the Chief Justice of their decision through email.

D. Claimants and Defendants may submit a written statement to be considered by the Judicial Council during the hearing. Written statements must be submitted through email no later than twenty-four (24) hours before the scheduled hearing.

E. All hearings shall occur in person.

HEARING PROCEDURES

A. Call to Order: The Chief Justice or designee shall call the hearing the order.

B. Roll Call: Roll call of Judicial Council members shall be taken to ensure quorum is met.

C. Introduction of Case: The Chief Justice shall provide a summary of the Case, submitted evidence and take a roll call of all Parties.

D. Public Comment: The Judicial Council shall allow the public to speak on the Case introduced by the Chief Justice. During this time, no Parties, Claimants, or Defendants may speak.

E. Commencement of Oral Argument: Parties shall be given opportunities to provide statements to the Judicial Council, as follows:

1. Claimant Statement: The Claimant(s) shall be given three minutes (each if multiple peoples) to speak on the Case and answer any questions asked by the Judicial Council. The Judicial Council may ask questions based on the oral argument or written statement submitted prior to the hearing.

2. Defendant Statement: The Defendant shall be given three minutes (each if multiple peoples) to speak on the case and answer any questions asked by the Judicial Council. The Judicial Council may ask questions based on the oral argument or written statement submitted prior to the hearing.

F. Concluding Statement: The Claimant and Defendant shall be given two minutes each to rebut or provide a single closing argument in support of their case.
G. Deliberation: The Chief Justice shall adjourn the hearing and move the Judicial Council meeting into Closed Session for deliberation. The Judicial Council shall discuss the Case, and the Chief Justice shall call the Case to a vote. Through majority vote, the Judicial Council shall reach a verdict in the Case. The Chief Justice shall notify the Claimants and Defendant of the verdict within one (1) business day.

1. The Defendant(s) shall be considered faultless of the proposed violations until proven otherwise through deliberation. In order to find the Defendant responsible, the Judicial Council shall consider the following conditions, and may consider others:

   i. The factual allegation(s) which are reinforced by coherent and convincing evidence;

   ii. Whether or not the conduct in question violates a stated provision in the Election Code.

APPEALS PROCESS

A. Parties may request to appeal a verdict reached by the Judicial Council within three (3) days from when the Parties were notified of the verdict, following this process:

   1. Submit a formal letter as to why the verdict should be reconsidered through email to the Chief Justice;

   2. Submit evidence not used during the hearing for further consideration by the Judicial Council, if necessary.

B. Upon approval from the Interim/Executive Director and the VP of SAEM designee, the Judicial Council shall hold a special hearing for the appeal.

C. Parties shall submit no more than one (1) appeal per verdict.

GRIEVANCE POLICY APPROVAL AND REVISION HISTORY

Judicial Council Official Policy and Procedure was Approved by AS Board of Directors on 04/05/2017
Grievance Policy was Approved by the AS Board of Directors on 02/06/2019