ARTICLE I: SCOPE AND STATEMENT OF PURPOSE

Section 1: Purpose

The purpose of these bylaws is to define the procedures for removal, with cause, of officers, Council representatives, and appointed committee representatives of the Graduate & Professional Student Association of the University of California, San Diego (GPSAUCSD) and ensure that the proceedings are fair and balanced. These bylaws also define the purpose and scope of the Judicial Board.

Section 2: Scope of Personnel

These bylaws define policies and procedures for the removal of individuals who fulfill the following roles for GSAUCSD:

1. Committee Members
2. Appointed Officers
3. Elected Officers
4. Council Members

Some individuals may hold more than one of these positions for GSAUCSD. In this case, Council may choose to remove them from a single position or multiple positions. Should Council choose to pursue removal of an individual from multiple positions at once, it must follow the removal procedures for the highest numbered appointment on the above list from which the individual is being removed.

In cases which Council determines that violations of UCSD policy or illegal activity have occurred, or are outside the jurisdiction of Council, it may opt to contact the relevant enforcement entities in addition to or instead of internal processing.

Section 3: Scope of Complaints

These bylaws outline the processes for judicial deliberations. Issues arising within GPSA regarding the Governing Documents may be submitted as complaints, including but not limited to: failures of responsibilities, interpersonal disputes, interpretation of bylaws, or elections and fee referendum grievances. Complaints may be submitted by any member of the GPSA, as defined in the Constitution, and should reference the specific bylaws in contention, to be directed to the Judicial Board for review and deliberation. The Judicial Board will hear issues relating to GPSA Constitution, Bylaws, Code of Conduct, or permanent GPSA Committee charges. Any complaints submitted beyond this scope may be referred to other relevant bodies within or external to the GPSA.
ARTICLE II: SANCTIONING BYLAWS

Section 1: Procedures for Judicial Deliberation Including Removal of Any Position
If a report resulting from any Judicial Board review process has been submitted to Council with recommendations, the presentation of this report must be listed in the agenda for that meeting as “Report from the Judicial Board”. The presentation of the report and any evidence, subsequent deliberation and vote will be done in closed session. If any party to the complaint is not a member of Council, they may be permitted to be present during closed session. The accuser and accused may both give 120-second statements after the Judicial Board has presented the case to Council. Council may ask that all parties in the case leave the meeting during part of the deliberation and Council vote.

Council may adopt and implement the recommendations of the report of the Judicial Board by majority vote. Public meeting minutes will only note the results of the deliberations (whether to censure or remove any individual from their position) and vote count. Full closed meeting minutes, including the Judicial Board report itself, should be kept as a record for Council only.

If the removal procedures take place in a special meeting of Council, the special meeting cannot be held within 3 days of any other meeting and the agenda must be sent to Council no less than a week before. All other requirements for calling a special meeting and performing a removal must also be followed.

Section 2: Censure
A motion to censure may be made against any member of Council or committee member, such as following an investigation by the Judicial Board, for an infraction which is not sufficient by itself to warrant a removal.

1. Censure is applied by a majority vote of Council.
2. Only one censure may be applied to an individual in one meeting.
3. Only one censure may be applied for one infraction.
4. If an individual has accrued multiple censures within a quarter, the Judicial Board must conduct a judicial review to assess whether removal should be pursued.

Section 3: Removal of Committee Members
Committee members may be removed by Council at a meeting with a ⅔ majority vote. The committee member and appointing officer, if existing, will be notified in writing of the pending removal no less than one school week prior to the meeting. During the removal deliberation, the committee member and appointing officer will be allowed to voice their opinions, as well as any other person voicing a complaint.

Section 4: Removal of Appointed Officers
1. Appointed officers may be removed by Council at a meeting with a ⅔ majority vote.
   a. The appointed and appointing officer will be notified in writing of the pending removal at least one academic week prior to the meeting.
b. During the removal deliberations, the appointed and appointing officer will be allowed to voice their opinions, as well any other person voicing a complaint about the committee member.

Section 5: Removal of Elected Officers via Judicial Review

If the elected officer is recommended for removal by the AJC Judicial Board following a judicial review, the individual may be removed with a single ⅔ majority vote during a regularly scheduled Council meeting. The removal must be included in the agenda of the meeting. If the AJC Judicial Board is recommending for removal, they must notify the elected officer of this decision at least one school week prior to the Council meeting in which the AJC Judicial Board recommendation is presented and no later than one business day after the AJC Judicial Board has made this decision. During the Council meeting in which the AJC Judicial Board recommendation is presented, the elected officer being recommended for removal is allowed to present their own case.

Section 6: Removal of Council Members

Council members are appointed by their department and may not be removed by GPSAUCSD. However, GPSAUCSD Council may, with a ⅔ majority vote and a recommendation by the Judicial Board, request that the appointing department recall their representative.

Section 7: Issues arising from Fee Referenda

1. The Judicial Board shall have the authority to resolve any case or controversy arising under Article VII of the GPSAUCSD Constitution pertaining to referenda.

2. Report of a Violation
   a. Any member of the GSAUCSD may report a violation of this Election Code by submitting a formal complaint in writing as outlined in Section 4 to the Clerk for the Judicial Board.
   b. If any part of the form is incomplete, the Judicial Board shall not consider the complaint.
   c. In order to be considered, complaints must be filed within 48 hours of evidence of the violation emerging to the complainant. Only a unanimous consensus of the Judicial Board may overturn this for the purpose of upholding a fair election.

3. Processing of an Alleged Violation
   a. When the Judicial Board receives an Election Code Violation Report Form, the following steps must be taken in the order outlined below, and within 48 hours:
   b. After receiving an allegation, the Judicial Board will notify the party that has been alleged to have violated the Election Code.
   c. The Judicial Board must post the status of all complaints and allegations on the GPSA website.
   d. Upon receipt of an allegation, the Judicial Board must investigate the allegation and determine whether or not there is evidence to support the allegation. In
investigating, the Judicial Board may actively seek additional evidence to support a potential case.

e. The Board shall, after its investigation, conclude based on the evidence either that it is likely that a violation has occurred or that it is likely that one did not occur.

f. If the Board concludes that based on the evidence it is unlikely a violation occurred, it shall notify both the filer and the alleged violator of its findings and all records of the allegation shall be removed.

g. If the Board concluded that there is evidence to support the allegation, it shall either issue a warning to the violator in the case of minor violations or to hold a hearing following the procedures outlined in the Election Code Violations Hearing Process (detailed in Section 7.4).

4. Election Code Violations Hearing Process

a. The Judicial Board, if it concludes that a violation likely occurred, shall hold a hearing regarding the alleged violation within 24 hours.

b. The Judicial Board shall meet prior to the beginning of the hearing to be trained by the Parliamentarian on the Election Code.

c. The Judicial Board shall publicly announce the hearing time immediately upon concluding there is evidence to support the allegations.

d. The respondent slate may appoint a representative to present their case during the hearing. This representative may not be a member of any Judicial Board.

e. Initial hearings shall follow the procedures described below:

   i. Chair of Judicial Board introduces case (2 min)

   ii. Judicial Board hears statement from the accused (5 minutes)

      1. During the statement, the accused will state if they contest or do not contest the alleged violation brought against them. If the accused does not contest the alleged violation, the election committee will go immediately into deliberations.

   iii. Members of the Judicial Board ask questions of both the complainant and accused (20 minutes)

   iv. Chair adjourns hearing and goes into closed deliberations (no more than 45 minutes)

f. After the hearing, the Judicial Board shall issue a ruling on whether or not the respondent slate or candidate has violated the Election Code.

g. If the respondent is found responsible, the Judicial Board shall decide the sanctions using this Election Code.

h. The Judicial Board shall not impose sanctions that are not allowed for in this Election Code.

5. Appeals

a. The Council will hear appeals of rulings made by the Judicial Board. If a Judicial Board member is a candidate or is affiliated with any slate or candidate, they shall be replaced by a vote of all members of their judicial board who are not affiliated
with a slate or candidate. Any Chair of a Judicial Board that originally heard the case shall not serve on the Elections Appeals Board for that appeal.

b. An appeal can be made of the Judicial Board’s decision by either:
   i. Appealing the sanctions set by the Judicial Board.
   ii. Appealing the decision of the Judicial Board through demonstration that the Judicial Board acted inappropriately. This includes, but is not limited to: 1) A decision rendered by a Judicial Board member who has publicly endorsed a slate. 2) Evidence of partiality in the election by a member of the Judicial Board.

c. No new evidence may be provided during an appeal. If new evidence does arise, a new grievance must be submitted with all old and new evidence.

d. The Council shall hear cases only after the Judicial Board has issued a ruling.

e. The Council shall decide to hear a case if at least half of the members of the Council vote to hear said case.

f. The Council shall have access to all rulings and recordings by the Judicial Board prior to deciding whether or not to hear a case.

g. Appeals shall follow the procedures outlined in Section 8 of the GPSAUCSD Judicial Board Bylaws.

h. Should any vote of the Council result in a tie, the decision or sanction of the Judicial Board shall remain in place.

6. Public Record
   a. The Judicial Board shall post the status of each case in a timely manner on the GPSAUCSD Website.

7. Possible Sanctions
   a. Digital Publication of Wrongdoing. A referendum assessed with this sanction shall have a notice posted visibly on the Ballot giving notice to voters of their election misconduct. This sanction shall be hereafter referred to as “Public Notice;”

   b. Campaign Spending Limit Restriction. If a candidate or slate is found to have violated campaign-finance-related procedures, this sanction may either be used to reduce the total amount the slate may spend in the election, or to prescribe a period of time in which the slate may not spend money;

   c. Proscribed Advertising. This sanction, when applied, lays out a period of time in which a slate may not engage in a defined medium, or defined media, or campaigning, including flyering, posting, or digital postings;

   d. Revocation of Time or Location Privileges. This sanction, when applied, specifies locations or times in which a slate cannot campaign;

   e. Disqualification. In scenarios of egregious foul play, a slate may be disqualified. This penalty may only be applied in the case of foul play violations; Disqualification may only be applied to an entire slate if there is a preponderance of evidence that the Slate encouraged the conduct violation in question or knowingly allowed it to happen. The rest of this chapter notwithstanding, if a
candidate or slate repeatedly and willfully defies the rulings of the Judicial Board, and the Council, disqualification may be considered;
f. Public Apology. In the case of minor offenses, recognition of wrongdoing, a commitment to alter the offending behavior, and a public apology during the election may be imposed.

ARTICLE III: JUDICIAL BOARD BYLAWS - REPLACES “ACADEMIC JUDICIAL COMMITTEE BYLAWS”
Section 1: Purpose
The purpose of this article is to outline the powers and responsibilities of the Judicial Board (JB). The JB is charged with serving as the investigative and deliberative body regarding issues arising within the GPSA related to the Governing Documents. The JB may request actions to Council, but has no direct authority except in an investigative capacity. The members of the JB will act collectively to act on all GPSA judicial matters.

Section 2: Membership
The rules governing membership of the Judicial Board shall consist of the following:

1. The five (5) voting board members shall be appointed and approved by Council. 2. Council shall attempt to appoint members who represent a diversity of programs and departments within the graduate student population.
3. Members of the Executive Committee are not eligible for appointment to the Judicial Board.
4. The standard term of appointment shall be from the fourth Council meeting of the academic year through the fourth Council meeting of the subsequent year, though appointments may be made throughout the year as necessary.
5. The board members shall elect a Chair from the membership of the Judicial Board during the first meeting of the academic year, according to the procedure outlined in these bylaws, subject to approval by Council.
6. The GPSA Parliamentarian shall act as Clerk for the Judicial Board.

Section 3: Powers and Responsibilities
1. The Judicial Board shall meet with the GPSA Advisor and Parliamentarian at least once in Fall quarter, following any new appointments, to review the Judicial Bylaws and the role and responsibilities of the Judicial Board.
2. Quorum for full Judicial Board meetings shall consist of the Chair and at least 2 other committee members.
3. Members are disqualified to sit on any case in which they are named as a witness, complainant, or accused party.
4. All members of the Judicial Board must declare prior to each case that they have no conflicts of interest beyond those outlined in Section 3, Subsection 3.
   a. A majority of members may vote to formally recuse a member from a case.
Justification for the recusal should be presented in the final report.

5. The Chair of the Judicial Board shall be a member appointed to the committee, elected by a simple majority of the committee members.
   a. Any member may be nominated by another Judicial Board member, or themselves for the position of Chair.
   b. Each nominee who accepts may give a brief statement on their qualifications and goals for the position. During this time committee members may ask questions of the candidates.
   c. All voting committee members will cast their votes in a closed ballot for any candidate or “none”, to be tallied by the Clerk.

6. The Chair will only vote on Judicial Board decisions in the case of a tie. 7. The Judicial Board shall review all complaints submitted and make recommendations to Council based on their investigations.

Section 4: Complaints
The process for submitting formal complaints shall be as follows:

1. All formal complaints of misconduct or breach of bylaws shall be directed to the Clerk. 2. All complaints should include, at minimum: the complainant’s name and contact information; the appropriate accused party, parties, or committee; the specific bylaws in contention; the time, date, and place of the violations, and; any supporting evidence or documentation.
   a. If any required information is not provided, the Clerk will request the missing information from the Complainant before proceeding
   b. If the Judicial Board decides a complaint does not fall under the scope of complaints, as outlined in Article I Section 3, then the Clerk should work with the complainant to see if there is an appropriate body within or outside of the GPSA to which the issue can be directed. The GPSA Advisor may assist in connecting individuals with relevant bodies on campus.

3. After confirming and compiling all the required information, the Clerk will forward the complaint and all additional documents to the Judicial Board Chair.

4. If an accusation is made against a committee or Council, rather than an individual or individuals, the Judicial Board will not be able to make formal recommendations of censure or removal, but should instead report on failures to follow bylaws, or inconsistencies in bylaws that need to be remedied.

5. Within one academic day of confirming the complaint, the Clerk will notify the accused party of the complaint, including a summary of the complaint and bylaws in contention. If the accused party is a committee, the Clerk will notify the committee chair. If the accused party is the GPSA Council, the Clerk will notify the GPSA President and all Council Representatives.

Section 5: Misconduct Review
The Judicial Board process for investigation and deliberation of formal complaints shall be as follows:

1. Upon receiving the complaint from the Clerk, the Chair will share the submitted complaint and accompanying evidence with the entire Judicial Board.
2. Any complaint may be dismissed as outside the scope of the Judicial Board or for another reason without further investigation by unanimous agreement of the Judicial Board members within 3 academic days of receiving the complaint. Each member must submit a written statement explaining their reasoning, to be recorded by the Clerk and shared to the complainant and accused.
3. A request for a preliminary injunction may be submitted to the Clerk by the complainant at the time of the initial complaint.
   a. A preliminary injunction, if issued, prevents the accused party from pursuing a course of conduct until after the Judicial Board deliberation. If the accused is an officer of GPSA, this may include a temporary suspension of their role and/or responsibilities. A preliminary injunction will only be issued if the Judicial Board determines there is a clear and imminent threat that one or more individuals, or the GPSA as a whole, will be harmed if the activities or responsibilities of the accused are not suspended.
   b. The Judicial Board members, in consultation with the GPSA Advisor, shall determine by a majority vote whether or not a preliminary injunction is necessary within two academic days of receiving the complaint. Votes do not need to be tallied in-person, in which case the Judicial Board Chair shall confirm the vote of each board member in writing.
   c. If a preliminary injunction is issued, the Clerk and the GPSA Advisor will notify all parties involved and will work with the appropriate University constituents to implement the preliminary injunction. The preliminary injunction shall have no impact on the recommendations made by the Judicial Board.
4. The Judicial Board Chair, as early as possible after receiving the complaint from the Parliamentarian, shall notify both parties of the general timeline and process described in the rest of this Section 5.
5. Within 2 weeks after the Judicial Board Chair has received the report from the Parliamentarian, both parties may submit evidence pertinent to the case. Within 24 hours of closed evidence submission, the Judicial Board Chair will make all submitted evidence available to both parties.
6. If deemed necessary by the Judicial Board, and agreed upon by both parties to the complaint, a hearing shall be scheduled no later than 3 academic weeks after receiving the complaint.
   a. The Judicial Board should make it clear to both parties that these hearings are optional.
   b. At the hearing, the Judicial Board shall present its investigation thus far and have the opportunity to ask questions of both parties regarding the case.
   c. Each party will also be allowed to provide a statement to the Judicial Board
outlining their position.

7. Following the hearing, the Judicial Board shall decide to do one of the following:
   a. Disregard the complaint
   b. Recommend censure of the individual or individuals to Council
   c. Recommend removal of an individual or individuals to Council

8. Following deliberation by the Judicial Board, a report shall be prepared and any
   recommendations shall be submitted to Council. The report and any recommendations
   shall be agreed upon by a simple majority of the Judicial Board members. The report
   should include a description of the complaint, the Judicial Board’s decision pursuant to
   Section 3.6, reasoning underlying the recommendations, and a brief explanation of
   any
disagreement among board members that may have caused dissenting opinions. The
   report shall be signed by the Judicial Board as a whole.
   a. The Judicial Board may also make comments on any of the existing bylaws
      relevant to their decision, including their perceived strengths or weaknesses, and
      recommendations on changes to the bylaws.
   b. For any case where there exists a related, prior Judicial Board decision, the
      Judicial Board may present the facts of that case and its relationship to their
      current deliberations.
   c. Council may choose to amend the report to redact any identifying information
      before it is approved, if they determine the information may be harmful to an
      individual in the future.

9. Council may approve an extension to the time allocated to any stage of this process, on
   request of the Judicial Board, by a majority vote at any Council Meeting prior to the
   deadline for a decision on the complaint.

Section 6: Issues arising from Elections

Complaints may be submitted to the Judicial Board regarding issues arising from elections
procedures. If the complaint regards the eligibility of an individual for an elected position, or the
fairness and openness of an election, the Judicial Board may recommend:
1. A delay of the
   election of one or more positions.
   2. The disqualification of a candidate.
   3. The removal of an elected individual and subsequent special election.

If the complaint is submitted within 1 week before the election in question, the Judicial Board, by
majority vote, may request that Council delay the election to provide enough time for a judicial
review to be conducted.

Section 7: Appeals

An appeal to a decision by Council may be submitted by the party ruled against, if that party can
demonstrate that the Judicial Bylaws were not followed in some way. That party must also
demonstrate that a different outcome was likely to have occurred if the bylaw(s) had been
followed. Council, by a ⅔ majority vote, may choose to refer the appeal to the Judicial Board for
a reevaluation of the complaint.

Article IV: AMENDMENTS TO THE BYLAWS
These Bylaws shall take effect after being approved by a ⅔ vote of those present at two consecutive GPSAUCSD Council meetings provided that all members of the Council have been sent the text of the Bylaws at least five working days prior to the first meeting. These Bylaws may be amended by a ⅔ vote of those present at a regularly scheduled Council meeting after the amendments have been proposed at the previous regular meeting. These bylaws may not be amended while a misconduct trial is being conducted.

History

Amended 22.4.08 Council Meeting #11
https://docs.google.com/document/d/1D_zlsqtZrOIX9SQFnXnf3rejQaSu3y1MKaeMbtytNXQ/edit

Amended 17.5.08 Council Meeting #13

Amended 16.4.14 Council Meeting #11
http://gsa.ucsd.edu/attachments/resolution_minutes/Council%20Meeting%202011%20Meeting%202015-2016.2016-04-04.pdf
Amended 14.11.24 Council Meeting #4
https://docs.google.com/document/d/1YzxP3xkyUADc5ihHm2sK0r4bzMvLyVdnzt6Gr3tB9BA/edit