

Judicial Bylaws

ARTICLE I: SCOPE AND STATEMENT OF PURPOSE

Section 1: Purpose

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

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 fair adjudication, including removal, of members as outlined in Article I, Section 2. Complaints may be of the following nature and should be addressed to the following parties:

1. "Dereliction of Duties" are defined as a direct neglect of performing responsibilities as outlined in the GSA Constitution or the bylaws pertaining to position of the individual. Cases of Dereliction of Duties should be brought directly to Council or the AJC.

2. "Breach of Bylaws" are defined as a failure to adequately perform responsibilities as outlined in the GSA Constitution or the bylaws pertaining to position of the individual. Breach of Bylaws is distinct from Dereliction of Duties in that accusations may be pertaining to duties performed by the individual in a manner not sufficient to the standards of GSAUCSD. Accusations of Breach of Bylaws should be brought to the AJC.
3. "Officer Misconduct" is defined as a misuse of a GSA Officer's position, including but not limited to: intentional misrepresentation of the Officer's authority, intimidation of other members of Council, or using the Officer's position for personal gain. Accusations of Officer Misconduct should be brought to the AJC.
4. "Personal Misconduct" is defined as behaviour which is in violation of the GSA Code of Conduct or damaging to the function of Council. Accusations of Personal Misconduct should be brought to the Inclusivity Board, who may choose to refer them to the AJC or Council as outlined in Article IV, or to the AJC directly.

ARTICLE II: SANCTIONING BYLAWS

Section 1: Procedures for Judicial Deliberation Including Removal of Any Position

The discussion of removal for a position must be listed in the agenda for that meeting as "Judicial Deliberation". The presentation of evidence and subsequent deliberation and vote will be done in closed session. Council may ask that the individual subject of the Judicial Deliberation, leave the meeting during part of the deliberation and Council vote. Meeting minutes will note the results the deliberations, including the individual removed and vote count.

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

Any member of Council or committee member may be given a censure for an infraction as listed in Article I, Section 3, 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 AJC 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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.
2. If the appointed officer is accused of Officer Misconduct or a Breach of Bylaws, the accuser may request that the AJC perform an investigation of the alleged breaches, as enumerated in the AJC bylaws in Article V.

Section 5: Removal of Elected Officers via Council

1. Elected officers may be removed by Council with a $\frac{2}{3}$ majority vote in two consecutive meetings.
 - a. During the interim between the two meetings, Council may choose to suspend the officer, including suspension of pay, by a $\frac{2}{3}$ majority vote, independent of the vote to proceed with removal.
 - b. The elected officer will be notified by email of the pending removal no less than one academic week prior to the meeting.
 - c. During the removal deliberations, the elected officer and the person voicing a complaint about the officer will both both be allowed to voice their opinions.
2. If the elected officer is accused of Officer Misconduct or a Breach of Bylaws, the accuser may request that the AJC perform an investigation of the alleged breaches, as enumerated in the AJC bylaws in Article V.

Section 6: Removal of Elected Officers via Judicial Review

If the elected officer is recommended for removal by the AJC following a judicial review, the individual may be removed with a single $\frac{2}{3}$ majority vote during a regularly scheduled Council meeting. The removal must be included in the agenda of the meeting. If the AJC 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 recommendation is presented and no later than one business day after the AJC has made this decision. During the Council meeting in which the AJC recommendation is presented, the elected officer being recommended for removal is allowed to present their own case.

Section 7: Removal of Council Members

Council members are appointed by their department and may not be removed by GSAUCSD. However, GSAUCSD may request that the appointing department recall their representative by a $\frac{2}{3}$ majority vote following a recommendation by the AJC.

ARTICLE III: ACADEMIC JUDICIAL COMMITTEE BYLAWS

Section 1: Purpose

The purpose of this article is to outline the powers and responsibilities of the Academic and Judicial Committee (AJC). The AJC is charged with serving as an advisory board to the Vice President of Academic Affairs and their appointed officers in all matters related to their duties, and investigating charges of officer misconduct or breach of bylaws. The AJC may request actions to Council, but has no direct authority except in an investigative capacity. The AJC will:

1. Convene the Judiciary Council members of the AJC to act on all GSA judicial issues.
2. Maintain GSAUCSD relations with the San Diego division of the Academic Senate.
3. Suggest edits of GSAUCSD policy towards student conduct and academic integrity concerns.
4. Assist in the selection of Interdisciplinary Research Award Winners.

Section 2: Membership

The rules governing committee membership shall consist of the following:

1. The non-voting ex-officio members are:
 1. The Vice President of Academic Affairs, which may not be appointed to the committee as a voting member.
 2. The GSA President, which may not be appointed to the committee as a voting member.

3. All officers appointed by the Vice President of Academic Affairs, which may not be appointed to the committee as voting members.
4. All representatives appointed by the Vice President of Academic Affairs to committees external to GSAUCSD, which may be appointed to the committee as voting members.
2. Six (6) voting Council representatives appointed by the Vice
3. President of Academic Affairs, subject to GSAUCSD council approval.
4. Additional voting GSAUCSD members, appointed by the Vice
5. President of Academic Affairs, subject to GSAUCSD council approval.
6. Committee members shall serve until the first GSA Council meeting of the subsequent Fall Quarter.
7. The Vice President of Academic Affairs shall serve as the vice-chair of the committee, or as the interim chair in their absence. The chair shall cast a vote only in the case of a tie.
8. The GSA Council members and the Vice President of Academic Affairs will comprise the Judiciary council, to act on all GSA judicial issues as they arise.
9. The chair shall be a voting member elected by the voting members of the committee during the first committee meeting of the Fall quarter, according to the procedure outlined in the bylaws, subject to GSAUCSD council approval.

Section 3: Powers and Responsibilities of the AJC

The Academic and Judicial Committee shall:

1. Meet at least once per quarter.
2. Quorum for this committee shall consist of at least one ex-officio member or chair, and at least 3 other voting members or their proxies.
3. The chair for the committee shall be a GSAUCSD member appointed to the committee, elected by the following procedure:
 - a. Any eligible member may be nominated by another committee 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 an ex-officio member of the committee.
 - d. If a simple majority of voting members present is not reached for any candidate, a run-off ballot dropping the member with the least number of votes will occur.
 - e. In the event of a tie with only 2 candidates, the ex-officio member tallying votes will cast a vote to break the tie. In the event this does not constitute a simple majority of voting members present, the position will remain open and the vice-chair will act as the interim chair until the next meeting
4. If the position of chair is vacant for any reason, the vice-chair will act as the interim chair and an election for chair will be held at the following meeting.

5. The Judiciary council members shall review instances of officer misconduct, recommend cases worthy of censure or impeachment to the Council, and conduct disciplinary hearings when called upon by Council or a member of the Executive Committee.
 - a. The GSAUCSD President shall preside over the misconduct review in the event that the Vice President of Academic Affairs should come under review. If the GSAUCSD President is unable or unwilling to preside over the review, the order shall proceed as enumerated in Appendix A.
 - b. Committee members participating in misconduct reviews shall be in good standing with the committee as evidenced by attending at least 2/3 of GSA Council meetings in the year in which they conduct the review.

Section 4: Misconduct Review

In the event that a person submits a formal complaint of misconduct or breach of bylaws by an officer to the AJC, the committee shall:

1. Review the complaint and any evidence that the accuser submits.
 - a. This will be done at a formal meeting of the AJC and should be done within two academic weeks after the AJC receives the formal complaint.
 - b. At this time, the AJC should decide whether to pursue the matter further or disregard the complaint.
2. Notify the officer of an accusation of misconduct. This shall be done within one business day of the AJC meeting regarding the misconduct and shall be done regardless of whether or not the AJC has chosen to pursue the accusation further. At this time the AJC shall not disclose the identity of the accuser.
3. If the AJC has decided to pursue the matter further, they may take up to two school weeks to gather additional information and shall notify both the accuser and the accused of the expected timeline.
4. At the end of the information gathering period and no later than 4 school weeks after receiving the complaint, the AJC shall decide to do one of the following:
 - a. Disregard the complaint.
 - b. Recommend censure of the officer to Council.
 - c. Recommend removal of the officer to Council.
5. After deciding, the AJC shall publish a report to Council that shall enumerate the complaint and the findings of the AJC to Council, including a description of the AJC's recommendations and reasoning for doing so.

ARTICLE IV: INCLUSIVITY BOARD BYLAWS

Section 1: Purpose

The purpose of this article is to outline the powers and responsibilities of the Inclusivity Board (IB). The IB is charged with investigating charges of personal misconduct. The IB may request actions to Council or the AJC, but has no direct authority except in an investigative capacity.

Section 2: Powers and Responsibilities of the Inclusivity Board

The Inclusivity Board shall:

1. Provide a confidential place for which concerns regarding abuse of the GSA Code of Conduct may be submitted.
2. Be composed of three voting members. One of the members shall not be a member of GSAUCSD Council.
 - a. No two members may be from the same department.
 - b. No executive officer shall be a voting member of the IB.
 - c. No member shall serve more than 2 year-long consecutive terms.
 - d. At least one member must be replaced each year.
 - e. Members shall be appointed by Diversity Advisory Council and approved by GSA Council
3. Be composed of 2 non-voting members, who shall be the co-chairs of the Diversity Advisory Council.
4. Meet once per quarter to assess the general climate of GSA with respect to the Code of Conduct and the University's overarching diversity statement.
5. Meet to discuss grievances and accusations of violations of the code of conduct. This shall be done within two academic weeks of the grievance being submitted to the IB.
6. Meet at least once per year to review the GSA Code of Conduct and suggest changes, if any.

Section 3: Misconduct Review

In the event a person submits a formal complaint of Personal Misconduct to the IB, the board shall review the grievance and any evidence that the accuser submits. This will be done at a formal meeting of the IB and should be done within one academic week after the IB receives the formal complaint. At this meeting, the IB will decide whether to disregard the complaint, pursue the matter further, submit the grievance to the AJC, or to submit a recommendation to Council. If the IB chooses to:

1. Disregard the complaint, the IB shall send the accuser a written notification of their decision within one business day of the meeting, including a description of their reasoning.

2. Pursue the matter further, the IB may continue to gather information for a period no greater than two academic weeks after the formal meeting, at which point they will convene again and decide to disregard the complaint, submit the grievance to the AJC, or to submit a recommendation to Council.
3. Submit the grievance to the AJC, the IB shall send the AJC the information regarding the grievance no later than one business day after making this decision. The AJC shall review this in the same manner as though the complaint came from an individual. Submissions to the AJC shall be reserved for grievances which the IB believes to be a potential Breach of Bylaws or Officer Misconduct.
4. Submit a recommendation to Council, the IB may request Council censure an individual. Council may censure an individual with a majority vote.
 - a. The individual being recommended for censure must be notified of the upcoming recommendation no less than one academic week prior to the meeting including the recommendation. This notification will include the nature of the accusations, including the time and place of the occurrence.
 - b. The recommendation of censure and following vote will be noted in the meeting agenda as "Personal Misconduct Censure" and will be done in closed session. At this time, the Inclusivity Board and the individual being recommended for censure may speak, as well as the original person who submitted the grievance to the IB.
 - c. Two different censures on one individual within one academic year, as recommended by the IB and approved by Council, shall be considered as Dereliction of Duties by an officer.

ARTICLE V: AMENDMENTS TO THE BYLAWS

These Bylaws shall take effect after being approved by a $\frac{2}{3}$ vote of those present at two consecutive GSAUCSD 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 $\frac{2}{3}$ 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.

Appendix A: Line of Succession for Chair of the Trial Committee

1. President
2. Vice President of External Affairs

3. Vice President of Financial Affairs
4. Vice President of Student and Campus Affairs
5. Vice President of Diversity, Service, Equity, and Inclusion Affairs
6. Chief of Staff
7. Member of GSAUCSD Council

History

Amended 17.5.08 Council Meeting #13

[http://gsa.ucsd.edu/attachments/resolution_minutes/Council%20Meeting%2013%20Minutes%20\(2016-2017\).2017-05-08.pdf](http://gsa.ucsd.edu/attachments/resolution_minutes/Council%20Meeting%2013%20Minutes%20(2016-2017).2017-05-08.pdf)

Amended 16.4.4 Council Meeting #11

[http://gsa.ucsd.edu/attachments/resolution_minutes/Council%20Meeting%2011%20Minutes%20\(2015-2016\).2016-04-04.pdf](http://gsa.ucsd.edu/attachments/resolution_minutes/Council%20Meeting%2011%20Minutes%20(2015-2016).2016-04-04.pdf)

Amended 14.11.24 Council Meeting #4

<https://docs.google.com/document/d/1Yzxp3xkyUADc5ihHm2sK0r4bzMVcLyVdnzt6Grtb9BA/edit>