

GEATHERS JUDBOARD BYLAWS 5.15.2020

Ruling of the Judicial Review Board

MIT UA JUDICIAL REVIEW BOARD*Held:* The UA Judicial Review Board rules that:

1. The Bylaws of the Judicial Review Board should be written by the current Judicial Review Board.
2. The UA Council cannot call for the cessation of Judicial Review Board activity nor can it impose deadlines on the rulings of the Judicial Review Board.

I

Facts of the Case

The Judicial Review Board received a complaint on May 15th, 2020 from UA President Danielle Geathers on behalf of the UA Council. In the complaint, the Judicial Review Board was called to do the following:

- Cease all Judicial Review Board Activity.
- Finalize Bylaws of the Judicial Review Board by May 29.

The Judicial Review Board met on May 17th to discuss and found the complaint non-frivolous, and issued a final ruling on the 22nd.

II

Creation of the Bylaws of the UA Judicial Review Board

The Council has asked the Judicial Review Board (herein “JudBoard”) to finalize its bylaws. The reason set forth in the complaint is: “[Article II, Section C 5a] of the UA Constitution cannot be adhered to without the existence of Bylaws for the Judicial Review Board.”

We found that the draft of Operating Procedures of the JudBoard was never completed since 2015, when the then-JudBoard Chair authored the clause in the UA Constitution referring to the Bylaws of the JudBoard (Article II, Section C 5a). We agree with the Council and find that the Operating Procedures draft is not suitable for the purposes of adhering to the UA Constitution (it lacks both the correct name and finalization).

GEATHERS COMPLAINT 5.15.2020

Ruling of the Judicial Review Board

The JudBoard believes that it should be the body that writes the bylaws for its own operation. This is because of two reasons: (1) The UA Constitution does not suggest that anyone else write the Bylaws of the Judicial Review Board; (2) JudBoard is the most familiar with the conduct and the procedures of itself.

The UA Constitution does not have clauses referring to the Council's check on additional governing documents. As it currently stands, the UA Council has no power to approve or disapprove the Bylaws of the Judicial Review Board, or any additions made to the governing documents of the UA. This means that the JudBoard can add its Bylaws without approval from the Council.

Bylaws are implemented most often with the purpose of promoting consistent and normal operation in line with the mission of an organization. The Bylaws of the Judicial Review Board should share a similar purpose of promoting consistency, and this would be facilitated if the Board wrote its procedures to be consistent with previous operations of the Board.

III

Cessation of Judicial Review Board Activity and Deadline on the Case

The JudBoard finds that neither the cessation of activity nor imposition of deadlines have a constitutional basis, and thus finds those calls unconstitutional and does not recognize them.

Nowhere in the UA Constitution does it give the power to the UA Council to call for the cessation of the JudBoard activity nor the power to impose deadlines on the investigations and rulings of the JudBoard. The checks that the Council has on JudBoard are:

- ... Council may remove any member of the [Judicial Review Board] with an amendment-level vote and 3 days notice (Article II, Section C 3ai).
- Decisions can be overturned by an amendment-level vote from Council with approval of the president (Article II, Section C 4d)

GEATHERS JUDBOARD BYLAWS 5.15.2020

Ruling of the Judicial Review Board

Aside from these, there are no further checks that the Council has on the Judicial Review Board.

There are reasons that deadlines for the operations of the JudBoard were not included in the UA Constitution, such as that it could generate an improper pressure that could result in unsatisfactory or incomplete investigation. While a party who submits a complaint can ask for a deadline by a decision, the Board cannot be compelled to meet that deadline under the UA Constitution.

Please contact the UA Judicial Review Board at ua-judboard@mit.edu if you have any questions or concerns.