

# **The Bylaws of the Judicial Review Board of the Undergraduate Association of MIT**

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## **I. Purpose**

The purpose of this document is to ensure consistent operation of the Judicial Review Board in line with the purpose ascribed to the Judicial Review Board in the UA Constitution. In the event of conflict with the Constitution, the Constitution shall supersede this document.

## **II. Composition**

- 1. The Judicial Review Board (herein “Board”) and Reserve Pool memberships will be determined in accordance with the UA Constitution. One member shall be selected Chair of the Board.
- 2. In the case that a Board member cannot serve their full term, they shall inform the full Board and the UA Council

(herein “Council”). When this notification is made, the UA President then has the responsibility of filling the Board with new members, consistent with the UA Constitution.

3. The Chair assumes responsibility for representing the Board as a person when it is required. The Chair may delegate this role to another member of the Board if they see fit to do so.
  - a. The Chair is responsible for tracking all cases and decisions of the Board.
  - b. The Chair is also responsible for communicating these decisions to the appropriate entities, including parties in a case and the UA Secretary, within 2 MIT business days.
  - c. The Chair is also responsible for recording and maintaining transcripts of arguments in a case, as well as obtaining a signed disclosure form from all parties prior to arguments. They shall provide transcripts as described in IV 3e (Ibid).

### **III. Submission and Acceptance of Cases**

1. When a case is received by the Board, at least one member must deem the case non-frivolous for it to be heard by the Board. If the Board determines the case is non-frivolous, all parties involved are to be informed of the Board’s decision to work on the case within three MIT business days.
2. In the case of extenuating circumstances this period of notification may be reasonably extended.

3. If the Board receives a question that solely requires interpretation or clarification of the governing documents and does not challenge another party or their actions, the Board can make the interpretation based on the governing documents, without arguments.

#### **IV. Working on Cases**

1. Inability to Hear a Case
  - a. Any member shall disqualify themselves in any proceeding in which their impartiality might be reasonably questioned.
  - b. Members of the Board who are not able to work on a case shall inform the Board and Reserve Pool as soon as possible.
  - c. The vacant seats on the case shall be filled by the Reserve Pool members. The Reserve Pool members shall be randomly selected from the Reserve Pool membership to sit on the Board for the duration of the case.
2. Hearing Process
  - a. The Board shall inform parties of a deadline (no sooner than three MIT business days after acceptance notifications have been made) by which they are expected to submit any evidence, briefs, or other items pertinent to a case. In the same communication, the Board shall inform the parties of the date for oral argument agreeable to the parties when applicable.

- b. The parties are expected to find and submit evidence to their favor/in their defense. Parties may direct the Board to obtain specific evidence or documents using reasonable investigative powers if the parties themselves are unable to access it. The burden of evidence shall not lie on the Judicial Review Board to avoid conflict of interest.
- c. During arguments, each side will be provided with a total of 30 minutes. The arguments will be closed to spectators and the public unless otherwise noted by the Judicial Review Board. The complainant shall be heard first, followed by the respondent. The first ten minutes are reserved for uninterrupted opening statements. The remaining time is open for questions from the Board. At the discretion of the Board, this time may be extended equally for both sides.
- d. No sooner than 24 hours and no later than 5 MIT business days after an argument, the Board shall meet in conference to discuss the case and begin writing the ruling.
- e. Audio transcripts of the arguments will be made available upon request. In the case of an appeal, the audio transcript will be provided to the Council.

## **V. Ruling on Cases**

1. Members of the Board shall attempt to find consensus in rulings where possible.

2. If a unanimous vote cannot be reached, the majority shall write the ruling in a case.
3. Members can write dissenting or concurring opinions to be attached to the ruling without approval from other members.

## **VI. Appeals**

1. A Request for Appeal must be filed to the Chair of the Board and the UA President within ten (10) MIT business days of a decision's release to be considered valid. Only parties in a case may submit a Request for Appeal. See example in Appendix A.
  - a. If new evidence is presented in a case after the ruling, it may be appealed to the Board for review. If this occurs in the same term as the ruling, the appeal can be heard by the same Board who ruled on the previous case. Otherwise, the appeals will be heard by the new term's Board.
  - b. New arguments are to be presented in a new case because rulings ordinarily address only presented arguments and do not speculate on others.
2. If a party believes that the Board (a) violated procedures outlined in governing documents or (b) falsely interpreted governing documents, the case can be considered by the Council for appeal. Council will handle the appeal according to the procedures in the UA Council Bylaws.

3. In the case of violating procedures, the Council must reasonably decide that the Board violated procedures. The case would then be heard by a new Board.
4. In the case of a false or untrue interpretation of governing documents, the Council must reasonably decide that the previous interpretation was not a valid or reasonable interpretation. If Council holds that to be the case, a new Board will re-hear the case.
5. If the Council requires that a new Board hear the case, the members of the new Board shall be randomly selected from the Reserve Pool.
6. Each case may be appealed at most one time to each entity.