Official Signatures

Passed in Senate on January 26, 2017
Passed in General Assembly on January 31, 2017

Jack Bender, ASUU President
2-6-17
Date

Parker Archer, Assembly Chair
2/2/17
Date

Rachael Petersen, Senate Chair
2/17/17
Date
BE IT ENACTED by the 2016-2017 ASUU Senate and ASUU Assembly that:

WHEREAS, the Bylaws regarding the office of the Attorney General are ambiguous and poorly defined;

WHEREAS, the Attorney General Bylaws can be contradictory in nature;

WHEREAS, the Bylaws regarding the Supreme Court of ASUU are severely lacking in major procedural instructions;

WHEREAS, the Supreme Court Bylaws make no mention of the quorum for meetings, the number of Justices required to vote to take any action, the standard of proof that the Supreme Court will use to decide cases, or the rules governing the use of electronic media;

THEREFORE, be it enacted by the 2016-2017 ASUU Senate and ASUU Assembly that the Attorney General and Supreme Court Bylaws of Redbook be updated and the specified changes be made to allow the Attorney General and the Supreme Court to more effectively serve the student body of the University of Utah.
1.3. Be a voting member of the University Commencement Committee.
   1.3.1.1. Assist in the selection of the speakers at commencement.
   1.3.1.1.2. Be responsible for the graduation pledge, when necessary.

2. Be a voting member and chair of the Campus Student Leadership meetings.
   2.1.1.1.1. Be responsible for calling and chairing the Campus Student Leadership meetings.
   2.1.1.1.2. The purpose of the Campus Student Leadership meetings shall be to engage student leaders on campus to collaborate in programming and events as the members of the Campus Student Leadership find fitting to promote a sense of community on campus.
   2.1.1.1.3. Members of the Campus Student Leadership shall be:
      2.1.1.1.3.1. The Vice President of Student Relations;
      2.1.1.1.3.2. Campus Traditions Chair from Campus Events Board; and
      2.1.1.1.3.3. Student leaders on campus from different student organizations, selected by the Vice President of Student Relations.
   2.1.1.1.4. Campus Student Leadership meetings shall be open meetings and shall be scheduled every month by the Vice President of Student Relations.

3. Be an ex-officio member of General Assembly.

4. Be an ex-officio member of the ASUU Campus Events Board Advisory Committee.

Section 4 – The Vice President of University Relations of ASUU

1. In addition to those powers and duties vested in the Vice President of University Relations of ASUU by the ASUU Constitution and the bylaws herein, the Vice President of University Relations of ASUU shall:
   1.1. Exercise all powers vested in the President of ASUU by the bylaws herein, while the President of ASUU is not in the state of Utah;
   1.2. Be a voting member of the following:
      1.2.1. University of Utah Violence Prevention Advisory Committee;
      1.2.2. Alumni Association Homecoming Committee; and
      1.2.3. Child Care Advisory Board.
   1.3. Be a voting member of the following, while the President of ASUU is not in the state of Utah:
      1.3.1. The Student Alumni Association;
      1.3.2. The Utah Student Association;
      1.3.3. University of Utah Board of Trustees;
      1.3.4. University of Utah Academic Senate and Academic Executive Committee;
      1.3.5. University of Utah General Student Fee Board;
      1.3.6. University of Utah Committee on Student Affairs; and
      1.3.7. The ASUU Campus Events Board Advisory Committee.

1.4. Be an ex-officio member of:
   1.4.1. ASUU Student Senate.
   1.4.2. The ASUU Campus Events Board Advisory Committee.

Section 5 – The Attorney General

1. The Attorney General shall:
   1.1. Be elected by matriculating members of the ASUU in accordance with the ASUU Constitution on an independent ticket with no association to a party and separate from the President of ASUU, Vice President of Student Relations of ASUU, and the Vice President of University Relations of ASUU;
   1.2. Have no fewer than thirty (30) credit hours when elected;
   1.3. Serve as a member of the Executive Cabinet;
   1.4. Be compensated, from the budget of the Executive Cabinet at the discretion of the ASUU Senate, in accordance with the bylaws herein. The compensation of the Attorney General shall not be altered by the ASUU Legislature during the period for which the Attorney General shall have been elected;
   1.5. May recommend the appointments of a Deputy Attorney General, a Prosecutor for Elections, and/or other
executive officers, to the President of ASUU. These appointed officers shall be confirmed by the Student Senate, and they shall be compensated from the budget of the Attorney General at the recommendation of the Attorney General and with the approval of the President of ASUU.

1.6. Act as counsel to the ASUU government or any part thereof, regarding this Constitution, the ASUU Bylaws, and the policies and procedures of ASUU;

1.7. Ensure that this Constitution and the ASUU Bylaws are understood and obeyed by the members of the Legislature and the officers of the Executive Branch;

1.8. Serve as an ex-officio member of both the Student Senate and the Assembly to ensure this Constitution and ASUU Bylaws are followed;

2. Assist members of the Legislature and the officers of the Executive Branch in drafting legislation, at the discretion of the President of the ASUU;

2.1. Present information pertinent to the Legislature to commence the impeachment process;

2.2. Serve as liaison from ASUU to the University’s Office of General Counsel;

2.3. Review each bill presented to and passed by the Legislature and determine if said bill would create contradictions within the bylaws or violate the ASUU Constitution.

2.3.1. If the Attorney General determines that a bill would create a contradiction within the bylaws herein or between the bylaws herein and the ASUU Constitution, then the Attorney General shall make a recommendation regarding corrective action to the appropriate legislative body.

2.3.2. If the Attorney General determines that a bill creates a contradiction within the bylaws herein or between the bylaws herein and the ASUU Constitution only after the bill is passed, then the Attorney General shall inform the President of ASUU of the contradiction, prior to the President of ASUU signing or vetoing the bill, and then draft corrective legislation for the consideration of the Legislature;

2.4. Serve as a non-voting member of the University Joint Apportionment Board (UJAB);

2.5. Represent the ASUU in all disputes, in which the same is a party, in all disputes heard by the ASUU Supreme Court, the Elections Committee in the absence of a Prosecutor for Elections, the Committee on Student Affairs, and the Board of Trustees, with the exception of conflicts of interest as explained in the ASUU Bylaws.

2.6. Attend and be involved with Executive Cabinet meetings to ensure compliance with the ASUU Constitution and Bylaws and facilitate communication as the Attorney General serves with the Executive Cabinet.

Section 6 – The Executive Cabinet

1. Establishment and Purpose

1.1. For the purpose of facilitating coordination and communication within the Executive Branch, there shall be an Executive Cabinet. The President may call and chair meetings of the Executive Cabinet as the President shall deem necessary.

2. Membership

2.1. The members of the Executive Cabinet shall be:

2.1.1. The President of ASUU;

2.1.2. The Vice President of Students Relations of ASUU;

2.1.3. The Vice President of University Relations of ASUU;

2.1.4. The Attorney General;

2.1.5. Other executive officers, as prescribed by the bylaws herein.

3. Legislative Liaisons

3.1. The Chair of the Student Senate and the Vice Chair of the Assembly shall attend the meetings of the Executive Cabinet and shall be liaisons between the Executive Cabinet and their respective legislative bodies.

Section 7 – The Chief of Staff

1. Establishment of the Chief of Staff

1.1. For the purpose of administering the Executive Branch on behalf of the President of ASUU, there shall be an executive officer of ASUU, to be known as the Chief of Staff, who shall be appointed by the President of ASUU, by and with the consent of the Student Senate.

2. Powers and Duties of the Chief of Staff

2.1. The Chief of Staff shall have the following powers and duties, in addition to those prescribed to Chief of Staff by the President of ASUU:

2.1.1. To supervise the activities of the Executive Boards and the heads thereof;

2.1.2. To enforce, within the Executive Branch, all executive orders and ASUU bylaws;

2.1.3. To serve as a member of the Executive Cabinet;
ARTICLE III — SUPREME COURT
BYLAWS

Section 1 — Membership

1. The ASUU Supreme Court will be composed of seven (7) Justices. Each Justice shall be
   1.1. A matriculated student;
   1.2. Nominated by the ASUU President;
   1.3. Appointed by the ASUU Student Senate; and
   1.4. Appointed for the duration of their matriculated studies at the University.

2. One (1) member of the Supreme Court shall be appointed to serve as Chief Justice for a one (1) year
term as provided in the ASUU Constitution and shall preside at the meetings or proceedings of the
Supreme Court.

3. In the event that the Chief Justice is incapacitated, unreachable, has resigned and not yet been replaced, or
is otherwise unable to carry out the duties of the office, the senior most Justice as determined by the date of
each Justice’s appointment shall act as Chief Justice Pro Tempore. The Chief Justice Pro Tempore shall
make every reasonable effort to fulfill the obligations of the office of Chief Justice until the Chief Justice is
able to resume their duties, or the Chief Justice position is filled.

4. A representative of the University’s Office of General Counsel, selected by the Supreme Court, shall serve
as an advisor to the Supreme Court to advise the Court of proper legal procedures and to ensure due
process rights of individuals and organizations. The advisor shall have the right to attend and otherwise
participate in any proceedings of the Court but may not have voting privileges.

5. The ASUU Supreme Court will have a Clerk. The Clerk shall:
   5.1. Be chosen by the ASUU Vice President of Student Relations from the ASUU office staff;
   5.2. Receive all filings of the court;
   5.3. Ensure all filings are marked with the appropriate case number, case title, filing date and time;
   5.4. Maintain a current list of all Justices which must include
       5.4.1. Each Justice’s name,
       5.4.2. Mailing address,
       5.4.3. E-mail address (if available),
       5.4.4. At least one phone number, and,
       5.4.5. The date of the Justice’s appointment;
   5.5. Maintain and secure all records of the Court; and,
   5.6. Perform other duties as they relate to the Supreme Court.

Section 2 — Jurisdiction and Powers

1. Jurisdiction
   1.1. The Board of Trustees and the Committee on Student Affairs grant the ASUU Supreme Court original
       and appellate jurisdiction as described in this Section.
   1.2. Unless otherwise delegated by the ASUU Constitution or Bylaws, the ASUU Supreme Court shall have:
       1.2.1. Original jurisdiction over all controversies arising under;
       1.2.1.1. The ASUU Constitution and Bylaws,
       1.2.1.2. The ASUU Policies and Procedures,
       1.2.1.3. ASUU I.D./Activity card policies, and
       1.2.1.4. The University policies and regulations governing recognized student organizations.
   1.2. Appellate jurisdiction over all decisions by
       1.2.2.1. All ASUU-established Grievance or Review Committees,
       1.2.2.2. The Greek Council Judiciary,
       1.2.2.3. The Residence Halls’ judicial system, and
       1.2.2.4. All other recognized judicial bodies serving students and student groups and organizations.

2. Powers and Duties
   2.1. The ASUU Supreme Court shall hold and exercise such powers and duties as are necessary to
       ensure substantial justice, including, but not limited to, the power and duty:
       2.1.1. To review the constitutionality (under the ASUU Constitution and Bylaws, the ASUU Policies
           and Procedures, etc.) of any action taken by the ASUU;
       2.1.2. To review the constitutionality (under the respective constitutions of the recognized
2.1.3. To review appealed cases of impeachment against ASUU officers, to issue Writs of Mandamus requiring performance of certain duties of those officers, and to enjoin activities by those officers;
2.1.3.1. To subpoena witnesses, testimony, evidence, etc.; and
2.1.3.2. To order to enjoin members of the ASUU or recognized student organization upon demonstration of just cause.
2.1.4. To issue findings and opinions in all matters brought before it;
2.1.5. To compel compliance by means of sanction or penalty;
2.1.6. To recommend amendments to the Judicial Branch Bylaws, which amendments are subject to:
2.1.6.1. Approval by the ASUU Assembly;
2.1.6.2. Approval by the ASUU Student Senate; and,
2.1.6.3. Signature by the ASUU President.
2.1.7. To recuse their Justice Seat from matters and controversies in which the Justice has a significant personal, political, or commercial interest.
2.1.8. To remain impartial and disinterested to any matter and controversy that is scheduled, or may be scheduled to be heard by the Court.
2.1.9. To verify signatures to petitions submitted by members of the ASUU. In order to verify signatures, the Supreme Court must ensure that the signatures, at minimum, include the name and University identification number of the signing student.
2.1.9.1. The Supreme Court may vote by majority to invalidate all of the petition's signatures if greater than ten percent (10%) of the petition's signatures are unverifiable.
2.1.10. To set the standard of proof by which the Supreme Court will decide its cases. This decision will be made by a majority vote of the Court's members in its first meeting of the academic year.

2.2. The ASUU Chief Justice shall additionally:
2.2.1. Hold and exercise such powers and duties as are necessary to ensure substantial justice;
2.2.2. Determine the apportionment of the Assembly seats among the Colleges with the advice and consent of the Student Senate, using the most recent college enrollment report available;
2.2.3. Submit the ASUU Chief Justice determination of apportionment of the Assembly seats to the Student Senate for its advice and consent by the first week of Spring Semester,
2.2.4. Determine the compensation of the Elections Committee members.

3. Subpoena
3.1. When necessary to promote substantial justice, the Supreme Court may issue subpoenas as provided in these Bylaws.
3.2. No subpoena shall be issued without the consent of at least three (3) Justices.
3.3. All subpoenas must be in writing and contain:
3.3.1. The name of the Court;
3.3.2. The Court's address and phone number;
3.3.3. The case number and name;
3.3.4. The time, date, and place of issuance;
3.3.5. The identity of the person(s) or organization upon whom the subpoena is to be served;
3.3.6. The specific reason(s) and justification for the issuance;
3.3.7. A specific description of the evidence, testimony, or person being subpoenaed;
3.3.8. The place, date and time of the hearing at which the subpoenaed person or evidence must be present;
3.3.9. Notice of consequence(s) for non-compliance; and
3.3.10. The signatures of the issuing Justices.

4. Injunction
4.1. When necessary to promote substantial justice, the Supreme Court may issue injunctions as provided in these Bylaws.
4.2. Other than under extreme extenuating circumstances, no injunction may be issued without the Court first giving the party to be enjoined sufficient prior notice as to allow the party to prepare to formally address the issues before the Court. The person or organization seeking an injunction without sufficient prior notice must demonstrate, by sworn statement or affidavit that immediate and irreparable injury, loss, or damage will occur to the person(s) or organization(s) seeking the injunction without such immediate injunction.
4.3. With adequate notice to the party to be enjoined, an injunction may be issued with the concurrence of:
4.3.1. Three (3) Justices and the Chief Justice, or
4.3.2. Five (5) Justices
4.4. Any person(s) or organization(s) which violate any of the terms contained in an injunction shall be subject to a finding of contempt of court and may be sanctioned or fined accordingly.
4.5. Temporary Injunctions
4.5.1. Any three (3) Justices may issue a Temporary Injunction if
4.5.1.1. Extreme extenuating circumstances predominate, and
4.5.1.2. At least three (3) Justices and the Chief Justice are unable to assemble or properly communicate, and
4.5.1.3. At least five (5) Justices are unable to assemble or properly communicate.
4.5.2. The Court must vote to affirm or lift any Temporary Injunction as soon as the Court can assemble with
4.5.2.1. Three (3) Justices and the Chief Justice, or
4.5.2.2. Five (5) Justices.
4.5.3. Without further Court action, a Temporary Injunction will automatically lift seventy-two (72) hours
after issuance. Scheduling a future hearing does not constitute "Court action" for the purposes of this
subsection.
4.5.4. Temporary Injunctions must be in writing and shall:
4.5.4.1. Be time-dated and effective immediately.
4.5.4.2. Include the following:
4.5.4.2.1. The name of the person(s) or organization(s) upon whom the injunction is binding
4.5.4.2.2. The proscribed or mandated activities,
4.5.4.2.3. The specific reason(s) and justification for the issuance,
4.5.4.2.4. The time, date, and place of issuance,
4.5.4.2.5. The names of the Justices issuing the injunction,
4.5.4.2.6. The names of any dissenting Justices,
4.5.4.2.7. The identity of the person(s) or student group requesting the injunction,
4.5.4.2.8. The length of time the injunction is binding, and
4.5.4.2.9. The penalty for lack of compliance with the injunction.
4.6. Injunction Hearing
4.6.1. When an injunction is issued, the Court shall set a hearing at the earliest possible time for the
parties to the injunction to be present.
4.6.1.1. To give the enjoined parties an opportunity to:
4.6.1.1.1. Present witnesses, evidence, and testimony;
4.6.1.1.2. Confront the parties' accuser;
4.6.1.1.3. To determine whether or not the injunction shall remain in effect, and
4.6.1.1.4. To determine the ultimate resolution to the controversy, if possible.
4.6.2. The Court must hold the hearing within
4.6.2.1. Five (5) University of Utah class days, or Substantial Justice
4.6.2.2. If the (5) University of Utah class days are not remaining in the current term, such hearing
must be held within a time frame that will ensure Due process.
4.6.3. The Chief Justice shall schedule the requisite hearing or, if the Chief Justice is not able to do so,
the senior most available Justice shall schedule the hearing.
5. Notice
5.1. The Court shall make every reasonable effort to ensure every interested party to a controversy is given
actual notice of all:
5.1.1. Scheduled hearings,
5.1.2. Injunctions,
5.1.3. Subpoenas,
5.1.4. Decisions,
5.1.5. Sanctions, and
5.1.6. Other actions or proceedings pertinent to the interested party.
5.2. For the purposes of this section, "actual notice" means that the party has actually received:
5.2.1. Written notification in the party's hand, or
5.2.2. Direct verbal notification in person or by telephone.
5.3. Where actual notice is impossible, the Court may constructively notify any party by:
5.3.1. Mailing notice to the party's last known address;
5.3.2. Publication in a newspaper of wide general circulation on campus; or
5.3.3. Any method reasonably calculated to ensure the party is made aware of the upcoming court action
in a timely fashion.
6. Sanctions
6.1. All sanctions the Supreme Court imposes shall be commensurate to the violation of the offending
individual(s) or organization(s).
6.2. All Court imposed sanctions must be non-academic in nature and must not threaten the academic
rights or status of the offending student(s).
6.2.1. Sanctions for an individual may include but not be limited to:
6.2.1.1. Referral to Student Behavior Committee;
6.2.1.2. Referral to Committee on Student Affairs;
6.2.1.3. Monetary fines;
6.2.1.4. Social probation;
6.2.1.5. Limitation of privileges; and
6.2.1.6. Letters of reprimand and advice for future conduct.

6.3. Possible sanctions imposed on University-recognized student groups may include, but are not be limited to:
6.3.1. Monetary fines;
6.3.2. Social probation; and
6.3.3. Limitation of privileges;
     6.3.3.1. Suspension of University recognition; and
     6.3.3.2. Letters of reprimand and advice for future conduct.

6.4. No sanction may be imposed for more than one (1) calendar year, except:
6.4.1. When the Court recommends that the Committee on Student Affairs withdraw University recognition from an organization:
   6.4.1.1. For more than one (1) calendar year, or
   6.4.1.2. Permanently withdraw recognition from an organization.
6.4.2. When the Court recommends to the Student Behavior Committee that a student be:
   6.4.2.1. Suspended from the University for more than one calendar year;
   6.4.2.2. Relieved of privileges for more than one year; or
   6.4.2.3. Expelled from the University.

6.4.3. Court-imposed sanctions shall be strictly adhered to.

7. Orders to Show Cause

7.1. When an individual or organization, has been properly served with an injunction, subpoena, or summons, and fails to comply with its terms in a timely fashion:

7.1.1. The Court shall:
   7.1.1.1. Issue an Order to Show Cause; and
   7.1.1.2. Serve the Order to Show Cause upon the offending individual or organization; and
   7.1.1.3. Order the offending individual or organization to appear before the Supreme Court to explain why the offending individual or organization should or should not be held in contempt of court for such failure to comply.

7.1.2. The offending individual or organization shall:
   7.1.2.1. Appear before the Court on the date and time specified on the Order to Show Cause; and
   7.1.2.2. Explain why the offending individual or organization should or should not be held in contempt of court for such failure to comply.

7.2. If an individual or organization fails to comply with an Order to Show Cause, that individual or organization shall be held in contempt of court, and sanctioned accordingly.

Section 3 — Judicial Process

1. Calendar

1.1. The Court shall:
   1.1.1. Fix a calendar of hearings and trials,
   1.1.2. Schedule hearings and trials at times and locations reasonably convenient for all parties to the controversy, and
   1.1.3. Have discretion to alter the calendar with good cause.

2. Standing

2.1. Any members of ASUU and/or any student organizations recognized by ASUU may file a complaint alleging violations of any provisions of:
   2.1.1. The ASUU Constitution and Bylaws,
   2.1.2. The ASUU Policies and Procedures,
   2.1.3. The ASUU Election rules and procedures promulgated annually by the ASUU,
   2.1.4. Non-codified ASUU policies and procedures,
   2.1.5. The University policies and regulations governing recognized student organizations as published in the Student Organizations Policy Handbook, and

2.2. Any member of ASUU and/or any student organizations recognized by ASUU may file a complaint with the Court who can show:
   2.2.1. The Student or Organization has been substantially injured,
   2.2.2. The injury has been directly caused by an action of the defendant,
   2.2.3. The defendant's action is not one which is mandated by the ASUU Constitution or Bylaws or Policies and Procedures, and
2.2.4. Either:
   2.2.4.1. The Defendant's discretion to take the action was not committed to the defendant by the ASUU Constitution or Bylaws or Policies and Procedures, or
   2.2.4.2. The defendant has abused their discretion by taking the complained of action.

2.3. If a Justice of the ASUU Supreme Court, that Justice shall recuse their Justice Seat from hearing the matter and may not be present during the Court's deliberations.

3. Filing Procedures
   3.1. All complaints shall be filed with the Clerk of the Court.
   3.2. All complaints based on a rule violation as listed in the Standing provisions of this Section:
      3.2.1. Must be reasonably concise,
      3.2.2. Must sufficiently describe the act(s) allegedly committed or omitted,
      3.2.3. Must specify which provisions, sections, laws were allegedly violated, when, how and by whom, and
      3.2.4. Describe the Court's authority to hear the complaint.
   3.3. All complaints based on an injury to an individual must:
      3.3.1. Be reasonably concise,
      3.3.2. Describe the act(s) allegedly committed or omitted,
      3.3.3. Describe the injury alleged,
      3.3.4. Describe the causal link between the injury and the act or omission alleged,
      3.3.5. Describe the Court's authority to hear the complaint, and
      3.3.6. Describe how the Court's action could make the complainant whole by describing how a suggested sanction could:
      3.3.6.1. Resolve the complainant's injury,
      3.3.6.2. Adequately restore the complainant to the status the individual occupied before the alleged action or omission.

4. Writ of Certiorari
   4.1. The Court shall have the discretion to decide by a majority vote of all Justices whether or not to hear any given case.
   4.1.1. Before issuing a Writ of Certiorari the Court shall determine:
       4.1.1.1. Whether the complaint is within the Court's jurisdiction; and
       4.1.1.2. Whether the complainant has standing before the Court as described in this Section
   4.1.2. When the Court decides to hear a case it shall issue a Writ of Certiorari explaining:
       4.1.2.1. The basis of the controversy,
       4.1.2.2. Who are the parties to the controversy,
       4.1.2.3. The facts on which the Court decided to hear the case,
       4.1.2.4. The Court's authority to hear the case, and
       4.1.2.5. The name of the Justices who voted for and against issuance of the Writ of Certiorari.
   4.1.3. When the Court decides not to hear a case it shall issue a statement explaining:
       4.1.3.1. Briefly the basis of the controversy,
       4.1.3.2. The facts and reasoning on which the Court decided not to hear the case, and
       4.1.3.3. The name of the Justices who voted for and against issuance of the Writ of Certiorari

4.2. Upon issuance of a Writ of Certiorari
   4.2.1. The Clerk of the Court shall serve notice on each party to the controversy in a manner consistent with this Section including:
       4.2.1.1. A copy of the Writ of Certiorari;
       4.2.1.2. A Summons to appear before the Court including the date, time and place that the case shall be heard;
       4.2.1.3. A copy of the Complaint, including case number and title;
       4.2.1.4. If applicable, a case calendar indicating when motions may or must be filed, etc.; and
       4.2.1.5. A statement of procedural rights.
   4.2.2. The parties shall file written arguments to the Clerk of the Court, and to all opposing parties at least two (2) days prior to the hearing. A reasonable extension of time may be granted to any party by the Chief Justice upon a showing by that party of good cause.

4.3. Upon denial of a Writ of Certiorari
   4.3.1. The Court's denial shall be deemed a final decision by the Court
   4.3.2. The Court's decision may be appealed as prescribed by the ASUU Constitution and this Section.

5. Hearings
   5.1. Hearings shall be open to the public.
   5.1.1. The Chief Justice may order a hearing closed to the public, upon a showing that:
       5.1.1.1. Substantial justice cannot be served with a public hearing, or
       5.1.1.2. The person or character of one (1) or more of the parties is substantially likely to suffer significant and tangible harm.
5.1.2. Any party to the controversy may request in writing that the Court order a hearing closed to the public. Any party opposing holding a closed meeting may submit a written statement in opposition.

5.2. A written or electronic record of all hearings shall be made and preserved for at least one (1) calendar year following the hearing.

5.3. Hearings shall be conducted in such manner as to do substantial justice. Rights of the parties involved shall include, but not be limited to, the following:
   5.3.1. Any party to a matter may make motion that a Justice recuse their Justice Seat.
   5.3.2. Those rights required by federal and state law, including but not limited to the:
      5.3.2.1. Right to Privacy.
      5.3.2.2. Right to Counsel.
      5.3.2.3. Protection from compelled Self-incrimination.
      5.3.2.4. Right to Due Process.
      5.3.2.5. Right to Equal Protection under the Law.
      5.3.2.6. Right to Confront the Accuser.
   5.3.3. The right to be represented by counsel or a representative of their choice from within or without the University community.
   5.3.3.1. The right to hear witnesses against them and the right to cross-examine such witnesses either personally or by their representation. Any party to the proceedings may request the privilege of presenting witnesses on their behalf, which witnesses shall be subject to cross-examination by the opposing parties.
   5.3.3.2. The right to testify in their own behalf or to refuse to testify without such refusal to testify being construed against them.
   5.3.4. The right to appeal as prescribed in the ASUU Constitution and this Section.

5.4. Deliberations and Decisions
   5.4.1. The Supreme Court's deliberations shall be conducted only in the presence of:
      5.4.1.1. The Justices who heard the case,
      5.4.1.2. The Court’s advisor, and
      5.4.1.3. If the Court so chooses, the Clerk.
   5.4.2. As soon as is practicable, all parties to the controversy shall be given a written statement of:
      5.4.2.1. The Court’s decision, made by a majority vote of the Justices who heard the case,
      5.4.2.2. Any sanctions the Court has imposed, and
      5.4.2.3. How and when the decision may be appealed.
   5.4.3. All written decisions shall be:
      5.4.3.1. Maintained in a permanent file to allow the Court to consider those decisions for precedential value, and
      5.4.3.2. Publicly available unless the Court orders the record sealed upon a showing that by making the records public:
         5.4.3.2.1. Substantial justice will not be served, or
         5.4.3.2.2. The person or character of one (1) or more of the parties is substantially likely to suffer significant and tangible harm.
   5.4.4. All records of the Court are subject to Federal and State laws regarding Privacy, Public Records, and Disclosure.

5.5. Appeal
   5.5.1. Appeals from Court decisions may only be made as prescribed by the ASUU Constitution.
   5.5.2. Appeals from Court decisions may only be made by a plaintiff or a defendant in the case.
   5.5.3. Once a party receives notice of the Court's decision, the party may appeal the Court's decision to the Committee on Student Affairs according to the provisions of the ASUU Constitution within the lesser of:
      5.5.3.1. Ten (10) University of Utah class days, or
      5.5.3.2. Fifteen (15) calendar days.
   5.5.4. Appeals from decisions of the Committee on Student Affairs may only be made to the University Board of Trustees as prescribed in the ASUU Constitution and University Policies and Procedures.

Section 4 — Attendance, Quorum, Resignation, & Removal and Vacancies

1. Attendance
   1.1. The criteria for the Associate Justice's compensation shall be:
      1.1.1. Attendance at meetings and hearings of the Court, and
1.1.2. Such other duties as defined by the Chief Justice.
1.2. A roll call will be recorded at the beginning of each hearing, meeting, and trial of the Supreme Court.
1.3. Justices will be required to attend all hearings, meetings and trials unless excused in advance by the Chief Justice. No Justice may receive compensation for a hearing, meeting or trial the Justice did not attend except if:
1.3.1. The Justice has been excused from participation in a hearing, meeting or trial due to conflict-of-interest;
1.3.2. The Justice is unable to attend a given meeting due to a simultaneous Supreme Court responsibility.
1.4. Compensation for Justices will be:
1.4.1. That percentage of the maximum allowable compensation which is equal to the percentage of meetings, hearings and trials and other Supreme Court responsibilities the Justice attended in a given Semester; and
1.4.2. Subject to the compensation provisions of ASUU Financial Policies and Procedures.

2. Quorum
2.1. For all actions except where otherwise specified, the Supreme Court may only take action when a quorum is present at the hearing or meeting. A quorum shall be defined as either:
2.1.1. At least three Justices and the Chief Justice;
2.1.2. At least five justices.

3. Resignation & Removal
3.1. Justices wishing to resign must submit a resignation letter to the ASUU President and to the Chief Justice containing the effective date of the resignation. The letter will be filed in the permanent records of the Supreme Court.
3.2. Any Justice who is no longer a member of the ASUU will automatically be removed from the Court.

4. Vacancies
4.1. Vacancies will be filled as prescribed in the ASUU Constitution.
4.2. The Court may temporarily fill vacancies with a visiting Justice from:
4.2.1. The Greek Council Judiciary,
4.2.2. The Residence Halls' judicial system,
4.2.3. Any other recognized judicial body serving students and student groups and organizations.

Section 5 — Rules Governing the Use of Electronic Media

1. Filing:
1.1. It is recommended that all filings be made available to the applicable Justices electronically

2. Electronic Meetings:
2.1. Any Supreme Court meeting may be held via electronic media, with the exception of meetings regarding any impeachment proceedings, which must be held in person.
2.2. The decision to hold a meeting via electronic media will be at the sole discretion of the Supreme Court Justices sharing the meeting.
2.3. The decision to hold a meeting via electronic media should be the exception rather than the rule.

3. Acceptable forms of electronic media include but are not limited to:
3.1. Conference calls;
3.2. Video conferences;
3.3. Electronic mail from university mail (in extreme circumstances only).

4. Criteria that must be adhered to when conducting Supreme Court business via any form of electronic media
4.1. All Supreme Court Justices needing to participate must have access to the medium that is to be used.
4.2. There must be a format acceptable to all participants allowing discussion and debate to take place among those participants.
4.3. There must be some way provided in which the general public can either take part in or have access to a record of the meeting.
4.4. The chair of the meeting will be responsible to ensure the verity of each participant's identity.
4.5. Quorum, as defined in the ASUU Constitution and in these Bylaws, must still be established.
4.6. Proxies may not participate in meetings held via electronic media.
5. Failure to meet all of these rules and criteria may result in the nullification of any and all Supreme Court business transacted during the meeting.
Joint Resolution #7: Budget Process

Sponsors: Representative Dean
Senator Roach

ASUU

Official Signatures

Passed in Senate on January 26, 2017
Passed in General Assembly on January 31, 2017

Jack Bender, ASUU President
2-6-17
Date

Parker Archer, Assembly Chair
2/2/17
Date

Rachel Petersen, Senate Chair
2/7/16
Date
BE IT ENACTED by the 2016-2017 ASUU Senate and ASUU Assembly that:

WHEREAS, the current ASUU Budget Process does not serve in the best interest of the University of Utah's hundreds of student groups;

WHEREAS, student groups can submit Budget Process funding applications twice per year;

WHEREAS, the Finance Board has to review all of these applications;

WHEREAS, the reviewing process takes approximately 20 hours for each round of Budget Process;

WHEREAS, the Finance Board struggles to achieve quorum from its own membership;

WHEREAS, the Finance Board has to recruit other students to help review applications;

WHEREAS, it is impossible for the Finance Board to adequately train all of the people who sit on the Budget Process review committee;

WHEREAS, the application review process requires each committee member to rate each application on various factors;

WHEREAS, the inconsistency in the membership of the Budget Process review committee throughout its 20 hours of review severely disadvantages student groups;

WHEREAS, student groups will now be directed to request funding from only the Assembly and the Travel Process;

WHEREAS, the ASUU Budget minimums have been adjusted to reflect the elimination of Budget Process and to appropriate more funding to the Assembly, Senate, and Travel funds;

WHEREAS, these changes will allow representatives from the Senate and the Assembly to, in coordination with the Finance Board, set firm finance guidelines at the start of each new administration to help ensure financial consistency in funding student groups;

THEREFORE, be it enacted by the 2016-2017 ASUU Senate and ASUU Assembly that the Article IV of the Bylaws of ASUU be updated and the specified changes be made to allow the student group funding process to more effectively serve the student groups of the University of Utah.
ARTICLE IV — FINANCIAL POLICIES AND PROCEDURES

Section 1 — Administration

1. The Finance Board of the Associated Students of the University of Utah (herein referred to as "ASUU") has the power and responsibility of administering ASUU funds and acting as the financial administrator for ASUU. It is responsible for all ASUU accounts and supervises these accounts for each fiscal year beginning July 1 and ending June 30. Any organization receiving funds from ASUU must abide by the Financial Policy and Procedures.

2. The Finance Board shall be given the authority to establish additional funding guidelines as deemed necessary by the Finance Board. These guidelines will only apply to all student organizations.

Section 2 — Student Activity Fees

1. There will be ASUU fees collected from the student body to support the government and activities of ASUU as set forth in these codifications. The amount of these fees will be established annually by ASUU with the approval of the State Board of Regents. Prior to requesting State Board of Regents approval, ASUU at its discretion, may call for a general referendum of the student body on changes in the student activity fees. ASUU will recommend to the State Board of Regents, for its approval, which students will pay ASUU student activity fees.

2. The following policies and guidelines are established to provide direction to the University Accounting office and the ASUU Finance Board for the collection and distribution of activity fees. The guidelines supersede any previous statements of policy.

   2.1. An ASUU activity fee is assessed of all students who are taking one (1) or more credit hours, which is included in their tuition fee each semester. This activity fee guarantees membership in ASUU and benefits commensurate to that privilege.

   2.2. If a student is taking only non-credit courses, fees will not be assessed. A non-credit class will be defined in a manner consistent with the definition used by the Senior Vice-President for Academic Affairs.

   2.3. Whereas ASUU receives fees as students pay rather than in a lump sum, ASUU may distribute funds as they are received.

2.4. ASUU will fund the following accounts from the student activity fee on an annual basis:

   2.4.1. The ASUU Special Projects Fund will be maintained annually at a minimum level of thirty thousand dollars ($30,000). If necessary, this Fund will be replenished to the minimum amount of thirty thousand dollars ($30,000) through the ASUU Annual Budget.

   2.4.2. No less than twenty percent (%20) of student fees will be distributed to the Student Senate Contingency account to be used for the sole purpose of SAC funding.

   2.4.3. No less than nine percent (%9) of student fees will be distributed to the Assembly Contingency account to be used for the sole purpose of student organization funding.

   2.4.4. No less than nine percent (%9) of student fees should be distributed to the ASUU Travel account to be used for the sole purpose of funding student travel as outlined in Section 8 of this Article.

   2.4.5. No less than two and one half percent (2 1/2%) of student fees will be distributed to the Central Campus Child Care Facility Account.

   2.4.6. No less than three and one-half percent (3 1/2%) of student fees will be allocated to fund the ASUU Tutoring Center and the ASUU Supplemental Instruction program. The division of the funds between these two organizations shall be determined by the ASUU President, in consultation with the designee of the Vice-President of Student Affairs assigned to the ASUU Tutoring Center and the ASUU Supplemental Instruction program.

   2.4.7. No less than twenty-five percent (25%) of student fees will be allocated to fund the ASUU Campus Events Board.

   2.4.8. No less than one percent (1%) of student fees will be allocated to the Executive Cabinet and distributed to individual Executive Cabinet accounts through the ASUU Annual Budget.

   2.4.9. Five thousand dollars ($5,000) of student fees will be allocated annually to the ASUU Student Scholarship Endowment to protect the scholarship from long-term effects of inflation. All deposits and donations shall be considered "principal," and therefore privileged to special protection as defined in "Fund Transfers."

   2.4.10. Remaining funds not accounted for in the ASUU Financial Policies and Procedures
to the ASUU President, who may sign, veto or allow the budget to pass unsigned within ten (10) days.

7. The entire ASUU Annual Budget must be completed in time for submission at the June Board of Trustee meeting. The ASUU President will present the final budget to the Board of Trustees for approval. If the Board of Trustees disapproves, the budget will be returned to the University Joint Appportionment Board which will submit detailed objections to the Legislative Reconciliation Committee for further consideration. If the budget is not approved before the start of a new fiscal year, the office operations of ASUU and the Campus Events Board, along with any budget items deemed essential services by the ASUU President, will continue to be funded until the budget is approved.

6. When the ASUU Annual Budget has been approved by the Board of Trustees, the ASUU Finance Board will be responsible to see that each entity is notified how much money it has been allotted.

Section 6 — General Financial Policies and Procedures

1. All ASUU funds are held by the University and may be invested by the University in accordance with existing policies and state law.

2. The officers of each entity that receives funds from ASUU agree to abide by the ASUU Financial Policies and Procedures. Failure to follow the policies and procedures will make the officers personally responsible for any ASUU funds committed.

3. Funds from the next fiscal year's budget will not be distributed before the first day of July unless such expenditures are approved by the Director of Finance and the appropriate authorized University principal investigator.

4. All Expenditure Requests must be submitted by the last Friday of May. Any funds not requested by 5:00 P.M. on the last Friday of May will revert to the ASUU General Reserve Fund, unless otherwise approved by the Director of Finance. Items or services obtained prior to this deadline may only be funded in the fiscal year in which they were purchased, received, or contracted. Such expenses will not be honored in the following fiscal year, unless otherwise approved by the Director of Finance. In a case where ASUU's refusal to honor an unauthorized purchase or contract will seriously damage the credibility of ASUU as a whole, the Finance Board may authorize the use of ASUU funds to fulfill the obligation.

5. The Director of Finance, with the consent of the ASUU Attorney General, may deny access to ASUU funds to any entity suspected of fraudulent, deceptive, or otherwise inappropriate actions, such as violating any of the rules listed in Article IV. The Finance Board may recommend that an investigation be initiated by the Dean of Students office to determine whether the student code has been violated. The Dean of Students office may impose appropriate and reasonable sanctions upon the student or entity, or refer the matter to the appropriate disciplinary body.

6. All negotiated contracts must be authorized, approved and signed by the appropriate University principal investigator in accordance with University policies before such contract will be binding to the University.

6.1. Any entity receiving ASUU funding may not use these funds to pay for the services of the organization’s members or related parties.

7. The ASUU Financial Advisor will be responsible for keeping an inventory of significant items of value, as defined by University Policy, purchased with ASUU funds. From this list, the ASUU Staff will prepare an annual total inventory.

8. Student activity fees may not be used as a cash award, gift or prize. Non-cash awards and prizes must be reviewed in advance by the Finance Board to determine if they are an appropriate use of ASUU funds.

9. Tuition will not be funded by student activity fees.

10. ASUU will not fund expenses for students who receive University credit for the requested event or function.

11. University of Utah faculty salaries may not be paid using student activity fees.

12. Any entity receiving funds from ASUU is required to provide financial statements or other relevant information at the discretion of the Finance Board. Organizations that do not comply with such requests within thirty (30) days will be ineligible for ASUU funding throughout the following fiscal year, and the Finance Board shall retain the right to confiscate the entity’s previously allocated funding.

12.1. If any entity receiving funding from either the Assembly or the Senate fails to use their appropriated funds within thirty (30) days, the funds will be returned to the Assembly's or Senate’s respective funds.
13. It is generally the policy of ASUU that no University Departments, building repairs, building operations or building maintenance will be funded with ASUU funds. This general policy may only be overcome by a showing of substantial justification.

14. University of Utah student travel funding requests, with the exception of ASUU official travel, will be reviewed in accordance with Bylaws Article IV, Section 8.

Section 7 — Student Organization Funding Guidelines

1. No university organization may receive more than $5,000 per year of ASUU funds from any source.

2. At the start of their term following the annual election cycle, the Finance Board and the Legislative Treasurers shall determine financial guidelines that provide maximum funding amounts for different categories of purchases. Student groups are to receive no more than the maximum amount provided in each category in each fiscal year unless the relevant legislative body votes to overrule these financial guidelines by a supermajority vote of three-fourths (3/4) of its members plus one (3/4 +1).

3. It is generally the policy of ASUU that no food or refreshment expense will be authorized for committee meetings. Refreshment expenses for appropriate workshops, receptions, open houses, and legislative lobbying efforts or banquets may be funded with prior approval of the Finance Board. The use of ASUU funds for the purchase of alcoholic beverages is prohibited as per University Policy and Utah state law.

4. ASUU may fund or partially fund the purchase of tools, equipment, musical instruments, furniture or other non-perishable items. Any legislation authorizing such purchases must specify whether such non-perishable items shall be the property of ASUU or the student organization receiving funds for such purchases. Organizations that use property of ASUU shall be responsible for the maintenance of such property. ASUU may, at the discretion of the President, reclaim any property of ASUU.

5. ASUU will not fund academic, editorial, literary or artistic publications including journals, magazines, newspapers, periodicals, quarters or reviews. Requests for funding of publications should be referred to the Publications Council.

6. ASUU will not fund requests from intramural sport teams, NCAA teams or NCAA competitors. ASUU may fund student sport teams and sport clubs. Any sport team or club involved in intercollegiate competitions or that travels to competitive events must also be registered with Campus Recreation to be eligible for ASUU funding. Student sport teams and clubs will be required to sign appropriate waivers and to conform to the guidelines of the Finance Board.

7. ASUU will not purchase letterhead or business cards for student organizations listing the names of individuals.

8. Any organization or individual requesting ASUU funds for the use of a motor vehicle must be covered by liability and collision insurance to protect ASUU from liability in accordance with University Travel Office requirements.

8.1. Organizations should use vehicles from the University Motor Pool or Utah State Motor Pool for local travel. Students should use only those outside rental agencies recommended by the University Travel Office.

8.2. For private automobile travel a limit of an amount not to exceed the current IRS approved mileage rate may be allowed.

8.3. Vans for twelve (12) or fifteen (15) passengers may not be used for travel that is funded in whole or in part by ASUU. Travel by bus will be funded only if operated by a paid professional driver.

8.4. Organizations taking rental vehicles out of state, must first receive permission from the Dean of Student's Office.

9. ASUU will not fund food or entertainment expenses incurred while at or traveling to or from conferences, conventions, educational or social activities or the like. ASUU will not fund any per diem amounts.

10. Airfare must be arranged in accordance with the University of Utah travel policy.

11. ASUU will not fund weapons, ammunition, or firearms.

12. Each entity receiving ASUU funds will only spend funds according to the specific line items enumerated in its budgeted account. However, the Finance Board may approve reallocation of funds within the particular entity's approved budget.

Section 8 — Travel Funding Guidelines

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Section 5 – Student Group Budget Process

The Finance Board will initiate the semi-annual student group budget process by sending letters to all existing student organizations qualifying for ASUU funding no later than the first Friday in March and the first Friday in September. This correspondence will contain a budget form listing instructions for submitting a request for funds from ASUU and a return date for these requests. The budget form will request that organizations submit their applications with a prioritized list of expenditure needs. No budget apportionment will be made to any student organization without submission of a line-item budget request.

The Finance Board shall hold a minimum of one budget workshop, during which general and specific questions regarding budget applications will be addressed. The budget process must be reasonably advertised a minimum of seven (7) days prior to the budget workshop.

Any student group that wishes to receive a budget through ASUU must have its completed budget request returned to the Finance Board prior to the advertised deadline.
Official Signatures

Passed in Senate on January 26, 2017
Passed in General Assembly on January 31, 2017

Jack Bender, ASUU President

Parker Archer, Assembly Chair

Rachel Petersen, Senate Chair

3/6/17
Date

2/2/2016
Date

2/3/2017
Date
BE IT ENACTED by the 2016-2017 ASUU Assembly and Senate that:

WHEREAS, during the 2015-2016 fiscal year, the Travel Review Committee reviewed over 600 travel applications;

WHEREAS, during the 2016-2017 fiscal year, the Travel Review Committee has reviewed 222 travel applications;

WHEREAS, the Travel Review Committee ended the year with $212,000. $197,000 was reimbursed to students (93%);

WHEREAS, the Travel Review Committee knows that if this money were to be allocated to the Travel Contingency Fund, it is projected that these funds will be allocated before the end of the year due to the volume of student applications seeking reimbursement;

WHEREAS, travel funding is a highly-requested facet of ASUU support; many graduate and undergraduate students rely on ASUU funding to enable them to travel;

WHEREAS, the Travel Review Committee includes representatives from both the Senate and Assembly, two ASUU advisors, and two executive cabinet members (Vice President of Student Relations and Director of Finance) that ensure that student fees are being allocated appropriately;

THEREFORE, be it enacted by the 2016-2017 ASUU Senate and Assembly that $25,000.00 be transferred from the General Reserve to the Travel Contingency Fund as line-itemed below:

1. Travel Contingency Fund $25,000.00
   a. For the purpose of allocation to student groups and SAC travel
2. Total $25,000.00