

RULES

OF THE

A.S.C.W.U.

COUNCIL OF PROBITY

ADOPTED Updated After Vote

EFFECTIVE Updated After Vote

Table of Contents

Part I. The Council	3
Rule 1. Objectives and Authority	3
Rule 2. General Operating Rules	3
Rule 3. Probity Council Term	3
Rule 4. Hearings and Quorum	4
Part II. Counselors and Disputes before the Council	4
Rule 5. Counselors in a Party	4
Part III. Amicus Curiae Briefs.....	4
Rule 6. Briefs for Amicus Curiae.....	4
Part IV. Dispute Letter Requirements	5
Rule 7. Constitutional Requirements.....	5
Rule 8. New Dispute Letter Format.....	5
Part V. Procedure of Dispute Hearings	5
Rule 9. Operation of the Hearing	5
Rule 10. Council Chamber Deliberation	6
Part VI. Council Opinions	6
Rule 11. Opinion Authorship	6
Rule 12. Filing of an Opinion.....	6
Part VII. Amendments to these Rules.....	7
Rule 13. Amendment Procedure	7
Part VIII. Approval of these Rules	7
Rule 14. Approval of these Rules.....	7
Part IX. Signatures	8
“Appendix A”	9

Part I. The Council

Rule 1. Objectives and Authority

1. The objective of the Council of Probity is to provide justice as it pertains to the Constitutionality of the actions of the Board of Directors of the Associated Students of Central Washington University as well as fair and balanced hearings of cases brought before the Probity Council in the event of disagreements between recognized clubs and organizations.

2. All authority exercised by the Council of Probity is outlined in the By-Laws of the Constitution noted below:

- **5:1.0 Council of Probity**

5:1.2 Jurisdiction

5:1.2 A The Council of Probity shall have jurisdiction over all disputes arising under the ASCWU Constitution and By-Laws. In addition it shall have appellate jurisdiction over the Election Commission.

5:1.2 B The Council of Probity shall issue advisory opinions to the Student Government as requested.

5:1.2 C The Council of Probity shall have original jurisdiction over disputes arising in the ASCWU recognized organizations or clubs.

5:1.2 D The Council of Probity shall have jurisdiction only over those areas outlined in ARTICLE V, Sections 1.2 A, 1.2 B, and 1.2 C of the ASCWU By-Laws. Jurisdiction shall be determined by the Council of Probity with a majority vote upon receipt of a complaint or appeal. Council of Probity will determine if it has jurisdiction and issue an opinion within the academic quarter

5:1.2 E If the Council of Probity determines that it does not have jurisdiction over a dispute brought before it, the Council shall issue an opinion disclosing the reasons for its decisions

Rule 2. General Operating Rules

1. The first order of business of any newly appointed and duly confirmed Council will be to elect a Chair amongst the membership. Voting for the Chair may be done either by voice vote, show of hands, or secret ballot. The choice of voting method is at the prerogative of the Council. The candidate with the

majority of votes is elected Chair. A Vice Chair may be elected at the pleasure of the Council using the same rules used to select the Chair.

2. A Vice Chair will be elected at the same time as the chair and will have full authority in the absence of the chair

3. Probity Council will meet once per quarter unless required more often as needed for specific investigations or hearings.

4. Except otherwise noted in these Rules, a majority vote of the Councillors will be required to pass any motions or to hand down any ruling.

5. Proxies are not allowable under these Rules.

6. The Chair is responsible for the running of the Council meetings as well as the running of the disputes brought before the Council involving the Board of Directors, any club, or any organization.

Rule 3. Probity Council Term

1. As required in the Constitution, members of the Council of Probity are to be appointed by the end of Fall Quarter every year (V, §1, cl. 1D). The said members' terms shall begin immediately after confirmation by the Board of Directors as a whole.

2. With the exception of regularly scheduled breaks, the Council will meet every two weeks as required.

3. The Council of Probity term shall officially end on the last Tuesday of the Spring Quarter of which the members were appointed to serve.

Rule 4. Hearings and Quorum

1. In the event that the Council determines it has jurisdiction to hear a dispute, a letter naming the date, time, and place of the hearing will be

issued to all affected parties (V, §2, cl. 1C).

2. Three Councillors will constitute a quorum for all business before the Council of Probity. In the absence of a quorum on any day set aside to hear a dispute, the Chair will announce that the Council will not meet until there is a quorum. A second letter will be issued to all affected parties describing the new information regarding the dispute hearing (See Rule 4.1).

PART II. COUNSELORS AND DISPUTES BEFORE THE COUNCIL

Rule 5. Counselors in a Party

1. For each party bringing a dispute before the Council, the party may decide to choose one or two counselors to argue their side case. If two counselors are chosen, the second may not make the same argument as the first and vice versa. S/He may, however, strengthen the argument of the first counselor by providing something new.

2. Each counselor arguing their party's case and members of the Council of Probity must be appropriately dressed, which includes but not limited to what is known as business casual attire..

3. The general public is not subject to any dress code beyond what is appropriate for everyday attire.

PART III. *AMICUS CURIAE* BRIEFS

Rule 6. Briefs for *Amicus Curiae*

1. An *amicus curiae* is a term that refers to someone, not a party to a case, who volunteers to offer information on a point of rule or some other aspect of the dispute to assist the Probity Council in deciding a matter before it. The information may be a “legal” opinion in the form of a brief, a testimony that has not been solicited by any of the parties, or a learned treatise on a matter that bears on the dispute. The decision whether to admit the information lies with the discretion of the Council of Probity.

2. An *amicus curiae* brief that brings to the attention of the Council relevant matter not already brought to its attention by the parties of a dispute may be of considerable help to the Council. An *amicus curiae* brief that does not serve this purpose burdens the Council, and its filing is not favored.

3. The Probity Council requests that all *amicus curiae* briefs be given to the Council Chair at least 24 hours before the beginning of the hearing for the specific dispute.

PART IV. DISPUTE LETTER REQUIREMENTS

Rule 7. Constitutional Requirements

1. Constitutionally, the letter that must be written to the Council of Probity must include the following: reasons cited for the dispute and recommendations that would reasonably and satisfactorily resolve the dispute (V, §2, cl. 1A).
2. The Council of Probity wishes that more information be given in order to help the process of determining jurisdiction as well as gain as many facts about the dispute as possible.

Rule 8. New Dispute Letter Format

1. "Appendix A" will be the required format for the Dispute Hearing Letters.

PART V. PROCEDURE OF DISPUTE HEARINGS

Rule 9. Operation of the Hearing

1. In reference to Rule 2.5, the Chair of the Council of Probity will be charged with maintaining order during the dispute hearing and ensuring that all parties are heard in a fair and timely manner.
2. Before the beginning arguments, the Chair will briefly summarize the dispute before the Council.
3. After the summary, the Council will hear the arguments from the petitioner. If there are more than one counsel for the party bringing the dispute, the second counsel will be allowed to go after the first counsel. Time for arguments will be limited to 10 minutes per counselor. A full 20 minutes will be allotted if there is only one appointed counsel.
4. Following the petitioner's argument(s), the Council will hear the other side. In light of Rule 9.3, if there is a second counsel for the respondent party, s/he will be allowed to go after the conclusion of the first counselor. Time for arguments will be limited to 10 minutes per counselor. A full 20 minutes will be allotted if there is only one appointed counsel.
5. Throughout the arguments of either party and both counselors, the members of the Council retain the right to "spot question." "Spot questioning" simply is the ability to ask questions of the parties and their counselors during the oral arguments. Interruptions for questions during the argument are frequent. The ability to "spot question" shall be continued into the rebuttal period. Spot questioning does not impact the allotted time provided to either party for arguments and rebuttals.
6. After the respondents have made their oral argument, the petitioners will be allowed to make a rebuttal. Time for rebuttals will be limited to 10 minutes. After the petitioner's rebuttal, the respondent may make rebuttals.

Time for rebuttals will be limited to 10 minutes for each party as a whole, not per counselor.

Rule 10. Council Chamber Deliberation

1. After the oral arguments and the rebuttals have finished, the Council of Probity will recess to private chambers for deliberation.
2. This recess shall go no longer than 60 minutes.
3. If a conclusion cannot be reached within the bounds set in Rule 10.2, the Chair of the Probity Council will have the right to adjourn the hearing until a said date and time, which will be announced prior to the adjournment.
4. When a decision is reached within the bounds set by Rule 10.2, the Council will return to the hearing room and recess will be over. The Chair will then announce the Council's ruling and vote (3-2, 4-1, 5-0).
5. Should the Council not have reached a ruling within the allotted time in Rule 10.2, the Chair will announce the Council's ruling and vote (3-2, 4-1, 5-0) when the Council is in session at the prescribed time in Rule 10.3.

PART VI. COUNCIL OPINIONS

Rule 11. Opinion Authorship

1. Should the Chair of the Council be among the members of the majority opinion, the Chair may choose to write the Majority Opinion himself, or may choose another Councillor to author the opinion.
2. Should the Chair of the Council be among the minority opinion, those among the majority will choose among themselves who is to author the Majority Opinion.
3. Should at least one Councillor of the minority opinion request, a Minority Opinion will also be authored.

Rule 12. Filing of an Opinion

1. Upon the completion of the dispute hearing, the Council of Probity shall have five (5) business days to file the opinion(s) with the President of the Board of Directors.

PART VII. AMENDMENTS TO THESE RULES

Rule 13. Amendment Procedure

1. Any member of the Council may request an amendment to the Rules.
2. A draft of the amendment must be written and given to the other Councillors to review and must obtain a majority vote in the Council, as well

as the Board of Directors, to become a legitimate amendment to these Rules.

PART VIII. APPROVAL OF THESE RULES

Rule 14. Approval of these Rules

1. Upon a majority vote of the Councillors of the Council of Probity, as well as a majority vote of the A.S.C.W.U. Board of Directors, these Rules will take immediate and binding effect on the Council of Probity.
2. Upon these Rules' approval by the Board of Directors, all former Rules of Procedure passed and implemented by the Council of Probity will become null and void, ensuring that these Rules are the supreme directives and governing principles for the current Council of Probity, as well as future Councils of Probity.

PART IX. SIGNATURES

[ORIGINAL SIGNED]

Mr. Keith James
President of the Board of Directors, 2009-2010

[ORIGINAL SIGNED]

Mr. Scott King
Chair, 2009-2010 Council of Probity

[ORIGINAL SIGNED]

Ms. Dayana Diaz
Councillor, 2009-2010 Council of Probity

[ORIGINAL SIGNED]

Mr. Rob Lent
Councillor, 2009-2010 Council of Probity

[ORIGINAL SIGNED]

Ms. Catrena Hampton
Councillor, 2009-2010 Council of Probity

[ORIGINAL SIGNED]

Mr. Houston Hamilton
Councillor, 2009-2010 Council of Probity

[2018 UPDATE SIGNED]

Mr. Giovanni Severino
President of the ASCWU Board of Directors, 2017-2018

[2018 UPDATE SIGNED]

Ms. Amber Frodsham
Chair, 2017-2018 Council of Probity

[2018 UPDATE SIGNED]

Mr. Alejandro Reyez-Gonzalez
Councilor, 2017-2018 Council of Probity

[2018 UPDATE SIGNED]

Mr. Andy Riley
Councilor, 2017-2018 Council of Probity

[2018 UPDATE SIGNED]

Ms. Sheila Avila
Councilor, 2017-2018 Council of Probity

“APPENDIX A”

REQUEST FOR DISPUTE HEARING

Petitioner Last Name or Organization Name v. Respondent Last Name or Organization Name
[Date of Filing]

John W. Doe,

Petitioner and Appellant {only add “and appellant” if this is an appeal from Elections Commission

v.

Jane R. Doe,

Respondent and Appellee {only add “and appellee” if this is an appeal from Elections Commission

ORAL ARGUMENT REQUESTED

APPEARANCES:

Name of First Counsel

{

{ For the Petitioner

Name of Second Counsel (if desired)

{

Name of First Counsel

{

{ For the Respondent (please contact Respondent for names)

Name of Second Counsel (if desired)

{

REQUEST OF PETITIONER

Please type your letter here including your reasons for dispute, how it came about, etc.

Table of Authorities

Here, please list any parts of the Constitution and/or By-Laws which gives the Probity Council the authority to hear this case. You may also wish to include any previous Probity cases which are relevant to your dispute.

CONCLUSION

*Here, please tell the Council of Probity
what your desired outcome of the dispute should be.*

Respectfully submitted this ___ day of ___, 20__.

(signature)

Name
Title
Phone

(signature)

Name
Title
Phone

* * *

TO THE PETITIONER:

1. Please enclose five (5) copies of this Request for Dispute Hearing. This way, each Councillor on the Council of Probity can have their own.
2. This form is also available in editable format. If you would like to have a copy you can edit on your computer, please let the Chair of the Council of Probity know, accompanied by your email address.

Thank you!