

THE JUDICIARY BYLAW OF DUKE STUDENT GOVERNMENT

BE IT ENACTED by the Senate of Duke Student Government, two-thirds of the Senators present concurring therein, that the Judiciary Bylaw be enacted in the following form, effective immediately, to repeal and replace any previous form of the same Bylaw, and to supersede any law in conflict therewith.

Section 1. General

1. The Judiciary is composed of the Chief Justice and six (6) Associate Justices.
2. Justices cannot simultaneously serve in any other branch of DSG.

Section 2. Selection of New Justices

1. If any seat(s) will be vacated by the graduation, removal, or non-reappointment of any Justices, the Senate Judiciary Committee shall prepare an application for the vacant seat(s). Any undergraduate shall be eligible to apply.
2. The President shall publish the application prepared by the Senate Judiciary Committee through campus-wide media to the entire undergraduate student body at least seven (7) days prior to the application deadline.
3. The Senate Judiciary Committee shall review all applications, conduct interviews, and submit to the President and Senate a list of qualified applicants. Incumbent justices may partake in the interview and deliberation process as non-voting committee members. It is the responsibility of the chair of the Senate Judiciary Committee to notify them of the corresponding dates and times.
4. The President shall have the power to add nominations to the list of qualified applicants presented to Senate.
5. The Senate shall select as many Justices as there are open positions from the final list.
6. This process should be conducted in the spring of each year. If not completed in the spring, vacant seats shall be filled by the same process in the fall.
7. Each candidate is to be sworn in by the Chief Justice following their election by the Senate.

Section 2. The Chief Justice

Once the full bench of Justices is selected, the Senate shall (at the recommendation of the Senate Judiciary Committee) elect from among them a Chief Justice. All other Justices shall be Associate Justices. The Chief Justice shall:

1. Preside over the DSG Judiciary and shall serve a term of one year;;
2. Convene trials of the Judiciary;
3. Transmit written decisions to parties in cases;
4. Preside at the trial of any impeachment;
5. When practicable, inaugurate DSG officers and senators.

Section 4. Reappointment of Sitting Justices

1. In the spring of each year, all Justices wishing to be reappointed shall notify the chair of the Senate Judiciary Committee.
2. The Senate Judiciary Committee shall review all sitting Justices who wish to be reappointed, having regard to their conduct and fulfillment of duties.
3. After hearing the Committee's recommendations, the Senate shall, by majority vote, decide individually for each sitting Justice whether the sitting Justice shall be appointed to serve another one-year term.

Section 5. Selection of New Justices

8. If any seats will be vacated by the graduation, removal, or non-reappointment of any Justices, the Senate Judiciary Committee shall prepare an application for the vacant seat(s). Any undergraduate shall be eligible to apply.
9. to be published by the Executive Vice President. The Executive Vice President shall publish the application through campus wide media to the entire undergraduate student body at least seven (7) days prior to the application deadline. shall publish an application created by the Senate Judiciary Committee to the entire students at least one week prior to the application deadline. Any undergraduate shall be eligible to apply.
10. The Senate Judiciary Committee shall review all applications, conduct interviews, and submit to the President and Senate a list of qualified applicants. Justices reappointed under Section 4 as well as graduating senior justices may partake in the interview and deliberation process as non-voting committee members. It is the responsibility of the Chair of the Senate Judiciary Committee to notify them of the dates and times of the interview and deliberation process. For this purpose, the Justices reappointed under Section 4 and all graduating senior justices may shall sit as non-voting members of the Committee.
11. The President shall have the power to add nominations to their list of qualified applicants presented to Senate.
12. The Senate shall select as many Justices as there are open positions from the final list.
13. This process should be conducted in the spring of each year. If not completed in the spring, vacant seats shall be filled by the same process in the fall.

Section 6. Term of Office

Justices serve for the duration of an academic year. At the penultimate Senate meeting of the academic year, sitting justices shall first be reappointed according to the procedure in Section 4 and new justices shall be elected following the procedure in Section 2. The new Chief Justice shall subsequently be selected by the procedure in Section 3.

Section 7. Vacancies Through The Year

Any vacancy in the Judiciary shall be filled by the procedure of Section 2.. If the office of Chief Justice falls vacant, the seat on the Judiciary shall first be filled as in Section 2, and the Senate shall then elect a Chief Justice according to the procedure outlined in Section 3.

Section 8. Rules and Procedures

The Judiciary shall meet regularly, not less than once a semester, and shall have all powers as delegated in the Constitution. They shall further have the power to create, by a majority vote, rules and procedures for the conduct of its hearings and dealings with the DSG and the larger University community. Hearing procedure rules are to be made publicly available.

Section 10. Officers of the Judiciary

The Judiciary shall have the power to select from within its membership an Associate Chief Justice to preside over matters in the Chief Justice's absence, and such other officers as it may require, to appoint any clerks it deems necessary to discharge its duties, and to revoke any such selections and appointments.

Section 11. Advocates

The Judiciary shall provide for the training, testing, admission, and supervision of Advocates, who shall be available to represent parties to cases.

Section 12. Right to Notification

Students and organizations shall be notified of their rights to seek judicial redress, as follows:

1. Every chartered or recognized student organization's leadership shall send an email and make an oral announcement at a general body meeting, not less than once a semester and in such form as the Judiciary shall provide, to notify members of their rights with respect to the group.
2. The K-Ville Head Line Monitors shall notify all students who register for tenting that adverse actions of the line monitors may be challenged in the Judiciary based on inconsistency with DSG law. This notification shall be in such form as the Judiciary directs.
3. Whenever an officer or body of DSG takes adverse action against a student or organization, the student or organization shall be notified of the right to judicial review. Adverse actions include but are not limited to:
 - a. Docking votes from a candidate in an election
 - b. Disqualifying a candidate in an election
 - c. Repossessing funds from an organization through an SOFC audit
 - d. Dissolving an organization for inactivity or failure to file
 - e. Assessing a missed tent check, dismissing a group from tenting, or imposing any other penalty against a student or group in K-Ville
4. Groups merely denied funding or status (rather than retroactively deprived thereof) need not be explicitly notified about judicial review, since such grants are generally political questions. However, if a group can raise a procedural or constitutional complaint, this clause shall not abridge its right to seek judicial redress for the same.

