Judicial Council Meeting Minutes

Date of Meeting: March 2, 2017

Meeting called to order at 4:34pm.

Attendees: Chief Justice Justin Johnson, Justice Hannah Good, Justice Lauren Myers, ASMSU Clinical Attorney Layla Turman, ASMSU Attorney Charlie Cromwell

Clerk and Recorder: Emily Vest

Public Comment:

None

Ex-Officio Member Reports:

Charlie Cromwell: Unfortunately, this is the first time sitting in on a meeting this semester. In a discussion with Carson and Derek, we made the plan for the attorneys to come to at least one Judicial Council meeting a semester to talk about issues, and possibly even present something to the Judicial Council if there are any areas of the law that they are uncertain about. If you want us to do something, at minimum once a semester, we can work out something, even more than once if you want, depending on particular meeting times and schedules. You have my montana.edu email address, and I don’t know how many of you are aspiring lawyers, but we can give you information. We can come into a meeting or address something via email. My second comment was regarding an adjustment to bylaws with the consent of Senate. Student issues on campus, particularly student against student or student against administration, have been coming up recently. We typically can sort out student against student conflicts, but not always when it comes to student against administration, especially with the possibility of suing administration. Our hands are tied when it comes to assisting the student. Right now, it’s referral to Marianne to put them in touch with people for the administrative process, and is usually resolved. There was discussion with Derek, Audrey, Marianne, Carson, and I over the Judicial Council having a role possibly in this because they are an impartial neutral third party ruling on issues. Wouldn’t it be nice if they got trained in mediation or something along those lines? When a student has exhausted his or her remedies and wants a voice, Judicial Council can broker a resolution. If they can broker, they will, but if they can’t, they can issue a ruling, not binding, but more of a recommendation. It would be an active role for Judicial Council to be involved in disputes and a way for students to feel as if they have recourse. The University could take it or leave it. We are just trying to figure out how to help individuals.
**Lauren:** There is not necessarily an appeals board, when it comes to res life, or food services. For us, we are giving them some sort of representation, not legal, but more of a support role. It is a large endeavor to support one person, but we could write on behalf of one student—it goes with our bylaws and constitution to go with this. If there is a bigger issue, we could get them in contact with the senator for their college and allow them the opportunity.

**Charlie:** Appeals board for misconduct?

**Hannah:** Correct. Entire time I’ve been on the Council, we haven’t been called.

**Lauren:** We haven’t gotten to participate because of confidentiality. Academic misconduct—people don’t typically appeal that. Usually the appeal boards are someone getting kicked out of campus for sexual assault.

**Hannah:** Mediation training sounds really interesting though and that is definitely something I would be interested in doing if you guys are available. Talking about solutions for people to be happy with, that’s what the profession is really all about.

**Charlie:** The issue popped up again. It’s something we talked about from a fundamental standpoint a year and a half ago, but never happened—having the Judicial Council weigh in, not a place for misconduct, but for res life and family and graduate housing.

**Layla:** Basically the flipside of the appeals board so when the student does something wrong, they have this process. So if the student feels he or she has been wronged by something the university did, but don’t always feel as if remedy is something they are getting. Let us help you figure out a solution that would make you feel respected and whole again.

**Justin:** This would mean an alteration of bylaws for us to have authority to do so or even feel comfortable. We definitely would want to talk to Marianne to see the best way to propose that to Senate.

**Lauren:** While Senate is representing colleges, we don’t really represent anyone. We are supposed to be objective, but could also take on role of helping them go through processes. An appeals situation, knowing how to contact, how to write a respectful letter to that person, it’s stressful and frustrating. I’m personally graduating, but if I was staying, I would be willing to be in an advocate role, and depending on our own expertise, I would be willing to help. For example, I’m gluten intolerant, so if a student was not getting what they need from the dorms, they would probably come to you with complaints, and would then come to us, with a meeting with them.

**Charlie:** I think your guys’ role would be the knowledge. You are judiciary. You are more than a lawyer in that you hear all of it. You hear more than one thing. You know
policies. You solicit input from the party accused of not following policy. This is where objective mediation comes in. Student, yes, legitimate claim. Deans office, can we reach a resolution? Mediation. If that doesn’t work, issue a ruling. We think the student has a claim. Sometimes you will have rulings against the student; we don’t find your claim substantial. It would be an involved process. There would be procedures we would want to set up. I think Lauren is right, you have student perspective but can also tap into the administration, and a student doesn’t know what is available, but there is a wonderful resource in the Judicial Council.

*Johnson:* Deserves a bit of development.

*Layla:* You know the institution and can think of a more workable model.

*Charlie:* After public comment has stopped and you want to talk about that. Think about that. Marianne would be the first person to have a meeting with. I would like to be included so I can be involved and share what my perspective on this has been. I am generally on campus on Thursdays, I can make Tuesday work sometimes, but Thursday you can schedule appointment through Layla or the front desk. I think that would be a great active role for Judicial Council. Take away the drudgery of interpreting Senate resolutions. Audrey could do training so you guys could figure out what it is to be what they call a third-party neutral. Questions for us?

*Lauren:* One question. I can see how this would work with student against administration issues, but not for student against student conflict. Do you see that working?

*Charlie:* With student against student conflict, if the student wanted someone to advocate for them, they would have to have their own advocate—someone in a neutral position. If you chose a side, it would go against the whole ruling of being a judiciary. I think there is a way you guys could be peer mediators and maintain that neutrality. I think training would help with that. We could start with student on administration conflicts, but over time work on peer mediation. It’s a type of settlement conference where you have these mediators who will actually give an opinion on the issue. You try to mediate it, hopefully you can mediate it, but if not, you still issue an opinion. If you can’t mediate it, there might still be an option to issue a ruling.

**Votes:**

This will be used as the current numbering system for elections complaints for keeping our public records. Chief Justice Johnson will edit to remove all mentioning of names for confidentiality purposes for posting the records online.
According to Section 1-D of the Elections Code, an eligible ASMSU member is one taking seven credits. Section 3 of the Constitution regarding qualifications for members, states that an ASMSU member is one who is paying the student member fee and is enrolled at the MSU Bozeman campus—all positions will be filled by ASMSU members.

Ruling: 3-0
Yay-3
Nay-0

2017JC001 Final Ruling: 3-0.
Reasoning: See ruling 2017-JC-001

**ASMSU Senate Bill 2017R-08**

Examining bill for continuity with governing documents and any visible conflicts.

Ruling: 3-0
Yay-3
Nay-0

2017R-08 Final Ruling: 3-0. No conflicts.

**General Discussion and Announcements:**

**Meeting Minutes**

The plan with the meeting minutes is to have a public record of our meetings, submitted online, so that there is same transparency for the Judicial Council as there is for Senate, minus deliberation. This can be combined effort of loading the information onto the page, and everyone can be given administrative access. Both Justice Good and Justice Myers were willing to help with the posting of the meeting minutes, as long as the meeting minutes were emailed to them.
Operative Authority

Chief Justice Johnson has plans to institute an online page for election’s complaints. There will be a link placed on the judicial page and the elections page. All of the elections complaints will filter through Elections Director John Manley and Chief Justice Johnson will keep up with Manley on where he is in sorting through the complaints. The form for submission will not be a complicated one, a very basic gathering of information including name, complaint, and the issue cited in the elections policy, and I will send the form to the other justices in attendance.

Orientation of New Justices

Vice President Zoltek brought up good point regarding that the way in which justices are brought on to the Judicial Council sets the tone for how active they are for the duration of their stay. As far as an active role for Judicial Council members goes, should members have an active role on additional boards? The justice decision on this question was that members do not necessarily have to an active role on additional boards, and new members should be run through a course on the governing documents.

Meeting adjourned at 5:10pm.

Respectfully Submitted,

Emily Vest
Clerk and Recorder
Judicial Council- ASMSU