

**Associated Students Judicial Council
University of California Santa Barbara**

Formal Hearing Procedures in accordance with AS Legal Code Section 3, Subsection C

The format will be as follows:

Introductions and Courtesy Rules:

The Judicial Council Chair and presiding members of Judicial Council will address both parties by welcoming them to the hearing, introducing themselves, and laying ground rules for the hearing. The Council will stipulate:

- a) The courtesy and respect of all members within the procedure, regardless of outside affiliations or the sentiments and emotions possibly in tow with the hearing. Disrespectful attitudes and repeated violation of this courtesy policy will result in the Counsel removed said person from the hearing and possibly striking the testimony of the individual from the records.
- b) The Opening and Closing Statements will be limited to 10 (ten) minutes total, able to be allocated to each presentation at the discretion of the Petitioner or Respondent.
- c) Witnesses during the hearing must be limited to 4 (four) per party, subject to council question and cross-examination (see attachment survival guide for examining clarification)
- d) In the event of a recess, there will be a strict adherence to the time given by the Judicial Council Chair. Going over the time allotted for a break will result in the individual not being able to come back into the hearing and contribute to their party. Excessive time abuse will also be taken into consideration as disrespect to Judicial Council and non-adherence to the courtesy policy of the hearing room.
- e) Attempt to avoid bringing in food or beverages (with the exception of water) of any kind into the hearing, as they present a distraction for the party eating and the people having to adjust to those circumstances.

Presentation of Arguments, evidence, and cross-examination

Starting with the Petitioner, both parties will present their case, first with an Opening Statement and examination of their witnesses. The Respondent may hold their Opening Statement until they begin to present their side of the case and witnesses if need be, otherwise both Opening Statement will be presented, then direct and cross-examination of witnesses.

If a witness is unable to attend the hearing, a written statement, with signature and personal delivery of the document, may be submitted to the Council to be read in the hearing for the records of the court (see Hearing Survival Guide for further clarification).

Hearing parties may object to questions being asked of their witnesses or the format of the question itself. Please note that objections should be used at the discretion of the party and Judicial Council has the authority to sustain or dismiss the objection based on information being presented by the witness, phrasing of the question, or rationale the objection was made under. The list of acceptable objections will be as follows:

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- a) **Narrative:** This is when the witness is responding to questions in a longer manner necessary to fully address the scope of the question. This is relatively easy to spot and calling this objection prevents rambling of the witness and arbitrary information to be disclosed during the hearing and for the court records.
- b) **Non-responsive:** When the witness is continually circumventing a question asked by opposing council, the person questioning has a right to ask the court to instruct the witness to answer the question in a clear and concise manner.
- c) **Leading Question:** This can only be called during initial examination of a witness, where the question presented creates a clear and forced line of thinking for the witness' answer to subscribe to. An example of this is if I say "You were at Woodstock's on June 2nd weren't you?" to your witness as opposed to asking "Where were you on June 2nd?" In the event of a leading question objection, Judicial Council may ask the questioner to rephrase the question and move on.
- d) **Vague and Ambiguous:** When a question is asked of the witness that they cannot answer due to limited knowledge, or a question is presented that has nothing to do with the case and hearing at hand, this can be used to maintain the focus of the questioning. The vague and ambiguous objection can also be used to challenge the validity of a certain phrasing of word within a question. Clarification may be asked by Judicial Council of the questions motive and purpose.
- e) **Asked and Answered:** parties should ask their questions, whether within direct or cross-examination, only enough times to gain a scope of the question and answer appropriately. In the sake of time it is recommended to not repeat questions for emphasis when it has already been brought up previously in the hearing.
- f) **Argumentative:** Parties should badger or instigate inflamed emotions of the witness during direct examination and cross examination. Ask question in clear, concise manner that achieves your goal, but do not taunt or be impolite to the witness on the stand.
- g) For other hearing objections (Relevance, opinion/speculation, compound question), please refer to the Survival Hearing Guide.

Rebuttals and Refutation

This provides time to clarify issues presented during the hearing and refute the arguments of their opponents in an organized and formal manner (see cross-examination section of the Survival Hearing Guide for further input).

Summation

Allows for closing arguments and summary of arguments presented within the hearing. Neither party may present new evidence nor ideas to the court at this time, this is merely a review of the issues addressed and the last persuasive effort toward Judicial Council.

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Privacy Statement

Hearings are to be open to the public unless otherwise stated by either side. The hearing may become closed if information during the hearing is of a confidential nature to the student's academic or professional aspirations, with final approval from the chair determining whether it is an open or a closed hearing. Deliberation after the hearing however still remains a closed meeting until the Council has reached a statement to give to the public.

Acknowledgment of Hearing Procedures

I hereby acknowledge that I received a copy of the Formal Hearing Procedures and accept full responsibility for all the information contained here within. I understand that failure to adhere to these policies and procedures can result in my hearing being delayed and or cancelled and the Chair of Judicial Council or their designate will make that such determination.

Signature: _____ Date: _____

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