

ICC Austin

Judicial Committee Policy

As approved by the Executive Director, and incorporating all changes through:

August 7, 2017

Revision History

Date	Author(s)	Summary of Changes
January 2017	Lassiter	Policy creation
August 2017	Lassiter	Changed language from alternative member review to membership hearing; Clarified procedures for membership hearing

Review History

Date	Reviewed by

External Cross-references

Section(s)	Policy/Section Referenced
	Conflict Resolution & Member Review Policy
	Sexual Assault Policy

Introduction

The Judicial Committee Policy allows for member authority over instances of membership revocation appeals, sexual assault and, in rare cases, membership hearings.

Member Appeals:

Membership revocation is one of the most severe actions ICC Austin undertakes. Given the serious nature of the process, members who have had their membership revoked should have the ability to appeal decisions they believe were unfairly reached by the house through the member review process.

Sexual Assault:

Members who have been victim to sexual assault have a forum to take action that does not involve the entire house community and that maintains the highest level of confidentiality possible.

Membership Hearing:

On occasions when a house is unable or unwilling to conduct a member review, an alternate forum is available to ensure that problems are managed constructively rather than ignored.

Note: Membership revocation is different from right to occupancy. Staff has authority over members' tenancy status but cannot terminate ICC Austin membership. For example, staff may evict a member for non-payment or lease violation, but this action will not in and of itself revoke the ICC Austin membership. Only ICC Austin members acting as a group within operational policy rules have the authority to revoke a membership.

Definitions

- "Membership Revocation" is the termination of membership from ICC Austin which includes the right to occupy an ICC facility.
- "Right to Occupancy" is the legal right to occupy an ICC facility.
- "Operational Committee" means a non-board committee coordinated by staff.

Policy

1. The Judicial Committee, an operational committee consisting of trained ICC Austin conflict mediators, has three responsibilities:
 - a. Grants and hears membership review appeals;
 - b. Hears and determines outcomes for allegations of sexual assault;
 - c. Conducts membership hearings when houses are unable and/or unwilling to hold a member review.
2. Judicial Committee members must meet the following criteria:
 - a. Have attended the ICC Austin Conflict Resolution & Mediation training;
 - b. Be a current member in good-standing (i.e. not on probation or under member review);
 - c. For cases of sexual assault, at least 2 of 5 committee members must have attended the SAFE Allies training.

3. Judicial Committee hearings will be conducted by five Committee members without a conflict of interest. Committee members may not belong to the house of the member-under-review or, in cases of sexual assault, belong to the house(s) of the complainant and/or respondent.
4. Staff is responsible for coordinating and training the Judicial Committee.
5. The Judicial Committee will meet twice per year, fall and spring, for a readiness check and to review any relevant policy or procedure changes.
6. Decisions made by the Judicial Committee are final.
7. Judicial Committee members are paid for their time at the same rate as conflict mediators.

Procedure

In cases of a membership revocation appeal:

1. A request for a membership revocation appeal must be received in writing to ICC Austin Staff within three business days of the Member Review. The Member-under-Review may continue to reside in ICC Austin during the appeals process as long as they abide by the terms of membership elsewhere delineated and live cooperatively.

The written letter of appeal must include:

- a. Reasons for the appeal
 - b. Any new evidence
 - c. The action/outcome desired
2. Staff will notify the Judicial Committee that an appeal has been filed.
 3. Within 5 days of an appeals notice, the Judicial Committee will meet, in Executive Session, to determine if an appeal will be granted.
 4. An appeal will be granted based only on the following criteria:
 - a. A significant departure from procedure resulting in potential unfairness during the Member Review occurred;
 - b. New or neglected information is available;
 - c. A relevant policy or bylaw was clearly not considered;
 - d. The conditional terms determined by Member Probation are unfair or undue.
 5. If the appeal is approved, the Judicial Committee will determine when to hold the appeal hearing. The hearing must be scheduled within 1 week of granting an appeal.
 6. The appeal hearing agenda will be drafted by the Judicial Committee and will be provided to all involved parties at least 48 hours before the hearing.
 7. Consensus of Judicial Committee members is required to overturn a decision made by the House.
 8. Judicial Committee decisions are final.

In cases of sexual assault:

1. The Judicial Committee hearing for cases of sexual assault will follow the procedures outlined in the Sexual Assault Policy.
2. Judicial Committee decisions are final.

In cases of a membership hearing:

1. A request for a Judicial Committee membership hearing must be submitted to the Committee by ICC Austin Staff. The request should include an overview of the issue and the reasons why, in staff's opinion, the house cannot or is not dealing with the problem.
2. Within 5 days of receiving the request, the Judicial Committee will meet to determine if a hearing will be held.
3. If the request is granted, the Judicial Committee will determine when to hold the membership hearing. The hearing must be scheduled within 2 weeks of granting the request.
4. The membership hearing agenda will be drafted by the Judicial Committee and will be provided to the house and all involved parties at least 48 hours before the hearing.
5. Due to the often sensitive and confidential nature of events/issues requiring this type of forum, all Judicial Committee membership hearings will be conducted in Executive Session. The hearing will generally proceed as follows:
 - a. Enter Executive Session
 - b. Interview(s) with involved and/or interested parties
 - c. Remarks from house members which should include statement of ideal outcome
 - d. Discussion and deliberation of outcomes
 - e. Exit Executive Session
 - f. Announcement of decision
6. Consensus of Judicial Committee members is required for membership revocation. A majority vote is required for all other decisions.
7. Judicial Committee decisions are final.