

STUDENT GOVERNMENT ASSOCIATION
JUDICIAL BOARD BY-LAWS

Revised: 10th of April 2019

PREAMBLE

The Student Government Association (SGA) Judicial Board, hereafter referred to as the SGA Supreme Court; Supreme Court; or Court, recognizes its duties of constitutional interpretation and legislative interpretation as granted by the SGA CONSTITUTION. Every student shall be protected by the principles of due process, justice, and openness in all proceedings involving the Court.

Article I
Process of Investigation

Section 1: INTERNAL AFFAIRS AUDIT

- A. An investigation by Internal Affairs may be triggered by any violation of the Constitution or Senate Standing Rules.
- B. If Internal Affairs committee investigates the problem and finds a senator or executive officer responsible for any of the above violations then the offending senator must be notified, and a Judicial hearing must be scheduled¹. The hearing date must be decided upon and sent out to the offending party at least a week in advance. Such time for the hearing must take into account the schedules for the plaintiff, defendant, and witnesses.

Section 2: JUDICIAL INTERPRETATION

- A. The Advisor, as well as the Internal Affairs Chair are able to come to the Judicial Board for an interpretation of the Senate Standing Rules or Constitution. Hearings for the constitutional or legislative interpretation of the Supreme Court shall occur at a place and time established by the SGA Chief Justice, but such a hearing must be scheduled within five (5) class days of receipt of a petition. Such time for the hearing must take into account the schedules of the Advisor/Internal Affairs Chair and the Judicial Board.

¹ With exception to absences which follows Rule 2 Section 4 Subsection A of the Senate Standing Rules.

Article II

Hearing Procedures

Section 1: RULES GOVERNING BEHAVIOR

- A. The following provisions of the SGA SENATE STANDING RULES shall be applied to the behavior of the Court and all justices:
 - 1. Rule I, Section 3.A.2-7.
 - 2. Rule III, Sections 3-5.
 - 3. Rules VI, Section 2.A.1.

Section 2: IN-HEARING PROCEDURES

- A. The hearing procedures will be contained in an agenda provided at the beginning of the hearing by the Advisor.
- B. A time limit of five (5) minutes shall be placed upon each testimony and opening arguments. The courts may waive these time limits to provide each party more time to prove their case, but only in cases where it is necessary and only with a majority vote of the Justices.
- C. After the opening testimony and arguments, the Judicial Board will begin questioning.
- D. No commentary should come from any member of the gallery.
- E. The Chair of Internal Affairs Committee shall act as the official representative of SGA Senate to the Court.

Section 3: RIGHTS OF DEFENDANT / INTERNAL AFFAIRS

- A. Both the Defendant and the Internal Affairs committee have the right to call upon a witness if it is deemed necessary

Section 4: PRESENTATION OF EVIDENCE

- A. The evidence presented by Internal Affairs may contain but is not limited to
 - 1. Dates of violations
 - 2. Location of violations
 - 3. Senate documents
 - 4. Witness testimonials
 - 5. Records of violations
 - 6. Specific charges, and citations of Senate documents that are alleged to have been violated

- B. The evidence presented by the Defendant may contain but is not limited to
 - 1. Personal statements
 - 2. Witness testimonials
 - 3. Specific citations of Senate documents that may protect the individual
 - 4. Certain outside documents (ex: Doctor's notes)

Section 5: FAILURE TO APPEAR

- A. The Internal Affairs Committee and defendant must appear before the court on the designated date in accordance with Article 1, Section 1.B of this document. Failure to appear must be accompanied by a justifiable reason, which shall consist of those guidelines established in the Student Handbook, and SGA CONSTITUTION.
- B. Failure of the plaintiff, or their counsel, to appear without justifiable reason shall terminate the appeal.
- C. Failure of the defendant, or their counsel, to appear without justifiable reason shall result in the Supreme Court finding in favor of the plaintiff on the grounds that the defendant did not contest the accusations.

Section 6: JUSTICE RECUSALS, AND ABSENCES

- A. If an Associate Justice finds themselves in a conflict of interest during the hearing, they may recuse themselves.
- B. If an Associate Justice, or Chief Justice, is not present for a hearing, the hearing may be postponed.

Section 7: COURT VOTING

- A. All members of the court shall be afforded the right to vote on a case.
- B. At no time may a member of the Court abstain from a vote, except in those cases where they recuse themselves. Each member must decide whether or not the defendant is responsible or not responsible for the alleged violation.
- C. If found responsible, the Judicial Board will determine an appropriate sanction for the senator or executive officer
- D. If the Judicial Board finds Impeachment as the appropriate sanction, Internal Affairs must go through with the process laid out in Article 6 of the SGA Constitution

Section 8: RENDERING DECISIONS

- A. Three Justices must be present to render a decision.

- B. The Court justices should make their vote known by roll-call vote while in executive session deliberations. Following deliberations the Chief Justice should announce the Court's decision.
- C. In the event of an impeachment, only the senate may impeach a member of SGA. However, the Chief Justice may rule on the validity of the evidence presented against the accused. The Chair of the SGA Internal Affairs Committee shall make this evidence available and represent the Senate before the Court, or Chief Justice.
- D. The Court shall determine which member justice shall be responsible for writing the majority opinion. However, the person writing the majority opinion should have voted in the majority.
- E. Opinions should be completed within the seven (7) calendar days of the end of deliberations.
- F. A copy of the Court's opinion should be delivered to the Chair of the Internal Affairs Committee for reading to the Senate and archived in the official files of SGA.

Section 9: TIMETABLE FOR COURT DECISION

- A. The Court shall render decisions on constitutional and legislative interpretation within five (5) class days following the conclusion of the schedules hearing.

Section 10: CONVENING THE COURT

- A. The SGA Senate may convene the Court upon order, by two thirds (2/3) vote of the Senate, for the purpose of hearings and review of evidence for impeachments.

Section 11: REMOVAL FROM OFFICE

- A. The SGA Senate shall have the right to impeach the Chief Justice or any associate justice in the process laid out in Article 6 of the SGA constitution

Article III

Appeal Procedures

Section 1: SUBMISSION OF APPEAL

- A. If a Senator/Executive Officer feels as though a sanction regarding absences delivered by the Internal Affairs committee following Rule 2 Section 4 Subsection A of the Senate Standing Rule is unfair, they may appeal their sanction. An appeal must be delivered within seven (7) days of the sanctioning.
- B. An appeal can **NOT** be made if a hearing has already occurred and been decided upon by the Judicial Board.
- C. If an appeal is delivered to the Internal Affairs Committee or Judicial Board within the seven day period a trial must be scheduled and it shall follow the same guidelines and rules of a normal Judicial Hearing.

Article IV

Amendments

Section 1: AMENDMENTS

- A. The JUDICIAL BOARD BY-LAWS may be amended by the Senate at any time by a two-thirds (2/3) vote.
- B. Any amendments should follow proper procedures as laid out in the SENATE STANDING RULES.

Sections 2: SUSPENSION OF THE RULES

- A. The rules stated in this document, as well as those in other documents cannot be suspended by the Court.
- B. The Court retains the right to strike down any provision of the SGA STANDING RULES, ELECTIONS CODE, SGA CONSTITUTION or JUDICIAL BOARD BY-LAWS should they be found unconstitutional according to the SGA CONSTITUTION.