

TITLE IV

Judicial

Chapter 1

The Student Judiciary

Section 1 The authority of the Student Judiciary shall be vested in seven (7) Justices, appointed and confirmed in a manner prescribed by Article VI, Section 5, Sub-section D, of the Constitution of the SGA, and the By-laws of the SGA.

Chapter 2

Authority of the Student Judiciary

Section 1 In addition to the power vested in the Student Judiciary under Article VII, Section 4, of the Constitution of the SGA, the Student Judiciary shall be vested with the powers prescribed herein:

1. *Mandamus* - Here defined as the power to order any agent of the Executive or Legislative Branches of the SGA, or of any agency directly associated with the SGA, or of any candidate for SGA office, to perform a task which, in the Student Judiciary's judgment, is mandated by the Constitution of the SGA, the By-laws of the SGA or Acts of the SGA.
2. *Injunction* - Here defined as the power to order any agent of the Executive or Legislative Branches of the SGA, or of any agency directly associated with the SGA, or of any candidate for SGA office, to cease a practice which, in the Student Judiciary's judgment, is in violation of the Constitution of the SGA, the By-laws of the SGA or Acts of the SGA.

Section 2 "Contempt" shall be defined here as the failure of any agent of the Executive or Legislative Branches of the SGA, or of any agency directly associated with the SGA, or of any candidate for SGA office, to comply with the orders of the Student Judiciary. The Student Judiciary is further empowered to order the Attorney General to file formal charges against said agent with the Dean of Students.

Chapter 3

Student Judiciary Appointment

Section 1 If a vacancy shall occur in a Student Judiciary post, the President shall, within thirty (30) calendar days of said vacancy, submit (1) named representative for the Student Judiciary post vacated.

Section 2 If the President shall have failed to submit to the Senate one (1) named representative for the Student Judiciary post vacated within thirty (30) calendar days of the vacancy, the Senate shall be empowered to appoint and confirm one named representative to the vacated Student Judiciary post, upon a majority vote of its membership in attendance at a scheduled meeting, provided the President shall not have acted by the convention of said meeting.

Section 3 If the Senate shall not have acted to confirm a Student Judiciary post appointment of the President within thirty (30) calendar days of receipt of said appointment, the Senate shall surrender its confirmation right.

Section 4 If the Senate shall have voted to deny a Student Judiciary appointment, the President shall submit a second named representative to the Senate within ten (10) calendar days.

Chapter 4
Installation of Student Judiciary Members

Section 1 Student Judiciary Justices shall, prior to being installed, consult the Directing Attorney of Student Legal Services or her/his designee.

Section 2 Student Judiciary Justices shall, upon taking office, be administered the following affirmation by the Speaker before the Senate membership:

1. "I do affirm to faithfully execute the office of Student Judiciary Justice and support the Constitution and By-laws of the Student Government Association."

Chapter 5
Term of the Student Judiciary

Section 1 All meetings of the Student Judiciary, shall be conducted in a Term of the Student Judiciary, here defined as April 1 to March 31, and herein denoted the Term.

Chapter 6
Convention of the Term

Section 1 On or before April 15, the Senate shall convene the first meeting of the Student Judiciary Term and the Speaker shall preside at said meeting.

Section 2 If, on or before April 15, the Senate shall have failed to convene the first meeting of the Student Judiciary Term, the President shall convene the first meeting of the Student Judiciary Term, and shall preside at said meeting.

Section 3 If Title IV, Chapter 6, Section 2 of the By-laws of the SGA shall not have been invoked, the Senate shall convene the first meeting of the Student Judiciary Term and the Speaker shall preside in the manner prescribed herein:

1. The Speaker shall call the meeting to order.
2. The Speaker shall take a roll call to determine if quorum is present.
3. The Speaker shall yield the chair to the Chancellor of Elections, or, in the absence of the Chancellor of Elections, an Elections Commissioner.

Chapter 7
Election of the Chief Justice and Associate Chief Justice

Section 1 The Chancellor of Elections, upon assuming the chair at the first meeting of the Student Judiciary Term, shall conduct the election of the Chief Justice and Associate Chief Justice of the Student Judiciary in the manner prescribed herein:

1. The Chancellor of Elections shall announce that nominations for Chief Justice of the Student Judiciary are open.

2. The Chancellor of Elections shall record the nominations in the minutes in the order in which they shall have been made and seconded.
3. The Chancellor of Elections shall entertain and record nominations for Chief Justice until a motion shall have been made, seconded and approved by unanimous consent, to close said nominations.
4. Following the closing of nominations for Chief Justice, the Chancellor of Elections shall read, from the minutes, the nominations made and seconded for Chief Justice and shall ask each nominee if the nomination is accepted, If the nominee shall have responded in the negative, the Chancellor of Elections shall strike the nomination from the minutes.
5. The Chancellor of Elections shall then announce that nominations for Associate Chief Justice of the Student Judiciary are open.
6. The Chancellor of Elections shall record the nominations in the minutes in the order in which they shall have been made and seconded.
7. The Chancellor of Elections shall entertain and record nominations for Associate Chief Justice until a motion shall have been made, seconded and approved by unanimous consent to close said nominations.
8. Following the closing of nominations for Associate Chief Justice, the Chancellor of Elections shall read, from the minutes, the nominations made and seconded for Associate Chief Justice and shall ask each nominee if the nomination is accepted. If the nominee shall have responded in the negative, the Chancellor of Elections shall strike the nomination from the minutes.
9. The Chancellor of Elections shall then provide that each nominee, in the order in which their nomination shall have been recorded in the minutes, shall have the opportunity to address the Student Judiciary for no more than five (5) minutes, and entertain questions for no more than five (5) minutes.
10. When each nominee shall have been provided the opportunity to address the Student Judiciary and entertain questions, the Chancellor of Elections shall read again, from the minutes, all nominations for both offices, in the order in which the nominations shall have been recorded in the minutes.
11. The Chancellor of Elections shall then distribute to each Justice one (1) ballot, which shall be a plain, otherwise unmarked, 8.5" x 5.5", piece of white paper, folded in half and affixed with a number from 001 to 007.
12. The Chancellor of Elections shall then direct each Justice to cast, from the list of nominations recorded for each office in the minutes, one (1) vote for Chief Justice of the Student Judiciary above the fold of the ballot, and one (1) vote for Associate Chief Justice of the Student Judiciary, below the fold of the Ballot.
13. Following this direction, and the elapse of five (5) minutes, the Chancellor of elections shall retrieve the ballots in the manner in which they shall have been distributed, and, in the presence of the Student Judiciary, count the ballots.
14. Following the completion of the ballot count, the Chancellor of Elections shall report to the Student Judiciary the complete numerical tabulation of the results, and declare those persons having received the majority of the votes cast, to be elected Chair.

15. The Chancellor of Elections shall then yield the chair to the Chief Justice, and proceed to destroy the ballots at the expiration of twenty-four (24) hours.

Section 2 No nomination shall be recorded in the minutes which shall not have received a second.

Section 3 No Justice shall make more than one (1) nomination for each office.

Section 4 If, after the ballots have been counted by the Chancellor of Elections, no nominee for the office of either Chief Justice or Associate Chief Justice shall have received a majority of the votes cast, the nominee receiving the lowest total for that office shall be eliminated, and the ballots for that office shall be re-cast. The ballots shall continue to be re-cast in this manner until one (1) nominee for each office receives a majority.

Section 5 The Chief Justice elected in the Term immediately preceding the convening of a Term, shall be eligible to be nominated for either Chief Justice or Associate Chief Justice.

Section 6 The Associate Chief Justice elected in the Term immediately preceding the convening of a Term, shall be eligible to be nominated for either Chief Justice or Associate Chief Justice.

Section 7 A Justice may, within twenty-four (24) hours of the election, request a re-count.

Section 8 No other business shall be conducted by the Student Judiciary in its Term, prior to the election of the Chief Justice and Associate Chief Justice.

Chapter 8 The Chief Justice

Section 1 The Chief Justice shall be elected in the manner prescribed by Title IV, Chapter 7, of the By-laws of the SGA and shall serve for the Term of the Student Judiciary in which s/he shall have been elected.

Section 2 The Chief Justice, as the chief presiding officer of the Student Judiciary, shall:

1. Chair all meetings and Hearings of the Student Judiciary.
2. Act as the chief spokesperson of the Student Judiciary.
3. Author the Majority Rulings of the Student Judiciary.
4. Take care that Student Judiciary business is conducted in a manner consistent with the SGA Constitution, the By-laws of the SGA, and Acts of the Senate.
5. Swear-in the President, the elected Senate body, the Executive Cabinet, the Area Government Officers and the Elections Commission
6. Execute all other tasks assigned to her/him by the Constitution of the SGA, the By-laws of the SGA, or Acts of the SGA.

Chapter 9 The Associate Chief Justice

Section 1 The Associate Chief Justice shall be elected in the manner prescribed by Title IV, Chapter 8, of the By-laws of the SGA and shall serve for the Term of the Student Judiciary in which s/he was elected.

Section 2 The Chief Justice, as the chief clerk of the Student Judiciary, as defined by the Constitution of the SGA, shall:

1. Record the minutes of all Student Judiciary meetings and Hearings.
2. Be responsible for maintaining accurate attendance records, the correspondence of the Student Judiciary, and the permanent records of the Student Judiciary.
3. Act as the chief advisor to the Chief Justice on the rules and procedures of the Student Judiciary.
4. Chair the Student Judiciary in the absence of the Chief Justice or if the chair is yielded.
5. Execute all other tasks assigned to her/him by the Constitution of the SGA, the By-laws of the SGA or Acts of the SGA.
6. Schedule, at least once per term, a training session with the Student Legal Services Office.

Section 3 If a vacancy shall occur in the office of Associate Chief Justice, the Student Judiciary shall elect, from its membership, an Associate Chief Justice in the manner prescribed by Title IV, Chapter 8, of the By-laws of the SGA.

Chapter 10 Conflict of Interest

Section 1 No Student Judiciary member shall take part in a case in which s/he shall have, upon the protest of the Petitioner or the Respondent, and/or a majority vote of the Student Judiciary membership in attendance at a scheduled meeting, a vested interest.

Chapter 11 Petition for a Ruling

Section 1 A time-stamped Petition for a Ruling shall be submitted to the Associate Chief Justice of the Student Judiciary and shall contain the information prescribed herein:

1. The specific person(s) submitting a Petition for a Ruling, herein denoted the Petitioner.
2. The specific person(s) to have allegedly violated the Constitution of the SGA, the By-laws of the SGA or Act(s) of the SGA, herein denoted the Respondent.
3. The specific parts of the Constitution of the SGA, the By-laws of the SGA or Act(s) of the SGA allegedly violated.
4. The Manner in which the Constitution of the SGA, the By-laws of the SGA or Act(s) of the SGA, were allegedly violated.

Chapter 12
Statement of Notification of a Hearing

Section 1 Within seven (7) calendar days of the receipt of a Petition for a Ruling, the Associate Chief Justice shall issue to the Petitioner, the Respondent, the President, the Senate, the Attorney General, and the Directing Attorney of Student Legal Services, Statement of Notification, which shall contain the information prescribed herein:

1. The information prescribed in Title IV, Chapter 11, of the By-laws of the SGA.
2. The date, time and location of the Hearing.
3. The office hours of the Attorney General and Student Legal Services Office.
4. A certified copy of Title IV of the By-laws of the SGA.

Chapter 13
The Hearing Date

Section 1 The Hearing date shall be set on a day more than seven (7), but no more than thirty (30) calendar days from the issuance of a Statement of Notification.

Section 2 The Chief Justice shall honor a written request from the Petitioner or the Respondent for a change in the Hearing date, time or location, if the Petitioner or the Respondent meets one or more of the conditions prescribed herein:

1. Personal illness
2. Family illness
3. Two (2) hour exams are scheduled for the day immediately following the Hearing.
4. Required class meeting or other scholastic duty.

Section 3 If Title IV, Chapter B, Section 2 shall have been invoked, and the Hearing date shall have been adjusted, the second Hearing date shall be set on a day no more than fourteen (14) calendar days from the initial Hearing date.

Chapter 14
Proceedings before the Student Judiciary

Section 1 Proceedings before the Student Judiciary shall be two-fold: the Hearing, and the Deliberative Session.

Chapter 15
The Hearing

Section 1 Student Judiciary Hearings shall be conducted in the manner prescribed herein:

1. The Chief Justice, or, in the absence of the Chief Justice, the Associate Chief Justice shall convene the

Hearing in the manner prescribed herein:

- A. "Under the Authority granted it by the Constitution of the Student Government Association, the Student Judiciary is assembled here today to hear the case of (Petitioner) vs. (Respondent).
2. The Chief Justice shall proceed to explain the procedures of a Hearing and entertain questions on same.
3. The Petitioner shall present any and all information and evidence relevant to the allegations.
4. The Respondent shall question the Petitioner
5. The Petitioner shall present and question her/his witnesses.
6. The Respondent shall question the Petitioner's witnesses.
7. The Respondent shall present any and all information and evidence relevant to the allegations.
8. The Petitioner shall question the Respondent
9. The Respondent shall present and question her/his witnesses.
10. The Petitioner shall question the Respondent's witnesses.
11. The Respondent shall briefly present her/his closing argument.
12. The Petitioner shall briefly present her/his closing argument.
13. The Chief Justice shall announce the procedure for appeals.
14. The Chief Justice shall adjourn the Hearing.

Section 2 If a Hearing shall have been adjourned to due lack of quorum, a second Hearing shall be scheduled.

Section 3 If the Petitioner shall have been absent at the time a Hearing shall have been convened, the Petition for a Ruling shall be withdrawn.

Section 4 If the Respondent shall have been absent at the time a Hearing shall have been convened, the Hearing shall proceed in the absence of the Respondent.

Section 5 No Petition for a Ruling withdrawn because of a Petitioner's absence from a Hearing shall be re-submitted.

Section 6 The Student Judiciary shall reserve the right to question any person at anytime during the conduct of a Hearing.

Section 7 The Chief Justice may, for improper conduct, or for failure to obey the instructions of the Student Judiciary, expel a person from a Hearing.

Section 8 If the Petitioner shall have been expelled during the course of a Hearing, the Petition for a Ruling

shall be withdrawn.

Section 9 If the Respondent shall have been expelled during the course of a Hearing, the Hearing shall proceed in the absence of the Respondent.

Section 10 The Petitioner, the Respondent and any Justice may request and shall be granted a recess for a period of time which shall not exceed sixty (60) minutes.

Section 11 The Chief Justice, upon request, may call a recess for a period of time which shall not exceed seventy-two hours.

Section 12 All Student Judiciary Hearings shall be tape recorded and the Associate Chief Justice shall maintain copies of said recordings in the permanent records of the Student Judiciary. Further, copies of tape recordings shall be maintained in the Student Legal Services Office.

Chapter 16 Deliberative Sessions

Section 1 Following the adjournment of a Hearing, the Student Judiciary shall set a time, place and location for its Deliberative Session, which shall be no more than thirty (30) calendar days from the date of the Hearing.

Section 2 The minutes of a Student Judiciary Hearing shall be made available to the entire membership of the Student Judiciary at the Deliberative Session for that Hearing.

Section 3 No Justice, who shall have been absent from a Hearing, shall attend the Deliberative Session directly relating to the Hearing from which s/he was absent.

Section 4 The Directing Attorney of the Student Legal Services, or her/his designee shall be present at all Deliberative Sessions of the Student Judiciary.

Section 5 The proceedings votes taken of and at a Deliberative Session shall be closed and held in confidence at all times.

Section 6 The Student Judiciary shall, by a majority vote of its membership in attendance at a Deliberative Session, and based upon a preponderance of the evidence, issue a written Majority Ruling.

Section 7 If the Student Judiciary shall be unable to reach a Majority Ruling the Student Judiciary shall allow the action of the Respondent to stand.

Chapter 17 Majority Rulings

Section 1 The Majority Ruling of the Student Judiciary shall be based only upon evidence or testimony introduced at a Hearing.

Section 2 The Associate Chief Justice shall issue the written Majority Ruling no more than fourteen (14) calendar days from the date of the Deliberative Session, and shall provide the Petitioner and the Respondent with certified copies of same, which shall include the information prescribed herein:

1. The name of the Petitioner.
2. The name of the Respondent.
3. A summary of the evidence presented
4. The Ruling of the Student Judiciary
5. The rationale for the Ruling.
6. The signatures of the Justices having voted on the Ruling.

Section 3 Additionally, the Associate Chief Justice shall submit one (1) copy of the minutes of all Student Judiciary Hearings and all Majority Ruling decisions of the Student Judiciary to each of the following:

1. The President
2. The Speaker
3. Secretary of Administrative Affairs
4. The Attorney General
5. The Vice Chancellor for Student Affairs
6. The Directing Attorney, Student Legal Services Office

Chapter 18 The Burden of Proof

Section 1 The burden of proving that a Respondent shall have violated the Constitution of the SGA, the By-laws of the SGA or any Act of the SGA shall rest, by a preponderance of the evidence submitted, with the Petitioner.

Chapter 19 Rules of Evidence

Section 1 Only evidence submitted during the conduct of a Hearing, which shall be seen and/or heard during the conduct of a Hearing, by both the Petitioner and the Respondent shall be admissible.

Section 2 Only evidence which a witness shall have directly perceived shall be admissible.

Section 3 Opinion based evidence shall be admissible only in cases in which the facts on which the opinion is based are made known, or the witness is an acknowledged expert.

Section 4 There shall exist a motion to suppress evidence which shall require a majority vote of the Student Judiciary membership in attendance, at a scheduled meeting.

Section 5 Evidence not germane to the case shall not be admissible.

Section 6 Student judicial records, confidential communication between persons and medical personnel, immediate relatives, judicial advocates, and University staff when acting in a counseling capacity, shall not be

admissible, unless the Respondent so permits.

Section 7 Student Judiciary members may take notice of matters which would be within the general experience of University staff and students.

Section 8 The Student Judiciary, by a majority vote of its membership in attendance at a Hearing, shall be the sole judge of the relevance and admissibility of evidence.

Chapter 20

Witnesses

Section 1 All persons making statements before the Student Judiciary shall be administered the affirmation prescribed herein by the Chief Justice:

1. "I, (Witness' Name) affirm and recognize that misrepresentation before a University Board is a violation of the Code of Student Conduct, Part II, Section A, Paragraph 7."

Section 2 In the event a witness, other than the Petitioner and the Respondent, is unable to attend a Hearing in person, said witness may submit a written witness statement.

Section 3 The Student Judiciary shall give considerably less weight to written witness statements than witness statements submitted in person at a Hearing, during its Deliberative Session.

Chapter 21

Judicial Advocates

Section 1 Either the Petitioner or the Respondent may elect to be represented by a Judicial Advocate who shall not be an attorney.

Chapter 22

Appeals

Section 1 The losing party or parties in a Student Judiciary Majority Ruling may appeal the Majority Ruling, by filing a second Petition for a Ruling with the Associate Chief Justice of the Student Judiciary, provided at least (1) of the conditions prescribed herein is asserted to be present:

1. There shall have existed a procedural error or irregularity which materially affected the Majority Ruling.
2. There shall exist new evidence not previously available which would materially affect the Majority Ruling.
3. The Majority Ruling shall be unsupported by substantial evidence, here defined as evidence that a reasonable mind might accept as adequate to support the Majority Ruling.

Section 2 The Student Judiciary may, upon receipt of a second Petition for a Ruling, and upon a majority vote of its membership in attendance at a scheduled meeting, declare one of the conditions prescribed in Title IV, Chapter 22, Section 1, to be present and may schedule a second Hearing for the Petition for a Ruling.

Chapter 23
Scheduled Meetings

Section 1 The Student Judiciary shall not meet except as necessary and strictly provided for in Title IV, Chapters 6,7,9,14,15,16, and 22.

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