

**STUDENT GOVERNMENT ASSOCIATION**  
**JUDICIAL BOARD BY-LAWS**

Revised: 11 April 2012

**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, legislative interpretation, and election regulation 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 Appeals**

**Section 1: FILING OF PETITION**

- A. The plaintiff shall file a petition to be delivered to the SGA President's box in the SGA office and should include the following information:
1. Time of violation.
  2. Name of the plaintiff.
  3. Name of the defendant.
  4. Location of violation.
  5. Date of violation.
  6. Cause of Appeal.
  7. Names of the witnesses to said violation.
  8. Phone numbers of the plaintiff, defendant, and witnesses if available to the plaintiff.
  9. Specific questions, complaints, charges, and citations of the rules that are alleged to have been violated.
  10. Reasons for petition and a concise summary of the evidence.
  11. Desired remedy.
  12. Signature and printed name of the plaintiff.
- B. 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 for the plaintiff, defendant, and their counsel.

**Section 2: RIGHT TO AND DESIGNATION OF COUNSEL**

- A. The rights of both the plaintiff and defendant to counsel of their choice shall not be abridged.

- B. Plaintiffs and defendants, and their counsel, shall be afforded the right to call and present witnesses, introduce pertinent evidence that specifically documents their claims, and cross-examine those witnesses presented by the other party. Witnesses may also be recalled by either party.
- C. The plaintiff and defendant shall identify and designate their counsel, or advocate, to the Court before each hearing begins.
- D. The plaintiff and defendant may choose to represent themselves before the Court, thereby foregoing their right to counsel. If the court recesses, either party who previously chose to forego representation, may then choose an advocate counsel to be announced once the Court reconvenes if they so wish.
- E. No other individuals except those designated advocates shall be allowed to argue the case during the course of the hearing.

### Section 3: FAILURE TO APPEAR

- A. The plaintiff and defendant, or their counsel, must appear before the court on the designated date in accordance with Article I, 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 4: COURT GUIDELINES

- A. The Court shall establish procedural guidelines, policies, and/or restrictions in advance of the hearing. These instructions shall be limited to those necessary for efficiency and effectiveness of the Court, and shall be left to the discretion of the Court.
- B. The Chief Justice shall ensure that all guidelines, policies, and restrictions are issued to the plaintiff and defendant at least twenty-four (24) hours in advance of the hearing.

### Section 5: IN-HEARING PROCEDURES

- A. A time limit of five (5) minutes shall be placed upon each testimony, opening arguments, and closing arguments. The Court 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.
- B. No commentary should come from any member of the gallery. The Chief Justice shall retain the right to verbally warn, or eject, any member of the gallery who refuses to comply.

- C. The Chair of the Internal Affairs Committee shall act as the official representative of SGA Senate to the Court.

## **Article II**

### **Appeal Procedures**

#### Section 1: TIMETABLE FOR COURT DECISION

- A. The Supreme Court shall render a decision in writing within one (1) class day for election and referendum violations following the conclusion of the scheduled hearing.
- B. The Court shall render decisions on constitutional and legislative interpretation within five (5) class days following the conclusion of the scheduled hearing.
- C. In the event of extenuating circumstances, the Chief Justice may, with the majority vote of justices, extend the period of deliberation according to their discretion. However, deliberations on an election or referendum violation may not exceed a period of one (1) calendar week from the closing of the hearing. Furthermore, deliberations on cases of constitutional and legislative interpretation may not exceed two (2) weeks from the close of the hearing.

#### Section 2: 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 find either in favor of sustaining or denying an appeal.

#### Section 3: JUSTICES, RECUSALS, AND ABSENCES

- A. The Chief Justice shall within twenty-four (24) hours of the hearing name their associate justices, and provide their name and the names of the associate justices to the plaintiff and defendant.
- B. Once the hearing has been called to order, any justice may recuse their person on the grounds of personal involvement, and should excuse themselves from the hearing. However, upon receiving the information about the hearing, justices should take into account their proximity to the people and issues involved on a personal level. Should it be deemed necessary, the justice should recuse themselves before the start of the hearing to give the Chief Justice time to make an emergency appointment to the Court.
- C. The Chief Justice, in the eventuality of a hearing, must appoint at least one (1) stand-by associate justice in the event of a recusal. The stand-by associate justice shall be appointed in the same manner prescribed for the other associate justices, and their name should be distributed in accordance with Article II, Section 3.A of this document.
- D. In the event that the Chief Justice recuses themselves, they shall name the associate justice who will fill their roll during the hearing.
- E. Should the Chief Justice be absent from the hearing, the remaining associate justices shall call upon the stand-by associate justice to join them. One of the

remaining primary associate justices should be elected to fill the role of Chief Justice during the hearing.

- F. In the absence of one of the associate justices, the stand-by associate justice shall fill that roll. In the event that all of the associate justices are absent, the Chief Justice shall have the power to make emergency appointments to replace the associate justices if necessary.

#### Section 4: CONVENING THE COURT

- A. The Chief Justice shall have the power to convene the Supreme Court at their discretion for normal business matters that may arise.
- B. The associate justices may, by unanimous decision amongst themselves, call upon the Chief Justice to convene the Court within three (3) class days. Should the Chief Justice fail to act, the associate justices may convene the Court following the guidelines as set out in this document.
- C. The SGA Senate may convene the Court upon order, by a two-thirds (2/3) vote of the Senate, for the purpose of hearings and review of evidence for impeachments.
- D. The Supreme Court should, after the adjournment of a hearing, call an executive session for the purpose of deliberations. The Chief Justice shall continue to preside over this meeting. All guests and counsel, as well the plaintiff and defendant, should be removed from the room. If needed, the Court may extend time for deliberations, up to the limits as provided in this document.

#### Section 5: 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. Rule VI, Section 2.A.1.
- B. The Court justices may make reasonable requests of the SGA Office Assistant, established under Rule III, Section 4 of the SENATE STANDING RULES.

#### Section 6: 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. The Court shall also determine which member justice shall be responsible for writing the minority opinion, but the person who writes the opinion should have voted in the minority.
- F. Majority Court opinions must bear the signature and comments of each justice voting in the majority. Minority Court opinions must bear the signature and comments of each justice voting in the minority.
- G. Opinions should be completed within seven (7) calendar days of the end of deliberations.
- H. A copy of the Court's opinions should be delivered to the Chair of the Internal Affairs Committee for reading to the Senate and archived in the official files of SGA. A copy of the majority opinion should also be issued to The East Texan.

#### Section 7: REMOVAL FROM OFFICE

- A. Impeachment and removal from office shall follow the procedures laid out in Article VI of the SGA CONSTITUTION.
- B. The SGA Senate shall have the right to impeach the Chief Justice or any associate justice selected by the Chief Justice for dereliction of duty or other charges of malfeasance.

#### Section 8: COURT-ORDERED SPECIAL ELECTION

- A. The Court shall have the right to call a Special Election should the results of a general election or SGA referendum be proven to be in doubt of accuracy or for violations of the ELECTION CODE or other SGA governing documents.
- B. The Court shall establish a Special Election to be supervised by both the Election Board and the Court seven (7) calendar days after the announcement of the Court's decision. Such an election, or referendum, must occur on two concurrent class days in the same week with all deliberate speed.

### **Article III 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.

## Section 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, ELECTION CODE, or JUDICIAL BOARD BY-LAWS should they be found unconstitutional according to the SGA CONSTITUTION.