

STUDENT GOVERNMENT ASSOCIATION JUDICIAL COURT BY-LAWS

Revised April 29, 2005

The Judicial Court recognizes its duties of constitutional interpretation, legislative interpretation, election regulation, and conflict resolution as granted by the Student Government Association Constitution and the University Rules and Regulations. Each student shall be protected by equal justice under the Student Government Association governing documents, and openness in all proceedings involving the Judicial Court.

ARTICLE I. INITIATION OF APPEALS

- SECTION I.** The plaintiff shall file an appeal with the Judicial Advocate General (JAG). The appeal shall contain the names of the plaintiff and the defendant and the time, location and date of the violation. It shall also contain the cause of the appeal and the names of any witnesses. For election regulations, the Chief Justice will set a time and place for the hearing within one (1) class day of receipt of the appeal. For constitutional and legislative interpretation, the Chief Justice will set a time and place for the hearing within five (5) class days of receipt of the appeal. All plaintiffs, defendants, and witnesses named in the appeal shall receive confirmation from the Chief Justice that the appeal has been filed. Without confirmation, no appeal will be considered filed with the Court.
- SECTION II.** The plaintiff and defendant shall have the right to be represented by counsel of their own choosing, to present witnesses and documentary evidence as may be pertinent and to cross-examine witnesses offered by the other party. Both the plaintiff and defendant will have the option of taking the counsel provided by the Judicial Advocate General. The option is available equally to both parties, and both parties may choose to not take this counsel.
- SECTION III.** The Judicial Court shall render a decision in writing within one (1) class day of the conclusion of the hearing for election regulations. A decision in writing shall be rendered within five (5) class days from the date of the hearing for constitutional and legislative interpretation or any other cases heard by the Judicial Court. IN case of extenuating circumstances for any hearing, the Chief Justice, subject to majority approval of the Court, may extend the period of deliberation according to his or her discretion.
- SECTION IV.** The failure of the plaintiff or their representative to appear before the Judicial Court without justifiable cause approved by the Court shall terminate his or her right to appeal.
- SECTION V.** Prior to the hearing, the Court will issue procedural guidelines to the parties involved. These instructions will specify operational

policies and restrictions imposed by the Court for the sake of efficiency and effectiveness in the hearings. The intent of these guidelines will be left to the discretion of the Court.

SECTION VI. The defendant and plaintiff shall identify their attorneys or representatives to the Court before each hearing begins. No individuals other than those designated representatives shall be allowed to argue the case during the course of the hearing.

ARTICLE II. INTERNAL PROCEDURES

SECTION I. The Court shall have quorum where there is an acting Chief Justice, who if at all possible should be the appointed Chief Justice, and at least five (5) other acting Associate Justices present at the beginning of a session. Once the session has been called to order, a member may declare himself disqualified due to personal involvement and excuse himself from the session. The quorum will remain and the Court's decisions will be valid.

SECTION II. In case of an abstention on the part of the Chief Justice, the duties of that post shall be filled by an acting Chief Justice selected from the Justices present. This may be done by a simple majority vote of the remaining Justices.

SECTION III. The Student Government Judicial Court shall convene at the discretion of the Chief Justice in order to conduct normal business matters. Three or more Justices may ask the Chief Justice to call a meeting; should the Chief Justice refuse to act, the Justices may call the meeting independently with same quorum and procedure guidelines in effect.

SECTION IV. A majority opinion shall be written by a Justice voting in the majority. A minority opinion is not required, but may be written.

SECTION V. The majority opinion must bear the signature of each Justice voting in the majority. After approval, one copy is to be placed in the Student Government Association Judicial Court permanent file. Others are to be issued to The Battalion for publication and all parties involved.

SECTION VI. The Chief Justice will decide which activities and meetings of the Court require mandatory attendance from the Justices. Upon accumulating more than four (4) unexcused absences, the Justice in question will only continue to serve on the Court at the discretion of the Chief Justice. If after more than four (4) absences, the Chief Justice must show proof of absences on the part of the Justice in question to the Primary Advisor of Student Government Association. Upon gaining the approval of the Primary Advisor, the Chief Justice may carry out the removal of the Justice in question.

SECTION VII. It shall take a majority vote of the Justices to suspend or change the Rules of Order of the Judicial Court.

ARTICLE III. WRITS

SECTION I.

- (a) A signed, written, and witnessed statement shall be required from any Justice to authorize an injunction in cases pertaining to an election.
- (b) A signed, written, and witnessed statement shall be required from at least three (3) Justices to authorize an injunction in cases pertaining to constitutional, legislative, and any other matters.
- (c) The purpose of the writ of injunction will be to forbid those named in the writ or his agents to (1) do, (2) threaten, (3) attempt, or (4) continue an act which is unjust, inequitable, or injurious and which cannot be immediately redressed by action of the Court.
- (d) If a hearing is requested, the status of the writ shall be determined by the outcome of the hearing.

SECTION II. Writs of Mandamus may be issued by the Judicial Court to inform S.G.A. officials, that adequate evidence of negligence and/or abuse of their duties and responsibilities has been shown. A case for remedial action or removal may be submitted to/by the Court if adequate evidence is shown that the writ has been ignored.

SECTION III. The Chief Justice will be notified of any and all writs before they are served for the purpose of ensuring proper protocols are followed by all parties involved, and not necessarily to gain the Chief Justice's support for or against the writ's issuance. If a writ is issued without the prior notification of the Chief Justice then the status of the writ will be determined by the Court once the Chief Justice is aware of the writ.

ARTICLE IV. REMOVAL OF JUDICIAL COURT JUSTICES

SECTION I. Removal of Associate and Alternate Justices

- (a) A complaint concerning an Associate or Alternate Justice of the Student Government Association Judicial Court may be filed with the Senate Chair of Rules and Regulations by any Senator, and Executive Officer, or Judicial Court Justice.
- (b) Upon receipt of the complaint, the Senate Chair of Rules and Regulations has one week to convene the performance review committee to consider the matter.
- (c) The performance review committee shall be made up of the Student Body President, Chief Justice, and Speaker of the Student Senate. The committee chair shall be the Senate Chair of Rules and Regulations. The chair shall serve as the facilitator of the discussion. If the complaint is

made by a Judicial Court Justice or the Judicial Court Chief Justice, that person shall then forfeit his or her position in the review process and any subsequent appeal as secondary to his or her position as the filer of the complaint. The Senate Chair of Rules and Regulations must then select another member of the Judicial Court to serve on the performance review committee. If the complaint is made by the Student Body President, a Vice President shall be selected by the Chief Justice as a replacement for the President on the committee. If the complaint is made by the Speaker of the Senate, the Speaker Pro Tempore shall serve as a replacement on the committee. If the complaint is made by the Chair of Rules and Regulations, the complaint must be filed with the Speaker Pro-Tempore who will then chair the committee.

- (d) The performance review committee shall base their decision on a vote by all members excluding the committee chair. A majority vote is needed to decide in favor of removing the Court Justice in question.
- (e) The Justice in question may appeal the performance review committee's decision to the Senate Rules and Regulations committee minus its Chair. The Rules and Regulations committee must have a majority vote of all vote castors to uphold a removal. Only Senators originally assigned to the Rules and Regulations committee may cast a vote. This special committee has one week from the announcement of the performance review committee's decision to convene and make a decision. This special committee's decision may be appealed to the Primary Advisor of the Student Government Association, who has one week to rule on the matter.

SECTION II. Removal of the Chief Justice

- (a) Following the impeachment of the Chief Justice by the Student Senate, the Chief Justice shall be subject to the process outlined in Section I with the Chief Justice being replaced by a Justice selected by the whole Judicial Court excluding the Chief Justice.

ARTICLE V. ACADEMIC POLICY

SECTION I. No member of the Judicial Court shall be on scholastic or conduct probation with the university. All officers and members must comply with the academic policies set forth in the University Rules and Regulations, as well as have at least a 2.00 cumulative grade point ratio for undergraduate students and at least a 3.00 cumulative and term grade point ratio for graduate students and at least a 3.00 cumulative and term grade point ratio for graduate students for every semester (spring, summer, and fall) while in office.

ARTICLE VI. OATH OF OFFICE

SECTION I. I, (state your name), do solemnly swear to faithfully execute to the best of my ability, the office of (state the office) for the Texas

A&M University Student Government Association, and at all times to protect the welfare of the student body, and to promote good relations between the students and those concerned with the University.

ARTICLE VII. BY-LAW REVISIONS

SECTION I. Amendments to the Judicial Court By-Laws shall be voted on by a two-thirds (2/3) vote of Judicial Court. Revisions of the Judicial Court By-Laws must then be presented by a Justice of the Judicial Court to the Rules and Regulations Committee prior to being placed on the Student Senate agenda. The revisions must then pass Senate with a majority vote of those present and voting.

ARTICLE VIII. OFFICER POSITIONS

SECTION I. The Vice Chief Justice, Treasurer, Judicial Advocate General and Judicial Advocate officer positions shall be selected and appointed by the Chief Justice. The officer positions shall be appointed by the Chief Justice prior to the start of the Fall Elections.

SECTION II. The role of the Vice Chief Justice is to assist the Chief Justice in leading and running the Judicial Court. The Vice Chief Justice shall assist and advise the Chief Justice on issues or matters pertinent to the Judicial Court.

SECTION III. The role of the Treasurer is to, under the direction of the Chief Justice, maintain the finances for the Judicial Court. This includes but is not limited to maintaining records in the Judicial Court Line Item Budget and the Judicial Court Ledger Book, attend monthly budget meetings with the Vice President of Finance, and prepare a new budget proposal for the following year.

SECTION IV. Judge Advocate General and Judge Advocates

- (a) The Judge Advocate General (JAG) and Judicial Advocates (JA) are non voting officers of the Court.
- (b) The mission of the JAG and JA's is to but not limited to: providing clerical duties for the court, providing appropriate counsel to parties involved during the appeals process, and to help maintain proper court procedure.
- (c) Clerical duties involve taking the filed appeal, working with all parties to set up appeal, securing evidence, and any other duty the court deems necessary.
- (d) The JAG, if the parties accept counsel, appoints a JA or themselves to serve as counsel for the parties. The counsel will then meet the part to decide on a course of action.

- (e) This counsel includes but is not limited to; helping party with evidence, and helping party before and during the appeal.

ARTICLE IX. FINANCIAL PROCEDURES

SECTION I.

All monies belonging to this organization shall be deposited and disbursed through a bank account established for this organization at the Student Organization Finance Center and/or the Fiscal Office. All funds must be deposited within 24 hours after collection. The advisor to this organization must approve and sign each expenditure before payment.

ARTICLE X. ADVISOR EXPECTATIONS

SECTION I.

The Advisor for the Judicial Court is expected to help maintain an open, working relationship with the Chief Justice. The Advisor is also expected to facilitate opportunities for Justices of the Judicial Court to exercise initiative and judgment within a proper measure of autonomy when coordinating events and activities. The Advisor is also expected to assist and advise the Chief Justice and the Justices of the Judicial Court in pertinent issues or questions that may arise over the course of the year.