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S14RS SGB No. 3 (RoC)

Schwartzenburg

DeBlieux

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STUDENT SENATE

S14RS

SGB No. 3

BY: SPEAKER PRO TEMPORE SCHWARTZENBURG AND SENATOR DEBLIEUX

A BILL

TO AMEND THE STUDENT GOVERNMENT RULES OF COURT

PARAGRAPH 1: WHEREAS, THE TEMPORARY STUDENT GOVERNMENT DOCUMENT REVISION COMMITTEE, ALONG WITH THE JUDICIAL BRANCH OF LSU STUDENT GOVERNMENT, HAS DEVELOPED THE FOLLOWING AMENDMENTS TO THE RULES OF COURT; AND

PARAGRAPH 2: WHEREAS, THESE AMENDMENTS AIM TO STRUCTURE THE JUDICIAL BRANCH AND THE UNIVERSITY COURT IN THE MOST EFFECTIVE AND EFFICIENT MANNER POSSIBLE; AND

PARAGRAPH 3: WHEREAS, THE STUDENT GOVERNMENT RULES OF COURT SHALL READ AS FOLLOWS:

ARTICLE I In General

Section 1. Terms of Office

- A. The terms and conditions of office for officials of the University Court shall be those designated under Article VI of the Student Government Constitution.
- B. No justice of the University Court may be removed during his/her term of office except for cause after a duly convened impeachment proceeding before the Student Senate, pursuant to Article VI, Section 2 of the Student Government Constitution.
 1. "Cause" shall include the conviction of an official of a felony; University disciplinary action against the official, which serves to jeopardize the integrity of the Court; and/or consistent failure of the official to properly perform the duties of his/her office.
 - i. Three unexcused absences per semester from any official, constitutionally-mandated University Court meeting or one unexcused absence per semester from any University Court hearing will result in a mandatory impeachment proceeding. All officials of the University Court and Judicial Branch shall be allowed excused absences. Excused absences shall be rendered under the discretion of the Chief Justice and as stated in University Policy Statement 22.
 - ii. Notice of an absence must be submitted to the Chief Justice, at sgjudicial@lsu.edu, 24 hours in advance of the missed University Court meeting or hearing. Documentation for excused absences must be submitted to the Chief Justice no later than 24 hours after the missed University Court meeting or hearing.
- C. All officials of the University Court shall take an oath of office before taking office. This oath shall be administered by the Chief Justice or, if he/she is not available, by the Deputy Chief Justice.
- D. All members of the Judicial Branch shall notify the Chief Justice, at sgjudicial@lsu.edu, of the intent to resign from his/her position. Upon notification, the resigning official must appear before the Student Senate at the next regularly scheduled Senate meeting. The Senate will then consider the resignation and entertain a vote.

Section 2. Rule of Law

- 57 A. The University Court shall provide an adequate remedy to all complaints filed, not in violation of
58 governing documents – which affords equitable, practical, and appropriate relief under the
59 circumstances.
- 60 B. The University Court shall use all governing documents in making decisions. This shall include the
61 Student Government Constitution, the Student Government Bylaws, all legislative instruments of
62 the Student Senate, all Executive Orders, the Rules of Order, the Rules of Court, the Election
63 Code, all University regulations, and general principles of justice and equity.
- 64 C. The University Court shall hear information relevant to the case.
- 65 D. All Student Government statutes, legislative instruments, Executive Orders, the Rules of Order,
66 the Rules of Court, and University regulations shall be given a strict construction. Any ambiguous
67 provision shall be interpreted in such a way as to give full meaning and effect to that provision,
68 with reference to the intent of the provision. If the intent of a given provision cannot be
69 determined, the University Court shall use the context of the provision, as well as general
70 principles of justice and equity, to give full meaning to the provision in question.

71
72 **Section 3. Counsel**

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74 A. Any party brought before the University Court has the right to a maximum of two LSU students
75 to serve as counsel. Any party that elects representation by counsel shall be bound to all actions
76 and statements made by said counsel.
- 77 B. If a respondent has no counsel to represent it but desires counsel, then the Public Defender shall
78 be made available for its defense . No additional counsel may serve while the Public Defender is
79 enlisted.

80
81 **Section 4. Standing**

- 82
83 A. Any aggrieved party, who is an LSU student, must demonstrate to the court a connection to the
84 action on which the complaint is based.
- 85 B. An aggrieved party must file grounds of standing and conditions under the circumstances as to
86 why that party is impacted within the written brief that is submitted to the Clerk(s) of Court.

87
88 **Section 5. Prescription (Time Limitation)**

- 89
90 A. No case shall be heard by the University Court more than twenty (20) class days after the alleged
91 act, occurrence, or transaction that constitutes the basis of the case.
- 92 B. Prescription does not apply to days outside of the fall and/or spring semester. Acts alleged to
93 have occurred outside the fall and spring semesters shall be assumed to have occurred on the
94 first day of the immediately following semester.

95
96 **Section 6. Original Jurisdiction of University Court**

- 97
98 A. University Court has original and exclusive jurisdiction over cases referred to it by the Vice
99 Chancellor for Student Life and Enrollment Services or by the Dean of Students, pursuant to
100 Article IV, Section 5 of the Student Government Constitution.

101
102 **Section 7. Judicial Opinions**

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104 A. Any student may request an interpretation of any document within the purview of the University
105 Court without having to file a complaint. The University Court shall meet, deliberate the inquiry,
106 and interpret the meaning of the document within one (1) week of the request. This
107 interpretation shall be delivered to the student in the form of a Judicial Opinion.
- 108 B. Justices may issue Opinions to any interested party, but not on the behalf of the court, at their
109 own accord.
- 110 C. All Judicial Opinions adopted by a majority of the University Court shall be included in the
111 Appendix of the Rules of Court.
- 112 D. The University Court shall refer to all adopted Judicial Opinions in deliberation, but shall not be
113 bound to them in subsequent rulings.
- 114

Article II

Judicial Branch Membership

Section 1. Election of the Chief Justice

- A. The Chief Justice shall be elected by a quorum of the members of the University Court no later than five (5) class days prior to the final class day of each fall semester. If the incoming justices appointed by the Student Body President are not sworn in by the first of May, the remaining eligible justices will be considered voting members.
- B. Any duly elected or appointed University Court Justice may nominate himself/herself or may be nominated for the position of Chief Justice.
- C. The Chief Justice shall serve until a new Chief Justice is elected.
- D. If the Chief Justice loses his/her seat, resigns from his/her position as Chief Justice, or resigns from his/her seat on the Court for any reason during his/her term of office as Chief Justice, a new Chief Justice shall be elected by a quorum of the remaining justices of the University Court within ten (10) class days of the vacation of the position.
- E. The Speaker of the Student Senate shall chair the election of the Chief Justice.

Section 2. Responsibilities of the Chief Justice

- A. The Chief Justice shall be responsible for arranging regularly scheduled meetings at which all justices and staff shall be available to conduct official business.
- B. The Chief Justice shall be responsible for seeing that all justices and staff are informed of all upcoming hearings and meetings; quorum of justices must be present at every hearing and meeting.
- C. The Chief Justice shall assign a justice to write a majority opinion in every case, or shall reserve the right for himself/herself.
- D. The Chief Justice shall be responsible for carrying out the various enumerated directives directed toward him/her throughout the Rules of Court.
- E. The Chief Justice shall serve on all committees as required by the Bylaws. If not available, a designee must be sent in his/her place.
- F. The Chief Justice shall serve on the President's Cabinet, as required by the Bylaws.
- G. The Chief Justice shall consult with all justices to outline hearing procedures prior to any hearing of the University Court.
- H. The Chief Justice must adhere to all responsibilities outlined in Article II, Section 5 of the Rules of Court.
- I. Assist the Student Body President in conducting interviews for Associate Justice appointments.

Section 3. Acting Chief Justice

In the absence of the Chief Justice, the Deputy Chief Justice shall serve as Acting Chief Justice. In the absence of the Chief Justice and Deputy Chief Justice, an Acting Chief Justice shall be elected in the same manner as the Chief Justice.

Section 4. Election of the Deputy Chief Justice

- A. The Deputy Chief Justice shall be elected in the same manner as the Chief Justice.
- B. The Chief Justice shall chair the election of the Deputy Chief Justice.

Section 5. Responsibilities of the Deputy Chief Justice

The Deputy Chief Justice shall meet with all parties prior to any hearing of the University Court to address court procedures and any questions. The Deputy Chief Justice shall serve as the official correspondent of the Judicial Branch to any parties in a hearing. The Deputy Chief Justice shall assist the Chief Justice in all responsibilities of the University Court as needed. The Deputy Chief Justice shall serve as Acting Chief

170 Justice in the absence of the Chief Justice. The Deputy Chief Justice must adhere to all responsibilities
171 outlined in Article II, Section 5 of the Rules of Court.

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173 **Section 6. Responsibilities of the Associate Justices**

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- 175 A. Associate Justices shall be responsible for attending meetings or hearings called to order by the
176 Chief Justice.
- 177 B. Associate Justices shall adhere to attendance policies as stated in Article I, Section 15B of the
178 Rules of Court.
- 179 C. All Associate Justices of the University Court must attend at least two (2) Senate or Executive
180 Staff meetings and two (2) Student Outreach Events per semester. Student Outreach Events
181 shall be determined at the discretion of the Chief Justice. Proof of attendance shall be sent to the
182 Clerk(s) of Court by sgclerk@lsu.edu no later than forty-eight (48) hours after the event was held.
- 183 1. Any staff member of the Judicial Branch can submit a request for approval for any
184 outside event to sgjudicial@lsu.edu at least two (2) days prior to the event.
- 185 D. All Associate Justices must demonstrate knowledge of all Student Government governing
186 documents and impartiality throughout their term of office.
- 187 E. No member of or candidate for position within the Judicial Branch shall help, assist, serve on,
188 campaign for or advise any Fall or Spring Student Government Campaign or Ticket.
- 189 F. Each Justice shall be assigned to attend and report on at least one of the following Student
190 Government Meetings at the next regularly scheduled Judicial Branch meeting.
- 191 1. Student Senate Meeting
- 192 2. Executive Branch Staff Meeting
- 193 3. Programming, Support, and Initiatives Fund Meetings
- 194 4. College Council Presidents' Cabinet Meetings

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196 **Section 7. Quorum**

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- 198 A. Two-thirds (2/3) of the number of justices eligible to hear any complaint shall constitute the
199 quorum of the University Court.
- 200 B. Any action taken by University Court without quorum present shall be null and void, excluding
201 the issuance of an injunction by the Chief Justice or any two justices in conjunction or the
202 issuance of a Judicial Opinion.

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204 **Section 8. Judicial Staff**

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- 206 A. The Chief Justice of the University Court shall appoint at least one Clerk(s) of Court, at least one
207 Judicial Aide, a Public Defender, and a Solicitor General. The Clerk(s) of Court, Judicial Aide(s),
208 Solicitor General and Public Defender shall be full-time LSU students; they must demonstrate
209 knowledge of all Student Government governing documents and impartiality before being
210 appointed.
- 211 1. The Clerk(s) of Court shall be responsible for receiving and forwarding all complaints filed
212 with the Court and for keeping the records of the Court as the official archivist. The Clerk(s)
213 shall also be responsible for obtaining and recording attendance of all members of the
214 Judicial Branch at Student Outreach Events, Senate or Executive Staff meetings and all
215 Judicial Branch meetings and University Court hearings.
- 216 2. The Judicial Aide(s) shall be responsible for assisting the Clerk(s) of Court, Public Defender,
217 and Solicitor General, as well as all University Court Justices in administrative and clerical
218 matters. If there is/are no Judicial Aide(s), the Chief Justice or his/her designee(s) will assist
219 in the administrative and clerical matters.
- 220 3. The Public Defender shall be responsible for providing counsel to any student brought
221 before the University Court as a respondent if requested.
- 222 4. The Solicitor General shall be responsible for acting as an independent investigator and
223 advocate of students' rights. The Solicitor General shall perform the following duties:
- 224 a) Investigate potential violations of the Student Government Code of Ethics, as
225 defined in the Student Government Bylaws.
- 226 i. An investigation may be initiated upon the request of any concerned LSU
227 student.

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- ii. A complaint filed with the University Court shall conform to the template found in the Appendix to this document and shall be made available to the complainant by the Clerk(s) of Court or the Judicial Aide(s).
 - iii. Any concerned LSU student may submit an investigation request form to sgjudicial@lsu.edu.
 - iv. The Chief Justice must notify the Solicitor General of the investigation request within two (2) class days of receipt and the Solicitor General must report the status of the investigation to the Chief Justice and all involved parties every five (5) class days until the investigation is complete.
- b) The Chief Justice of the University Court must authorize all requests for investigation. Report the findings of an investigation in writing to all involved parties.
 - c) Report the findings of an investigation at the next regularly scheduled meeting of the Student Senate following the conclusion of the investigation.
 - d) Assist the Student Senate during impeachment proceedings upon the request of any of the authors of the Bill of Impeachment in question.
 - e) Petition the Court to issue an injunction in cases where no individual petitioner comes forward.
- 5. The Clerk(s) of Court, Judicial Aide(s), Public Defender, and/or Solicitor General may be removed for cause from his/her position by a two-thirds (2/3) vote of the University Court.
 - 6. All staff members of the Judicial Branch must attend at least one (1) Senate or Executive Staff meeting and two (2) Student Outreach Events per semester. Student Outreach Events shall be determined at the discretion of the Chief Justice. Proof of attendance shall be sent to the Clerk(s) of Court, at sgclerk@lsu.edu, no later than forty-eight (48) hours after the event was held. Failure to adhere shall result in removal from his/her position by a two-thirds (2/3) vote of the University Court.
 - a) Any staff member of the Judicial Branch may submit a request for approval for any outside event to sgjudicial@lsu.edu at least two (2) days prior to the event.

ARTICLE III

General Procedures

Section 1. Complaints

All causes of action pursued in the University Court shall be initiated by the filing of a Notice of Complaint with the Clerk(s) of Court.

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- A. A complaint filed with the University Court shall conform to the template found in the Appendix to this document and shall be made available to the complainant by the Clerk(s) of Court or the Judicial Aide(s).
 - B. The Clerk(s) of Court shall assign a docket number to the case and notify the Chief Justice of the pendency of action within one (1) class day of receiving a filed complaint.
 - C. Within three (3) class days of receiving a filed complaint from the Clerk(s) of Court, the Chief Justice shall notify the University Court, the Student Body President, the Speaker of the Student Senate, the Student Government Advisor, the complainant, and the respondent of the pendency of action and shall arrange a date, time and location for the hearing to be held.
 - D. The Chief Justice shall notify the Clerk(s) of Court and the University Court of the date and time of the hearing. Within twenty-four (24) hours, the Clerk(s) shall forward this information to the complainant and the respondent by official LSU e-mail.
 - E. The University Court shall hear all hearings within seven (7) class days of the filing of a Notice of Complaint.
 - F. If a case arises from a Student Government Election, the hearing involving that case shall be held within twenty-four (24) hours of the filing of a Notice of Complaint with the Clerk(s) of Court.

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Section 2. Posting Requirements

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A. The Clerk(s) of Court shall provide the complainant with a citation, which shall contain:

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1. A list of the charges and/or claims brought against the respondent.

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2. The date, time, and location of the scheduled proceedings.

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3. The penalties for failure to appear before the Court, including default judgment, and suspension and/or expulsion from office.

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B. After receiving notification from the Chief Justice, the Clerk(s) of Court shall also post a notice of the hearing on the LSU Student Government website. The notice shall contain the names of the parties, date, location, and time of the proceedings.

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Section 3. Briefs

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A. Both parties to a case and any interested parties may file briefs with the Clerk(s) of Court. The Clerk(s) of Court must receive briefs no later than twenty-four (24) hours prior to the commencement of a hearing.

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B. In the event of an election hearing, briefs must be submitted no later than six (6) hours prior to the hearing.

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C. Briefs must conform to the template provided to both parties by the Clerk(s) of Court. The template can be found in the Appendix of this document. The brief submitted to the Clerk(s) of Court shall not exceed eight (8) typed pages.

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D. If supplementary evidence is not included with the brief, it may be presented at the hearing with a majority (1/2) vote of the justices.

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E. The Clerk(s) of Court, or the Judicial Aide(s) acting under the direction of the Clerk(s) of Court, shall distribute copies of all briefs to parties present before the Court, including the Chief Justice, all University Court Justices, the respondent, the complainant, and counsel.

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F. The Chief Justice reserves the right to deny the admission of excessive briefs.

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Section 4. Transcription of Proceedings

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A. All proceedings of the University Court shall be recorded with an audio device provided by the Judicial Branch. Parties may access the recording upon request to the Chief Justice. Anything recorded during the hearing will be submitted to the Judicial Branch's archive.

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1. Any interested parties shall contact the Chief Justice at sgjudicial@lsu.edu to request access to the recordings. Access must be granted within two (2) class days of the request. The meeting to access the recordings shall occur in a Student Government office in the Student Union during official University hours; the recordings shall not be distributed. The Chief Justice or his/her Judicial Branch designee must be present during the meeting.

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B. The Clerk(s) of Court shall present a thorough written summary of the testimony and arguments produced during the hearing via email over SGV1 and on the hearings page of the Student Government website.

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ARTICLE IV Hearings

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Section 1. Order of Proceedings

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A. The Chief Justice shall call a hearing to order and shall verify that all relevant parties are present.

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B. The Chief Justice or his/her designee in accordance with Article IV, Section 2 of the Rules of Court, shall administer the oath or affirmation of truth..

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- 340 C. The Clerk(s) of Court shall entertain any motions from the parties, in accordance with Article IV,
341 Section 3 of the Rules of Court.
342 D. The Court shall hear opening and closing arguments from both parties, and the Court shall also
343 hear the examination and cross-examination of all witnesses.
344 E. The Chief Justice shall dismiss all parties from the room and deliberation shall begin.
345 F. The Court shall reconvene and announce its decision after deliberation has ended.
346 G. The Chief Justice shall then adjourn the Court.
347 H. The verdict of the University Court shall be posted the official Student Government website.
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349 **Section 2. Oath or Affirmation of Truth**

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351 A. An oath or affirmation of truth shall be administered to all participating parties and witnesses
352 prior to motions and arguments in every University Court hearing.
353 B. The Chief Justice or his/her designee shall administer the oath or affirmation of truth..
354 C. The form for the oath or affirmation of truth shall be as follows:
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356 "With the left hand of the person being sworn in on the Student Government Constitution and
357 Rules of Court, and with the person's right hand upraised, he/she shall state the following oath
358 or affirmation:
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360 I [state your full name] – do solemnly swear (or affirm) – that I will tell the truth, the whole truth,
361 and nothing but the truth – as the Code of Student Conduct of Louisiana State University
362 dictates."
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364 **Section 3. Motions**

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367 At the commencement of proceedings the Clerk(s) of Court shall entertain any motions from the parties.
368 If necessary, the Court shall hear arguments and testimony on the motions. The Chief Justice may limit
369 the time allotted for arguments and testimony.
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- 371 A. At any time after the commencement of proceedings, the Chief Justice shall entertain any
372 motions.
373 B. The University Court shall recognize ten (10) motions but is not limited to recognizing only these
374 motions which, if granted, shall have the effect of delaying or dismissing the case, as appropriate:
375 1. Motion for Continuance
376 i. Allows for the Court to continue hearing the case at a later time.
377 ii. Continuances are granted only if valid grounds exist that justify the
378 postponement of the action.
379 iii. If a continuance is granted, the Court will set its duration with regard to the
380 rights of both parties and impose any necessary restrictions.
381 2. Motion for Dismissal on the Grounds of Lack of Subject Matter Jurisdiction
382 i. Allows for the Court to dismiss a case outside the realm of authority.
383 3. Motion for Dismissal on the Grounds of Lack of Standing on the Part of the Complainant
384 i. Reference Article I, Section 4 of the Rules of Court.
385 4. Motion for Dismissal on the Grounds of Prescription
386 i. Reference Article I, Section 5 of the Rules of Court.
387 5. Motion for Dismissal on the Grounds of Previous Judgment
388 i. Allows for the Court to dismiss a case based on the previous judgment of the
389 case at hand.
390 6. Motion for Default Judgment
391 i. Allows for the judgment in favor of the complainant when the respondent
392 has not responded to a complaint or has failed to appear before the court of
393 law.
394 ii. The failure to take action is the default.
395 iii. The default judgment is the relief requested in the party's original petition.
396 7. Motion for Summary Judgment
397 i. Allows for the Court to decide the case in whole or part based on the
398 interpretation of the University Court.

- 399 ii. A Summary Judgment shall rule that no factual issues remain to be tried, and
400 therefore, a cause of action or all causes of action in a complaint can be
401 decided upon certain facts without trial.
402 iii. The University Court shall accept a Motion for Summary Judgment only if all
403 necessary factual issues are settled or are so one-sided that they need not be
404 tried.
- 405 8. Motion for Intervention of Interested Parties
406 i. Allows for the Court to define individuals who possess material information
407 relevant to the case at hand.
- 408 9. Motion for Recusal
409 i. Reference Article VI of the Rules of Court.
- 410 10. Motion for Supplementary Evidence
411 i. Allows the Court to consider additional evidence after the submission of the
412 brief.
- 413 C. A Motion for Continuance may be issued prior to the commencement of the University Court
414 proceedings provided that the motion is submitted in writing before the convening of the case at
415 hand and is signed by the party submitting the motion.
- 416 D. The parties may not waive the Motions on the Grounds of Lack of Subject Matter Jurisdiction,
417 Lack of Standing on the Part of the Complainant, or On the Grounds of Prescription. If the parties
418 fail to make these motions when applicable, the Chief Justice may make and grant them
419 himself/herself.
- 420 E. A Motion for Default Judgment may be issued if the respondent fails to appear at a duly
421 convened hearing after having been notified.
- 422 1. In response to a Motion for Default Judgment, the Chief Justice shall order the
423 complainant to present his/her case. At the close of complainant's case, the University
424 Court may enter a default judgment. The judgment shall then be forwarded to the
425 Clerk(s) of Court.
- 426 2. Upon receiving a default judgment, the Clerk(s) of Court shall post a notice informing
427 the respondent that a default judgment has been entered. This posting shall be done in
428 accordance with Article III, Section 2 of the Rules of Court.
- 429 F. A Motion for Recusal requires that the University Court temporarily adjourn until such a time
430 (which shall not exceed one (1) class day) that the motion can be heard by eligible justices of
431 University Court.
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433 **Section 4. Opening and Closing Arguments**

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- 435 A. The complainant(s) and respondent(s), along with any of their counsel, who have filed briefs with
436 the Clerk(s) of Court may present opening and closing arguments to the University Court after all
437 motions have been ruled upon.
- 438 B. The Chief Justice may limit the length of time allotted for opening and closing arguments at
439 his/her discretion provided that each party shall be allowed an equal amount of time to present
440 arguments.
- 441 C. Any party may waive its right to an opening and/or closing argument.
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443 **Section 5. Witnesses**

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- 445 A. Parties may present witnesses whose testimony supports their respective cases, provided that
446 the oath or affirmation of truth is administered to the witnesses prior to testimony.
- 447 B. Parties shall have the right to cross-examine all witnesses.
- 448 C. The Chief Justice may limit the time to examine and cross-examine witnesses, provided that
449 each party has an equal amount of time. This additional time shall not be included in the total
450 time the Chief Justice affords to all parties.
- 451 D. The Chief Justice may compel any member of Student Government, either elected or appointed,
452 to appear in court as a witness, and may also compel any LSU student, faculty, or staff member
453 to appear in court as a witness.
- 454 E. Any member of Student Government, either elected or appointed, who fails to appear before the
455 University Court when so compelled may face penalties as specified in Article V of the Rules of
456 Court.
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458 **Section 6. Questions from the Bench**

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- A. Any University Court Justice may question the parties at any time during the proceedings for purposes of clarification.
- B. Any time spent answering questions from the bench shall not be included in the total amount of time allotted by the Chief Justice to all parties.
- C. If any party objects to the questions of any University Court Justice, they shall make an oral objection. Such objections shall be ruled on by the Chief Justice at the time of objection and placed on record by the Clerk(s) of Court.

468 **Section 7. Deliberation and Judgment**

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- A. At the close of arguments, the hearing shall recess for deliberation.
 - 1. Only members of the Judicial Branch and the Student Government Advisor shall be admitted into deliberation.
 - 2. The Chief Justice may poll the justices at any time during deliberation.
- B. Deliberation shall end when a majority (1/2) of the justices constituting quorum agree to either grant the relief requested, grant a relief agreed upon by the University Court, or to deny the relief requested. Deliberation shall not exceed three (3) class days. Concentrated study period, finals week, and University-sanctioned holidays shall not be included in the tabulation of time spent in deliberation.
- C. When a decision has been reached, the Court shall reconvene in open session. The decision of the University Court shall be announced to the parties by the Chief Justice, along with the reasons for the decision. The ruling of the University Court is final and cannot be appealed.
- D. The Chief Justice shall assign a justice to write a majority opinion of every case, or shall reserve the right for himself/herself. All judgments, together with the opinion of the University Court, shall be forwarded to the Clerk(s) of Court within five (5) class days of the oral judgment.
- E. Any justice may write a concurring or dissenting opinion at his/her discretion, which should be filed separately with the Clerk(s) of Court.
- F. Upon receipt of the judgment and opinion, the Clerk(s) of Court shall forward copies to the Student Body President for executive action and to the Dean of Students. Additional copies shall be filed in the Court archive and posted on the Student Government Website under the hearings page.
- G. If the judgment is returned by the Dean of Students for correction as to University regulation (excluding Student Government documents), the Court shall reconvene at the order of the Chief Justice. The Court shall resume its deliberations and reconsider its findings, as recommended.
- H. The Chief Justice shall preside over all deliberations of the University Court.

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ARTICLE V Failure to Appear

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501 **Section 1. Definition**

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A respondent has failed to appear before the Court when, after proper notification via LSU e-mail, he/she does not make an appearance, in person or by counsel, at a duly convened proceeding of the University Court.

507 **Section 2. Penalties**

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- A. If a Student Government official, elected or appointed, knowingly fails to appear before the University Court, he/she may be suspended or removed from his/her position within Student Government.

512 B. The decision to suspend or remove a Student Government official shall be made only by the
513 University Court and shall be executed by the Student Body President or the Student
514 Government Advisor, as appropriate.
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516 **Section 3. Process of Suspension or Removal**
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518 A. If the official has failed to appear before the University Court, the Chief Justice, or two Associate
519 Justices in conjunction, may begin the process of suspension or removal.
520 B. The Chief Justice shall set a date for a hearing, which is to take place no later than three (3) class
521 days from the date he/she failed to appear, regarding the suspension or removal.
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523 **Section 4. Suspension or Removal Hearing**
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525 A. If the official appears before the University Court at the appointed time, he/she shall be allowed
526 to present his/her rebuttal to the charges.
527 B. If the official fails to appear before the University Court at the appointed time, the Court shall
528 adjourn immediately for deliberation.
529 1. Only members of the Judicial Branch and the Student Government Advisor shall be admitted
530 into deliberation.
531 C. In deliberation, the University Court shall decide whether the failure of the official to appear was
532 reasonably excusable under the circumstances.
533 D. If the official's failure to appear is found to be inexcusable by a majority (1/2) of the justices, the
534 Chief Justice shall forward an order of suspension or removal to the Student Body President or
535 the Student Government Advisor for immediate action. If the official fails to appear before the
536 University Court in the matter of his/her failure to appear, the University Court may issue a
537 judgment for removal.
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540 **ARTICLE VI**
541 **Recusation**
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544 **Section 1. Rule**
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546 A. Any justice of the University Court shall recuse himself/herself from participation in a case if
547 he/she believes that, by virtue of his/her relationship or close association with any of the parties
548 to the case, he/she is unable to decide the case impartially.
549 B. Recusal made by the justices or either party and their counsel may be requested at anytime
550 during the hearing.
551 a. A justice's refusal to recuse him/herself is subject to challenge if the aggrieved party
552 believes that a justice who participated in deciding the aggrieved party's case should
553 have recused himself/herself.
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555 **Section 2. Related parties**
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557 A. Related parties include, but are not limited to:
558 1. Anyone legally related to a party of the case before the Court, in a direct line of either
559 ascendance, descendants, or collaterals within the first degree.
560 2. Anyone whose name appears on a ticket or other campaigning material or is/was a
561 member of campaign staff with a party of the case before the Court, for the current
562 semester.
563 3. Anyone who has publicly announced his/her support of a party to the case before the
564 Court. Public announcement is defined as:
565 i. A letter of support to any periodical.
566 ii. Distributing campaign materials of a party of the case.

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- iii. Announcing said support in student organization meetings, social networking websites, e-mail, text messaging, or any other form of communication at the discretion of the University Court.

571 **Section 3. Challenges**

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- A. The University Court shall have original and exclusive jurisdiction in cases arising under this article and, therefore, shall proceed according to the procedures specified in Article I, Section 6 of the Rules of Court.
 - B. Only members of the Judicial Branch and their adviser shall be admitted into the challenge hearing.
 - C. If a University Court Justice is the subject of the challenge, the Chief Justice shall dismiss that justice from hearing the challenge. If the Chief Justice is the subject of the challenge, he/she shall dismiss himself/herself from hearing the challenge and the Deputy Chief Justice shall serve as Acting Chief Justice.
 - D. Any justice that is the subject of a challenge shall have the right to defend himself/herself in the same manner as a respondent and shall retain all the rights and privileges guaranteed to him/her granted under Article I, Section 2 of the Rules of Court.
 - E. If a majority of the justices find that the challenged justice should have recused himself/herself and his/her failure to do so may have affected the outcome of the case, a new trial or hearing shall be ordered on behalf of the aggrieved party.

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ARTICLE VII Injunctions

593 **Section 1. Definition and issuance**

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- A. The University Court possesses the power to issue injunctions, pursuant to Article IV, Section 4§C of the Student Government Constitution.
 - B. An injunction is an order, issued in the name of the University Court and executed by the Executive Branch, which requires a Student Government official to do the following:
 1. Temporarily cease and desist any activity or practice until such a time as a full hearing can be held regarding the case or controversy; or,
 2. Grant to petitioner such relief as is requested on a temporary basis until such a time as a full hearing can be held on the case or controversy.

604 **Section 2. Procedure for an injunction by the University Court**

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- A. The Chief Justice or any two (2) Justices in conjunction may issue injunctions.
 1. An injunction from the University Court shall conform to the template found in the Appendix to this document, and shall be submitted to the Clerk(s) of Court at sgclerk@lsu.edu.
 2. The Clerk(s) shall notify the Chief Justice at sgjudicial@lsu.edu and all interested parties of the injunction as soon as possible, but in no case more than twenty-four (24) hours after the receipt of the injunction.
 - B. Injunctions may be issued against any Student Government election, Student Government official function, Student Government official in his/her capacity, or any legislative and/or executive instrument.
 - C. Justices of the University Court shall neither enjoin any action of the Student Government nor any member of the Student Government in instances where no petitioner has requested such action.
 - D. Injunctions may only be effective for a maximum of three (3) consecutive class days. Any injunction purporting to have effect for a longer period is null and void.
 - E. A petition for an injunction may be included in the complaint filed by the complainant with the Clerk(s) of Court.

- 624 1. The Injunction Petition Form can be found in the Appendix to this document.
625 F. The Chief Justice or any two (2) justices, in conjunction, need not convene a hearing in order to
626 consider a petition for injunction. The injunction may be issued on the basis of the complaint
627 alone.
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629 **Section 3. Burden of Petitioner**

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631 A. Injunctions shall not be issued unless the petitioner is able to demonstrate that immediate,
632 irreparable harm will result without injunctive relief.
633 B. An injunction is to be considered an extraordinary remedy.
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637 **ARTICLE VIII**
638 **Administration**

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641 A. Judicial Opinion shall issue all administrative matters of the University Court this includes, but is
642 not limited to, all Judicial Staff appointments, resignations, and expenses. All Judicial Opinions
643 are issued by the Chief Justice and are public record. Each Judicial Opinion, as well as all
644 injunctions, issued within the last academic week of the semester shall be read publicly at the
645 next regularly scheduled meeting of the Student Senate.
646 B. If a vacancy occurs on the University Court the Student Body President may fill it immediately.
647 C. Each justice shall serve office hours per academic week in the Judicial Branch Office at the
648 discretion of the Chief Justice.
649 1. The Deputy Chief Justice will keep record of all office hours.

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651 **ARTICLE IX**
652 **Amendments**

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654 Any official of the University Court may recommend amendments to this document.. Review of
655 this document must occur at least once per academic year. If a majority of the justices of the
656 University Court approve the amendment(s) in question, the Chief Justice shall forward a typed
657 copy of the changes to the Speaker of the Student Senate for a vote. If the Student Senate
658 approves the amendment(s), it shall become effective immediately but will not affect any
659 complaint filed prior to the revision.
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661 **ARTICLE X**
662 **Interpretation**

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664 The Rules of Court shall be strictly interpreted with reference to the precise terms of the
665 document whenever possible. If a provision is ambiguous or leads to absurd consequences in its
666 application, it shall be interpreted in terms of expediency, fair play, and equal justice to all
667 parties.
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670 **APPENDIX**

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672 A. The documents are as follows:
673 1. Brief Template
674 2. Complaint Document
675 3. Investigation Request

- 676 4. Injunction Notification
- 677 5. Injunction Petition
- 678 6. Subpoena Document
- 679 7. Appeal Document
- 680 B. These documents will be posted on the Hearings page of the Student Government website
- 681 (www.sg.lsu.edu/hearings).
- 682 C. Judicial Opinions and Rulings issued by the University Court
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686 **PARAGRAPH 4:** THEREFORE, BE IT ENACTED BY THE LOUISIANA
687 STATE UNIVERSITY AGRICULTURAL AND
688 MECHANICAL COLLEGE STUDENT SENATE THAT THE
689 ABOVE AMENDMENTS ARE ADOPTED INTO THE LSU STUDENT
690 GOVERNMENT RULES OF COURT.

691 **PARAGRAPH 5:** THIS BILL SHALL TAKE EFFECT UPON PASSAGE BY A THREE-
692 FOURTHS (3/4) VOTE OF THE LSU STUDENT SENATE AND
693 SIGNATURE BY THE PRESIDENT, UPON LAPSE OF TIME FOR
694 PRESIDENTIAL ACTION, OR IF VETOED BY THE PRESIDENT AND
695 SUBSEQUENTLY APPROVED BY THE SENATE, ON THE DATE OF
696 SUCH APPROVAL.
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723 **APPROVED:**

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726 **ALEX W. GRASHOFF**
727 **SPEAKER OF THE SENATE**

724 _____
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726 **JOHN S. WOODARD**
727 **STUDENT BODY PRESIDENT**

728 **DATE:** _____
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728 **DATE:** _____
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