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F11RS SGB No. 5 (Rules of Court)

Frias

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STUDENT SENATE

F11RS

SGB No. 5

BY: SENATOR FRIAS

**A BILL
TO AMEND THE RULES OF COURT**

- PARAGRAPH 1:** WHEREAS, THE JUDICIAL BRANCH OF STUDENT GOVERNMENT LACKS A SECOND BRANCH HEAD; AND
- PARAGRAPH 2:** WHEREAS, A DEPUTY CHIEF JUSTICE WOULD SIGNIFICANTLY AID THE CHIEF JUSTICE IN ALL DUTIES; AND
- PARAGRAPH 3:** WHEREAS, THERE ARE SEVERAL OTHER CHANGES NEEDED TO AID IN THE EFFICIENCY OF THE JUDICIAL BRANCH; AND
- PARAGRAPH 4:** WHEREAS, THE UNIVERSITY COURT HAS RECOMMENDED THESE CHANGES BY THE APPROPRIATE VOTE; AND
- PARAGRAPH 5:** WHEREAS, THE RULES OF COURT SHOULD 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 University Court 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. If the Chief Justice is, at any time, temporarily unable to perform his/her duties, an alternate shall take his/her place. The alternate shall be appointed by the Chief Justice from the membership of University Court and shall serve as long as he/she is unable to perform his/her duties.

- D. 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 Student Body President.
- E. 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.

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 fifteen (15) class days prior to the final class day of each fall semester. If the incoming justice appointed by the Student Body President is 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 in a regularly scheduled Student Government election, 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 University Court within ten (10) class days of the vacation of the position.

Section 2. Responsibilities of the Chief Justice

- A. The Chief Justice shall be responsible for arranging regularly scheduled meetings at which all justices shall be available to conduct official business.
- B. The Chief Justice shall be responsible for seeing that all justices are informed of all upcoming hearings and meetings; quorum of justices must be present at every hearing and meeting.
- C. The Chief Justice shall vote in a hearing only in the event of a tie.
- D. The Chief Justice shall assign a justice to write a majority opinion in every case, or shall reserve the right for himself/herself.
- E. The Chief Justice shall be responsible for carrying out the various enumerated directives directed toward him/her throughout the Rules of Court.
- F. 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.
- G. The Chief Justice shall serve on the President's Cabinet, as referred to in the Bylaws Article II, Section 1.
- H. **The Chief Justice shall consult with all Associate Justices to outline hearing procedures prior to any hearing of the University Court.**
- I. The Chief Justice must adhere to all responsibilities outlined in Article II, Section 5 ~~3~~ of the Rules of Court.

Section 3. Election of the Deputy Chief Justice

The Deputy Chief Justice shall be elected in the same manner as the Chief Justice.

Section 4. Responsibilities of the Deputy Chief Justice

- A. The Deputy Chief Justice shall meet with all parties prior to any hearing of the University Court to address Court procedures and any questions.
- B. The Deputy Chief Justice shall serve as the official correspondent of the Judicial Branch to any parties in a hearing.
- C. The Deputy Chief Justice shall assist the Chief Justice in all responsibilities of the University Court as needed.
- D. The Deputy Chief Justice shall serve as Acting Chief Justice in the absence of the Chief Justice.
- E. The Deputy Chief Justice must adhere to all responsibilities outlined in Article II, Section 5 of the Rules of Court.

Section 5. Responsibilities of the Associate Justices

- A. Associate Justices shall be responsible for attending meetings or hearings called to order by the Chief Justice.
- B. Associate Justices shall adhere to attendance policies as stated in Article I, Section 1§B of the Rules of Court.
- C. All Associate Justices of the University Court must attend at least two (2) Senate or Executive Staff meetings and two (2) Student Outreach Events per semester. Student Outreach Events shall include but not be limited to Organizational Visits, Chats with the Chancellor, and Straight Talks. Proof of attendance shall be sent to the Clerk of Court(s) by sgclerk@lsu.edu no later than forty-eight (48) hours after the event was held.
 - 1. Any staff member of the Judicial Branch can submit a request for approval for any outside event to sgjudicial@lsu.edu at least two (2) days prior to the event.
- D. All Associate Justices must demonstrate their knowledge of all relevant framing Student Government documents and impartiality throughout their term of office.
- E. No member of or candidate for position within the Judicial Branch shall help, assist, serve on, campaign for or advise any Fall or Spring Student Government Campaign or Ticket.”;

Section 6. Quorum

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

Section 5. Judicial Staff

- A. The Chief Justice of the University Court shall appoint one Clerk of Court, at least one Judicial Aide, a Public Defender, and a Solicitor General. The Clerk of Court, Judicial Aide(s), Solicitor General and Public Defender shall be full-time LSU students; they must demonstrate their knowledge of all relevant framing Student Government documents and impartiality before being appointed.
- B. The Clerk of Court shall be responsible for receiving and forwarding all complaints filed with the Court and for keeping the records of the Court as the official archivist. The Clerk shall also be responsible for obtaining and recording attendance of Student Outreach Events by all members of the Judicial Branch.
- C. The Judicial Aide(s) shall be responsible for assisting the Clerk of Court, Public Defender, and Solicitor General, as well as all University Court Justices in administrative and clerical matters. If there are no Judicial Aide(s), the Chief Justice or his/her designee(s) will assist in the administrative and clerical matters.
- D. The Public Defender shall be responsible for providing counsel to any student brought before the University Court as a respondent if requested.
- E. The Solicitor General shall be responsible for acting as an independent investigator and advocate of students’ rights. The Solicitor General shall perform the following duties:
 - 1. Investigate potential violations of the Student Government Code of Ethics, as defined in the Student Government Bylaws.

- i. An investigation may be initiated upon the request of any concerned LSU student.
 - 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 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.
 - v. All requests for investigation must be authorized by the Chief Justice of the University Court.
 2. Report the findings of an investigation in writing to all involved parties.
 3. Report the findings of an investigation to the next regularly scheduled meeting of the Student Senate following the conclusion of the investigation.
 4. Assist the Student Senate during impeachment proceedings upon the request of any of the authors of the Bill of Impeachment in question.
 5. **Petition the Court to issue an injunction in cases where no individual petitioner comes forward.**
- F. The Clerk 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.
- G. All staff members of the Judicial Branch must attend in at least one (1) Senate or Executive Staff meeting and two (2) Student Outreach Events per semester. Student Outreach Events shall include but not be limited to Organizational Visits, Chats with the Chancellor, and Straight Talks. Proof of attendance shall be sent to the Clerk of Court(s), at sgclerk@lsu.edu, no later than forty-eight (48) hours after the event was held. Failure to adhere will lead to removal from his/her position by a two-thirds (2/3) vote of the University Court.
1. Any staff member of the Judicial Branch can submit a request for approval for any outside event to sgjudicial@lsu.edu at least two (2) days prior to the event.

ARTICLE IV

Hearings

Section 1. Order of Proceedings

- A. The Chief Justice shall call a hearing to order and shall verify that all relevant parties are present.
- B. The oath or affirmation of truth shall be administered by the Chief Justice or his/her designee, in accordance with Article IV, Section 2 of the Rules of Court.
- C. The Clerk of Court shall entertain any motions from the parties, in accordance with Article IV, Section 3 of the Rules of Court.
- D. The Court shall hear opening and closing arguments from both parties, and the Court shall also hear the examination and cross-examination of all witnesses.
- E. The Chief Justice shall dismiss all parties from the room and deliberation shall begin.
- F. The Court shall reconvene and announce its decision after deliberation has ended.
- G. The Chief Justice shall then adjourn the Court.
- H. The verdict of the University Court shall be posted the official Student Government website.

Section 2. Oath or Affirmation of Truth

- A. An oath or affirmation of truth shall be administered to all participating parties and witnesses prior to motions and arguments in every University Court hearing.
- B. The oath or affirmation of truth shall be administered by the Chief Justice or his/her designee.
- C. The form for the oath or affirmation of truth shall be as follows:

"With the left hand of the person being sworn in on the Student Government Constitution and Rules of Court, and with the person's right hand upraised, he/she shall state the following oath or affirmation: "I [state your full name] – do solemnly swear (or affirm) – that I will tell the truth, the whole truth, and nothing but the truth – as the Code of Student Conduct of Louisiana State University dictates."

Section 3. Motions

At the commencement of proceedings the Clerk of Court shall entertain any motions from the parties. If necessary, the Court shall hear arguments and testimony on the motions, provided that the Chief Justice, at his/her discretion, may limit the time allotted for arguments and testimony.

- A. At anytime after the commencement of proceedings, the Chief Justice shall entertain any motions.
- B. The University Court shall recognize nine (9) motions which, if granted, shall have the effect of delaying or dismissing the case, as appropriate:
 1. Motion for a Continuance
 - i. Allows for the Court to continue hearing the case at a later time.
 2. Motion for Dismissal on the Grounds of Lack of Subject Matter Jurisdiction
 - i. Allows for the Court to dismiss a case outside the realm of authority.
 3. Motion for Dismissal on the Grounds of Lack of Standing on the Part of the Complainant
 - i. Reference Article I, Section 4 of the Rules of Court.
 4. Motion for Dismissal on the Grounds of Prescription
 - i. Reference Article I, Section 5 of the Rules of Court.
 5. Motion for Dismissal on the Grounds of Issue at Hand has Already been Decided
 6. Motion for Default Judgment
 - i. Reference Article IV, Section 8 of the Rules of Court.
 7. Motion for Summary Judgment
 - i. Allows for the Court to dismiss the case in whole or part based on the interpretation of the University Court.
 8. Motion for Intervention of Interested Parties
 - i. Allows for the Court to define individuals who possess material information relevant to the case at hand.
 9. Motion for Recusal
 - i. Reference Article VI of the Rules of Court.
- C. Motion 1 may be issued prior to the commencement of the University Court proceedings provided that the motion is submitted in writing before the convening of the case at hand and is signed by the party submitting the motion.
- D. Motions 2, 3, 4, and 5 (above) may not be waived by the parties. If the parties fail to make these motions when applicable, the Chief Justice may make and grant them himself/herself.
- E. Motion 6 may be issued if the respondent fails to appear at a duly convened hearing after having been notified.
 1. In response to a motion for default judgment, the Chief Justice shall order the complainant to present his/her case. At the close of complainant's case, the University Court may enter a default judgment. The judgment shall then be forwarded to the Clerk of Court.

Upon receiving a default judgment, the Clerk of Court shall post a notice informing the respondent that a default judgment has been entered. This posting shall be done in accordance with Article III, Section 2 of the Rules of Court.

- F. Motion 9 requires that the University Court temporarily adjourn until such a time (which shall not exceed one (1) class day) that the motion can be heard by eligible justices of University Court.

Section 4. Opening and Closing Arguments

- A. The complainant(s) and respondent(s), along with any of their counsel, who have filed briefs with the Clerk of Court may present opening and closing arguments to the University Court after all motions have been ruled upon.

- B. The Chief Justice may limit the length of time allotted for opening and closing arguments at his/her discretion provided that each party shall be allowed an equal amount of time to present arguments.
- C. Any party may waive its right to an opening and/or closing argument.

Section 5. Witnesses

- A. Parties may present witnesses in support of their respective cases provided that the oath or affirmation of truth is administered to the witnesses prior to testimony.
- B. Parties shall have the right to cross-examine all witnesses.
- C. The Chief Justice may limit the time has to examine and cross-examine witnesses, provided that each party has an equal amount of time. This additional time shall not be included in the total time the Chief Justice affords to all parties.
The Chief Justice may compel any member of Student Government, either elected or appointed, to appear in court as a witness, and may also compel any LSU student, faculty, or staff member to appear in court as a witness.
- D. Any member of Student Government, either elected or appointed, who fails to appear before the University Court when so compelled may face penalties as specified in Article V of the Rules of Court.

Section 6. Questions from the Bench

- 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 of Court.

Section 7. Deliberation and Judgment

- A. At the close of arguments, the hearing shall recess for deliberation.
 - 1. Only members of the Judicial Branch and their adviser 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.** ~~take for himself/herself the task of writing the opinion of the Court.~~ All judgments, together with the opinion of the University Court shall be forwarded to the Clerk 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 of Court.
- F. Upon receipt of the judgment and opinion, the Clerk 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.**

ARTICLE VIII

Administration

- A. All administrative matters of the University Court shall be issued by Judicial Memorandum; this includes, but is not limited to, all internal appointments, resignations, and expenses. All Judicial Memoranda are issued by the Chief Justice and are public record. Each Judicial Memorandum, as well as all injunctions, issued within the last academic week of the semester must be read publicly at the next regularly scheduled meeting of the Student Senate.
- B. If a vacancy occurs on the University Court, it may be filled immediately by Student Body President.
 - 1. The seat shall then be up for election during the next regularly scheduled fall campus-wide election either as a half (1/2) term Associate Justice seat or a full term Associate Justice seat, depending on time remaining in the term.
- C. Each justice shall serve ~~two (2)~~ office hours per academics week in the Judicial Branch Office **at the discretion of the Chief Justice**.
 - 1. Record of office hours will be recorded by the **Deputy** Chief Justice.

APPENDIX

- A. The documents are as follows:
 - 1. Brief Template
 - 2. Complaint Document
 - 3. Investigation Request
 - 4. Injunction Notification
 - 5. Injunction Request
 - 6. **Subpoena Document**
- B. These documents will be posted on the Hearings page of the Student Government website (www.sg.lsu.edu/hearings).

PARAGRAPH 8: THEREFORE BE IT ENACTED BY THE LOUISIANA STATE UNIVERSITY STUDENT SENATE THAT THE AFOREMENTIONED AMENDMENTS TO THE STUDENT GOVERNMENT RULES OF COURT BE ADOPTED.

PARAGRAPH 9: THIS BILL SHALL TAKE EFFECT BY A TWO-THIRDS (2/3) VOTE OF THE STUDENT SENATE AND SIGNATURE BY THE PRESIDENT, UPON LAPSE OF TIME FOR PRESIDENTIAL ACTION, OR IF VETOED BY THE PRESIDENT AND SUBSEQUENTLY APPROVED BY THE SENATE ON THE DATE OF SUCH APPROVAL.

Approved:

Aaron Caffarel
Speaker of the Senate

Cody Wells
Student Body President

Date: _____

Date: _____