

Nicholls State University Student Supreme Court Rules of Trial



Article I. Purpose

1. The purpose of the document is to outline rules of procedures for proceedings and other general provisions for the Student Supreme Court. This document applies to all proceedings of the Student Supreme Court with the exception of University Disciplinary Hearings, which operate under the rules outlined in the Student Code of Conduct.

Article II. Neutrality

1. Having an unbiased, impartial judiciary branch is of the utmost importance to the Student Government Association. It is only by having a neutral judiciary branch will equitable and just decisions be made. It is in this spirit that we outline these provisions.
 - A. Justices are obliged to uphold the ethical principles outlined in the Student Government Association Code of Ethics and to act in good faith throughout all facets of their positions.
 - B. Justices, collectively as a Student Supreme Court or individually, are not permitted to take a public stance, either in the affirmative or in the negative, on Student Government Association Student Senate legislation, Executive Board policies, or any other issue submitted for student vote in the form of a referendum.
 - C. Justices shall not be allowed to serve on any university committees.
 - D. Individual Justices, however, are permitted to take a public stance, either in the affirmative or in the negative, on Student Government Association Student Senate legislation, Executive Board policy, or issue submitted for student vote in the form of a referendum when they are not acting in the capacity of a Student Supreme Court Justice.
 - E. For the purpose of C, “acting in the capacity of a Student Supreme Court Justice” shall include hearings of which they preside and events or programs where the

Justice mentions, either directly or covertly, that he or she is a member of the Student Supreme Court.

- F. Justices, either collectively as a Student Supreme Court or individually, are not permitted to “seek out” issues of which to resolve.
- G. For the purposes of E, “seek out” means, but is not limited to, the hosting of speech forums to gauge student input on various issues and the unauthorized publication to campus media outlets of Student Supreme Court or individual Student Supreme Court Justices’ opinions on school controversies including, but not limited to, election candidates, referendums, fee increases, and any other issue submitted to students or Student Government Association Student Senate for a vote.

Article III. Recusal

- 1. A Justice shall recuse him or herself from a decision or hearing when:
 - A. He or she is affiliated with a department, program, or organization (excluding the Student Government Association and Student Programming Association) associated with the issue at hand, the petitioner, or respondent; or
 - B. He or she has made a statement, in their personal capacity, pertaining to the subject at hand; or
 - C. He or she is a relative to either the respondent or petitioner; or
 - D. He or she feels that he or she should recuse himself or herself in the interest of maintaining ethical standards.
- 2. The provisions outlined in Article III., Section 1., Letters A., B., C., and D. may be vitiated when the petitioner and respondent are told of the potential conflict and still choose to allow the Justice to preside over the hearing.
- 3. If a Justice recuses himself or herself, the Student Supreme Court shall rule on the issue without that member.
- 4. Failure of a Justice to recuses himself or herself because a conflict exists from a particular issue shall automatically be grounds for an appeal of the decision given in that particular case.

Article IV. Rule of Law

- 1. The Student Supreme Court shall use all applicable law in making their decisions. This shall include all legislative and executive policies or instruments, all university regulations, and all state and federal rules, regulations, and legislation.
- 2. As per the Student Government Association Constitution, the Student Supreme Court may only rule on controversies involving the Student Government Association Constitution, Bylaws, and Student Election Code.
- 3. The Student Supreme Court shall not interpret or rule on Student Government Association Constitution, Bylaws Corollary or executive policies without being requested to do so.

4. The Student Supreme Court shall interpret the documents outlined in Article IV., Number 2. strictly. Clear and unambiguous provisions shall be interpreted in its plain and general meaning. Unclear and ambiguous provisions shall be interpreted by the intent of the drafters, which may be found by consulting the Student Government Association minutes and motion books.
5. In the event the strict interpretation of the documents outlined in Article IV., Number 2. results in an absurd and unjust result, the Student Supreme Court may interpret the documents broadly. However, Justices shall act in good faith not to take advantage of this number.
6. The Student Supreme Court may only rule on the Student Government Associations' Constitution, Bylaws, Corollary, and or any executive policies submitted to them by any Student Government Association Executive Board Official or any Senator.
7. The Student Supreme Court may only rule on the Student Programming Associations' Constitution, By-laws, and Policies and Procedures submitted to them by any Student Programming Association Executive Board Member.
8. The Student Supreme Court may only rule on the Student Election Code and the Student Supreme Court Rules of Trial which can be submitted to them by any student who pays self assessed fees. The Student Supreme Court shall not interpret or rule on an issue which is not submitted for its review.

Article V. Standing

1. Any Student Government Association fee-paying student and member of the Student Government Association shall have standing to bring a complaint before the Student Supreme Court.
2. A student who is not a member of the Student Government Association shall have standing only in the event of a referendum or a proposed Student Government Association Constitutional Amendment that may have an effect on them.
3. The Student Supreme Court shall apply Article V., Number 2. broadly as to give just results.

Article VI. General Procedures

1. Complaint:
 - A. Complaints shall be filed only by the person or organization directly affected by the issue outlined therein. Complaints shall not be made anonymously or on the behalf of another person or organization.
 - B. All issues brought to the Student Supreme Court shall be initiated by the filing of a complaint by the petitioner to the Chief Justice of the Student Supreme Court.
 - C. The complaint may be submitted to the Chief Justice of the Student Supreme Court via delivery to their Student Government Association mailbox or to the Chief Justice directly.
 - D. The complaint must contain:
 - 1.) Name, student identification number, and contact information of Petitioner, even if the Petitioner is a representative of an organization; and

- 2.) Detailed Description of the Incident or the Constitutional Question; and
 - 3.) Date of Incident; and
 - 4.) Relief Sought; and
 - 5.) If necessary, the name, student identification number, and contact information of any witnesses; and
 - 6.) If necessary, a statement from the witnesses concerning the incident; and
 - 7.) Date submitted to the Chief Justice of the Student Supreme Court, which may consist of a time stamp by the Student Government Association Secretary.
2. Service:
- A. The Chief Justice of the Student Supreme Court has four (4) school days, excluding Intersession periods, to contact and give a citation to the respondent of which the complaint is filed against.
 - 1.) If the respondent is an organization, service may be given to the organization's advisor and the petitioner.
 - 2.) Service upon a relative, friend, spouse, child, or roommate shall not be sufficient for service.
 - B. The citation must contain:
 - 1.) A copy of the original complaint made by the petitioner; and
 - 2.) The date, time, and place of the proceeding. (Dates may be tentative); and
 - 3.) Penalties, if any, for failure to appear before the Court
 - C. In the event the Chief Justice of the Student Supreme Court cannot contact the respondent in the four-day time period, the citation shall be personally served to the respondent within three (3) school days, excluding Intersession periods, by the petitioner in the presence of a witness, preferably the Student Government Association Director of Rights and Grievances. The petitioner should then return a form with the signatures of both the witness and the respondent and the time, date, and place that service was made.
 - D. If the petitioner is unable to service the respondent, he or she shall certify this in writing. He or she shall also include times, dates, and places where he or she attempted to make service and reasons, if any, why service was not made.
3. Answer:
- A. After being serviced, the respondent may file an answer in response to the complaint to the Chief Justice of the Student Supreme Court within two (2) school days, excluding Intersession periods.
 - B. If no answer is filed within the two-day period, the respondent will be deemed to have waived his or her right to an answer. The respondent may verbally respond to the complaint at the proceeding.
4. Notice:
- A. The Chief Justice of the Student Supreme Court must notify the petitioner, respondent, Student Government Association President, Student Government Association Student Senate, and campus media outlets of the proceedings.
 - B. Notices should contain the names of the parties, the date and time of the proceeding, the place the proceeding is to be held, and a brief statement of the subject of the proceeding.
 - C. Notices should also be placed in public places where such notices are typically displayed.

5. Proceedings:
 - A. The name of each proceeding shall be in the following form: "Name of the petitioner" vs. "Name of the respondent."
 - B. Proceedings shall be transcribed and recorded.
 - C. The Student Supreme Court has discretion to give time limits of any of the outlined procedures listed in Article VII., Number 5. where not explicitly stated.
 - D. Procedures:
 - 1.) Opening Motions:
 - a. At the beginning of the proceeding, the Student Supreme Court shall allow any motions listed below in Article VII., Number 5., Letter D., Number 1.), Letter b. from the parties. If necessary, the Student Supreme Court shall hear arguments and testimony on the motions
 - b. The following motions may be granted by the Student Supreme Court to delay or dismiss a case"
 - i. Request for Continuance: Used to delay a case
 - ii. Default Judgment: See Article VII.
 - iii. Dismissal on Grounds of Lack of Standing on the Petitioner
 - iv. Dismissal on the Grounds of Prescription (statute of limitations has run out)
 - v. Dismissal on the Grounds of No Jurisdiction by the Student Supreme Court: where the Student Supreme Court has no power to rule on an issue
 - c. If the parties fail to make motions iii., iv., and v. listed above when applicable, the Student Supreme Court shall make and grant the motion itself.
 - 2.) Opening Arguments:
 - a. Both parties, beginning with the petitioner, may present opening statements after all the opening motions have been ruled upon.
 - b. Length of opening statements may be limited by the Student Supreme Court as long as each party is allowed the same amount of time.
 - d. Either party may waive his right to an opening statement.
 - 3.) Witnesses:
 - a. Witnesses may be presented by both parties to support their respective claims.
 - b. Both parties shall have the right to cross-examine all witnesses.
 - c. Either party may waive her right to provide and cross-examine witnesses.
 - d. Any member of the Student Supreme Court may question any witness at any time during the proceeding.
 - e. Hearsay from a party that is not present in the proceeding shall not be allowed.
 - 4.) Presentation of Evidence:
 - a. Evidence may be presented by both parties to support their respective claims.
 - b. Both parties shall have a right to explain all evidence made against them.
 - c. Either party may waive his or her right to provide and explain evidence.

- d. Other evidence may be presented at anytime throughout the proceeding as deemed appropriate by the Chief Justice of the Student Supreme Court.
- 5.) Closing Statement:
 - a. A closing statement may be made at the end of the proceeding.
 - b. Either party may waive her right to a closing statement.
- 6.) Judgment:
 - a. The Student Supreme Court shall close the proceedings, and go into deliberation, which will be closed to all excluding Justices and shall not be recording or transcribed.
 - b. It is not necessary for a judgment to be made at the end of the proceeding. However, judgments shall be submitted to the petitioner and respondent no later than two (2) school days, excluding Intersession periods, after the proceeding.
 - c. Judgments may be made no later than one (1) school day, excluding Intersession periods, after a proceeding in the case of an emergency or pressing circumstance, pending the approval of at least two (2) Justices when the Student Supreme Court has more than three (3) members presiding, or the approval of one (1) Justice when the Student Supreme Court has three (3) members presiding.
 - d. All judgments of the Student Supreme Court shall be in writing and must contain the following:
 - i. Summary of the relevant facts of the case; and
 - ii. The issue and relief sought by the petitioner; and
 - iii. A brief statement of the counter argument of the respondent; and
 - iv. The question presented to the Board (the issue restated in question form so that it may be answered in the affirmative or negative)
 - v. The rule in question and
 - vi. The reasoning and vote of each individual Student Supreme Court Justice; and
 - vii. Instructions, if appropriate, for the parties.
 - e. Judgments shall be submitted to the Student Government Association President, Student Programming Association President, Student Government Association Secretary, Student Government Association Student Senate Judiciary Committee Chairperson, campus media outlets, and the respondent and the pertinent student organization advisor(s) the petitioner and the pertinent student organization advisor(s) no later than four (4) school days, excluding Intersession periods, after the proceeding.

Article VII. Default Judgment

- 1. If the respondent cannot be successfully served or if he or she fails to appear at a proceeding after having been served, the petitioner may move for a default judgment.

2. At the request of a default judgment, the Student Supreme Court shall allow the petitioner to present his or her case. If the case is not dismissed by the Student Supreme Court on other grounds, the Student Supreme Court shall enter a default judgment in favor of the petitioner, which shall take effect within four (4) school days, excluding Intersession periods.
3. Upon a finding of default judgment, the Chief Justice of the Student Supreme Court shall post notices pursuant to Article VI., Number 4. of this document. The respondent has two (2) school days, excluding Intersession periods, to respond to the default judgment.
4. If the respondent responds to the posting of default judgment and agrees to a hearing, the Student Supreme Court shall reconvene, and the respondent shall be allowed to present his or her case pursuant to Article VI. of this document.
 - A. The respondent shall receive a copy of the record and judgment of the previous proceeding. The respondent may waive this right.
 - B. The petitioner has the right to be present at the new proceeding
 - C. If the respondent fails to attend a second proceeding, the Student Supreme Court may rule, as it deems appropriate.
5. If the respondent does not respond to the posting of default judgment, the Student Supreme Court's previous ruling shall be final.

Article VIII. Publication

1. All judgments, minutes, transcripts, and tapes are records of the Student Supreme Court and shall be filed and archived in the Student Government Association office and made available to the public, except for deliberation of the Student Supreme Court.

Article X. Ties and Abstentions

1. Ties and Abstentions in proceedings by Student Supreme Court Justices would have disastrous results as the Article IV, Section 6, Number 1 of the Student Government Association Constitution restricts decisions to be made at minimum of three votes.