

Nicholls State University Student Supreme Court Rules of Procedures



Article I. Purpose

1. The purpose of this 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. Composition

The Student Supreme Court shall be composed of 7 members including Chief Justice.

A. Ad-Hoc Justices

1. The purpose of this article is to outline establish the number of Justices and provide provisions for temporary Justices called Ad-hoc Justices, in the event the Student Supreme Court does not have the mandatory four (4) members necessary to make a decision, as outlined in the SGA Constitution
2. The SGA President may appoint temporary members, called Ad-hoc Justices, to the Student Supreme Court so that the total membership totals four (4). Candidates for Ad-hoc Justices shall be approved by a simple majority vote of members voting and present at a duly elected Senate meeting.
3. Ad-hoc Justices are not permitted to serve as Chair of the Student Supreme Court

Article III. 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 stance with the exception of voting in an election, either in the affirmative or in the negative, on Student Government Association Student Senate legislation, Executive Board policies, election for candidates or any other issue submitted for student vote in the form of a referendum.
 - C. For the purpose of B, “acting in the capacity of a Student Supreme Court Justice” shall include hearings of which they preside and events or programs.
 - D. Justices, either collectively as a Student Supreme Court or individually, are not permitted to search for issues of which to resolve.

Article IV. Recusal

1. A Justice shall recuse himself 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 invalidated 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. (Refer to Composition, in the case Justices fall below required number. See Ad-hoc Justices.)
4. Failure of a Justice to recuse 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.
 - A. The appeal will be conducted without the challenged justice participating in the new trial.

Article V. Rule of Law

1. As per the Student Government Association Constitution, the Student Supreme Court may only rule on controversies involving the Student Government Association Constitution, Bylaws, Corollary, Student Election Code, and or any executive policies submitted to them by any Student Government Association Executive Board Official, Senator and student who pays self assessed fees.
2. 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.
3. The Student Supreme Court shall not interpret or rule on Student Government Association Constitution, Bylaws, Corollary, Election Code, Student Supreme Court Rules of Procedure or executive policies without being requested to do so by any student who pays self assessed fees.
4. The Student Supreme Court may rule on the Student Government Association's Constitution, Bylaws, Corollary and/or any executive policies submitted to them by any Student Government Association Executive Board Official or any Senator and/or student who pay self assessed fees.
5. The Student Supreme Court shall interpret the documents outlined in Article IV., Number 1. 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. Evidence of the drafter's intent should be included in the ruling.

Article VI. Standing

1. Any Student Government Association fee-paying student shall have standing to bring a complaint before the Student Supreme Court.
2. A non SGA fee paying student shall have standing only in the event of a referendum or a proposed Student Government Association or Student Programming Association Constitutional Amendment that may have an effect on them.

Article VII. General Procedures

1. Complaint:
 - A. Complaints shall not be made anonymously or on 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 SGA office.

- C. The complaint must contain:
- 1.) Name, student identification number, (not necessary social security number) and contact information of Petitioner, even if the Petitioner is a representative of an organization.
 - 2.) Detailed Description of the Incident or the Constitutional Question.
 - 3.) Date of Incident.
 - 4.) Relief Sought.
 - 5.) If necessary, the name, student identification number, and contact information of any witnesses.
 - 6.) If necessary, a statement from the witnesses concerning the incident.
 - 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.
 - 8.) Complete a routing slip.
2. Service:
- A. The Chief Justice of the Student Supreme Court has four (4) school days, excluding Intersession periods, to serve written notification 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 notice must contain:
 - 1.) A copy of the original complaint made by the petitioner.
 - 2.) The date, time, and place of the proceeding.
 - 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 notice 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.
 - 1.) If service is not made to the respondent, the Student Government Association Director of Rights and Grievances shall be served on the respondent's behalf.
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 Programming 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 on Student Government Association and any other organizations' bulletin boards 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 and is open to the public with the exception of deliberations.
 1. Either party may request that the procedures be closed.
 2. Upon agreement of both parties, proceedings will be closed.
 3. If agreement is not reached between the two parties, the Student Supreme Court by majority vote will decide if proceedings are opened or closed to the public.
 - C. The Student Supreme Court has discretion to give time limits of any of the outlined procedures listed in Article VI., 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 the issue.
 - c. The Student Supreme Court shall make and grant the motion itself if the situation warrants under motions iii., iv., and v. as listed above.

- 2.) Opening Arguments:
 - a. Both parties, beginning with the petitioner, or his or her representative 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.
 - c. Either party may waive his or her 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 his or her right to provide and cross-examine a witness.
 - d. Any member of the Student Supreme Court may question any witness at any time during the proceeding. Any party may question a witness on the court's question or questions.
 - e. Hearsay, that is third party communication from a party in the proceeding shall not be allowed, a witness may comment on a conversation they had with any individual.
- 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 and challenge all evidence presented 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 his or 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 individuals excluding Justices and the Student Supreme Court Advisor, and shall not be recorded 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 conclusion of the proceedings.

- c. Judgments may be made no later than one (1) school day, excluding Intersession periods, after a proceeding in the case of an emergency such as an election, scheduled event, or pressing circumstance, pending the approval of at least four (4) Justices when the Student Supreme Court has more than five (5) members presiding, or the approval of three (3) Justices when the Student Supreme Court has less than six (6) 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.
 - ii. The issue and relief sought by the petitioner.
 - iii. A brief statement of the counter argument of the respondent.
 - iv. The question presented to the Student Supreme Court (the issue restated in question form so that it may be answered in the affirmative or negative).
 - v. The rule in question.
 - vi. The reasoning and vote of each individual Student Supreme Court Justice.
 - vii. Instructions, if appropriate, for the parties.
 Judgments shall be submitted to the appropriate parties. See Article IV, Number 4, Section A.

Article VIII. 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 or the Director of Student Rights and Grievances, 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 VII. 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 VII. 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 IX. 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.

Article X. Ties and Abstentions

1. In the event of a tie, no formal ruling can be made in the matter.
2. There will be no abstentions.

Article XI Rehearing and Appeals

Cases may be reheard for the following reasons

1. A rehearing may be requested of either the petitioner or respondent
2. At the discretion of the Student Supreme Court
3. At the request of the Senate.

Article XII Definitions

1. Hearsay: rumor or gossip; third party communication.
2. Petitioner: a person(s) or student organization that makes a formal request to the Student Supreme Court for a hearing.
3. Recuse: to abstain.
4. Respondent: the person(s) or student organization that the petitioner files a claim against.
5. Standing: having grounds to bring fourth a claim/motion.