



The SGA Code of Procedures

Table Of Contents

P.O. Box 2049
Thibodaux, Louisiana 70310

Officers:

Cruz Cassard	Student Body President
Adriana Magallon	Student Body Vice President
Ethan Gisclair	Treasurer
Justin Helper	Director, Student Rights & Grievances
Callie Becnel	Director, Public Relations
Joseph Lirette	Special Advisor for Student Organizations
Ryan Bergeron	Director, Religious Liberty
Dolly McGeever	Secretary

Order of Documents:

1. Student Bill of Rights
2. Code of Ethics
3. Election Code
4. Election Procedures
5. Supreme Court Procedures
6. Academic Dishonesty



Student Government Association

Nicholls State University Student Bill of Rights

Revised: April 26, 2021

Article I

Title

This document shall be known as the "Student Bill of Rights" for Nicholls State University.

Article II

Terms

When used in this document,

- A. The Term "campus" means Nicholls State University.
- B. The term "student" includes all persons taking courses for credit on Thibodaux campus or Nicholls Online, both full-time and part-time, pursuing undergraduate, graduate, professional, or continuing education.
- C. All other terms have their natural meaning unless the context dictates otherwise.

Article III

Access to Higher Education

Section 1. The university shall be open to all applicants who are qualified according to its admission requirements. No applicant shall be denied admission, readmission, or graduation at the university, or any department or division thereof, on the basis of race, religion, sex, national origin, sexual orientation, gender identity, or personal beliefs and opinions.

Section 2. Any student shall have the right to take any available class or course offered at the university for which there is an opening for which they are willing and able to pay tuition and for which they have fulfilled the university prerequisites and department-specific requirements.

Article IV

Campus Expression

Section 1. Students shall exercise the right to free expression without infringing upon the rights of other members of the university community. Support of any lawful cause by orderly means which do not disrupt the operations of the university is permitted.

Section 2. Students shall have the right to freely and peaceably assemble and protest so long as such gatherings do not disrupt other university functions, impede the free flow of vehicular or pedestrian traffic, or deny the right to access to facilities or buildings.

Section 3. Students, groups, and campus organizations may invite and hear any persons or

supply any type of entertainment of their own choosing, which must be in line with university policy on approval for such events. The university requires that the occasion be conducted in a manner appropriate to an academic community, and in accordance with pertinent university regulations.

Article V Academics

Section 1. Freedom of discussion and expression of views must be encouraged and protected. The instructor has the responsibility to maintain order, but their authority must not be used to suppress the reasonable expression of views contrary to their own.

Section 2. Students are responsible for learning the content of any course for which they are enrolled.

Section 3. Academic evaluation of student performance shall be neither prejudicial nor capricious according to race, religion, sex, national origin, sexual orientation, gender identity, or personal beliefs and opinions, or in any other manner.

Section 4. Information about student views, beliefs, and associations acquired by professors in the course of their work as instructors and advisors is confidential and is not to be disclosed to others unless under legal compulsion (ie. need to know or mandatory reporter) or student consent.

Section 5. Instructors are required to inform students at the beginning of a course of the requirements to be met in each course and the criteria by which the students will be graded.

Section 6. Students are only to be evaluated in the classroom solely based on academic achievement and fulfillment of educational requirements.

Section 7. Students are guaranteed the right to request an add, drop, or receive an incomplete in any course based on their own judgement and not those of any University faculty or staff but while following all University guidelines and protocols.

Section 8. The Finals Preparation Period Policy, adopted November 6, 2019, guarantees that no student may be assigned quizzes, exams, or projects accounting for more than 10% of their total class grade during the last two days of classes before final examinations begin.

Article VI Student Records

Section 1. All student records shall be regarded as confidential. The following permanent records shall be maintained in separate files:

- a. Official educational record;
- b. Official disciplinary record; and
- c. Official medical and psychiatric record.

Section 2. No entry may be made on a student's academic record, and no document may be placed in their file without their academic Dean's direction except upon the direction of the student, academic Dean and/or the Director of Records.

Section 3. All student records shall be kept in accordance with provisions of the Family Education Rights and Privacy Act (FERPA).

Section 4. Students are guaranteed the right of protection from the placement of non-University financial obligations on the student's University account without the expressed consent of the student.

Article VII Privacy and Discipline

Section 1. Students shall have the same rights of privacy as other citizens and shall surrender none of these rights by becoming members of the university residence halls.

Section 2. The university shall give notice to the occupant of the residence hall room at least twenty-four hours in advance of any room checks which necessitate access to a student's room. There may be entry by university officials without notice only in the case of violation of university regulations, or the law, and emergencies where imminent danger to life, health, safety or property is reasonably feared.

Section 3. Social conduct on campus, not in violation of the law or Student Code of Conduct, shall be of no disciplinary concern of the university or its respective departments, affiliates, or offices.

Section 4. Students are protected from all *ex post facto* regulations, or retroactive regulations.

Section 5. Students are guaranteed the right to due process in any action brought or taken by the University against the student which can reasonably be expected to affect the student's status with the University or any of its constituent parts or agencies.

Article VIII Campus Organizations

Section 1. Students shall be free to organize and join associations to promote their common interests, provided that the policies and practices of the organization or association are of a lawful purpose.

Section 2. Organizations may be recognized by the university for any lawful purpose upon completion of all organizational requirements.

Section 3. Campus organizations shall be open to all qualified students without respect to race, religion, sex, national origin, sexual orientation, gender identity, or personal beliefs and opinions.

Section 4. Each campus organization is required to have a faculty advisor. Each organization shall be free to recommend and choose its own advisor. Campus advisors may advise organizations in the exercise of responsibility; but they do not have the authority to control the policies of such organizations, nor act in any such governing position where student leadership is duly elected, unless these policies conflict with university regulations.

Section 5. University facilities may be assigned to students, groups, or organizations for business meetings, for social programs, and for programs open to the public. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to ensure proper maintenance.

Section 6. No individual, group, or organization may use the university name without the expressed authorization of the university except to identify the university affiliation, and only sanctioned groups may do so.

Article IX Student Government

Section 1. As members of the Student Government Association, students shall be free, individually and collectively, to express their views on issues of university policy and on matters of general interest to the student body, but not to enter into the area of slander and liable.

Section 2. The role of student government and both its general and specific responsibilities shall be reviewed only through orderly and prescribed procedures.

Section 3. On questions of university policy, students are entitled to a participatory function. Students shall be designated by student government as members of standing and special committees concerned with curriculum, discipline, and other matters of direct student concern.

Section 4. Student Government requires shared governance at the university. The scope and manner of what the Student Government Association is allowed by the university to perform will be conducted solely and unilaterally by the governing body, unless any act of the Student Government Association violates policies and procedures of the University of Louisiana System.

Article X Publications

Section 1. A student, group, or organization may publish and distribute written material on campus after seeking approval provided such distribution does not disrupt the operations of the university, and provided the university's regulations for orderly distribution are followed. This may not always apply to student elections or referendums, in which case students should refer to the Student Government Association Election Code.

Section 2. Freedom of the press is assured. The editorial freedom entails an obligation under the Canons of Journalism and applicable regulations of the Federal Communications Commission.

Section 3. All university-published and financed student communications shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the university.

Section 4. The campus shall provide reasonable space indoors and outdoors for the posting of notices and posters by students and organizations, as long as they contact the Dean of Students' office for appropriate regulations and procedures. Such notices and posters may deal with any lawful subject matter.

Article XI Grievances

Section 1. The Student Government Association retains its right to assist any student in filing a grievance for any reason through the Director of Student Rights and Grievances.

Section 2. Students are guaranteed the right to file a grievance for any reason whatsoever, including but not limited to revocation of financial aid, academic appeals, and misconduct of University faculty or staff.

Section 3. Students are guaranteed the right to have all grievances appropriately investigated by the University.

Section 4. Students are guaranteed the right to appeal grievance decisions according to the line of command in the grievance procedure.

Section 5. Students are guaranteed the right to report students, faculty, staff, administration, or any individual affiliated or contracted by the university for any sexual assault, harassment, power-based violence or Title IX complaint. Students may seek assistance through the Director of Student Rights and Grievances or report the incident to the Vice President for Student Affairs or Dean of Students directly.

Article XI Conclusion

Section 1. The preceding bill of rights shall not be construed to deny or disparage other rights retained by students in their capacity as members of the student body, community, or US Citizens.

Section 2. This document may be amended by the Student Government Association Senate at any duly constituted meeting with quorum present and two-thirds approval.

**RATIFIED
April 26, 2021**

Ethan Naquin, SGA President

Brady Levron, SGA Vice President



Student Government Association

Code of Ethics for Student Government Officials

Revised: August 24, 2020

Article I Purpose

We, officials of the Nicholls State University Student Government Association, in our continual efforts for the betterment of our school and student body, decided to enact a code of conduct upon ourselves. We believe a code of conduct will help in guiding us to uphold the principles and standards that being SGA officials demand. It is our hope that this document, the Code of Ethics, will bring us closer to our goal of serving, representing, and unifying the Nicholls community.

Article II Organization

Section One

The Code of Ethics consists of five main sections: Purpose, Organization, Principles, Guidelines, and Use of the Code. The Purpose explains why we, SGA officials feel that it is important to have a Code of Ethics. Organization gives a listing of the various sections of the Code of Ethics. Ethical and moral guidelines are described in the Principles section, while the Guidelines section explains general guidelines to be followed by an SGA official in meetings or other SGA business. Lastly, the Use of the Code explains how the code should be used and in which situations.

Section Two

Definitions: The Code of Ethics uses various terms throughout the document that are explained in this section for clarification.

- A. Nicholls Community: Includes the students, faculty, support staff, and administration at Nicholls State University.
- B. Moral: Applies to the goodness of personal character and behavior.
- C. Ethical: Stresses the idealistic standards of right and wrong.
- D. Student Government Association official: Refers to executive, legislative, and judicial officials of the Student Government Association.

Article III Principles

Section One

Public service is a public trust. It is the SGA official's responsibility that the Nicholls community has complete confidence in the integrity of their representative leaders.

Section Two

SGA officials pledge to uphold the SGA Constitution, Rules and Procedures, and Nicholls State University Student Code of Conduct.

Section Three

SGA officials pledge to perform duties efficiently and with the best of thought.

Section Four

SGA officials pledge to never discriminate by giving one group or person special favors.

Section Five

SGA officials pledge to make no private promises or have any private agendas since they are working for what is in the best interests of the Nicholls community.

Section Six

SGA officials pledge to be of good repute at all times because they represent the standards of the Nicholls community.

Section Seven

SGA officials pledge to expose corruption wherever found.

Article IV Guidelines

Section One Code of Official Conduct

- A. General Meetings
 - 1. SGA officials pledge to come to meetings knowledgeable of the matters at hand so that they can best serve the Nicholls community.
 - 2. SGA officials pledge to be responsible for learning the basic parliamentary procedures listed in Robert's Rules of Order.
 - 3. SGA officials pledge to conduct themselves in a professional manner always realizing that they are the embodiment of the morals and standards of the Nicholls community.
 - 4. SGA officials pledge to conduct only public business at general meetings. Meetings are not a forum to discuss private and personal matters.
 - 5. SGA officials pledge not to use the meetings as a platform to propel themselves favorably into the public's eye but to earn public favor through good work.
 - 6. SGA officials pledge to prohibit all communiqués—notes not pertaining to official business, phones, talking—from the meeting.
 - 7. SGA officials pledge not to use the meeting to endorse an event that would be deemed disreputable, immoral, or unethical in the eyes of the Nicholls community.
- B. Committees
 - 1. SGA officials pledge to abide by all guidelines listed in General Meeting Guidelines (Article 4, Section 1) of the Code of Ethics.
 - 2. SGA officials pledge to present to the Senate a detailed report of the minutes of the meeting.
 - 3. SGA officials pledge to act in the best interests of the students.
 - 4. SGA officials pledge not to reveal any confidential information discussed in the committee, including but not limited to, the discussion of nominees, appointments, and interviews (including questions asked).
 - 5. SGA officials pledge to move to table all motions that come up on behalf of the students where either they are not knowledgeable of in the matter or where student consent is needed.
 - 6. SGA officials pledge to attend all University committee meetings dutifully, always remembering that they are the student voice on these committees and are the liaison between the faculty and student body.

Section Two

Code of Conduct in the Public's Eye

- A. SGA officials pledge to remember to conduct themselves in a moral and ethical manner when acting as an SGA official at campus events and on private time when wearing an SGA logo.
- B. SGA officials pledge to act with decency.
- C. SGA officials pledge to keep all internal affairs of the SGA within the SGA.

Article V
Use of the Code

Section One

SGA officials pledge to encourage their colleagues to adhere to the Code of Ethics, holding each other accountable while striving to follow the Code of Ethics themselves.

Section Two

SGA officials will pledge to the Code of Ethics before their installation as an SGA official.

Section Three

SGA officials pledge to read the Code of Ethics or any section of the document when they feel that the Senate needs to be reminded of their moral and ethical obligation to the Nicholls community.

Section Four

Discipline

- A. The Code of Ethics Disciplinary Committee shall be chaired by the SGA Vice President, and the members shall consist of a representative from each SGA standing committee chosen by lot.
- B. An SGA official alleged to be in violation of the Code of Ethics shall be brought before the Code of Ethics Disciplinary Committee.
- C. The Code of Ethics Disciplinary Committee is given all rights and privileges for disciplinary action of an SGA official in violation of the Code of Ethics.
- D. Reporting an SGA Official
 - 1. Any fee-paying student and/or SGA officials can report someone in violation of the Code of Ethics.
 - 2. An incident report that includes the name, date, time, location, and a detailed account of the incident must be completed fourteen days after the alleged incident and turned into the Vice President.

Section Five

Powers of the Code of Ethics Disciplinary Committee

- A. No SGA official shall be automatically removed for any violation of the Code of Ethics.
- B. The Code of Ethics Disciplinary Committee is limited to dispensing one of the following disciplinary actions (listed in ascending order of seriousness):
 - 1. Reprimand: SGA official is told that he or she has violated their covenant to uphold the principles of the Code of Ethics. A reprimand is placed in the official's file, and he or she must once again pledge to the Code of Ethics.
 - 2. Censure: In occurrences where the SGA official is deemed a threat to the moral and ethical public image of the SGA or the Nicholls community, he or she can be temporarily or permanently removed from a position (committee head, committee member, etc.) to one where he or she can do no harm.
Note: This is not meant to remove the SGA official from the SGA or to replace an impeachment.
 - 3. Removal from the Executive Board, Senate, Supreme Court, or Election Commission: Must follow the guidelines for removal stated in the Nicholls State University SGA Constitution (Article III, Section 3, G).
- C. Amending the Code: Shall follow the same amendment process as amendments to Rules and Procedures.



Student Government Association

Nicholls State University Student Election Code

Revised: October 14, 2024

Preamble

Whereas the student body of Nicholls State University must at times make decisions through election and selection, and whereas the students desire the voting process to be fair and just, the SGA hereby establishes this Election Code to outline procedures and practices that shall occur prior to, during, and after student elections and selections overseen by the Election Commission.

Article I

General Provisions

A. Interpreting this Document

1. Provisions in this document shall be interpreted strictly so that clear and unambiguous provisions are interpreted in their plain and general meaning.
2. In the event a provision is unclear or ambiguous, this document should be interpreted by evaluating either the general purpose of the provision or the behavior which the provision is meant to prevent or resolve, and applying that purpose or remedy to address the specific circumstance.

B. Amendments and Repeals

1. The Nicholls State University Student Election Code may be amended by a majority vote of the Election Commission, subject to approval of the SGA Senate. The Election Code may also be amended by a two-thirds (2/3) vote of the SGA Senate without approval by the Election Commission. Constitution (See Article III, Section 3, Number 1, Letter I).
2. Once an election cycle begins, any changes after the deadline for the call of elections or nominations for awards will take effect with the next election cycle.
3. The Election Commission may submit recommended amendments to this document to the appropriate SGA Senate Committee.

C. Definitions

1. **Candidate:** Any individual who applies to be on the ballot meeting the criteria for an elected office or nominated for an honorary selection.
2. **Computer printouts:** A printed material that shall list any of the following: eligible students names, classification, or Student Identification Number
3. **Print-out Books:** bound paper materials which contain the Election Commission computer printouts.
4. **Eligible Voter:** All currently enrolled students who pay the SGA student self-assessed fees are considered eligible voters. ON-LINE Nicholls students and dual enrollment students do not pay SGA fees and are not eligible to vote because they are not members of the SGA as per the SGA Constitution, Article I, Section 3, 1-A.
5. **Endorse/Endorsement:** Showing public support by way of publications, letters, or speaking in public forums on behalf of an individual or idea. Does NOT include monetary support.
6. **Honorary Positions:** Include but are not limited to Mr. /Ms. Nicholls, Homecoming King/Queen, and Homecoming Court.
7. **Ticket:** A joint candidacy consisting of one Presidential candidate and one Vice Presidential candidate running together as a single unit for SGA and SPA elections only. The ticket will be

registered, campaigned for, and voted on as a collective, meaning that voters will select both candidates as a pair rather than individually.

**Article II
Scope and Manner**

**Section I
Jurisdiction**

This Election Code, as set forth by the Student Government Association, is the ultimate governing document during matters relating to a student body vote or referendum. The Election Commission reserves the exclusive right to oversee all matters over a student body vote or referendum.

**Section II
Proceedings**

Guidelines of the handling of proceedings by the Election Commission of the Student Government Association can be found in the Election Commission Rules of Procedures.

**Article III
Guidelines for Dates and Times of General and Run-off Elections**

**Section I
General Guidelines**

- A. Elections shall be conducted using online voting as designated by the Election Commission. Voting dates and times shall be set by the Election Commission the semester or session before a given election. In instances where special elections or referendums must be held within a given semester, the Election Commission shall set the times and dates of the new election at least 4 weeks prior to voting. In cases where online voting is not possible, judged undesirable, or if the integrity of an online election is suspect in the opinion of the Election Commission, the Election Commission may designate that a more traditional approach for conducting a student election be used including the use of on-site voting machines, paper ballots, etc.
- B. The Election Commission may postpone, cancel, extend or take other action necessary regarding election times and dates. Wide latitude is given to the Commission in regards to the conducting of elections impacted by weather or other emergencies which affect operations of the campus and student life at Nicholls State University. Whenever it becomes necessary to alter the time, date(s) or method for voting, the Election Commissioner shall file a copy of the minutes of the Commission meeting where decisions were made relative to the election. During major campus emergencies, the Election Commission may meet electronically (internet or telephone) to make decisions. If the situation does not allow such communication to happen in a timely manner, the Election Commissioner, in his/her absence, the Chief Supreme Court Justice, and in their absence, the Vice President for Student Affairs, may order all election processes cancelled/postponed and the "freezing" of all election data (results) and records for review and action by the Election Commission at an appropriate time (when the campus returns to its regular schedule).
- C. Run-off Elections shall be held no sooner than 48 hours following the close of the primary election polls.

**Section II
Honorary Positions**

Homecoming and Mr. and Ms. Nicholls Committees must submit their nominee selection and election plan within thirty (30) days prior to the student body election for approval by the Commissioner.

Article IV
Candidate Qualification and Requirements

- A. Candidate Qualifications
 1. Qualifications for all candidates for elected office or honorary selections shall be specified by the appropriate authority of the elected office or honorary selection. Candidates must meet the qualifications and guidelines of their respective positions as listed in the pertinent qualifying document.
 2. The Election Commission, through Records and Registration, will be responsible for verifying the eligibility of all candidates after the close of the qualifying period. If a candidate fails to meet the qualification requirements, his or her name will not be placed on the ballot, and he or she will be notified by letter.
- B. Candidate Requirements
 1. All candidates for SGA/SPA positions or Mr. & Ms. Nicholls Honors must file the appropriate application/nomination form with the SGA by a date and time specified by the Election Commission. **For SGA/SPA elections, Presidential and Vice Presidential candidates must file jointly as a ticket.** The filing deadline shall be publicized by the SGA at least two (2) weeks prior to the deadline. All candidates for Homecoming Court Honors must file the appropriate application/nomination form with the appropriate committee responsible for the award program by a date and time specified by the committee.
 2. All prospective candidates for SGA/SPA positions or Mr. & Ms. Nicholls Honors must confirm receipt of a copy of the Election Code in writing with the SGA office or after attending the Candidates Meeting.
 3. Candidates who do not attend meetings are responsible for abiding by the Election Code.

Article V
Candidate Expenditures and Ethics

- A. All **tickets** running for SGA or SPA positions shall not spend in excess of \$750 on campaigning.
- B. All **tickets** running for SGA or SPA positions must submit all campaign related expenditures and transactions in the form of a receipt to the Election Commission on a weekly basis.
- C. Article V Section I is subject to oversight by the Election Commission.

Article VI
Campaigning

Section I
General Guidelines

- A. Active campaigning, including posting or distribution of material and/or launching a social media page may begin only after a candidate has confirmed receipt of a copy of the Election Code in writing with the SGA office or after attending the Candidates Meeting. However, only individuals who meet qualifications for candidates or referendums which receive proper approval will be placed on the student election ballot.
- B. Campaign materials, including the number and size of signs/advertisements, times for placement and removal, as well as other forms of communicating with the student electorate must be conducted in accordance with campus regulations, that is, this Election Code and published University policy(ies). A copy of the current university policy governing election signs and solicitation on campus is attached.
- C. Social media, including but not restricted to Facebook, Twitter, Instagram, email, etc., may be used throughout the entire election and voting process. Candidates must submit to the Election Commission the domain names/electronic addresses of all internet campaign sites utilized, including social media pages.

- D. If allowed by the University, candidates may run commercials and/or place ads on university electronic display boards that are paid for by the candidate.
- E. Candidates may use chalk in their campaign efforts. Candidates should refer to the Office of Student Life for acceptable chalk locations as per university regulations.
- F. Emails shall be sent out to all Nicholls student email accounts on behalf of the Election Commission informing students of the election and what is on the ballot. Individual candidates will not be permitted access to bulk or mass emailing through the university email system.
- G. Nicholls sound systems, including the SPA's, may not be used for campaigning for a candidate at any time, unless made available to all candidates at a public election forum.
- H. SGA/SPA and any university copy machines, computers, equipment, materials, and/or supplies shall not be used to produce campaign materials for any election.
- I. Campaign material may not be affixed, attached, or placed on trees, shrubs, bushes, plants, or surface of any sort without the permission of the appropriate building or grounds authority.
- J. Any sign placed on campus must not defame any candidate or it will be removed and subject the individual responsible for the sign to appropriate disciplinary action or disqualification.
- K. No campaign material shall be affixed to any vehicles, without the permission of the owner. Persons supporting a campaign must place the campaign material on their own car. Distribution of campaign materials on cars, bikes, motorcycles, or any other form of transportation used by persons not affiliated with a campaign is prohibited.
- L. Candidates will comply with university parking regulations.
- M. Campaigning that disrupts the normal flow of University business is prohibited and can be stopped by appropriate University officials.
- N. Littering on campus is prohibited. Campaign materials shall be distributed directly to students.
- O. Destruction/damage of campaign (candidate or referendum) materials is strictly prohibited.
- P. Candidates may not defame another candidate in any way during campaigning.
- Q. Payment of money to any individual for the purpose of swaying or causing someone to vote for or against a particular candidate or referendum issue is prohibited.
- R. All candidates are encouraged to create original logos and designs for campaigning purposes. Candidates are to refrain from the use of the SGA's logos and Nicholls university logos, spirit logos, mascots, and other specialized Nicholls logos in any and all campaigning efforts. Candidates should refer to the Nicholls Branding Guide or the Office of University Marketing & Communications on the Nicholls website for the full list of prohibited designs and logos.
- S. Any event that is in support of a candidate or in support of or in opposition to a referendum or the election process must be hosted on campus and approved by the Office of Reservations. The dates, times, and locations must be submitted to the Election Commission at least one week prior to the actual event.
- T. Active campaigning within residence halls, including knocking on doors or posting materials on dorm room doors, is strictly prohibited. Campaign materials may be placed outside the dormitories with prior approval from the appropriate authorities.**

Section II Special Guidelines for Honors Positions

1. Campaigning for any honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) is prohibited.
2. Students chosen for any honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) will receive a copy (digital or physical) of the Election Code. Students will also be required to attend a virtual or in-person Election Code meeting before the election begins.
3. Students chosen for honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) may participate in a candidate presentation.

Article VII
Faculty & Staff Involvement in Student Elections/Selections

- A. Faculty and staff are encouraged to motivate student participation in elections. However, it shall be a violation of this Code for any faculty or staff member to endorse or campaign for or against any candidate or issue. Violations of this Code by faculty or staff will be referred to the appropriate supervisory personnel and the University Compliance Committee.
- B. Candidates may not solicit endorsement of faculty or staff members to encourage students to vote a certain way in any student election.

Article VIII
Voting Procedures

Section I
Electronic Voting

1. Eligible voters in an election (as defined by Article I, Section C, Number 4) will be able to cast their vote electronically through the Nicholls server. The voters must enter their assigned credentials into the secure voting website to cast their vote.
2. Should an eligible voter be unable to vote because of technical reasons, they will be directed to the SGA office where an official of the Election Commission will inform the appropriate university authority of the problem and help the student to reach a resolution. The official will document any such occurrence and report it to the Election Commission.

Section II
Voting Booth or Paper Ballot Voting

1. If online voting is not available, eligible voters in an election (as defined by Article I, Section C, Number 4) must present his or her valid driver's license, Nicholls student ID or picture state/federal ID to the Election Commission Official or poll worker. No other ID will be accepted. The Election Commission Official or poll worker must check the ID and verify the student's classification from the computer printout. If the student's name is not on the printout, the student can be eligible to vote by presenting a paid fee slip. The poll worker must verify that the student is eligible to vote. An ID will still be required.
2. Computer printouts will be the property of the Election Commission during all elections. No one, including candidates, workers, or commissioners, is allowed to examine printouts during the elections other than to verify voter classification. Printout books must remain closed when no one is voting. No one will be allowed to examine the printouts as a method of acquiring names of those students yet to vote.
4. Should an error occur which omits a candidate's name, a new ballot will be developed. The old ballot will be discarded before the polls open. This may cause a delay in voting.
5. While working at the polls, the Election Commission officials shall not wear any campaign material on their persons, nor are they to solicit votes or wear any organization paraphernalia during elections.
6. The Election Commission shall appoint no individual who is a candidate for an elected SPA or SGA office or an honorary selection to work as a poll worker in any polling center.
7. Election Commission officials will provide assistance to any individual with disabilities upon request.
8. Following any election, if any Nicholls student wishes to examine the computer printouts or other record of who voted, they may do so after the completion of the primary or run-off elections in the presence of at least one (1) Election Commission official.
9. The Election Commission shall determine the candidate information to be placed on the ballot for each election for SGA/SPA positions and honorary selections.

Article IX
Election Code Infractions

Section I
Infractions

1. Payment of money to any individual for the purpose of swaying or causing someone to vote for or against a particular candidate or referendum issue.
2. Use of SGA/SPA or any university copy machines, computers, equipment, materials, and/or supplies to produce campaign materials for any election.
3. Destruction of campaign (candidate or referendum) materials.
4. Soliciting a faculty or staff member to encourage students to vote a certain way in any student election.
5. Use of any Nicholls sound system, including the SPA's, to campaign for a candidate.
6. Examination of Election Commission printouts used for voting booths or paper ballot elections to acquire the names of students who have yet to vote (during a voting period).
7. Use of the University's bulk or mass email system.
8. Defaming another candidate in any way which rises to a level that violates the Code of Student Conduct.
9. Affixing campaign materials to any vehicles without the owner's permission.
10. Littering of campaign materials.
11. Failure to remove campaign materials within forty-eight (48) hours after the results of the election is announced.
12. Violation of the University's policy governing election signs and solicitation on campus.
13. Campaigning, in any form, for honorary selections/positions (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.)
14. Use of SGA or university logos/designs in any campaign materials.
15. Utilizing an internet campaign site or social media page for campaigning purposes before notifying the Election Commission.
16. Hosting of an unauthorized campaign event in relation to a candidate, referendum, or the election process.
17. Failure to notify the Election Commission one week prior to the candidate, referendum, or election-related campaign event.
18. Spending in excess of \$750 on campaigning.
19. Failing to submit all campaign related expenditures and transactions to the Election Commission on a weekly basis as ethics reports in an accurate and timely manner.
20. **Campaigning within residence halls, including knocking on doors or posting materials on dorm room doors.**

Section II
Imposable Sanctions

The following sanctions will be imposed against a student who has been found guilty of violating the Election Code.

- a. A student found guilty of payment of money to any individual for the purpose of swaying or causing someone to vote for or against a particular candidate or referendum issue (vote buying) will be disqualified and fined \$200.
- b. A student found guilty of using SGA/SPA or any university copy machines, computers, equipment, materials, and/or supplies to produce campaign materials for any election will be fined \$50 and restitution imposed for the value of what was used to produce the campaign materials. A student found guilty of a second offense of this kind will be disqualified, fined \$50 and restitution imposed for the value of what was used to produce the campaign materials.

- c. A student found guilty of destruction/damage of campaign materials, including any involvement in the destruction/damage of campaign materials by others, will be fined \$50 and restitution imposed for the value of what was destroyed/damaged. A student found guilty of a second offense of this kind will be disqualified, fined \$50 and restitution imposed for the value of what was destroyed/damaged.
- d. A student found guilty of soliciting a faculty or staff member to encourage students to vote a certain way in any student election will be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50. The Commission will file a complaint with the employee's supervisor.
- e. A student found guilty of using any Nicholls sound system, including the SPA's, to campaign for a candidate will be fined \$50. A student found guilty of a second offense of this kind will be disqualified, fined \$50.
- f. A student found guilty of examining Election Commission printouts used for voting booth or paper ballot elections to acquire the names of students who have yet to vote (during a voting period) will be disqualified and fined \$200.
- g. A student found guilty of sending emails via the University's bulk or mass email system in favor of any candidate will be disqualified and fined \$50.
- h. A student found guilty of defaming a candidate in any way will be disqualified and fined \$50.
- i. A student found guilty of affixing campaign material to any vehicle that is not the candidate's own personal vehicle or the vehicle of the candidate's supporters will be disqualified and fined \$50.
- j. A student found littering campaign materials will be fined \$50 and restitution imposed. A student found guilty of a second offense of this kind will be disqualified, fined \$50 and restitution imposed.
- k. A student who fails to remove their campaign material within forty-eight (48) hours after the results of the election is announced will be fined \$50 and restitution imposed.
- l. A student who violates the University's policy governing election signs and solicitation on campus shall be fined \$50. A student who is found guilty of a second violation of this kind will be disqualified and fined \$50.
- m. A student found guilty of using spirit logos, mascots, and other specialized Nicholls logos in any campaign materials shall be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
- n. A student found guilty of utilizing an internet campaign site or social media page for campaigning purposes before notifying the Election Commission shall be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
- o. A student found guilty of hosting an unauthorized campaign event shall be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
- p. A student who fails to notify the Election Commission one week prior to any campaign event will be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
- q. A student found guilty of campaigning for honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) will be issued a warning. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
- r. A student that spends in excess of \$750 on campaigning will be disqualified.
- s. A student that fails to submit campaign related expenditures in an accurate and timely manner will be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
- t. **A student found guilty of campaigning within residence halls, including knocking on doors or posting materials on dorm room doors will be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.**

Section III
Appeals

Election Commission decisions resulting in the disqualification of a candidate or the voiding or overturning of the results of any student election (candidate or referendum) may be appealed to the Student Supreme Court, as outlined in the Election Commission Rules of Procedures of the Student Government Association Governing Documents.



Student Government Association

Election Commission Rules of Procedures

Revised: August 31, 2020

Section I Purpose

The purpose of this document is to outline rules of procedures for proceedings and other general provisions for the Student Government Association Election Commission. This document applies to all proceedings of the Election Commission, which will oversee all matters relating to student body elections.

Section II Composition

The Election Commission shall be composed of 5 members: the Election Commissioner and the four (4) Election Commission Members

Section III Responsibilities of the Election Commissioner

1. The Election Commissioner shall serve as the chair of the Election Commission and vote only to break a tie.
2. The Election Commissioner shall serve as the administrative head of the election process.
3. The Election Commissioner shall call meetings of the Election Commission.
4. The Election Commissioner shall host a mandatory candidates meeting for all election candidates prior to the election to ensure that all candidates are aware of election regulations as outlined in the Election Code.
5. The Election Commissioner may ask any election personnel, including officials on the Election Commission, to leave the polling area if he/she suspects them of committing any questionable behavior that may affect the validity of an election.
6. The Election Commissioner shall work with the SGA Director of Public Relations to ensure the adequate publicity of all elections.
7. The Election Commissioner shall delegate duties to officials of the Election Commission.
8. The Election Commissioner may change, cancel, or postpone any general election with the approval of the Election Commission in emergency situations. Emergency situations shall include, but not be limited to, inclement weather, broken election tabulating equipment, and blatant fraud by voters or election personnel.
9. The Election Commissioner shall be the most knowledgeable of the Student Government Association Election Commission Rules of Procedures and the Nicholls State University Student Election Code.
10. The Election Commissioner shall demonstrate impartiality throughout his or her term in office.

Section IV Responsibilities of the Election Commission Members

The primary responsibilities of the Election Commission Members shall be:

1. Election Commission Members shall be responsible to attend all meetings or hearings called to order by the Election Commissioner.
2. Election Commission Members shall be responsible for enforcing the Nicholls State University Student Election Code.
3. Ensure one (1) member is in attendance at SGA Senate meetings the week before, during, and after a student body election.

4. Assist in investigations at the request of the Election Commissioner
5. All Election Commission Members shall be knowledgeable of the Election Commission Rules of Procedures and the Nicholls State University Student Election Code.
6. All Election Commission Members shall demonstrate impartiality throughout their term in office.
7. Perform any other official duties as outlined in this document.

Section V Quorum

1. A simple majority of the number of Election Commission Members eligible to hear any complaint shall constitute the quorum of the Nicholls State University Election Commission.
2. Any action taken by the Election Commission without quorum present shall be null and void, and it will be eligible for a rehearing.

Section VI Complaints

1. All complaints of possible infractions of Election Code, including possible infractions of honorary selections (Homecoming Court, King and Queen, Mr. and Mrs. Nicholls, etc.) must be in writing and filed with the SGA Secretary, who will date and time stamp the complaint when it is received.
2. Complaints must be filed within 48 hours after the specific primary or run-off election ends.
3. Complaints may be filed by any student eligible to vote in the election, including Election Commission members who witness an Election Code Violation. All other persons may serve as witnesses; however, all complaints must be filed by a student eligible to vote in the specific election in question. Commission members who observe a violation of the Election Code should advise the violating party(ies) to cease and desist from behavior which violates the Election Code.
4. Complaints filed within the deadline as verified by the SGA Secretary's date and time stamp, will be forwarded to the Election Commissioner.
5. Formal complaints regarding the Homecoming and Mr. and Ms. Nicholls elections will be handled solely and directly by the Election Commission.

Section VII Investigations

1. The Commissioner will oversee the investigation of the complaint. Election Commission members will assist as requested by the Commissioner. As noted in item 3, when any Commission member has reason to believe that a violation has or is occurring, he/she should advise the individual(s) to cease and desist from behavior which violates the Election Code. This preventive action by the Commission member does not preclude him or her from participating in the investigation and any subsequent hearing.
2. Once the investigation is completed, the Commissioner will determine if there is merit to the complaint. If not, the Commissioner will dismiss the complaint and notify in writing the person who filed the complaint. If the Commissioner determines that there is merit to the complaint, the Commissioner will convene a meeting of the Election Commission. The Commissioner will notify in writing the person accused of violating the Election Code and the person who filed the complaint that the complaint has been accepted and that a meeting of the Election Commission has been scheduled. The notice will identify the specific violation, evidence supporting the charge including witnesses to be called, and the time, date and location of the hearing.

Section VIII Procedures for Hearings

1. The Hearing will be held at the time, date and location set by the Election Commissioner. The hearing may be postponed or rescheduled by decision of the Election Commissioner.

2. The Hearing will be open to the public. However, the Election Commission may meet in executive session to hear information protected by FERPA (Family Educational Right and Privacy Act) or any other privacy laws or regulations which affect university operations and procedures.
3. The Commissioner will present the results of the investigation to the full Commission. The individual filing the complaint will then be provided an opportunity to present evidence and call witnesses. The individual accused of violating the Election Code will then be provided an opportunity to present evidence and to call witnesses. Election Commission members, the individual filing the complaint and the accused will be permitted to ask questions of witnesses testifying before the Commission. Other than witnesses called to testify and parties to the hearing, no other individuals will be permitted to speak or participate in the hearing. Attorneys, advisors or friends will not be permitted to address the Commission or participate in the hearing other than to offer advice to their party. The Commissioner shall rule on admissibility of evidence, motions and objections as well as the acceptability of questions asked by any party. The Commissioner may limit evidence that is repetitious and may take other action as necessary to maintain an orderly hearing, including requiring that all questions be submitted to the Commissioner who will then read each question to the witness(es).
4. The Election Commission will then deliberate in executive session. The burden of proof will be "more likely than not." Does the evidence presented, including the credibility of the witnesses and evidence presented, lead one to conclude that it is more likely than not that the individual accused violated the Election Code. If so, the Commission must find the accused guilty of violating the Election Code. If not, the Commission must rule that the Election Code was not violated.
5. If the Election Commission determines that a student violated the Election Code, the Commission will impose sanctions as noted in Section IX of the Election Code. The Election Commission will have to determine any restitution imposed for applicable sanctions. All other Nicholls State University Student Election Code sanctions are not debatable and will be imposed by the Commission upon concluding that a violation of the Election Code has been committed.
6. The Commission will adjourn from Executive Session and convene in regular session for the purpose of announcing its findings and the sanctions, if applicable, to be imposed as per Section IX of the Election Code. The Commissioner will, within 48 hours of the conclusion of the hearing, file a copy of the minutes of the meeting with the SGA Secretary who will date and time stamp the minutes when received. The minutes will reflect the specific charges filed, the findings of the Commission and the sanctions imposed. The minutes will also refer to the procedures for appealing Commission findings and decisions (see Article IX of this Election Code). Copies of the minutes may be obtained from the SGA Secretary. It will not require that the SGA Secretary or the Commission post a copy of the minutes. The Commissioner will notify the parties involved in the matter, complainant and the accused, that a copy of the minutes has been filed with the SGA Secretary and are available upon request.

Article IX Appeals

Election Commission decisions resulting in the disqualification of a candidate or the voiding or overturning of the results of any student election (candidate or referendum) may be appealed to the Student Supreme Court. Decisions by the Commission relative to the amount of fine for Infractions 2, 3, 10 and 11 in Article IX of the Election Code for restitution imposed for any violation may also be appealed.

Article X Procedures for Appeals

- A. Procedures for filing Appeals of Election Commission decisions resulting in the disqualification of a candidate or the voiding or overturning of the results of any student election.

1. A student who has been disqualified from participation in an election or as winner of an election or any student voting in an election where the results have been voided or overturned other than by the disqualification of a candidate may submit a written appeal to the Chief Justice of the Student Supreme Court within 48 hours of the filing of the Election Commission hearing/meeting minutes. The appeal must be filed with the SGA Secretary who will date and time stamp the petition.
 2. The petition must indicate whether the appeal is based on the failure of the Commission to follow published procedures in this Election Code, there is insufficient evidence to support the finding that a violation of the Election Code occurred, the amount of the fine for violating infractions 1, 6, 7, 8, 9 or 11 is inappropriate, or the amount determined for restitution is not correct. Disqualification imposed as a result of violation of Infractions 1, 6, 7, 8 or 9 or repeated violation of Infractions 2, 3, 4, 5, 10 or 12 may not be appealed. The finding of guilt may be appealed, which if reversed eliminates the sanctions imposed. Appeals regarding the finding of repeated violations may address the finding of guilt for each violation. In such cases, the Supreme Court will review the first reported finding of a violation before proceeding to the second issue. A reversal of the first finding will result in the pending second finding being treated as a first offense. Upholding of a first finding of violation of the Election Code will result in the second issue being treated as a second offense.
 3. The Chief Justice of the Student Supreme Court will verify whether the appeal was submitted within the time frame permitted by Article IX, A, 1. If not, the petition will be rejected and the decision of the Election Commission will stand. The Chief Justice will notify in writing the Election Commission and all parties involved in the case. If the petition has been submitted within the time frame allowed, the Chief Justice will proceed with handling the petition in accordance with the Rules of Procedure adopted for the Student Supreme Court.
- B. Appeals of decisions made by the Election Commission relative to Article II of this document will be handled as follows:
1. Any student eligible to vote in the specific election in question may submit a written appeal to the Chair of the Election Commission. The appeal must be submitted within 48 hours of the filing of the Election Commission minutes with the SGA Secretary who will date and time stamp the petition.
 2. The petition must indicate the specific basis for the appeal and the corrective action requested.
 3. The Election Commissioner will review the petition and complete an initial investigation of the matter, including verification that the appeal was properly submitted and identifies the basis of the appeal and corrective action requested.
 4. The Commissioner will then report the findings to the Election Commission. The Election Commission may decide to reject the appeal, hold a full Commission hearing on the matter or refer the matter to the Supreme Court for review and appropriate action.
 5. The student may appeal the Commission's decision to reject the appeal or the results of a full Commission hearing to the Supreme Court by filing a written appeal within 48 hours of the filing of the Election Commission minutes. The appeal petition must be filed with the SGA Secretary within 48 hours of the filing of the minutes.
 6. The Chief Justice of the Student Supreme Court shall handle the appeal following the procedures outlined in Article IX, A, 3.



Student Government Association

Supreme Court Rules of Procedures

Revised: September 10th, 2025

Article I

Purpose

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

1. The Student Supreme Court shall be composed of 9 members: the Chief Justice and the eight (8) Associate Justices each jointly appointed by the SGA President and the SPA President.

Article III

Responsibilities of the Chief Justice

1. The Chief Justice shall be responsible for arranging regularly scheduled meetings at which all Justices and staff shall be available to conduct official business.
2. The Chief Justice shall be responsible for seeing that all Justices and staff are informed of all upcoming hearings and meetings; a quorum of justices must be present at every hearing and meeting.
3. The Chief Justice shall assign a Justice to write a majority opinion in every case, or shall reserve the right for himself/herself.
4. The Chief Justice shall be responsible for carrying out the various enumerated directives directed toward him/her throughout the Supreme Court Rules of Procedures.
5. The Chief Justice shall serve on all committees as required by the Bylaws. If not available, a designee from the Associate Justices must be sent in his/her place.
6. The Chief Justice shall demonstrate the most knowledge and expertise on all Governing Documents of the Student Government Association.
7. Demonstrate impartiality throughout their term in office.

Article IV

Responsibilities of the Associate Justices

1. Associate Justices shall be responsible to attend all meetings or hearings called to order by the Chief Justice of the Supreme Court.
2. Associate Justices shall be responsible for filling vacancies on all University disciplinary committees.
3. Ensure one (1) Justice be in attendance at all SGA Senate meetings and one (1) for all SPA meetings.
4. All Associate Justices shall be knowledgeable of all Student Government Association Governing Documents.
5. All Associate Justices shall demonstrate impartiality throughout their term in office.

Article V
Quorum

1. A simple majority of the number of Justices eligible to hear any complaint shall constitute the quorum of the Nicholls State University Student Supreme Court.
2. Any action taken by the Supreme Court without quorum present shall be null and void, and it will be eligible for rehearing.
3. For any official proceeding of the Student Supreme Court, there shall be the Student Supreme Court Advisor in attendance.

Article VI
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.
 - 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 VII
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. If a Justice recused himself or herself, the Student Supreme Court shall rule on the issue without that member.
3. 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 VIII
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, or member.
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 member or by an SGA Official.
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 members.
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.
6. Any member of the Association may request a non-binding advisory opinion from the Student Supreme Court on any of the aforementioned documents.
7. For a binding advisory opinion (with only one party needed) to be sought there must be a 2/3rds vote of that deliberative body.

**Article X
Standing**

1. Any Student Government Association member shall have standing to bring a complaint before the Student Supreme Court.

**Article XI
Prescription**

1. There shall be no case heard by the Supreme Court more than thirty (30) days after the alleged act, occurrence, or transaction that constitutes the basis of the case.
2. The Student Supreme Court shall have the ability to grant a hearing on the case if the prescription period – in extraordinary circumstances – has ended.

**Article XII
Original Jurisdiction**

1. The Supreme Court has original and exclusive jurisdiction over cases referred to it by the Nicholls State University Vice President for Student Affairs or the Dean of Students.
2. Justices of the Supreme Court may sit on all University disciplinary committees and have voting rights on such committees as designated by the SGA President.
3. The Student Supreme Court has original and exclusive jurisdiction over all cases and controversies of the SGA and the SPA.

**Article XIII
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 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 shall consist of a time stamp by the Student Government Association Secretary.
- D. If a complaint is filed against an official of the SGA then it shall name them in their official capacity on the complaint form.
2. Service:
- A. The Chief Justice of the Student Supreme Court has four (4) calendar days, excluding Intersession periods, to serve written informed consent 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) 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) 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." Unless there is an (either binding or non-binding) advisory opinion sought, the format would be "Name/Officer of the Petitioner" vs. "Name of Document".
- 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. A public roll call vote of the Justices are required to enter into the closed session.
- C. The Student Supreme Court has the discretion to assign time limits in the proceeding.
- D. Procedures:

1.) Opening Motions:

- a. At the beginning of the proceeding, the Student Supreme Court shall allow any motions listed below in Article VIII, 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 XIV.
 - 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.
- d. The Student Supreme Court may subpoena further evidence or witnesses as prescribed in Article XV of this document.
 - i. Refusal to comply will be considered contempt and may warrant sanctions.
- e. The list of pre-trial motions to be considered shall not be solely limited to the named motions found under letter b of this section.

E. Mandatory Evidentiary Hearing:

- 1) There shall be a mandatory evidentiary hearing held prior to any proceeding of the Student Supreme Court. The Student Supreme Court must examine all evidence to be submitted into the proceeding, and determine if each piece of evidence is to be admissible. Furthermore, if the Student Supreme Court does not find sufficient amounts of admissible evidence then the case may be returned to the Petitioner for further examination, or the Supreme Court may take other appropriate action including (but not limited to) dismissal of the case.

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.
- d. The opening statement of each party shall begin with the introductory statement of "May It Please The Court".

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 – as long as there is documented evidence of the conversation – they had with any individual.
- f. A list of witnesses shall be provided to each party before the proceeding begins as part of the mandatory evidentiary hearing in Article XIII, Number 5, Letter E.

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. Admissible evidence shall be decided by the procedures as set forth in Article XIII, Number 5, Letter E.

- 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) days, excluding Intersession periods, after the conclusion of the proceedings.
 - c. 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.

Article XIV 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) 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 VIII, Number 4. of this document. The respondent has two (2) 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.
 - 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
5. If the respondent does not respond to the posting of default judgment, the Student Supreme Court's previous ruling shall be final.

Article XV Subpoenas

The Supreme Court, by a simple majority vote, may issue subpoenas for:

1. Material evidence related to an investigation
2. To summon a person(s) related to an investigation for testimony

Penalties may be issued for refusing to comply with a subpoena, as stated below.

The refusal to comply with a subpoena from the Supreme Court may warrant the following with a two-thirds (2/3) majority vote of the Student Supreme Court:

1. Disqualification from holding office within the Student Government Association
2. A fine of \$50
3. Referral to the Vice President of Student Affairs and/or the Dean of Students

In the event a member of the faculty or staff of the University refuses to comply with a subpoena, they will be referred to the appropriate supervisory personnel and the University Compliance Committee. The Student Supreme Court shall automatically issue a subpoena for any document needed to be entered as evidence in a proceeding. Either the petitioner or the respondent shall petition the Student Supreme Court to issue a subpoena to gain speedy access to any needed document(s).

Article XVI 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 members.

Article XVII Ties and Abstentions

1. In the event of a tie, no formal ruling can be made in the matter. In these special cases, the Student Supreme Court shall either allow the Vice President of Student Affairs or the Student Supreme Court Advisor to issue an opinion to resolve the case.
2. There will be no abstentions.

Article XVIII 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.
4. At the request of the University Administration, if a violation of SGA policy has occurred.

Article XIX 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.
Standing: having grounds to bring forth a claim/motion.
5. Deliberative Body: means the Student Senate, the Executive Board, or the Election Commission.

Article XX Student Supreme Court Advisor

1. The Chief Justice of the Student Supreme Court shall select one (1) Advisor to the Court for all proceedings. The Associate Justices may submit a list of recommendations with no more than three (3) names to the Chief Justice.
2. This Advisor shall have proper legal knowledge of local, state, and federal laws alongside applicable University policy.
3. This Advisor shall be a neutral individual as to the contents of the case without any possible conflicts of interest or hints of impropriety.
4. The Vice President of Student Affairs may disqualify such Advisor if there is a conflict of interest and the presence of such Advisor would corrupt the proceeding.

Article XXI Recommended Adjustments

1. The Student Supreme Court shall issue a recommended adjustment report to the Judiciary Committee of the Student Senate for improvements to this document. The report shall be submitted by the second to last meeting of the Fall Semester and shall be delivered by the Chief Justice with verbal notification at the same Student Senate meeting.

Academic Dishonesty Statement

“Any action or effort by a student to use illegal, deceitful, or unacceptable means in any academic work or setting. Examples include but are not limited to falsifying data, information, or citations, providing false excuses or information to an instructor concerning an academic exercise, bribery, sabotage, or willfully disrupting or disturbing the academic progress of others, cheating, and plagiarism. An academic dishonesty violation falls under the jurisdiction of Academic Affairs or is managed by the Academic Affairs department.”

Per the Policy & Procedures Manual

(This Statement is not Amendable by SGA, but Students are still Responsible).

SGA’s goal is to uphold academic integrity in every aspect of campus life from academics to extracurricular activities.

However, if a student is wrongfully accused then they should speak to the SGA Director of Student Rights & Grievances for proper assistance.