

Title VI. Judicial

Chapter 600. Judicial Branch of Student Government

- 600.100 Authority of the Judicial Branch. The authority of the Judicial Branch is derived from the Student Government Constitution, Article V.
- 600.200 The Student Court shall be the judicial arm of the Student Government.
- 600.300 The Judicial Branch through the Student Court shall have jurisdiction over cases involving questions of interpretation of the Student Government Constitution and the constitutionality, application or interpretation of Student Body Statutes of Student Government.

Chapter 601.000 Purpose

- 601.100 The purpose of this chapter is to define and outline the structure and operation of the Judicial Branch within Student Government.
- 601.200 The mission of the Student Court is to promote and advance the pursuit of justice and equality within the Student Body. The Court does this by providing a venue for any student, organization, or member of any organization within or established by the Student Government of Florida Atlantic University that believes the Student Government Constitution or Student Government legislation has been misinterpreted or violated to the effect that some adverse action has resulted.

Chapter 602.000 Composition of the Judicial Branch

- 602.100 The Judicial Branch consists of the Student Court.
- 602.200 The Student Court consists of the Chief Justice and the Campus Associate Justices.
- 602.300 Selection and Appointment of Justices to the Student Court
 - 602.310 The Student Court Chief Justice shall be nominated by the Student Body President and confirmed by a two-thirds (2/3) vote of the Student Senate.
 - 602.320 Each Campus Associate Justice shall be nominated by the respective Campus Governor, and shall be confirmed by a two-thirds (2/3) vote of the respective Campus House of Representatives.
 - 602.330 Each Associate Justice must take at least fifty (50%) percent of their classes on the campus which he/she represents.

- 602.340 If a Chief or Associate Justice position has not been filled within thirty (30) academic days of any vacancy, the Vice President of Student Affairs or designee shall appoint an eligible student into the vacant position and that student shall immediately assume office.
- 602.350 Chief Justice and Associate Justices must meet the same eligibility requirements as the Student Body President for their entire term.
- 602.360 Term of office shall be two (2) years from the date of appointment.

Chapter 603.000 Duties and Responsibilities of the Student Court

- 603.100 The Student Court shall have original jurisdiction over:
 - 603.110 Cases involving the Student Government Constitution and the Student Body Statutes.
 - 603.120 Cases involving impeachment of officials of Student Government as set forth in Article VIII of the Student Government Constitution and procedures described in the Student Body Statutes.
 - 603.130 Cases involving the Code of Ethics provided in the Student Body Statutes.
 - 603.140 Student(s) or Student Organization(s) disputes with the Student Government Constitution or Statutes.
 - 603.150 Issuance of student summons for hearings before the Student Court.
- 603.200 The Student Court shall have appellate jurisdiction over:
 - 603.210 Appeal of matters and decisions of the Student Elections Board.
 - 603.220 Appeal of matters and decisions of the Student Body President or a Campus Governor on the removal of an appointee from office.

Chapter 604.000 Duties of the Chief Justice of the Student Court

- 604.100 Constitutionally granted powers of the Chief Justice of the Student Court are those powers delineated in the Student Government Constitution, Article V, Section 4.
 1. Supervise the administration of the Student Court.
 2. Call and preside over all sessions of the Student Court.

3. Keep all permanent records of the Student Court and release them in accordance with the laws of the State of Florida and any other statewide Governing Body's rules and regulations, and deliver them into the hands of his/her successor.
 4. Sign all Court documents.
 5. Serve as the official Student Court Spokesperson.
 6. Publish written reports to inform on the status of cases on the Student Government website.
 7. Update all changes and amendments to the Student Government Constitution and/or the Student Body Statutes.
 8. Keep all official Student Government records as the Clerk of the Court.
- 604.200 Statutorily granted powers are those powers granted to the Chief Justice by the Student Government Statutes. These powers, duties and responsibilities are:
- 604.210 Report to the Student Senate at least once per month. These reports shall include the current state of the Judicial Branch and any recommendations to improve the administration of justice within the Student Government. These reports may be made in person or writing.
 - 604.220 Issue an Emergency Stay not to exceed seventy-two (72) hours on a decision made by a Student Government officer or entity in order for the Student Court to take up the matter in question.
 - 604.230 Administer the Oath of Office to all newly elected or appointed student government officers, in the absence of the Student Body President or Campus Governor; except where otherwise specified by the Student Government Constitution or Statutes. If the Chief Justice is not available to administer the Oath, the Oath may be administered by the Associate Justice for the campus where the Oath is to be administered.
 - 604.240 Serve as a student member of the University Student Conduct Board upon request by the Dean of Students Office.
- Chapter 605.000 Duties of the Associate Justices of the Student Court
- 605.100 Constitutionally granted powers of the Campus Associate Justices of the

Student Court are those powers delineated in the Student Government Constitution, Article V, Section 4.

1. Campus Associate Justices serve the Student Body as unbiased members of the Student Government.
2. Campus Associate Justices shall have the following powers and duties:
 - a. Attend all meetings of the Student Court as voting members.
 - b. Serve as student members of the University Student Conduct Board on the campuses they represent.
 - c. Perform duties as assigned by the Chief Justice.

605.200 Statutorily granted powers are those powers granted to the Campus Associate Justices by the Student Government Statutes. These powers, duties and responsibilities are:

- 605.210 Administer the Oath of Office to all newly elected or appointed student government officers for their campus, in the absence of the Campus Governor; except where otherwise specified by the Student Government Constitution or Statutes.
- 605.220 Review and decide on an Emergency Stay issued by the Chief Justice within seventy-two (72) hours on a decision made by a Student Government officer or entity.

Chapter 606.000 Student Court Code of Ethics

- 606.100 A Justice has neither the right to veto, nor prohibit discussion of any topic.
- 606.200 No Justice may discuss matters concerning deliberations and cases to the public until released by the Court.
- 606.300 A Justice may neither support a Student Government candidate publicly, nor participate in any aspect of another student's campaign. A campaign shall be defined as an expression by any medium attracting public attention whether radio, television, newspaper, magazine, periodical, direct mail, display, leaflet, speech or any other means which shall transmit any idea furthering the candidacy of any person.

Chapter 607.000 Student Court Administrative Practice

- 607.100 Orientation and Training

- 607.110 All Justices within thirty (30) days of confirmation shall be required to attend an orientation and training as to the role of a Justice on the Student Court.
- 607.120 This training session shall be conducted by the Chief Justice, in cooperation with the Student Government Advisor and the Dean of Student Affairs office.
- 607.130 This orientation and training shall include education of the following: Judicial Process, the Student Code of Conduct, the Student Government Constitution and Statutes, and other areas deemed important.
- 607.140 The Chief Justice will be trained by the outgoing Chief Justice in conjunction with in cooperation with the Student Government Advisor and the Dean of Student Affairs office.

Chapter 608.000 Vacancy of a Justice

- 608.100 In the event of a vacancy in the Office of the Chief Justice, the Associate Justice with the greatest seniority shall assume the duties and powers of the Office until a new Chief Justice is appointed by the Student Body President.
- 608.110 The Associate Justice with the greatest seniority shall be that Justice with the greatest amount of time in office, as calculated from time of confirmation.
- 608.200 In the event of a vacancy of a Campus Associate Justice, the Chief Justice shall notify the Campus Governor within twenty-four (24) hours of the vacancy and then fill the vacancy pursuant to Chapter 602.320.

Chapter 609.000 Attendance Policy and Absences

- 609.100 Attendance Policy
 - 609.110 Justices shall be considered absent if they fail to attend any Student Court meeting, hearing or proceeding that has been called by the Chief Justice with forty-eight (48) hours given notice and in accordance with Florida Sunshine Law.
 - 609.120 Failure to attend four (4) Student Court meetings or two (2) Student Court hearings or proceedings, without an approved excuse, where quorum is required shall be considered a resignation by the Justice as set forth in the Student Government Constitution.

- 609.130 Any three (3) consecutive unexcused absences, whether from meetings, hearings or proceedings, shall constitute a resignation.
- 609.200 Absences may be excused by a majority vote of the total active membership of the Student Court provided that quorum is present. The Court may excuse absences at its discretion, however, the following reasons, if proved through documentation, must be considered excused:
1. Religious Holiday.
 2. Severe illness or death in the immediate family.
 3. Medical emergency or documented serious illness.
- Chapter 610.000 Justices Leaves of Absence for Summer Semesters
- 610.100 The Chief Justice must notify of a leave of absence for a summer semester to the Student Body President, in writing, three (3) weeks prior to the leave is to begin.
- 610.110 Interim Appointment of Chief Justice - Upon being notified of the Chief Justice's intended Leave of Absence, the Student Body President shall appoint an interim Associate Justice-at-Large, who shall serve according to the same restrictions and regulations as interim appointments for Associate Justices in Chapter 610.210, and whom shall require a two-thirds confirmation by the Student Senate.
- 610.120 Interim Chief Justices are not permanent members of the Court, and receive no remuneration.
- 610.130 This interim appointment shall not act as Chief Justice. The powers and duties of the Chief Justice shall fall to the most senior Associate Justice, as outlined in Chapter 604.000.
- 610.200 Any Associate Justice may request a leave of absence for a summer semester. The Associate Justice must make this request, in writing to the Chief Justice, three (3) weeks before the requested leave is to begin.
- 610.210 Interim Appointment of a Campus Associate Justice - Upon granting a request for a Leave of Absence, the Chief Justice shall request that the Governor of the Associate Justice's campus make an interim appointment to the Court.
- 610.211 The candidate for interim appointment must be eligible to hold the position of Associate Justice as outlined in the

Constitution.

610.212 The interim candidate shall be confirmed by the Campus House of Representatives and shall exercise the powers and duties of the absent Justice until the Justice on leave returns.

610.213 Interim Justices are not permanent members of the court, and receive no remuneration.

610.300 All Interim Appointments shall follow the procedures for Executive Branch appointments outlined in Chapter 500.

Chapter 611.000 Student Court Proceedings

611.100 The Student Court shall only conduct business in Student Court Meetings.

611.200 The Student Court shall only make decisions on Filed Petitions in Student Court Hearings.

611.300 The Student Court has authority to act upon the filing of a petition.

611.400 There shall be granted an automatic seventy-two (72) hours Stay upon the proper filing of a petition to the Student Court.

611.500 The Student Court may only conduct a judicial review of Student Government Constitution and Statutes upon the filing of a petition.

611.510 Justices can not file a petition regarding the Student Government and Constitution and Statutes while serving as a Justice.

Chapter 612.000 Student Court Meetings

612.100 Regular Meeting Procedure

612.110 The Chief Justice shall call meetings of the Student Court on a monthly basis or as necessary to conduct Court Business with at least forty-eight (48) hours notice given to the Campus Associate Justices.

612.120 Meetings may be cancelled by the Chief Justice if no business is pending.

612.130 Quorum shall be necessary to conduct official business.

612.200 Business at Regular Meetings may include, but not be limited to:

612.210 Reviews of all constitutional and statutory changes passed by the

Legislative branches.

612.220 Any requests from the Executive or Legislative Branches for an opinion on the constitutionality or statutory permissibility of any pending legislation or student government actions. The Chief Justice shall prepare a written response on behalf of the Student Court.

Chapter 613.000 Student Court Hearings

613.100 Student Rights under the Student Court

613.110 Individuals appearing before the Court shall be guaranteed the following:

1. The right to be heard by quorum.
2. The right to have his or her say without ridicule, interference, or unnecessary interruption.
3. The right to ask the Court any questions concerning any procedural matter or concerning rights and privileges of the individual before the Court.
4. The right to be free from untrue or injurious remarks or unwarranted accusations during any Court proceedings.

613.200 Practice and Procedure. Student Court proceedings shall be conducted in accordance with the following procedure.

613.210 Filing of a Petition. The individual seeking relief from the Student Court (“Petitioner”) shall file a petition with the Court. The petition shall include the following items:

1. Petitioner’s name and address.
2. Name of the person against whom the claim is being made (“Respondent”) and address, if known.
3. Relief being requested (what the Petitioner would like the Student Court to do).
4. A list of factual information describing the Petitioner’s situation.
5. A brief statement explaining why the Petitioner believes the listed facts entitle him or her to the requested relief. This section should

cite the relevant sections of the Student Government Constitution or Statutes.

- 613.211 The Petitioner shall make two (2) copies of his or her petition. Both must be delivered to the Student Court.
- 613.212 The Chief Justice shall notify the Student Government Advisor of the petition.
- 613.213 The Chief Justice shall forward a copy of the petition to the Respondent and require a response to be filed with the Student Court.
- 613.214 Should the Respondent named in the Petition not file his or her response within seven (7) days of notification, the Student Court may award a default judgment against the Respondent and in favor of the Petitioner.
- 613.215 Response from the Respondent. The Respondent shall then file a reply with the Student Court. The response shall include the following items:
1. Respondent's name and address.
 2. Petitioner's name and address.
 3. Whether the Respondent admits responsibility or denies responsibility regarding the charges alleged against him or her.
 4. A response to each of the facts listed in the original petition. The Respondent should address each fact, one by one, and state whether he or she admits the fact as the Petitioner alleges, denies that fact as alleged, or is without sufficient information to admit or deny that fact.
 5. A brief statement explaining why, in light of the admissions/denials made above, the Petitioner is not entitled to the relief requested by the Student Court.
- 613.216 The Student Court upon receipt of the Petition and the Response shall meet in order to decide whether or not to proceed to a full Student Court Hearing.
- 613.217 The Student Court at this meeting can, by majority vote, do one of the following actions:

1. Dismiss the petition
 2. Schedule a Student Court Hearing
- 613.218 The Student Court shall issue any Requests for Attendance for a Hearing necessary for the timely action of a case.
- 613.300 For cases brought under the appellate jurisdiction of the Court, the Court shall consider the request, by majority vote, as to whether the case contains sufficient information and an adequate argument as to whether it raises a justifiable issue of error.
- 613.400 Student Court Hearing Guidelines and Procedure
- 613.410 The Student Court Hearing shall occur within seven (7) calendar days following the Student Court Meeting.
- 613.411 The Chief Justice shall schedule the Student Court Hearing and send written notification to all parties.
- 613.412 If one of the parties can not attend the Student Court Hearing, they may request in writing to the Chief Justice at least twenty-four (24) hours before the hearing date for the hearing to be rescheduled.
- 613.413 The Chief Justice shall have authority to grant the request to reschedule the Student Court Hearing for valid reasons at the Chief Justice's discretion.
- 613.420 Records. Each hearing request shall be assigned a case number of standard format.
- 613.421 The case number shall be formatted as the year followed by order number beginning with 01 according to the order in which they were received (e.g. 2006.01 would be the first case in the year 2006).
- 613.430 Information for Consideration
1. Any additional information for consideration must be submitted to the Chief Justice no later than seventy-two (72) hours prior to the Student Court Hearing.
 2. The Chief Justice must then make copies and have the information

available for Associate Justices and the opposing party no later than forty-eight (48) hours prior to the Student Court Hearing.

613.440 Student Court Hearings shall proceed as follows:

1. All Associate Justices should arrive at the Hearing location 15 minutes prior to a scheduled hearing time. If quorum has been met, the Hearing will begin at the scheduled hearing time. At the discretion of the Chief Justice, time may be allotted to meet quorum.
2. All Hearings will be audio taped to ensure due process for all parties involved.
3. If one party or the other fails to appear, the Hearing shall proceed without them.
4. The Chief Justice shall call the Hearing to order.
5. The Chief Justice shall state the purpose of the Hearing detailing the petition in question.
6. Each Associate Justice and parties involved shall state his or her name and official title.
7. Each party may present an opening statement followed by questioning from the Student Court.
8. Each party shall have the opportunity to call witnesses on their behalf.
9. Witnesses may be questioned by the petitioning party, cross-examined by the responding party and then questioned by the Student Court.
10. After all witnesses have been presented any party or member of the Student Court may recall a witness.
11. Each party may end with a closing statement.
12. In accordance with Sunshine Law, the Chief Justice shall recess the Hearing for open deliberation.
13. The Chief Justice shall be a voting member. During deliberation, the Chief Justice shall ensure that each Justice has the opportunity to present their input.

14. Following deliberation, the Chief Justice shall call the hearing back to order and render the decision of the Court. Each party shall receive an official copy of the decision in writing, within forty-eight (48) hours of the conclusion of the Hearing.

613.500 Decisions available to the Student Court

613.510 The following decisions are available to the Student Court based upon the nature of the petition before the Student Court:

1. Fiscal Sanctions – loss of current fiscal year Activity and Service Fee funding
2. Uphold Elections, General, Special or Run-Off
3. Remand Elections, General, Special or Run-Off for a new election
4. Uphold the impeachment of an official
5. Not concur with the impeachment of an official
6. Uphold removal of an executive branch appointee
7. Reverse removal of an executive branch appointee
8. Remand Chapter(s) of Student Government Constitution and Statutes back to legislative body that originally approved legislation for reconsideration and rewrite

Chapter 614.000 Appeals from the Student Court

614.100 Student Court decisions are final actions. Appeals from the Student Court to Student Affairs can only be made on the failure to receive due process.

Chapter 615.000 Changes to Judicial Branch Statutes 600 by the Student Court

615.100 A proposed Statute Amendment for Title VI may be initiated by the Student Court by the following process.

615.110 The Student Court must approve, by majority vote, any recommendation for amendments to Title VI, Chapter 600.

615.120 The written recommendation of changes shall be submitted to the Student Body Vice President for inclusion on the agenda for the next meeting of the Student Senate.

615.130 The written recommendation of changes must contain the Student Court's reason(s) and rationale for the proposed change.

615.140 The proposed Statute Amendment then follows the process as outlined in Chapter 101.200.

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