

Student Government Association
Judicial Court Bylaws



STUDENT GOVERNMENT ASSOCIATION

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Article 1: Definitions

- 1.1. Plaintiff: The person(s) or body of government filing a motion (or written complaint) with the Judicial Court.
- 1.2. Defendant: The person(s) or body of government for whom a complaint is filed against by a Plaintiff.
- 1.3. Submitter: Any person or body of government submitting a request for review in a case where no defendant is named.
- 1.4 Majority Opinion: A ruling issued by the Court in which at least half of the Justices agree with the opinion entirely.
- 1.5 Dissenting Opinion: A ruling issued by one or more Justices that arrives at an alternative opinion than that of the majority.
- 1.6 Concurring Opinion: A ruling issued by one or more Justices that arrives at the same result of the majority opinion, but is due to alternative reasoning.
- 1.7 Counselor: any person who is:
 1. providing direct representation of a party involved in a case
 2. acting as a spokesperson for a party involved in a case
 3. providing advice, knowledge, or strategy plans to a party in relation to a case

Article 2: Rules of the Court

2.1 Definition of Bylaws

1. These bylaws, pursuant to Article X of the Constitution of the Student Government Association of Purdue Fort Wayne (hereinafter referred to as "SGA"), will serve to define the rules of order directly concerning the operations, duties, and powers of the Court.
2. The rules and procedures outlined in this document shall apply without exception to all matters brought before the Judicial Court, except as otherwise outlined in this document.

2.2 Conflicts

1. These bylaws are subordinate to the Constitution of the SGA. Should a conflict arise between these bylaws and the Constitution, the Justices shall discuss and determine the appropriate resolution of any such conflict under rules of simple majority.

2.3 Order

1. Robert's Rules of Order shall be used as a supplement to this document when a question of parliamentary procedure arises in the Court.

2.4 Voting

1. Any reference to a vote (simple majority or otherwise) contained within this document shall always be limited in its scope to include the votes of those

individuals in good standing within their respective branch who are present at the time of the vote and permitted to participate in the vote pursuant to these bylaws or the Constitution of the SGA; any and all exceptions otherwise shall be stated herein.

Article 3: The Court

3.1 Authority

All judicial powers of the SGA shall be vested in this Court, pursuant to Article VI, Section 5 of the Constitution of the SGA.

3.2 Membership

Membership structure shall be organized pursuant to Article VI, Section 2 of the Constitution of the SGA. Additional official designations and officers of the court, shall be appointed as outlined below, pursuant to Article VI, Section 2, Part A of the Constitution of the SGA.

3.3 Restrictions

No Justice may hold any other office within the SGA. No Justice may concurrently serve as an employee or staff member of a campus media outlet. Any Justice who is named as an author, co-author, or party in a case filed with the Court must recuse themselves and will not count towards quorum requirements for that specific case.

3.4 Chief Justice

1. The Chief Justice shall be elected from the full membership of the Court, pursuant to Article VI, Section 2, Part A of the Constitution of the SGA.
2. The Chief Justice will be chosen by majority vote of all current Justices.
3. The Chief Justice shall preside over all meetings of the Court and the final disposition of any and all questions that come before the Court.
4. The Chief Justice shall serve for a term of one year and may be reappointed by the standing Student Body President if they wish to continue to serve on Judicial Court.

3.5 Clerk of the Court

1. The members of the judicial court are responsible for electing a Court Clerk. The Clerk reserves the right to vote, and are charged with the responsibility to handle and distribute necessary documents and maintain thorough and accurate meeting minutes at every Judicial Court meeting.
2. If the Clerk is named as a party in a case, or if they are absent from a meeting, the Chief Justice can appoint a justice to act as Clerk in their absence.

3.6 Justice and Officer Duties

1. It shall be the responsibility of all Justices to be familiar with these bylaws; the Constitution of the SGA; the bylaws of each branch within SGA; all official Purdue Fort Wayne university Regulations; the Purdue Fort Wayne Code of

Student Rights, Responsibilities, and Conduct; the constitutions of all recognized Purdue Fort Wayne Student Organizations; Roberts Rules of Order; and the role and structure of all official Purdue Fort Wayne university Committees.

2. The court may establish officer roles to oversee specific duties of the court.
3. Suggested officer roles may include, but are not limited to:
 - a. Assistant Chief Justice –completes research, filing, meeting minutes, and assists with document preparation.
4. Other officer roles may be established by the court to fit the needs of that particular Court. Officers may be chosen by the Chief Justice, or voted by a majority of the court membership.

3.7 Records

1. All documents pertaining to the Court will be available in electronic format.
2. All documents pertaining to the Court or any case filed with the Court shall be made available to the public. Original records may not be removed from the Court Records Book unless it is to make a copy or scan. The Court Records Book must remain in the SGA office.
3. Any public member requesting copies of records will be encouraged to accept an electronic copy.

3.8 Session

1. The Court shall conduct business during its academic session, which will follow the academic calendar with session beginning the first day of the fall semester, and ending the last Monday of the spring semester.
2. At the end of each session, all cases pending on the docket are continued to the next session.
3. The Chief Justice may announce a recess and the date for resumption of meetings if no cases have been filed, or are pending or active on the docket. No recess shall last longer than 7 academic days during the fall and spring semesters unless recess has been called due to fewer than three active Justices holding seats.

3.9 Quorum

1. A simple majority of current Justices shall constitute quorum for general SGA meetings.
2. For matters pertaining to Court cases and regular meetings of the Court: a simple majority of the current Justices, or a minimum of 3 current Justices, whichever is greater, shall constitute quorum for all regular meetings and on all cases filed for review by the Court. The Chief Justice may decide to hear a case en banc in which all active Justices shall constitute quorum.

3.10 Training

1. Upon appointment to the Court, all Justices will be required to meet with the standing Student Body President or SGA advisor(s) to receive a brief training on Judicial Court.

2. Training will include a brief explanation of the relationship between the Judicial Court and the SGA, an review of the role of the Judicial Court, and familiarization with the SGA Constitution, all branch bylaws, Roberts Rules of Order, and Court forms and documents.

3.11 Funding

1. Judicial Court will communicate budgetary needs with SGA Executive Officers and/or SGA advisor(s). In which case, purchases will be made from the SGA Office Budget with a vote by the officers.

Article 4 – Jurisdiction

4.1 Scope

1. The Court shall have jurisdiction over all matters established by the SGA Constitution as powers of the Court.
2. The Court shall have jurisdiction over disputes between branches of SGA, members of SGA on matters pertaining to SGA, and between students or public members and SGA.

4.2 Actions Against a Justice

1. Due to the necessity of the Court to remain impartial no motions coming before the Court where a Justice is named as Defendant shall be heard by this Court. Such a motion shall be directed to a higher forum in accordance with Purdue Fort Wayne Code and Regulations.

Article 5: Counselors

5.1 Requirements

1. Although parties are not required to use a Counselor, any party coming before this Court has the right to be represented by a Counselor.
2. To prevent bias or conflict, a Counselor cannot be:
 - a. a current Judicial Court member, a current SGA Clerk of Court, or a current Executive Branch member
 - b. the Student Government Advisor(s); although any person can seek advice from this person, this person cannot be named as the Counselor to a particular party due to the Student Government Advisor's role as advisor to all SGA members
 - c. an SGA member whose time of service has not elapsed one full semester
 - d.
 - e. the counsel for an opposing party named in the case, even if the representation is provided for a separate case or matter.

5.2 Counsel Rules

1. To act as Counselor for a party, an individual must submit a Motion to Represent to this Court, and the motion must be approved by the Court.

- a. To prevent delay of proceedings, and to avoid interference with the right to due process:
 - i. The Motion to Represent may be submitted with or after the initial filing of the case, but prior to the closing of the case.
 - ii. The Motion to Represent must include the name and active email of the individual seeking to represent a party.
 - b. The Motion to Represent must include the following elements:
 - i. Demonstrate the intended Counsel's knowledge of case
 - ii. Demonstrate that the party wishes to be represented in the case by including one of the following:
 1. an affidavit separate to the motion signed by party
 2. a statement included in the motion, placed after the signature of the intended Counsel, that is signed by the party to be represented.
 - c. Motions to Represent should only be dismissed:
 - i. if a conflict of interest exists that is detrimental to the party
 - ii. if the party notifies the Court prior to approval of desire to not be represented by the individual who submitted motion
 - iii. if the case is withdrawn by the party
 - d. More than one Counselor is permitted to represent a party, but each must file a separate Motion to Represent that meets the requirements of Rule 4.1, Section 4. In addition to those requirements, each must explain that the addition of the Counselor is beneficial to the party, and that the additional Counselor provides a skill, knowledge, or other characteristic or ability that other approved Counsel could not.
 - e. In the event that more than one Counselor is approved, one Counselor must be named as a primary Counselor. The first Counselor to file will be considered the primary unless the party files a Motion for Change in Representation to have a different Counselor act as primary.
2. Correspondence that is required to be sent to the party will also be electronically sent to all Counselors on record. If print copies are required to be sent to the party, only the primary Counselor will be provided print copies in addition to the electronic copies sent to all Counselors.
 3. Counselors must follow instruction from this Court as any other party or person is required.
 4. If any party determines they no longer wish to be represented by a Counselor, the party must file a Motion for Change in Representation to this Court to request dismissal of the Counselor.
 5. This Court may dismiss a Counselor if the Counselor refuses to follow any of the rules set forth in this article, demonstrates improper representation of a party, or if a conflict of interest becomes known to this Court. Dismissal of a Counselor by this Court can only occur if all of these conditions are met:
 - a. an official meeting is held in which a case involving the party and Counselor providing representation will be reviewed
 - b. the Counselor and party received notification at least 24 hours in advance of the official meeting

- c. and a majority vote of Justices in attendance at the official meeting is obtained in favor of dismissal of the Counselor

Article 6 – Cases

Rule 6.1 Case types:

1. Certified Questions:
 - a. Only questions or propositions of constitutionality may be certified. Any branch or member of SGA may certify to this Court a question or proposition of constitutionality for which it seeks instruction on the proper decision of proposed legislation, policies, or actions of any branch or member of SGA. These cases will include CQ in the case number.
 - b. The Court encourages the use of the pre-prepared form for Certified Questions. This form is available electronically for typed entry, or can be printed for handwritten submission.
 - c. Certified questions shall include these elements in the form:
 - i. Name of submitter/branch
 - ii. Position with SGA (if individual submitting)
 - iii. List of governing documents that will be referenced
 - iv. Specific question for which instruction is sought. This question must pertain to constitutionality.
 - v. The Court encourages the submitter to include a statement of the instruction expected as part of the Court’s ruling, or a statement of the key need for review.
 - d. Attachments: Any attachments included with a Request for Review of Proposed Amendment should be labeled as “Reference _” with letters used alphabetically in place of the “_”.
2. Review of Proposed Amendments to the SGA Constitution
 - a. Proposed Amendments to the SGA Constitution will be reviewed pursuant to the Amendments section of the SGA Constitution. These cases will include CQ in the case number.
 - b. The Court encourages the use of the pre-prepared forms for proposed amendments to the SGA Constitution. This form is available electronically for typed entry, which is strongly encouraged to aid in the prompt review of the proposed amendment.
 - c. All proposed amendments must clearly state the existing language of the SGA Constitution. The proposed amendment must follow the entry of the existing language of the SGA Constitution, and must indicate where changes will be made by the use of omitted formatting, underlining, and strikeouts.
 - d. Attachments: Any attachments included with a Request for Review of Proposed Amendment should be labeled as “Reference _” with letters used alphabetically in place of the “_”.
 - e. Any subsequent requests for a proposed amendment previously filed with the Court for review will be filed under the same case number and must indicate on the filing that it is a subsequent submission for review (i.e.: Second Review; Third Review).

3. General Review

- a. All other submissions for review by the Court shall be filed as a General Request to Review. This request may be used when resolution or clarification is sought for a dispute or concern, but the matter is not a Certified Question or a Review of Proposed Amendment to the SGA Constitution. These cases will include JC in the case number.
- b. The Court encourages the use of the pre-prepared form for a General Request to Review. This form is available electronically for typed entry, or can be printed for handwritten submission.
- c. A General Request to Review shall include these elements in the form:
 - i. Name of Submitter or Plaintiff and Defendant
 - ii. Title of the Submitter or Plaintiff
 - iii. List of governing documents that will be referenced
 - iv. Description of the matter or alleged offenses; include dates, times, and locations.
 - v. A statement of the ruling expected.
- d. Exhibits: Any documents included for reference with a Certified Question should be labeled as "Exhibit #" with chronological numbering used in place of the "#".
- e. Service of documents:
 - i. Notification of all cases filed will be sent electronically to the Student Government Advisor(s), the Chief Justice, and SGA Branch Leaders for distribution to all of SGA.
 - ii. If the defendant named in the case is an SGA branch, or an active SGA branch member, the Clerk of the Court and Chief Justice will serve notice of the filing electronically to the named defendant directly or the branch leader directly. A copy of the filing will be included in the electronic notification.
 - iii. If the defendant named in the case is not an SGA branch or an active SGA branch member, the Plaintiff must serve the named Defendant. Service must occur no more than five (5) academic days prior to filing the case and documentation of the service must be provided at the time the case is filed. The Court encourages the use of the pre-prepared Proof of Service form.

6.2 Selection of Cases

1. Speed of Adjudication – Cases shall be adjudicated as quickly as possible without substantial hardship for the Plaintiff(s), Defendant(s), or Witnesses.
2. All cases with CQ in the case number will have priority over cases with JC in the case number.
3. All cases with JC in the case number will have an order issuing a Stay on the case in the event that a CQ case is filed. Review and time frames of all JC cases will resume on the academic day following the filing of advisory rulings on CQ cases.
4. In the case of multiple filings of the same alleged violation or dispute, the Court reserves right to determine which requests for review it will adjudicate and which

it will not. In such a case, the Court shall determine which Plaintiff is best qualified or most competent to present the case. The Clerk of the Court shall then notify other Plaintiffs of such determination and the reasons for it.

6.3 Justice Withdrawal from Question

1. Justices are expected and encouraged to withdraw themselves from a question before the Court if they feel that they are unable, for any reason, to render an impartial and unbiased opinion. A simple majority vote can compel the withdrawal of a Justice from hearing a particular question if the membership believes the existence of a conflict of interest or that a Justice is unable, for any reason, to render an impartial and unbiased opinion. This prerogative of the Court shall be utilized sparingly, in deference to the importance placed by the Constitution of the SGA upon the consideration of the full membership on any question brought before the Court as well as the confidence of the SGA regarding the ability of any Justice to recognize their own conflicts of interest and exercise their responsibility for withdrawal.
2. Any Justice who removes himself or herself, or is removed, from a meeting/session pursuant to the above shall not be considered truant, and shall remain in good standing with the Court.

6.4 Procedure for Review of CQ Cases

1. Upon filing a CQ case, the Clerk of the Court will electronically distribute a copy of the case to the Chief Justice. The Chief Justice will have 24 hours to distribute the case to the remaining Justices.
2. If a regular meeting is scheduled within ten (10) days, the Court may review the case during that regular meeting. If a regular meeting is not scheduled within ten (10) days, the Chief Justice will set a date for review. All CQ cases will be reviewed in a public meeting.
3. The Court will have ten (10) days from the date the case is filed to review the case and issue an advisory ruling.
4. Advisory rulings may include a majority opinion, dissenting opinion, or concurring opinion.
5. The Clerk of the Court shall file the advisory ruling and distribute the advisory ruling to the SGA branch leaders, Student Government Advisor(s), and the Submitter.

6.5 Procedure for Review of JC Cases

1. Upon filing a JC case, the Clerk of the Court will electronically distribute a copy of the case to the Chief Justice. The Chief Justice will have 24 hours to distribute the case to the remaining Justices.
2. Within seven (7) days of receiving a request for a Judicial Court decisions, the Court must issue a written notice of acceptance or rejection to review the case.
 - a. If the case is accepted for review, the Court must issue a Notice of Meeting. The meeting must be set for no more than seven (7) days of the date the notice is filed and issued.

- i. The date, time, and location of the meeting must be clearly stated in the Notice of Meeting. The Court may also file orders along with the Notice of Meeting to aid in the review of the case.
- ii. The Clerk of the Court will distribute a copy of the Notice of Meeting and any orders from the Court electronically to all interested parties, the Student Government Advisor(s), and SGA branch leaders.
- iii. The case will be reviewed at the meeting set in the Notice of Meeting. The Chief Justice will chair the meeting.
- iv. If a case involves a Plaintiff and a Defendant, the Court may issue a ruling to set the case for hearing. The procedure for the case would then follow the rules for hearings.
- v. Rulings and orders issued and filed as a result of meetings must be filed with the Clerk of Court within two (2) days of the meeting. The Clerk of Court will distribute all items filed to the named parties, the Student Government Advisor(s), and SGA branch leaders
- b. If the case is rejected for review, the Court must issue a Notice of Rejection. The Notice of Rejection must include a sound reason for rejecting the case.
 - i. The Clerk of the Court will distribute a copy of the Notice of Rejection to all named parties, the Student Government Coordinator, and SGA branch leaders.

6.6 Court Responses

1. Court Orders are issued by the Chief Justice to aide in the continued review of an ongoing case, or to carry out a previously noted action within a filed Court Ruling. Due to the need for expediency, the Chief Justice's signature acts as the approval of the Court on Court Orders. All Court Orders are filed with the Clerk and distributed to the parties of the case, SGA branch leaders, and the Student Government Advisor(s).
2. Court Rulings are issued as a final ruling to a case. A majority opinion will be drafted. Dissenting or concurring opinions may be filed separately by individual or multiple Justices, but not a majority. All Court Orders are filed by the Clerk and distributed to the parties of the case, SGA branch leaders, and the Student Government Advisor(s).

Article 7: Meetings

7.1 Meeting Requirements:

1. Meetings shall be held pursuant to SGA Constitution. All meetings will be open to the public and minutes will be recorded. Minutes will be reviewed and approved at the next official Court meeting.
2. All Justices are expected to attend meetings and hearings set by the Court.
3. Quorum must be met at all meetings. Once Quorum is lost, the meeting must be adjourned.
4. Meeting agendas will follow Robert's Rules of Order.

7.2 Attendance and Removal of Justices

1. If a Justice is unable to attend any meeting, that Justice must notify the Chief Justice 24 hours in advance of the scheduled meeting unless there is an emergency. The Chief Justice shall determine if the absence is excused.
2. After two unexcused absences by a Justice, the Chief Justice shall contact the absent Justice to warn the Justice of their attendance.
3. The Student Government Advisor(s) shall be copied on the notification sent to a Justice after two unexcused absences. The Chief Justice must consult with the Student Government Advisor(s) if the Court intends to vote for removal of the absent Justice at the next meeting if the Justice does not attend. The Court may vote to remove the absent Justice for lack of attendance at the end of the next meeting by 2/3 majority vote provided quorum is met.

Article 8: Hearings

8.1 Hearing Requirements:

1. Hearings will be held separate from meetings. Quorum must be established for all hearings. All Court Hearings shall proceed with the following agenda. This agenda may be suspended or amended by the Chief Justice.

- I. Call to Order
- II. Quorum Roll Call
- III. Complaint of Plaintiff(s)
- IV. Plea of Defendant(s)
- V. Opening Statements
 - a. of Plaintiff(s)
 - b. of Defendant(s)
- VI. Examination (Direct and Cross)
 - a. of Plaintiff Witnesses
 - b. of Defendant Witnesses
- VII. Closing Arguments
 - a. of Plaintiff(s)
 - b. of Defendant(s)
- VIII. Judicial Examination
- IX. Adjournment

8.2 Motions During Hearings

1. The Plaintiff(s) and/or Defendant(s) as well as any Justice of the Court shall be permitted to make motions at any point during a hearing by raising his/her hand to be recognized by the Chief Justice. The Chief Justice shall rule on the motion. If an associate Justice disagrees with the ruling, they may state their exception for the record. The following, shall be considered relevant motions, but do not constitute an exhaustive list:
 - A. Dismissal of the Case

- B. Continuance of the Case Until a Later Time
- C. Suppression of a Witness
- D. Suppression of Evidence
- E. Recess
- F. Suspend Agenda
- G. Move into Closed Hearing
- H. Strike Testimony

8.3 Deliberations

1. Deliberations on any case shall take place in closed session after the hearing is adjourned. The findings and recommendation of the Court shall be based solely upon the evidence received at the hearing, and the assignment of guilt shall depend upon the preponderance of the evidence.
2. Rulings issued following deliberations of hearings must include a majority opinion or a concurring opinion. A dissenting opinion may be issued as well.
3. All rulings must be filed with the Clerk of the Court. The Clerk of the Court will distribute all rulings electronically to the parties, Student Government Advisor(s), and SGA branch leaders.

8.4 Amendment of Bylaws

1. This document may be amended via a 3/4 vote of the total Student Senate membership during a regularly scheduled Student Senate meeting.
2. Amendments will take effect immediately upon approval from the Student Senate.

Article 9: Signatures

9.1 Adoption of Bylaws

In witness whereof, the Members of this Court hereby sign and adopt this agreement as the Bylaws and Rules governing this Court, this ____ day of _____ in the year _____. Any future Members of this Court shall sign this agreement and swear to uphold the Bylaws and Rules governing this Court in conjunction with all higher law.

Chief Justice
