



Student Court of Liberty University

CODE OF JUDICIAL PROCEDURE

SPRING 2023 TERM

Approved 23 April 2023

WE, the undersigned Chief Justice and Associate Justices of the Student Court of Liberty University, for the more effective administration of justice, for the preservation of clarity and consistency, and to ensure the impartiality of our decisions for the Student Government Association and Student Body, do ordain and establish these Bylaws for the Student Court.

Signed this day, April 23, in the Year of our Lord 2023 and of the University 52.

/s/ Caleb Webb

Caleb Webb, Chief Justice

/s/ Hannah Loucks

Hannah Loucks, Associate Justice

/s/ Gianna De Rosa

Gianna De Rosa, Associate Justice

/s/ William Blankschaen

William Blankschaen, Associate Justice

/s/ Grace Nasser

Grace Nasser, Associate Justice

Article I: Definitions

Section 1: This Code of Judicial Procedure (hereafter “CJP”) shall constitute the Bylaws of the Student Court.

Section 2: The “Court” shall be composed of the Chief Justice, the Associate Justices, and any officers of the Court party to the case at hand, including the Solicitor General (if appointed and party to the case), the General Counsel (if appointed, party to the case, and in the absence of the Solicitor General), and any special masters appointed by the Court. The Chief Justice shall have the authority to appoint Judicial Assistants as officers of the Court, should the letters of commission for the aforesaid Judicial Assistants specify they are as such.

Section 3: A quorum of the Court shall be composed of any two Justices along with either the Chief Justice or, in the absence of the Chief Justice, a third Justice appointed to preside pursuant to Article II Section 2 of this Code either in person or digitally as the Court shall permit.

Section 4: “Session” shall refer to any meeting of the Court for the purpose of conducting business. The Chief Justice shall set the time and place of all sessions. Sessions may consist of hearings, conference decisions, and any other items of business. The order of business shall be set by the Chief Justice.

Section 5: “Hearings” shall refer to any proceedings within Court sessions wherein the parties to the case are offered participation, either in person or digitally, as the Court may permit.

Section 6: “Conference” decisions shall refer to any proceedings within Court sessions wherein the parties to a case are not present and the case is decided in summary judgment.

Section 7: Each term of the Court shall run concurrently with each semester.

Section 8: The Clerk of the Court may be appointed by the Chief Justice at the start of each term. The Clerk shall receive and disseminate communications to the Court, set the docket for upcoming sessions, maintain a record of all Court sessions for the Court’s deliberation, and maintain a public record of the Court’s decisions in response to Petitions for Rulings and of the Court’s answers to Certified Questions.

Section 9: The Chief Justice has the authority to perform any action delegated to the Clerk under Article I Section 9 of the CJP and shall do so in the absence, through incapacitation or vacancy, of the Clerk.

Article II: Presidency of the Court

Section 1: The Chief Justice shall preside over the Court except in his or her absence.

Section 2: If the Chief Justice is unable to attend a scheduled meeting of the Court, he or she may appoint an Associate Justice to preside over the Court, provided that appropriate notice be given to the Court prior to the scheduled sitting.

Section 3: An Associate Justice duly appointed according to Article II Section 2 of the CJP may perform any delegated action reserved to the Chief Justice throughout the CJP, subject to the terms of his or her appointment.

Article III: Traffic Procedure

Section 1: The Clerk shall regularly update the Court docket to include newly appealed cases. Traffic cases shall be initially placed on the docket according to the date of appeal with the oldest cases being decided first.

Section 2: During sessions, Justices may vote to hear cases or to request additional information from parties. If a case is voted to be heard, the Clerk shall send notice to both parties to schedule a hearing. All parties to a hearing shall be notified no less than 48 hours prior to the hearing.

Section 3: All hearings shall be scheduled for the next available Court session but may be rescheduled at the discretion of the Court. Both the appealing party and the ticketing officer shall be offered attendance to any hearing, and both parties may request to reschedule the hearing at the Court's discretion.

Section 4: Failure to report to the SGA front desk by the scheduled hearing time will constitute a failure to appear at the hearing. The Student Court shall rule against a party that fails to appear. If neither party appears, the Student Court shall dismiss the case without prejudice and offer a timeline for the appellant to reschedule.

Section 5: At hearings, the appellant may first present his or her case. The officer may then present his or her case. The appellant will then be offered time for a rebuttal. After the time for these statements, the Justices may ask any questions of the parties.

Section 6: The Chief Justice shall assign all decided cases to the Justices to issue the decisions of the Court according to the majority's reasoning. These decisions shall be transmitted by 11:59 pm on the Monday following the session in which the case was decided.

Article IV: Disciplinary Procedure

Section 1: If any member of the SGA believes that a member of the Executive or Legislative Branches has violated the Constitution or Code of Ethics and that such behavior merits discipline up to impeachment, he or she may file a Petition with the Court for the empaneling of an Investigative Committee. Such a Petition shall conform to Appendix A: Petition for an Investigative Committee. Thereafter, the member against whom the Petition was filed shall be known as the “Respondent.” Upon receipt of the Petition, the Respondent shall be notified and provided with a copy of the Petition conforming to Appendix A: Petition for an Investigative Committee.

Section 2: The Standing Investigative Committee may be utilized only when the Petition seeks disqualification under Article II of the Constitution, disqualification pursuant to requirements of office specified by relevant bylaws, or discipline for failure to comply with an order issued under Article V Section 1.2 of the Constitution.

Section 3: The Standing Investigative Committee shall be composed of the Senior Class President, the Speaker of the House, the chair of the largest House committee, the President of the Senate, and the Director of Internal Affairs. These members shall be vetted in a similar manner to other investigative committee members as described in Article IV Section 4. Should a member of the Standing Investigative Committee be disqualified or should any of the aforesaid positions remain vacant, that member shall be replaced by a random member of his or her respective department in a similar manner to other investigative committee members as described in Article IV Section 4 of the SGA Constitution.

Section 4: If the Petition seeks discipline for a matter not delegated to the Standing Investigative Committee, at the direction of the Chief Justice, the Clerk shall select, at random, from the rolls of the branches, members of the SGA to satisfy the requirements of Article V Section 4 of the SGA Constitution. The committee shall be vetted by the Court to ensure its members are unbiased in the case at bar and shall exclude any individuals proscribed by Article V Section 4 of the SGA Constitution. All individuals who are proscribed or determined by the Court to carry significant potential for bias shall be excused, and another individual shall be randomly selected. The Court may use Appendix B: Investigative Committee *Voir Dire* to aid in the vetting process.

Section 5: Upon confirmation of the committee membership, the investigative committee will be empaneled and shall elect a chair to preside. The Chief Justice shall charge the committee

by explaining its role, authority, and the allegations made in the case at bar. The committee may return a true bill and indict the Respondent, who would then be referred to as the “Defendant,” or may return an ignoramus bill, which would acquit the Respondent and conclude the procedure.

Section 6: All members of the investigative committee shall be ordered to maintain strict confidentiality regarding the matters discussed and decided by the committee, except where otherwise ordered by the Student Court.

Section 7: If the investigative committee returns a true bill, the Chief Justice shall certify the bill, and the General Counsel and Defendant shall be notified and provided a copy of the true bill. The Court may, in the absence of a General Counsel, Acting General Counsel, or Solicitor General, appoint a special master to bring the case before the Court. The General Counsel or whoever is serving in that capacity shall be referred to as the “Prosecution.”

Section 8: The Chief Justice shall set and communicate the times for any hearings as are necessary for the effective prosecution of the case and shall communicate the procedural rules for any such hearings. Prior to hearings, if a party moves for changes to be made to the set times or procedural rules for a case, the Court may vote to approve any such changes by a majority vote.

Section 9: Prior to hearings, both parties may submit a written argument before the Court. All written arguments must be less than 3,500 words in length.

Section 10: At hearings, each side will be allotted ten minutes to present their oral arguments. The Prosecution will speak first and may reserve a portion of his or her ten minutes for a rebuttal if he or she chooses. After the Prosecution, the Defense will have a total of ten minutes to present his or her oral arguments. Then, the Prosecution may provide a rebuttal with any of his or her reserved time. Following oral arguments, the Justices may ask any questions they may have the parties. The Court may choose to depart from these procedural guidelines by a majority vote at their discretion.

Section 11: At hearings, any party may object to a statement made by the opposing party on such grounds as relevance, vagueness, foundation issues, speculation, opinion, or hearsay. Upon objection, the Clerk shall ask the objecting party to clarify what statement is being objected to and the alleged grounds for such objection. The Clerk shall then record the objection for the Court’s record.

Section 12: Any present ambiguities in disciplinary procedure shall be decided at the discretion of the Chief Justice.

Section 13: The Prosecution may seek voluntary dismissals by motioning to withdraw the charges. Voluntary dismissals made prior to the conclusion of hearings are to be considered dismissed without prejudice. A voluntary dismissal will be considered dismissed with prejudice if the action at issue is the second occasion in which the Prosecution has brought and dismissed the claim or if the motion to withdraw is made after the conclusion of hearings. All involuntary dismissals are to be considered adjudicated on the merits and thus dismissed with prejudice.

Section 14: After the final disciplinary hearing, the Court shall render judgment and issue any such writs as necessary for the enforcement of said judgment, concluding the procedure.

Section 15: For cases of impeachment arising under an alleged violation of the Constitution, the Court must determine whether the alleged violation was a settled matter of constitutional provision beyond a reasonable doubt. Should the Court find reasonable doubt that the alleged offense was a settled matter, the Court shall dismiss the impeachment case with prejudice, and the General Counsel or whoever is serving in that capacity shall submit a Petition for a Ruling on the disputed matter of constitutional provision conforming to Appendix C: Petition for a Ruling. The Court shall then reconvene in a judicial capacity.

Article V: Judicial Procedure

Section 1: The Court shall convene under judicial procedure if any individual in the Student Government or an SGA Club petitions the Court for a ruling on the permissibility of any action already committed under a governing document within the Court's jurisdiction by filing a Petition with the Court. Such a Petition shall conform to Appendix C: Petition for a Ruling.

Section 2: The Court shall have original jurisdiction in all matters arising under the governing documents delineated in Article V of the SGA Constitution. When a dispute or controversy that arises under a governing document within the Court's original jurisdiction requires the interpretation of another document, the Court may exercise supplemental jurisdiction insofar as is necessary to resolve the case or controversy within its original jurisdiction.

Section 3: Upon the Court's receipt of a Petition for a Ruling from the Petitioner(s), the Respondent(s) shall be notified and provided a copy of the Petition conforming to Appendix C: Petition for a Ruling.

Section 4: If a Petition contains a motion for a temporary injunction, the Court may grant a temporary injunction during the pendency of a decision if there is sufficient evidence that the movant's rights or the rights of another are being or likely will be violated pending a final

judgment in the action or if the acts of the adverse party will tend to render such final judgment ineffectual.

Section 5: The Chief Justice shall set and communicate the times for any hearings as are necessary for the effective prosecution of the Petition and shall communicate the procedural rules for any such hearings. Prior to hearings, if a party moves for changes to be made to the set times or procedural rules for a case, the Court may vote to approve any such changes by a majority vote.

Section 6: Prior to hearings, the Respondent(s) may move the Court with a pre-trial motion to dismiss for lack of jurisdiction. Additional motions by said Respondent(s) prior to the Court's decision on dismissal shall be considered a concession to the Court's jurisdiction in that case. The Court may vote to grant a pre-trial motion to dismiss for lack of jurisdiction by a majority vote.

Section 7: Prior to hearings, any party to a case may move the Court to join another member of the SGA or a member of an SGA Club to that case. Any outside person who is a member of the SGA or an SGA Club may likewise move the Court to be joined as a party to a case. The Court may vote to join a party by a majority vote.

- a. Persons may be joined as required parties if (A) in that person's absence, the court cannot accord complete relief among existing parties; or (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may: (i) as a practical matter impair or impede the person's ability to protect the interest; or (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.
- b. Persons may be permissively joined in an action as Petitioners if: (A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all Petitioners will arise in the action. Persons may permissively join in an action as Respondents if: (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all defendants will arise in the action.

Section 8: Prior to hearings, both parties may submit a written argument before the Court. All written arguments must be less than 3,500 words in length.

Section 9: At hearings, each side will be allotted ten minutes to present their oral arguments. The Petitioner(s) will speak first and may reserve a portion of their ten minutes for a rebuttal if they choose. After the Petitioner, the Respondent(s) will have a total of ten minutes to present their oral arguments. Then, the Petitioner(s) may provide a rebuttal with any of their reserved time. If there is more than one Petitioner or Respondent, they may divide their time between them if they choose. Following oral arguments, the Justices may ask any questions they may have the parties. The Court may choose to depart from these procedural guidelines by a majority vote at their discretion.

Section 10: At hearings, any party may object to a statement made by the opposing party on such grounds as relevance, vagueness, foundation issues, speculation, opinion, or hearsay. Upon objection, the Clerk shall ask the objecting party to clarify what statement is being objected to and the alleged grounds for such objection. The Clerk shall then record the objection for the Court's record.

Section 11: Any present ambiguities in judicial procedure shall be decided at the discretion of the Chief Justice.

Section 12: Petitioners may seek voluntary dismissals by motioning to withdraw the Petition for a Ruling. Voluntary dismissals made prior to the conclusion of hearings are to be considered dismissed without prejudice unless the agreement states otherwise. A voluntary dismissal will be considered dismissed with prejudice if the action at issue is the second occasion in which the plaintiff has brought and dismissed the claim or if the motion to withdraw is made after the conclusion of hearings. All involuntary dismissals are to be considered adjudicated on the merits and thus dismissed with prejudice.

Section 13: The Court may issue any such writ or ruling under Article V Section 1.2 of the SGA Constitution as is necessary for the enforcement of its decisions.

Section 14: Any member of the Student Government may petition the Court with a Certified Question as to the interpretation of governing documents within the Court's jurisdiction by petitioning the Court with a Certified Question conforming to Appendix D: Certified Question. Decisions of Certified Questions are official statements of the Court's position at the time of writing, not a decision regarding an actual case or controversy, and, as such, no writ or ruling may issue under Article V Section 1.2 of the Constitution, nor may any hearings or motions be granted.

Section 15: Any member of the SGA or an SGA Club may submit an *amicus curiae* brief regarding a pending Petition or Certified Question before the Court. All *amicus curiae* briefs must be less than 3,500 words in length.

Article VI: Elections Procedure

Section 1: If the Election Board, by majority vote, finds probable cause of a material violation of the Election Rules, the Election Commissioner may file a Petition for an Elections Ruling before the Student Court. Such a Petition shall consist of (1) a notice that the Election Board has found probable cause for a case to be brought before the Court and (2) a copy of the Petition submitted to the Election Board by the Petitioner.

Section 2: Upon the Court's receipt of a Petition for an Elections Ruling from the Election Commissioner, the Respondent(s) shall be notified and provided a copy of the Petition for an Elections Ruling.

Section 3: If a Petitioner motions for a temporary injunction, the Court may grant a temporary injunction during the pendency of a decision if there is sufficient evidence that the movant's rights or the rights of another are being or likely will be violated pending a final judgment in the action or if the acts of the adverse party will tend to render such final judgment ineffectual.

Section 4: The Court may order a temporary injunction to delay the announcement of election results apart from a motion if an injunction is necessary for the Court to fulfill its constitutional duties to hear and decide violations of the Election Rules.

Section 5: The Chief Justice shall work out with the parties the times for any hearings as are necessary for the effective consideration of the Petition and shall communicate the procedural rules for any such hearings. If a party moves for changes to be made to the set times or procedural rules for a case, the Court may vote to approve any such changes by a majority vote.

Section 6: The Student Court shall conduct at least one hearing to decide whether a violation of the Election Rules has been committed. The Petitioner(s), Respondent(s), and Election Commissioner will be considered parties to the case and will be offered attendance. However, none of the aforementioned parties are required to attend such hearings.

Section 7: If a party chooses not to attend a hearing, that party may, in the alternative, submit a written statement before the Court prior to the scheduled time for hearing. Written statements may not exceed 750 words in length.

Section 8: At hearings, the Petitioner, Respondent, and Election Commissioner will each be allotted five minutes to present their oral arguments. The Petitioner will speak first, followed by the Respondent, followed by the Election Commissioner. If there is more than one Petitioner or Respondent, they may divide their time between them if they choose. If any party submitted a written statement in lieu of attendance, the Clerk shall read the written statement during that party's normal speaking time. Following oral arguments, the Justices may ask any questions they may have of the parties. The Court may choose to depart from these procedural guidelines by a majority vote at their discretion.

Section 9: Any present ambiguities in judicial procedure shall be decided at the discretion of the Chief Justice.

Section 10: The Petitioner may seek voluntary dismissal by motioning to withdraw the Petition for an Elections Ruling. All voluntary dismissals will be considered dismissed with prejudice. All involuntary dismissals are to be considered adjudicated on the merits and likewise dismissed with prejudice.

Section 11: The burden of proof for Elections Rulings shall be clear and convincing evidence, which shall be defined as evidence that is highly and substantially more likely to be true than untrue. In other words, the fact finder must be convinced that the contention is highly probable. This standard is more rigorous to meet than the preponderance of the evidence standard but is less rigorous standard to meet than proving evidence beyond a reasonable doubt.

Section 12: If the Court finds that a candidate or a candidate's agent who was (1) acting within the scope of his or her role in a campaign and (2) acting in a manner that reasonably should have been subject to the campaign's supervision was in violation of the Election Rules, the Court shall determine appropriate sanctions consistent the Election Rules and other applicable governing documents.

Section 13: The Court may issue any such writ or ruling under Article V Section 1.2 of the SGA Constitution as is necessary for the enforcement of its decisions.

Article VII: Judicial Code of Ethics

Section 1: The purpose of this Code of Ethics is to establish to the members of the SGA and Student Body that this Court is, and shall remain, unbiased and unaffected by outside pressures in its decisions. The Judicial Branch of the SGA is charged with many matters which may prove controversial, and, as such, it is imperative that all parties understand this Court is concerned strictly with the rules and facts of cases.

Section 2: Any Justice of the Student Court shall recuse himself or herself should he or she determine he or she is unable to render judgment honestly and without bias.

Section 3: All Justices shall avoid discussing traffic cases outside of the context of the Court. Justices shall not disclose personal details of parties to such cases before the Court to persons outside the Court in an unauthorized fashion, either during the case or after the case has been decided. Justices shall not give out the names of appellants or LUPD officers.

Section 4: No member of the Court shall speak to any member of the press in his or her capacity as a Justice without leave of the Chief Justice and Administration.

Section 5: The Judicial Branch is charged with the conduct of free and fair elections. Therefore, no Justice shall publicly endorse any candidate to SGA office, either as an officer of the Court or in a personal capacity, nor shall he or she endorse any candidates as a representative of another organization. Justices may belong to organizations which offer such endorsements, provided that his or her name or likeness is not attached to any publication of endorsement issued by said organization.

Section 6: Justices shall conduct themselves toward their peers on the Court and all other officers thereof in a professional manner at all times by refraining from disparaging, harassing, threatening, or engaging in any behavior unbecoming of the office of Justice of the Court.

Section 7: All members of the Court shall uphold and respect the Liberty University Student Government Association Code of Ethics.

Article VIII: Amendments

Section 1: These Bylaws shall be confirmed by the unanimous decision of the Justices of the Court at the beginning of each term. Any Justice may suggest amendments, which may be adopted by the unanimous decision of the Court.

Section 2: After said approval, a voting majority of the Court may suggest amendments, at which time the Court shall vote. If the amendment is approved unanimously, the amendment shall be adopted for all cases beginning after said adoption.

Section 3: The overriding majority necessary to alter these Bylaws under Article III
Section V Subsection 2 of the SGA Constitution shall be a unanimous vote.

Appendix A: Petition for an Investigative Committee

Petitioner's Name:

Petitioner's Phone Number:

Petitioner's LU ID:

Petitioner's LU Email:

Petitioner's Position in SGA:

Respondent's Name:

Respondent's LU Email:

Respondent's Position in SGA:

Facts:

Related Evidence:

Relevant Rules:

Requested Action:

Final Certification:

Appendix B: Investigative Committee *Voir Dire*

Name:

LU Email:

Current Position in SGA:

Question 1. Have you ever had any personal relationship with the Respondent of any kind, be it romantic, friendly, mentor-mentee, etc.?

Question 2. If your answer to Question 1 was "yes," please describe your relationship with the Respondent below. If you answered "no," please answer N/A.

Question 3. Have you had any classes with the Respondent, at Liberty University or at any other institution?

Question 4. To the best of your memory, have you been a member of an NCAA, intramural, club, or informal sports or e-sports team with the Respondent, or on such a team which opposed the Respondent's team?

Question 5. Have you ever resided on the same residence hall as the Respondent?

Question 6. Have you ever been employed by the same employer as the Respondent, or been employed by the Respondent, or employed the Respondent, or engaged in business with the Respondent?

Question 7. If your response to Question 6 was "yes," please clarify the relationship between you and the Respondent below. If your answer was "no," please answer N/A.

Question 8. Do you have any mutual acquaintances with the Respondent such that you have developed thoughts, feelings, or beliefs about the Respondent from your interactions with those acquaintances?

Question 9. If your response to Question 8 was "yes," please explain your opinions regarding the Respondent below, as well as the circumstances that led to you forming that opinion. If your answer was "no," please answer N/A.

Question 10. Do you have personal knowledge of the circumstances which have led to this disciplinary proceeding? If so, please describe them below.

Question 11. Do you have any personal relationship with the Petitioner? If so, please describe your relationship below.

Question 12. If there are any other factors, relationships, interactions, memberships, communications, or any other details of any kind which you believe may influence your ability to serve impartially, and that you have not had a chance to mention previously, please explain below.

Question 13. Please enter your class, intramural, SGA, and work schedules below, if applicable.

Appendix C: Petition for a Ruling

Petitioner's Name:

Petitioner's Phone Number:

Petitioner's LU ID:

Petitioner's LU Email:

Respondent's Name:

Respondent's LU Email:

Facts:

Related Evidence:

Relevant Rules:

Jurisdiction:

Requested Relief:

Final Certification:

Appendix D: Certified Question

Petitioner's Name:

Petitioner's Phone Number:

Petitioner's LU ID:

Petitioner's LU Email:

Relevant Rules:

Certified Question(s):