

**Loyola University New Orleans**

**Student Government Association**

**Judicial Branch By-Laws**

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#### **Article I: Purpose of the Body**

##### **Section I: Purpose**

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| **Clause I** | The judicial power of the Loyola University Student Government Association shall be vested into a Student Government Association supreme court, which shall be known as “the Court of Review.” |
| **Clause II** | The Court of Review shall interpret the Student Government Association Constitution, Bylaws, Elections Code. The Court of Review shall regulate Student Government Association chartered organizations to be in compliance with the University Mission, Code of Conduct, and Vision. |

#### **Article II: Power**

##### **Section I: Power**

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| **Clause I** | The judicial power of this government shall be vested in the Court of Review. The supreme and primary body of the judicial branch shall be known as the “Court of Review.” |
| **Clause II** | All lower courts, created by law or necessity as determined by the Chief Justice, will be considered subordinate components of the Judicial Branch. |
| **Clause III** | The Court of Review shall handle all appeals rendered to it by the constituents of the Loyola University of New Orleans Student Government Association. |
| **Clause IV** | The Court of Review shall hear all cases involving the club affairs of those organizations that are chartered under the Loyola University of New Orleans Student Government Association. |
| **Clause V** | The Court of Review, and the Judicial Branch shall ensure that the Executive and Legislative branches operate within the framework of the Loyola University of New Orleans Student Government Association Constitution and Bylaws.   1. A case is defined as the examination of the condition under which an incident is dealt with by an Student Government Association official, or entity. 2. The process for bringing a case is not automatic. Those bringing suit must petition the Court of Review to hear their case. The decision to hear the case is left solely to the Court of Review. 3. The grounds for bringing a suit to the Court of Review are but not limited to: the allegation of harm or injury due to Student Government Association action and/or inaction, the failure to properly execute procedure, and failure to comply with the governing documents of the Loyola University of New Orleans Student Government Association. 4. The Court of Review renders judgement on a common sense and informed basis where reasonable belief exists that an action has either occurred or been missed where sanctioning is appropriate. 5. The Court of Review and all lower courts do not operate under the “Preponderance of Evidence” standard.    1. The Preponderance of Evidence standard shall be defined as the standards that are met when enough evidence is presented by the plaintiff to make it more likely than not that the defendant is guilty of a violation or violations of the Constitution or any subsidiary bylaws. |
| **Clause VI** | The Court of Review, and lower courts if necessary, shall review all challenged Student Government Association Senate legislation for constitutionality, legality, fairness, proper procedure, and clarity.   1. Unconstitutionality is when legislation does not adhere or is a direct violation of the Student Government Association Constitution. 2. Legality is when legislation does not adhere or is a direct violation of the Student Government Association Constitution, Bylaws and Elections Code. 3. Proper procedure mandates that all legislation passed is in accordance with these Bylaws. 4. Clarity determines whether legislation clearly outlines its purpose. |
| **Clause VII** | The Court of Review shall hear all cases regarding internal misconduct. |
| **Clause VIII** | The Court of Review shall utilize judicial authority in the reviewal and oversight of the Student Government Association. |

#### **Article III: Voting Powers**

##### **Section I: Voting**

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| **Clause I** | The Chief Justice shall have one vote on the Court of Review. |
| **Clause II** | All Justices shall receive one vote on all matters before the court, except their own removal process. In the event of a split vote during Court of Review Hearing Sessions, the Chief Justice shall have two votes. |

#### **Article IV: Duties, Responsibilities, and Jurisdiction**

##### **Section I: The Judicial Branch**

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| **Clause I** | The Chief Justice shall act as sole authority, official contact, and spokesperson of the Judicial Branch. The Chief Justice shall act as the Student Government Association Disaster Response point of contact and chief liaison. |
| **Clause II** | When acting as the Student Government Association Disaster Response Chief Liaison, the Chief Justice shall coordinate relief efforts to disasters, utilize any necessary Student Government Association official, and have the ability to request a set amount of funds from all branches and agencies within the Student Government Association. |
| **Clause III** | The Justices of the Court of Review shall:   1. Interpret the Student Government Association Constitution, Bylaws, and Elections Code, in consultation with the Chief Justice. 2. Serve as a resource to student organization leadership. 3. Plan and implement one social justice initiative per month. 4. Perform other duties as assigned by the Chief Justice. 5. Appoint a member as Food Pantry Chair to Iggy’s Cupboard Committee. |
| **Clause IV** | The Clerks of Court shall:   1. Act as liaisons in official proceedings. 2. Serve as a resource to student organization leadership. 3. Perform other duties as assigned by the Chief Justice. |
| **Clause V** | The Court of Review, as whole, shall:   1. Interpret the Student Government Association Constitution, By-laws, Elections Code, adjudicating on all constitutional questions or disputes. 2. Have jurisdiction over disputes and controversies involving student organizations. 3. Have jurisdiction over internal disputes and reviews in Student Government Associations. 4. Have final jurisdiction over the interpretation of any student organization constitutions and/or governing documents. 5. Serve as the appellate body if the Senate denies charter recognition to a student organization. 6. Have the power to impeach any member of the Executive, Legislative, and Judicial Branches. 7. Have power over the areas as defined in the Constitution and subsequent governing documents. 8. By a majority vote, ensure that all constitutional amendments adhere to the University Mission and Vision. |

#### **Article V: Meetings**

##### **Section I: Meetings**

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| **Clause I** | The Court of Review shall meet at a time specified by the Chief Justice except on  university holidays and emergencies, during exams, or as specified by a two-third  (2/3) vote of the Justices. |
| **Clause II** | A two-third (2/3) vote shall be required for a change of meeting time. |
| **Clause III** | The Chief Justice shall decide on the location of the meeting hall. |
| **Clause IV** | The Chief Justice must approve all guest speakers. |

#### **Article VI: Rules of Order**

##### **Section I: Parliamentary Procedure**

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| **Clause I** | Robert’s Rules of Order shall be the authority governing all matters of procedure  not enumerated in the Constitution, Statues, and these Judicial By-Laws. |
| **Clause II** | The Chief Justice of the Court of Review shall be the final authority in  interpreting the Judicial By-Laws. |

#### **Article VII: Resignation and Removal From Office**

##### **Section I: Chief Justice and Justices**

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| **Clause I** | The Chief Justice and Justices shall leave office when they:   1. Are replaced by the installation of the duly appointed successor. 2. Resigns 3. Expires their term of office. 4. Is impeached. |
| **Clause II** | Any member of the Court of Review may draw Articles of Impeachment against  the Chief Justice and Justices, showing proof and just cause. The criteria for  Articles of Impeachment are as follows:   1. Conduct unbecoming of a Student Government official. 2. Failure to uphold the ideals of the Student Government Associations Constitution, Bylaws, Elections Code, and University Code of Conduct. 3. Malfeasance in office. |
| **Clause III** | Articles of Impeachment must be prepared and then submitted to the Court of Review. |
| **Clause IV** | The Articles of Impeachment must be approved by a majority of the Court of Review. If approved, the accused member is impeached and documented proof will be released to the Senate and the accused party within 24 hours of approval. The impeachment hearing shall occur on the day and time of the next scheduled Senate meeting, or at the jointly selected by the Chief Justice and all relevant parties. |
| **Clause V** | The Chief Justice, who is not allowed to vote except in the event of a tie, shall preside over the Senate during the impeachment hearing. The accuser shall have at least ten (10) minutes to explain the Articles of Impeachment with questioning from the Senate. |
| **Clause VI** | The accused shall have at least ten (10) minutes to defend themselves against the accusations with questioning from the Senate. |
| **Clause VII** | Once the accuser and accused have made arguments against and/or for their removal from office, the Senate will have at least thirty (30) minutes to debate on the decision. During debate time, the Chief Justice will be present and able to take questioning from the Senate, and offer guidance from the relevant proceedings of the Student Government Association Court of Review. |
| **Clause VIII** | After the debate time, the Senate shall vote on the Resolution of Removal. An accused member can only be removed by a ⅔ vote of the entire present Senate. If the resolution is approved by the Senate, the officer shall be immediately removed from office and forfeit all duties, responsibilities, powers, and privileges thereof. |

#### **Article VIII: Vacancies**

##### **Section I: Court of Review**

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| **Clause I** | In the event of the vacancy, for any reason, of the Chief Justice, the President shall appoint a successor. |
| **Clause II** | In the event of the vacancy, for any reason, of a Justice or Clerk of Court, the Chief Justice shall appoint a successor. |

#### **Article IX: Terms of Office**

##### **Section I: Court of Review Term Length**

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| **Clause I** | Each member of the Court of Review shall hold office from the date of  their appointment for one calendar year or until the date of their graduation,  whichever occurs first, except through resignation or removal from office. The  Chief Justice shall hold a two-semester term. |
| **Clause II** | Upon installment, each judicial officer shall take the following oath, administered  by the President of the Student Government Association:  “I, (state your name), do solemnly affirm that I will faithfully execute the duties  of the office to which I have been appointed and that I will to the best of my  ability, preserve, protect, and defend the Constitution of the Student Government  Association, the rules of Loyola University New Orleans, and the values upon  which Loyola was founded. I affirm that I will endeavor at all times to maintain  the highest degree of integrity and objectivity, and to keep foremost the principle  of Justice when considering the interests and welfare of both the students  concerned and Loyola University New Orleans, so help me God.” |