

## Procedures of The Student Court

The following are the procedures that must be adhered to by individuals or groups presenting grievances before the Student Court of The George Washington University, hereinafter referred to as “the Court”. The Court has made every effort to make these procedures as simple and as user friendly as possible so please read and follow them carefully.

### Complaints

An individual or group with a grievance to be presented before the Court must file a complaint with the Chief Judge of the Court.

- (1) Complaint forms can be found on the Student Association website.
- (2) When the plaintiff has properly completed the information in the complaint, the plaintiff shall file the complaint with the Court by e-mailing a copy of any attachments to the complaint form to the Chief Judge.
- (3) Complaints must have all the sections of the form completed, and must contain:
  - (a) the date the complaint is filed; and
  - (b) the relevant charter, constitutional, or bylaw provisions under which the claim arises; and
  - (c) a statement of the facts surrounding the claim, as explained in Section IV of the complaint form, including the name(s), email address(es) telephone number(s) of the plaintiff(s) and the defendant(s); and
  - (d) the signature of the primary plaintiff or the plaintiff’s representative if the complaint was prepared by someone else on the plaintiff’s behalf.

The Court may summarily dismiss a complaint if it is not fully and properly completed in accordance with these guidelines.

- (4) The Chief Judge will provide all named defendants with a copy of the complaint and associated materials.

### Review of Complaints

Upon the receipt of a complaint, the Court will have twelve (12) class days to take action. Within this twelve day period the Court may:

- (1) dismiss the complaint on the grounds that the complaint is determined to be moot,

improper, irrelevant, frivolous, previously decided, or fails to comply with any appropriate governing documents; or

If the Court will not dismiss the complaint, the Chief Judge may choose to first attempt to resolve the case via the mediation process:

(a) Within three (3) class days of receiving the complaint, the Chief Justice may assign a judge of the court to mediate the case.

(b) One representative from each party will state their cases before the judge. The judge will hear both representatives and have a copy of each of the parties' written statements within two (2) class days of announcing the start of the mediation process.

(c) Shortly after the mediation, the judge will submit the copies of the parties' written statements and a short synopsis of the mediation with her resolution recommendation to the Chief Judge and all parties.

(d) These recommendations are not binding upon the parties, but are taken into account by the court. If all parties named in the complaint consent to the recommendations, the court is required to dismiss the case. If the parties do not agree to the recommendations, the court can also:

(2) conduct a preliminary hearing to further investigate and determine whether the case should be heard before the Court. Preliminary hearings generally, but not necessarily, do not address the particular merits of the complaint. Rather, a preliminary hearing will usually address the issue of propriety of the Court hearing the case on its merits. Such propriety may involve, but is not limited to, issues regarding the Court's jurisdiction, the Student Association Charter, Constitution, or Bylaws, and/or the appropriateness of a complaint. If the Court decides to conduct a preliminary hearing, it will notify all parties and instruct them to appear before the Court on an indicated date for the hearing. If, following the preliminary hearing, the Court decides to hold a full hearing or trial, the full hearing or trial must be scheduled within the original twelve (12) day period; or

(3) proceed with a full hearing, if the Court decides the complaint is relevant and proper and should forgo a preliminary hearing.

(4) issue a decision under the provisions outlined in Bylaws IIIB (Expedited Review)

### Answer

The Court may forward the complaint to the defendants in the case, and ask the defendant to prepare an answer to the complaint. The information contained in the answer may help the Court to decide whether it should dismiss the complaint, order a preliminary hearing, or set the matter for a full hearing.

An answer is a written document that responds, paragraph by paragraph, to every allegation contained in the complaint by either (a) admitting an allegation, (b) denying an allegation, or (c) declaring that the defendant can neither admit nor deny an allegation due to insufficient knowledge at the time. If the defendant prefers not to follow this format, believing it would be easier to simply prepare its own version of the facts, then the defendant may choose to file an answer which addresses all of the allegations contained in the complaint in a narrative format. If the narrative format is so chosen, the defendant must be sure to address ALL of the allegations contained in the plaintiff's complaint. Failure to address an allegation shall be deemed an admission of that allegation as if it were fact.

The answer must be typed and emailed to the Chief Judge, who will distribute it to the court.

### Preliminary Hearings

If the Court decides to conduct a preliminary hearing, the preliminary hearing must be held, and evaluated within twelve (12) class days of the receipt of the complaint.

During the preliminary hearing, both the plaintiff and the defendant will be given the opportunity to present oral arguments and/or written arguments in the form of a brief. If a brief is ordered by the Court, the brief must comply with the format for briefs as specified below. Even when written arguments are submitted to the Court, in a brief, the parties should be fully prepared to respond orally to factual, logical, and legal inquiries posed by the Court at the preliminary hearing.

### Full Hearing

If the Court decides to hear the case after reviewing a complaint, an answer, a brief, or after a preliminary hearing, the matter will be set for a full hearing or trial within twelve (12) class days of the Court's receipt of the case. Parties should be prepared to gather and present evidence in a timely manner. Parties will be informed of any additional procedures to be used in the full hearing or trial by the Court.

### Full Hearing

At a hearing, the plaintiff will be permitted to make a short opening statement. The defendant will then be permitted to make its opening statement, or, at the defendant's option, reserve its opening statement until after the plaintiff has presented its oral arguments. Each party will be informed by the presiding judge of how long they have for presenting their oral arguments, a party should not expect more than thirty (30) minutes to present oral arguments on any case in which a written brief has been submitted. The Chief Judge can grant additional time upon request. All parties should be prepared for the judges to interrupt them in the course of their arguments with factual, logical, or legal inquiries to which the parties will be expected to fully respond.

## Briefs

During the course of litigation, both the plaintiff(s) and the defendant(s) may be given the opportunity to present written arguments to the Court in the form of a brief. A brief is a written document that a party or intervener prepares to persuade the Court to adopt its position in a case or on a particular issue in a case. Briefs may be ordered by the Court to help it prepare for preliminary hearings, full hearings, and/or trials. The Court may order parties to prepare briefs under the appropriate circumstances when the Court feels written arguments will assist the Court in coming to a decision on any matter pertaining to a case. Briefs may also be submitted when unsolicited by the Court when the person preparing the brief feels it would assist the Court in reaching a decision.

Briefs must be typed, double-spaced, be stapled or otherwise bound, and conform to the format specified below:

- (1) The brief must have a title page as its cover which:
  - a. Clearly identifies the case by referring to the parties names and the case number; and
  - b. Clearly identifies which party has prepared the brief if prepared by a party, or otherwise identifies the person(s) who prepared an amicus curie ("friend-of-the-court") brief on behalf of a non-party; and
  - c. Specifies the date on which the party submitted the brief; and
  - d. specifies the name, address, and phone number of the person(s) who prepared the brief on behalf of a party.
- (2) The brief must cite, verbatim, any appropriate sections of the Student Association Charter, Constitution, or Bylaws, any applicable case precedent, or other provisions upon which the party or inventor relies in making its argument(s) in the case.
- (3) The brief may contain any documents or affidavits the party feels is necessary. The Court will not accept extraneous documents, affidavits, or other material if not filed prior to a hearing, except by the unanimous consent of the Judges presiding at the hearing.
- (4) The Brief must contain a short summary of all the facts which the party or inventor relies upon in its position of the case.
- (5) The brief must contain an argument section which fully addresses all of the arguments pertaining to the merits of the case. Only cases previously decided by the Student Court may be cited as precedent in constructing arguments.
- (6) The brief must conclude with a conclusion section which summaries the relief the author(s) of the brief believe to be appropriate in the case (i.e. what the Court is being requested to do).

(7) The brief must be signed by the party or representative of the party submitting the brief or the person(s) authoring the brief if amicus curie.

### Scheduling

The Student Court shall select the time, date, and location for preliminary hearings, trials and hearings. The primary consideration in setting a time and date will, necessarily, be the time constraints listed in the Court's Bylaws and Procedures, and secondarily, the schedules and availability of the Judges. While the Court will strive to take into consideration any compelling time constraints or religious holiday restrictions of the parties in a suit, brought to the Court's attention by the parties prior to the setting of the hearing or trial date, the Court expects that the parties, or their representatives, will be available at the time and date for which the hearing is ultimately scheduled.

### Decisions and Opinions

Within twenty-four hours of the final adjournment from a hearing or trial, the Court will render a decision, announcing which party has prevailed on the merits of the case. A written opinion of the Court will follow within thirty (30) days of the decision.

### Renewal

1. These Procedures of The Student Court should be reviewed once per academic year and agreed upon by a majority vote of the Student Court.
2. Once agreed upon, the Chief Judge must submit the Procedures of The Student Court to the acting Student Association President.