

## BYLAWS OF THE STUDENT SUPREME COURT

### ARTICLE I – COMPOSITION

#### Section 1. Membership

- A. The Student Supreme Court shall be comprised of one (1) Chief Justice, one (1) Associate Chief Justice, and seven (7) Associate Justices who shall be comprised of four (4) members of the Assembly, and three (3) Association members who are not in the Assembly or SGA Executive Board members. The Associate Justices shall be appointed by the Chief Justice and approved by the Assembly by two-thirds (2/3) vote respectively;
- B. Quorum shall not include the Chief Justice and the Associate Chief Justice.

#### Section 2. Term of Office

- A. The term of office for each Justice shall be one (1) academic year, to expire on the day of Commencement;
- B. In the event of a resignation, there shall be a new appointment: the new Justice shall fill the remainder of the term to which they were appointed.

#### Section 3. Powers of the Student Supreme Court Shall include:

- A. Judicial Review of all SGA documents and those of all subsidiary organizations. Judicial review is the power of the court to annul the acts of the Executive and/or the Assembly where it finds them incompatible with SGA documents, and/or practices;
- B. Mandamus-Here defined as the power to order any agent of the Executive or representative Branches of SGA, or of any agent directly associated with SGA, or of any candidate for SGA office, to perform a task, in which the judgement of the Student Supreme Court, is mandated by the Constitution of the SGA, the By-laws of SGA or legislation of SGA;
- C. Injunction-Here defined as the power to order any agent of the Executive or representative Branches of SGA, or of any agency directly associated with SGA, or of any candidate for SGA office, to cease a practice which, in judgement of the Student Supreme Court, is in violation of the Constitution of SGA, the By-laws of SGA or Legislation of SGA;
- D. Contempt-Shall be defined here as the failure of any agent of the Executive or Representative Branches of SGA, or any agency directly associated with SGA, or of any candidate for SGA office, to comply with the orders of the

Student Supreme Court. This may result in further charges, dismissal of duties, revocation, or monetary fines.

## **ARTICLE II – DUTIES**

- Section 1. Duties of the Student Supreme Court shall be:
- A. To investigate infractions of SGA rules and regulations by recognized, funded and budgeted organizations as well as the Association itself;
  - B. To decide punitive measures to be taken in the event of rule or policy violation up to revocation of recognition and/or office, they may impose any combination of sanctions deemed necessary
  - C. To provide interpretation if SGA rules and regulations when confusion over interpretation arises;
    - a. The interpretation of the court cannot be appealed
    - b. The Student Supreme Court, however, may re-evaluate any decision at any time with a simple majority vote of the Justices
- Section 2. The Student Supreme Court shall meet at least once per semester
- Section 3. Violations of the Student Code of Rights, Responsibilities and Conduct shall be delegated to the Campus Judicial System
- Section 4. Chief Justice;
- A. Shall be elected by the Assembly as per Article III Section 4 of the SGA Representative Bylaws;
  - B. The duties of the Chief Justice shall be;
    - a. Investigate initial petitions to the Student Supreme Court or appoint a designee among the other eight (8) justices to do so;
    - b. Schedule hearings for petitions accepted by the Student Supreme Court;
    - c. Preside over all meetings of the Student Supreme Court, except in cases of bias;
    - d. Serve as a non-voting member of the Student Supreme Court;
    - e. Hold a minimum of two (2) office hours per week;

- f. Designate a justice to write the Student Judicial Court decisions upon completion of hearings;
- g. Administer the Oath of Office to newly elected SGA officials.

Section 5. The Associate Chief Justice

- A. Shall be the President Pro Tempore of the Assembly
- B. Serve as the Secretary of the Court, to record all proceedings of the Student Supreme Court and write the opinion of the Court, majority or dissenting respectively;
  - a. In the event that the President Pro Tempore of the Assembly shall serve as Chief Justice, they shall appoint an Associate Chief Justice from within the Assembly;
- C. In cases involving impeachment proceedings of SGA elected and appointed officials, with the exception of impeachment cases involving members of the Court;
- D. Assist the Chief Justice in their duties;
- E. Preside over meetings of the Student Supreme Court in the absence of the Chief Justice;
- F. Serve as a non-voting member of the Student Supreme Court;
- G. Attend all meetings of the Judicial Branch, except in cases of bias, or by excusal of the Chief Justice.

Section 6. The Associate Justices

- A. Serve as voting members of the Student Supreme Court;
- B. Attend all meetings of the Judicial Branch, except in cases of bias, or by excusal of the Chief Justice.

### **ARTICLE III – JURISDICTION**

Section 1. The Student Supreme Court shall have original jurisdiction;

- A. In cases involving the interpretation of the Constitution, Financial Policies and Procedures, and Bylaws of SGA or subsidiary organizations after the issue is reviewed by the Constitution Committee;
  - a. In the event the committee determines there is a violation, the issue shall be brought to the Court for final verdict;
- B. In cases involving impeachment proceedings of SGA elected and appointed officials, with the exception of impeachment cases involving members of the Court
- C. To hear all cases involving SGA, a subsidiary organization or members of SGA organizations
- D. To any case involving constitutionality of an act or ruling of SGA;
- E. To any case involving violation of an SGA law except as otherwise stated in this section;
- F. To hear any grievances filed by any member of SGA
- G. To all cases in which SGA shall be a party except as otherwise stated in this section;
- H. To any other case where jurisdiction shall not be denied by the policies of SUNY Potsdam.

#### **ARTICLE IV – PROCEDURE**

Section 1. Procedure of the Student Supreme Court shall be as follows:

- A. Petitioner shall file a written complaint submitted to the Chief Justice;
- B. After the complaint is lodged, the Chief Justice shall convene the Court to determine the severity of the claims;
- C. The Court shall notify parties at least one week in advance, if possible, of a judicial proceeding and if applicable, the charges they face;
- D. The court shall make a good faith attempt to schedule a mutually agreed upon time for a hearing;
- E. A defendant may be tried in absentia if they fail to appear after two scheduled hearings, or if they refuse to submit to the jurisdiction of the Court;

- F. Parties involved shall have the right to bring witnesses, but must notify the presiding Justice at least twenty-four (24) hours in advance of the hearing;
- G. Parties involved shall have the right to question any person giving testimony during a hearing, unless otherwise stated by the presiding Justice;
- H. Members of the Court shall have the right to question any person giving testimony;
- I. Members of the Court shall have the right to set rules and procedures for specific cases, insofar as they do not conflict with the constitution of SGA, by two thirds (2/3) vote with consent of the Executive Board;
- J. Majority approval is required to rule on cases involving the interpretation of the constitution or bylaws, or to decide guilt or innocence in cases involving alleged campaign violation or impeachments;
  - a. A second vote, with majority approval, is required to approve a sanction for a campaign violation or impeachment once parties are found guilty through first vote;
- K. After completion of a trial there must be written an opinion, to be made public if desired; there may be majority and dissenting opinions;
- L. All proceedings must be recorded in some manner (audio, video, written minutes, or any acceptable means adopted by the current membership of the Student Supreme Court)
- M. No Justice shall take part in a case in which they shall have vested interest, or by majority vote of the composition of the Student Supreme Court and may be asked to excuse themselves from certain cases.

#### **ARTICLE V – BURDEN OF PROOF**

- Section 1. The burden of proving that a Respondent/Defendant has violated the Constitution of SGA, the Bylaws of SGA or any law of SGA shall rest, by preponderance of the evidence submitted, with the Petitioner/Plaintiff.

#### **ARTICLE VI – EVIDENCE**

- Section 1. The following guidelines shall be used when dealing with evidence:
- A. Only evidence which a witness shall have directly perceived shall be admissible;

- B. Opinion bases evidence shall be admissible only in cases in which the facts on which the opinion is based are made known, or the witness is an acknowledged expert;
- C. There shall exist a motion to suppress evidence which shall require a majority vote of the Court's membership in attendance, at a scheduled meeting;
- D. Evidence not germane to the case shall not be admissible;
- E. Student Judicial records, confidential communication between persons and medical personnel, immediate relatives, judicial advocates, and University staff when acting in a counseling capacity (to be determined by the Court), shall be admissible;
- F. Student Supreme Court members may take notice of matters which would be within general experience of University staff and students;
- G. The Student Supreme Court, by majority vote of its membership in attendance at a hearing, shall be the sole judge of the relevance and admissibility of evidence.

#### **ARTICLE VII – WITNESSES**

Section 1. Witness procedure shall be as follows:

- A. All persons making statements before the Student Supreme Court shall be administered with the affirmation prescribed herein by the presiding Justice:
  - a. "I, (Witness' name), swear to tell the truth, and hereby affirm and recognize that any misinterpretation before the SGA Student Supreme Court shall result in a violation of SGA Constitution, Student Code of Conduct and General College Policies, and may result in the filing of charges against myself, organization or office;
- B. In the event a witness, other than the Petitioner and the Respondent, is unable to attend a hearing in person, said witness may submit a written statement;
- C. All witness statements must be submitted to the Secretary of the Court by the witness;
- D. The Student Supreme Court shall give considerably less weight to written witness statements than witness statements submitted in person at a hearing during its session.

#### **ARTICLE VIII – STANDING RULES FOR IMPEACHMENT**

Section 1. Lodge a complaint

- A. All complaints must be submitted in writing
- B. Complaints shall be given to the Chief Justice
- C. The Chief Justice will meet with the President of the Association to discuss the complaint;
- D. In the event the complaint is against the President of the Association, the Chief Justice will meet with the Vice President of the Association to discuss the complaint;
- E. If the complaint cannot be handled by the Executive Board, the complaint will be brought to the Student Supreme Court;
- F. If the complainant disagrees with the decision of the Executive Board, they may appeal to the Student Supreme Court;
- G. If a complaint is against a member of the court, it shall be heard by the Chief Justice;
  - a. If a complaint is made against the Chief Justice, the Associate Chief Justice shall hear the case.
    - i. If the complaint against the Chief Justice is filled by the Associate Justice the Executive Board shall hear the case.
- H. If a complaint is made by the Chief Justice the Associate Chief Justice shall hear the case.
  - a. If a complaint is made against the Associate Justice, by the Chief Justice, Executive Board shall hear the case.

Section 2. Complaint shall be brought before the Representative Branch;

- A. The presiding officer of the branch in which the complaint was lodged shall preside over the meeting of the Assembly;
  - a. In the event that the complaint lodged is against said presiding officer, the Treasurer shall preside over this meeting of the Assembly;
- B. The Chief Justice shall provide the Assembly with an overview of the complaint, unless in the event of bias in which the Associate Chief Justice shall provide said overview.

- Section 3. The Chief Justice shall convene the Student Supreme Court as outlined in Article V. of this document as well as the Bylaws of the Student Supreme Court.
- Section 4. After the proceedings outlined in Article V. of this document and the Bylaws is the Student Supreme Court, the Student Supreme Court shall present their findings to the Representative Branch along with a recommendation;
- A. If recommendation is for removal from office, it will come in the form of a Resolution Removal.
- Section 5. A Resolution of Removal must be tabled for one (1) week for the Assembly to review.
- Section 6. The Resolution of Removal must be passed by a two-thirds (2/3) vote of Assembly members present and voting. Once passed, it may not be contested.

#### **ARTICLE IX – AMENDMENTS**

Amendments to these Bylaws shall be subject to a two-thirds (2/3) approval from Assembly members present and voting.