# STUDENT COURT BYLAWS




Embry-Riddle Aeronautical University
Student Government Association
Daytona Beach Campus

Revised November 14, 2011

# ARTICLE I

Section 1 **NAME**

The Judicial power of the Student Government Association shall be vested in a Student Court, herein referred to as the "Court".

# ARTICLE II

Section 1 **PURPOSE AND OBJECTIVE**

It is ordained that the Court protect the rights of the student body by insuring the rights of the individual guaranteed to persons under the Constitution of the United States, the State of Florida, the Constitution of the Student Government Association and Embry-Riddle Aeronautical University policy.

# ARTICLE III

Section 1 **AUTHORITY AND POWERS**

The Judicial power shall extend to all cases arising under the SGA Constitution, Bylaws, and Legislation enacted by the SGA; to all student cases arising from parking and traffic violations; to all cases that may be specifically referred to the Court by the Office of the Dean of Students, including but not limited to matters involving the personal conduct of students and disputes between two or more students. The Court also has the power to levy fines and recommend probation, suspension, or dismissal, and swear in new Officials of the SGA. The Court also retains the power to interpret the Constitution and all the bylaws of the SGA.

# ARTICLE IV

Section 1 **MEMBERSHIP OF THE STUDENT COURT**

The Court shall consist of one Chief Justice and seven Associate Justices. Associate Justices are interviewed and selected by the current Justices, the SGA President, Vice President, and Treasurer with the final decision being the responsibility of the Chief Justice.

Section 2 **CHIEF JUSTICE**

A. Any current Associate Justice is eligible to be appointed as the Chief Justice.

B. The President of the SGA shall appoint the Chief Justice at such time that the previous Chief Justice has vacated the office.

C. The President's appointment is subject to a two-thirds (2/3) approval vote of the SFB and SRB.

Section 3 **DUTIES, TERM OF OFFICE, AND REQUIREMENTS OF THE CHIEF JUSTICE**

A. The Court shall be established in the presence of the Chief Justice.

B. The Chief Justice will chair Court meetings requiring a quorum of fifty one percent of the existing membership.

C. In the event of a voting tie, the Chief Justice shall vote to render a final decision in a Court proceeding.

D. The Chief Justice should follow the format stated in Article IV, Section 4 of the SGA Constitution when in office.

E. The Chief Justice will swear in all newly elected/appointed officials of the SGA. All officials shall be required to affirm the following oath upon taking office:

"I, (state your full name), do solemnly swear that I will faithfully execute the office of (state name of office) of the Embry-Riddle Aeronautical University Student Government Association in Accordance with the Constitution and Bylaws. I shall, to the best of my ability, Faithfully represent those students who Elected/Appointed me to this office."

Section 4 **DUTIES, TERM OF OFFICE, AND REQUIREMENTS OF THE ASSOCIATE JUSTICES**

A. The Associate Justices shall be enrolled in classes for the duration of their term in office, which expires upon the resignation of the individual Associate Justice.

B. The Associate Justices shall maintain a 2.50 GPA.

C. The Associate Justices shall serve students as a fair and impartial body. If an acquaintance of the Associate Justice appears before the Court, the Justice familiar with the student will maintain the right to hear the case.

D. In the event that the Chief Justice cannot attend a SGA meeting, an Associate Justice may serve as a replacement, at the request of the Chief Justice and report the Court's activities. The Associate Justice shall also perform other duties as required.

E. In the event that the Chief Justice is not available to swear in a new official(s), an Associate Justice may upon the request of the Chief Justice swear in the new official(s). The Justice should follow the format stated in Article IV, Section 3, Paragraph E, of these Bylaws.

F. One Justice shall, upon the request of the Chief Justice, act in the capacity of the Chief Justice as required. The Justice shall also assist the Chief Justice with other Court matters as required.

G. The selected Justice retains the right to vote except when acting in the capacity of the Chief Justice.

H. Associate Justices are permitted to be absent no more than three scheduled meetings during one semester. Justices are also required to schedule and serve at least six office hours per two weeks[1].

Section 5 **REPLACEMENT**

Qualifications for the position of the Associate Justices shall be a 2.5 cumulative GPA and no judicial record of any kind while attending Embry-Riddle Aeronautical University. A 2.5 GPA must be maintained to retain the position. Should a Justice vacate his/her position, applications will be taken from the general student body.

[1] One week of office hours will be considered one meeting if missed. Justices cannot serve all six office hours in one week.

# ARTICLE V

Section 1 **MEETING TIME AND PLACE**

The time and place of Court meetings shall be specified by the Chief Justice. The Chief Justice reserves the right to choose a meeting time and place that is convenient to the Chief Justice, Justices, and the student Body.

Section 2 **MEETING PUBLICATION**

The time and place of the Court sessions shall be made available to the student body.

Section 3 **VOTING**

No voting is to take place unless a quorum, chaired by the Chief Justice or his/her designee is present.

Section 4 **SESSIONS**

A. Unless an open session is requested by the student appealing/ being charged, all Court sessions shall be held in closed session to protect the confidentiality of the student.

B. The Court may designate an individual eligible to attend a closed session, if that individual has a justified interest in the case.

# ARTICLE VI

Section 1 **STUDENT COURT PROCEDURE**

The purpose of these procedures is to assist the Chief Justice in running the Court and to give the Chief Justice, and Associate Justices, guidelines in the decision making process.

Section 2 **STUDENT REQUESTING A COURT HEARING**

A. The student, upon entrance into the Court, will be advised of his/her rights.

B. The student shall explain why he/she requested a Court hearing.

C. The Court members will be allowed to ask all those testifying, questions relative to the case.

D. The student has the right to cross-examine all those testifying, in the case.

E. The student and all others will be asked to leave the room and a decision will be arrived at by a majority vote.

F. In the event of a tie, the Chief Justice shall vote to render a final decision in a Court hearing.

G. The student will be advised of the Court's decision and that he/she may appeal the decision to the Office of Dean of Students.

Section 3 **SUMMONED STUDENTS**

A. A student who has been summoned to the Court upon entrance into the Court will be advised of his/her rights.

B. The Student will then be told what he/she is being summoned for.

C. The Court members will then be allowed to question the student and all others testifying in the case with questions relative to the case.

D. The Student has the right to cross-examine all those testifying in the case.

E. The Student and all others will be asked to leave the room and a decision will be arrived at by a majority vote.

F. In the event of a tie, the Chief Justice shall vote to render a final decision in a Court hearing.

G. The Student will be advised of the Court's decision and that he/she may appeal the decision to the Office of Dean of Students.

Section 4 **RULES AND REGULATIONS**

The current Parking and Traffic Regulations, Student Handbook, and Housing Policies shall be part of the Court procedure and regulations.

Section 5 **SGA APPEAL CASE PROCEDURES AND GUIDELINES**

A. SGA Chairperson writes up an SGA Official via verbal counseling form and imposes sanctions.

B. SGA Official in violation is given the option to appeal as outlined in the SGA Constitution A. 5, S. 2.

C. If the Official is appealing the Chairperson's decision, the Chairperson will then be notified of the appeal and informed of the date and time of the hearing.

D. Both the SGA Official in question and their respective Chairperson may be in attendance with the Chairperson acting only as a witness to the violation. (As a witness, the Chairperson may not directly question the SGA Official, and their attendance is not subject to Contempt of Court fines.)

E. Both parties may submit evidence and any statement they may have in regards only to the violation in question. Any past violations or behaviors may not be discussed within the hearing, or submitted as evidence.

F. In the event that the Chairperson is not able to attend at the scheduled time, they will have until twenty-four (24) hours before the hearing to submit evidence on their behalf.

# ARTICLE VII

## AMENDMENTS

Section 1 Amendments or revisions of the Court Bylaws may be proposed by any member of the Court.

Section 2 The Bylaws shall be amended or revised by a two-thirds vote of the entire Court.

# ARTICLE VIII

## RATIFICATION

Section 1 All amendments shall become effective upon a majority vote of the Student Court.