

**STUDENT GOVERNMENT ASSOCIATION
UNIVERSITY OF MISSOURI-KANSAS CITY
SUPERIOR COURT BY-LAWS
AMENDED FALL 2008**

Article I: PURPOSE

The judiciary power of the SGA shall be vested in the Superior Court. This Superior Court shall exist pursuant to the SGA Superior Court Procedures, the Collected Rules and Regulations of the University of Missouri, all laws of the State of Missouri, and all laws of the United States of America.

Article II: DEFINITIONS

Section 1: The definitions in this section shall apply throughout the entire document and are to be considered in accordance with the SGA Constitution and any other SGA official documents.

- A. Affidavit: a sworn statement certifying that the statements alleged are true; must bear the signature and contact information of the individual providing such statement.
- B. Answer: written response to a petition; must be completed on mandatory form available in the Student Life Office.
- C. Petition: written statement alleging a claim that falls under the jurisdiction of the Superior Court pursuant to Section 2; must be completed on mandatory form available in the Student Life Office.
- D. Petitioner: person or persons presenting the question or dispute.
- E. Proof of Personal Service: acknowledgment of service by the respondent(s) or affidavit of service attached to the petition setting forth the date, time, and place of service and the name(s) of person (s) served.
- F. Respondent: person or persons against whom the dispute or question is addressed or involves.
- G. Superior Court: Article VI of the SGA Constitution describes the judiciary branch of the Student Government Association

Article III: JURISDICTION

Section 1: The jurisdiction of the Superior Court shall be original trial jurisdiction and shall extend to all cases and controversies involving one or more of the following matters:

- A. Disputes under the SGA Election Code;
- B. Questions arising under the SGA Constitution or Divisional Council or governing body constitutions or charters
- C. Questions or disputes presented to the Court by the Vice Chancellor of Student Affairs and Enrollment Management for recommendation or resolution by the Court.

Article IV: MEMBERS

Section 1: The Superior Court shall consist of a Chief Justice and six Associate Justices.

Section 2: The Superior Court Chief Justice must be a second year law school student. The remaining Associate Justices' must be enrolled in the School of Law, possess a Juris Doctorate Degree, or have completed a minimum of thirty (30) hours at the University of Missouri-Kansas City.

Section 3: Three members of the Superior Court shall be students from the School of Law. The remaining members of the court may be students in any academic unit campus, including the School of Law.

Section 4: The SGA President is responsible for appointing the Chief Justice and two Associate Justices.

Section 5: The SGA Senate is responsible for selecting the remaining four Associate Justices.

Article V: PROCEDURE FOR FILING

Section 1: Contents of a Petition: Each petition must contain the following elements for consideration by the Superior Court.

- A. The mandatory petition form must be obtained from the Student Government Office or the Student Life Office. The petition will not be reviewed if this form is not used;
- B. A statement demonstrating that the matter is within the original jurisdiction of the Superior Court in accordance with Article 2 Section 1;
- C. A short and plain statement of the case or controversy, including a statement of the facts alleged to show that petitioner is entitled to relief;
 - i. The statement of facts shall be in numbered paragraphs, limited as far as practicable to a statement of a single set of circumstances.
 - ii. Any allegation of fraud should state with particularity the circumstances surrounding the fraud.
- D. A demand for judgment for the relief to which the petitioner deems himself/herself entitled.

Section 2: The filing of a petition with the court commences a case or controversy before the Superior Court. Filing is made by presentation of the petition and a copy of the petition to the Director of the Student Life Office. The petitioner must also present proof of personal service of a copy of the petition on the respondent(s) at least five (5) business days prior to filing.

Section 3: Petition shall be forwarded to the Superior Court. The Director of the Student Life Office or his/her designee shall forward the petition to the Superior Court upon filing. The Director of the Student Life Office shall retain the copy as part of the files of the Student Life Office. The Chief Justice of the Superior Court shall receive the petition on behalf of the Court.

Section 4: Each answer must contain the following elements for consideration by the Superior Court.

- A. The mandatory answer form must be obtained from the Student Life Office. The answer will not be reviewed if it is not completed on this form.
- B. A short and plain statement in plain terms of the defenses to each claim asserted.

- C. The respondent shall admit or deny the allegations of each numbered paragraph of the petition.
- D. If the respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, he/she shall so state. Such statement has the effect of a denial.

Section 6: The filing of an answer must occur no later than five (5) business days after the date of service. Filing is made by presentation of the answer to the Director of the Student Life Office. A copy of the answer must be made for each individual petitioner and the Director of the Student Life Office.

Section 7: The Director of the Student Life Office or his/her designee shall forward the answer to the petitioner(s) and the Superior Court upon filing. The original answer shall be forwarded to the Chief Justice of the Superior Court. A copy of each answer shall be forwarded by mail to each petitioner to the address provided in the petition. The Director of the Student Life Office shall retain a copy as part of the files of the Student Life Office.

Article VI: RESPONSIBILITY OF THE COURT

Section 1: It is the duty of the Superior Court to hear and determine the course of proceedings.

Section 2: The Superior Court shall proceed with all reasonable diligence. Within three (3) days of receipt of the answer, the Chief Justice shall schedule a hearing and notify the parties, the Director of the Student Life Office, and the other justices, of the date, time, and location of the hearing.

Section 3: The hearing shall be held as soon as reasonably practicable, and unless for good cause shown, no later than ten (10) business days after the answer has been filed.

Article VII: PRE-HEARING AND HEARING PROCEDURES

Section 1: The Federal Rules of Civil Procedure shall be followed.

Section 2: The Chief Justice has and shall exercise the power to regulate the proceedings in every hearing before the Superior Court and to do all acts and take all measures necessary or proper for the efficient performance of the Superior Court.

Section 3: The Chief Justice may require the production of evidence upon all matters embraced and has the authority to put witnesses under oath or affirmation for questioning.

Article VIII: FINDINGS OF THE SUPERIOR COURT

Section 1: The Superior Court shall prepare a report setting forth its decision on the matter and its findings of fact and conclusion.

Section 2: The report must be filed with the Director of the Student Life Office no later than ten (10) days after the hearing.

Section 3: The Director of the Student Life Office or his/her designee shall then mail a copy of the report to all parties and the Vice Chancellor for Student Affairs and Enrollment Management. The original shall be kept as part of the files of the Student Life Office.

Article IX: APPEALS PROCESS

Section 1: Any party may appeal the decision of the Superior Court to the Vice Chancellor of Student Affairs who may, based upon the record, affirm, overturn or remand the decision for further deliberation. If a decision is remanded, the Superior Court shall rehear the case in accordance with the instructions contained in the remand order within fifteen (15) business days of notification of the remand.

Section 2: To appeal, the aggrieved party must file a notice of appeal and copy, with proof of service on the adverse party and the Chief Justice, in the Student Life Office. To be effective, the notice of appeal must be filed within five (5) business days of the filing of the report of the court. The Director of the Student Life Office or his/her designee shall transmit the notice of appeal to the Vice Chancellor of Student Affairs and Enrollment Management. The copy of the notice of appeal shall be kept as part of the files of the Student Life Office.

Mandatory Form: **PETITION**

UMKC SUPERIOR COURT

Petitioner's/ Petitioners' Name, Address and Telephone Number:

_____ Name	_____ Address and Phone Number
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_____ Name	_____ Address and Phone Number
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_____ Name	_____ Address and Phone Number
---------------	-----------------------------------

Petitioner(s)

VS.

Respondent's/Respondents' Name, Address and Telephone Number:

_____ Name	_____ Address and Phone Number
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_____ Name	_____ Address and Phone Number
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Name

Address and Phone Number
Respondent(s)

PETITION

JURISDICTIONAL STATEMENT

a. This petition involves (check the appropriate line(s))

An election dispute _____

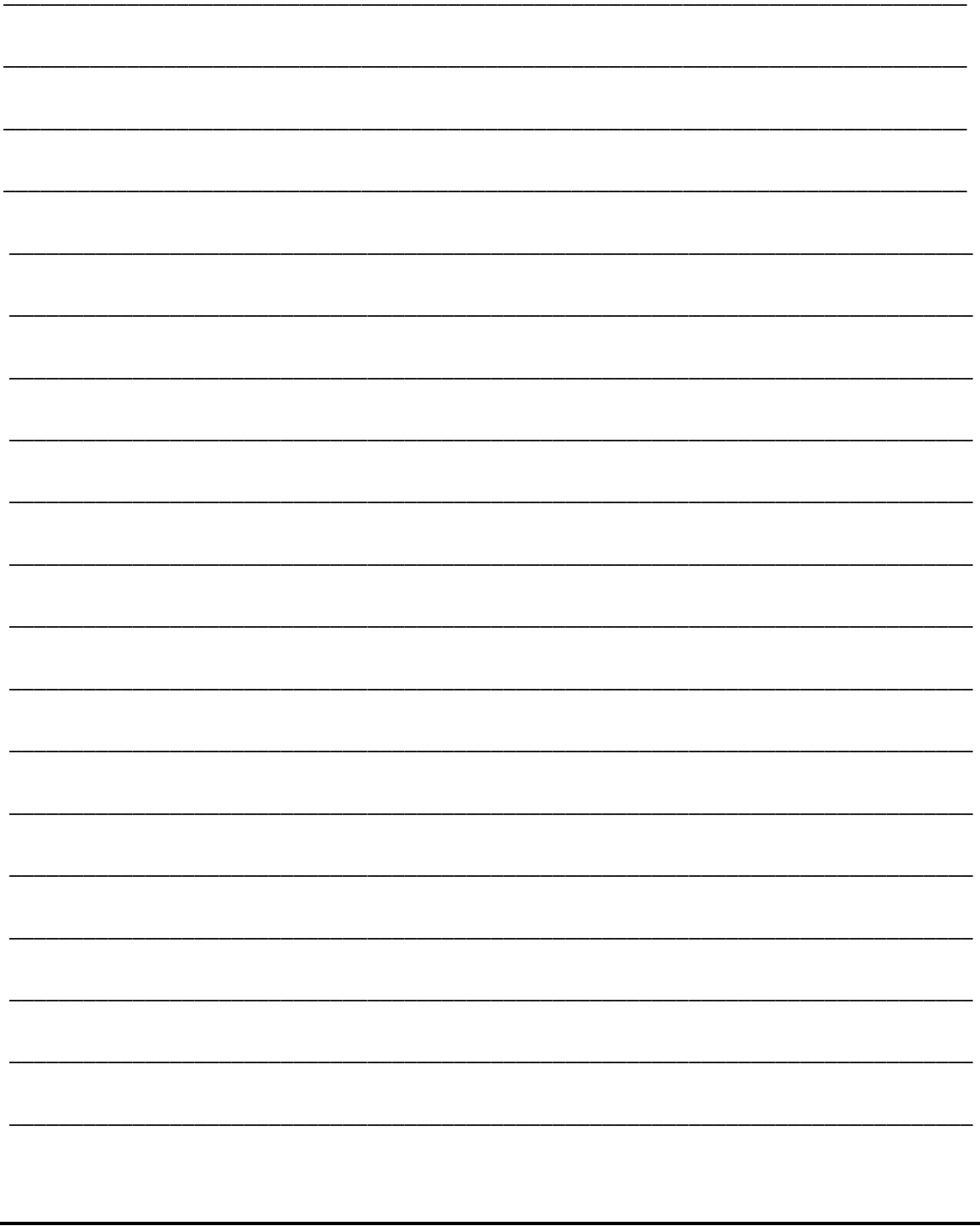
A question arising under:

The SGA Constitution _____

A Divisional Constitution or Charter _____

FACTS

b. Please state succinctly what you allege the respondent(s) did to harm you. Identify each act of harm separately by numbered paragraph. Each alleged act should relate directly to the relief sought. Any allegation of fraud should state with particularity the circumstance surrounding the fraud.



RELIEF SOUGHT

c. The Superior Court cannot act unless you specify what you want it to do. It is not the role of the Court to grant relief not sought. Describe here the relief the petitioner(s) is seeking:

Dated: _____

Signature of Petitioner(s)

NOTE: A case or controversy before the Superior Court is commenced by filing a petition with the Court. Filing is made by presenting the petition and copy of the petition to the Director of the Office of Student Life with proof of personal service of a copy of the petition o the respondent(s) at least five (5) business days prior to filing. Within (5) business days after service, each respondent(s) must file his/her answer with the Court. Filing is made by presenting the answer to the Director of the Office of Student Life with enough copies for

the Student Life Office to mail to each petitioner and an additional copy for the file of the Director of Student Life.

Mandatory Form: **ANSWER**

UMKC SUPERIOR COURT

Name

Name

Name

Petitioner(s)

VS.

Name

Name

Name

Respondent(s)

Dated: _____

Signature of Respondent

Address

Telephone Number