



Rules and Procedures Student Body Supreme Court

In order to more effectively and efficiently govern the Student Government of Florida Gulf Coast University, the members of the Student Body Supreme Court do hereby establish the following Rules and Procedures for the Florida Gulf Coast University Student Body Supreme Court.

1. Statement and Purpose

- 1.1 To mediate, adjudicate, and resolve conflicts within Student Government.
- 1.2 To hear and rule on the constitutionality and/or lawfulness of legislative and executive acts.
- 1.3 To hear and rule on the constitutionality and/or lawfulness of Activities and Service funding.
- 1.4 To interpret the Student Government Constitution and any laws created within Student Government at Florida Gulf Coast University.
- 1.5 To expand and define the Judicial Branch of Student Government.
- 1.6 To have the final authority on all conflicts of law within Student Government.

2. General Provisions

- 2.1 The Supreme Court is empowered by Article IV of the Student Government Constitution.
- 2.2 As per Article IV Section 4 of the Student Government Constitution, the Supreme Court has the power to change and create its own Rules and Procedures.

- 2.3 Only the Chief Justice may propose a change to the Supreme Court Rules and Procedures, which is subjected to a majority vote of the Supreme Court's Justices.
- 2.4 The Supreme Court's parliamentary authority shall be based on the current edition of *Robert's Rules of Order*, and shall be used at all Supreme Court Meetings and Hearings.
- 2.5 *Robert's Rules of Order* shall be the authority only over those questions, which have not been specified by general law or state law or by the Student Government's Constitution, or the Supreme Court's Rules and Procedures.
- 2.6 The Supreme Court may interpret any law within the Student Government and may enforce any law within Student Government.
- 2.7 The Supreme Court may omit any law created by Student Government that is unlawful, unconstitutional, conflicts with another law or is uninterruptible. Articles within the Student Government Constitution cannot be omitted unless they are a violation of state, federal, or US Constitutional law.
- 2.8 The Supreme Court may order any member(s) of the Legislative or Executive Branch to comply with a remedy proposed by the Supreme Court to settle any dispute with the law or an interpretation of the law.
- 2.9 The Supreme Court has the power to grant remedies that deal with any hearings that the Supreme Court may hear.
- 2.10 The Supreme Court has the authority to remedy an election grievance by imposing a penalty on any student running for office that is guilty of breaking the law or compromising the integrity of the Student Government Election.

3. Supreme Court Officers and Their Duties

- 3.1 The Chief Justice
 - 3.1.1 The Chief Justice shall be responsible for the setting of meeting times and location of the Supreme Court.
 - 3.1.2 The Chief Justice shall be responsible for the creation of an agenda at the meeting.
 - 3.1.3 The Chief Justice shall be responsible for notifying all parties involved with regards to a regular business meeting or hearing.
 - 3.1.4 The Chief Justice shall select a Court Recorder or any other aids to help assist the Supreme Court in its operational duties.
 - 3.1.5 The Chief Justice has the power to convey the court and order an interpretation of legislation or an article of the constitution.
 - 3.1.6 The Chief Justice may dismiss a compliant/interpretation request if the Supreme Court has no jurisdiction over the subject matter or the compliant/interpretation request was not filed properly.
 - 3.1.7 The Chief Justice shall decide whether to recall the Supreme Court to review a decision if new information is presented after a hearing that may have affected the decision.
 - 3.1.8 The Chief Justice shall have the authority to assign duties to the members of the Supreme Court that are necessary to meet its objectives.
 - 3.1.9 The Chief Justice shall decide a tie vote if there is an evenly split decision within the Supreme Court.
 - 3.1.10 The Chief Justice shall write the Court's opinion after a hearing.

- 3.1.11 The Chief Justice has the power to fill a Justice vacancy on the Supreme Court. Such appointment will expire or be made permanent once the Student Government President selects a Justice that will fill the vacancy and has been confirmed by the Senate.
- 3.1.12 The Chief Justice has the power to choose a successor to fill his or her position if he or she is stepping down from the court due to resignation, graduation, removal or any other reason not provided for. The successor must be one of the Justices or Temporary Justices currently serving on the court. Such appointment will expire or be made permanent once the Student Government President selects a Chief Justice that has been confirmed by the Senate.
- 3.1.13 The Chief Justice has the right to put in place a temporary presiding officer to hear an interpretation or trial hearing if he or she cannot be present to preside over the case due to extreme circumstances. Such presiding officer must be an Associate or Temporary Justice.
- 3.1.14 Only the Chief Justice may file a petition to change the rules and procedures of the Student Body Supreme Court. Such matter will be placed on the agenda during a business meeting for the Supreme Court.
- 3.1.15 The Chief Justice has the power to enforce any Supreme Court ruling on the Student Government or Student Government members.
- 3.1.16 The Chief Justice has the power to mandate any documents written into law to be handed over to the Supreme Court.
- 3.1.17 The Chief Justice shall order a Justice to take the minutes if the Court Recorder is not present.
- 3.1.18 The Chief Justice shall have the power to uphold and enforce any precedent set by the court previously. If a hearing is requested to overturn precedent set by the court, the Chief Justice has the power to dismiss such a request.
- 3.2 The Court Recorder
 - 3.2.1 The Court Recorder shall be selected by the Chief Justice of the Supreme Court at any time and can be expelled at any time for any given reason.
 - 3.2.2 The Court Recorder shall take the minutes for the Supreme Court meetings, interpretation hearings, and trial hearings.
 - 3.2.3 The Court Recorder can be given additional duties not provided for in these rules and procedures by the Chief Justice.
 - 3.2.4 The Court Recorder is a non-voting member of the Supreme Court and is not subjected to Senate Approval, as the position is only a staff aid.
 - 3.2.5 The Court Recorder's term shall expire if he or she resigns or is removed by the Chief Justice.
- 3.3 The Associate Justice
 - 3.3.1 An Associate Justice of the Supreme Court has the power to vote on all matters placed before the Supreme Court.
 - 3.3.2 An Associate Justice of the Supreme Court has the right to express the way he or she voted during a hearing by writing a Dissenting opinion or Majority opinion. Such opinions will not be made on behalf of the court

but may be made to show the thoughts of the Justices on a particular matter.

3.3.3 An Associate Justice is eligible to become Chief Justice if the current Chief Justice resigns, graduates or is removed from office.

3.4 The Temporary Justice

3.4.1 A Temporary Justice has all of the same powers as an Associate Justice.

3.4.2 A Temporary Justice is selected by the Chief Justice to fill a vacant Associate Justice seat until the Senate confirms a new Associate Justice or in the case of a leave of absence, a Justice returning to the court.

3.4.3 A Temporary Justice's term expires upon confirmation of an Associate Justice to fill the vacancy that a Temporary Justice is filling. With regards to a leave of absence, the Temporary Justice's term expires upon return from a leave of absence.

3.4.4 All Temporary Justices shall be denoted in the minutes and all records as a Temporary Justice.

3.4.5 Temporary Justices do not need Senate Confirmation, Supreme Court approval or Presidential approval. The Chief Justice can appoint a Temporary Justice at any time period without a business meeting.

3.5 The Supervisor of Elections

3.5.1 The Supervisor of Elections shall act as the chief officer in the planning, facilitation and proper execution of the Annual Student Body Elections at Florida Gulf Coast University.

3.5.2 The Supervisor of Elections shall be appointed by the Student Body President Before the end of the fall semester, to serve as the Supervisor of Elections for the Election season for the following spring semester.

3.5.3 The Supervisor of Elections shall remain in this position for one (1) election cycle and their term shall end with the close of the current election cycle.

3.5.4 The Supervisor of Elections may not currently hold any other office in Student Government and may in no way assist any candidate's campaign at any time.

3.5.5 The Supervisor of Elections shall create an Election timeline and make public all deadlines associated with the election cycle.

3.5.6 The Supervisor of Elections shall distribute all information concerning the Election Code and be responsible for receiving the Candidacy packet of all potential candidates.

3.5.7 The Supervisor of Elections shall determine the location of polling sites and schedule debates.

3.5.8 The Supervisor of Elections shall monitor all campaign activities.

3.5.9 The Supervisor of Elections shall bring charges against candidates who appear to be in violation of the Election Code.

3.5.10 The Supervisor of Elections shall certify the elections and announce publicly the election results as they become available.

3.5.11 The Supervisor of Elections shall supervise any special elections as a result of actions by the Senate of Executive branch such as a vacancy or referendum.

- 3.6 All Supreme Court Justices are appointed, and their terms expire when they cease to be a student, resign or are removed from office.
- 3.7 Leave of Absence
 - 3.7.1 Any Supreme Court Justice can request a leave of absence from the court. Such notification must be given to the Chief Justice through written communication, stating how long the leave of absence shall last.
 - 3.7.2 Once a leave of absence is given to a Justice, he or she may be replaced temporarily by a Temporary Justice until he or she returns to the court.
 - 3.7.3 Taking a leave of absence from the Supreme Court does not constitute a resignation or create a vacancy on the court that can be filled by the Student Body President.
- 3.8 Any Supreme Court officer may run for an elected office within Student Government. Should a Supreme Court officer seek a position in an elected office of Student Government, they shall submit a formal resignation through written or oral communication to the Chief Justice. Such notification must be submitted no less than twenty-eight (28) days before the start of general campaigning.

4. Meetings of the Student Body Supreme Court

- 4.1 Meetings
 - 4.1.1 There shall be two (2) types of meetings: Regular business meetings and hearings. There shall be one (1) type of regular business meeting and there shall be three (3) types of hearings: Interpretation, Trial or Grievance.
 - 4.1.2 The Supreme Court shall convene at the discretion of the Chief Justice in order to conduct regular business meetings or hearings.
 - 4.1.3 Discussions within the Supreme Court shall consist only about the subject matter at hand. Off-the-record commentary shall not be denoted in the minutes nor allowed unless the Chief Justice allows for such commentary.
 - 4.2.3 Notice for all regular business meetings, interpretation hearings and trial hearings must be given no less than 24 hours in advance. Notice for all grievance hearings must be given no less than 12 hours in advance.
 - 4.2.4 Quorum for all meetings shall be defined as 50% + 1 of all Associate and Temporary Justices.
- 4.2 Attendance Policy
 - 4.2.1 Each Supreme Court Justice and the Court Recorder shall attend all Supreme Court hearings and meetings.
 - 4.2.2 A Justice automatically resigns if he or she accumulates three (3) or more unexcused absence points in one (1) academic semester.
 - 4.2.3 Absence point values shall be as follows: one (1) point for each missed business meeting and two (2) points for each missed hearing.
 - 4.2.4 Only the Chief Justice can assign absent points.
 - 4.2.5 Any absence from a business meeting or hearing is automatically excused if the time scheduled for such matter interferes with an academic class meeting at the university. Proof of having the class during the scheduled meeting must be shown for the absence to be excused.
 - 4.2.6 All other nature of absences will be determined excused or unexcused by the Chief Justice.

- 4.2.7 No unexcused absences will be given to a Justice on a leave of absence.
- 4.3 Regular Business Meetings
 - 4.3.1 Regular business meetings shall be held to conduct necessary business of the Supreme Court. Regular business meeting procedure shall follow the guidelines as specified within Appendix A.
- 4.4 Interpretation Hearings
 - 4.4.1 An interpretation hearing shall be held when the Student Body Supreme Court is called upon to interpret any part of any governing document within Student Government.
 - 4.4.2 Only the Chief Justice and the Student Body President can order an interpretation of legislation or an article of the constitution. A student may order the interpretation of legislation or an article of the constitution with twenty (20) signatures from the Student Body.
 - 4.4.3 Complete Interpretation hearing procedure shall follow the guidelines as specified in Appendix B.
- 4.5 Trial Hearings
 - 4.5.1 A Trial hearing shall be held when the Student Body Supreme Court is called upon to address a complaint filed against a Student Government official.
 - 4.5.2 Any student may file a request for a Trial hearing. All complaints against Student Government officials will be considered requests for a Trial hearing.
 - 4.5.3 Complete Trial hearing procedure shall follow the guidelines as specified in Appendix C.
- 4.6 Grievance Hearings
 - 4.6.1 A Grievance hearing shall be held with the Student Body Supreme Court is called upon to address any issues that are directly involved with Student Government Elections.
 - 4.6.2 Any candidate running for an elected office may file a request for a Grievance Hearing. Only candidates seeking office in the current Election Cycle are eligible to file a request for a Grievance Hearing.
 - 4.6.3 The provisions of the Election Code do not preempt the remedies available under state and federal law. However, upholding the Election Code is the exclusive mandate of the Student Body Supreme Court.
 - 4.6.3 Complete Grievance hearing procedure shall follow the guidelines as specified in Appendix D.
- 4.7 All Supreme Court officers may ask questions of anyone at any time during a hearing.
- 4.7 All regular business meetings and hearings are open to the public. However, the Chief Justice may have any individual removed from the hearing at any time for any given reasons, with the exception of a fellow Supreme Court officer.
- 4.8 All deliberations of the Supreme Court may be closed to the public if the Supreme Court sees fit. To meet the standard of the Sunshine Law, all deliberations shall be denoted into record in the form of minutes that the public may inspect.

5. The Oath of Office

- 5.1 The official Oath of Office given to any Student Government official shall be as follows: “I do solemnly swear (or affirm); that I will faithfully execute the office of the Student Government at Florida Gulf Coast University; and will to the best of My ability; uphold, protect and defend the Constitution of the Student Government.”

APPENDIX A: Regular Business Meeting Agenda



- I. Call to Order
- II. Roll Call
- III. Public Comment
 - a. Allow no more than 5 minutes for public comment
- IV. Guest Speakers
 - a. Allow a reasonable amount of time for guest speakers
- V. New Business:
 - a. Indicate any new business at this time. New business can include new information the court needs to know, events the court needs to be aware of, any new procedures or new revelations within the court, etc.
- VI. Hearings:
 - a. Indicate any scheduled hearings at this time. Briefly discuss any hearings.
 - b. Summarize the results of any hearings conducted since the last regular business meeting.
- VII. Old Business
 - a. Indicate any reminders the court needs to be refreshed on.
 - b. This section is a good chance to mention updates within the other branches of Student Government. Indicate any officer changes, major legislative changes, or anything else the court should be updated on
- VIII. Next Meeting
 - a. Indicate the date, time and location of the next regular business meeting
 - b. Remind the court of any upcoming hearings at this time
- IX. Open Forum
 - a. Allow time for justices and the public to bring up any points of discussion the court may need to address
- X. Close Meeting

APPENDIX B : The Interpretation Hearing

1. **Filing an Interpretation Request**

- 1.1 An Interpretation request must have the following:
 - 1.1.1 Name/signature of the person filing the request
 - 1.1.2 Original copy of student signatures (if necessary)
 - 1.1.3 Specific legislation cited to be interpreted
 - a. All supporting evidence or witnesses must be submitted this time. Any supporting evidence or witnesses not submitted at this time will not be admissible.
 - 1.1.4 Any and all supporting evidence or witnesses
 - 1.1.5 Remedy sought, if applicable
- 1.2 All interpretation requests shall be submitted directly to the Chief Justice.

2 **Receipt of Request and Pre-Hearing Procedure**

- 2.1 Upon receipt of the interpretation request, the Supreme Court shall decide if the request will be heard or dismissed.
- 2.2 A request may be dismissed, with prejudice, if one or more of the following circumstances apply:
 - 2.2.1 If the Supreme Court has interpreted the matter already
 - 2.2.2 If the Supreme Court finds no jurisdiction in the matter
 - 2.2.3 If the request is of a frivolous or improper purpose
 - 2.2.4 If the request was filed improperly
 - 2.2.5 If the request was filed by a non-student
- 2.3 If it is determined that an interpretation hearing will take place, the Chief Justice shall be responsible for notifying all Supreme Court officers of the date, time and location of the hearing.
- 2.4 The Chief Justice shall also be responsible for notifying the Student Body President, the Senate President, and any other necessary parties that the Supreme Court requests to attend of the date, time and location of the hearing. Only Supreme Court officers are required to attend.
- 2.5 Notice for all interpretation hearings shall be given no less than 24 hours in advance, and shall be given by means of an email addressed to the student's FGCU student or FGCU Student Government account.

3 **The Interpretation Hearing**

- 3.1 The Interpretation hearing shall proceed as follows:
 - 3.1.1 Call to Order
 - 3.1.2 Roll-call
 - 3.1.3 Presentation of Interpretation request (2 minutes)
 - 3.1.4 Public Comment (5 minutes)
 - 3.1.5 Questions about Interpretation request (20 minutes)
 - a. Presentation of supporting evidence and witnesses
 - 3.1.6 Deliberations of the Supreme Court

- 3.1.7 Roll-call vote on Interpretation
- 3.1.8 Roll-call vote on remedy, if applicable
- 3.1.9 Closing of Interpretation hearing
- 3.2 The Chief Justice may extend any time constraint if he sees fit.
- 3.3 The Supreme Court may vote to admit or not admit any piece of supporting evidence or any witness.
- 3.4 The Supreme Court may deliberate on an interpretation for a maximum of twenty-one (21) days.
- 3.5 All votes during the Interpretation hearing and deliberations shall be roll-call votes.

4 **Post-Hearing Procedure**

- 4.1 Once the Supreme Court has reached a decision, the Chief Justice shall be responsible for creating and completing the Court's Opinion. The Court's Opinion shall follow the guidelines as specified in Appendix E.
- 4.2 The Chief Justice shall also be responsible for notifying the Student Body President, the Senate President, and any other necessary parties of the decision. Notice for all decisions shall be given by means of an email addressed to the student's FGCU student or FGCU Student Government account.
- 4.3 The Chief Justice shall also be responsible for presenting the decision during his or her report at the next Senate meeting.
- 4.4 All decisions made by the Supreme Court are final. The Chief Justice reserves the right to recall the Supreme Court to review a decision if new information is presented after a hearing that may have affected the decision.

APPENDIX C: The Trial Hearing

1. Filing a Trial Request/Complaint

- 1.1 A Trial request must have the following:
 - 1.1.1 Name/signature of the person filing the request
 - 1.1.2 Names of appellant and respondent, and legal counsel of appellant (if any)
 - 1.1.3 Summary of facts, including the basis for the Student Body Supreme Court's jurisdiction
 - a. All supporting evidence or witnesses must be submitted this time. Any supporting evidence or witnesses not submitted at this time will not be admissible.
 - 1.1.4 Any and all supporting evidence or witnesses to be called upon during the trial hearing
 - 1.1.5 Remedy sought, if applicable
- 1.2 In proving guilt, the burden of proof shall rest solely with the appellant.
- 1.3 All trial requests shall be submitted directly to the Chief Justice.
- 1.4 The appellant may withdraw a trial request at any time before the Supreme Court makes a decision on guilt or innocence.

2 Receipt of Request and Pre-Hearing Procedure

- 2.1 Upon receipt of the trial request, the Supreme Court shall decide if the request will be heard or dismissed.
- 2.2 A request may be dismissed, with prejudice, if one or more of the following circumstances apply:
 - 2.2.1 If the appellant does not provide sufficient evidence to hold a hearing
 - 2.2.2 If the Supreme Court has tried the matter already
 - 2.2.3 If the Supreme Court finds no jurisdiction in the matter
 - 2.2.4 If the request is of a frivolous or improper purpose
 - 2.2.5 If the request was filed improperly
 - 2.2.6 If the request was filed by a student not running in the current Election
- 2.3 If it is determined that a trial hearing will take place, the Chief Justice shall be responsible for notifying all Supreme Court officers of the date, time and location of the hearing.
- 2.4 The Chief Justice shall also be responsible for notifying the Student Body President, the Senate President, and any other necessary parties that the Supreme Court requests to attend of the date, time and location of the hearing. Both the appellant and respondent are required to attend.
- 2.5 Once the respondent has been notified, he or she must notify the Chief Justice of any legal counsel, supporting evidence or witnesses to be called upon during the grievance hearing. Such notification must be submitted to the Chief Justice no less than 12 hours before the grievance hearing.
- 2.6 Notice for all trial hearings shall be given no less than 24 hours in advance, and shall be given by means of an email addressed to the student's FGCU student or FGCU Student Government account.

3 **The Trial Hearing**

- 3.1 The Trial hearing shall proceed as follows:
 - 3.1.1 Call to Order
 - 3.1.2 Roll-call
 - 3.1.3 Public Comment (2 minutes)
 - 3.1.4 Presentation of Complaint (2 minutes)
 - 3.1.5 Opening statement from Appellant (2 minutes)
 - 3.1.6 Opening statement from Respondent (2 minutes)
 - 3.1.7 Presentation of case by Appellant (10 minutes)
 - a. Presentation of supporting evidence and witnesses
 - 3.1.8 Rebuttal by Respondent (10 minutes)
 - a. Presentation of evidence and witnesses
 - 3.1.9 Closing statement from Appellant (2 minutes)
 - 3.1.10 Closing statement from Respondent (2 minutes)
 - 3.1.11 Deliberations of the Supreme Court
 - 3.1.12 Roll-call vote on guilt or innocence
 - 3.1.13 Statement on penalty from Appellant (2 minutes)
 - 3.1.14 Statement on penalty from Respondent (2 minutes)
 - 3.1.15 Deliberations of the Supreme Court on penalty
 - 3.1.16 Roll-call vote on penalty, if any
 - 3.1.17 Closing of Trial
- 3.2 The Chief Justice may extend any time constraint if he sees fit.
- 3.3 The Supreme Court may vote to admit or not admit any piece of supporting evidence or any witness.
- 3.4 The Student Body Supreme Court may dismiss a grievance during a hearing if one or more of the following circumstance apply:
 - 3.4.1 The appellant is unable to demonstrate probable cause of a violation
 - 3.4.2 The facts alleged in the trial request, if true, do not violate the section of legislation specified by the appellant
 - 3.4.3 The Appellant fails to attend the trial hearing
- 3.5 The Supreme Court may deliberate on a trial for a maximum of seven (7) days. All votes during the Trial hearing and deliberations shall be roll-call votes.
- 3.6 If the respondent is found to be guilty, the or she shall be subject to any or all of the following penalties:
 - a. Warning
 - b. Public Reprimand
 - c. Recommendation of impeachment
 - d. Other sanctions, as within the power of the Student Body Supreme Court
- 3.7 Anyone found to be in violation the Student Code of Conduct may be referred to the Office of the Dean of Students.

4 **Post-Hearing Procedure**

- 4.1 Once the Supreme Court has reached a decision, the Chief Justice shall be responsible for creating and completing the Court's Opinion. The Court's Opinion shall follow the guidelines as specified in Appendix E.

- 4.2 The Chief Justice shall also be responsible for notifying the Student Body President, the Senate President, and any other necessary parties of the decision. Notice for all decisions shall be given by means of an email addressed to the student's FGCU student or FGCU Student Government account.
- 4.3 The Chief Justice shall also be responsible for presenting the decision during his or her report at the next Senate meeting.
- 4.4 All decisions made by the Supreme Court are final. The Chief Justice reserves the right to recall the Supreme Court to review a decision if new information is presented after a hearing that may have affected the decision.

APPENDIX D: The Grievance Hearing

1. **Filing a Grievance**

- 1.1 A grievance must have the following:
 - 1.1.1 Name/signature of the person filing the request
 - 1.1.2 Names of appellant and respondent, and legal counsel of appellant (if any)
 - 1.1.3 Summary of facts, including any specific articles within the Election Code that the respondent is cited to be in violation of
 - 1.1.4 How the incident negatively affected the Election Cycle or any part of the Election process
 - 1.1.5 Any and all supporting evidence or witnesses to be called upon during the grievance hearing.
 - a. All supporting evidence or witnesses must be submitted at this time. Any supporting evidence or witnesses not submitted at this time will not be admissible.
- 1.2 In proving guilt, the burden of proof shall rest solely with the appellant.
- 1.3 All grievances shall be submitted directly to the Supervisor of Elections.
- 1.4 The appellant may withdraw a grievance at any time before the Supreme Court makes a decision on guilt or innocence.

2. **Receipt of Grievance and Pre-Hearing Procedure**

- 2.1 Upon receipt of the grievance, the Supervisor of Elections shall decide if the request will be sent to the Supreme Court, who will then decide if the request will be heard or dismissed.
- 2.2 A request may be dismissed, with prejudice, by either the Supervisor of Elections or the Supreme Court if one or more of the following circumstances apply:
 - 2.2.1 If the appellant does not provide sufficient evidence to hold a hearing
 - 2.2.2 If the Supreme Court has heard the matter already
 - 2.2.3 If the Supreme Court finds no jurisdiction in the matter
 - 2.2.4 If the request is of a frivolous or improper purpose
 - 2.2.5 If the request was filed improperly
 - 2.2.6 If the request was filed by a student not running in the current Election
- 2.3 If it is determined that a grievance hearing will take place, the Supervisor of Elections shall be responsible for notifying the appellant, respondent, legal counsel of both the appellant and respondent, and any other necessary parties that the Supervisor of Elections requests to attend of the date, time and location of the hearing. Both the appellant and respondent are required to attend.
- 2.4 Once the respondent has been notified, he or she must notify the Supervisor of Elections of any legal counsel, supporting evidence or witnesses to be called upon during the grievance hearing. Such notification must be submitted to the Supervisor of Elections no less than 6 hours before the grievance hearing.
- 2.5 The Chief Justice shall be responsible for notifying all Supreme Court officers of the date, time and location of the hearing.

- 2.6 Notice for all grievance hearings shall be given no less than 12 hours in advance, and shall be given by means of an email addressed to the student's FGCU student or FGCU Student Government account.

3 **The Grievance Hearing**

- 3.1 The Grievance hearing shall proceed as follows:
- 3.1.1 Call to Order
 - 3.1.2 Roll-call
 - 3.1.3 Presentation of Grievance (2 minutes)
 - 3.1.4 Opening statement from Appellant (2 minutes)
 - 3.1.5 Opening statement from Respondent (2 minutes)
 - 3.1.6 Presentation of case by Appellant (10 minutes)
 - 3.1.7 Rebuttal by Respondent (10 minutes)
 - 3.1.8 Closing statement from Appellant (2 minutes)
 - a. Presentation of supporting evidence and witnesses
 - 3.1.9 Closing statement from Respondent (2 minutes)
 - a. Presentation of evidence and witnesses
 - 3.1.10 Deliberations of the Supreme Court
 - 3.1.11 Roll-call vote on guilt or innocence
 - 3.1.12 Statement on penalty from Appellant (2 minutes)
 - 3.1.13 Statement on penalty from Respondent (2 minutes)
 - 3.1.14 Deliberations of the Supreme Court on penalty
 - 3.1.15 Roll-call vote on penalty, if any
 - 3.1.16 Closing of Grievance hearing
- 3.2 The Chief Justice may extend any time constraint if he sees fit.
- 3.3 The Supreme Court may vote to admit or not admit any piece of supporting evidence or any witness.
- 3.4 The Student Body Supreme Court may dismiss a grievance during a hearing if one or more of the following circumstance apply:
- 3.4.1 The appellant is unable to demonstrate probable cause of a violation
 - 3.4.2 The facts alleged in the grievance, if true, do not violate the section of the Election Code specified by the appellant
 - 3.4.3 The Appellant fails to attend the grievance hearing
- 3.5 The Supreme Court may deliberate on a trial for a maximum of 48 hours. All votes during the Grievance hearing and deliberations shall be roll-call votes.
- 3.6 If the respondent is found to be guilty, the or she shall be subject to any or all of the following penalties:
- e. Warning
 - f. Public Reprimand
 - g. Removal from campaign (for campaign staff members)
 - h. Disqualification
 - i. Fines, in accordance with the signage policy. All fines collected shall be deposited into the Student Government cash account
- 4 Anyone found to be in violation the Student Code of Conduct may be referred to the Office of the Dean of Students.

5 **Post-Hearing Procedure**

- 5.1 Once the Supreme Court has reached a decision, the Chief Justice shall be responsible for creating and completing the Court's Opinion. The Court's Opinion shall follow the guidelines as specified in Appendix E.
- 5.2 The Supervisor of Elections shall be responsible for notifying the appellant, respondent, legal counsel of both the appellant and respondent, and any other necessary parties of the decision. Notice for all decisions shall be given by means of an email addressed to the student's FGCU student or FGCU Student Government account.
- 5.3 All decisions made by the Supreme Court are final. The Chief Justice reserves the right to recall the Supreme Court to review a decision if new information is presented after a hearing that may have affected the decision.

APPENDIX E: The Court's Opinion Template



Court Opinion: [indicate Interpretation, Trial or Grievance Hearing here]

Case No. [Case numbers shall be the number of hearings of that type conducted in that year, followed by a dash and then the year. For example, the first trial hearing of the year 2009 will be 01-2009]

“Indicate the Title of the Hearing Here”
[Indicate specific legislation to be brought up here]

Appellant: [this is the person requesting the hearing]

Respondent: [this is the person that the hearing is being brought against]

Date:

[date]Hearing request submitted

[date]Hearing held

[date]Decision made

Justices Present:

[Indicate all Associate and Temporary Justices, as well as the Chief Justices here.]

Others Present:

[Indicate all noted guests, including appellant, respondent, legal counsel of appellant and respondent, and any witnesses. Guests do not need to be mentioned by names]

Voting Outcome:

[Indicate which Justices voted in favor of the court's opinion, and which ones voted in favor of the court's dissenting opinion]

Summary of the Court's Decision:

[Summarize the proceedings of the hearing and the main topic of discussion the court deliberated on. Briefly touch on both sides of the argument.

Then indicate the court's decision in detail and with an explanation.

Cite any legislation the respondent may be in violation of]

Summary of the Court's Dissenting Decision:

[Indicate the court’s dissenting opinion here. This should be written by an associate justice that voted against the majority of the court. This section may be omitted if there is no dissent.]

Line-Item Actions Taken:

[Indicate any line-item actions taken by the court. List each action separately]

Recommendations to [Indicate who recommendations are intended for]:

[Indicate any recommendations the court sees fit to help resolve the issue]

So be it mandated on the [day] day of the month of [month] of the year [year].

Respectfully, the honorable Chief Justice

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[Chief A. Justice]