

SUUSA JUDICIAL COUNCIL BYLAWS

Proposed on November 11, 2008

Article I: Duties of the Judicial Council

Section 1- The Judicial Council is the sole body imbued with the power to interpret the SUUSA Constitution

Section 2- The Judicial Council will hear grievances in regards to student government misconduct and elections misconduct. It will also hear grievances to interpret the Constitution and elections by-laws.

1. Decisions rendered from the results of a hearing will be issued as Writs of Mandamus.
2. Decisions rendered from the independent rulings of the Judicial Council will be issued as Memorandums.

Section 3- The Judicial Council will maintain a record of all past cases for review and make them available upon request.

Section 4- The Judicial Council will appoint a member to sit on the Parking Ticket Appeals Committee.

Section 5- The Judicial Council will appoint members to serve on other campus committees as necessary.

Section 6- The Judicial Council will be familiar with Robert's Rules of Order and will assist the parliamentarians of the Senate and Assembly when needed.

Section 7- The Judicial Council will attend activities as required by SUUSA.

Article II: Duties of the Chief Justice

Section 1- The Chief Justice will attend Executive Council meetings.

Section 2- The Chief Justice will act as the spokesperson for the Judicial Council, organize all meetings of the Judicial Council, and will be responsible for informing all Associate Justices of necessary information.

Section 3- The Chief Justice will certify that all elected and appointed officers of SUUSA meet the qualifications for office and are sworn into office as set forth in the Constitution.

Section 4- Administer the oath of office for all officers within SUUSA

Section 5- The Chief Justice will preside over all meetings and hearings and keep them in order.

Section 6- The Chief Justice will assign tasks to the Associate Justices as necessary.

Article III: Meetings of Justices

Section 1- Regular Meetings of the members shall be held on a weekly basis, at a time and place designated by the Chief Justice

Section 2- The Judicial Council shall meet once before each semester, the specific date, time and location of which will be designated by the Chief Justice. At this meeting, the members shall discuss assignments and responsibilities for the upcoming semester.

Section 3- Special meetings may be called by the Chief Justice, or by a simple majority vote of the Associate Justices. Special meetings will also be held as necessary to discuss grievances.

Section 4- Chief Justice must give notice to all voting members sufficiently in advance for meetings, grievances, etc.

Section 5- The members present at any properly announced meeting shall constitute a quorum.

Section 6- All issues to be voted on, including the issuance of a Memorandum, shall be decided by a simple majority of those present at the meeting in which the vote takes place.

Article IV: Grievance Procedure

Section 1

1. Any student wishing to file a grievance may do so by obtaining a Grievance Hearing Request form from a Judicial Council member. The grievance should contain the name of the offender(s), and the time and date of the offense(s). In the case of a standard grievance, it should contain the names of any witnesses. In the case of an elections grievance or constitutional interpretation, it should identify any rules/clauses necessary for review.
2. At the time the grievance was filed or as soon as possible after it is received, a member of the Judicial Council shall contact the plaintiff and conduct an initial interview within two (2) school days in order to:
 - a. Gain as many facts related to the case and circumstances as possible to determine if the allegations have sufficient merit to be pursued, and
 - b. Evaluate whether a grievance is the best course of action for the offense in question
 - c. Instruct the plaintiff as to their rights and obligations regarding the hearing
3. If it is decided that the grievance has sufficient merit and a grievance hearing is the appropriate course of action, the Judicial Council will arrange for a hearing in the following manner:
 - a. A Judicial Council member will contact the defendant and inform them of the allegations and arrange for a hearing date and time within five (5) school days after the initial interview. They will be informed of their rights and obligations regarding the hearing.
 - b. A Judicial Council member will contact the plaintiff and inform them of the date and time of the hearing date. If a scheduling conflict occurs, the Judicial Council may attempt to make adjustments, but will not extend the five (5) day limit, and are not obligated to accommodate schedules.

4. It is the responsibility of the plaintiff and the defendant to gather their evidence and witnesses to be ready for the date and time selected. If witnesses do not appear at the hearing, it will be at the Judicial Council's discretion whether or not to allow more time.
5. Both the plaintiff and the defendant may select a person to act as counsel. This person may be any student of Southern Utah University, excluding members of the Judicial Council. Persons selected as counsel can act as an advisor or argue the case during the hearing; however, the plaintiff or defendant that elects to appoint said counsel are still required to be present. This person must be identified to the Council before the hearing begins.
6. Failure to appear at the hearing without prior notice by the plaintiff will result in dismissal of the grievance. Failure to appear without prior notice by the defendant will be interpreted as assenting to the charges.
 - a. If it is demonstrated after the fact that exigent circumstances were responsible for a party's absence, the Judicial Council may opt to rehear the case with a simple majority vote.

Section 2

1. Hearings will begin at the appointed date and time, as determined by the Chief Justice, when a quorum of the Judicial Council is present. Judicial Council members who do not attend the hearing are not included in the final decision.
2. The Chief Justice will preside over the hearing. He/she will assign a recorder to take minutes and keep time. Both the plaintiff and the defendant will assert to an affirmation of honesty before testimony is given.
3. Only the plaintiff, the defendant, appointed counsel, the recorder, and the five members of the Judicial Council will be present at the hearing. Witnesses will be required to wait outside the room until called for. Observers may be present only if agreed upon by the plaintiff and the defendant.
4. Each side will have seven (7) minutes for their opening statement and presentation of evidence, beginning with the plaintiff. Speakers may be interrupted with questions from the Judicial Council, but may not be interrupted by questions from the opposing party. If the opposing party has a question, they may raise their hand and wait to be acknowledged by the speaker, but the speaker is not obligated to acknowledge them.
5. After both sides have conducted their opening presentation, they may call in witnesses. The plaintiff will begin first, and when he/she has no more witnesses to present, the defendant may call his/hers.
6. Witness questioning will have no time limit. Before each witness enters the room, the person responsible for calling them will briefly explain who the witness is and what information they have to present. The witness will be instructed to share what they know, and not to speculate or provide hearsay. Any present that wish to question the witness, including the opposing party, may raise their hand and must wait to be acknowledged by the Chief Justice.
 - a. The witness is free to refuse to answer questions, but the weight of evidence attached to the refusal will be considered by the Judicial Council in making their decision.

- b. Any present may object to a statement made by a witness if they feel that it is improper, irrelevant, hearsay, or speculation. These objections will be considered by the Council when determining what weight to give the witness testimony.
7. After all witnesses have been called, the hearing will move into questions from the Judicial Council towards the plaintiff and defendant. This will continue until the Judicial Council has no further questions. The plaintiff and the defendant may also ask questions of the Judicial Council and each other by raising their hands and waiting to be acknowledged by the Chief Justice.
8. When there are no further questions, the hearing will move into closing statements. Both the plaintiff and defendant will have three (3) minutes to conclude their case and make their recommendation for judgment, beginning with the plaintiff. No new arguments/evidence are to be presented at this time.
9. After closing arguments have been made, all parties will be dismissed from the room, and the Judicial Council will make its deliberations.
10. Suspending the rules or allowing special exceptions during a hearing will be decided on with a majority vote of the Judicial Council.

Section 3

1. A verdict and any sanctions will be decided on with a simple majority. One of the members in the majority will author the opinion, and any members in the minority may elect to author a dissent.
2. The opinion of the Judicial Council and any dissents will be available within five (5) school days after the hearing and will be the final, official ruling on the case. This opinion will be distributed to the plaintiff and defendant, and will be made available for public access.

Article V: Revising By-Laws

Section 1- Amendments to the Judicial Council By-Laws shall be approved by a 4/5 majority.