

Spring 2011

## **S11RS SGB No. 1 (ROC)**

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Alexander

Bonvillain

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## STUDENT SENATE

S11RS

SGB No. 1

BY: SENATORS PACE, ALEXANDER, AND SPEAKER BONVILLAIN

**A BILL**

TO APPROVE THE UNIVERSITY COURT'S RECOMMENDED CHANGES TO THE RULES OF COURT

**PARAGRAPH 1:** WHEREAS, THE STUDENT GOVERNMENT RULES OF COURT HAVE RECENTLY BEEN REVISED BY THE UNIVERSITY COURT; AND

**PARAGRAPH 2:** WHEREAS, THE STUDENT GOVERNMENT RULES OF COURT HAVE ALSO BEEN REVISED BY THE RULES OF COURT REVISION COMMISSION; AND

**PARAGRAPH 3:** WHEREAS, THE RULES OF COURT NEED BE REVISED IN ORDER TO BE IN ACCORDANCE WITH THE NEW CONSTITUTIONAL REVISIONS; AND

**PARAGRAPH 4:** WHEREAS, THE STUDENT GOVERNMENT RULES OF COURT SHOULD READ AS FOLLOWS:

# ***LSU Student Government Rules of Court***

Revised: **February** 2011

## **ARTICLE I**

### **In General**

#### **Section 1. Terms of Office**

- A. The terms and conditions of office for officials of the University Court shall be those designated under Article VI of the Student Government Constitution.
- B. No justice of the University Court may be removed during his/her term of office except for cause after a duly convened impeachment proceeding before the Student Senate, pursuant to Article VI, Section 2 of the Student Government Constitution.
  1. "Cause" shall include the conviction of an official of a felony; University disciplinary action against the official, which serves to jeopardize the integrity of the Court; and/or consistent failure of the official to properly perform the duties of his/her office.
    - i. Three unexcused absences per semester from any official, constitutionally-mandated University Court meeting or one unexcused absence per semester from any University Court hearing will result in a mandatory impeachment proceeding. All officials of the University Court and Judicial Branch shall be allowed excused absences. Excused absences shall be rendered under the

- discretion of the University Court and as stated in University Policy Statement 22.
- ii. Notice of an absence must be submitted to the Chief Justice, at [sgjudicial@lsu.edu](mailto:sgjudicial@lsu.edu), 24 hours in advance of the missed University Court meeting or hearing. Documentation for excused absences must be submitted to the Chief Justice no later than 24 hours after the missed University Court meeting or hearing.
- C. If the Chief Justice is, at any time, temporarily unable to perform his/her duties, an alternate shall take his/her place. The alternate shall be appointed by the Chief Justice from the membership of University Court and shall serve as long as he/she is unable to perform his/her duties.
  - D. All officials of the University Court shall take an oath of office before taking office. This oath shall be administered by the Chief Justice or, if he/she is not available, by the Student Body President.
  - E. All members of the Judicial Branch shall notify the Chief Justice, at [sgjudicial@lsu.edu](mailto:sgjudicial@lsu.edu), of the intent to resign from his/her position. Upon notification, the resigning official must appear before the Student Senate at the next regularly scheduled Senate meeting. The Senate will then consider the resignation and entertain a vote.

## **Section 2. Rule of Law**

- A. The University Court shall provide an adequate remedy to all complaints filed, not in violation of governing documents – which affords equitable, practical, **and** appropriate relief under the circumstances.
- B. The University **Court** shall use all governing documents in making decisions. This shall include the Student Government Constitution, the Student Government Bylaws, all legislative instruments of the Student Senate, all Executive Orders, the Rules of Order, the Rules of Court, the Election Code, all University regulations, and general principles of justice and equity.
- C. The University Court shall hear information relevant to the case.<sup>1</sup>
- D. All Student Government statutes, legislative instruments, Executive Orders, the Rules of Order, the Rules of Court, and University regulations shall be given a strict construction. Any ambiguous provision shall be interpreted in such a way as to give full meaning and effect to that provision, with reference to the intent of the provision. If the intent of a given provision cannot be determined, the University Court shall use the context of the provision, as well as general principles of justice and equity, to give full meaning to the provision in question.

## **Section 3. Counsel**

- A. Any party brought before **the University Court** has the right to a maximum of two LSU students to serve as counsel
- B. If a party has no counsel to represent it but desires counsel, then the Public Defender made available for its defense and shall be counted toward the maximum number of counsel a party may have.

## **Section 4. Standing**

- A. Any aggrieved party, who is an LSU student, must demonstrate to the court a connection to the action on which the complaint is based.
- B. An aggrieved party must file grounds of standing and conditions under the circumstances as to why that party is impacted within the written brief that is submitted to the Clerk of Court.

## **Section 5. Prescription (Time Limitation)**

- A. No case shall be heard by the University Court more than twenty (20) class days after the alleged act, occurrence, or transaction that constitutes the basis of the case.
- B. Prescription does not apply to days outside of the fall and/or spring semester. Acts alleged to have occurred outside the fall and spring semesters shall be assumed to have occurred on the first day of the immediately following semester.

## **Section 6. Original Jurisdiction of University Court**

- A. University Court has original and exclusive jurisdiction over cases referred by the Vice Chancellor for Student Life and Enrollment Services or by the Dean of Students, pursuant to Article IV, Section 5 of the Student Government Constitution.

# Article II

## Judicial Branch Membership

### **Section 1. Election of the Chief Justice**

- A. The Chief Justice shall be elected by a quorum of the members of the University Court no later than fifteen (15) class days prior to the final class day of each fall semester. If the incoming justice appointed by the Student Body President is not sworn in by the first of May, the remaining eligible justices will be considered voting members.
- B. Any duly elected or appointed University Court Justice may nominate himself/herself or may be nominated for the position of Chief Justice.
- C. The Chief Justice shall serve until a new Chief Justice is elected.
- D. If the Chief Justice loses his/her seat in a regularly scheduled Student Government election, resigns from his/her position as Chief Justice, or resigns from his/her seat on the Court for any reason during his/her term of office as Chief Justice, a new Chief Justice shall be elected by a quorum of the remaining justices of University Court within ten (10) class days of the vacation of the position.

### **Section 2. Responsibilities of the Chief Justice**

- A. The Chief Justice shall be responsible for arranging regularly scheduled meetings at which all justices shall be available to conduct official business.
- B. The Chief Justice shall be responsible for seeing that all justices are informed of all upcoming hearings and meetings; quorum of justices must be present at every hearing and meeting.
- C. The Chief Justice shall vote in a hearing only in the event of a tie.
- D. The Chief Justice shall assign a justice to write a majority opinion in every case, or shall reserve the right for himself/herself.
- E. The Chief Justice shall be responsible for carrying out the various enumerated directives directed toward him/her throughout the Rules of Court.
- F. The Chief Justice shall serve on all committees as required by the Bylaws. If not available, a designee must be sent in his/her place.
- G. The Chief Justice shall serve on the President's Cabinet, as referred to in the Bylaws Article II, Section 1.
- H. The Chief Justice must adhere to all responsibilities outlined in Article II, Section 3 of the Rules of Court.

### **Section 3. Responsibilities of the Associate Justices**

- A. Associate Justices shall be responsible for attending meetings or hearings called to order by the Chief Justice.
- B. Associate Justices shall adhere to attendance policies as stated in Article I, Section 1§B of the Rules of Court.
- C. All Associate Justices of the University Court must attend at least two (2) Senate or Executive Staff meetings and two (2) Student Outreach Events per semester. Student Outreach Events shall include but not be limited to Organizational Visits, Chats **with the** Chancellor, and Straight Talks. Proof of attendance shall be sent to the Clerk of Court(s) to sgclerk@lsu.edu no later than forty-eight (48) hours after the event was held

1. Any staff member of the Judicial Branch can submit a request for approval for any outside event to [sgjudicial@lsu.edu](mailto:sgjudicial@lsu.edu) at least two (2) days prior to the event.
- D. All Associate Justices must demonstrate their knowledge of all relevant framing Student Government documents and impartiality throughout their term of office.
- E. No member of or candidate for position within the Judicial Branch shall help, assist, serve on, campaign for or advise any Fall or Spring Student Government Campaign or Ticket.

#### **Section 4. Quorum**

- A. Two-thirds (2/3) of the number of justices eligible to hear any complaint shall constitute the quorum of the University Court.
- B. Any action taken by University Court without quorum present shall be null and void, excluding the issuance of an injunction by the Chief Justice or any two Associate Justices in conjunction or the issuance of a judicial memorandum.

#### **Section 5. Judicial Staff**

- A. The Chief Justice of the University Court shall appoint one **(1)** Clerk of Court, at least one Judicial Aide, a Public Defender, and a Solicitor General. ClerkThe Clerkof Court, Judicial Aide(s),. Solicitor General and Public Defender shall be full-time LSU students; they must demonstrate their knowledge of all relevant framing Student Government documents and impartiality before being appointed.
- B. The Clerk of Court shall be responsible for receiving and forwarding all complaints filed with the Court and for keeping the records of the Court as the official archivist. The Clerk shall also be responsible for obtaining and recording attendance of Student Outreach Events by all members of the Judicial Branch.
- C. The Judicial Aide(s) shall be responsible for assisting the Clerk of Court, Public Defender, and Solicitor General, as well as all University Court Justices in administrative and clerical matters. If there are no Judicial **Aide(s)**, the Chief Justice or his/her designee(s) will assist in the administrative and clerical matters.
- D. The Public Defender shall be responsible for providing counsel to any student brought before the University Court as a respondent if requested.respondent
- E. The Solicitor General shall be responsible for acting as an independent investigator and advocate of students' rights. The Solicitor General shall perform the following duties:
  1. Investigate potential violations of the Student Government Code of Ethics, as defined in the Student Government Bylaws.
    - i. An investigation may be initiated upon the request of any concerned LSU student.
    - ii. A complaint filed with the University Court shall conform to the template found in the Appendix to this document and shall be made available to the complainant by the Clerk of Court or the Judicial Aide(s).
    - iii. Any concerned LSU student may submit an investigation request form to [sgjudicial@lsu.edu](mailto:sgjudicial@lsu.edu).
    - iv. The Chief Justice must notify the Solicitor General of the investigation request within two (2) class days of receipt and the Solicitor General must report the status of the investigation to the Chief Justice and all involved parties every five (5) class days until the investigation is complete.
    - v. All requests for investigation must be authorized by the Chief Justice of the University Court.
  2. Report the findings of an investigation in writing to all involved parties.
  3. Report the findings of an investigation to the next regularly scheduled meeting of the Student Senate following the conclusion of the investigation.
  4. Assist the Student Senate during impeachment proceedings upon the request of any of the authors of the Bill of Impeachment in question.
- F. The Clerk of Court, Judicial Aide(s), Public Defender, and/or Solicitor General may be removed for cause from his/her position by a two-thirds (2/3) vote of the University Court.
- G. All staff members of the Judicial Branch must ~~in~~ attend at least one (1) Senate or Executive Staff meeting and two (2) Student Outreach Events per semester. Student Outreach Events shall

include but not be limited to Organizational Visits, Chats with the Chancellor, and Straight Talks. Proof of attendance shall be sent to the Clerk of Court(s), at [sgclerk@lsu.edu](mailto:sgclerk@lsu.edu), by official LSU e-mail no later than forty-eight (48) hours after the event was held. Failure to adhere will lead to removal from his/her position by a two-thirds (2/3) vote of the University Court.

#### **Section 4. ~~Counsel~~**

~~C. Any party brought before the University Court has the right to counsel, but must elect to be represented by counsel. Any party that elects representation by counsel shall be bound to all actions and statements made by said counsel.~~

~~1. Any staff member of the Judicial Branch can submit a request for approval for any outside event to [sgjudicial](#)~~

## ARTICLE III General Procedures

### **Section 1. Complaints**

- A. .All causes of action pursued in the University Court shall be initiated by the filing of a Notice of Complaint with the Clerk of Court.
- B. .A complaint filed with the University Court shall conform to the template found in the Appendix to this document and shall be made available to the complainant by the Clerk of Court or the Judicial Aide(s).
- C. .The Clerk of Court shall assign a docket number to the case and notify the Chief Justice of the pendency of action within one (1) class day of receiving a filed complaint.
- D. .Within three (3) class days of receiving a filed complaint from the Clerk of Court, the Chief Justice shall notify the University Court, the Student Body President, the Speaker of the Student Senate, the Dean of Students, the complainant, and the respondent of the pendency of action and shall arrange a date and place for the hearing to be held.
- E. .The Chief Justice shall notify the Clerk of Court and the University Court of the date and time of the hearing. Within twenty-four (24) hours, the Clerk shall forward this information to the complainant and the respondent by official LSU e-mail .
- F. .All hearings shall be heard by the University Court within seven (7) class days of the filing of a Notice of Complaint.
- G. (G). If a case arises from a Student Government Election, the hearing involving that case shall be held within twenty-four (24) hours of the filing of a Notice of Complaint with the Clerk of Court. Cclerkrespondentemail.

### **Section 2. Posting Requirements**

- A. The Clerk of Court shall provide the complainant with a citation, which shall contain:
  - 1. A list of the charges and/or claims brought against the respondent.
  - 2. The date, time, and place of the scheduled proceedings.
  - 3. The penalties for failure to appear before the Court, including default judgment, and suspension and/or expulsion from office.

Clerk

. ClerkClerkUpon receiving notification from the Chief Justice, the Clerk of Court shall also post a notice of the hearing on the LSU Student Government website. The notice shall contain the names of the parties, date, location, and time of the proceedings **Section 3. Briefs**

- A. Both parties to a case and any interested parties may file briefs with the Clerk of Court. Briefs must be received by the Clerk of Court no later than twenty-four (24) hours prior to the commencement of a hearing.

- B. Briefs must conform to the template provided to both parties by the Clerk of Court. The template can be found in the Appendix of this document. The brief submitted to the Clerk of Court shall not exceed eight (8) typed pages.
- C. If supplementary documentation is not included with the brief, it may be presented at the hearing with a majority (1/2) vote of the justices.  
The Clerk
- D. The Clerk of Court, or the Judicial Aide(s) acting under the direction of the Clerk of Court, shall distribute copies of all briefs to parties present before the Court, including the Chief Justice, all University Court Justices, the respondent, the complainant, and counsel
- E. The Chief Justice reserves the right to deny the admission of excessive briefs.

#### **Section 4. Transcription of Proceedings**

- A. All proceedings of the University Court shall be recorded with an audio device provided by the Judicial Branch. Parties may access the recording upon request to the Chief Justice. Anything recorded during the hearing will be submitted to the Judicial Branch's archive.
  - 1. i. Any interested parties shall contact the Chief Justice at [sgjudicial@lsu.edu](mailto:sgjudicial@lsu.edu) to request access to the recordings. Access must be granted within two (2) class days of the request. The meeting to access the recordings shall occur in a Student Government office in the Student Union during official University hours; the recordings shall not be distributed. The Chief Justice or his/her Judicial Branch designee must be present during the meeting.
- B. ~~The Clerk~~The Clerk of Court shall present a thorough written summary of the testimony and arguments produced during the hearing.

~~(A.) If a party has no counsel to represent it but desires counsel then the Public Defender shall be made available for its defense.~~

#### **Section 5. Standing**

- ~~(A.) Any aggrieved party, who is an LSU student, must have standing to be a complainant before the University Court. Standing shall be defined as being the impacted party.~~
- ~~(B.) An aggrieved party must file grounds of standing and conditions under the circumstances as to why that party is impacted within the written brief that is submitted to the Clerk of Court.~~

#### **Section 6. Prescription (Time Limitation)**

- ~~(A.) No case shall be heard by the University Court more than ninety (90) calendar days after the alleged act, occurrence, or transaction that constitutes the principal matter of the case.~~
- ~~(B.) Prescription does not apply to days outside of the fall and/or spring semester. Acts alleged to have occurred outside the fall and spring semesters shall be assumed to have occurred on the first day of the immediately following semester~~

## **ARTICLE II**

### **University Court**

#### **Section 1. Complaints**

- ~~H. All causes of action pursued in the University University Court shall be initiated by the filing of a Notice of Complaint with the Clerk of Court.~~

- I. ~~A complaint filed with the University University Court shall conform to the template found in the AppendixA to this document and shall be made available to the complainant by the Clerk of Court or the Judicial Aide(s).~~
- J. ~~The Clerk of Court shall assign a docket number to the case and notify the Chief JusticeJustice of the pendency of action within one (1) classclass day of receiving a filed complaint.~~
- K. ~~Within three (3) class days of receiving a filed complaint from the Clerk of Court, the Chief JusticeJustice shall notify the University Court, the Student Body President, the Speaker of the Student SenateCourt, the Dean of Students, the complainant, and the respondentrespondent of the pendency of action and shall arrange a date and place for the hearing to be held.~~
- L. ~~The ChiefChief Justice shall notify the Clerk of Court and the University Court of the date and time of the hearing. Within twenty four (24) hours, the Clerk shall forward this information to the complainant and the respondentrespondent by official LSU e-mailmail.~~
- M. ~~All hearings shall be heard by the University Court within seven (7) class days of the filing of a Notice of Complaint.~~
- N. ~~(G). If a case arises from a Student Government Election, the hearing involving that case shall be held within twenty-four (24) hours of the filing of a Notice of Complaint with the Clerk of Court. Clerkrespondentemail.~~

## **Section 2. Posting Requirements**

- B. The Clerk of Court shall provide the complainant with a citation, which shall contain:
  - 1. A list of the charges and/or claims brought against the respondentrespondent.
  - 2. The date, time, and place of the scheduled proceedings.
  - 3. The penalties for failure to appear before the Court, including default judgment, and suspension and/or expulsion from office.
 After Clerk
- C. ~~ClerkClerk~~ Upon receiving notification from the ChiefChief Justice, the Clerk of Court shall also post a notice of the hearing onon the LSU Student Government website. The notice shall contain the names of the parties, date, location, and time of the proceedings

## **Section 3. Briefs**

- F. ~~Both parties to a case and any interested parties may file briefs with the Clerk of Court. Briefs must be received by the Clerk of Court no later than twenty four (24) hours prior to the commencement of a hearing.~~
- G. ~~Briefs must conform to the template provided to both parties by the Clerk of Court. The template can be found in the Appendix of this document. The brief submitted to the Clerk of Court shall not exceed eight (8) typed pages.~~
- H. ~~If supplementary documentation is not included with the brief, it may be presented at the hearing with a majority (1/2) vote of the justices.~~  
The Clerk ~~\_\_\_\_\_~~
- I. ~~\_\_\_\_\_ The Clerk of Court, or the Judicial Aide(s) acting under the direction of the Clerk of Court, shall distribute copies of all briefs to parties present before the Court, including the Chief JusticeJustice, all University Court Justicesjustices, the respondent, the complainant, and counsel~~
- J. ~~The Chief Justice reserves the right to deny the admission of excessive briefs.~~

## **Section 4. Transcription of Proceedings**

- C. ~~All proceedings of the University Court shall be recorded with an audio device provided by the Judicial Branch. Parties may access the recording upon request to the Chief Justice. Anything recorded during the hearing will be submitted to the Judicial Branch's archive.~~
  - 1. ~~i. Any interested parties shall contact the Chief Justice at [sgjudicial@lsu.edu](mailto:sgjudicial@lsu.edu) to request access to the recordings. Access must be granted within two (2) class days of the request. The meeting to access the recordings shall occur in a Student Government office in the Student Union during official University hours; the recordings shall not be distributed. The Chief Justice or his/her Judicial Branch designee must be present during the meeting.~~



- ~~D. The ClerkThe Clerk of Court shall present a thorough written summary of the testimony and arguments produced during the hearing.~~

## ARTICLE IV Hearings

### Section 1. Order of Proceedings

- A. The Chief Justice shall call a hearing to order and shall verify that all relevant parties are present.
- B. The oath or affirmation of truth shall be administered by the Chief Justice or his/her designee, in accordance with Article IV, Section 2 of the Rules of Court.
- C. The Clerk of Court shall entertain any motions from the parties, in accordance with Article IV, Section 3 of the Rules of Court.
- D. The Court shall hear opening and closing arguments from both parties, and the Court shall also hear the examination and cross-examination of all witnesses.
- E. The Chief Justice shall dismiss all parties from the room and deliberation shall begin.
- F. The Court shall reconvene and announce its decision after deliberation has ended.
- G. The Chief Justice shall then adjourn the Court.
- H. The verdict of the University Court shall be posted the official Student Government website.

### Section 2. Oath or Affirmation of Truth

- A. An oath or affirmation of truth shall be administered to all participating parties and witnesses prior to motions and arguments in every University Court hearing.
- B. The oath or affirmation of truth shall be administered by the Chief Justice or his/her designee.
- C. The form for the oath or affirmation of truth shall be as follows:

With the left hand of the person being sworn in on the Student Government Constitution and Rules of Court, and with the person's right hand upraised, he/she shall state the following oath or affirmation: "I [state your full name] – do solemnly swear (or affirm) – that I will tell the truth, the whole truth, and nothing but the truth – as the Code of Student Conduct of Louisiana State University dictates."

### Section 3. Motions

- A. At the commencement of proceedings, the Clerk of Court shall entertain any motions from the parties. If necessary, the Court shall hear arguments and testimony on the motions, provided that the Chief Justice, at his/her discretion, may limit the time allotted for arguments and testimony.
- B. At anytime after the commencement of proceedings, the Chief Justice shall entertain any motions.
- C. The University Court shall recognize nine (9) motions which, if granted, shall have the effect of delaying or dismissing the case, as appropriate:
  - 1. Motion for a Continuance
    - i. Allows for the Court to continue hearing the case at a later time.
  - 2. Motion for Dismissal on the Grounds of Lack of Subject Matter Jurisdiction
    - i. Allows for the Court to dismiss a case outside the realm of authority.
  - 3. Motion for Dismissal on the Grounds of Lack of Standing on the Part of the Complainant
    - i. Reference Article I, Section 4 of the Rules of Court.
  - 4. Motion for Dismissal on the Grounds of Prescription
    - i. Reference Article I, Section 5 of the Rules of Court.
  - 5. Motion for Dismissal on the Grounds of Issue at Hand has Already been Decided
  - 6. Motion for Default Judgment
    - i. Reference Article IV, Section 87 of the Rules of Court.
  - 7. Motion for Summary Judgment

- i. Allows for the Court to dismiss the case in whole or part based on the interpretation of the University Court.
  - 8. Motion for Intervention of Interested Parties
    - i. Allows for the Court to define individuals who possess material information relevant to the case at hand.
  - 9. Motion for Recusal
    - i. Reference Article VI, Section 9 of the Rules of Court.
- D. Motion 1 may be issued prior to the commencement of the University Court proceedings provided that the motion is submitted in writing before the convening of the case at hand and is signed by the party submitting the motion respondent.
- E. Motions 2, 3, 4, and 5 (above) may not be waived by the parties. If the parties fail to make these motions when applicable, the Chief Justice may make and grant them himself/herself. Chief Justice
- F. Motion 6 may be issued if the respondent fails to appear at a duly convened hearing after having been notified.
  - 1. In response to a motion for default judgment, the Chief Justice shall order the complainant to present his/her case. At the close of complainant's case, the University Court may enter a default judgment. The judgment shall then be forwarded to the Clerk of Court.
  - 2. Upon receiving a default judgment, the Clerk of Court shall post a notice informing the respondent that a default judgment has been entered. This posting shall be done in accordance with Article III, Section 2 of the Rules of Court.
- G. Motion 9 requires that the University Court temporarily adjourn until such a time (which shall not exceed one (1) class day) that the motion can be heard by eligible justices of University Court.

#### **Section 4. Opening and Closing Arguments**

- A. The complainant(s) and respondent(s), along with any of their counsel, who parties have filed briefs with the Clerk of Court may present opening and closing arguments to the University Court after all motions have been ruled upon.
- B. The Chief Justice may limit the length of time allotted for opening and closing arguments at his/her discretion provided that each party shall be allowed an equal amount of time to present arguments.
- C. Any party may waive its right to an opening and/or closing argument.

#### **Section 5. Witnesses**

- A. Parties may present witnesses in support of their respective cases provided that the oath or affirmation of truth is administered to the witnesses prior to testimony.
- B. Parties shall have the right to cross-examine all witnesses.
- C. The Chief Justice may limit the time has to examine and cross-examine witnesses, provided that each party has an equal amount of time. This additional time shall not be included in the total time the Chief Justice affords to all parties.  
The Chief Justice may compel any member of Student Government, either elected or appointed, ~~to appear in court as a witness~~, faculty, or staff member **to appear in court as a witness**.
- D. Any member of Student Government, either elected or appointed, who fails to appear before the University Court when so compelled may face penalties as specified in Article VI of the Rules of Court. ~~Court Court Justice~~

#### **Section 6. Questions from the Bench**

- A. .Any University Court Justice may question the parties at any time during the proceedings for purposes of clarification.
- B. .Any time spent answering questions from the bench shall not be included in the total amount of time allotted by the Chief Justice to all parties.
- C. .If any party objects to the questions of any University Court Justice, they shall make an oral objection. Such objections shall be ruled on by the Chief Justice at the time of objection and placed on record by the Clerk of Court.

## Section 7. Deliberation and Judgment

- A. At the close of arguments, the Chief Justice shall recess for deliberation.
  - 1. Only members of the Judicial Branch and their adviser shall be admitted into deliberation.
  - 2. The Chief Justice may poll the justices at any time during deliberation.
- B. Deliberation shall end when a majority (1/2) of the justices constituting quorum agree to either grant the relief requested, grant a relief agreed upon by the University Court, or to deny the relief requested. Deliberation shall not exceed three (3) class days. Concentrated study period week, finals week, and University-sanctioned holidays shall not be included in the tabulation of time spent in deliberation..
- C. When a decision has been reached, the Court shall reconvene in open session. The decision of the University Court shall be announced to the parties by the Chief Justice, along with the reasons for the decision. The ruling of the University Court is final and cannot be appealed.
- D. The Chief Justice shall take for himself/herself the task of writing the opinion of the Court. All judgments, together with the opinion of the University Court shall be forwarded to the Clerk of Court within five (5) class days of the oral judgment.

FG

Clerk  
JClerk

- E. (H). Any justice may write a concurring or dissenting opinion at his/her discretion, which should be filed separately with the Clerk of Court.
- F. (I). Upon receipt of the judgment and opinion, the Clerk of Court shall forward copies to the Student Body President for executive action and to the Dean of Students. Additional copies shall be filed in the Court archive and posted on the Student Government Website under the hearings pageCourt archive.
  - (J). If the judgment is returned by the Dean of Students for correction as to University regulation (excluding Student Government documents), the Court shall reconvene at the order of the Chief Justice. The Court shall resume its deliberations and reconsider its findings, as recommended.
- G. (K). circumstances

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ClerkClerkClerkClerkClerkClerkClerkClerk7annually the no later than the first of May. If the incoming justice appointed by the Student Body President is not sworn in by the first of May, the outgoing justice serving in the spring appointed seat will vote in the Chief Justice election. within ten (10) class days of the vacation of the position

8bimonthlyconduct official business and/or and meetings; must be and meeting

- I. (E). The Chief Justice shall serve on all committees as required by the Bylaws.
- (F). The Chief Justice shall serve on the President's Cabinet, as referred to in the Bylaws Article II, Section 1.

## Section 9. Associate Justices, responsibilities

- (A). Associate Justices shall be responsible for attending meetings or hearings called to order by the Chief Justice.
- (B). Associate Justices shall adhere to attendance policies as stated in Article 1, Section 15B of the Rules of Court.
- (C). All Associate Justices of the University Court must participate in at least two (2) Senate or Executive Staff meetings and two (2) Student Outreach Events per semester. Student Outreach Events shall include but not be limited to Organizational Visits, Chats with the Chancellor, and Straight Talks. Proof of attendance shall be sent to the Clerk of Court(s) by official LSU email no later than forty eight (48) hours after the event was held.
- (D). All Associate Justices must demonstrate their knowledge of all relevant framing Student Government documents and impartiality throughout their term of office.

**Section 10. ~~Quorum~~**

~~(A). Two thirds (2/3) of the number of justices eligible to hear any complaint shall constitute the quorum of the University Court. In the event of a tie vote, the Dean of Students shall have the authority to cast the deciding vote.~~

~~(B). Any action taken by University Court without quorum present shall be null and void, excluding the issuance of an injunction by the Chief Justice or any two Associate Justices in conjunction or the issuance of a judicial memorandum.~~

**Section 11. ~~Original Jurisdiction of University Court~~**

~~(A). University Court has original and exclusive jurisdiction over cases referred by the Vice Chancellor for Student Life and Enrollment Services or by the Dean of Students, pursuant to Article IV, Section 5 of the Student Government Constitution.~~

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## ARTICLE V Failure to Appear

**Section 1. Definition**

A respondent has failed to appear before the Court when, after proper notification via LSU e-mail, he/she does not make an appearance, in person or by counsel, at a duly convened proceeding of the University Court.

**Section 2. Penalties**

- A. If a Student Government official, elected or appointed, knowingly fails to appear before the University Court, he/she may be suspended or removed from his/her position with Student Government
- B. The decision to suspend or remove a Student Government official shall be made only by the University Court and shall be executed by the Student Body President or the Dean of Students, as appropriate.

**Section 3. Process of Suspension or Removal**

- A. If the official has failed to appear before the University Court, the Chief Justice, or two Associate Justices in conjunction, may begin the process of suspension or removal.
  - (A.) The Chief Justice shall set a date for a hearing, which is to take place no later than ~~three~~ ~~(3)~~ five (5) class days from the date he/she failed to appear, regarding the suspension or removal.

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#### **Section 4. Suspension or Removal Hearing**

- (A.) .
- A. If the official appears before the University Court at the appointed time, he/she shall be allowed to present his/her rebuttal to the charges.
  - B. If the official fails to appear before the University Court at the appointed time, the Court shall adjourn immediately for deliberation.
    1. Only members of the Judicial Branch and their adviser shall be admitted into deliberation.
  - C. In deliberation, the University Court Justices shall decide whether the failure of the official to appear was reasonably excusable under the circumstances.
  - D. If the official's failure to appear is found to be inexcusable by a majority (1/2) of the justices, the Chief Justice shall forward an order of suspension or removal to the Student Body President or the Dean of Students for immediate action. If the official fails to appear before the University Court in the matter of his/her failure to appear, the University Court may issue a judgment for removal .

## **ARTICLE VI Recusation**

#### **Section 1. Rule**

- A. Any justice of the University Court shall recuse himself/herself from participation in a case if he/she believes that, by virtue of his/her relationship or close association with any of the parties to the case, he/she is unable to decide the case impartially.
- B. All recusations made by the justices or either party and their counsel may be requested anytime during the hearing..
  - a. A justice's refusal to recuse him/herself is subject to challenge if the aggrieved party believes that a justice who participated in deciding the aggrieved party's case should have recused himself/herself.

#### **Section 2. Related parties**

- A. Related parties include, but are not limited to:
  1. Anyone legally related to a party of the case before the Court, in a direct line of either ascendance, descendants, or collaterals within the first degree.
  2. Anyone whose name appears on a ticket or other campaigning material or is/was a member of campaign staff with a party of the case before the Court, for the current semester.
  3. Anyone who has publicly announced his/her support of a party to the case before the Court. Public announcement is defined as:
    - i. A letter of support to any periodical.
    - ii. Distributing campaign materials of a party of the case.
    - iii. Announcing said support in student organization meetings, social networking websites, e-mail, text messaging, or any other form of communication at the discretion of the University Court.

#### **Section 3. Challenges**

- A. **The** University Court shall have original and exclusive jurisdiction in cases arising under this Article and, therefore, shall proceed according to the procedures specified in Article III, Section 611 of the Rules of Court.
- B. Only members of the Judicial Branch and their adviser shall be admitted into the challenge hearing.
- C. If a University Court Justice is the subject of the challenge, the Chief Justice shall dismiss that justice from hearing the challenge. If the Chief Justice is the subject of the challenge, he/she shall dismiss himself/herself from hearing the challenge and the remaining justices will elect another justice to serve as Acting Chief Justice for the hearing by a 2/3 vote.

- D. Any justice that is the subject of a challenge shall have the right to defend himself/herself in the same manner as a respondent and shall retain all the rights and privileges guaranteed to him/her granted under Article I, Section 2 of the Rules of Court§..
- E. If a majority of the justices find that the challenged justice should have recused himself/herself and his/her failure to do so may have affected the outcome of the case, a new trial or hearing shall be ordered on behalf of the aggrieved party.

## ARTICLE VII

### Injunctions

#### **Section 1. Definition and issuance**

- A. The University Court possesses the power to issue injunctions, pursuant to Article IV, Section 4§C4 of the Student Government Constitution.
- B. An injunction is an order, issued in the name of the University Court and executed by the Executive Branch, which requires a Student Government official to do the following:
  - 1. Temporarily cease and desist any activity or practice until such a time as a full hearing can be held regarding the case or controversy; or,
  - 2. Grant to applicant such relief as is requested on a temporary basis until such a time as a full hearing can be held on the case or controversy.

#### **Section 2. Procedure for an injunction initiated by the University Court**

- A. Injunctions may be issued by the Chief Justice or any two (2) Associate Justices, in conjunction.
  - 1. An injunction from the University Court shall conform to the template found in the Appendix to this document, and shall be submitted to the Clerk of Court at [sgclerk@lsu.edu](mailto:sgclerk@lsu.edu).
  - 2. The Clerk shall notify the Chief Justice at [sgjudicial@lsu.edu](mailto:sgjudicial@lsu.edu) and all interested parties of the injunction as soon as possible.
- B. Injunctions may be issued against any Student Government election, Student Government official function, Student Government official in his/her capacity, or any legislative and/or executive instrument.
- C. Injunctions may only be effective for a maximum of three (3) consecutive class days. Any injunction purporting to have effect for a longer period is null and void.

#### **Section 3. Procedure for petitioning for an injunction**

- A. A petition for an injunction may be included in the complaint filed by the complainant with the Clerk of Court.
  - 1. The Injunction Petition Form can be found in the Appendix to this document.
- B. The Clerk shall notify emailthe Chief Justice at [sgjudicial@lsu.edu](mailto:sgjudicial@lsu.edu)of the petition as soon as possible, but in no case more than twenty-four (24) hours after the receipt of the petition.
- C. The Chief Justice and/or any two (2) Associate Justices, in conjunction,need not convene a hearing in order to consider a petition for injunction. The injunction may be issued on the basis of the complaint alone.

#### **Section 4. Burden of Petitioner**

- A. Injunctions shall not be issued unless the petitioner is able to demonstrate that immediate, irreparable harm will result without injunctive relief.
- B. An injunction is to be considered an extraordinary remedy.

## ARTICLE VIII

### Administration

- A. All administrative matters of the University Court shall be issued by Judicial Memorandum; this includes, but is not limited to, all internal appointments, resignations, and expenses. All Judicial Memoranda are issued by the Chief Justice and are public record. Each Judicial Memorandum, as well as all injunctions, issued within the last academic week of the semester must be read publicly at the next regularly scheduled meeting of the Student Senate.
- B. If a vacancy occurs on the University Court, it may be filled immediately by Student Body President.
  - 1. The seat shall then be up for election during the next regularly scheduled fall campus-wide election either as a half (1/2) term Associate Justice seat or a full term Associate Justice seat, depending on time remaining in the term.
- C. Each justice shall serve two (2) office hours per academics week in the Judicial Branch Office.
  - 1. Record of office hours will be recorded by the Chief Justice.

## ARTICLE IX

### Amendments

Amendments to this document may be recommended by any official of the University Court. Review of this document must occur at least once per academic year. If a majority of the justices of the University Court approve the amendment(s) in question, the Chief Justice shall forward a typed copy of the changes to the Speaker of the Student Senate for a vote. If the amendment(s) is approved by the Student Senate, it shall become effective immediately but will not affect any complaint filed prior to the revision.

## ARTICLE X

### Interpretation

The Rules of Court shall be strictly interpreted with reference to the precise terms of the document whenever possible. If a provision is ambiguous or leads to absurd consequences in its application, it shall be interpreted in terms of expediency, fair play, and equal justice to all parties.

## APPENDIX

- A. ~~i. Brief template for complaint filing can be found on the Hearings page of the Student Government website ([www.sg.lsu.edu/hearings](http://www.sg.lsu.edu/hearings)) or by contacting the Clerk of Court at [sgclerk@lsu.edu](mailto:sgclerk@lsu.edu).~~ The documents are as follows:
  - 1. Brief Template
  - 2. Complaint Document
  - 3. Investigation Request
  - 4. Injunction Notification
  - 5. Injunction Request

- B. These documents will be posted ~~can be found~~ on the Hearings page of the Student Government website ([www.sg.lsu.edu/hearings](http://www.sg.lsu.edu/hearings)) ~~or by contacting the Clerk of Court at sgclerk@lsu.edu.~~





*Official Use Only:*  
Regards to Docket 10 -       
Date: \_\_\_\_\_

**BRIEF TEMPLATE**

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A BRIEF TO THE UNIVERSITY COURT OF THE LOUISIANA STATE UNIVERSITY STUDENT  
GOVERNMENT

Prepared By: \_\_\_\_\_

*(Parties Involved)*

---

*Complainant(s)*

*Vs.*

---

*Respondent(s)*

---

*(Begin Your Brief Here: A brief is submitted to lay out the argument for various petitions and motions before the Court, to counter the arguments those opposed, and to provide the justices with reasons to rule in favor of the party represented by the brief writer. Refer to Article II, Section 3.B.ii)*

\_\_\_\_\_  
*Complainant(s)*

\_\_\_\_\_  
*Respondent(s)*



*Official Use Only:*  
Docket 10 -

**COMPLAINT DOCUMENT**

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**A Complaint to the University Court of the Louisiana State University Student Government**

TO THE JUSTICES OF THE UNIVERSITY COURT:

This is a complaint in which the University has original and exclusive jurisdiction in accordance with Article IV, Section 6 of the Louisiana State University Student Government Constitution.

Statement of Complaint: *(Begin typing your statement here; refer to Article II, Section 1 for questions and/or concerns regarding complaints. This must be filed with the Clerk at [sgclerk@lsu.edu](mailto:sgclerk@lsu.edu).)*

Relief Requested: *(Begin typing your request here)*

Filed By:  
LSU E-Mail Address:  
Phone Number to Be Contacted:

*Official Use Only:*  
Regards to Docket 10 -   
Date: \_\_\_\_\_

AN INVESTIGATION REQUEST TO THE UNIVERSITY COURT OF THE  
LOUISIANA STATE UNIVERSITY STUDENT GOVERNMENT

Prepared By: \_\_\_\_\_

*(Parties Involved)*

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*Requestor*

*Vs.*

---

*Person and/or Subject of Investigation*

---

*(Begin Your Investigation Request Here: This document's purpose is to allow students to request an investigation on behalf of the students Louisiana State University. Refer to Article \_\_\_\_, Section \_\_\_\_)*



*Official Use Only:*  
Regards to Docket 10 -   
Date: \_\_\_\_\_

## INJUNCTION NOTIFICATION FORM

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AN INJUNCTION NOTIFICATION TO THE UNIVERSITY COURT OF THE  
LOUISIANA STATE UNIVERSITY STUDENT GOVERNMENT

Prepared By: \_\_\_\_\_

*(Parties Involved)*

---

*Complainant(s)*

Vs.

---

*Person(s) and/or Subject(s) of Investigation*

---

*(Begin Your Injunction Notification Here: An injunction is submitted to require a person or persons to refrain from doing an act that is unjust to the other party. Refer to Article \_\_, Section \_\_\_\_)*



*Official Use Only:*  
Regards to Docket 10 -       
Date: \_\_\_\_\_

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**INVESTIGATION REQUEST FORM**

---

AN INVESTIGATION REQUEST TO THE UNIVERSITY COURT OF THE  
LOUISIANA STATE UNIVERSITY STUDENT GOVERNMENT

Prepared By: \_\_\_\_\_

*(Parties Involved)*

\_\_\_\_\_  
*Requestor*

Vs.

\_\_\_\_\_  
*Person and/or Subject of Investigation*

---

*(Begin Your Investigation Request Here: This document's purpose is to allow students to request an investigation on behalf of the students Louisiana State University. Refer to Article II, Section 5§E)*

**PARAGRAPH 5:** THEREFORE, BE IT ENACTED BY THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AGRICULTURAL AND MECHANICAL COLLEGE THAT

THE STUDENT GOVERNMENT RULES OF COURT BE THUS  
AMENDED.

**PARAGRAPH 6:** THIS BILL SHALL TAKE EFFECT UPON PASSAGE BY A TWO-THIRDS  
( $2/3$ ) VOTE OF THE LSU STUDENT SENATE AND SIGNATURE BY  
THE PRESIDENT, UPON LAPSE OF TIME FOR PRESIDENTIAL  
ACTION, OR IF VETOED BY THE PRESIDENT AND SUBSEQUENTLY  
APPROVED BY THE SENATE, ON THE DATE OF SUCH APPROVAL.

Approved:

\_\_\_\_\_  
**Brooksie Bonvillain**  
Speaker of the Senate

Date: \_\_\_\_\_

\_\_\_\_\_  
**J Ryan Hudson**  
Student Body President

Date: \_\_\_\_\_