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F18RS SGB No. 1 (Rules of Court Amendments)

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STUDENT SENATE
F18RS
SGB No. 1
BY: SENATOR AN. GRASHOFF

ENROLLED

A BILL

TO CHANGE THE CURRENT ARTICLES VII-X OF THE RULES OF COURT TO ARTICLES VIII-XI WITH THE INSERTION OF STUDENT ORGANIZATION DECISION APPEALS AS ARTICLE VII.

PARAGRAPH 1: WHEREAS, THE LSU STUDENT GOVERNMENT JUDICIAL BRANCH BELIEVES THE ADDITION TO KEEP THE RULES OF COURT FAIR TO STUDENT ORGANIZATIONS; AND

PARAGRAPH 2: WHEREAS, THE ADDITION WILL REPLACE THE CURRENT CONTENTS OF ARTICLE VII, CHANGING THE CURRENT NUMBERING OF ARTICLE VII-X TO ARTICLE VIII-XI; AND

PARAGRAPH 3: WHEREAS, THE PROPOSED ADDITION OF THE ORGANIZATIONAL APPEALS INITIATIVE IS AS FOLLOWS:

ARTICLE VII: Student Organization Decision Appeals

- Section 1. Cases under this article shall focus primarily on Student Organizations that are registered with Campus Life that are accused of breaching the constitution, bylaws, or other internal procedure of the organization.
 - *Section 1.A.* Campus Life shall not assign any cases that are handled by the Greek Organization Accountability Process or for which Student Advocacy and Accountability (SAA) has original jurisdiction. Those cases shall be handled according to existing University processes.
 - i. The Court shall have jurisdiction over all other cases assigned to it by Campus Life.
 - *Section 1.B.* In the event that the University Court is unable to hear and rule on a case, or if the court deadlocks on a case, Campus Life shall retain power to review the case. This includes failure to reach quorum which is set at 2/3 of the sitting Justices.
 - *Section 1.C.* The Court shall focus on issuing a recommendation that cures a party that has been negatively impacted by a violation and providing recompense for the organization's violation.
 - *Section 1.D.* All parties maintain their right to appeal the Court's decision through the appropriate procedures with the assistance of Campus Life.
 - *Section 1.E.* In the event that Student Government in its capacity is a party to the case, this Article shall not apply and the case shall be handled under normal hearing procedure as specified in Article IV of these Rules of Court.
- *Section 2.* Process of filing a case

- *Section 2.A.* The University Court shall keep on its website a link with details on submitting grievances arising from Student Organizations through the LSU Cares framework.
 - i. Cases submitted through LSU Cares are first sent to SAA. If SAA delegates the case to Campus Life, Campus Life must decide whether it is in the jurisdiction of the Court. If assigned to the University Court, a Campus Life representative shall notify the Chief Justice who shall then notify the parties to the case and all Judicial Branch members.
- *Section 3. Briefs*
 - *Section 3.A.* The Chief Justice, along with Campus Life, shall be responsible for contacting all pertinent parties to inform them of the case and their right to submit a brief.
 - *Section 3.B.* The briefs must be submitted to a Campus Life representative 48 hours before the hearing by email.
 - *Section 3.C.* Briefs should include the following:
 - i. A summary of events, including timelines and testimony,
 - ii. Arguments as to what policies are alleged to be broken supported by the relevant organization's Constitution, LSU policy, or policies of the national organization,
 - iii. A requested outcome.
 - *Section 3.D. Review of Briefs*
 - i. Justices are responsible for going to the Campus Life offices prior to the start of a hearing to review the hearing's briefs. Failure to do so will prevent a Justice from sitting on a case.
 - ii. The briefs may not be taken from the Campus Life office.
- *Section 4. Hearings*
 - *Section 4.A.* The Chief Justice will work with a Campus Life representative to set the time, date, and place of a hearing. As soon as a time and location are confirmed, the Chief Justice shall notify all parties of the case and all Judicial Branch members.
 - i. The hearing shall be scheduled as soon as is practical to be determined by the Chief Justice and a Campus Life representative.
 - ii. If a hearing cannot take place at the originally scheduled time for whatever reason, the Chief Justice shall work with a Campus Life representative to reschedule the hearing.
 - iii. All hearings are closed to the public. Only members of Judicial Branch, Campus Life, parties to the case, and material observers shall be allowed to view. Any additional attendees may be permitted at the discretion of the Chief Justice and a Campus Life representative.
 - *Section 4.B. Process*
 - i. The Chief Justice shall call the hearing to order.
 - ii. The Clerk of Court shall entertain any motions.
 - iii. Both parties shall be given time for opening statements. The time given to each party shall be equivalent with the length set by the Chief Justice.

- a. The party that filed the case will present an opening statement first.
 - iv. Both parties will be given an opportunity to call witnesses. Witnesses may be examined and cross examined by both parties for an equivalent amount of time with the length set by the Chief Justice.
 - a. The party that filed the case will call their witnesses first.
 - v. Both parties will be given time for closing statements. The time given to each party shall be equivalent with the length set by the Chief Justice.
 - a. The party that filed the case will present a closing statement first.
 - vi. At the conclusion of closing statements, the University Court will enter into deliberations.
 - vii. Justices may ask parties or witnesses questions at any time to better understand the case. Time taken to ask and respond to questions from the bench will not count towards the total time allotted to the parties.
 - viii. An audio recording of the hearing and announcement of recommendation will be taken and sent to Campus Life. An audio recording will not be taken while the Court is in deliberation.
 - *Section 4.C. Motions*
 - i. The list of possible motions can be found in Article IV Section 3 of the Rules of Court.
 - ii. Motions may be made by either party in a case at any time prior to or during a hearing.
 - iii. If a Justice is a member of an organization in the case, he or she shall recuse him or herself.
 - *Section 4.D. Counsel*
 - i. Each party shall have the right to have one individual who is not affiliated with the case at the hearing.
 - ii. Counsel will be permitted to advise and support the party, but may not present any part of the case.
 - iii. In the event that a party is unable to provide their own counsel, they may request that the Chief Justice assign the Public Defender or Solicitor General as their counsel. This request should be made at least 24 hours before the hearing.
- *Section 5. Recommendations*
 - *Section 5.A.* After the hearing, the University Court shall enter deliberations to decide a recommendation to the organization and Campus Life.
 - *Section 5.B.* A recommendation shall be reached by a majority of the Justices present and voting agreeing on a particular recommendation.
 - i. The Chief Justice shall regularly exercise his or her voting power.

- *Section 5.C.* Once the Court reaches an appropriate recommendation, it shall be announced verbally to any parties that are present and sent via email to the parties and Campus Life.
- *Section 5.D.* The Chief Justice shall assign a Justice to write a recommendation of the majority or shall retain that right for themselves. The reasoning for the recommendation shall be sent to Campus Life for enforcement within two days of the hearing. These decisions can be accessed by the public if requested, though names would be redacted.

Article VIII: Injunctions
Article IX: Administration
Article X: Amendments
Article XI: Interpretation

PARAGRAPH 4: THEREFORE, BE IT ENACTED BY THE LOUISIANA STATE UNIVERSITY STUDENT SENATE THAT THE ORGANIZATIONAL APPEALS INITIATIVE IS ADOPTED INTO THE RULES OF COURT, AND

PARAGRAPH 5: BE IT RESOLVED THAT A COPY OF THIS RESOLUTION BE TRANSMITTED TO STUDENT BODY PRESIDENT STEWART LOCKETT, VICE-PRESIDENT RACHEL CAMPBELL, MICHELLE LOWERY, STUDENT SENATE ADVISOR, AND ARLETTE HENDERSON, EXECUTIVE BRANCH ADVISOR, AND

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:

Christina Black
Speaker of the Senate
Date:_____

Stewart Lockett
Student Body President
Date:_____