

Judicial Branch Bylaws

Section 1: Mission Statement

1. All judicial authority of SGA shall be vested in the SGA Supreme Court. The responsibility of the court shall be to preserve and protect the rights of students. All Supreme Court decisions shall be binding on all persons acting within the jurisdiction defined therein.

Section 2: Constitutional Provisions

1. In all cases, the Supreme Court retains the right to interpret and supplement these rules if:
 - a. The rules are silent or vague regarding proper procedure.
 - b. If a majority of the Supreme Court believes that a deviation will substantially further an equitable and just end.
2. The powers to enforce, interpret, modify, or nullify these Bylaws rest jointly with members of the Supreme Court and the SGA Senate acting in accordance to the Constitution and Code.
 - a. Recommendations to change these Bylaws will be done in coordination with the **Ethics committee** and representatives of the Judicial Branch.
3. This code is subject to the Constitution and Code of the Indiana State University Student Government Association.

Section 3: Authority of the Supreme Court

1. These rules are binding on the Student Government Association, and any entity subject to the Constitution of the Student Government Association, by the authority of Article IV, Section One of the Constitution.
2. The Supreme Court shall have original jurisdiction in matters pertaining to interpretation, mediation, and removal from office.
3. The Supreme Court shall have final appellate jurisdiction in general Student Government Association concerns and specific matters pertaining to allocation disputes, election results, arbitration of inconclusive mediation, and the constitutionality of executive and legislative action.

Section 4: Ethics

1. Officers of the Judiciary shall at all times conduct themselves in a manner consistent with principles of impartiality, fairness, honesty, integrity, and professionalism. Furthermore, all officers of the court are ethically bound to place the demands of impartial and procedural justice before self-interest, and to respects the authority of the Supreme Court.
2. All entities subject to adjudication before the Supreme Court shall neither lie by commission or omission, nor shall distort facts, nor shall abuse the system or any weakness thereof for self-benefit.

Section 5: Administration of the Supreme Court

1. The Judicial Branch shall be comprised of five Justices. Two Justices will serve in leadership roles, while the remaining three will be Associate Justices.
2. A minimum quorum of three Justices must be met in order to hear a formal case.
3. The Chief Justice shall function as the chief administrative and financial officer of the Judicial Branch, with the power to set the policies and procedures of the Supreme Court.

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4. The Chief Justice may select an Associate Justice to serve as their alternate, delegate, and interim replacement. This Associate Justice shall have the title: Clerk of the Supreme Court.
5. Judicial decisions and records shall be use the following filing code: YYYY-NN-
MMMDD-XSS. YYYY is the academic year; NN is the case number; MMMDD is the month and day the case is submitted; XSS is the case type and document sequence (eg. 0809-04-APR23-G01 would affix the first Supreme Court Order considering an elections results, issued the 23rd of April: the fourth case of the 2008-2009 academic year). Case types are; A: appeal; G: election results; I: interpretation; M: mediation-arbitration; R: removal from office; X: miscellaneous.

Section 6: Meeting Time

1. All justices are required to attend all regular and special meetings of the Supreme Court. More than three unexplained absences from Supreme Court activities per semester will result in disciplinary action.
2. The Supreme Court shall meet as necessitated by the docket of cases; minimally once every two weeks until cases are completed. If no business is pending, the Chief Justice may waive the meeting.

Section 7: Lower Courts

1. In accordance with the SGA constitution, the Supreme Court shall have the power to create temporary courts as deemed necessary.
2. All temporary courts will have an assigned purpose prior to their convention declared by the Supreme Court.
3. Temporary courts shall have either general or subject matter original jurisdiction. The Supreme Court is able to delegate either part or the entirety of trial jurisdiction to the temporary court as deemed necessary.
4. Temporary courts shall be made up of three (3) judges. These temporary court judges shall be selected in the same method as the Supreme Court Justices.

Section 8: Submitting a Case

1. Eligibility to file cases
 - a. Any student or Student Government Association recognized student organization is eligible to submit a case against another student or Student Government Association recognized student organization, in regards to their rights outlined by the Constitution.
 - b. The onus for all cases rest on the plaintiff to prove their claims in a manner which a reasonable person would believe.
 - c. The Court cannot file suit against any student or student organization.
2. Accepted cases include
 - a. Student Organizational Funding Appeals
 - b. Election Results
 - c. Anything in opposition to the Constitution
 - d. Conflicts between Student Government Association recognized student organizations
 - e. Student organizations appealing the actions of Student Government Association

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3. Unaccepted cases include
 - a. Veto overrides
 - b. Constitutional Amendments
4. When to submit a case
 - a. Cases must be submitted within 20 university business days of a bill's passing, an action of Student Government Association, or action of a Student Government Association recognized student organization.
5. Where and how to submit a case
 - a. All initiation of action must be submitted to the Student Government Association Treehouse page.
 - b. Upon receipt of a case, the Supreme Court shall meet in conference to determine the validity of evidence, merit of action, and proper process to resolve the case. The plaintiff's case must directly affect the student, or the student organization.
 - c. Granting a method of resolution, hence accepting a case, requires the support of only three Justices.
 - d. Upon a determination of a case as validly evidenced and meriting consideration, a judicial instrument will be issued which sets the date and time of future processes.
 - e. Both the plaintiff and defendant will be notified within 5 business days of the case's progress.

Section 9: Courtroom Proceedings

1. Oral arguments
 - a. The plaintiff has a maximum of 20 minutes to present an opening statement and entirety of their argument.
 - b. The defendant has a maximum of 20 minutes to present an opening statement and entirety of their argument.
2. During and following the positive and negative constructs, the judges may ask questions of either party or review any evidence.
3. All attire will be business professional
4. No one in the gallery—audience—will be allowed to speak or make any sort of noise.
 - a. If anyone violates this rule, they will be escorted from the courtroom.

Section 10: Opinions of the Supreme Court

1. Types of opinions
 - a. Majority opinions
 - i. The official ruling of the Court
 1. *If the Chief Justice is in the majority*, he or she will write the opinion or designate it to the next most senior member of the majority
 2. *If the Chief Justice is not in the majority*, the most senior member of the majority shall write the opinion or designate it to the next most senior member of the majority
 3. Must include the decision of the court and the reasoning for it
 4. Must be signed by all Justices in agreement with the majority opinion
 - b. Concurring opinions

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- i. Opinion that *agrees with decision* of the majority but for a *different reason* than the majority
 - ii. Written and signed by the Justice who is concurring with the majority
 - c. Dissenting opinions
 - i. The minority opinion of the Court
 1. *If the Chief Justice is in the minority*, he or she will write the opinion or designate it to the next most senior member of the minority to write it
 2. *If the Chief Justice is not in the minority*, the most senior member of the minority shall write the opinion or designate it to the next most senior member of the minority
 3. Must include disagreement with the majority and reasoning for it
 4. Must be signed by all the Justices in agreement with the dissenting opinion
2. Opinions can be co-authored by justices.
3. Justices will not be able to abstain in a case.
 - a. In the case of a tie, with a previous ruling, the previous ruling will stand.
 - b. In the case of a tie, without a previous ruling, the court will schedule another hearing for the case participants to reaffirm their arguments.
4. Opinions will be released within 5 university business days.

Section 11: Specific Procedures

1. Mediation
 - a. Mediation processes can be engaged if a cause of action presented to the Supreme Court has merit but lacks a natural adversarial position, or per the wishes of the parties involved.
 - b. Mediation occurs between at least two disputing parties, supervised by a Justice, attempting to collaboratively find an amenable resolution to their dispute. The Justice assists the disputing parties to craft the settlement.
2. Arbitration
 - a. If the settlement of mediation remains in dispute despite the efforts of the parties and their mediating Justice, then arbitration may be engaged.
 - b. Arbitration occurs between the disputing parties, the mediating judge, and a panel of three judges. The mediating judge presents the mediation settlement, and then the parties explain how it is lacking, what more is required. The parties again attempt to find an amenable solution to their dispute; however settlements crafted with arbitration panels are binding
3. Interpretation
 - a. The Supreme Court is obliged to render binding interpretation of the Student Government Association Constitution and Bylaws.
4. Appeals
 - a. The following entities are expected as viable for appeal: allocations decisions, election control rulings, executive policy decrees and actions, and legislation.
 - b. All appeal must be initiated within ten working days of the date of notification of the initial decision.
5. Election Results

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- a. The Supreme Court may disqualify a candidate.
 - b. All candidates are responsible for the behavior of their organized supporters.
- 6. Removal from Office**
- a. Removal from office proceedings shall follow the standard hearings format along with the proscribed procedure from Article VI of the Constitution.
 - b. If a member of the Supreme Court should be impeached, they shall immediately be suspended from exercise of their office, be barred from informal contact with other Justices, and denied access to the Supreme Court's office, files, and records.