

STUDENT TRAFFIC COURT PROCEDURES
OF THE STUDENT GOVERNMENT ASSOCIATION
OF
THE UNIVERSITY OF TEXAS AT EL PASO

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ARTICLE I
DEFINITIONS

- A. Justices: The Chief Justice and four Associate Justices.
- B. Voting Justices: The Chief Justice and the Sitting Justices.
- C. Alternate Justices: Non-voting Justices to fill position in Traffic Court if any Justices are absent
- D. Term: The Justice shall serve one year according to the terms set forth in Article II Section 3 of the Constitution of the Student Government Association.
- E. Prosecution: The prosecution of the Student Government Association members shall be vested as follows:
1. Attorney General
 2. Prosecutor(s)
- F. Defense: The Defense of the Student Government Association members shall be as follows:
1. The Student Defendant.
 2. A Public Defender (if requested by the Student Defendant).
- G. All Parties: Includes Justices, Prosecution, Public Defender(s), Student Defendant, Traffic Court Clerk, and the Police Officer(s) (if it is a moving violation or when recommended by the Traffic Court Justice).
- H. Case: Oral or written appeal brought forth to the Justices.
- I. A Pending Case: A case that has not yet been heard by the Traffic Court.
- J. Verdict: Decision made by the Justices regarding the appeal.

ARTICLE II
GENERAL

- A. The Student Traffic Court will consist of:
1. One Chief Justice
 - Two Sitting Justices

One Traffic Court Clerk

B. To qualify for Student Traffic Court Justice, the student must:

1. Be enrolled in the Fall and Spring semesters for a minimum of twelve (12) undergraduate hours or nine (9) graduate hours per semester (the student need not attend the Summer Semester to hold the position);
2. Have and maintain a minimum of 2.5 G.P.A. during the Justice's term;
3. Have completed at least twenty-four (24) undergraduate or eighteen (18) graduate credit hours at UTEP at the time the Justice takes office; and
4. Not be on disciplinary or scholastic probation of any kind.

C. Justices shall remain in their position until the end of their term unless they are impeached, convicted or resign.

D. If any member of the Student Government Traffic Court is accused of being negligent in the performance of her/his respective duties, or of having excessive absences, by a majority of the other members of the court, a memorandum shall be written to schedule a meeting with the Vice-President of Internal Affairs.

E. The Chief Justice shall be elected by a majority of the votes cast during a scheduled meeting. The term of Chief Justice shall run from this meeting up until re-nomination and confirmation by the Student Government Association Senate. The Chief Justice shall remain in that position until the end of his/her term, unless impeached, convicted, or resigned. For an election to be official, all Justices must be present.

F. The Chief Justice shall be responsible for conducting court sessions according to procedures outlined in this document. The Chief Justice shall also be responsible for ensuring that each Justice has a copy of these procedures, a copy of the Parking and Traffic Regulations, a campus map, and all other pertinent information (such as amendments to these procedures).

G. The Chief Justice shall name a Sitting Justice as pro tempore. If the Chief Justice cannot be present for a court session, then the pro tempore shall assume the duties of Chief Justice for that court session.

H. Allow the Chief Justice to recommend a thirty day temporary Traffic Court appointment (Prosecutor, Public Defender, Attorney General and Traffic Court Clerk) to be reviewed by

the normal SARC procedures within those thirty days and has to be approved by the SGA President.

I. If no Justices are able to attend a court session, the case(s) will be heard at the next court session at the same time as had been scheduled. Otherwise, Prosecution, the Defense, or Justices may make arrangements with the Chief Justice to reschedule at a different time or date, and in that case, all parties must be notified in writing.

ARTICLE III **DAYS AND HOURS OF THE TRAFFIC COURT**

A. The days and hours of the Traffic Court will be determined by the Chief Justice during the first two weeks of each semester.

B. The Traffic Court shall not meet during:
a. The week of finals of any semester.
b. Days when the university is closed.

ARTICLE IV

OPTIONS UPON RECEIPT OF A TRAFFIC CITATION

A. At the time a student receives a traffic citation, the student has the following options:

1. Pay the fine(s) at the cashier's office within eighteen calendar days from the date of issuance.
2. Submit a written/electronic appeal per citation to the Student Government Traffic Court within eighteen days from the date of issuance.
 - a. For parking violations, in-court/oral hearings are strongly encouraged. However, if the student is unable to attend court, judgment will be made based on the content of the student's written statement alone.
 - b. For moving violations, the student must appear; no written statement will be accepted. The officer serving a citation for a moving violation must make an effort to show up and appear in court during the hearing. Under exceptional circumstances the justices may reschedule a moving violation and in that case the police officer involved shall still be recommended to appear a second time for the same case.

B. Students serving in the executive, legislative, or judicial branches of the Student Government Association must appeal all tickets to the Office of Student Life.

ARTICLE V
SCHEDULING OF COURT APPEARANCES

A. If the Student Defendant does not appear at the scheduled hearing, the voting Justice(s) shall make a decision about the case based on the student's written statement alone. The Defendant may appeal the decision to the Office of Student Life or to the Student Supreme Court within eighteen calendar days as long as the traffic fines have been paid.

B. Court appearances should be scheduled through the Student Government Association Traffic Court office within fourteen days of requesting an appeal. If a student elects an in-court appearance but has not scheduled a court date within the fourteen days, the Student Government Association will send the student a notice e-mail letter, and the case will be denied.

C. The Student Defendant has the right to change from in-court to a written appeal within the fourteen (14) days. However, a written appeal is prohibited to be changed to an in-court appeal.

D. The Student Defendant has the right to reschedule once by providing a minimum notice of twenty-four (24) hours prior to the court day to the Student Government Association office.

E. The Justices of the Student Government Association Traffic Court and/or their designee reserve the right to reschedule a case beyond the next court session but within the current semester should circumstances warrant such action.

F. Only under exceptional circumstances, to be decided by the voting Justices, shall any court hearing be rescheduled more than once.

ARTICLE VI
RIGHTS AND REQUIREMENTS OF THE STUDENT DEFENDANT

A. The Public Defender must be available to any Student Defendant who desires advising. The Public Defender must contact the Student Defendant at least twenty-four (24) hours before the court date.

B. The Public Defender shall be required to be available in the Student Government Association Office thirty (30) minutes prior to the beginning of each Traffic Court session.

C. Students shall have at least two opportunities to ask for a Public Defender.

1. By indicating on the court hearing date request form that the student would like a Public Defender. It is the Public Defender's responsibility to contact the Student Defendant to set up an appointment to before the students hearing.

2. The Student Defendant may indicate to the Public Defender that he/she wants advising anytime.

D. Cases may be rescheduled by the Chief Justice only if absolutely necessary to ensure adequate preparation. If rescheduled, the case shall be placed on the docket for the next court session. The Justices will decide the time in conjunction with the Student Defendant. If the Student Defendant does not request a Public Defender after the reading of the student's rights, that right shall be considered waived.

E. If the Student Defendant does not agree with the written/oral decision of the Traffic Court, the Student Defendant may appeal the decision to either the Student Supreme Court or to the Office of Student Life within eighteen calendar days by contacting the Supreme Court Clerk (Union East 304) or the Office of Student Life (Union West 102) after paying all traffic fines. Decisions about written appeals heard by the Traffic Court cannot be appealed in-person to the Traffic Court.

ARTICLE VII
DUTIES OF JUSTICES, PROSECUTION, AND DEFENSE TO THE UNIVERSITY AND ITS STUDENTS

A. If a Student Defendant requests an in-court hearing, the Traffic Office shall send the ticket(s) and court request form to the Student Government Association office. The Court Clerk shall photocopy the ticket(s) and court request form and deliver the copies to the Traffic Court Justices, Public Defenders, and Prosecution (located in the Student Government Association office).

B. It is the policy of the Traffic Court to refuse requests for rescheduling a case, made by the Prosecutor on the grounds of lack of preparation except upon exceptional circumstances.

C. Upon request, the Traffic Court Chief Justice shall inform the Student Defendant on the status of their case.

D. The Public Defender is responsible for ensuring that the Student Defendant is informed of their rights before the student's hearing and be thoroughly prepared to defend students to the best of his/her ability.

E. The following procedures shall be adhered to by the Student Government Association Traffic Court during the course of an in-court hearing: The Chief Justice shall read the Student Defendant the Student's Rights, so the Defendant can follow along. The Justices shall then advise the Student Defendant to halt the reading of the rights if there is anything which is not understood by the Student Defendant.

1. If there are witnesses, including Police Officers, present for any violation, the Chief Justice shall have the witnesses remain seated in the courtroom until they are called to testify and shall be excused when Prosecution and Defense have finished questioning them.

ARTICLE VIII **PROCEDURES FOR WRITTEN APPEALS**

A. All justices including the Traffic Court Chief Justice shall adjudicate in online appeals. Alternate Justices shall receive more appeals than that of the Chief Justice and the Court Room Justices.

B. Student Government Association Student Assistant will assign appeals to each Traffic Court Justice.

C. After each Justice makes his/her own verdict, the appeal will be sent to the "Second Verdict" tab. All appeals shall be reviewed with a two verdict minimum. If the first two verdicts are contradictory the appeal will be sent to Chief Justice for a final verdict. It is the responsibility of all Justices to keep track of the number of verdicts and to whom the appeal should go next.

D. Once a final verdict has been rendered, it will be sent back to the Student Government Association Student Assistant.

E. All Justices are responsible for his/her own file on inbox and the "Second Verdict" file. Also any other file on inbox must be completed. All tabs should not exceed two weeks from the current date.

F. If the Student Government Association Traffic Appeals is back logged priority will be given to the oldest appeals.

ARTICLE IX
JURISDICTION AND SANCTION

A. The Attorney General shall be responsible for ensuring that all members of the Student Government Association, in all three branches, are performing their duties as prescribed by the Constitution Student Government Association. The Attorney General shall have the power to file formal impeachment charges against any member of the Student Government Association, for failure to perform their prescribed duties, to the Student Government Association Senate.

B. The Student Government Association Traffic Court shall only hear cases that involve university parking and/or traffic citations.

C. The Student Traffic Court shall have original jurisdiction over all contested student campus vehicular violation citations.

D. The Traffic Court may find the following verdicts with these imposed:

1. Case dismissed: The Student Defendant appeal has been dismissed and is clear of any fine.
2. Not guilty: The Student Defendant is not charged with the violation.
3. Guilty with fine suspended: The Student Defendant is charged with the violation as a warning, but does not pay the required fine.
4. Guilty with fine reduced: The Student Defendant is charged with the violation, but is required to pay a fine albeit a smaller amount than the original fine.
5. Guilty with full fine imposed: The Student Defendant is charged with the violation and is required to pay the fine.

E. The verdict and/or sanction agreed on by the majority (2/3) of the voting Justices shall be the decision of the court. In the case where a verdict and/or sanction cannot be agreed on, the Chief Justice shall make the decision of the court.

F. The Traffic Court does not have the authority to impose sanction(s) that are more severe than those stated on the citation.

G. The Justices shall set a policy of courtroom decorum at the beginning of each semester. The courtroom questioning procedures should be described to newly appointed Traffic Court officials upon their appointment and before they begin service.

H. Any responsibilities, duties, and rights not specifically designated to the Justices of the Student Traffic Court, or to any member of the court by these procedures shall not be denied to them when deemed necessary by the Justices for the fairness and efficiency of the Court, until such time as the ratification of an amendment, or until the effect has been approved by the Student Government Association Senate and the Dean of Students.

I. Accountability System for violations of Traffic Court Bylaws are as follows:

1. Verbal Counseling with Attorney General and Chief Justice
2. One half pay deduction per month
3. Request for letter of resignation from Vice President of Internal Affairs and Attorney General