

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

**CONTENTS:**

**SECTION 1: GENERAL STATEMENTS**

- 1.01- CREATION
- 1.02- COMPOSITION OF THE COURT
- 1.03- POWERS
- 1.04- PROCEDURAL PHILOSOPHY
- 1.05- QUORUM REQUIREMENTS

**SECTION 2: JURISDICTION**

- 2.01- JURISDICTION IN GENERAL
- 2.02- JURISDICTION TO HEAR A CASE
- 2.03- ORIGINAL JURISDICTION
- 2.04- APPELLATE JURISDICTION

**SECTION 3: DEFINITIONS**

- 3.01- DEFINITIONS

**SECTION 4: BRINGING A CASE BEFORE THE COURT**

- 4.01- PETITIONING THE COURT
- 4.02- PROCEDURE FOR PETITIONING
- 4.03- REFERRING A MATTER TO THE COURT
- 4.04- PROCEDURE FOR REFERRING A MATTER TO THE COURT

**SECTION 5: DUE PROCESS AND NOTIFICATIONS**

- 5.01- DUE PROCESS
- 5.02- NOTIFICATION

**SECTION 6: PRELIMINARY HEARING**

- 6.01- PURPOSE OF PRELIMINARY HEARING
- 6.02- ON RECEIPT OF A PETITION FOR A HEARING
- 6.03- HEARING RESPONSIBILITIES
- 6.04- HEARING PROCEDURES
- 6.05- POST HEARING PROCEDURES

**SECTION 7: PRE-TRIAL PROCEDURE**

- 7.01- ACTIONS TO BE TAKEN BY THE CHIEF JUSTICE IF THE MATTER IS RECOMMENDED FOR TRIAL

7.02- ACTIONS TO BE TAKEN BY THE CHIEF JUSTICE IF THE  
MATTER IS NOT RECOMMENDED FOR TRIAL

**SECTION 8: TRIAL RESPONSIBILITIES**

8.01- RESPONSIBILITIES OF THE VARIOUS PARTIES

**SECTION 9: TRIAL PROCEDURE**

9.01- FULL HEARING INITIAL PROCEDURE

9.02- TRIAL PROCEDURES

**SECTION 10: TRIAL DELIBERATIONS**

10.01- CLOSED DELIBERATIONS

10.02- REACHING A DECISION TO VOTE

10.03- "PUNITIVE" DECISIONS

10.04- "CIVIL" DECISIONS

**SECTION 11: PUBLISHING A "CIVIL" DECISION**

11.01- PROCEDURE FOR WRITING A DECISION

**SECTION 12: ADMINISTRATIVE MEETINGS**

12.01- ELECTING A CHIEF JUSTICE AND CHIEF JUSTICE PROTEMP

12.02- REGULAR BUSINESS MEETING

**SECTION 13: PERSONNEL OF THE COURT**

13.01- DUTIES AND RESPONSIBILITIES OF JUSTICES

13.02- QUALIFICATION FOR JUSTICES

13.03- IMPEACHMENT

13.04- OTHER COURT PERSONNEL

**SECTION 14: TEMPORARY INJUNCTIONS**

**SECTION 15: FORMAL SUMMONS**

**SECTION 16: CONTEMPT OF COURT**

**SECTION 17: AMENDING THESE PROCEDURES**

## **SECTION 1. GENERAL STATEMENTS**

### **Section 1.01**

The Judicial Branch of the Student Government Association of the University of Texas at El Paso was established by the Constitution of the Student Government Association, hereinafter referred to as the Constitution, as a separate and equal branch of the Student Government Association. It consists of the Supreme Court and such inferior Courts as may be established by the Student Government Association Senate.

### **Section 1.02**

Under the Constitution, the Supreme Court is to consist of seven (7) Justices, appointed by the Student Application Review Committee and/or the President, and approved by the Senate from the students who submit applications. Length of terms served by the Justices and methods of removing Justices are specified in the Constitution.

### **Section 1.03**

The Constitution empowers the Supreme Court to hear, interpret and decide a variety of matters based on original and appellate jurisdiction. In matters where the Supreme Court has jurisdiction to decide a matter, the Court's decisions, opinions, and orders are the final authority on the matter.

### **Section 1.04**

All procedures of the Supreme Court are intended, whenever possible, to conform to and be consistent with sound judicial procedure and to ensure that basic rights are guaranteed to every student at The University of Texas at El Paso.

### **Section 1.05**

All meetings of the Supreme Court are subject to the quorum requirements; if quorum is not met for any hearing or meeting, the business may not be conducted.

- A. Quorum Requirements for a Punitive Trial – Five (5) Justices of the seven (7) sitting Justices.
- B. Quorum Requirements for a Civil Trial – Five (5) Justices of the seven (7) sitting Justices.
- C. Quorum Requirements for a preliminary hearing – Three (3) Justices of the three (3) Justices assigned to hear the matter.
- D. Quorum Requirements for an Administrative Meeting – Four (4) Justices of the seven (7) sitting Justices.

## **SECTION 2. JURISDICTION**

### **Section 2.01**

The Supreme Court recognizes that it does not have jurisdiction to adjudicate some cases. Cases that involve students, as individuals or in groups, and certain administrative policy are within the jurisdiction of the Supreme Court. It also appears that Jurisdiction is not always clear on the face of a matter. Since, without a preliminary hearing, it would be unlikely to determine jurisdiction in some cases, the Supreme Court therefore, reserves the right to hear any case involving any student. After such a preliminary hearing and based on the facts of the case, the Supreme Court shall then determine whether it has jurisdiction to adjudicate the case.

## **Section 2.02**

There shall be a presumption that the Supreme Court has authority to decide its jurisdiction in accordance to the facts of the case. Jurisdiction to decide shall be determined prior to any other action being taken. Once the Supreme Court makes a determination that it has jurisdiction to decide, all decisions, opinions and orders of the Court which follow the determination of jurisdiction shall be permanently binding on all parties or as determined by the Court.

## **Section 2.03**

Original jurisdiction gives the Supreme Court the right to hear a case immediately when involving:

- A. Matters of the Constitution, Bylaws, and all Legislation enacted by the Senate.
- B. Regulations within the jurisdiction of the Student Government Association and any other case referred to the Court by the Senate.

## **Section 2.04**

The Supreme Court also has appellate jurisdiction to hear and resolve any cases appealed from any lower court or entity.

## **SECTION 3. DEFINITIONS**

### **Section 3.01**

Definitions in the Supreme Court Procedures may be found in *Black's Law Dictionary*.

## **SECTION 4. BRINGING A CASE BEFORE THE COURT**

### **Section 4.01**

A case may be brought before the Court by petition of a party, by referral from any other branch of the Student Government Association, any office of the University **Section 4.02**

Any party may petition the Supreme Court for a hearing except:

- A. If such a petition creates a double jeopardy (i.e. conflict for a party whose case has been previously tried under "Punitive Procedure" in a lower court).
- B. If the party that petitions the Supreme Court is not a student or a group representing students and does not represent the University, except when a student or student group is the Respondent in the action or the interests of students and is a major component of the case.
- C. In the matter of a case brought to the Supreme Court that involves a University employee, and if so, the Supreme Court must contact the department from which the case encompasses and determine jurisdiction. If no jurisdiction is determined by the Court, then no further action can be taken and the case will be referred to the Office of Student Conduct and Conflict Resolution, herein referred as OSCCR.

### **Section 4.03**

A. The party that wishes to bring the case must begin by filling out a petition, the form of which shall be available in the office of the Dean of Students, at the offices of the Campus Police, in the office of the Student Government Association, and in any other locations which the Chief Justice may later order. The petition must state the name of the petitioning party, the nature of issues to be heard, the probable Respondent in the matter and the name or names of all individuals who are authorized to represent the Petitioner in the matter. If a Respondent is stated in the petition, the petitioner must also, to the best of petitioner's ability, provide the Court with a true and correct address and telephone number for the Respondent.

B. After completing the petition, the petitioner must contact any Justice of the sitting Supreme Court and request that the Justice sign the petition. The petition must be signed by at least one

(1) Justice of the sitting Supreme Court in order for the matter to be brought before the Court for a hearing. The signature may be void if the Justice has any direct affiliation with the parties involved in the case, as determined by the Court. After the Justice has signed the petition, there is a 48-hour time frame in which the case must be reviewed by the Supreme Court Chief, or Pro Tempore if the Chief is not available, before any notification can be sent out.

C. After obtaining a signature from any sitting Justice, the petitioner must then deliver the completed and signed petition to the Chief Justice, Judicial Assistant, or the Student Government Association Secretary.

D. If the petition is received by any party other than the Chief Justice, the petition should be delivered to the Chief Justice without delay.

#### **Section 4.04**

A. Any lower court established by the Student Government Association and recognized by the Supreme Court may refer a matter to the Supreme Court by filing a referral form with the Supreme Court along with all relevant documentation and a copy of any verdict or decision that was reached by the lower court.

B. The Student Government Association Senate may bring a matter before the Supreme Court in either of the two (2) following ways:

1. By a resolution brought before the Senate and approved under the normal Senate procedure;
2. By inclusion in any bill, if said bill passed by the Student Government should be referred or reviewed by the Supreme Court.

C. The Student Government Association Executive Officers, the Attorney General of the Student Government Association, or the Student Government Association Public Defender's Office, any office or department of the University may bring a case before the Supreme Court by submitting a referral form to the Court.

### **SECTION 5: DUE PROCESS, NOTIFICATIONS AND MOTIONS**

#### **Section 5.01**

Definitions, guidelines, and procedures designed to ensure due process may be found in the *Black's Law Dictionary*.

#### **Section 5.02**

A. A motion is a request or a proposal for the Court to take a certain action in favor of the applicant.

B. With the exception of motions for dismissal, retrial, and continuance, under no circumstances will the other party be allowed to contest any of the other motions discussed in their article. Excluding the above exceptions, the Court shall listen to a motion made by a litigant and only from the reason(s) for that request to decide without further delay or argument, whether or not to grant or to deny the motion.

C. The acceptance or rejection of a motion shall be by a simple majority vote of the sitting Supreme Court Justices.

D. These motions shall apply to trials and retrials whether original or appellate.

E. Motions recognized by their Court are:

1. *Continuance.*

A. For sufficient cause, either party to trial action or a justice of the Court may make a motion to continue the trial date to another time. Sufficient cause for a continuance motion shall include such reason(s) as a new attorney replacing a former one; one of the litigants, for good cause, unable to be present for the scheduled date/time of trial; insufficient time for preparation of the case; and summoned witness(es) necessary for the presentation of case not present; no Judicial Assistant present to record trial procedures; a university official known by the Chief Justice to have been appointed by the Dean of Students not present for the trial; and the Respondent(s) not present in the courtroom when the case title has been read by the Judicial Assistant.

B. All motions shall be made in writing.

1. Their motion shall be filed at least 72 hours prior to the scheduled date of the trial so that the Court and the other party(ies) to the trial action will not be inconvenienced.

2. The motion shall be commenced by the filing of two written signed copies of a "Motion for Continuance" to the Student Government Association Supreme Court.

3. The first copy of the motion will be for the Dean of Students and the second for the Court. Upon receiving the motion, the Dean of Students shall contact the Chief Justice as soon as possible.

C. Within one day after receiving the motion, the Chief Justice will convene a meeting of the Court to decide whether or not to grant a continuance.

1. If the Court decides not to grant a continuance, then within 48 hours after the Court has met, the Chief Justice will notify the Dean of Students and the party(ies) who filed the motion for the Court's decision.

2. If the Court decides to grant a continuance, then within 48 hours after the Court has met, the Chief Justice will notify the Dean of Students, the Judicial Assistant, all parties to the trial action, and any summoned witness(es) of the Court's decision.

D. A Justice of the Court may make an oral motion for continuance if the motion is made prior to either the Court being declared in session or the commencement of a trial (whichever is appropriate), the motion will be handled in accordance with part four above their paragraph.

2. *Recess.*

A. For sufficient cause, either party to a trial action may make a motion for a recess. A motion for recess during the case presentation, case rebuttal, or penalty arguments can be made only by the party presenting such. At no time will Court allow the motion from any party during the summation of a case. A Justice of the Court, for sufficient cause or out of necessity, may make a motion for a recess at any time during the trial. If at all possible, the motion made by a justice should not interrupt either a case presentation, case rebuttal, case summation, penalty, or penalty arguments.

- B. Their motion is made orally after the trial has commenced.
- C. Sufficient criteria shall include reasons such as fatigue, (i.e., because of the length of time in the presentation of a case), the need for additional time to prepare a summation, and the necessity for taking the Justices of the Court to a place where a particular item of evidence is located.
- D. Normally, a recess shall be for a brief period of time, i.e. within an hour. But at no time shall a recess be granted by the Court in excess of five class days. If a recess is granted, the Chief Justice must specify the date/time and place for the reconvening of the Court. The Chief Justice must make it clear to all Justices of the Court, to all parties concerned, and to any witness(es), that they must be in the courtroom when the recess is over.

### 3. *Mistrial*

- A. For sufficient cause, either party to the trial action may make the motion at any time during the trial. The motion is made by one of the parties concerned against the Court for failure to follow these Court procedures or for other errors in procedures/regulation to which their court is accountable.
- B. Their motion is made orally after the trial has commenced but before the trial is concluded (i.e., before a verdict is rendered and the sanction(s) imposed).  
If a motion for a mistrial is granted, the case and the trial remain undetermined by Court judgment. The trial will be scheduled on the Court Docket and the Court shall reschedule it for another time, date, and place.
- D. If a new trial is granted, all parties concerned and any summoned witness(es) must be notified again in writing of the new date, time, and place of the trial in accordance with Article 2, Section 1, paragraph G and H of these Court procedures.

### 4. *Dismissal*

- A. Their motion is made for the benefit of the Respondent(s). For sufficient cause, either party to the trial action may make the motion. The motion may be either written or oral.
- B. Sufficient cause for one of the litigants shall include such reasons as:
  - 1. The failure by the Prosecutor(s)/Petitioner(s) to be present at the trial when the Court is declared in session.
  - 2. A decision by the Prosecutor(s)/Petitioner(s) not to pursue the case.
  - 3. The charge(s) presented by the Petitioner(s) during the trial being different from that which was originally filed in a petition against the Respondent(s).
  - 4. A failure by the Petitioner(s) to establish a prima facie case.
  - 5. The case presentation by the Respondent(s) being such that it refutes the charges(s) made and the case presented by the Prosecutor(s)/Petitioner(s).
- C. Their motion may be requested by the Petitioner(s) and/or the Respondent(s); the Chief Justice of the Court may make a motion for dismissal but only if there is a tie vote during a trial deliberation and, consequently, the Court is unable to agree upon a verdict.

D. If the Petitioner(s) make a written or oral motion for dismissal, the Court shall immediately dismiss the case. The Petitioner(s) shall file two, written signed copies of a *Motion for Dismissal* to the Court.

E. The Respondent(s) will not be allowed to contest a motion for dismissal.

F. Prior to the commencement of the trial, only the Petitioner(s) can make a motion for dismissal, but their motion must be in writing.

1. Their motion should be filed, if at all possible, at least three days prior to the scheduled date/time of the trial so that the Court and other party(ies) to the trial action will not be inconvenienced.

2. The first copy of the motion will be for the Dean of Students and the second for the Court.

G. After receiving the motion, the Chief Justice will notify the Court, the Judicial Assistant, the Respondent(s), and any summoned witness(es) that the case has been dismissed.

H. After the trial has commenced, either party to the trial action may make an oral motion for dismissal of a case before the plea is entered by the Respondent(s) or after a party has rested their case and before or after a summation of a case. Only the party who is presenting the case or giving their summation may make a motion for dismissal during the case presentation or a case summation.

I. If the motion is made by the Respondent(s) and is not part of their case summation, the Petitioner(s) shall have the opportunity, if they choose, to offer a rebuttal to the motion. After a rebuttal to the motion, if any, has been presented, the Court will rule on the motion without further delay or argument from either party.

J. The granting of a dismissal by the Court is not a verdict or decision of the guilty or innocence of the Respondent(s).

1. During an original trial, if a case is dismissed by the Petitioner(s), or, if the Respondent's motion for dismissal is granted, the Court shall render no verdict or impose any sanction(s) against the Respondent(s).

2. If a case is dismissed by the Petitioner(s), or, if the Respondent's motion for dismissal is granted in either an appeal trial or in a retrial, the Respondent(s) shall be treated as though no trial had ever taken place and any previously guilty verdict rendered and any penalty/sanction(s) imposed against them shall be set aside by the Court.

#### 5. *Retrial*

A. After the trial has concluded, either the Petitioner(s) or the Respondent(s) for sufficient cause may request a retrial.

B. Any of the Court Justices may make their motion, but only on an appeal petition to request a lower judiciary to retry a case.

C. The filing of a *Motion for a Retrial* and the processing of retrial cases shall be handled in exactly the same manner as the filing of an appeal petition and processing of an appeal case as outlined in Article 3 of these Court procedures with the exception of Section 15, paragraphs A, B, and C.



D. Differing from an appeal, a retrial is a trial before the same court or judicial body, which originally heard the case. Moreover, if a retrial is granted, the verdict rendered and the sanction(s) imposed in a previous trial will be set aside. A retrial shall be treated by the Court just as though no previous trial had taken place.

E. In a retrial, a litigant may either present the same case as before, or may introduce newly discovered evidence.

F. The granting of a retrial in no way affects the right of the Petitioner(s) or Respondent(s) to file an appeal, but the *Petition of Appeal* must be filed on or before the tenth day after either the denial of the retrial motion or, if there is a retrial, the judicial decision.

#### 6. *Default Judgment*

Mandatory: The Court shall, on its own motion, enter a default judgment in favor of the Petitioner(s) in all cases which the Respondent(s) has failed to file a written answer to the charge(s), depending on when the Court convenes for trial when no pre-trial conference has been ordered. The exception being for constitutional cases.

#### 7. *Summary Judgment*

On the motion of either party, the Court may grant summary judgment in favor of the moving party(ies) at any time prior to the presentation of evidence at the trial. The motion for summary judgment may be made orally or in writing. The motion is in the nature of a request for the Court to declare that all evidence presently before the court clearly shows by preponderance of evidence that the moving party(ies) would be entitled to judgment if the case were to fully proceed through trial.

#### 8. *Motion for Severance*

A. Severance of issues: When two or more issues have been joined in one action before the Court, the Court in its discretion on motion of either party, may grant a severance of any issues to avoid confusion, prejudice, or when a finding on one issue is a prerequisite to a finding on one or more other issues. A find on such severed issue(s) shall not be a final judgment. The Court's ruling on a motion under their section shall not be final judgment and shall not be appealable until final judgment in the case.

B. Severance of actions: When two or more severable actions have been joined before the court in one petition, the court in its discretion on motion of either party may grant a separate trial of the severable action(s) to avoid confusion, prejudice, or when a finding in one action is a prerequisite to a finding on one or more other actions. A find on such separately ordered trial(s) shall be a final judgment when rendered.

## **SECTION 6. PRELIMINARY HEARING**

### **Section 6.01**

The purpose of a preliminary hearing is to discern whether or not:

A. The Supreme Court has jurisdiction to hear the case;

- B. The case holds sufficient merit as to warrant a full hearing;
- C. The case calls for Punitive or Civil Procedures.

### **Section 6.02**

As soon as reasonably practicable, the Chief Justice, upon receipt of a hearing petition to the Supreme Court, shall:

- A. Select one Justice to act as the Presiding Judge and two Justices to act as Associate Judges in the matter;
- B. Consult with the appointed Judges and schedule the preliminary hearing. If possible, the hearing should be scheduled within 48 hours after receipt of a hearing request. If it is not possible to schedule the hearing within 48 hours, the Chief Justice should schedule the hearing with all due haste and as soon as reasonably possible;
- C. Notify the Judicial Assistant of the date, time, and place where the hearing is to be held so that the Judicial Assistant can be present to make a record of the hearing;
- D. Notify the petitioning party and the Dean of Students of the date, time, and place where the hearings are to be held and brief description of the subject matter of the petition.

### **Section 6.03**

Each of the parties at the hearing shall have the following responsibilities:

- A. The Judicial Assistant shall be responsible for:
  - 1. Determining the names and other relevant information of all parties to the matter and notifying the Presiding Judge when all parties are present;
  - 2. Keeping an accurate record of the proceedings;
  - 3. Executing any orders of notification issued by the Presiding Judge;
  - 4. Other duties as the Presiding Judge might deem necessary and reasonable.
- B. The Presiding Judge shall be responsible for:
  - 1. Informing the petitioning party, any other interested parties, and any spectators of hearing purpose and procedure and of any other matters which might be considered necessary and proper;
  - 2. Hearing all evidence and arguments in the matter;
  - 3. Ruling on all procedural questions at the hearing;
  - 4. Issuing any orders which may be necessary and proper in order to ensure that no disadvantage to any party occurs as the result of any delay;
  - 5. Determining what other entities and individuals should be notified in the event that a decision to hear the matter before the Court has been made
  - 6. Casting a vote on the relevant issues.
- C. The Associate Judges shall be responsible for:
  - 1. Hearing all evidence and arguments in the matter;
  - 2. Advising the Presiding Judge when requested to do so;
  - 3. Casting one vote on the relevant issues;
  - 4. Such other matters and duties as the Presiding Judge may deem reasonable, necessary, and proper.

### **Section 6.04**

At the appointed place and time, the hearing shall proceed as follows:

- A. Upon determining relevant information about all interested parties and determining that all interested parties are present, the Judicial Assistant shall notify the Presiding Judge that the matter is ready for hearing and the Judicial Assistant shall then begin making a record of the proceedings.
- B. Upon notification by the Judicial Assistant that the matter is ready for hearing, the Presiding Judge will announce that all parties are present and that the hearing is thereby convened.
- C. The Presiding Judge will then, for the record, announce:
1. The names of the Judges and the Judicial Assistant;
  2. The name of the organization(s), if any, that is represented at the hearing;
  3. The name of the party, parties or entity that has brought the matter before the Court;
  4. The names and affiliations of any other individuals which they might deem to be appropriate for the record.
- D. The Presiding Judge will then read the "Purpose of the Preliminary Hearing Statement" into the record.
- E. After reading the "Purpose of the Preliminary Hearing Statement" into the record, the Presiding Judge will then ask the petitioning party to proceed.
- F. After the petitioning party presents its case, the Presiding Judge may, at their discretion, recognize any other party desiring to speak for or against the issue. Also, at their time, any Judge may question the petitioning party or any other party who has spoken to any issue.
- G. When all testimonies have been completed the Presiding Judge will:
1. Issue any temporary orders which they deem necessary;
  2. Issue Summary Judgment ruling;
  3. Instruct the Judicial Assistant of any notifications to be made; and/or,
  4. Adjourn the hearing.

#### **Section 6.05**

- A. If the Presiding Judge issues any orders or directs the Judicial Assistant to make any notification, the Judicial Assistant will follow the procedures established to implement the instructions and orders of the Presiding Judge.
- B. After a period of time to be determined by the Presiding Judge, considering the amount of time which may be necessary for the Judges to fully consider the merits of the matter and arrive at a recommendation, the Presiding Judge will reconvene the hearing in closed session. Only members of the Supreme Court and the faculty advisor will be allowed in the closed session.
- C. The first matter that the three hearing Judges should consider is the matter of jurisdiction. After reasonable consideration any Judge may move the question. If the matter is seconded, a vote shall be taken and the ballot of each Judge recorded. Each Judge may vote only in accordance with the options listed in the Preliminary Hearing Procedures.
- D. Once the matter of jurisdiction has been discussed and voted on, the three hearing Judges should then consider merit; that is, whether a case has been made that would seem to require a judicial hearing. After reasonable consideration any Judge may move the question. If the matter is seconded, a vote shall be taken and the ballot of each Judge recorded. Each Judge may vote only in accordance with the options listed in the Preliminary Hearing Procedures.
- E. Once the matters of jurisdiction and merit have been voted on, the three hearing Judges should then consider whether the case should be tried under "Punitive" or "Civil" procedure. After

reasonable consideration any hearing Judge may move the question. If the matter is seconded, a vote shall be taken and the ballot of each hearing Judge recorded. Each hearing Judge may vote only in accordance with the options listed in the Preliminary Hearing Procedures.

F. Regardless of the question under consideration, if the question is moved and there is no second, discussion shall continue until such a time as the question is moved and seconded.

G. Only the appointed hearing Judges may vote on any issue, but they may consult their fellow Justices for advice.

H. After voting, the Presiding Judge must forward a written statement in support of their verdict to any affiliated parties and the Judicial Assistant so the verdict may be added to the *Book of Judicial Decisions*, along with: the date, time, and the Judicial Assistant's signature. The Chief Justice or Presiding Justice shall also sign and date the entry.

## **SECTION 7. CHIEF JUSTICE PROCEDURE**

### **Section 7.01**

The actions to be taken by Chief Justice if the matter is recommended for trial:

A. Review the preliminary hearing information;

B. Schedule the matter to be heard by the full Supreme Court. In determining the date and time to be scheduled, the Chief Justice should consider all interested parties, including, but not limited to, the petitioning party, all possible respondents, each and every Justice of the Supreme Court, the Judicial Assistant, the Attorney General, the Public Defender, the Dean of Students, the President and Vice Presidents of the Student Government Association, the Senate Majority Leader of the Student Government Association, the Prospector and any other parties which the Chief Justice might deem appropriate.

C. Issue any supplementary orders which may be deemed necessary at the time.

D. In accordance with established procedure, if necessary, schedule any hearing which might be necessary to rescind any orders previously issued.

E. Notify the Judicial Assistant to enter the recommendation of the Preliminary Hearing into the records.

### **Section 7.02**

After determining that the case under consideration has not been recommended for trial, the Chief Justice shall:

A. Review the preliminary hearing information

B. In accordance with established procedure, notify or cause to be notified all interested parties, including, but not limited to, the petitioning party, all possible respondents, each and every Justice of the Supreme Court, the Attorney General, the Public Defender, the Judicial Assistant, the Dean of Students, the President, and Vice Presidents of the Student Government Association, the Senate Majority Leader and any other parties which the Chief Justice might deem appropriate.

C. In accordance with established procedure, if necessary, schedule any hearing which might be necessary to rescind any orders previously issued.

D. Notify the Judicial Assistant to enter the recommendation of the preliminary hearing in the records.

## **SECTION 8. FULL HEARING RESPONSIBILITIES**

### **Section 8.01**

Each of the parties at the full hearing shall have the following responsibilities:

- A. The Petitioners and the Respondents in the case shall:
  1. Be responsible for ensuring that all witnesses, evidence, and arguments to be used during the full hearing are available and are presented in a timely manner within the framework of the full hearing. Failure of either Party to be prepared may result in an adverse finding by the Court.
  2. Be responsible for the selection of one individual to make a presentation of the case for its side; ensure that the presentation made by the selected individual follows the prescribed hearing procedure.
  3. Be responsible for providing a full list of witnesses that they will bring forth to testify for the case. The Supreme Court reserves the right to summon any member of the student body to testify in a case.
- B. The Chief Justice shall be responsible for:
  1. Informing all interested parties of their rights and responsibilities;
  2. Hearing all evidence and arguments in the matter;
  3. Ruling on all procedural questions at the hearing;
  4. Issuing any orders which may be necessary and proper in order to enforce any decision of the Court;
  5. Casting one vote on the relevant issues and on the final opinion of the Court.
- C. The Associate Justices shall be responsible for:
  1. Hearing all evidence and arguments in the matter;
  2. Advising the Chief Justice when requested to do so;
  3. Casting one vote on the relevant issues and on the final opinion of the Court;
  4. Other matters and duties that the Chief Justice may deem reasonable, necessary, and proper.
- D. For the Judicial Assistant responsibilities, refer to *Section 6.03*, Part A

## **SECTION 9: FULL HEARING PROCEDURE**

### **Section 9.01**

- A. Upon determining relevant information about all interested parties and determining that all parties to the action are present, the Judicial Assistant shall notify the Chief Justice that the matter is ready for Hearing and the Judicial Assistant shall then begin making a record of the proceedings.
- B. Upon notification by the Judicial Assistant that the matter is ready for Hearing. The Chief Justice will announce that all parties are present and that the Trial in the matter of \_\_\_\_\_ is thereupon convened.
- C. The Chief Justice will then, for the record, announce:
  1. The names of the Justices and the Judicial Assistant;
  2. The name or names of any organization or organizations represented at the Hearing;
  3. The name of the Parties that have become the Petitioners and Respondents in the matter;

4. The names and affiliations of any other individuals which they might deem to be appropriate for the record.
- D. At this point the Chief Justice shall read the rights of the parties as specified in the Trial Procedures section
- E. After the parties have each acknowledged the rights read to them by the Chief Justice, the case may then begin under the rules and procedures specified.

**Section 9.02**

- A. The Chief Justice will ask if the parties are ready to proceed
1. Upon confirming, the parties may ask to establish housekeeping matters that are approved at the discretion of the Chief Justice.
  2. These housekeeping matters will only be introduced to streamline the respective trial.
- B. The Petitioner's opening statement will be limited to fifteen (15) minutes.
1. The Petitioner's statement will always precede the respondent's opening statement
- C. The respondent's opening statement will be limited to fifteen minutes.
- D. Following both opening statements, the Petitioner will call their witness(es) and/or introduce exhibits
1. The Petitioner will be allotted twenty (20) minutes to directly question all witnesses
    - A. After the final question or time expiration, the respondent will be allotted twenty (20) minutes to cross-examine the respective witnesses.
    - B. Following cross-examination, the Petitioner will be allotted five (5) minutes for re-direct examination.
      1. The respondent will be allotted five (5) minutes to re-cross examine, only within the scope of the redirect examination.
    - C. Exhibits may be introduced through a witness if the witness can testify to the credibility and applicability of the exhibit.
  2. The Petitioner will be allotted twenty (20) minutes to present all relevant exhibits.
    - A. After the conclusion or time expiration, the respondent will have ten (10) minutes to question the Petitioner regarding the respective exhibits.
    - B. Following the presentation of the exhibits, the Chief Justice will determine whether the respective exhibits shall be entered into evidence pursuant to the Rules of Evidence.
  3. The Petitioner will be limited to introducing only three (3) witnesses and ten (10) exhibits.
- E. Following a yield in the Petitioner's case, the respondent will call their witness(es) and/or introduce exhibits.
1. The respondent will be allotted twenty (20) minutes to directly question all witnesses.
    - A. After the final question or time expiration, the Petitioner will be allotted twenty (20) minutes to cross-examine the respective witnesses.
    - B. Following cross-examination, the respondent will be allotted five (5) minutes for re-direct examination.
      1. The Petitioner will be allotted five (5) minutes to re-cross examine only within the scope of the redirect examination.

- C. Exhibits may be introduced through a witness if the witness can testify to the credibility and applicability of the exhibit.
- 2. The respondent will be allotted twenty (20) minutes to present all relevant exhibits
  - A. After the conclusion or time expiration, the Petitioner will have ten (10) minutes to question the respondent regarding the respective exhibit
  - B. Following the presentation of the exhibits, the Chief Justice will determine whether the respective exhibits shall be entered into evidence pursuant to the Rules of Evidence
- 3. The respondent will be limited to introducing only three (3) witnesses and ten (10) exhibits
- F. Following a yield in the respondent's case, both parties will rest their cases and proceed into closing statements
- G. The Petitioner's closing statement will be limited to fifteen (15) minutes
  - 1. The Petitioner may request a rebuttal following the respondent's closing statement; however, the time for the rebuttal must be allocated from the fifteen (15) minutes allotted for closing statements
- H. The respondent's closing statement will be limited to fifteen (15) minutes.

## **SECTION 10. TRIAL DELIBERATIONS**

### **Section 10.01**

- A. All deliberations of the Supreme Court shall be in closed session. Only the sitting Justices may be present unless the Chief Justice authorizes otherwise.
- B. The Chief Justice shall be responsible for establishing any procedure or routine to be used in deliberation.
- C. The Chief Justice shall be responsible for calling recess for all Justices present and shall convene deliberations at a time and place to be specified by the Chief Justice.
  - 1. In *Punitive* cases, deliberations must begin within one (1) hour after both sides have rested and shall continue.
  - 2. In Civil cases, deliberations may begin within one (1) hour after both sides have rested and shall continue. The verdict shall be published within ten (10) school days after being reached.
- D. In all cases, if the Justices decide by a majority vote that the Court has no jurisdiction to decide a matter, the Court may issue an advisory opinion that shall not be binding on the Parties.

### **Section 10.02**

The Chief Justice shall allow reasonable time for deliberations and then move the questions. Upon a second by any other Justice - the Justices will vote on whether to close deliberations.

- 1. A vote of "Aye" shall be defined as a vote to end deliberations and move the question. Upon a second by any other Justice, the Justices will vote on whether to close deliberations.
- 2. A vote of "Nay" shall be defined as a vote to continue deliberations.
- 3. If the result of the vote is to continue deliberations: deliberation shall continue until the Chief Justice again moves to question.

4. If the result of the vote is to close deliberations: the Justices shall proceed to vote on the possible verdicts.

### **Section 10.03**

- A. If the case was tried under “Punitive” procedure, only a “Punitive” verdict may be returned by the Justices.
- B. Each Justice may cast only one vote and must be present to vote.
- C. Each Justice who is present must vote and the only acceptable votes are either “Guilty” or “Not Guilty”.
- D. If the case was brought under Original Jurisdiction, five (5) of the seven (7) Justices must vote guilty in order for the Respondent to be found guilty of the specific offense.
- E. If the case was brought under *Appellate* Jurisdiction, majority vote is required for a verdict.
- F. The Chief Justice shall reconvene the Court and announce the verdict.
- G. After a verdict has been reached, the Chief Justice shall meet with the Judicial Assistant in private and shall inform the Judicial Assistant of the verdict. In the presence of the Chief Justice, the Judicial Assistant shall then enter the verdict in the *Book of Judicial Decisions* along with: the date, time, and the Judicial Assistant’s signature. The Chief Justice shall also sign and date the entry.

### **Section 10.04**

- A. If the case was tried under “Civil” procedure, only a “Civil” verdict may be returned by the Justices.
- B. Justices may cast only one (1) vote and must be present to vote.
- C. Each Justice who is present must vote and the only acceptable votes are either “For the Petitioner” or “For the Respondent”.
- D. Each Justice, including the Chief Justice, shall write their vote and deliver it to the Judicial Assistant as soon as reasonably possible but in no event shall any Justice deliver their verdict later than five (5) school days after the date deliberations began.
- E. Each Justice, including the Chief Justice, shall support their opinion with a written argument.
- F. Upon receipt of the opinions of all the Justices, the Judicial Assistant shall, with all due haste:
  - 1. Tally all votes;
  - 2. Enter the tally in the *Book of Judicial Decision* along with the date and time entered and the Judicial Assistant’s signature; and
  - 3. Deliver all the opinions and all supporting documents and the tally of the votes to the Chief Justice.

## **SECTION 11. PUBLISHING A CIVIL DECISION**

### **Section 11.01**

On receipt of all the opinions and supporting documents from the Chief Justice shall review the opinions and the tally them and either issue, or cause to be issued, the written decision of the Court.

### **Section 11.02**

If the Chief Justice has voted with the majority in any decision, the Chief Justice may write the decision of the majority.



**Section 11.03**

If the Chief Justice did not vote with the majority, they must select a Justice who voted with the majority to write the decision of the Court.

**Section 11.04**

Any Justice who is obligated to write a decision may request and receive advice and/or assistance from other Justices and/or legal staff in preparation of the decision.

**Section 11.05**

The written decision shall summarize the decisions of the Court and the reasons for arriving at the decision.

**Section 11.06**

Immediately upon completion of writing the majority decision, the Justice who authorized the decision shall deliver the decision to the Judicial Assistant for proofreading and final typing.

**Section 11.07**

After proofreading and typing the majority decision, the Judicial Assistant shall make copies of the decision and, in accordance with established procedure, cause a copy of the decision to be delivered to the Dean of Students, all Justices, the Attorney General, the Public Defender's Office, the President of the Student Government Association, the Prospector and any other Parties authorized by the Chief Justice. The Judicial Assistant shall also enter the official verdict in the *Book of Judicial Decisions*.

**Section 11.08**

Any Justice who voted with the minority may also write a decision in support of the minority position, have it typed by the Judicial Assistant and entered in the *Book of Judicial Decisions*.

**SECTION 12. ADMINISTRATIVE MEETINGS****Section 12.01**

A. Upon the occurrence of a vacancy in the position of either Chief Justice or Pro-Tempore, the Court shall convene within one (1) week of such occurrence and choose a replacement to fill the vacant position(s). The meeting shall be called by the still serving party listed highest of the following:

1. The Chief Justice, if still serving;
2. The Pro-Tempore, if still serving;
3. The Justice with the longest period of service.

B. The vacant position may be filled by two-thirds majority vote of all serving justices.

C. The election to fill the vacant position shall proceed as follows:

1. The Justice who called the meeting shall act as the Chair of the meeting and ask for an announcement of candidates.
2. Any Justice who has served for at least the length of one full, non-summer semester, may announce as a candidate for the position. If no Justice has served a period of time equal to one full, non-summer semester, then any Justice may announce for the vacancy.
3. The Judicial Assistant will distribute paper ballots to each Justice physically present and each Justice shall write the names of the one announced candidate for whom they wish to vote. Justices may only vote for announced candidates.

4. After voting each Justice shall seal their ballot and give it to the Judicial Assistant so that votes may be tallied in private.
5. During voting, and while the Judicial Assistant is tallying ballots, there shall be no discussion among the Justices of the election.
6. After a tally of the votes, the Judicial Assistant shall state whether any Justice has received the two-thirds votes of all present Justices that is required by the Constitution.
  - a. If any Justice has received the required number of votes, the Judicial Assistant shall announce the name of the winner.
  - b. If no Justice has received the required number of votes, a brief period of discussion shall occur, after which the election procedure shall be resumed with *Section 12.01 (C) (1)*.

D. If after five (5) ballots no Justice has received the required number of votes, the Chair shall ask if any candidate wishes to withdraw their name from consideration and/or whether any Justice who was not previously a candidate wishes to declare.

1. If any candidate shall at that time withdraw their name from consideration, or should additional Justices declare, the election procedure shall be resumed with *Section 12.01 (C)(1)* and continue for five (5) additional ballots or until one candidate receives the required number of votes.
2. Before the end of the above mentioned 30 day period, the acting Pro-Tempore shall hold a new election and proceed as if it were a new election under *Section 12.01 (C)(1)*.

### **Section 12.02**

The Court must meet at least once a week, four (4) times a month as a minimum requirement. The Court must conduct its business in both Fall and Spring Semesters. Summer Semester is based on the Chief Justice discretion.

## **SECTION 13. COURT PERSONNEL**

### **Section 13.01**

- A. The Chief Justice will announce the responsibilities of all Justices at the beginning of each semester.
- B. The duties of a Supreme Court Justice are as follows but not limited to:
  1. To be well versed on the Student Government Association Constitution, Bylaws, Court Procedures, Rules and Regulations of the U.T. System, and any other document which is of importance to the Court.

### **Section 13.02**

A. To qualify, a Justice must:

1. Be enrolled in twelve (12) credit hours and complete no fewer than nine (9) per semester for undergraduate students, and enroll in nine (9) and complete no fewer than six (6) if a graduate student.
2. Not be in any type of academic probation.
3. Maintain a minimum GPA of at least 2.5
4. Complete a 30 day appointment then be voted in by the Senate.

B. Once qualifications have been met and the individual becomes a Justice, they must maintain a 2.50 GPA for two (2) semesters to including the semester they were appointed to the Supreme Court.

### **Section 13.03**

A. The Student Government Association Senate has the sole power to impeach and convict a Supreme Court Justice. Any Justice of the Supreme Court may be impeached for intentionally violating these Supreme Court procedures, excessive absences from Supreme Court trials, or behaving in such a manner as to adversely affect the reputation of the Supreme Court.

B. Impeachment trials shall be presided over by the Supreme Court Chief Justice. If the member of the judicial branch is the Respondent, the Vice-President of Internal Affairs of the Student Government Association shall preside over the impeachment trial.

C. Conviction of impeachment shall be by two-thirds roll call vote of the Student Government Association Senate.

### **Section 13.04**

The Constitution and the Bylaws are mute on the matter of personnel other than the Supreme Court Justices; no staff is specified, nor is it prohibited, for example:

1. Judicial Assistant
2. Senate Secretary
3. Administrative Aids

## **Section 14. MODE OF PETITION FOR TEMPORARY INJUNCTIONS**

### **Section 14.01**

A temporary or preliminary injunction is one that restrains the doing of an alleged unlawful and wrongful act during procedures that are pending that seek permanent relief.

### **Section 14.02**

A temporary injunction, as issued by the Court, may temporarily command acts to be executed or temporarily prohibit their execution. It must be made clear by the party(ies) concerned and a decision must be rendered on the question(s) or issue(s) being litigated.

### **Section 14.03**

All requests for a temporary injunction in constitutional or non-disciplinary cases will include a statement of reason for the request and shall be filed according to the following procedure by any student, organization, or the Student Government Association:

- a. The request for a temporary injunction shall be commenced by the filing of three (3) signed written copies of a "Petition for Temporary Injunction," located in in the Office of the Dean of Students. The first copy will be for the Dean of Students, the second for the Supreme Court, and the third for the other relevant party(ies).
  - b. Said petition shall contain an accurate, the names of the alleged infraction(s), a concise description of the infraction(s), and the signature(s) of the party(ies) and the specific relief sought.
  - c. Upon receiving the petition, the Dean of Students will contact the Chief Justice of the Supreme Court and will provide them with a copy of the petition.
1. Within two days after receiving the petition, the Chief Justice will convene a meeting of the Supreme Court to decide whether or not to grant an injunction.

2. The refusal to grant an injunction shall be by a simple majority vote of the currently appointed Supreme Court Justices.
3. If the Supreme Court should refuse to grant an injunction, a written and signed copy of the reason(s) for the Supreme Court's decision will be provided by the Chief Justice to the Dean of Students and the party(ies) which filed it within three (3) days of their refusal.
4. If the Supreme Court agrees to grant an injunction, within two (2) days the Chief Justice will deliver a written and signed statement granting the injunction to the Office of the Dean of Students. The Chief Justice will also notify the Judicial Assistant and provide them with a copy of the statement. Within three (3) days of their notification, the Judicial Assistant will notify all parties concerned and provide them with written and signed copies of the Supreme Court's decision.
5. Under no circumstances will the other party be allowed to contest the request for an injunction before the Supreme Court. However, if the other party has reasonable cause to contend that an injunction issued by the Court is wrong or unfair, the injured party may appeal such an injunction to the Dean of Students, at any time after the date on which the injunction was issued.

## **Section 15. Formal Summons**

### **Section 15.01**

A formal summons is a process to cause a witness to appear and give testimony, commanding them to lay aside all pretense and excuses, and appear before a court or magistrate therein named at the time therein mentioned to testify for the party named under a penalty therein mentioned.

### **Section 15.02**

The Court shall possess the power to only summons any SGA student witness(es) necessary to expedite completion of its cases. Any student refusing to comply with a summons from the Court may be held in direct contempt of court.

### **Section 15.03**

At least three (3) days prior to the date of the trial, either the Court or the party(ies) to the Court action may present a written summons list to the Dean of Students containing the name(s) of person(s) or article(s) of evidence which will be necessary for the presentation of a case. All summons lists will be available to the parties concerned. The Dean of Students office shall notify the Chief Justice immediately upon receipt of a summons list.

### **Section 15.04**

Any SGA student(s) who is summons shall be notified by an email notice from the Judicial Assistant and Chief Justice at least three (3) days prior to the date of the trial as determined by the postmark date of the notice of the date/time/place for the trial. Their notification shall warn the student(s) that failure to appear before the Court at the designated time may subject the student(s) to disciplinary action by the Court. If a summoned student(s) has any questions concerning the summons, they should contact the Chief Justice or Judicial Assistant. The Dean of Students shall be furnished with a list of students to be summoned.

**Section 15.05**

The summoned witness(es) must be present in the courtroom when the Judicial Assistant reads aloud the title of the case. The summoned witness(es) shall not leave the courtroom without the permission of the Chief Justice.

**SECTION 16. CONTEMPT OF FULL COURT, PRELIMINARY HEARING, AND PERJURY****Section 16.01**

Contempt of court is defined as the punishable act of showing disrespect to the authority or dignity of a court, by disobedience, unruliness, etc. Contempt of court will be defined for the Student Government Association Supreme Court as follows:

- A. Not being at the appointed place or time of the trial.
- B. Showing disrespect towards any Justice during their acting capacity.

**Section 16.02**

Perjury is defined as the willful presentation of erroneous or misleading information to the Court.

**Section 16.03**

The Court may utilize any one of the following procedures to rectify any of the transgressions;

- A. Issue a fine ranging from five (5) to one hundred (100) dollars.
- B. Issue community service ranging from a minimum of ten (10) hours to a maximum as determined by the Court.

**Section 16.04**

All money that is collected, in regards to this section shall be donated to UTEP Student Engagement and Leadership Center Food Pantry.

**SECTION 17. AMENDING THESE PROCEDURES**

**Section 17.01** These Procedures can be amended at any time by the court with a motion, a second, and simple majority vote of "Aye". Changes or additions made to these procedures must be discussed in an administrative meeting. Issues concerning changes or additions cannot be passed until the next official meeting.