



Judicial Council

*Constitutional Bylaws
of the
St. John Fisher College Student Government Association*

Article I – Description, Purpose, and Jurisdiction

The constitution of the St. John Fisher College Student Government Association (herein known as SGA) states that the purpose of the Judicial Council is to hear and resolve grievances and/or disputes that arise between SGA members and/or clubs or organizations that deal specifically with the Association, its functions, policies, and procedures.

The Judicial Council is the supreme judicial body of the Student Government Association made up of students taken from the various branches of SGA and will act as sole interpreter of the constitution and its progeny.

The Judicial Council will take into consideration and hear all matters that deal with the following:

2. Disputes over functions.
3. Disputes over policies.
4. Disputes over procedures.
5. Disputes over all constitutional matters.

The Judicial Council, in accordance with the provisions of the SGA Constitution, will also handle all impeachment matters in order to determine legitimacy of impeachment propositions.

The Judicial Council has jurisdiction over all requests for hearings and impeachment propositions from any general member of the Student Government Association and any affiliated club or organization.

As the supreme judicial body for SGA, all parties that come before the Judicial Council may be sanctioned as defined in Article VII, below, on a case by case basis.

Article II – Composition

- A. The Judicial Council shall be composed of those members as set forth by Article IV-4.a “Composition of the Judicial Council” of the SGA Constitution. This article states:
 1. The Judicial Council will consist of nine (9) members: Chief Justice, who will serve as chairperson and eight (8) Council Members who will have full voting power. The chairperson will vote only in case of a tie.
 2. One Judicial Council Member will be appointed from each of the following bodies: Senate, Council of Presidents, Finance, Student Activities Board, and

Class Officers (one from each executive board or officers may appoint a member of their class)

3. Its members must be confirmed by the SGA Executive Board
- B. In addition to the stated members of the Judicial Council, the Chief Justice shall appoint one additional member that will serve as the “Recording Secretary” in order to facilitate judicial procedure and record minutes of all hearings. Recording Secretary selections, qualifications, and duties are defined in Article III.
- C. In addition to the stated members of the Judicial Council, the Chief Justice shall appoint “Advocates” of the court as defined in, and in accordance with Article IV.

Article III – Selection, Qualifications, Duties of Members

A. Chief Justice

1. The Chief Justice shall work in accordance with the rights given under Article IV-G “Duties and Responsibilities” of the SGA Constitution, which reads:
Be appointed by the SGA President, in conjunction with the Executive Board, and approved by the Judicial Council.
 - a. Will not hold an executive board position within another recognized organization.
 - b. Be a non-voting member of the Executive Board.
 - c. Attend every SGA Executive Board and Senate meeting.
 - d. Be responsible for chairing the Judicial Council and serving as a spokesperson to all branches of SGA.
 - e. Serve as a liaison between the Judicial Council and the Executive Board.
 - f. Oversee all operations of the SGA to ensure they are constitutionally appropriate and serves as the authority on all constitutional matters.
 - g. Facilitate a training seminar for new Judicial Council Members immediately following elections in the first week of April.
 - h. Represent the SGA at public functions
 - i. Assist the President in carrying out his/her duties.
 - j. Support and promote the mission of the Student Government Association.
2. In addition, the Chief Justice shall coordinate the proceedings of hearings, and in cooperation with the Judicial Council, determine the order of business at each hearing.
3. The Chief Justice may, at any time, disqualify any member whom he/she deems to have a conflict of interest. The Chief Justice must also recuse himself/herself for any case where a conflict of interest may arise, and appoint, in his absence, a Justice *Pro tempore* to hear the case.
4. The Chief Justice shall make whatever decisions and take whatever actions are necessary to ensure proper decorum and progress of hearings and meetings of the Judicial Council.
5. The actions of the Chief Justice shall be directly accountable to the SGA Senate, of which they may check his/her power, in order to ensure completion of duty.

B. Justices

1. Justices shall be taken from the branches of SGA in accordance with Article IV-4.A of the SGA constitution.
 - a. Each designated branch shall submit to the Chief Justice, upon request, the names and contact information for their selected individuals.
 - b. All selected Justices must be confirmed by the SGA Executive Board before they can be sworn into office.
2. Justices must maintain a 2.75 GPA and be considered a student leader (Per the SGA Constitutional Definition) to be permitted to stay on the Judicial Council.
3. Justices must participate in the annual training seminar, set in accordance by the Chief Justice.
4. Justices will not hold the position of President in any student government affiliated club or organization and/or serve as chairperson of any committee or be a part of the SGA Executive Board. The only exception may be a Justice that hails from the Council of Presidents.
5. Justices will be required to fill out conflict of interest forms, provided by the Chief Justice, each semester, and recognize that a conflict of interest will prevent them from hearing a case, per the decision of the Chief Justice.
6. Members of the Judicial Council will be elected by the first week of April and will begin hearing all cases after the last week of the spring semester.
 - a. In cases which continue past the spring semester, the appointment will extend to the conclusion of the hearing.
7. Members will hold their positions for a one year term ending on the last week of the spring semester regardless of when they took their position.
8. Whenever a member of the Judicial Council is disqualified, or unfit to stay on the Council, a replacement must be submitted to the Chief Justice by the branch that the member was a part of within thirty (30) days so a new justice may be confirmed.
9. Justices will be selected to write various opinions on cases heard, based on the decision procedure described in Article VI.
10. Justices will also be required to take a confidentiality oath, and any violation of this oath will result in immediate suspension from the Judicial Council.

C. Recording Secretary

1. The recording secretary must be a general member of SGA as defined in the SGA Constitution Article III, Section A "General Membership".
2. The Recording Secretary must be a student leader in good standing, with a minimum grade point average of 2.3.
3. The Recording Secretary may not hold any other office within the Judicial Council, or act in the capacity as President or chairperson of any SGA affiliated club/organization, or committee, or serve on the SGA Executive board.
4. The Recording Secretary will not be a voting member of the Judicial Council.
5. The Recording Secretary shall be appointed by the Chief Justice subject to confirmation by the SGA Executive Board.
6. The Recording Secretary shall record hearings and use it to create a written transcript of the proceedings of the Judicial Council and furnish them to the

7. The Recording Secretary shall also aid in the keeping of all files and act as the process server for the Judicial Council. He or she will also aid in the filing of forms to the court.
8. The Recording Secretary shall also perform duties as assigned to him or her by the Chief Justice.

Article IV – Advocates

- A. At the request of either party in a case brought before the Judicial Council, they may choose to have an Advocate argue for their position.
- B. Advocates will be chosen by the Chief Justice and confirmed by the Senate.
- C. In order to qualify as an advocate, candidates must be a general member of the Student Government Association, be considered a “Student Leader” (as defined in the SGA Constitution), must not possess a degree in law, will be required to participate in the annual training seminar, and have a basic knowledge of the legal system and of the SGA Constitution.
- D. Advocates that have a conflict of interest will not be allowed to serve on a case. Advocates will also be required to take a confidentiality oath.
- E. Advocates will be required to file every semester a Conflict of Interest Form, to be submitted to the Judicial Council.
- F. The Chief Justice shall have sole consideration over the number of advocates that remain active with the Judicial Council.
- G. Advocates will serve a one year term ending on the last week of the spring semester, regardless of when they took the position, except in cases where they have been granted duty extension by the Chief Justice.
- H. In cases where the parties elect to use an Advocate, all court documents will be handled through the Advocate chosen by the party.
- I. Any Advocate that does not meet minimum requirements, or does not follow a proper code of ethics and decorum, shall be vacated from his/her position by the Chief Justice.

Article V – Hearing Procedure

- A. Before any party can submit a request for a hearing, the parties must contact the Chief Justice for a mediation hearing. If mediation is unsuccessful, the Chief Justice shall recommend the case for a pre-trial hearing and inform the parties on how to proceed in filing.
- B. A party that desires a hearing before the SGA Judicial Council must submit their request in writing to the Chief Justice. Notice of Hearing Requests must be hand delivered to the Student Government Association Office or delivered in such a manner that is prescribed by the Chief Justice. The written request (or designated forms) must contain the following:
 1. The name(s) of the officer(s), club(s), or organization(s) that are filing the case.
 2. A clear identification of rationale for the hearing of this case, including, but not limited to the provisions of the SGA Constitution that may have been violated

3. A clear and concise statement on what actions the party believes should be taken by the Judicial Council.
 4. The names, address, and phone numbers of witnesses to be called at trial (maximum of 4 witnesses for each party).
 5. The name of the court approved Advocate that will be handling the case (if applicable).
 6. Any other pertinent documents to be included.
- C. In cases where there is more than one party, the subsequent parties shall be given a copy of the Request for Hearing and may provide a response to the allegations raised by filing a written response to the request, following the form prescribed above. This response must be submitted to the Chief Justice within one (1) week of the service of copy of the request to the party. *Amicus Curiae* briefs will be accepted by the court within two (2) days before the court's hearing of the trial.
- D. Cases shall be heard within three (3) weeks of the original deliverance of the Notice of Hearing Request. The Chief Justice shall notify all parties of the hearing date in a timely and reasonable manner and advise both parties of their rights under the Judicial Council. Also, the Chief Justice shall subpoena all witnesses for this matter.
- E. The Chief Justice shall chose from the Judicial Council four members to hear the case. Any justice that has a conflict of interest shall not be allowed to participate in the case.
- F. The Council's proceedings are open unless a party requests a closed session, or unless the Chief Justice deems the session to be closed. It is the prerogative of the Judicial Council to protect and respect the privacy of individuals that come before the board.
- G. Proceedings in Trial
1. Each party shall have a maximum of three minutes to give an opening statement. If an Advocate is designated, then they must speak on behalf of the party for the whole trial.
 2. The filing party may call up to four witnesses with each side allotted five minutes of direct questioning and cross questioning per witness, per side.
 3. The respondent party may then call their four witnesses with each side allotted five minutes of direct questioning and cross questioning per witness, per side.
 4. Each party shall have a maximum of three minutes to give a concluding statement.
- H. Witnesses and Testimony
1. At any time, a Justice may ask a question of a witness on the stand.
 2. The Chief Justice may, at anytime terminate or disqualify any questioning or testimony which is not relevant, is repetitive, or is not succinct. He/she may also, where the interests of fairness and completeness would be served, receive the testimony of witnesses other than those named in notices by the parties.
 3. Potential witnesses are under no compulsion to submit testimony or appear before the Council. The College is also not responsible for any steps required or costs incurred by the parties for testimony of witnesses or advice.
 4. No student who is part of the parties may be required to testify, but may do so willingly.
- I. The party that files the Notice of Hearing Request shall have the burden of establishing to the satisfaction of the Council that the other named party or parties have violated the provisions stated in the original Notice of Hearing Request.

- J. After all positions have been presented and questioning and hearing of witnesses is completed, the Judicial Council shall adjourn and reserve decision. Sanctions may be imposed in the Decision as stated below.
- K. Proceedings of the Council will be recorded for the purpose of creating a written transcript. Written transcripts shall be on file with the court in the Student Government Association Office. They will be made available to responsible parties upon request and advance notice.
- L. All impeachment hearings shall follow the trial form prescribed by the SGA Constitution in Article IX.

Article VI - Decisions

- A. Decisions will be based on a majority vote of the presiding members.
- B. Of the members that presided on the case, one shall be chosen to write the majority opinion (in cases where there is a dissenting opinion, another person will be chosen to write a dissent for the minority).
- C. The decision will come in the form of a written report of the Council's decision and rationale for decision and will be signed by the Chief Justice. Individual votes of Justices will not be recorded, but the vote totals will be made public.
- D. A copy of the decision shall be served on the parties within fifteen (15) days of the hearing.
- E. Unless stipulated by the Chief Justice, all parties must wait until the decision has been made public in order to file an appeal according the appeal procedure below.
- F. After ten (10) days, if no appeal has been filed, then the decision will become final and parties voluntarily waive any right to appeal at such time.

Article VII – Sanctions

The following types of sanctions may be imposed by the Judicial Council against any member, officer, club, or organization affiliated with the Student Government Association:

- A. Expulsion – Termination of involvement within the Student Government Association
- B. Suspension – Time definite termination involvement within the Student Government Association. In some cases, suspension may be deferred for a specified period of time.
- C. Probation – Conditional retention of SGA status for a specified period. If a member violates this probation, then a suspension may be imposed, based on a review by the full Judicial Council.
- D. Restitution – Reimbursement for damage to misappropriation of property. Restitution may not always be in monetary terms, but may take the form of appropriate community service or other compensation.
- E. Monetary Fine -A sum imposed as punishment for an offense or the freezing of an SGA funded budget (applicable if case deals with a club as a whole).
- F. Warning – Written statement that a violation has occurred.
- G. Dismissal – Case has found to be without merit and is dismissed.
- H. Other punishments as deemed appropriate, e.g. club service project, exclusion from SGA events, or barring from hosting or chairing events.

- I. Combinations of the above mentioned sanctions may be given and will be determined on the basis of the circumstances involved and the seriousness of the situation and do not have to be imposed in any specific order.
- J. In cases where a signed gag order by the Chief Justice is violated, the violator may be suspended or face expulsion from SGA, depending on the severity of the infraction, as determined by a review of the full Judicial Council.

Article VIII - Appeals

- A. Appeals to a higher authority may occur based on the following grounds only:
 1. The court has made a serious error in procedure and judgment that contradicts SGA policies and/or procedures or those of the College.
 2. Sanctions imposed are not proportionate to the violation.
 3. New evidence that was not available at the time of the hearing has been found.
- B. If a party has met one or more of these above mentioned criteria, they may appeal to have a hearing before both the Dean of Students (or its comparable position) and the Director of Campus Life (or its comparable position). Notice must be served within ten (10) days receipt of the written decision from the Judicial Council to both the current SGA Chief Justice and Judicial Board, to the Director of Campus Life, and to the Dean of Students.
- C. Any appeal not filed within the ten (10) days of the decision becoming final will have no right to appeal as they have voluntarily waived any right at such time.
- D. Members present at the hearing will consist of the party (or parties) appealing, the Dean of Students, the Director of Campus Life, as well as the Chief Justice (acting as a representative of the court) in order to convey the rationale of the Judicial Council's verdict of the time.
- E. The Dean of Students and Director of Campus Life shall, after the hearing, shall issue both a verbal and written decision on their part to all parties involved, including a copy to the Chief Justice of SGA. This decision shall supersede any decision made by the Judicial Council and shall become final within two (2) days of the release of the written decision.
- F. Appeals made at this level will represent the final step in the appellate process.

Article IX – Amendments

Any member of SGA may propose an amendment to the By-Laws of the Student Government Association's Judicial Council.

Any Proposed Amendment to the By-laws must be accepted by the Senate and ratified by the Executive Board in accordance with the Amendment Procedures in Article X of the SGA Constitution.

Article X – Ratification

These bylaws will be considered in full force and effect after ratification as described in Article XI of the SGA Constitution.

These bylaws were ratified on February 21, 2008 by Amendment I, sponsored by Matthew C. Lengen, Class of 2011 Senator and Edward A. Sundquist, Chief Justice.