

Eastern Kentucky University
Student Court Bylaws

(Revised on February 11, 2007)

(Approved by Student Court April 24, 2007)

(Approved by Student Senate September 25, 2007)

(Approved by the Advisory Board September 28, 2007)

Preamble

We, the students of Eastern Kentucky University, in order to provide due process, in order to interpret the Constitution of the Student Government Association, in order to facilitate the resolution of disputes between the various branches of Student Government, and in order to represent the student body of Eastern Kentucky University in matters of judicial affairs, do hereby establish the Eastern Kentucky University Student Court. Furthermore, we hereby establish the following bylaws to provide a framework for an efficient and able judicial body.

Article I

Authorities of the Student Court

Section A. The judicial body of the Student Government Association shall be the Student Court.

Section B. The Student Court shall have original jurisdiction over all cases involving:

- I. Infractions of the rules and regulations passed by the Student Senate under authority delegated by the President of the University to the Student Government Association;
- II. Interpretations of the Student Government Association Constitution, and bylaws of the branches of Student Government;
- III. Appeal proceedings of an Executive officer in the Student Government Association or a member of Student Senate, Student Activities Council, or Residence Life Council.
- IV. Appeal proceedings of Student Organizational Funding regarding decisions or procedure as set forth in Article VI of the Student Senate Bylaws.
- V. Alleged infractions of elections regulations under the Constitution and election bylaws.

Section C. The Student Court shall have the power of judicial review over the constitutionality of any rule of the Student Senate, Student Activities Council, or Residence Life Council, or action by the President of the Student Government Association, the Ethics Administrator and any other Executive Officers. The Student Court may not issue decisions to bind, but may recommend to the respective branch or office to amend the document or action in question.

- I. In case of review of the Ethics Administrator the Chief Justice shall give full authority to the Associate Chief Justice to hear the proceedings.

- Section D. The Student Court shall have jurisdiction in cases involving alleged infractions of election regulations under the Constitution and elections bylaws.
- Section E. In rulings on membership and elections violations, decisions of the Student Court may be appealed to the Student Government Advisory Board.
- Section F. The Student Court shall uphold and follow their duties as set forth in the procedures and bylaws of the University Parking Appeals Committee.
- I. The Student Court shall approve any revisions made to the procedures and bylaws of the Eastern Kentucky University Parking Appeals.
 - II. The Student Court shall be represented on the Parking Appeals Committee.
- Section G. All Student Court members are required to serve on the Eastern Kentucky University Judicial Committee.
- I. The Student Court members shall follow all rules and regulations as set forth in the Eastern Kentucky University Judicial Committee Manual.
- Section H. The Student Court shall establish its own procedures in accordance with the provisions of the Student Government Association Constitution
- I. The Student Court shall annually review the Policies and Procedures Manual for the Student Court.

Article II

Members of the Student Court

- Section A. Membership
- I. One Chief Justice, one Associate Chief Justice, five Justices, and one Court Clerk shall constitute a full court.
 - II. Members shall remain on Student Court until resignation, impeachment, or graduation.
 - a. Students who complete their undergraduate studies and choose to work on a graduate program at Eastern Kentucky University have the right to choose to remain a member of the Student Court.
- Section B. Eligibility
- I. All members of the Student Court must be a student enrolled for classes at Eastern Kentucky University.
 - II. No elected or appointed member from any other branch of Student Government shall serve as a member of the Student Court unless they forfeit their current

position.

- III. All members of the Student Court shall have a minimum of a 2.5 cumulative grade point average on a 4.0 scale at the time they are elected and must maintain this GPA throughout their time on the Student Court.
 - a. Students in their first semester at Eastern Kentucky University must have a minimum of a 2.5 incoming GPA.

Section C. Admission Procedure

- I. The first step in soliciting a spot on the Student Court is to complete an application for the desired position.
- II. Upon review of the application, the Chief Justice and one other member of the Student Court will interview qualified applicants.
- III. Upon a favorable interview, a recommendation of approval will be made to the President of the Student Government Association.
 - a. The President can choose to accept or decline the recommendation.
- IV. Upon acceptance by the President, the recommendation will be forwarded to the Executive Vice President of the Student Government Association.
 - a. Should the President deny a recommendation of appointment of a Justice, the Chief Justice may appeal the decision to the Senate.
 - b. The Senate may veto a decision of the President with a two-thirds vote.
- V. The Executive Vice President will present the recommendation to the Student Senate for approval by a two-thirds vote of the body.

Section D. Authorities and Duties

- I. Members shall attend all meetings of the Student Court and Judicial Committee.
 - a. All members are allowed two unexcused absences per semester and no more than two University excused absences. The attendance policy includes attendance for the Student Court and the Judicial Committee. Absences are calculated separately for each.
- II. Two members of the Student Court shall serve as members of the Parking Appeals Committee, in addition to the Chief Justice, Associate Chief Justice, and Court Clerk. The seated members have a duty to attend all meetings of that committee during the time they hold their seats.
 - a. All Student Court members of the Parking Appeals Committee are allowed one unexcused absence per semester and no more than two university excused absences approved by the Chief Justice¹. Violation of the attendance policy for the Parking Appeals Committee will lead to immediate dismissal from the

¹ The definition of court approved absences will be further defined in the Student Court Policies and Procedures.

Committee and the absences accrued will be counted towards the allowable absences for the Student Court and the Judicial Committee.

- III. All members shall remain fair, acting in an impartial manner, when passing judgment by any authority given to the Student Court.
 - a. Any member of the Student Court may remove himself or herself from a case if they feel that a conflict of interest may arise.
- IV. Members shall uphold the Constitution of the Student Government Association.
- V. Members of the Student Court may be appointed by the Chief Justice to serve as Student Advisors as assistants for students accused of violations of the *General Regulations Concerning Student Behavior* that occur on Eastern Kentucky University's campus.
- VI. Any member of the Student Court may suggest a revision to the Policies and Procedures Manual for Student Court by submitting the suggestion in writing to the Chief Justice.
- VII. All members of the Student Court have a right to vote unless otherwise noted in this document.

Article III Officers of the Student Court

Section A. Officers

- I. The Chief Justice, Associate Chief Justice, and Court Clerk are considered officers of the Student Court.

Section B. Chief Justice

I. Eligibility

- a. In addition to the guidelines for general membership of the Student Court, the Chief Justice must also meet the following requirements:
 - i. The Chief Justice must be a full time student enrolled for credit at Eastern Kentucky University.
 - ii. The Chief Justice must have and maintain a 2.5 grade point average on a 4.0 scale.

II. Authorities and Duties

- a. The Chief Justice shall attend all meetings of the Student Court.
 - 1. The Chief Justice is allowed one unexcused absence per semester and no more than two University excused absences. The attendance policy

includes attendance for Student Court, Judicial Committee, and Parking Appeals Committee. Absences are calculated separately for each.

- b. The Chief Justice shall preside over the Student Court.
- c. The Chief Justice shall nominate an Associate Chief Justice from the Justices of the Student Court.
- d. The Chief Justice shall nominate a Court Clerk to serve at the pleasure of the Student Court.
- e. The Chief Justice shall set a meeting date and time for the Student Court.
- f. The Chief Justice shall be responsible for keeping an updated Policies and Procedures Manual and Bylaws for the Student Court.
- g. The Chief Justice shall serve as the Chair of the Parking Appeals Committee and shall complete all duties associated with that role, including but not limited to, scheduling verbal appeal hearings and scheduling meetings of the committee bi-weekly.
 - i. As Chair, the Chief Justice shall not have a vote on parking appeals except when a tie occurs.
- h. The Chief Justice shall appoint, with the approval of the Court, Student advisors to assist students accused of violations of the *General Regulations Concerning Student Behavior* that occur on Eastern Kentucky University's campus.
- i. The Chief Justice shall schedule dates and times for all constitutional hearings that may arise within the Student Government Association, through formal complaint or jurisdiction.
- j. The Chief Justice is responsible for appropriate notification for any and all parties involved in any constitutional hearing.
- k. The Chief Justice shall preside over any and all constitutional hearings.
- l. The Chief Justice is responsible for ensuring that all members of the Student Court are meeting and maintaining the minimum requirements of their membership.
- m. The Chief Justice is responsible for keeping at least five office hours per week.

III. Appointment Procedure

- a. When the position of Chief Justice becomes vacant, the Student Government Association President shall assemble a Chief Justice Search Committee in accordance with the Student Court Bylaws Article III, Section B, III. The Executive Vice President shall serve as Interim Chief Justice until a new Chief Justice is appointed.

- i. Members of the Chief Justice Search Committee shall be appointed by the Student Government Association President. The voting members of the committee shall be one member from the Residence Life Council, one member from the Student Activities Council, one member from the Student Senate and two members of the Student Court. The Ethics Administrator of the Student Government Association shall serve as the non-voting chairman of the committee.
 - ii. The Chief Justice Search Committee shall be responsible for advertising the position vacancy, distributing and collecting applications, interviewing possible candidates, and recommending to the Student Government Association President three nominees in unranked order.
- b. Any candidate for the position of Chief Justice shall be recommended to the Student Government Association President through the Chief Justice Search Committee.
 - c. The Chief Justice of the Student Court shall be appointed by the Student Government Association President, with a 2/3 vote of approval from the Student Senate.

Section C. Associate Chief Justice

I. Eligibility

- a. In addition to the guidelines for general membership of the Student Court, the Associate Chief Justice must also meet the following requirements:
 - i. The Associate Chief Justice must have served at least one semester on the Student Court as a Justice and be an active member of the Student Court at the time of nomination.

II. Authorities and Duties

- a. The Associate Chief Justice shall attend all meetings of the Student Court.

The Associate Chief Justice is allowed one unexcused absence per semester and no more than two University excused absences. The attendance policy includes attendance for Student Court, Judicial Committee, and Parking Appeals Committee. Absences are calculated separately for each.
- b. The Associate Chief Justice shall serve as the Vice Chair of the Student Court and shall assist in the duties of the Chief Justice at his/her request or the request of the Student Court.
- c. The Associate Chief Justice shall chair the meetings of the Student Court in the absence of the Chief Justice.
- d. The Associate Chief Justice shall serve as the Court Clerk in his or her absence.

- e. The Associate Chief Justice shall serve as the Chair of the Parking Appeals Committee in the absence of the Chief Justice.

III. Nomination Procedure

- a. Upon nomination from the Chief Justice, the Associate Chief Justice can assume office after a majority approval from the voting members of the Student Court and approval by the President of the Student Government Association.

Section D. Court Clerk

I. Eligibility

- a. The Court Clerk must meet all the requirements for general membership of the Student Court.

II. Authorities and Duties

- a. The Court Clerk shall attend all meetings of the Student Court and the Parking Appeals Committee.
 - i. The Court Clerk is allowed one unexcused absence per semester and no more than two University excused absences. The attendance policy includes attendance for Student Court and Parking Appeals Committee. Absences are calculated separately for each.
- b. The Court Clerk shall keep minutes and a record of attendance at all meetings of the Student Court.
- c. The Court Clerk is not a voting member of the Student Court.
- d. Maintenance of appropriate files, including a copy of all documents of cases brought before the Court.
- e. Preparation of a docket.
- f. Issue notices on behalf of the Court.
- g. Fulfilling other duties assigned by the Court.

III. Nomination Procedures

- a. Upon nomination from the Chief Justice, the Court Clerk can assume office after a majority approval from the voting members of the Student Court and approval by the President of the Student Government Association.

Article IV
Meetings of the Student Court

Section A. Regular Meetings

- I. The Student Court shall meet at least once monthly from September to May unless otherwise ordered by the Chief Justice.
 - a. Public Session
 - i. All meetings of the Student Court, unless stated otherwise in these bylaws, will be considered to be in Public Session, and therefore open to all members of the Student Government Association as outlined in the Student Government Association Constitution Article I, Section A.
 - A. Non-members of the Student Court in attendance will not be allowed to participate in discussion unless they were invited to do so by the Chief Justice.
 - B. Non-members of the Student Court do not have a vote in matters brought before the Student Court.
 - b. Executive Session
 - i. Meetings of the Student Court in which disciplinary action against any member of the Association or infractions of elections regulations are being discussed will be considered to be in Executive Session.
 - A. A motion to go into Executive Session must be made and adopted by a majority vote of the Student Court members.
 - B. All persons present during an Executive Session are specifically prohibited from divulging anything that occurred unless required by law or university policy.
 - C. The minutes of an Executive Session must be read and acted upon only in Executive Session.
 - D. Non-members of the Student Court may be invited to attend by the Chief Justice, but they are not entitled to attend.
 - E. The Faculty Advisor of the Student Court must be attendance at all meetings in Executive Session.

Section B. Special Meetings

- I. The Chief Justice may call a Special Meeting of the Student Court with a notice of at least forty-eight hours.
 - a. All special meetings of the Student Court will be considered to be in Executive Session.

- b. Student Court attendance policy requirements may be waived at the Chief Justice's discretion for Special Meetings called by the Chief Justice with less than 48 hours notice.

Section C. Quorum

- I. Fifty percent plus one of the total voting members of the Student Court shall constitute a quorum.
 - a. Three of the members present at a meeting of the Student Court must be Court Justices for quorum to be considered met.

**Article V
Parliamentary Authority of the Student Court**

Section A. Rules of Order

- I. The rules contained in the current edition of the *Robert's Rules of Order Newly Revised* shall govern the Student Court in all cases to which they are applicable and in which they are not inconsistent with these bylaws or any special rules of order the Student Court may adopt.

**Article VI
Disciplinary Action Process**

Section A. If any member of the Student Court fails to meet the general requirements of membership as stated in these bylaws and the Student Government Association Constitution, the Chief Justice can remove the member with a majority vote of approval from the Student Court.

Section B. Should a member of the Student Government Association fail to uphold the Constitution of the Association or the bylaws of the Student Court, the disciplinary action process may be initiated.

- I. The Disciplinary Action Process in its entirety can be found in the Student Government Association Constitution, Article XV.

Section C. Appeal

- I. In the case of removal or any other disciplinary action of a member of the Student Court, the member may appeal to the Executive Cabinet.
 - a. In this case, the Student Body President shall administer the powers of the Chief Justice of the Student Court.
- II. The appeal process in its entirety can be found in the Student Court Policies and Procedures Manual.

Article VII
Amendments to the Student Court Policies and Procedures Manual

Section A. Procedures

- I. Any member of the Student Court may suggest an amendment to the Policies and Procedures Manual by submitting the suggestion in writing to the Chief Justice.
- II. The Chief Justice will then bring the suggestion to the Student Court for discussion and vote.
- III. If a two-thirds vote is received from the Court, the suggestion will be implemented in the manual.

Article VIII
Amendments to the Student Court Bylaws

Section A. Procedures

- I. Amendments to these bylaws may be proposed by act of a member of the Student Court.
- II. The proposal will then be discussed and voted on by the Student Court. A two-thirds vote is required for an amendment to be considered as passed.
- III. A copy of the proposed amendments shall then be provided to the Student Senate for consideration.
- IV. Proposed amendments must be ratified by a two-thirds vote of the Senate members present and voting at the time presented.
- V. The proposed amendments will then be forwarded to the Student Government Associate Advisory Board for final approval.