



Student Body Senate Agenda

Wednesday, August 28, 2019 at 7:00pm

Student Union, Case Study 2

- I. Call to Order** of the Student Body Senate of the Student Government Association of Oklahoma State University
- II. Roll Call**
 - a. Swearing in of New Senators, Supreme Court Justices, and Executives:
“I, *state your name*, do solemnly affirm that I will discharge to the best of my ability, the responsibilities entrusted to me, as an officer of the Student Government Association of Oklahoma State University”
- III. Pledge of Allegiance**
- IV. Approval of Minutes** of the Previous Meeting
 - a. April 24, 2019
- V. Guest Speakers and Student Concerns**
- VI. Advisor(s) Report** – Dr. John Mark Day/Melisa Echols
- VII. President’s Report**- Kaitlyn Kirksey
- VIII. Vice President’s Report**- Kristen Ball
- IX. New Business**
 - a. **Committee of the Whole**
 - i. **F19BL001: A bill reforming elections outlined in Title X, and amending Title III.**
 - ii. **F19RS001: A resolution confirming the appointment of the Supreme Court Chief Justice.**
 - b. **Senate**
- X. Recess for Legislation** to be Forwarded to Committees
- XI. Executive Reports**
 - a. Cabinet Executives
- XII. Supreme Court Report(s)**
- XIII. Senate Reports**
 - a. **Committee Chairs**
 - i. Budget – Ashley Schultz
 - ii. CSO – Logan Hutto
 - iii. Internal Affairs – Aaron Carmichael
 - iv. PAC – Samuel Smith
 - v. University – Luke Muller
 - b. **Constituency Reports**
 - c. **Other Senate Reports**
 - i. Liaison and Representative Nominations
 - ii. Liaisons
 1. OSU Tulsa – Vacant
 2. OSU Institute of Technology – Vacant

3. OSU OKC – Vacant
 4. GPSGA – Vacant
 5. FRC – Vacant
 6. OU – Vacant
- iii. Representatives
 1. Board of Regents for A&M Colleges – Vacant
 2. Board of Regents for Higher Education – Vacant
 3. Faculty Council – Vacant
 - d. Vice Chair’s Report – Noah Murphey
 - e. Chair’s Report – Marcus Heald
- XIV. Announcements**
- XV. Informal Discussion**
- XVI. Adjournment**

This agenda shall not be construed as preventing: The introduction of new legislation not listed, the reconsideration of any motion of the immediately preceding Senate meeting, or any regular procedural motion or any motions by an appropriate majority which allows the introduction and final consideration of Legislation in the same meeting so long as that legislation is listed in this agenda. Posted at 4:00pm on August 27, 2019 by Marcus Heald, Student Body Senate Chair (sgasenate@okstate.edu) 405-744-7555



OKLAHOMA STATE UNIVERSITY STUDENT GOVERNMENT ASSOCIATION
STUDENT BODY SENATE
FALL 2019

1 **Bill:** F19BL001
2 **Date:** 8/27/19
3 **Committee:** Committee of the Whole
4

5 AS INTRODUCED
6

7 A bill reforming elections outlined in Title X, and amending Title III; providing for short title,
8 providing for codification; providing for an effective date.
9

10 BE IT ENACTED BY THE STUDENTS OF OKLAHOMA STATE UNIVERSITY THAT:
11

12 **Section 1:** AMENDATORY: Title X of the Student Government Association Bylaws shall be
13 amended as follows:
14

15 **SECTION 1. DEFINITIONS:**

- 16 1.1. Election Agency EA Commission (EC): A board strictly directed by the bylaws to organize and
17 certify elections (See Title 10 Section 2).
18 1.2. Intent to Run Filing: A filing announcing a candidate or candidate pair's intent to run for an office
19 (See Title 10 Section 3).
20 1.3. Candidate: Someone running for a senate seat or part of a candidate pair.
21 1.4. Candidate pair: Two individuals running together as a ticket for the offices of President and Vice
22 President.
23 1.5. Campaign budget: An itemized budget including all campaign expenses and receipts.
24 1.6. Technological difficulty: A computer problem that inhibited voters from casting votes, that
25 caused votes to be duplicated, or that did not accurately count casted votes.
26 1.7. Meaningful impact: Something that causes or could cause election results to appear as though a
27 candidate won an election in which the candidate did not actually win.
28 1.8. Popular vote: A vote in which the entire student body of Oklahoma State University may
29 participate.
30 1.9. Academic units: The College of Agriculture Sciences and Natural Resources, The College of
31 Engineering Architecture and Technology, The College of Arts and Sciences, The College of
32 Human Sciences, The College of Education, The Spears School of Business, and The University
33 College.
34 1.10. Living Groups: Greek Life, Off-campus, and Residential Life
35 1.11. Polling Station: Official SGA Constituency Day Table.
36 1.12. Enticement: Any tangible object given by a candidate/candidate pair for the sole purpose of
37 persuading the recipient. Examples are, food, drinks, gifts, etc.

1 1.13. Advertisement Materials: Physical or digital objects that state the candidate/candidate pair's
2 name and/or the position for which they are seeking election. Examples are, buttons, flyers,
3 promotional t-shirts, etc.

4 **SECTION 2. Election Agency Commission:** ~~Election Agency (EA)~~ Election Commission (EC)- Shall
5 implement the provisions set forth in Title 10 of the Student Government Association bylaws and those
6 set forth in the Student Government Association Constitution.

7 2.1. COMPOSITION – The ~~EA~~ EC shall be composed of ~~members of the Graduate and Professional~~
8 ~~Student Government Association~~ an executive director, and three members of the student body.

9 2.1.1. The students serving on the ~~EA~~ EC shall be nominated by The SGA President, SGA Senate
10 Chair, SGA Chief Justice of the Supreme Court. ~~GPSGA One student shall be nominated to~~
11 ~~the Election Commission by the SGA President, one by the SGA Senate Chair, and one by~~
12 ~~the Chief Justice of the Supreme Court and then approved by the Senate.~~

13 2.1.1.1. The SGA Programs Coordinator shall serve as the Executive Director of the EC.
14 The Executive Director shall not vote on reports to be submitted to the SGA Attorney
15 General.

16 2.1.2. No candidate for office shall serve on the ~~EA~~ EC. If a member of the ~~EA~~ EC resigns for the
17 purpose of running for office, ~~GPSGA will nominate a replacement candidate a~~
18 ~~replacement shall be nominated by the nominator whom nominated the member resigning~~
19 ~~who will then be approved by Senate.~~

20 2.1.3. No member of SGA leadership, including, but not limited to members of the executive,
21 legislative, or judicial branch shall serve on the ~~EA~~ EC.

22 2.1.4. No Member of the ~~EA~~ EC shall endorse a candidate/candidate pair nor shall any member of
23 the EC participate as a member of any campaign team.

24 2.1.5 The ~~GPSGA Intergovernmental Liaison~~ SGA Programs Coordinator shall be the chairperson
25 of the ~~EA~~ EC.

26 ~~2.1.6 A Graduate Assistant from the department of Leadership and Campus Life shall serve as an~~
27 ~~ex officio, non-voting adviser for the Election Agency.~~

28 ~~2.1.6.1 A Graduate Assistant from the department of Leadership and Campus Life shall~~
29 ~~be present at all Election Agency meetings.~~

30 ~~2.1.6.2 If No Graduate Assistant from the department of Leadership and Campus Life is~~
31 ~~available to serve as an ex officio, non-voting adviser for the Election Agency then the~~
32 ~~GPSGA Intergovernmental Liaison will serve as the ex officio, non-voting adviser for the~~
33 ~~EA and the EA would then elect a chair within the EA.~~

34 ~~2.1.7. The Coordinator for SGA Programs shall serve as an ex officio, non-voting Administrative~~
35 ~~Advisor to the EA~~

36 ~~2.1.86. The Coordinator of SGA Programs shall facilitate the training of the EC~~ GPSGA
37 Intergovernmental liaison.

38 2.1.5-~~86~~.1. Training shall consist of a thorough education of the bylaws
39 pertaining to the election, how to run a meeting, and a brief overview of the
40 Oklahoma Open Meetings and Open Records Acts.

41 2.1.8.2 The Intergovernmental Liaison is then responsible for training the
42 remainder of the election agency.

43 2.1.97 IN THE CASE OF A SPECIAL ELECTION– The ~~EA~~ EC shall follow all rules outlined in sections
44 2.2.6, 2.2.7, and 2.2.8.

45 2.1.97.1 In the case of a Special Election before the ~~EA~~ EC can be chosen by GPSGA and
46 confirmed by the senate, the EA shall consist of three (3) members of the GPSGA
47 Executive team, excluding the Intergovernmental Liaison who is still the chair of the EA.

1 In the of a special election properly appointed EC members may fulfilled the outlined
2 duties of their office pending senate approval.
3

4 2.2. RESPONSIBILITIES – Responsibilities of the EA EC shall include:

5 2.2.1. ACCEPT INTENT TO RUN FILINGS – The Coordinator of SGA Programs shall accept intention
6 to run filings from any student of Oklahoma State University.

7 2.2.2. VALIDATE INTENT TO RUN FILINGS – The Coordinator of SGA Programs shall validate each
8 potential candidate/candidate pair’s intent to run filing to ensure that the candidates
9 meet the minimum requirements outlined in Title 10 of the Student Government
10 Association bylaws and those outlined in the Student Government Association
11 Constitution.

12 2.2.3. CREATION OF BALLOT – ~~The EA Chair shall work with the~~ Coordinator of SGA Programs ~~to~~
13 shall create a ballot composed of those candidate/candidate pair(s) whose intent to run
14 filings were validated in accordance with section 2.2.2., the ballot should also include
15 any constitutional amendments that have been approved for consideration by the
16 student body. Upon the ballots creation the members of the EC shall be notified.

17 2.2.4 HEAR REPORTS OF CAMPAIGN VIOLATIONS – The EA EC shall hear reports of campaign
18 violations and misconduct and ~~determine within 48 hours of receiving the complaint if~~
19 ~~enough evidence exists for a formal Supreme Court hearing.~~ create and agree to a report
20 which shall include a recommendation on action and submit it to the SGA Attorney
21 General within 48 hours of receiving a complaint.

22 2.2.4.1. The EA EC shall ~~not determine guilt or innocence only if enough~~
23 ~~evidence exists to warrant a Supreme Court hearing.~~ notify the SGA Attorney
24 General of all complaints submitted to the commission.

25 2.2.4.2. All reports submitted to the Attorney General shall include any evidence
26 and any testimony submitted to the EC related to the given complaint.

27 2.2.4.2. IF it is determined that the complaint is valid and enough evidence
28 exists for a trial; THEN the EA shall inform the Attorney General and the
29 Supreme Court Chief Justice.

30 2.2.4.3. IF the EA determines that not enough evidence exists for a Supreme
31 Court trial; THEN That decision cannot be appealed.

32 2.2.5. ACCEPT CAMPAIGN BUDGET(S) – The Coordinator of SGA Programs shall accept campaign
33 budgets from every candidate/candidate pair.

34 2.2.5.1. VALIDATE CAMPAIGN BUDGET(S) – The EA EC shall validate each
35 candidate/candidate pair’s campaign budget at 5:30 pm CST on the last Election
36 Day.

37 2.2.5.2. The EA EC shall ensure that each candidate/candidate pair’s campaign
38 expenditures are less than or equal to the maximum campaign expenditure
39 outlined in Title 10 Section 4.2 of the Student Government Association bylaws.

40 2.2.5.1.1. IF a candidate/candidate pair is found, by the EA EC, to have exceeded
41 the allowed campaign expenditure as outlined in Title 10 Section 4.2 of the
42 Student Government Association bylaws, THEN that candidate/candidate pair
43 shall be automatically disqualified.

44 2.2.6. VALIDATE ELECTION RESULTS – The EA EC will be provided the results by the Coordinator
45 of SGA programs and shall validate the election results by determining that no technical
46 issue affected the election results.

- 1 2.2.76.1. The EA EC shall investigate any report of technological difficulties to
2 determine if the technological difficulty had a meaningful impact on the election
3 results.
- 4 2.2.76.2. IF the EA EC finds that a technological difficulty did meaningfully impact the
5 election results THEN the EA EC shall use its discretion to remedy the issue.
- 6 2.2.87. DECLARE ELECTION WINNER(S) – The EA EC shall review the validated election results
7 and the validated campaign budget(s) to declare an election winner.
- 8 2.2.87.1. DECLARATION OF PRESIDENTIAL/VICE PRESIDENTIAL ELECTION WINNERS –
9 The Presidential/Vice Presidential candidate pair must receive a majority to be
10 declared the winner unless a candidate pair’s budget is not validated.
- 11 2.2.87.1.1. IF a candidate pair has received greater than 50% of the
12 popular vote as reported in the validated election results AND the
13 candidate pair’s campaign budget **WAS** validated AND each candidate of
14 the pair is in good standing with the University THEN that candidate pair
15 shall be declared the election winner.
- 16 2.2.87.1.2. IF a candidate pair has received greater than 50% of the
17 popular vote AND the candidate pair’s campaign budget **WAS NOT**
18 validated OR either candidate of the pair is not in good standing with
19 the University THEN that candidate pair shall be disqualified.
- 20 2.2.87.1.3. IF no candidate/candidate pair received greater than 50% of
21 the popular vote AND there are more than one (1) candidate/candidate
22 pair whose campaign budget was validated AND each candidate of each
23 candidate pair whose budget was validated is in good standing with the
24 University THEN a runoff election shall be held in accordance with Title
25 9 Section 5.4 of the Student Government Association bylaws.
- 26 2.2.8.2. DECLARATION OF SENATE ELECTION WINNERS - Senators shall be elected on a
27 plurality basis.
- 28 2.2.7 8.2.1. IF the number of validated senate candidates from any
29 constituency are less than or equal to the total number of available
30 seats THEN all candidates shall be declared winners.
- 31 2.2.7 8.2.2. IF the number of validated senate candidates from any
32 constituency is greater than the number of available seats THEN the
33 available seats shall be filled with the candidates who have the largest
34 percentages of the popular vote and those candidates shall be declared
35 winners.
- 36 2.2.8.3. ADOPTION OF CONSTITUTIONAL AMENDMENTS – Constitutional amendments
37 shall be adopted if the proposed amendment received the majority.
- 38 2.2.9. NOTIFY MEDIA OF ELECTION WINNER(S) – Upon declaring election winners the EA EC
39 Chair shall notify the O’Colly.
- 40 2.3. MEETINGS – The EA-EC shall hold meetings as necessary to fulfill the responsibilities outlined in
41 2.2. of Title 10 of the Student Government Association Bylaws.
- 42 2.3.1. A quorum (50% plus 1) of the members of the EA EC shall be present in order to
43 hold a meeting and transact business.
- 44 2.3.1.1 Failure to attend a scheduled meeting without extenuating
45 circumstances, as determined by the EA-EC Chair, shall result in removal
46 from the EA EC.
- 47 2.3.2. The EA EC Chair shall be responsible for posting an agenda at least 24 hours
48 before any EA EC meeting, for recording minutes of any EA EC meeting, and for ensuring

1 that any EA EC meeting is in compliance with any State or Federal laws that are
2 applicable.

3 2.4 CANDIDATE INFORMATIONAL MEETING – The ~~Election Agency~~ EC shall host a non-mandatory
4 informational meeting to review Title 10 in its entirety with all candidates as soon as possible
5 after campaign filings have been made.
6

7 **SECTION 3. CANDIDACY AND FILINGS:**

8 3.1. CANDIDACY – Any student of Oklahoma State University may run for the office of
9 Senator, President, or Vice President provided the student meets the minimum requirements
10 outlined in 3.2 of the Student Government Association bylaws and the Student Government
11 Association Constitution.

12 3.1.1. The President and Vice President shall be elected together as one ticket.

13 3.2. QUALIFICATIONS –

14 3.2.1. SENATOR QUALIFICATIONS – Any student filing for a senate seat must:

15 3.2.1.1. Be a graduate or full-time undergraduate student of Oklahoma State
16 University

17 3.2.1.2. Possess a 2.0 cumulative grade point average and not be on academic
18 probation. Should the student be a first-semester freshman, midterm grades will
19 be used for filing, and should they win the seat, final semester grades will be
20 checked before the first Senate meeting of that calendar year.

21 3.2.1.2.1 If the student does not have any midterm grades and/or if
22 their midterm GPA is below 2.0, they may contact the
23 student activities officer with evidence of GPA above
24 2.0 in order to file.

25 3.2.1.3. Have intent to enroll in at least two subsequent semesters following the
26 semester of filing

27 3.2.1.4. Have completed at least one (1) semester as a full-time undergraduate or
28 graduate student at Oklahoma State University in Stillwater by the time of their
29 position beginning.

30 3.2.1.5. Be a member of the constituency for which the senate seat is sought

31 3.2.1.6. Be in good standing with the University and Student Conduct

32 3.2.2. PRESIDENT/VICE PRESIDENT QUALIFICATIONS –

33 3.2.2.1. Be a graduate or full-time undergraduate student of Oklahoma State
34 University.

35 3.2.2.2. Possess a 2.5 cumulative grade point average and not be academic
36 probation.

37 3.2.2.3. Have intent to enroll in at least (2) two subsequent semesters following
38 the semester of filing.

39 3.2.2.4. Have completed at least two (2) semesters as a full-time undergraduate or
40 graduate student at Oklahoma State University in Stillwater.

41 3.2.1.5. Be a member of the constituency for which the senate seat is sought.

42 3.2.2.6. Be in good standing with the University and Student Conduct

43 3.3. FILING – Any student who files for a Student Government Association office must:

44 3.3.1. File no later than 11:59 PM CST on the 1st day of February for the spring
45 Presidential election and 11:59 PM CST the first day of March for the spring
46 senatorial election and 11:59 PM CST on November 1 for the fall election.

47 3.3.2. When filing for a Student Government Association office the file must contain:

48 3.3.2.1. Candidate/Candidate pair's full legal name(s)

49 3.3.2.2. Candidate/Candidate pair's Campus Wide ID number(s)

1 3.3.2.3. Candidate/Candidate pair's contact information including address(s),
2 phone number(s) and email(s)

3 3.3.2.4. Candidate/Candidate pair's academic transcript(s). (official or unofficial)

4 3.3.2.5. Candidates filing for President and Vice President must obtain verifiable
5 signatures of 2% of the student body, or 500 students, whichever is less. The
6 signature petition must include the student's full name, signature and CWID.

7 3.3.2.6. All requirements of Section 3.3.2 must be completed by submitting
8 digital versions of all required documents to the SGA website by the filing
9 deadline.

10 3.3.2.7. The ~~Election Agency~~ EC may request physical copies of all documents to be provided in a timely
11 manner should the need arise.

12
13 **Section 2** AMENDATORY Title III of the Oklahoma State University Student Government
14 Association Bylaws shall be amended to read as follows:

15
16 **TITLE 3 SUPREME COURT COURTS AND JUDICIAL PROCEEDINGS**

17
18 **Sec. 1 OATH OF OFFICE**

19
20 1.1 Before the Justices of the Student Government Association shall enter their offices, they shall
21 take the following oath, given by the Senate Chair or the Chief Justice Court:

22
23 "I, (repeat name), do solemnly affirm, that I will discharge to the best of my
24 ability, the responsibilities entrusted to me, as an office of the Student
25 Government Association of Oklahoma State University."

26
27 1.1.2 Upon finalization of this oath, officers shall be considered commissioned to
28 their stated duties

29
30 1.2. Before the Justices of the Student Government Association shall enter their offices, they
31 shall take the following oath, given by the Senate Chair or the Chief Justice
32 Court:

33
34 "I, (repeat name), do solemnly affirm, that I will discharge to the best of my
35 ability, the responsibilities entrusted to me, as an office of the Student
36 Government Association of Oklahoma State University."

37
38 1.2.2 Upon finalization of this oath, officers shall be considered commissioned to
39 their stated duties

40
41 **Sec. 2. DEFINITIONS** - are herein defined and specified for the Supreme Court of SGA.

42 2.1. Plaintiff - the party petitioning the court.

43 2.2. Defendant - the party named (addressed) by the plaintiff's petition.

44 2.3. Petition - the paper(s) filed by plaintiff requesting an opinion or decision from the
45 court.

46 2.4. Representative - the person or persons who will represent the party as counsel before
47 the Court. Representatives must be students.

1 2.5 Appeal - shall be used to mean either original or appellate jurisdiction.
2

3 **Sec. 3. RESPONSIBILITIES AND DUTIES OF SUPREME COURT JUSTICES**

4 3.1 SUPREME COURT JUSTICES

5 3.1.1. All Supreme Court Justices are responsible for having a working
6 knowledge of the SGA Constitution, the SGA Bylaws, the SGA Senate Rules,
7 parliamentary procedures and the Oklahoma Open Meeting and Open Records
8 Acts.

9 3.1.2 There shall be a training workshop the first Wednesday of each semester.
10 This workshop shall be mandatory and all new justices.

11 3.1.2.1 The training workshop will be conducted by a member of SGA
12 leadership including but not limited to the SGA President, Vice President,
13 Senate Chair, Senate Vice Chair, Chief Justice or their designee.

14 3.1.3 If a justice is unable to attend the required training, they need to thoroughly
15 review the materials with one member of SGA leadership including but not
16 limited to the SGA President, Vice President, Senate Chair, Senate Vice Chair or
17 Chief Justice within six (6) weeks of being sworn in.

18 3.1.4 Failure of a justice to complete the required training within six (6) weeks of
19 being sworn in will result in removal from office. Upon removal the Senate Vice-
20 Chair shall place an announcement in the classified section of the O’Colly
21 announcing the Justice’s removal. The ad shall be bold faced and include the
22 removed justice’s name.

23 3.1.5 All Supreme Court Justices are required to meet once a month to review
24 amendments and changes made to the SGA Bylaws and SGA Constitution and
25 discuss what is happening within SGA.

26 3.1.6 The Supreme Court shall consist of no more than seven (7) justices,
27 including the Chief Justice.

28 3.1.7 Supreme Court Justices are to serve on the Student Conduct Board.
29

30 3.2 SUPREME COURT CHIEF JUSTICE

31 3.2.1 The Chief Justice is required to meet with the SGA Senate Internal Affairs
32 Committee at the beginning of each semester to discuss and review the SGA
33 Bylaws.

34 3.2.2 The Chief Justice is required to attend at least one meeting of the SGA
35 Senate a month in order to stay informed with what is happening within the
36 Student Government Association.

37 3.2.2.1 If the Chief Justice is unable to attend the above said meeting, then
38 he/she may send another justice to Senate in his/her place.

39 3.2.3 The Chief Justice should give Senate an oral report once a semester.

40 3.2.4 The Chief Justice is responsible for keeping the SGA President, Vice
41 President, and Senate up to date with a list of all current Supreme Court Justices.
42

43 **Sec.4. JURISDICTION**

44 4.1. ORIGINAL JURISDICTION - Following Article III, Sec. 2.2. of the SGA
45 Constitution, the Supreme Court shall have original jurisdiction only in cases
46 affecting SGA officers and those in which the SGA shall be a party.

1 4.1.1. The Supreme Court shall have original jurisdiction in matters involving
2 SGA elections, including campaign violations, disqualification of candidates,
3 assessment of penalties, special elections, and the decision to certify or nullify
4 election results. 4.2. APPELLATE JURISDICTION - Following Article III, Sec.
5 2.2. of the SGA Constitution, the SGA Senate shall regulate and make exceptions
6 to the appellate jurisdiction of the Supreme Court with regards to Judicial Review
7 and other cases. Such regulations shall be made through amendments to the SGA
8 By-Laws.

9 4.2.1. In all cases involving Judicial Review of the SGA Constitution, By-Laws,
10 or enacted legislation, the court will have appellate jurisdiction only upon receipt
11 of a valid petition as defined within the SGA Constitution and By-Laws.

12 4.2.2. In accordance with Article I, Section 7.6 of the SGA Constitution, the
13 Supreme Court will have no jurisdiction, whether original or appellate, over
14 impeachment and removal cases.

15 4.2.3. The Supreme Court and its individual Justices shall be prohibited from
16 hearing or ruling upon any petition of Judicial Review, and shall be prohibited
17 from issuing writs or statements on any point of law, specifically concerning the
18 extent of its own powers as prescribed in Article III and other sections of the SGA
19 Constitution.

20 4.2.3.1. This is intended to prevent the “Marbury v. Madison scenario.”
21 The Supreme Court will not be allowed to create new powers through
22 Judicial Review that are not specifically listed in the plain language of the
23 SGA Constitution.
24

25 **Sec. 5. INITIATION OF HEARINGS**

26
27 5.1. The plaintiff shall file a petition with the SGA President and/or Senate Chair. The
28 petition shall contain the names of the plaintiff, and the defendant, and the time,
29 date and location of the violation. It shall also contain the cause of the appeal and
30 names of any witnesses.

31 5.1.1 Should the Attorney General wish to file a petition with any court of the
32 SGA, shall file with the SGA President or SGA Senate Chair. Petitions filed by
33 the Attorney General shall contain all information outlined in section 5.1 of this
34 section.

35 5.2. For petitions falling under the jurisdiction of the supreme court, The SGA President
36 shall notify the Supreme Court Chief Justice and Attorney General within one
37 school day of receipt of the petition and provide copies of the petition to those
38 parties.

39 5.3 For petitions falling under jurisdiction of the SGA Trial Court, The SGA President
40 shall notify the Coordinator of SGA Programs, for the purpose of creating the
41 court and Attorney General within one school day of receipt of the petition and
42 provide copies of the petition to those parties.

43 5.3 4. The Chief Justice or the Presiding Justice shall set a time and place for the hearing
44 to take place. The hearing time must be within five (5) school days of receipt of
45 the petition unless the appeal concerns SGA elections or a decision of the ~~Election~~

1 ~~Agency Election Commission~~, in which case the hearing time must be within one
2 (1) school day of receipt of the petition.

3 5.4 ~~5~~. The Chief Justice or the Presiding Justice shall notify all parties named in the
4 petition of the time and place of the hearing. During notification, the Chief Justice
5 shall also request the following be presented, by both parties, at least one (1)
6 school day before the hearing (unless the appeal concerns SGA elections or if the
7 ~~Election Agency Election Commission~~ is one of the parties):

8 5.4 ~~5~~.1. Five (5) copies of written briefs from both parties outlining arguments
9 and one (1) copy for the opposing side.

10 5.4 ~~5~~.2. A list of all anticipated witnesses.

11 5.4 ~~5~~.3. Five (5) copies of all documented evidence and one (1) copy for the
12 opposing side.

13
14 **Sec. 6. RIGHTS OF PARTIES** - The plaintiff and defendant possess certain rights and
15 responsibilities described by but not limited to the following:

16 6.1. To have a written copy of the SGA Judicial Branch constitutional powers, a copy of
17 these By-Laws and any other rules of procedure established by the Supreme
18 Court.

19 6.2. To be represented by student counsel who is a student at OSU of their own choosing,
20 including representing his/her self.

21 6.3. To file typewritten briefs outlining arguments.

22 6.4. To cross-examine witnesses and inspect evidence.

23 6.5. To have reasonable oral argument.

24 6.6. To present signed deposition if adequate justification can be shown for a witness not
25 appearing.

26 6.7. To introduce procedural motions including:

27 6.7.1. for delay or extension of hearing

28 6.7.2. for dismissal due to lack of evidence

29 6.7.3. for mistrial due to evidence offered

30 6.7.4. for rejection of evidence offered

31 6.7.5. for objection to actions of the opposing party

32 6.7.6. for suspension of any rule of order

33 6.7.7. for temporary disqualification of a Supreme Court Justice for reasons of
34 personal involvement without regard to quorum. At no time can a single justice
35 render a decision without regard to quorum. At no time can a single justice render
36 a decision. It will become the obligation of the Supreme Court to reschedule the
37 hearing.

38 6.7.8. for extra ordinary actions as they may occur.

39
40 **Sec. 7 RIGHTS AND RESPONSIBILITIES OF COURT** - The SGA Supreme Court shall
41 have the following rights and responsibilities described by but not limited to the
42 following:

43 7.1. To reject an appeal that is either unwarranted or not under the Court's jurisdiction by
44 majority vote of the Court.

45 7.2. To officially notify the Court and persons involved of the time and place of meetings
46 and hearings through the Chief Justice.

- 1 7.3. To provide a means whereby witnesses can be sequestered during the course of the
2 hearing.
- 3 7.4. To have the ability to grant immunity from prosecution to persons testifying before
4 the Court.
- 5 7.5 To officially receive and certify the receipt of documentary evidence, exhibits, and
6 depositions and provide for their safekeeping.
- 7 7.6 To ensure that hearsay shall not be admissible in any and all hearings
- 8 7.7. To maintain reasonable order in the courtroom during the process of the hearings.
- 9 7.8. To question those witnesses that have been previously called by the parties involved,
10 or to request further documentation of evidence presented.
- 11 7.9. To request consolidation of similar cases in order to efficiency without sacrificing
12 justice.
- 13 7.10. To write both Majority and Minority Opinions, specifically stating reasons for
14 decisions and have them returned to the parties involved and on file in the SGA
15 office.
- 16 7.11. To create other procedural guidelines and to make those as well, as these rules
17 available to the parties involved prior to the hearing.
- 18 7.12. By the determination of a majority of the sitting justices of the Court, the incidental
19 procedural rules set by the Court may be suspended in any case when the best
20 administration of justice dictates.

21
22 **Sec. 8. STRUCTURE OF HEARINGS** - The following procedural guidelines and structure of
23 hearings shall apply to all hearings before the Court:

- 24 8.1. The Chief Justice shall check to determine if a quorum has been established and shall
25 enter the names of those present or absent into the record. Quorum of the Court
26 shall consist of fifty percent (50%) of the membership plus one (1) member.
- 27 8.2. The Chief Justice shall ask the parties if they are ready to proceed and ask them to
28 identify their representatives. The failure of the plaintiff or his representative to
29 appear without justifiable cause determined by the Court shall terminate his/her
30 right to appeal.
- 31 8.3. If all parties are ready to proceed, the Chief Justice shall open the hearings. At this
32 time the Chief Justice shall give a short statement, urging the parties to feel free to
33 ask questions of the Court as the hearing proceeds, and that the interest of the
34 Court is justice, not necessarily form or procedural rules.
- 35 8.4. The Chief Justice shall determine if the plaintiff's and defendant's briefs have been
36 distributed to the Supreme Court members and to opposing parties. The Chief
37 Justice shall then read the plaintiff's original appeal to the Court.
- 38 8.5. The plaintiff may request to add any pleadings to the original statement. If so, the
39 court shall, by majority vote, determine if the additions are to be accepted.
- 40 8.6. Additional depositions, exhibits, enclosures, or other evidence that needs to be filed
41 with the Court, by either party, will be presented at this time.
- 42 8.7. Any Justice of the Supreme Court who wishes to declare him/herself recused
43 (disqualified) due to personal involvement shall do so at this time. The remaining
44 justices shall make the decision without regard to quorum. At no time can a single
45 justice render a decision. It will become the obligation of the Supreme Court to
46 reschedule the hearing, when deemed necessary.

- 1 8.8. Either party may introduce a procedural motion for delaying of the hearing,
2 challenge for cause, summary judgment or other extraordinary action. The
3 majority vote of the Justices involved in a (challenge for cause) (motion for
4 disqualification of a justice) shall not vote in determining the outcome of that
5 motion.
- 6 8.9. Each side shall have five (5) minutes to present their opening arguments. The
7 plaintiff shall be the first to present.
- 8 8.10. The plaintiff's representative shall present his/her case. Witnesses of the plaintiff
9 will take the witness stand and be questioned first by the plaintiff's representative
10 and then cross-examined by the defendant's representative.
- 11 8.11. After the plaintiff's case has been presented, the defendant's representative shall
12 present his/her case. Witnesses of the defendant will take the witness stand and be
13 questioned first by the defendant's representative and then cross-examined by the
14 plaintiff's representative.
- 15 8.12. Either party may put on testimony to answer or to rebut that of the other party. This
16 may include the recall of witnesses.
- 17 8.13. After both parties have rested their cases, the one representative from each opposing
18 side shall have the opportunity for summation. The defendant's side shall have the
19 final summation.
- 20 8.14. After summation, the Court may ask questions concerning the case. The defendant
21 shall have the right to refuse to answer any questions.
- 22 8.15. The Supreme Court shall render a decision in writing within five (5) days. In the
23 case of extenuating circumstances, the Chief Justice may extend the period of
24 deliberation, subject to majority approval of the Court.
- 25 8.16. Fifty percent (50%) of the membership of the Court, excluding those recused, shall
26 be required to render a decision (the majority opinion).

27 28 **Sec. 9. WRITS**

- 29 9.1. A writ of injunction shall have the following stipulations: A signed, written and
30 witnessed statement shall be required from at least two (2) Supreme Court
31 Justices to authorize an injunction. The purpose of an injunction will be to forbid
32 the defendant or his/her agents to (1) do, (2) threaten, (3) attempt, or (4) continue
33 an act which is unjust, inequitable, or injurious to the plaintiff and which cannot
34 be adequately redressed by action of the court. The injunction shall only be good
35 for a period not to exceed twenty-five (25) school days. If a hearing is requested,
36 the status of the writ shall be determined by the outcome of the hearings.
- 37 9.2. A writ of Mandamus shall have the following stipulations: Writs of Mandamus may
38 be issued, upon proper showing, to any member of the Student Government
39 Association on the basis of non-performance of an administrative duty. This writ
40 shall be issued to insure performance of that duty. A case for remedial action or
41 removal may be submitted to the Court upon proper showing that the Writ has
42 been ignored.
- 43 9.3. A Writ of Certification shall have the following stipulations: A writ of certification
44 shall be issued by the Court to clarify a point of law raised by a lower court or
45 administrative agency. The Supreme Court shall respond to a question raised
46 within five (5) school days, with the exception of questions raised by the Election

1 Agency. The court or agency petitioning the Court will postpone their decision
2 until the Supreme Court has responded to the question.

3
4 9.3.1. A writ of certification from the Election Agency shall be answered within 48 hours
5 up to ten (10) days prior to an election, and within 24 hours within ten (10) days
6 of an election.

7
8 **Sec 10. DECISIONS OF THE SUPREME COURT** - All Supreme Court Decisions shall be
9 filed by the Chief Justice or Senior Justice on the prevailing side with the SGA
10 Secretary for typing and filing in the SGA office within five (5) school days after
11 being announced or the decision shall not be considered as precedent for future
12 decisions.

13 10.1. The index of the Supreme Court decision on file in the SGA office shall be updated
14 at the end of each legislative session by the Senate Chairperson and listed in this
15 section.

16 **Sec. 11. SGA TRIAL COURT**

17 11.1 Creation and Composition

18
19 11.1.1 There shall be established a court of record known as the SGA trial court.

20 11.1.2 The SGA trial court shall consist of three judges selected from the SGA
21 Supreme Court

22 11.1.2.1 Upon the decision to hear a case in the SGA trial court, three
23 supreme court justices shall be randomly selected by the Coordinator of
24 SGA Programs.

25 11.1.2.1.1 This process shall consist of all SGA Supreme Court
26 Justices names being placed in a container and three being
27 randomly selected, this process shall be overseen by the SGA
28 President and SGA Senate Chair.

29 11.1.2.1.2 Justice wishing to recuse themselves from consideration
30 of the case at hand shall do so prior to the selection process and
31 their name(s) shall not be added to the container.

32 11.1.3 All proceedings before the SGA Trial Court shall be presided over
33 by the most senior Justice assigned to that case.

34 11.2 Jurisdiction

35 11.2.1 The SGA Trial Court shall have original jurisdiction in all cases
36 concerning all violations of the SGA bylaws, not otherwise falling under the
37 original jurisdiction of the SGA Supreme Court.

38 11.2.1.1 The SGA Supreme Court shall have the power to remand all
39 petitions arising under their original jurisdiction to the SGA Trial Court.

40 11.2.2 The SGA Trial Court shall not have the jurisdiction to issue final
41 judgement in cases they determine to require a level three campaign violation.

42 11.2.2.1 Nothing in 11.2.2 shall be construed to deny any party the right to
43 appeal a case to the SGA Supreme Court.

44 11.3 Rights of Parties

45

1 11.3.1 Parties coming before the SGA Trial Court shall retain all rights outlined
2 under section 6 of this title.

3
4 11.4 Rights and Responsibilities of the Court- The SGA Trial Court shall have the
5 following rights and responsibilities described by but not limited to the following:

6 11.4.1 To reject an petition that is either unwarranted or not under the Court's
7 jurisdiction by majority vote of the Court.

8 11.4.2 To officially notify the Court and persons involved of the time and place of
9 meetings and hearings through the Presiding Justice.

10 11.4.3 To provide a means whereby witnesses can be sequestered during the
11 course of the hearing.

12 11.4.4 To have the ability to grant immunity from prosecution to persons
13 testifying before the Court.

14 11.4.5 To officially receive and certify the receipt of documentary evidence,
15 exhibits, and depositions and provide for their safekeeping.

16 11.4.6 To ensure that hearsay shall not be admissible in any and all hearings

17 11.4.7 To maintain reasonable order in the courtroom during the process of the
18 hearings.

19 11.4.8 To question those witnesses that have been previously called by the parties
20 involved, or to request further documentation of evidence presented.

21 11.4.9 To request consolidation of similar cases in order to efficiency without
22 sacrificing justice.

23 11.4.10 To write both Majority and Minority Opinions, specifically stating
24 reasons for decisions and have them returned to the parties involved and on file in
25 the SGA office.

26 11.4.11 To create other procedural guidelines and to make those as well, as these
27 rules available to the parties involved prior to the hearing.

28 11.4.12 By the determination of a majority of the sitting justices of the Court, the
29 incidental procedural rules set by the Court may be suspended in any case when
30 the best administration of justice dictates.

31
32 11.5 Structure of Hearings - The following procedural guidelines and structure of
33 hearings shall apply to all hearings before the Court:

34 11.5.1. The Presiding Justice shall ensure full membership of the Trial Court is
35 present.

36 11.5.2. The Presiding Justice shall ask the parties if they are ready to proceed and
37 ask them to identify their representatives. The failure of the plaintiff or his
38 representative to appear without justifiable cause determined by the Court shall
39 terminate his/her right to appeal.

40 11.5.3. If all parties are ready to proceed, the Presiding Justice shall open the
41 hearings. At this time the Presiding Justice shall give a short statement, urging the
42 parties to feel free to ask questions of the Court as the hearing proceeds, and that
43 the interest of the Court is justice, not necessarily form or procedural rules.

44 11.5.4. The Presiding Justice shall determine if the plaintiff's and defendant's
45 briefs have been distributed to the Supreme Court members and to opposing

1 parties. The Presiding Justice shall then read the plaintiff's original appeal to the
2 Court.

3 11.5.5. The plaintiff may request to add any pleadings to the original statement. If
4 so, the court shall, by majority vote, determine if the additions are to be accepted.

5 11.5.6. Additional depositions, exhibits, enclosures, or other evidence that needs
6 to be filed with the Court, by either party, will be presented at this time.

7 11.5.7 Either party may introduce a procedural motion for delaying of the hearing,
8 challenge for cause, summary judgment or other extraordinary action. The
9 majority vote of the Justices involved in a (challenge for cause) (motion for
10 disqualification of a justice) shall not vote in determining the outcome of that
11 motion.

12 11.5.8. Each side shall have five (5) minutes to present their opening arguments.
13 The plaintiff shall be the first to present.

14 11.5.9 The plaintiff's representative shall present his/her case. Witnesses of the
15 plaintiff will take the witness stand and be questioned first by the plaintiff's
16 representative and then cross-examined by the defendant's representative.

17 11.5.10. After the plaintiff's case has been presented, the defendant's
18 representative shall present his/her case. Witnesses of the defendant will take the
19 witness stand and be questioned first by the defendant's representative and then
20 cross-examined by the plaintiff's representative.

21 11.5.11. Either party may put on testimony to answer or to rebut that of the other
22 party. This may include the recall of witnesses.

23 11.5.12. After both parties have rested their cases, the one representative from
24 each opposing side shall have the opportunity for summation. The defendant's
25 side shall have the final summation.

26 11.5.13. After summation, the Court may ask questions concerning the case. The
27 defendant shall have the right to refuse to answer any questions.

28 11.5.14. The Trial Court shall render a decision in writing within five (5) days. In
29 the case of extenuating circumstances, the Presiding Justice may extend the period
30 of deliberation, subject to majority approval of the Court. Decisions shall be filed
31 with the Coordinator of SGA Programs.

32 11.5.15. A Plurality of the membership of the Court shall be required to render a
33 decision.

34 35 11.6 Power to Issue Writs

36 11.6.1 The SGA Trial Court in accordance with section 9 of this title shall have
37 the power to issue all writs outlined in section 9 of this title.

38 11.6.1.1 Authorization of writs of injunction shall be granted only by
39 members of the Trial Court hearing cases related to the injunction.

40 41 11.7 Appeals

42 11.7.1 Any party wishing to appeal the decision of the SGA Trial Court shall file
43 a petition for a writ of certification in accordance with section 9.3 of this title.

44 45 **Section 11 Sec. 12. LEADERSHIP RECOGNITION CORDS**

46

1 ‡ 12.1 Leadership Recognition cords shall be made available for all graduating seniors
2 who have served at least four (4) semesters total across Title I, II, and III branches
3 of the Student Government Association.

4 ‡ 12.1.1 The Leadership Recognition cords must be double-tied with one cord
5 colored plain white and one cord colored a combination of orange and black.

6 ‡ 12.2 Those who were not present at two-thirds (2/3) of the Supreme Court
7 hearings per year of service shall not be eligible to receive the Student
8 Government Association Leadership Recognition cord.

9 ‡ 12.3 Upon the approval of the President, Senate Chair, and Chief Justice of the
10 SGA may award Leadership Recognition cords to any SGA member deemed
11 worthy.

12
13 **Section 3:** Upon passage and approval, the Attorney General is hereby directed to update the By-
14 laws to reflect these changes.

15
16 **Section 4:** This bill shall be forwarded to:

17
18 Kaitlyn Kirksey, SGA President

19 Kristen Ball, SGA Vice-President

20 Marcus Heald, SGA Senate Chair

21 Dr. John Mark Day, SGA Advisor; Director of Leadership and Campus Life

22 Melisa Echols, Coordinator of SGA Programs

23
24 Author(s): Hickey, Jessie

25
26 Co- Author(s):

27
28 Sponsor(s):

29



OKLAHOMA STATE UNIVERSITY STUDENT GOVERNMENT ASSOCIATION
STUDENT BODY SENATE
FALL 2019

1 **Senate Resolution:** F19RS001
2 **Date:** 8/26/19
3 **Committee:** COTW
4

5 AS INTRODUCED
6

7 A resolution confirming the appointment of Supreme Court Chief Justice; and providing for
8 forwarding:
9

10 **Whereas:** The bylaws state that nominations made for the Student Government Association
11 Judiciary shall be subject to the confirmation of the senate
12

13 **Whereas:** The Internal Affairs Committee has written the resolution to allow the senate to
14 confirm them.
15

16 THEREFORE, BE IT RECOMMENDED or RESLOVED BY THE OKLAHOMA STATE
17 UNIVERSITY STUDENT GOVERNMENT ASSOCIATION (SENATE if resolution) THAT:
18

19 **Section 1:** The members of the Internal Affairs Committee, in accordance with the nominees
20 selected by the SGA President, recommend the following nominee for the approval of the SGA
21 Senate:

22 Chief Justice of the SGA Supreme Court: Lindsey Marsh
23

24 **Section 2:** This bill shall be forwarded to:
25

26 Kailyn Kirksey, SGA President
27 Marcus J. Heald, SGA Senate Chair
28 Dr. John Mark Day, SGA Advisor; Director of Leadership & Campus Life
29 Melisa Echols, Coordinator of SGA Programs
30

31
32 Author(s): Carmichael, Aaron
33

34 Co- Author(s): Murphey, Noah D.
35

36 Sponsor(s): Kirksey, Kaitlyn
37
38
39