

**TITLE 3  
COURTS AND JUDICIAL PROCEEDINGS**

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**Sec. 1 OATH OF OFFICE**

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

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

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

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

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

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

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

- 2.1. Plaintiff - the party petitioning the court.
- 2.2. Defendant - the party named (addressed) by the plaintiff's petition.
- 2.3. Petition - the paper(s) filed by plaintiff requesting an opinion or decision from the court.
- 2.4. Representative - the person or persons who will represent the party as counsel before the Court. Representatives must be students.
- 2.5. Appeal - shall be used to mean either original or appellate jurisdiction.

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

**3.1 SUPREME COURT JUSTICES**

- 3.1.1. All Supreme Court Justices are responsible for having a working knowledge of the SGA Constitution, the SGA Bylaws, the SGA Senate Rules, parliamentary procedures and the Oklahoma Open Meeting and Open Records Acts.
- 3.1.2 There shall be a training workshop the first Wednesday of each semester. This workshop shall be mandatory and all new justices.
  - 3.1.2.1 The training workshop will be conducted by a member of SGA leadership including but not limited to the SGA President, Vice President, Senate Chair, Senate Vice Chair, Chief Justice or their designee.
- 3.1.3 If a justice is unable to attend the required training, they need to thoroughly review the materials with one member of SGA leadership including but not limited to the SGA President, Vice President, Senate Chair, Senate Vice Chair or Chief Justice within six (6) weeks of being sworn in.
- 3.1.4 Failure of a justice to complete the required training within six (6) weeks of being sworn in will result in removal from office. Upon removal the Senate Vice-Chair shall place an announcement in the classified section of the O'Colly announcing the Justice's removal. The ad shall be bold faced and include the removed justice's name.
- 3.1.5 All Supreme Court Justices are required to meet once a month to review amendments and changes made to the SGA Bylaws and SGA Constitution and discuss what is happening within SGA.
- 3.1.6 The Supreme Court shall consist of no more than seven (7) justices, including the Chief Justice.
- 3.1.7 Supreme Court Justices are to serve on the Student Conduct Board.

**3.2 SUPREME COURT CHIEF JUSTICE**

- 3.2.1 The Chief Justice is required to meet with the SGA Senate Internal Affairs Committee at the beginning of each semester to discuss and review the SGA Bylaws.
- 3.2.2 The Chief Justice is required to attend at least one meeting of the SGA Senate a month in order to stay informed with what is happening within the Student Government Association.
  - 3.2.2.1 If the Chief Justice is unable to attend the above said meeting, then he/she may send another justice to Senate in his/her place.
- 3.2.3 The Chief Justice should give Senate an oral report once a semester.
- 3.2.4 The Chief Justice is responsible for keeping the SGA President, Vice President, and Senate up to date with a list of all current Supreme Court Justices.

**Sec. 4. JURISDICTION**

- 4.1. ORIGINAL JURISDICTION - Following Article III, Sec. 2.2. of the SGA Constitution, the Supreme Court shall have original jurisdiction only in cases affecting SGA officers and those in which the SGA shall be a party.
  - 4.1.1. The Supreme Court shall have original jurisdiction in matters involving SGA elections, including campaign violations, disqualification of candidates,

assessment of penalties, special elections, and the decision to certify or nullify election results.

- 4.2. APPELLATE JURISDICTION - Following Article III, Sec. 2.2. of the SGA Constitution, the SGA Senate shall regulate and make exceptions to the appellate jurisdiction of the Supreme Court with regards to Judicial Review and other cases. Such regulations shall be made through amendments to the SGA By-Laws.
  - 4.2.1. In all cases involving Judicial Review of the SGA Constitution, By-Laws, or enacted legislation, the court will have appellate jurisdiction only upon receipt of a valid petition as defined within the SGA Constitution and By-Laws.
  - 4.2.2. In accordance with Article I, Section 7.6 of the SGA Constitution, the Supreme Court will have no jurisdiction, whether original or appellate, over impeachment and removal cases.
  - 4.2.3. The Supreme Court and its individual Justices shall be prohibited from hearing or ruling upon any petition of Judicial Review, and shall be prohibited from issuing writs or statements on any point of law, specifically concerning the extent of its own powers as prescribed in Article III and other sections of the SGA Constitution.
    - 4.2.3.1. This is intended to prevent the “Marbury v. Madison scenario.” The Supreme Court will not be allowed to create new powers through Judicial Review that are not specifically listed in the plain language of the SGA Constitution.

## **Sec. 5. INITIATION OF HEARINGS**

- 5.1. The plaintiff shall file a petition with the SGA President and/or Senate Chair. The petition shall contain the names of the plaintiff, and the defendant, and the time, date and location of the violation. It shall also contain the cause of the appeal and names of any witnesses.
  - 5.1.1 Should the Attorney General wish to file a petition with any court of the SGA, shall file with the SGA President or SGA Senate Chair. Petitions filed by the Attorney General shall contain all information outlined in section 5.1 of this section.
- 5.2. For petitions falling under the jurisdiction of the supreme court, The SGA President shall notify the Supreme Court Chief Justice and Attorney General within one school day of receipt of the petition and provide copies of the petition to those parties.
- 5.3. For petitions falling under jurisdiction of the SGA Trial Court, The SGA President shall notify the Coordinator of SGA Programs, for the purpose of creating the court and Attorney General within one school day of receipt of the petition and provide copies of the petition to those parties.
- 5.4. The Chief Justice or the Presiding Justice shall set a time and place for the hearing to take place. The hearing time must be within five (5) school days of receipt of the petition unless the appeal concerns SGA elections or a decision of the Election Commission, in which case the hearing time must be within one (1) school day of receipt of the petition.
- 5.5. The Chief Justice or the Presiding Justice shall notify all parties named in the petition of the time and place of the hearing. During notification, the Chief Justice shall also request the following be presented, by both parties, at least one (1) school day before the hearing (unless the appeal concerns SGA elections or if the Election Commission is one of the parties):

- 5.5.1. Five (5) copies of written briefs from both parties outlining arguments and one (1) copy for the opposing side.
- 5.5.2. A list of all anticipated witnesses.
- 5.5.3. Five (5) copies of all documented evidence and one (1) copy for the opposing side.

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

- 6.1. To have a written copy of the SGA Judicial Branch constitutional powers, a copy of these By-Laws and any other rules of procedure established by the Supreme Court.
- 6.2. To be represented by student counsel who is a student at OSU of their own choosing, including representing his/her self.
- 6.3. To file typewritten briefs outlining arguments.
- 6.4. To cross-examine witnesses and inspect evidence.
- 6.5. To have reasonable oral argument.
- 6.6. To present signed deposition if adequate justification can be shown for a witness not appearing.
- 6.7. To introduce procedural motions including:
  - 6.7.1. for delay or extension of hearing
  - 6.7.2. for dismissal due to lack of evidence
  - 6.7.3. for mistrial due to evidence offered
  - 6.7.4. for rejection of evidence offered
  - 6.7.5. for objection to actions of the opposing party
  - 6.7.6. for suspension of any rule of order
  - 6.7.7. for temporary disqualification of a Supreme Court Justice for reasons of personal involvement without regard to quorum. At no time can a single justice render a decision without regard to quorum. At no time can a single justice render a decision. It will become the obligation of the Supreme Court to reschedule the hearing.
  - 6.7.8. for extra ordinary actions as they may occur.

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

- 7.1. To reject an appeal that is either unwarranted or not under the Court's jurisdiction by majority vote of the Court.
- 7.2. To officially notify the Court and persons involved of the time and place of meetings and hearings through the Chief Justice.
- 7.3. To provide a means whereby witnesses can be sequestered during the course of the hearing.
- 7.4. To have the ability to grant immunity from prosecution to persons testifying before the Court.
- 7.5 To officially receive and certify the receipt of documentary evidence, exhibits, and depositions and provide for their safekeeping.
- 7.6 To ensure that hearsay shall not be admissible in any and all hearings
- 7.7. To maintain reasonable order in the courtroom during the process of the hearings.
- 7.8. To question those witnesses that have been previously called by the parties involved, or to request further documentation of evidence presented.
- 7.9. To request consolidation of similar cases in order to efficiency without sacrificing justice.
- 7.10. To write both Majority and Minority Opinions, specifically stating reasons for decisions and have them returned to the parties involved and on file in the SGA office.

- 7.11. To create other procedural guidelines and to make those as well, as these rules available to the parties involved prior to the hearing.
- 7.12. By the determination of a majority of the sitting justices of the Court, the incidental procedural rules set by the Court may be suspended in any case when the best administration of justice dictates.

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

- 8.1. The Chief Justice shall check to determine if a quorum has been established and shall enter the names of those present or absent into the record. Quorum of the Court shall consist of fifty percent (50%) of the membership plus one (1) member.
- 8.2. The Chief Justice shall ask the parties if they are ready to proceed and ask them to identify their representatives. The failure of the plaintiff or his representative to appear without justifiable cause determined by the Court shall terminate his/her right to appeal.
- 8.3. If all parties are ready to proceed, the Chief Justice shall open the hearings. At this time the Chief Justice shall give a short statement, urging the parties to feel free to ask questions of the Court as the hearing proceeds, and that the interest of the Court is justice, not necessarily form or procedural rules.
- 8.4. The Chief Justice shall determine if the plaintiff's and defendant's briefs have been distributed to the Supreme Court members and to opposing parties. The Chief Justice shall then read the plaintiff's original appeal to the Court.
- 8.5. The plaintiff may request to add any pleadings to the original statement. If so, the court shall, by majority vote, determine if the additions are to be accepted.
- 8.6. Additional depositions, exhibits, enclosures, or other evidence that needs to be filed with the Court, by either party, will be presented at this time.
- 8.7. Any Justice of the Supreme Court who wishes to declare him/herself recused (disqualified) due to personal involvement shall do so at this time. The remaining justices shall make the decision without regard to quorum. At no time can a single justice render a decision. It will become the obligation of the Supreme Court to reschedule the hearing, when deemed necessary.
- 8.8. Either party may introduce a procedural motion for delaying of the hearing, challenge for cause, summary judgment or other extraordinary action. The majority vote of the Justices involved in a (challenge for cause) (motion for disqualification of a justice) shall not vote in determining the outcome of that motion.
- 8.9. Each side shall have five (5) minutes to present their opening arguments. The plaintiff shall be the first to present.
- 8.10. The plaintiff's representative shall present his/her case. Witnesses of the plaintiff will take the witness stand and be questioned first by the plaintiff's representative and then cross-examined by the defendant's representative.
- 8.11. After the plaintiff's case has been presented, the defendant's representative shall present his/her case. Witnesses of the defendant will take the witness stand and be questioned first by the defendant's representative and then cross-examined by the plaintiff's representative.
- 8.12. Either party may put on testimony to answer or to rebut that of the other party. This may include the recall of witnesses.
- 8.13. After both parties have rested their cases, the one representative from each opposing side shall have the opportunity for summation. The defendant's side shall have the final summation.

- 8.14. After summation, the Court may ask questions concerning the case. The defendant shall have the right to refuse to answer any questions.
- 8.15. The Supreme Court shall render a decision in writing within five (5) days. In the case of extenuating circumstances, the Chief Justice may extend the period of deliberation, subject to majority approval of the Court.
- 8.16. Fifty percent (50%) of the membership of the Court, excluding those recused, shall be required to render a decision (the majority opinion).

**Sec. 9. WRITS**

- 9.1. A writ of injunction shall have the following stipulations: A signed, written and witnessed statement shall be required from at least two (2) Supreme Court Justices to authorize an injunction. The purpose of an injunction will be to forbid the defendant or his/her agents to (1) do, (2) threaten, (3) attempt, or (4) continue an act which is unjust, inequitable, or injurious to the plaintiff and which cannot be adequately redressed by action of the court. The injunction shall only be good for a period not to exceed twenty-five (25) school days. If a hearing is requested, the status of the writ shall be determined by the outcome of the hearings.
- 9.2. A writ of Mandamus shall have the following stipulations: Writs of Mandamus may be issued, upon proper showing, to any member of the Student Government Association on the basis of non-performance of an administrative duty. This writ shall be issued to insure performance of that duty. A case for remedial action or removal may be submitted to the Court upon proper showing that the Writ has been ignored.
- 9.3. A Writ of Certification shall have the following stipulations: A writ of certification shall be issued by the Court to clarify a point of law raised by a lower court or administrative agency. The Supreme Court shall respond to a question raised within five (5) school days, with the exception of questions raised by the Election Agency. The court or agency petitioning the Court will postpone their decision until the Supreme Court has responded to the question.
  - 9.3.1. A writ of certification from the Election Agency shall be answered within 48 hours up to ten (10) days prior to an election, and within 24 hours within ten (10) days of an election.

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

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

**Sec. 11. TRIAL COMPETITION**

- 11.1 The purpose of the Oklahoma State Student Government Association Mock Trial Competition, Competition in the section hereafter, shall be to promote and advance the legal skills and procedural knowledge of its competitors.
- 11.2 The Competition shall be governed and regulated by the Supreme Court, who may issue rules for the competition pursuant to this section, and by approval of the Senate Internal Affairs committee.

- 11.3 The Competition shall be held two (2) weeks prior to the end of the academic semester in the spring and fall semesters.
- 11.4 The winner of the competition shall be determined based on the following criteria: i. Decorum ii. Knowledge of Evidence and Precedent iii. Argument Structure and Cross examination
- 11.5 The Chief Justice of the Supreme Court shall nominate an advisor, to be confirmed by the Senate Internal Affairs Subcommittee on Executive Appointments.

## **Sec. 12. SGA TRIAL COURT**

### 12.1 Creation and Composition 20

12.1.1 There shall be established a court of record known as the SGA trial court.

12.1.2 The SGA trial court shall consist of three judges selected from the SGA Supreme Court

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

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

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

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

### 12.2 Jurisdiction

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

12.2.1.1 The SGA Supreme Court shall have the power to remand all petitions arising under their original jurisdiction to the SGA Trial Court. 12.2.2 The SGA Trial Court shall not have the jurisdiction to issue final judgement in cases they determine to require a level three campaign violation.

12.2.2.1 Nothing in 12.2.2 shall be construed to deny any party the right to appeal a case to the SGA Supreme Court.

### 12.3 Rights of Parties

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

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

12.4.1 To reject a petition that is either unwarranted or not under the Court's jurisdiction by majority vote of the Court.

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

12.4.3 To provide a means whereby witnesses can be sequestered during the course of the hearing.

12.4.4 To have the ability to grant immunity from prosecution to persons testifying before the Court.

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

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

12.4.7 To maintain reasonable order in the courtroom during the process of the hearings.

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

12.4.9 To request consolidation of similar cases in order to efficiency without sacrificing justice.

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

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

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

12.5 Structure of Hearings - The following procedural guidelines and structure of hearings shall apply to all hearings before the Court:

12.5.1. The Presiding Justice shall ensure full membership of the Trial Court is present.

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

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

12.5.4. The Presiding Justice shall determine if the plaintiff's and defendant's briefs have been distributed to the Supreme Court members and to opposing parties. The Presiding Justice shall then read the plaintiff's original appeal to the Court.

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

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

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

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

12.5.9 The plaintiff's representative shall present his/her case. Witnesses of the plaintiff will take the witness stand and be questioned first by the plaintiff's representative and then cross-examined by the defendant's representative. 12.5.10. After the plaintiff's case has been presented, the defendant's representative shall present his/her case. Witnesses of the defendant will take the witness stand and be questioned first by the defendant's representative and then cross-examined by the plaintiff's representative.

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

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

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

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

12.5.15. A Plurality of the membership of the Court shall be required to render a decision.

#### 12.6 Power to Issue Writs

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

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

#### 12.7 Appeals

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

### **Section 13. LEADERSHIP RECOGNITION CORDS**

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

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

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

13.3 Upon the approval of the President, Senate Chair, and Chief Justice of the SGA may award Leadership Recognition cords to any SGA member deemed worthy.