



**The Bylaws of the  
Student Government Association  
Judicial Branch**

*The University of Tennessee-Knoxville*

*Revised: March 23rd, 2022*

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## **ARTICLE I. PREAMBLE**

We, the Judicial Branch of the University of Tennessee Student Government Association, in sound mind, in order to better uphold the integrity of our noble organization and better ensure the prosperity and impact of the Student Government Association, do hereby draft these bylaws. This branch, having been entrusted with the power and responsibility of original jurisdiction concerning questions of constitutionality, as they may pertain to: legislation, internal conflicts and grievances, and election ethics of the Student Government Association, sets forth to ensure a fair and just due-process for all members of the Student Government Association. The goal of this branch is to exist in perpetuity with the other branches of the Student Government Association so as to hold the entirety of the organization to a higher standard. We anticipate, by providing rulings and setting precedents, to erase the errors that have occurred in the past.

## **ARTICLE II. MEMBERSHIP**

### **Section 1. Oath of Office**

- A. Incoming members of the Judicial Court shall be sworn into office by the current Chief Justice.
  - i. The process shall occur with the script provided in the SGA documents drive.

### **Section 2. Appointment Procedures**

- A. All Justices must be appointed by the Student Body President and approved by the Student Senate.
- B. A minimum of one graduate student must serve on the Judicial Branch at any given time.
  - i. A maximum of 3 graduate students must serve on the Judicial Branch at any given time.

### **Section 3. Restrictions on Justices**

- A. No member of the Judicial Court shall be on scholastic or conduct probation with the university.
- B. All members of the Judicial Court must comply with the academic policies set forth in the University Rules and Regulations.
- C. All Justices must be in good standing defined by Hilltopics, and Student Conduct.

- D. Justices may not be an active member in any other branch of Student Government Association, including the Election Commission, during their term in the Judicial Branch.
- E. Justices may not be affiliated with nor publicly support or degrade any SGA political campaign or potential campaign, including independent candidates.
- F. Justices may not run for any elected position in the Student Government Association during or after their term in the Judicial Branch.
- G. The term of a Justice shall be limited to be no longer than the length of that Justice's enrollment at the University of Tennessee.

#### Section 4. Roles & Responsibilities

- A. It shall be the responsibility of all Justices to interpret, uphold, protect, and comply with the Constitution of the Student Government Association and the bylaws of the Judicial Branch.
  - i. To address all grievances which may be brought before the Court through hearings, which may end in grievance resolution, member probation, or member impeachment.
  - ii. To make decisions regarding the Constitutionality of passed legislation, including the Election Rules and Procedures, at their discretion.
- B. The Chief Justice shall be primarily responsible for:
  - (1) To uphold the integrity of the Student Government Association of the University of Tennessee, Knoxville.
  - (2) To call and chair all cases which may be brought before the Court.
  - (3) To hear, discuss, and vote on cases that may be brought before the Court.
  - (4) To delegate judicial responsibilities among Justices.
  - (5) To attend all Student Senate meetings or delegate this specific authority to an Associate Justice.
  - (6) To remove themselves from Grievance Hearings in which they feel personal bias may influence their actions.
  - (7) Organizing and maintaining the day-to-day operations of this Branch, directing hearings, and ruling with Associate Justices.
  - (8) Immediately notifying, outside of election week, the Student Body President, Vice President, Student Services Director and the Graduate Student Senate President when a hearing is scheduled, who are then responsible to notify their respective branches in a timely manner.
  - (9) Compiling a list of cases brought during election week and to notify in a timely manner the Student Body President, Vice President, Student Services Director and the Graduate Student Senate President of this list after the conclusion of election week, who are then responsible to notify

their respective branches in a timely manner.

C. Associate Justices shall be responsible for:

- (1) Adjudicating hearings and assisting the Chief Justice in the day-to-day operations of the Branch.
- (2) To hear, discuss, and vote on cases that may be brought before the Court.
- (3) To support the administrative activities of the Judicial Branch.
- (4) To remove themselves from Grievance Hearings in which they feel personal bias may influence their actions.

### **ARTICLE III. INTERNAL PROCEDURES**

#### **Section 1. General Guidelines**

- A. The Student Government Judicial Branch shall convene at the discretion of the Chief Justice in order to conduct normal business matters. Three or more Justices may ask the Chief Justice to call a meeting. Should the Chief Justice refuse to act, the Justices may call the meeting independently with the same quorum and procedure guidelines in effect.
- B. The Chief Justice will decide which activities and meetings of the Branch require mandatory attendance from the Justices.
- C. The Chief Justice shall appoint one Associate Justice to keep minutes for each meeting. Minutes shall be emailed to the Chief Justice within 24 hours of the meeting's end and shall be filed appropriately.
- D. Upon accumulating more than three unexcused absences, the Justice in question will only continue to serve on the Branch at the discretion of the Chief Justice.
- E. After more than three absences, the Chief Justice may request a Removal Hearing for the Justice in question.

#### **Section 2. Removal of Justices**

- A. A member of the Judicial Branch may be removed if the Justice has shown gross negligence in their duties as outlined in the SGA Constitution or the Judicial Branch bylaws.
- B. A Justice may be removed if it is shown that the accused individual has engaged in egregious abuse of their position in the Judicial Branch.
- C. Following the removal of the Chief Justice, the SGA President will appoint a current Associate Justice to act as Chief Justice for the remainder of the term.
- D. If any Justice shall enter as a candidate for a position within SGA elections, that Justice shall be found in violation of the Neutrality Agreement. The Justice shall

be removed from the Judicial Court and shall be ineligible to run for or serve within SGA for the following academic year.

- E. If any Justice is found to have supported, degraded, or otherwise been affiliated with a political campaign or candidate they shall be found in violation of the neutrality agreement.
- F. In the event that a Justice violates their duties or responsibilities, they may be reprimanded or removed through a Removal Hearing conducted by the Chief Justice, Student Body President, and Vice President.
  - (1) Such a hearing shall not include other Associate Justices, except in the case that the Chief Justice is in question, when an appointed Associate Justice shall replace the Chief Justice.
- G. If a Justice is removed from the Judicial Branch, the Student Body President shall appoint a new Justice to fill the vacancy for the remainder of the term, provided confirmation of the Student Body Senate.

## **ARTICLE IV. HEARINGS AND PROCEDURES**

### **Section 1. Pre-Hearing Judicial Documents**

#### ***A. Writ of Injunction***

- (1) A signed, written, and witnessed statement shall be required from a Justice in order to authorize an injunction in cases pertaining to the Constitution, legislation, elections, or any other matters.
- (2) The purpose of the writ of injunction will be to forbid those named in the writ or any other relevant parties to (1) do, (2) threaten, (3) attempt, or (4) continue an act which is unjust, inequitable, or injurious and which cannot be immediately addressed by action of the Judicial Branch.
- (3) If a hearing is requested, the status of the writ shall be determined by the outcome of the hearing.

#### ***B. Writs as Truancy and Removal Tools***

- (1) Writs of Mandamus may be issued by the Judicial Branch to inform SGA officials that adequate evidence of negligence and/or abuse of their duties and responsibilities has been shown. A case for remedial action or removal may be submitted to/by the Branch if adequate evidence is shown that the writ has been ignored.

#### ***C. Notification of Writs***

- (1) The Chief Justice will be notified of any and all writs before they are served for the purpose of ensuring proper protocols are followed by all parties involved. If a writ is issued without prior notification of the Chief

Justice, the status of the writ will be determined by the Court once the Chief Justice is aware of the writ.

*D. Subpoenas*

- (1) The Chief Justice or two Associate Justices may issue subpoenas requesting an individual to appear in a hearing before the Judicial Branch.

**Section 2. Initiation of Hearings and Complaints**

*A. Procedure for Submission*

- (1) All hearings and complaints will be initiated by the plaintiff and shall be filed using the Judicial Branch hearing form located on the SGA website. When completed, this form should be submitted to the Chief Justice. This procedure will be followed in all general hearings and in cases pertaining to elections when the Judicial Branch will serve as the Ethics Committee, as stated by the SGA Constitution.
- (2) The statute of limitation to submit a judicial hearing request regarding the passage of a piece of legislation shall be two weeks following the legislative session.

*B. Electronic Communication Between Branch and Parties*

- (1) Email will be the primary form of communication between the branch and all parties involved. The Branch will send all notification via email unless specifically requested to do otherwise by a party involved.

*C. Hearing Time Frame*

- (1) All general hearings will be scheduled to allow at least 48 hours notice to all parties.
- (2) If there are no objections from all parties involved, the Judicial Branch may schedule a hearing prior to the 48 hour window.
- (3) Because of time constraints and a dire need for timely rulings, the Judicial Branch reserves the right to schedule hearings with only 12 hours notice when the appeals and complaints pertain to violations of the current SGA Election Rules and Procedures.

*D. Case Dismissal*

- (1) In the event that the individual and/or party filing a complaint fails to provide adequate evidence or the Court finds that the complaint itself is unwarranted or unreasonable, the Judicial Branch reserves the right to dismiss that complaint.

**Section 3. Party Representation**

- A. All parties will represent themselves and counsel will not be provided to them by the Judicial Branch.

- B. If a party is unable to be present at hearing proceedings, the party may appoint a representative of their choosing to represent them in front of the Judicial Branch. Failure to appoint a party with relevant knowledge of the complaint may result in the Branch's dismissal of the complaint.

(1) Representatives appointed by a party must be a current full-time student at the University of Tennessee at Knoxville. The representative shall not have any conflicts of interest with any party in the respective case.

#### Section 4. Pre-Hearing Procedures

- A. A pretrial hearing date may be set by the Judicial Branch in order to determine the legitimacy and relevancy of the complaint or appeal and to provide consideration of the following:
- (1) Evidence;
  - (2) Motions to disregard evidence by either party;
  - (3) To determine if evidence was obtained legally and in accordance with Hilltopics and the SGA Constitution;
  - (4) Witness List;
  - (5) Written Communication;
  - (6) Motion to Dismiss Case.
- B. Each party and/or their representative must be in attendance to raise claims against any of the preceding.
- C. The Judicial Branch will only hold a pretrial hearing if requested or if deemed necessary to consider the proceeding.

#### Section 5. Hearing Procedures

- A. *Failure to Appear*: The failure of the plaintiff or their representative to appear before the Judicial Branch without justifiable cause, approved by the Judicial Branch, shall terminate his or her right to a hearing.
- (1) In the event that the defendant fails to appear at the scheduled oral arguments, the Judicial Branch reserves the right to conduct an ex parte hearing consisting of presentations by only one side.
- B. *Quorum*: A quorum for the Judicial Branch shall be established as 3 of 7 Justices, and a hearing may only begin when the Judicial Branch has reached that quorum.
- (1) Any Justice may recuse themselves from a case if they feel that a conflict of interest exists.
    - a. The Chief Justice may approve or deny requests for recusal, in order to maintain quorum.
  - (2) Should a Chief Justice recuse him or herself from a case, the Chief Justice may appoint an Associate Justice as Interim Chief Justice to preside over



the hearing. At that time, the Associate Justice who was appointed Interim Chief Justice may choose to preside over the case.

C. *Hearing Format*: All general hearings shall abide by the following format:

- (1) The Plaintiff shall have a maximum of 5 minutes to provide an Opening Statement, after which, the Defense and/or Accused Party shall also be provided with a maximum of 5 minutes to provide an Opening Statement.
- (2) Both the Plaintiff and Defense shall be allotted a maximum of 15 minutes per party for presentation of evidence and witnesses. Both the Plaintiff and the Defense have the ability to cross-examine the witnesses, after the presentation, for a maximum of 5 minutes. The Plaintiff shall present first, with the Defense presenting its evidence and witnesses after the conclusion of the Plaintiff's case-in-chief.
  - a) All witnesses must recite an Oath before taking the witness stand. If a witness is found guilty of violating the Oath they are susceptible to member probation or impeachment.
  - b) The Court must hold a hearing with all Justices of the Court to determine whether someone has violated the Oath. The Defendant is guaranteed a presentation process similar to the Hearing Format where they can express their argument and viewpoint.
- (3) The Judicial Branch shall be allotted a maximum of 40 minutes to question the Plaintiff, Defense, and any and all Witnesses that were called by the involved parties. Further, Justices are allowed to question involved parties at any point during the hearing; this power should be used sparingly, and it is within the power of the Chief Justice to revoke this ability for an Associate Justice at any time.
  - a) In the event that it becomes necessary to extend the 40-minute time limit, a Justice may move to extend the period of questioning and the Chief Justice may call for a voice vote. If the majority of the Court believes the extended time period to be necessary, the 40-minute time period shall be extended.
  - b) The Judicial Branch also retains the right to schedule a continuation of the hearing for a different day upon motion from a Justice and a majority vote of the Court.
- (4) All Justices are allowed to redirect to the counsel's presentation or argument if it is going off course; this power should be used sparingly, and it is within the power of the Chief Justice to revoke this ability for an Associate Justice at any time. If a Justice redirects counsel, the counsel shall honor the advice of the Justice.

(5) The plaintiff and defendant counsels may raise objections to their counterpart's arguments. This ability should be used sparingly. Counsel is only allowed to make the following objections:

- a) *Improper characterization objection*
- b) *Asked and Answered objection*
- c) *Argumentative objection*
- d) *Relevance objection*

The Chief Justice shall make the decision as to if the counsel's objection is sustained or overruled. All objections are defined in *Article VII. Terms and Definitions*.

(6) The Plaintiff shall have a maximum of 5 minutes to provide a Closing Statement, after which, the Defense and/or Accused Party shall also be provided with a maximum of 5 minutes to provide a Closing Statement.

(7) After the conclusion of Closing Statements, the Judicial Branch may sequester the courtroom for a maximum of 15 minutes. During this time period, Justices may deliberate among themselves while reserving the right to request that individuals or parties briefly reappear in front of the Court to answer questions. After the conclusion of this 15-minute time period, all parties shall be dismissed.

(8) The official Opinion of the Court shall be sent via email to all involved parties, along with the SGA President, SGA Vice President, and Student Services Director within a 48-hour time period.

D. *Opinion Writing*: When the Chief Justice is in the majority in a given case, he or she shall write the majority opinion or delegate another Justice within the majority to do so. When the Chief Justice does not vote with the majority of the Judicial Branch, the majority coalition shall delegate the responsibility of writing the majority opinion to one member of the majority. Individual Justices are able to write or join concurring or dissenting opinions.

E. *Filing and Posting of Opinions*: Every opinion issued by the Court, whether majority, concurring, or dissenting opinion must bear the signature of each Justice joining the opinion. After approval, a copy of each opinion is to be placed in the Student Government Association Judicial Branch permanent file. Similarly, each opinion shall be issued to all parties involved, posted on the SGA website, as well as be included in the biweekly SGA emails.

F. *Amicus Curiae Briefs*: Any entity is permitted to submit to the Judicial Branch, for any case, an amicus curiae brief that outlines the outcome sought by the submitting party and the reasoning supporting that outcome. All briefs must be submitted to the Chief Justice after the complaint for the respective case has been

filed and at least five hours before the beginning of oral arguments for the same case.

- (1) Amicus curiae briefs are in no way binding upon the Judicial Branch's ultimate decision in the case.

#### Section 6. General Hearing Provisions

- A. This article applies to any hearing that may be convened by the Judicial Branch.
- B. If the information presented is of a nature that is deemed confidential by FERPA, HIPAA, or any other educational confidentiality laws or policies of the University of Tennessee, then the Judicial Branch shall move into executive session.
  - (1) Either party may make a motion for the Judicial Branch to enter into executive session if they provide valid cause related to the preceding.
  - (2) Executive Session is defined as members of the Judicial Branch and the party presenting any confidential information.
  - (3) The Judicial Branch may request, but may not require, a party to present any information that is deemed confidential by FERPA, HIPAA, or any other educational confidentiality law or policy of the University of Tennessee. All confidential disclosures must be presented only with the written permission of the respective party.
  - (4) Information discussed in executive session is to be treated with the highest level of confidentiality by all persons involved with said session. This applies during and after executive sessions.
- C. The amount of people allowed to attend a general hearing shall be limited to the capacity of the room.
  - (1) Entry preference shall be given to witnesses and other relevant parties as deemed by the Judicial Branch.
  - (2) Further entry into the hearing will be granted on a first-come, first-serve basis.
- D. The Judicial Branch reserves the right to remove any person in attendance on the grounds of disruptive behavior, as deemed by the Judicial Branch.
  - (1) Outside disruptions will not count against either party's total time limit.
- E. The Judicial Branch shall be able to sequester itself at any point before, during, or after a case for any reason deemed necessary. A motion and a second to the motion shall be deemed sufficient for the Judicial Branch to sequester. No record shall be kept of Judicial Branch proceedings while the Branch is sequestered.
- F. Any opinions by a Justice given outside of the Judicial Branch setting, otherwise known as advisory opinions, are not binding on either that Justice or the Judicial Branch.

- G. All decisions of the Judicial Branch shall also be accompanied with a copy of the original complaint posted on the SGA website and included in the SGA biweekly email.

#### Section 7. Appeal Procedures

- A. Motion for appeal will only be entertained if a procedural fault has been found.
- (1) This motion shall be made in the manner of any appeal and should follow the same procedures listed in Article IV, Section 2.
  - (2) The appeal should specifically list any procedural errors in question.
  - (3) This motion must be made within seven days of the opinion being made public.
- B. If the Judicial Branch refuses to hear an appeal on the issue of an election result the party may take evidence and pursue an appeal with the Student Conduct Board as referenced under Student Code of Conduct Section 8.7.

### **ARTICLE V. ELECTION ETHICS**

#### Section 1. Original Jurisdiction

- A. All original judicial authority pertaining to student elections shall rest with the Judicial Branch. Members of the Judicial Branch shall be prohibited from maintaining any affiliation with candidates and political campaigns and shall be required to certify neutrality upon their appointment to the Branch.

#### Section 2. Election Commission

- A. Election Commission should be responsible for creating the election packet, ensuring proper stations for voting, and enforcing the election packet rules and regulations.
- B. The proper procedure of which the Election Commission shall enforce the election packet is laid out as such:
- a. If the Election Commission is witness to a violation:
    - i. Election Commission sees a violation (first-hand) and documents the infraction made and the involved parties.
    - ii. Election Commission will inform the parties violating the clause, and if there is an ongoing infraction, offer a writ of injunction.
    - iii. The case then will be filed with Judicial to hear.
    - iv. If Judicial decides that a hearing is needed, the Election Commission will act as the prosecution or complainant in the case, the accused parties being the defendants in the case.
    - v. Therefore, the complainant must prove that there was an infraction.

- b. If individuals witness a violation:
  - i. If an individual were to witness a violation of the Election Packet, documentation of the infraction should be made along with the involved parties.
  - ii. The documentation should be filed through the claims tab on the Judicial website immediately through <https://sga.utk.edu>.
  - iii. If Judicial decides that a hearing is needed, the accusing party will act as the plaintiff or complainant in the case. The accused parties being the defendants in the case.
    - (a) Election Commission will act as a professional witness called upon by the Judicial Branch. They will offer their unbiased opinion on the severity of the violation, in the presence of the defendant(s). The opinion will be taken into consideration by the Judicial Branch.
  - iv. Therefore, the plaintiff must prove their case that there was an infraction.

### Section 3. Adjudication of Election Matters.

- A. *Authority of the Judicial Branch:* The Judicial Branch shall have the authority to adjudicate all controversies arising from or pertaining to campaign activities and any injury thus resulting.
- B. *Justices as Parties in Election Disputes:* Neither the Judicial Branch, nor members thereof, except the Election Commissioner, shall have standing to act as a party in disputes arising from or pertaining to alleged illegal campaign activities.
- C. *Determination of Sanctions:* In determining sanctions against campaigns and individuals for violations of the election packet, the Judicial Branch will consider both the spirit and the letter of the statutes presented in the current Election packet.
  - (1) The severity of sanctions pronounced by the Judicial Branch against offending parties will be proportional to the relative advantage gained by the violation, the level of damage from the violation to the integrity of the election process, and the repeatability of instances.
  - (2) The level of damage to the integrity of the election process will be subject to the judgment of the Judicial Branch.
  - (3) Upon finding an individual or party guilty of a specific violation, the Judicial Branch shall recommend an appropriate sanction that may include but is not limited to: disqualification from the election, and/or disciplinary action by the University as outlined in *Hilltopics*.
  - (4) The Judicial Branch decisions may be appealed to the Student Tribunal pursuant to guidelines outlined in Article IV, Section 7.

- D. *Deadline for Filing of Charges:* While charges may be filed with the Judicial Branch during the course of the election period, all charges must be registered with the Judicial Branch by 12pm EST on the last day of voting.
- (1) All charges must be filed online at <http://votesga.utk.edu> through the Judicial Hearing Request Form.
  - (2) Charges may be registered by anyone observing an irregularity.
  - (3) Regarding complaints filed prior to the election, the Judicial Branch will meet within 24 hours of the time that the complaint was registered and promptly render judgment.
- E. *Hearings as Privilege:* The Judicial Branch shall make an effort to hear all filed complaints, but reserves the right to rule on summary judgment. This is to ensure the efficacy and timeliness of rulings during the time constraints of the election process.

#### **Section 4. Challenging Election Results**

- A. Complaints that challenge the results of the Student Government Association elections shall be filed online at <http://votesga.utk.edu> with the Judicial Branch anytime after 12pm EST on the last day of voting until the date specified in the Election Packet. The complainant or respondent may then appeal the Judicial Branch's decisions to the Student Conduct as laid out in Article IV, Section 7 and the Student Code of Conduct Section 8.7.

#### **Section 5. Errors Made by Election Commission**

- A. In the case of an alleged violation or error by the Election Commission, the Judicial Branch shall determine the following:
- (1) Whether or not there was substantial irregularity; and
  - (2) Whether or not said irregularity could have changed the results of the election;
  - (3) If above criteria are met, the election shall be invalidated and a new election ordered for the affected candidate(s) and position(s).

### **ARTICLE VI. REQUEST FOR OFFICIAL INTERPRETATIONS**

#### **Section 1. Requesting an Official Interpretation**

- A. Requests for interpretation may be made by completing the "Request for an Official Interpretation" form on the SGA Judicial website stating the specific part of the SGA Constitution, subsequent Bylaws from any branch, or any passed

legislation. However, a request is not required for an official interpretation to be given by the Court.

- B. Only the Student Body President, Student Body Vice President, Student Services Director, Senate Chair, Graduate Student Senate President, First-Year Council Chair, SGA Program Coordinator, three Senators, three First-Year Council members, and/or any candidate running for an elected position may request an official interpretation from the court.
- B. In order for an official interpretation to be made, a majority of the Justices must first agree to make an official interpretation.

#### Section 2. Issuing an Interpretation

- A. The Chief Justice will then call a meeting to determine the official interpretation.
- B. The Court will have seven days from the interpretation request date to issue an official interpretation.
- C. There may be dissenting and/or concurring interpretations along with the majority interpretation.

#### Section 3. Communication of Official Interpretation

- A. The Chief Justice will then email the majority and/or dissenting/concurring opinion(s) to the requesting party.
- B. The Official Interpretation will then be posted on the sga.utk.edu website and published on the SGA biweekly email.

### **ARTICLE VII. TERMS AND DEFINITIONS**

#### *Adjudication*

The legal process of resolving a dispute. It implies a hearing by a court of legal evidence on the factual issue(s) involved. It indicates that the claims of all the parties thereto have been considered and set at rest.

#### *Amicus Curiae*

“Friend of the court.” A person with strong interest in or views on the subject matter of an action, but not a party to the action, may petition the court for permission to file a brief on behalf of a party or to suggest a rationale consistent with its own views.

#### *Argumentative objection*

This objection is made when counsel begins arguing with a witness, badgering a witness or becoming overly aggressive. This objection is made by an attorney to protect a witness during cross examination. The objection is fairly subjective in terms of what is considered argumentative.

#### *Asked and Answered objection*

This objection is made when counsel has asked a question and received an answer, and asks the same question again. If an answer is given, a new question must be asked. Counsel can ask a question multiple times if the witness is not giving a full answer, is being uncooperative or unresponsive.

#### *Concurring Opinion*

A written opinion filed by a Justice which agrees with the majority decision, but which expresses his or her different reasons for the decision, or a different view of the facts of the case, or of the law.

#### *Conflict of Interest*

A conflict of interest is a situation in which the concerns or aims are incompatible. Individuals with a conflict of interest may be, but not limited to, a case's named plaintiff, defendant, witness, or individuals with a close personal connection that would likely affect their ability to be impartial.

#### *Dissenting Opinion*

An explicit disagreement by one or more Justices with the decision of the majority on a case before them. Dissents carry no precedential weight and are not relied on as authority in subsequent cases.

#### *Election Period*

The election period will take place during the Spring semester, beginning at the first SGA campaign interest meeting and ending at the verification of the election results.

#### *Ex-Officio Member*

An ex-officio member is considered a member of a body or branch, simply by virtue of holding another office.

#### *Improper characterization objection*

This objection is made when counsel begins characterizing something or someone in an inaccurate or misleading way.

#### *Injunction*



A court order by which an individual is required to perform, or is restrained from performing, a particular act. A writ framed according to the circumstances of the individual case.

*Jurisdiction*

The area over which authority extends; legal authority; the authority to hear and determine causes of action.

*Lack of Foundation objection*

This objection is made when counsel begins arguing without proper evidence or warranting.

*Majority Opinion*

The opinion joined by a majority of the court; the legal document stating the reasons for a judicial decision. Can be used as legal precedent.

*Overruled*

Phrase used by Justice when an objection is not sufficient. The Justice rules against the objecting party. If the objection was to a question, the witness may answer it. If the objection was to testimony, the witness may continue.

*Procedural Error*

Grounds for appeal based on either (1) a failure to follow required procedure(s) outlined in any binding documents including, but not limited to: the SGA Constitution, Judicial Bylaws, or the Election Packet; or (2) failure to consider relevant evidence that was submitted by a party.

*Relevance objection*

This objection is made when an attorney believes that irrelevant evidence to the case is being brought up. There are several reasons why irrelevant evidence should be excluded.

*Sequester*

To set apart. To keep a person or group apart from other people.

*Subpoena*

A writ issued by the court, to request testimony by a witness or production of evidence. There are two common types of subpoena:

- (1) *Subpoena ad testificandum* requests a person to testify before the ordering authority. The subpoena can also request the testimony to be given by phone or in person.
- (2) *Subpoena duces tecum* requests a person or organization to bring physical evidence before the ordering authority.

#### *Summary Judgment*

A judgment rendered by a court for one party and against another party summarily, *i.e.*, without a full trial. Such a judgment may be issued on the merits of an entire case, or on discrete issues in that case.

#### *Sustain*

Phrase used by Justice when an objection is sufficient. The Justice rules in favor of the objecting party. If the objection was to a question, the question cannot be answered and must be rephrased (or not asked at all). If the objection was to testimony, the witness should not proceed any further.

#### *Writ*

A document from a court ordering someone to do something or not to do something.

## **ARTICLE VIII. SUSPENSIONS, AMENDMENTS, AND SUPREMACY**

### **Section 1. Bylaw Suspension Procedure**

- A. The Chief Justice may move to suspend the bylaws. Upon a two-thirds majority vote of the Judicial Branch, the bylaws shall be suspended until placed back into effect by the Chief Justice or by a two-thirds majority vote.
- B. This power shall be used sparingly by the Court.

### **Section 2. Bylaw Amendment Procedure**

- A. Amendments to the Judicial Branch Bylaws shall be voted on and approved by a two-thirds vote of the members.
- B. A revision date shall be implemented in the bylaws, no votes shall be necessary to change the revision date directly. This date shall reflect the same date in which the last time the Judicial bylaws were amended.

### Section 3. Bylaw Supremacy

- A. These Judicial Bylaws are supreme over any other Student Government Association Bylaws, and the Election Packets that are established. These bylaws are held accountable under the most supreme document for the SGA, the SGA Constitution.