

Spring 1-1-2015

Senate Bill SB-15S-2831 Title V Revisions, Reformation of Judicial Processes

Student Government Association
University of North Florida

Follow this and additional works at: <http://digitalcommons.unf.edu/sgaleg>

Suggested Citation

Student Government Association, "Senate Bill SB-15S-2831 Title V Revisions, Reformation of Judicial Processes" (2015). *Legislation*. 2510.
<http://digitalcommons.unf.edu/sgaleg/2510>

This Article is brought to you for free and open access by the Student Government at UNF Digital Commons. It has been accepted for inclusion in Legislation by an authorized administrator of UNF Digital Commons. For more information, please contact [Digital Projects](#).
© Spring 1-1-2015 All Rights Reserved



SB-15S-2831: Reformation of Judicial Processes

- 1
- 2 Whereas: The Constitution of the Student Government Association of the University of North
- 3 Florida has ordained the Student Senate to hereby arbitrate and establish the laws of
- 4 this organization in accordance with the guiding principles of order and purpose
- 5 composed within, and;
- 6
- 7 Whereas: The Student Senate may consider appropriately executed legislation for the
- 8 establishment of a System of Statutes provided under Article II, Section 10 of the
- 9 Constitution, and;
- 10
- 11 Whereas: Revision of the System of Statutes is being proposed in an effort to more adequately
- 12 and properly represent the intent of the Constitutional purpose of Student
- 13 Government and in order to better execute the mandates of Florida State Law, under
- 14 Statute 1009.24.
- 15
- 16 Whereas: The Judicial Branch of Student Government should be empowered to exercise their
- 17 constitutionally afforded role in the protection and support of the Student Body,
- 18 and;
- 19
- 20 Therefore: The following revisions are being proposed in accordance with appropriate law and
- 21 procedure in the interest of the functionality of Student Government and in keeping
- 22 with its defined purpose of representing student concerns in all University-wide
- 23 matters while developing and promoting programs and activities of practical value
- 24 and interest to students.
- 25
- 26

TITLE V: THE JUDICIAL BRANCH

Chapter 500: Authority of the Judicial Branch

500.1 Judicial Review

In accordance with the Constitution, the Supreme Court~~The Judicial Council~~ shall have the power of Judicial Review over all Executive and Legislative Acts. This power shall include and be limited as prescribed by law.

500.2 Policies and Procedures



SB-15S-2831: Reformation of Judicial Processes

The Judicial Branch shall be responsible for the Judicial Policies and Procedures. The Judicial Policies and Procedures is a living document which may only be changed through a standing rule of the Supreme Court, ~~over which the President has no authority.~~

Chapter 501: Composition of the Judicial Branch

501.1 The Judicial Branch shall be composed of:

A. Chief Justice

1. The Chief Justice shall be elected by the ~~Judicial Council~~ Supreme Court ~~during the Spring semester to a term of one (1) year~~ as outlined in the Judicial Policies and Procedures.

B. ~~Deputy~~Associate Chief Justice

The ~~Deputy~~Associate Chief Justice shall be appointed by the Chief Justice and confirmed by the Supreme Court as outlined in the Judicial Policies and Procedures.

C. ~~Five~~Seven (57) Associate Justices

501.2 The Chain of Command

The chain of command shall consist of the Chief Justice, the ~~Deputy~~Associate Chief Justice, Senior Associate Justice (if applicable) and the Associate Justices in order of tenure.

Chapter 502: Responsibilities of the Chief Justice

502.1 The Chief Justice, with majority approval of the ~~Judicial Council~~ Supreme Court, shall be able to remove from a case any Justice whom he/she deems to have a conflict of interest.



SB-15S-2831: Reformation of Judicial Processes

502.2 If the Chief Justice is unavailable to fulfill his or her duty of administering the "Oath of Office," it may be administered by another Justice of the Judicial Council or by the Senate President

502.3 The Chief Justice may dismiss the ~~Associate-Deputy~~ Chief Justice at any time for any reason. The ~~Judicial-Council~~ Supreme Court may override the Chief Justice by a two-thirds (2/3) vote at the next regularly-scheduled ~~Judicial Council~~ Supreme Court meeting.

502.4 Other responsibilities of the Chief Justice shall be outlined in the Judicial Policies and Procedures.

Chapter 503: Responsibilities of the ~~Associate-Deputy~~ Chief Justice

503.1 The ~~Associate-Deputy~~ Chief Justice shall assume the duties of the Chief Justice in the event of his/her absence.

503.2 All Duties of the ~~Associate-Deputy~~ Chief Justice shall be outlined in the Judicial Policies and Procedures.

Chapter 504: Appointment to the Judiciary

504.1 Any individual interested in joining the Judiciary shall fill out an application form and submit it to the President or proper designee.

504.2 In the event of a vacancy on the Judiciary, the President shall forward a qualified nominee to the Senate ~~President for a majority confirmation from the Government Oversight Committee and the Senate.~~

504.3 The nominee shall present him or herself at the next Government Oversight Committee Meeting and Senate meeting, to receive majority approval of the aforementioned bodies. If appointed, the new justice shall be installed as outlined in Chapter 903 of these Statutes.



SB-15S-2831: Reformation of Judicial Processes

Chapter 505: Initializing Judicial Review Processes

~~505.1 Any University of North Florida Activity and Service Fee paying student shall have the right to file a written complaint to the Judicial Council against an organization operating under Student Government, a Student Government Officer, any person seeking office within Student Government or any legislative act enacted by Student Government. The complainant shall not be a member of the Judicial Council and any judgment rendered shall be within the purview of the complaint.~~

~~505.2 Judicial Review Processes may be initialized by methods of a General Judicial Review, a Judicial Complaint, or a Judicial Appeal.~~

~~A. — All processes of Judicial Review shall require a formal hearing.~~

~~505.3 Matters pertaining to Elections shall fall under processes outlined in Title VI and the Election Policy and Procedures.~~

~~505.4 General Judicial Review~~

~~General Judicial Reviews may be filed when there is a discrepancy in Executive or Legislative action in which a student wishes the Judicial Branch investigate further. A. General Judicial Reviews shall be filed with the Chief Justice.~~

~~B. — General Judicial Review procedures shall be outlined in the Judicial Policies and Procedures.~~

~~505.5 Judicial Complaint~~

~~The Judicial Complaint is a process to review cases in which alleged violations of the Student Government governing documents has been made.~~

~~A. — All Judicial Complaints shall be filed with the Attorney General.~~

~~B. — The Attorney General shall review the complaint for merit within two (2) business days of the filing date.~~



SB-15S-2831: Reformation of Judicial Processes

C. ~~If the Attorney General finds merit in the case, the case information will be forwarded to the Chief Justice within two (2) business days of receiving the complaint.~~

D. ~~If the Attorney General finds no merit in the case it shall be dismissed. An appeal of this decision may be filed to the Judiciary within two (2) business days.~~

E. ~~If the Chief Justice finds no merit in the appeal, the appeal will be dismissed.~~

F. ~~Upon receiving the complaint or a successful appeal, the Judicial Branch shall set a hearing date within five (5) business days of receiving the documentation.~~

G. ~~Upon completion of the hearing, the Judicial Branch shall release their decision within five (5) business days.~~

H. ~~The Student Advocate may serve as the defense council for all complaints filed. The individual filing the original complaint shall serve as a witness in the case. The Attorney General will serve as the lead prosecutor.~~

I. ~~For a case in which the Attorney General finds no merit and a successful appeal is made to the Judicial Branch, the student who filed the original complaint or his/her Student Government designee shall serve as the lead prosecutor.~~

~~505.6 Judicial Appeal~~

~~The Judicial Appeal process shall be used to review any official decision made by the Attorney General or other Student Government official.~~

~~A. Requests for a Judicial Appeal along with any supporting documentation shall be filed with the Chief Justice.~~



SB-15S-2831: Reformation of Judicial Processes

~~B. Judicial Appeal Procedures shall be outlined in the Judicial Policies and Procedures.~~

Chapter 505: Jurisdiction of the Court

505.1 Any University of North Florida student paying Activity and Service fees shall have the right to petition the Supreme Court to exercise the power of Judicial Review in any Student Government related matter within their jurisdiction.

505.2 In accordance with Article IV, Section 5 of the Constitution the power of Judicial Review shall extend to cover the actions of organizations operating under Student Government, a Student Government Officer, any person seeking office within Student Government or any legislative act enacted by Student Government.

505.3 No member of the Judicial Branch shall be allowed to petition the Court for the exercise of Judicial Review.

505.4 Any and all judgments rendered in response to a legal and proper petition must be within the purview of the complaint.

Chapter 506: Judicial Review

506.1 The Supreme Court shall conduct hearings in response to petitions for Judicial Review.

506.2 General Judicial Review

General Judicial Reviews may be filed when there is a discrepancy in Executive or Legislative action in which a student wishes the Judicial Branch investigate further, issue a binding interpretation of appropriate Student Government Law, and/or reverse, or negate any official decision made by any Student Government official(s).

A. Petitions of General Judicial Review shall be filed with the Chief Justice and shall contain a case brief to be disseminated to the Justices.

B. All cases shall be reviewed by the Justices for merit within three (3) business days. If any three (3) or more Justices find merit in the case it shall proceed to a full hearing.



SB-15S-2831: Reformation of Judicial Processes

1
2 C. Upon a finding of merit, the Chief Justice shall call a designated hearing
3 before the Court to occur within two (2) weeks of the original filing of
4 the petition.

5 D. The petitioning student shall facilitate a Student Remarks section of the
6 hearing allotted by the Court allowing any student wishing to speak on
7 the matter time to address the Court. Time allowances will be at the
8 discretion of the Court.

9 E. Any corresponding respondents in a matter of General Judicial Review
10 shall be designated by the Court and as such allotted an equal Student
11 Remarks section of the hearing during which any student wishing to
12 speak on the matter may address the Court. Time allowances will be at
13 the discretion of the Court.

14 F. Further General Judicial Review procedures may be outlined in the
15 Judicial Policies and Procedures.

16 506.3 Judicial Complaint

17 Judicial Complaint Reviews may be filed when an alleged violation of Student
18 Government law has occurred and shall be brought by the plaintiff(s).

19 A. All Judicial Complaints shall be filed with the Chief Justice, including all
20 applicable evidence and case information in the form of a brief to be
21 disseminated to the Justices.

22 B. All cases shall be reviewed by the Justices for merit within three (3)
23 business days. If any three (3) or more Justices find merit in the case it
24 shall proceed to a full hearing.

25 C. Upon a finding of merit, the Chief Justice shall call a designated hearing
26 before the Court to occur within two (2) weeks of the original filing of
27 the complaint.

28 D. The plaintiff(s) and corresponding defendant(s) may elect student legal
29 counsel. If so, they must notify the Court upon the designation of a
30 hearing date. Counselors shall serve at the discretion of the parties
31 directly involved, and as such may be dismissed in writing to the Chief
32 Justice at any time, for any reason.



SB-15S-2831: Reformation of Judicial Processes

E. Formal Hearing Guidelines shall be established by the Judicial Policies and Procedures and shall govern the proceedings of all complaint cases.

F. Upon completion of the hearing, the Court shall release their decision within five (5) business days.

506.47 Procedural Matters

The procedure for all Judicial Review processes shall be defined with the Judicial Policy and Procedures, as well as the Judicial Formal Hearing Guidelines.

Chapter 5076: Outcomes of Judicial Reviews

506.1 Repeal or reprieve of illegal actions

A. The ~~Judicial Council~~Supreme Court has the power to repeal any legislation or action that has been deemed unconstitutional or against statute.

B. The ~~Judicial Council~~Supreme Court has the power to reverse from any action that is in violation of the Student Government Constitution, Statute, or Policies and Procedures.

506.4 Freezing of A&S funds

The ~~Judicial Council~~Supreme Court has the authority to freeze any and all use of A&S fee funds for the duration of an investigation after the successful initiation of a Judicial Review Process if the Chief Justice rules such an action relevant. The Chief Justice's decision may be appealed to the ~~Judicial Council~~Supreme Court.

506.5 Recommendation to the Senate for Senate action

The ~~Judicial Council~~Supreme Court shall have the power to make recommendations to the Senate -for senate action against the accused or the complaint in question.



SB-15S-2831: Reformation of Judicial Processes

506.6 Punitive Action

The ~~Judicial Council~~ Supreme Court may impose reasonable punitive action against individuals found in violation of the Student Government Constitution, Statutes, and/or any of the Policies and Procedures, or any other governing document established therein.

Chapter 5087: Appearance of Witnesses

507.1 Notice to Appear

The Chief Justice, and/or designee shall notify all parties designated by the ~~Judicial Council~~ Supreme Court of the occasion, time, and place of the proceedings and shall:

A. Direct all student parties to appear before the ~~Judicial Council~~ Court at the time and place specified.

B. Request all non-student parties to appear before the ~~Judicial Council~~ Court at the time and place so specified.

507.2 Failure by a student party to comply with the directive to appear before the ~~Judicial Council~~ Court, without reasonable cause, shall result in the initiation of non-compliance.

507.3 Cases in which the proceedings involve a Registered Student Organization or an individual acting on behalf of such an organization may result in the freezing of said organization's Activity and Service Fee funds.

Chapter 5098: Student's Rights

508.1 Power of the Court

No right guaranteed by the Constitution of the Student Government of the University of North Florida, or by the Constitutions of the United States or the State of Florida shall be abridged by any judicial proceeding.



SB-15S-2831: Reformation of Judicial Processes

508.2 Any official(s) appearing before the ~~Judicial Council~~Court shall have the following rights:

- A. To be given notice and explanation, both oral and written, of pertinent procedures, specific alleged violations, punitive measures that may result there from, and all rights guaranteed by Statutes.
- B. To present witnesses and evidence at said hearings.
- C. To confront and/or cross-examine all witnesses involved in the proceedings.
- D. To receive a written explanation of the council's decision and the rationale for the recommendation pursuant thereto.

Chapter 51009: Partisanship

No member of the ~~Judicial Council~~Judicial Branch shall actively or passively campaign or support any candidate for elective office, or act in any partisan manner. Members of the ~~Judicial Council~~Judiciary may vote in Student Government elections.

Let it be enacted that the above changes to the System of Statues, Title V, effective immediately.

Legislative Action

Author: Attorney General Harris
 Sponsor: Chairwoman Wollam
 Committee: Constitution and Statutes Committee
 Committee Action: 3-0-1
 Senate Action: 28-0-1
 Date of Action: February 9, 2015

Signed and Delivered to the Student Body President
 on this 16 day of February, 2015.

Place Time Stamp Here

FEB 16 PM 4:53

Chase A. Baker

Let it be known that SB-15S-2831 is hereby

~~APPROVED~~ **VETOED**

on this 16th day of February, 2015.
Joseph C. Turner

Signed,

Joseph C. Turner, Student Body President

Place Time Stamp Here

FEB 16 PM 4:53

Signed:

Chase Baker, Student Senate President