

**PRAIRIE VIEW A & M UNIVERSITY  
STUDENT GOVERNMENT ASSOCIATION  
STUDENT COURT BY-LAWS**

Established:

Revised and Enacted: February 17, 2010

Revised and Clarified by a Court Hearing on: March 1, 2010

**SECTION 1: GENERAL**

- A. The Judicial Branch shall function as the Student Government Association Supreme Court at Prairie View A&M University.
- B. Chief Judicial Authority shall be vested into this Student Judicial Board.
- C. The Judicial Branch shall ultimately ensure the executive and legislative branches are operating within the framework of the constitution for the Prairie View A&M Student Government Association and its applicable governing by-laws for these branches.

**SECTION 2: JURISDICTION**

- A. The Student Court shall have original jurisdiction over:
  - I. All cases of interpretation of.
  - II. Any dispute between organizations under the jurisdiction of Student Government Association. These organizations shall include:
    - a. The Executive Board.
    - b. The Student Senate.
    - c. Any internal committee functioning under the Student Government Association heading.
  - III. Any dispute in which both parties consent to the jurisdiction of the Judicial Board.
- B. The Judicial Branch shall review and/or hold court on all Student Government Association legislation for constitutionality, fairness, proper procedure, and clarity.
  - I. Unconstitutionality is when the law or amendment is in direct violation of the constitution.
  - II. Fairness ensures that the law does not show extreme bias towards one group or individual.
  - III. Proper procedure insures that all bills and resolutions passed are in accordance with these by laws.
    - a. The Judicial Branch will be final recipient to validate timeliness, fairness, and constitutionality of all these documents
  - IV. Clarity is determining whether a law clearly outlines its purpose.

### **SECTION 3: MEMBERSHIP**

- A. There shall be a student Court consisting of one (1) Chief Justice and four (4) Associate Justices. The associate justices will represent a student from each classification at the University.
  - a. By Classification there will be one (1) Senior Justice, one (1) Junior Justice, one (1) Sophomore Justice, and one (1) Freshman Justice.
  - b. There shall be a Judicial Advocate General, who shall be appointed by the Chief Justice, Student Government President, and approved by senate to serve as the official representation of the Judicial Branch in administrative tasks. Also they will assist with informing the students of their rights. The Judicial Advocate General will also serve as eh official liaison between the Judicial Branch, Executive Branch, and the Senate.
  - c. The Student Body President shall appoint the position of Chief Justice. They shall meet bi-weekly for counsel.
  - d. Sole administrative power over Student Court shall be vested in the Chief Justice. If the chief Justice is unavailable than this power shall be vested in the most ranking Justice.
    - i. The ranking is as follows Senior Justice, Junior Justice, Sophomore Justice, and finally Freshmen Justice.
- B. The Chief Justice shall maintain a cumulative grade point average of a minimum of 2.5 and a semester average no less than 2.5 for the semesters in office and semester previous to holding this position.
  - a. The Justices shall be full-time students of the University who are in good in accordance with the academic requirements of the Student Government Constitution.
- C. Vacancies on the Judicial Board shall be filled from a list of applicants of expressing interest in the aforementioned opening. In the case of a vacancy, the Student Body President and the Chief Justice of Student Court shall appoint a new Justice with concurrence of a majority of Student Senate.
- D. The Court can vote only when a quorum is met. Quorum is defined as three (3) of five (5) Justices being present one whom which must be the Chief Justices. All other proceedings are considered counsel and unofficial.

### **SECTION 4: GOVERNING MEASURES**

- A. The Chief Justice shall make meetings and set procedures as deemed necessary for the just and efficient administration of Student Court.

- a. Such procedures shall require concurrence from the Student body President and a majority of Student Senate for implementation.

B. The Judicial Board shall record all rulings in a Judiciary book of records that shall be passed through each consecutive sitting for every presidential term.

- i. All records from henceforth shall be in one volume to be documented for future verification and examination.
- ii. The Book shall be held in the Student Government Office at times when it is not in use during a hearing.

C. Judicial Board/ Student Court representatives shall sit on the Student Conduct Board and the Parking Appeals Committee.

- i. These representatives shall be picked upon the decision of the Chief Justice and Student Body President under the counsel of the University Advisor for Student Government Association.
- ii. These positions are subject to change at any time.

D. Judicial Branch will act in conjunction to the Election committee to make jurisdiction upon rules and violations during Student Government Elections.

- i. The Court will hold hearings for all candidates in the election accused or found in violation in the Campaigning Rules and Regulations during Elections.

## **SECTION 5: THE PROCEDURE OF THE JUDICIAL BOARD**

### **A. Proceedings**

The definition of "proceedings" encompasses the investigation, hearing, deliberation, and if necessary, the appeal process. The definition of "written communication" and/or any mode of communication referred to hereon in this document shall be primarily through email correspondence, unless otherwise specified by the board. Exception to this would be notifications of hearing outcomes and appeals.

### **B. Prior to the Hearing**

1. The Judicial Board shall provide written notification to the student or group of students who is the subject to the complaint, informing the student or students of the specifics of the complaint and that an investigation is being made. An associate justice will be designated to oversee the communication between the board and the parties involved in the proceedings.

2. When and if the judicial board decides that its proceedings shall continue, the board shall request a typed statement responding to the complaint or alleged infraction from the student who is the subject of the complaint, which should be submitted to the Chief Justice within forty-eight (48) hours.
3. The chair will consider the case based on the substance of information gathered whether a hearing is necessary. If either the board or the student who is the subject of the complaint determines a hearing is needed, one shall be called. The Board may also appoint a third party student government committee to interview and gather further information and present findings to the Board.
4. If a hearing is not necessary, the board shall provide written notification to the student who is the subject of the complaint. If a hearing is deemed necessary, the chair or chosen designee shall schedule the hearing and notify all concerned persons of its time and place. Normally a hearing will be held within seven (7) to ten (10) days of the decision to hold a hearing.

### C. Hearings

1. Hearings shall, in the ordinary course, be held in private including five (5) members of the board, the administrative advisor, the student who is the subject of the complaint, and all appropriate witnesses.
2. A record of all hearings shall be made by the judicial board by recording the minutes of the proceedings by a recording secretary.
3. The student who is the subject of the complaint may be present throughout the hearing.
4. The Judicial Board may hear and question each witness separately.
5. The Judicial Board may call any witnesses whose testimony bears on the case.
6. Participants of the hearing may ask the judicial board Justices to direct questions to a witness on their behalf.
7. The members of the board shall deliberate and reach a decision. The board shall then reach a consensus on sanction(s) for the student. The administrative advisor is present solely to advise the board and ensure that procedure is followed.
8. Upon the completion of hearings and deliberations, the judicial board shall make a written decision normally within seventy-two (72) hours. The decision will be made available to the student who is the subject of the complaint, the Executive Board and the Student Senate. The decision will remain in the Judicial Board's open files for review and can be referred to if similar cases are brought before the board again.
9. Members of the judicial board may be removed or disqualify themselves from sitting on a particular case for reasons of conflict of interest or otherwise.
10. The Judicial Board may consider any testimony or evidence it deems helpful or relevant. The board's decisions are based on information

brought before it at the hearing or in written statements that have been submitted to the board regarding the case.

11. The chair shall make decisions regarding procedural questions arising during the hearing. Such determinations may be modified only by a majority vote of the present members of the judicial board.
12. The Student Court shall wait up to fifteen (15) minutes for court participant(s) to appear. If any participant(s) in the hearing do not appear for court, whether the person(s) filing the complaint or the person(s) receiving the complaint, the student court may proceed with the hearing and formulate a decision without the participant(s) being present. If the court decides to proceed, they must notify the participant(s) who weren't present of their decision and ruling within twenty-four (24) hours.
13. If a court hearing was made without one of the person(s), as mentioned in Sub Section [C.12] above, that person has within the seventy-two (72) hour time frame of Section 5:C.8, to file for another court date in writing to the Chief Justice, stating why they missed the court date. On receiving the letter, the student court may decide, based on the reason, whether they wish to hold another hearing or adhere with their current ruling.

#### D. Post-Hearing Actions and Appeals

- ii. The Judicial Board may take such actions as are necessary to enforce its decisions.
- iii. Appeals of decisions of the judicial board shall be made in writing to the appeal board, chair, within seven days of the date on the board's decision letter.
- iv. An Appeal Board shall be composed of a Judicial Panel Appeals Committee. The Chief Justice will conduct a panel of ranking senators and voting members of Executive board.
- v. The Judicial Panel Appeals Committee shall review the evidence presented to the judicial board, including the record of the hearing, and may take whatever additional steps it deems necessary to review the case according to the grounds for appeal.
- vi. If the appeal board determines that the judicial board's actions or decisions should be modified, it will, before making a decision, send its recommendations for modifications to the judicial board for its reconsideration. The Judicial Panel Appeals Committee will make its final decision following the action on reconsideration by the board.
- vii. Appeals may be made only on the grounds of gross error in procedure, violation of the student's rights, new evidence, or extreme bias on the part of the Judicial Board. Appeals may not be filed solely based on disagreeing with the board's decision.

### **SECTION 6: RIGHTS AND RESPONSIBILITIES OF A STUDENT CALLED BEFORE THE JUDICIAL BOARD**

- A. A student called before the judicial board shall have the following rights:
1. The right to be provided with a copy of the complaint within seventy-two (72) hours of the appointment of a hearing.
  2. The right to present evidence supporting the student's version of the alleged complaint.
  3. The right to a hearing.
  4. The right to accept or contest responsibility for the violations of the alleged complaint.
  5. The right to present up to three (3) witnesses, who may be students, faculty, staff or administrators of Prairie View A&M University.
  6. The right to be present throughout the hearing and to consult with her or his adviser during her or his testimony.
  7. The right to appeal the final decision of the Judicial Board.
- B. A student called before the Judicial Board has the following responsibilities:
- a. Upon formal notification by the judicial board of a complaint, a student shall submit to the board a written response to the complaint within forty-eight (48) hours of such notification. Personal statements submitted to the board beyond the stated due date will not be accepted unless otherwise noted.
  - b. The student called before the judicial board shall appear at the time the hearing is scheduled by the board. The student is required to ensure that the witnesses are available on the date the hearing is set.

## **SECTION 7: THE RIGHTS OF A PERSON FILING A COMPLAINT WITH THE JUDICIAL BOARD**

A person who has filed a complaint and comes before the judicial board shall have the following rights:

- A. The right to review the statements of the student who is the subject of the alleged infraction.
- B. The right to present evidence supporting the complainant's version of the alleged complaint.
- C. The chair of the judicial board or hearing officer will notify the person filing the complaint of receipt of the complaint within forty-eight (48) hours.
- D. The right to appeal a final decision of the Judicial Board.


## **SECTION 8: CONFIDENTIALITY**

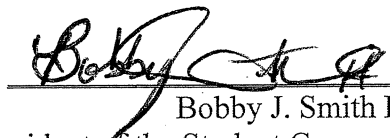
- B. The Judicial Board maintains confidentiality in all cases and expects all those involved in a particular case to respect the obligation of confidentiality in order to maintain the integrity of the proceedings.
- C. If any participant in the proceedings chooses to make public the process, content, and/or the decision of the judicial board, the board reserves the right to respond. Any board member who is found in violation of confidentiality may be removed from the board by the Chief Justice and Student Body President or the Administrative Advisor.

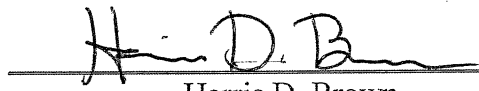
**SECTION 9: CERTIFICATION**

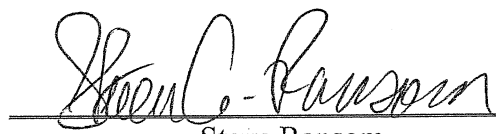
This Student Government Association Student Court Bylaws stands approved and enacted by vote of the Student Senate on

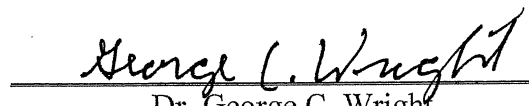
February 10, 2010  
Date

  
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Edward Carrigan  
President of the Student Senate

  
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Bobby J. Smith II  
President of the Student Government Association

  
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Harris D. Brown  
Chief Justice of the Student Court

  
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Steve Ransom  
Student Government Association Advisor

  
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Dr. George C. Wright  
University President  
Prairie View A&M University

10/1/10  
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Certification Date