



## RULES OF PROCEDURE OF THE STUDENT ASSOCIATION:

# STUDENT COURT



### **Preamble**

The University of Wisconsin-La Crosse Student Association balances power between three branches: Executive, Legislative, and Judicial. Judicial authority is granted to the Student Court by the University of Wisconsin-La Crosse Student Association Constitution and to this end the Court is vested with the power to uphold the Constitution, interpret its meaning, and to adjudicate disputes within the Student Association and its members. The following Rules of Procedure establish a judicial system based on the principle of due process for the Student Court and members of the Student Association to use in the creation of a consummate college experience.

### **Article I: Definitions**

1. University of Wisconsin-La Crosse Student Association (hereafter “Student Association” or “UWLSA”): all students enrolled at the University of Wisconsin-La Crosse, both full-time and part-time.
2. Constitution: refers to the UWLSA Constitution, unless otherwise specified.
3. Student Government: refers to UWLSA Student Government, unless otherwise specified.
4. Complaint: initial document filed with the Court by a person or entity claiming legal rights against another.
5. Complainant: person(s) or group bringing a complaint against another.
6. Respondent: person(s) or group accused of wrongdoing by a complainant through a formal complaint.
7. Hearing: the process of formally assessing matters of fact in a case brought on by a formal complaint, resulting in a verdict in favor of the complainant or respondent.
8. Appeal: a formal request to overturn the decision of a lower court or governing body.
9. Appellant: person(s) or group appealing a decision from one governing body to a higher one.
10. Opinion: discusses the formal decision of one or more Justices and the reasoning behind it. See §6.4(b-d) below for Majority Opinion, Concurring Opinion, and Dissenting Opinion.
11. Overseeing Body: a governing body that falls under the purview of the Court. Further defined in §5.3 below

### **Article II: Membership**

Section 2.1: The Court shall consist of five total student justices of the Court, (hereafter “Justices”), one of which shall be the Chief Justice.

**Section 2.2:** The Chief Justice of the Court presides over the Court, voting only in the event of a tie.

**Section 2.3:** Justices shall serve for the academic year in which they are appointed. The President will appoint Justices to serve for the academic year of their presidency with a two-thirds (2/3) approval by the Senate. If a returning Justice is not approved by the President, that Justice may apply directly to the Senate and be reappointed to the Court pending a 2/3 majority vote. This will override the President's decision and approve the returning Justice.

### **Article III: Reappointment and Vacancies**

**Section 3.1:** The President of the UWLSA retains the right to nominate any UWLSA member of their choosing for the positions of Justice and Chief Justice. In the interest of retaining experience and promoting continuity on the Court, the Chief Justice should be chosen from existing Justices, unless no Justices return to the Court the following academic year.

**Section 3.2:** If there is no returning Chief Justice at the end of the current academic year for the upcoming academic year, the current Chief Justice may present a recommendation to the President of the UWLSA for the position of Chief Justice the following academic year from either existing Justices or the student body.

### **Article IV: Meeting Times and Locations**

**Section 4.1:** The Court shall meet on a regular basis as Justices see fit, in a location of their choosing to discuss issues related to the Court not described below.

**Section 4.2:** The Court shall from time to time meet with members of the Executive Branch to discuss issues related to the Court.

**Section 4.3:** The Court shall from time to time address the Senate on issues related to the Court.

**Section 4.4:** The Court shall receive updates from each organization once per semester, to be submitted to the Chief Justice via email on the first weekday of the second month of that semester. This form shall be completed by a specific, designated person, with the designated update template.

- a. The Court shall be notified immediately following an organizational issue taken to the overseeing body within the Court's purview.
- b. The Court shall be notified immediately following any bylaw or structural changes to an overseeing body within the Court's purview.

**Section 4.5:** The Chief Justice shall issue an annual statement to each overseeing body of a UWLSA recognized organization. This statement shall be passed on to every organization so that the process of Complaints, Appeals, and resolution is made clear to every UWLSA recognized organization and their members.

**Section 4.6:** The Court shall meet with the executive board of the overseeing bodies that fall under the Court's purview. This meeting shall be held by the second week of the second month of each semester, and will update the Court on any bylaw or structural changes pertaining to that body.

- a. In the case of no changes, then the Court will use any current bylaws and structural procedure by that body when deciding on cases. The Court will use the bylaws in place when the incident occurred.
- b. Only when bylaw and structural changes have been fully approved, will the Court be notified and take said changes into consideration for hearings.

#### **Article V: The Role of the Court**

**Section 5.1:** The role of the Court is to act as the adjudicating body to the UWLSA, Panhellenic Council and IFC, as well as any UWLSA recognized organization, as defined as any organization that is confirmed by the Student Organizations Committee, receives funding from SUFAC, or both. However, it is at the discretion of the Court, in consultation with the Court's advisors, to oversee any organizational issues which occur in organizations that fall under the Court's purview.

#### **Section 5.2: Jurisdiction**

The jurisdiction of the Court pertains to incidents that occur both on and off campus. The Court decides on organizations and/or members of organizations who have filed a complaint, or serve as a respondent to a complaint for a particular case.

#### **Section 5.3: Roles of the Overseeing Bodies**

In order to establish a system of appeals and clarity to student organizations, the Court shall adjudicate issues that are unable to be resolved, do not fall under the purview of the overseeing body it was brought to, or are subject to a Student Certiorari. These overseeing bodies are defined as the UWLSA, Student Organizations Committee, and Fraternity and Sorority Life, which consists of the IFC and the Panhellenic Council.

- a. Student Organizations Committee and FSL
  1. The Student Organizations Committee and FSL must adhere to their respective bylaws, and, in doing so, serve as a suggestive body for issues that arise and are brought before them. If an issue is unable to be resolved, falls outside of the scope of the Student Organizations Committee, FSL, or is subject to a Student Certiorari, that issue shall be passed on to the Court.
  2. In the event of an issue being brought before the Student Organizations Committee, it is their role to attempt to reach a mutual agreement between the involved parties. If a Student Organizations Committee agreement cannot be reached, or its suggestions cannot be or are not followed, that issue shall be deemed unresolved and passed on to the Court.
  3. In the event of an issue being brought before the FSL overseeing bodies, it is the role of the respective overseeing body to provide due process to all parties involved in the issue.
    - i. The Court has the jurisdiction to hear appeals from the IFC and Panhellenic Council

- ii. An appeal stemming from the IFC can be appealed to the FSL faculty, the Court, or the National Interfraternity Council Headquarters at the discretion of the appealing party.
  - iii. The Panhellenic Council shall follow their judicial process, while retaining the option of appealing to the Court if need be
4. The Student Organizations Committee and FSL shall make clear the availability of the Court and the dispute resolution process to all organizations that fall under its purview.

**Section 5.4: Exemptions from the Purview of the Court**

There are certain groups which are expressly exempt from the purview of the Court. These groups, and any organizations that fall under their oversight, are as follows:

- a. UW-La Crosse Intercollegiate Athletics
- b. Any group not defined within §5.1 of these Rules of Procedure
- c. Any UW-L student having no affiliation with a recognized student organization.

**Section 5.5: Justice Training**

To remain up-to-date on the events of all groups that fall under the purview of the Court, new and returning Justices must be subject to annual training.

- a. New Justices, defined as Justices who did not serve on the Court in the previous year, must review the UWLSA Constitution, Senate bylaws, and Student Court Rules of Procedure, familiarize themselves with the UWLSA, Student Organizations Committee, and FSL, as well as discuss the mission and role of the Court with returning Justices and Court advisors.
- b. Returning Justices, defined as Justices who served on the Court in the previous year, must familiarize themselves with any changes or updates to bylaws of the UWLSA, Student Organizations Committee, and FSL, as well as assist in the training of new Justices.
- c. All Court members must undergo annual best practices training conducted by the Court advisors, Student Organizations Committee Chair, and the Vice President of Judiciary for Panhellenic Council and IFC. This training must be completed no later than three weeks after appointment to the court.

**Article VI: Original Complaints**

**Section 6.1:** Per Article V §4.4(b) of the Constitution, the Court shall decide suits brought against any UWLSA member(s) or a UWLSA recognized organizations pertaining to the Constitution and UWLSA by-laws.

**Section 6.2: Complaints**

- a. If a member of the UW-L student body, who has a significant issue, wishes to bring a suit against UWLSA member(s) or a UWLSA recognized organization, or if a UWLSA recognized organization wishes to bring a suit against UWLSA member(s) or a UWLSA recognized organization, they may file a complaint with the Court expressing the desire to have the particular issue adjudicated. In order for a complaint to be filed, there must be at least one instance of actual or arguable harm done.
- b. Complaints pertaining to Student Organizations should first go to the Student Organizations Committee, to be passed on to the Student Court via appeal by any of the parties involved. Decisions made by the Student Court shall be binding.
- c. A Notice of Intent to Complain must be filed within one month<sup>11</sup> of the alleged wrongdoing or before the end of the same semester, whichever comes first. To be considered filed it must be sent to the Chief Justice electronically through email, in paper copy, or both.
- d. A written complaint must be filed within one week or before the end of the same semester (whichever comes first) of the Notice of Intent to Complain. To be considered filed it must be sent to the Chief Justice either electronically through email, in paper copy, or both. Written Complaints must include the following information (a template may be found on the Judicial branch section of the Student Association website):
  1. Name(s) of the complainant(s) or group acting as complainant, with contact information (email address(es)).
  2. Name(s) of the respondent(s) or group acting as respondent, with contact information (email address(es)).
  3. List of facts, including dates, times, people, groups, and actions involved in the alleged wrongdoing.
  4. Relevant rule(s), by-law(s), policies and procedures, and Constitutional provisions.
  5. Requested relief.
- e. The Court must respond to the written complaint within two weeks of receiving the complaint or before the end of the same semester (whichever comes first), and send the response to the complainant(s) and respondent(s) electronically through email, in paper copy, or both. The response must include a decision on whether or not to hold a hearing on the case. The response may also include an explanation of the Court's decision (particularly if the Court decides to not hold a hearing), but this is not necessary.

### **Section 6.3: Counter-Complaints and Responses**

- a. All counter-complaints and responses made by the Respondents must be completed by the Respondents within 20 days of receiving the original complaint directly from the Court.

### **Section 6.4: Hearings**

- a. If the Court decides to hold a hearing on a recognized complaint, the Chief Justice must contact the affected parties and schedule a hearing within two weeks of issuing the response to the original complaint. If this two week period continues past the end of the

current semester, then a hearing may be held in the semester immediately following the original complaint and response.

b. All hearings must be audio recorded, and a copy of the record shall be made publicly available.

c. In order for physical evidence (or documentation of it) or documents themselves to be considered admissible evidence during a hearing, they must be submitted to the Chief Justice at least twenty-four seventy-two hours before the commencement of the hearing and made available to all parties involved. Physical Evidence or documentation submitted within twenty-four seventy-two hours of the hearing may be admitted at the presiding judges' discretion. The names of the witnesses will be treated as evidence of the purpose of the hearing.

d. Hearing procedure

1. Call to Order

2. Overview of Proceedings: At this time the Court will clarify the timeline and procedure of the hearing. The Court reserves the right to limit speakers' comments on the considerations of relevance and time.

3. Affirmation: all parties before the Court must state their name before speaking, and make the following affirmation before the Overview of Proceedings may begin: "I solemnly affirm, under the pains and penalties of perjury, that any and all statements I make before the Student Court shall be the truth, the whole truth, and nothing but the truth." (Switch the Affirmation part with the Overview of Proceedings part) - everyone does Affirmation together

4. Reading of Charges: The Court shall read the incident and/or charges to the parties and establish what the Court knows and what each party is being accused of doing as well as the rules they have been accused of violating.

5. Opening Statement: Each party may make a brief and concise statement outlining the rest of their case. During this time both parties shall present their evidence. The complainant will go first, followed by the respondent.

a. Complainant

b. Respondent

6. Presentation of Evidence: each party may present and discuss evidence pertinent to the case. Physical evidence must be submitted in advance (per Article VI, Section 6.4(c) V §5.3(c)) and may be discussed at this time. At this time witnesses may also be called forth to make statements to the Court. It is the duty of the Chief Justice, or presiding Justices, to ensure that all witnesses have been called forth by the party presenting evidence, before moving on to the next procedural item. The Court reserves the right to admit or dismiss any evidence, either physical or testimonial, on the grounds of relevance. The Court may affirm, edit, or curtail the responses of either party or witnesses called forth, questions and questioning on the grounds of relevance and appropriateness.

a. Initial questioning by the Court

- b. Presentation of witnesses. Complainants call their witness(es) first, followed by the Respondents. This is followed by a brief introduction of the witness(es) by the witness and how they pertain to the case. Witnesses will enter the hearing one at a time and will only be questioned by the Court.
- c. Questioning of the witness(es) by the Court
- d. Final questions by the Court to the parties and witness(es)

7. Questions from the Court: after hearing both the complainant and respondent's presentation of evidence and their respective cross examinations, the Justices of the Court may ask both parties any question they wish relevant to the case. The party that is not being directly questioned has the opportunity to respond to the answer of the questioned party. After this response it is within the discretion of the Court to continue the line of questioning or to move on. All questions will be directed to a specific individual and all answers will be made by the questioned individual. Any additional comments from members of either party, who were not directly questioned by the Court, or responding to the answer, is prohibited.

8. Closing Arguments: each party has the opportunity to summarize their case, clarify previous points from the court's questioning, reiterating the important points of their argument, but at this stage new evidence cannot be presented. The complainant will go first, followed by the respondent.

- a. Complainant
- b. Respondent

9. Closing Statements by the Court – This shall include the statement that this is not an actual Court of Law, the scope of the remedies that the Court may administer in order to see that its decision is followed, as pursuant to Article VI, Section 6.5 Article V, Section 5.5 of these Rules of Procedure, and that the case may be passed on to the appropriate staff at the discretion of the Court and its advisers.

10. Adjournment

### **Section 6.5: Verdicts**

- a. The presiding Justices must vote on the verdict of the case in favor of the complainant or respondent, with the Chief Justice only voting in the event of a tie. A simple majority vote is required.
- b. In written form, the Chief Justice must inform the affected parties of the verdict, in favor of the complainant or respondent, noting requested relief, within seventy-two hours of the adjournment of the hearing, with an option to extend the time at the discretion of the Court. The Chief Justice must notify all parties involved of the extension by the time the original seventy-two hours has elapsed.
- c. Pursuant to Article VI of the Constitution, decisions of the Court shall establish persuasive precedent within the Student Government for future proceedings. These decisions will be binding unless amendments to the

Constitution or these Rules of Procedure contradict previous decisions of the Court, or until a decision is overturned by the Court.

- d. To remain a club or a member of a club, the parties involved must follow the Verdict of the Court. The scope of the remedies the Court may administer include but are not limited to as follows:
  - a. Suspension or probation of the club;
  - b. Impeachment of organizational officers directly involved in the case;
  - c. Removal of an organizational advisor that is a faculty member of UW-L, in consultation with the advisors of the Court, if they are directly involved in the case;
  - d. Removal, suspension, and/or probation of organization members;
  - e. Present remedies that must be followed to remain an organization or member of the organization, including but not limited to: rewriting the bylaws; reelection of officials; methods of inclusion.

## **Article VII: Judicial Review**

**Section 7.1:** Per Article V §4.4(a) of the Constitution, the Court has the sole power of judicial review, and as such members of the Student Association may submit items to be reviewed by the Court in terms of their Constitutionality. This entails any document within the purview of the Court, including: Student Senate By-Laws, Board of Directors By-Laws, any legislative committee by-laws created through Article III, §7 of the Constitution, and any Student Senate Resolution.

**Section 7.2:** If any member of the UWLSA would like the Court to review a particular document within the Court's purview, they may file a Request for Review with the Chief Justice and submit it electronically through email, in paper copy, or both. The Request for Review must include the following information (a template may be found on the Student Association website):

1. Name(s) of the petitioner(s) (person(s) or group filing the Request) with contact information (email address(es)).
2. Governing document in question.
3. Specific sections, phrases, wording, etc. that the petitioner would like to be examined.
4. (Optional) argument for reviewing and/or changing the particular sections, phrases, wording, etc. in question.

**Section 7.3:** After receiving the Request for Review, the Court has two weeks to decide whether or not to review the document in question and submit an Intent to Review to the petitioner(s) electronically through email, in paper form, or both. The Intent to Review must be completed within the same academic semester as the Request for Review, must indicate whether the Court will review the document in question or not, and may include the Court's reason(s) for making that decision.



**Section 7.4:** If the Court decides to review the document in question, within one month of submitting the Intent to Review the Court must write an Opinion on the matter and submit it to the Student Senate as a recommendation for action.

- a. The Court shall meet as many times as necessary to discuss and construct their Opinion.
- b. The Court shall form a majority Opinion by a simple majority vote. The Chief Justice may only vote in the event of a tie. Any member of the majority may write the Majority Opinion (including the Chief Justice), and it must include the following information:
  1. Names of the Justices in the majority, noting the author (s) of the Opinion
  2. Position on the constitutionality of the sections, phrases, and/or words in the document in question.
  3. Reasoning for the above position. This reasoning may be as detailed or brief as the opinion author(s) deems necessary.
  4. (Optional) Recommendation for the Student Senate, relevant primary committee, secondary committee, or standing committee to amend the document in question.
- c. Justices in the majority who agree with the position of constitutionality of the document in question but disagree with the reasoning of the Majority Opinion may write a Concurring Opinion. A Concurring Opinion must include the same information as the Majority Opinion (in above §6.4(b), noting the author(s) and difference in reasoning for the position on constitutionality.
- d. Justices comprising the minority, who disagree on the position of constitutionality, may write a Dissenting Opinion. The Dissenting Opinion must include the same information as found above in §6.4(b), noting the author(s), difference in position of constitutionality, and the reason(s) for the disagreement in position.
- e. Concurring and Dissenting Opinions may be submitted to the Student Senate in the same manner as the Majority Opinion.

**Section 7.5:** The Opinions of the Court stem from the Court's power of judicial review and function in part as a check and balance of the executive and legislative branches. The Student Senate and any Standing, Primary, or Secondary Committees reserve the right to amend their By-Laws as they see fit, and in a manner consistent with existing procedure and precedent.

**Section 7.6:** Similar to the decisions on Original Complaints and Election Commission Appeals (discussed below), the Opinions of the Court shall establish precedent within Student Government for future proceedings, unless amendments to the Constitution or these Rules of Procedure contradict previous decisions of the Court, or until a decision is overturned by the Court.

## **Article VIII: Appeal and Student Court Certiorari**

**Section 8.1:** An Appeal may be filed by a party of a case decided on by the Court if there is a Substantial Error during the process of the case which altered the verdict, or if the verdict is unreasonable.

**Section 8.2:** If a party involved in a case decided on by the Court wishes to appeal the decision, that party must file an Appeal to the Chief Justice via email within two weeks' time of the decision. The Chief Justice must then notify administration of the Appeal within a week of receiving the Appeal from the Appellant. The Appeal must contain the following:

- a. Section(s) of the UWLSA Constitution or Bylaws that is relevant to the case
- b. Statement of facts regarding the case
- c. Statement as to why the verdict is unreasonable or the process included a Substantial Error.
- d. Information that identifies the case and the material to be reviewed
- e. Contact information for the person (s) filing the Appeal, also called the Appellant(s).

**Section 8.3:** If a part involved in a verdict finds a part of the verdict will cause an undue burden on the party, that party has the option to request the Court to revise the portion of the verdict in question. Parties must notify the Chief Justice via email of any portions of the verdict that may cause an undue burden within two weeks of the verdict. This process is not a formal Appeal. If the Court finds no change is needed, the party has two options:

1. Formally Appeal the Verdict to Administration
2. Do nothing. This signals acceptance of the verdict and compliance with the verdict

**Section 8.4:** The Court has the sole power to issue a Student Certiorari, which will demand that the Student Organizations Committee provide the Court with all documentation to a specific case. The Court shall review the case and the decision of the Student Organizations Committee, and determine if there are grounds for a new trial to be held. At which point the Court shall issue a notice for trial to the parties involved.

## **Article IX: Election Commission**

**Section 9.1:** Membership (also found under Election By-Laws). Changes in the Election By-Laws that affect membership made after the approval of this document shall be followed until the below section is amended to express the same.

- a. The Election Commission shall consist of six voting students, one student alternate, and one adviser appointed yearly by the Director of University Centers.
- b. Two non-returning Senators
- c. Four non-Senators
- d. One non-Senator serving as an alternate
- e. No member of the Executive Cabinet may serve on the Commission.
- f. No present UW-L Student Association interns shall serve on the Commission

- g. If six qualified members for the Commission cannot be found, a minimum of four people meeting any of the above criteria (a-f) may comprise the Commission.

### **Section 9.2: Appointment Process**

- a. The Court is charged with the formation of the Election Commission pursuant to Article V §4.4(e) of the Constitution. For fall elections, the Election Commission must be formed before the third Wednesday in September. For spring elections, the Election Commission must be formed before Spring Break. The membership of the Election Commission is subject to a two-thirds approval from the Student Senate.
- b. The Court may request recommendations for Election Commission membership from the UWLSA President.
- c. The Court may also hold an open application process from the student body for membership on the Election Commission, or to fill vacant seats.
- d. The Court will appoint Election Commission members after conducting interviews with prospective members. The recommendations from the President shall be given first consideration.
- e. Justices interviewing prospective Election Commission members shall consider candidates who are committed to running a fair election, who are not significantly attached to election candidates, and who are otherwise willing and able to uphold the principles of the Constitution.
- f. If a member of the Commission can no longer fulfill their duties or is otherwise removed from office, the Court may appoint another qualified member (meeting above criteria for membership (§7.1 and §7.2(a-e)) to fill the vacant seat.

### **Article X: Appeals on Election Commission Rulings**

**Section 10.1:** Pursuant to §4.95.2 (Suspending the Election) and §4.114 (Appeals) of the Election By-Laws, persons affected by decision(s) of the Election Commission may appeal to the Student Court.

- a. Because of the time constraints of election periods, appeals on Election Commission decisions must be sent to the Chief Justice within one week of the particular Commission decision in question. Written appeals must include the following information (a template may be found on the Judicial branch section of the Student Association website):
  - 1. Name(s) of the appellants with contact information (email address(es)).
  - 2. The respondent. For Election Commission appeals the respondent will always be the Election Commission.
  - 3. List of facts, including dates, times, people, and actions involved in the alleged violation, Election Commission decision, and subsequent appeal.
  - 4. Relevant rule(s), by-law(s), policies and procedures, and Constitutional provisions.
  - 5. Requested relief.
- b. The Court must respond to the written appeal within one week after receiving the written appeal, and send the response to the complainant(s) and respondent(s) either electronically through email or in paper copy. The response must include a decision on whether or not to hold a hearing on the case. The response may also include an

explanation of the Court's decision (particularly if the Court decides to not hold a hearing), but this is not necessary.

c. Hearings on Appeals

1. If the Court decides to hold a hearing on an appeal, and due to the time constraints of an election, the Chief Justice must contact the affected parties and schedule a hearing within one week of issuing the response to the appeal.
2. If the Court decides to hold a hearing on the appeal, the procedure outlined in Article V §5.3(d) must be followed.

**Article XI: Amendments**

**Section 11.1:** In order to be flexible to the changing needs of the UWLSA, the Court may amend any of the above sections pursuant to Article V §4.4(c) of the Constitution, pending a two-thirds approval from the Student Senate.

**Article XII: Enactment**

**Section 12.1:** The preceding Rules of Procedure shall be adopted immediately following a two-thirds approval from the Student Senate.

\* All timelines are considered in terms of days when school is in session. Breaks such as summer, winter, and spring break do not count for the allotted time.

*Amended 12-07-16*

*Amended 05-03-17*