



UNIVERSITY OF WISCONSIN-LA CROSSE STUDENT ASSOCIATION

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SA1516-068: Resolution Amending Student Court Rules of Procedure

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WHEREAS; the Student Court recently took up a case which was not previously addressed by a Student Court;

WHEREAS; in proceeding with this case, there were multiple procedural areas that needed to be updated;

WHEREAS; clarity in regards to defining appropriate student issues to be considered by the Student Court is needed;

WHEREAS; these updates would help ensure more clarity to students and the Student Court for future proceedings, particularly with cases involving precedent;

THEREFORE BE IT RESOLVED; the Student Court amends their Rules of Procedure with two-thirds approval by the Student Senate.

Handwritten signature of Molly Davies in black ink.

Molly Davies
President, Student Senate
Vice-President, Student Association

05-04-2016

Date

Handwritten signature of Kaylee Otterbacher in black ink.

Kaylee Otterbacher
President, Student Association

05-04-2016

Date



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. Trial: 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.

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

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 the present Chief Justice wishes to continue their position the following academic year, they should be given first priority in the selection for the position.

Section 3.3: If there is no returning Chief Justice at the end of the academic year, the Court 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.

Article V: Original Complaints

Section 5.1: 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~~ **the UWLSA and its members** pertaining to ~~issues in~~ the Constitution and UWLSA by-laws.

Section 5.2: Complaints

- a. If a member of the ~~UWLSA wishes to bring a suit against UWLSA member(s) or UWLSA recognized organizations or institutions~~ **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 month¹ 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.
- d. The Court must respond to the written complaint within ~~one~~ **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 trial on the case. The response may also include an explanation of the Court's decision (particularly if the Court decides to not hold a trial), but this is not necessary.

Section 5.3: Trials

- a. If the Court decides to hold a trial on a recognized complaint, the Chief Justice must contact the affected parties and schedule a trial 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 trial may be held in the semester immediately following the original complaint and response.
- b. All trials 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 trial, they must be submitted to the Chief Justice at least twenty-four hours before the commencement of the trial and made

¹ 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.

available to all parties involved. Physical evidence or documentation submitted within twenty-four hours of the trial may be admitted at the presiding judges' discretion.

d. Trial procedure

1. Call to Order
2. **Overview of Proceedings: At this time the Court will clarify the timeline and procedure of the trial.** ~~Open Forum: any member of the Student Association with or without standing in the case may address the Court on any topic relevant to the case for a reasonable amount of time.~~ The Court reserves the right to limit speakers' comments on the considerations of relevance and time.
3. Affirmation: all parties wishing to make statements before the Court must **state his or her name before speaking, and** make the following affirmation before **speaking for the first time**: "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."
4. Opening Statement: Each party may make a brief and concise statement outlining the rest of their case. The complainant will go first, followed by the respondent.
 - a. Complainant
 - b. Respondent
5. Presentation of Evidence: each party may present and discuss evidence pertinent to the case. Physical evidence must be submitted in advance (per Article 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. Each party shall cross-examine each witness as the witness is called forth.** The Court reserves the right to admit or dismiss any evidence, either physical or testimonial, on the grounds of relevance. The complainant will present evidence first. If the respondent wishes to question the complainant's evidence or witnesses, they may direct their questioning through the Court during their cross examination. The Court may affirm, edit, or curtail the cross examination questions and questioning on the grounds of relevance and appropriateness. After the respondent cross examines the complainant's evidence, they may present their evidence. The complainant may then cross examine the respondent's evidence under the same guidelines discussed above.
 - a. Complainant presentation of evidence
 - b. Respondent cross examination
 - c. Respondent presentation of evidence
 - d. Complainant cross examination
6. 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.

7. Closing Arguments: each party has the opportunity to summarize their case, 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
8. Closing Statements by the Court
9. Adjournment

Section 5.4: 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 ~~forty-eight~~ **seventy-two** hours of the adjournment of the trial, **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 V §4.4(c) of the Constitution, decisions of the Court shall establish 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.

Article VI: Judicial Review

Section 6.1: 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 6.2: 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 6.3: After receiving the Request for Review, the Court has one week 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 6.4: 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 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 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 6.2: 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 6.3: 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 VII: Petition to Appeal and Student Court Certiorari

Section 7.1: The Court has the sole power to review the decisions of Student Organizations Committee in two ways: a Petition to Appeal and a Student Certiorari.

Section 7.2: If a party involved in a case decided on by a lower court wishes to appeal the decision, that party must file a Petition to Appeal to the Chief Justice via email within two months time of the decision of the Student Organizations Committee. The Petition to 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 decision of the Student Organizations Committee could not be carried out or is in conflict with the UWLSA Constitution or Bylaws
- d. Information that identifies the case and the material to be reviewed
- e. Contact information for the person (s) filing the Petition, also called the Petitioners

Section 7.3: The Court has two weeks time, after receiving the Petition to Appeal to notify the Petitioner if the Court will review the case or not. An explanation of the decision is optional with the notification. The Chief Justice shall be responsible for notifying the Petitioner within the allotted amount of time.

Section 7.4: If the Court decides to review the case, the trial will proceed as stated within these Rules of Procedure, starting with an official Complaint filed by the Petitioner to the Chief Justice within one week of receiving the notification from the Court that it will review the case.

Section 7.5: 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.

Article VIII: Election Commission

Section 7.1: 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 8.2: 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 IX: Appeals on Election Commission Rulings

Section 9.1: 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 trial on the case. The response may also include an explanation of the Court's decision (particularly if the Court decides to not hold a trial), but this is not necessary.
- c. Trials on Appeals
1. If the Court decides to hold a trial on an appeal, and due to the time constraints of an election, the Chief Justice must contact the affected parties and schedule a trial within one week of issuing the response to the appeal.
 2. If the Court decides to hold a trial on the appeal, the procedure outlined in Article V §5.3(d) must be followed.

Article X: Amendments

Section 10.1: 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 XI: Enactment

Section 11.2: The preceding Rules of Procedure shall be adopted immediately following a two-thirds approval from the Student Senate.