# TITLE V: THE JUDICIAL BRANCH

## **Chapter 500: Authority of the Judicial Branch**

### 500.1 In accordance with the Constitution, the Judicial Branch 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 The Judicial Branch shall be responsible for the Judicial Policies and Procedures. The Judicial Policies and Procedures is a living document, which shall be changed through at least a simple majority vote of the Judicial Branch.

## **Chapter 501: Composition of the Judicial Branch**

### 501.1 The Judicial Branch shall be composed of:

#### Chief Justice

#### Deputy Chief Justice

#### Seven (7) Associate Justices

### 501.2 The chain of command shall consist of the Chief Justice, the Deputy Chief Justice, and the Associate Justices in order of tenure.

### 501.3 The Chief Justice may create a volunteer position (clerk) to assist the Judicial Branch with clerical tasks. This volunteer position’s title and duties shall be outlined in the Judicial Policies and Procedures. This position will exist at the discretion of the Chief Justice and may be dismissed at any time.

## **Chapter 502: Chief Justice**

### 502.1 The Chief Justice shall be elected by the Judicial Branch during the spring semester to a term of one (1) year. The details of the Chief Justice election shall be outlined in the Judicial Policies and Procedures.

### 502.2 The Chief Justice, with majority approval of the Judicial Branch, shall remove from a case any Justice whom they deem to have a conflict of interest.

### 502.3 If the Chief Justice is unavailable to fulfill their duty of administering the “Oath of Office,” it may be administered by another Justice of the Judicial Branch or by the Senate President

### 502.4 The Chief Justice may dismiss the Deputy Chief Justice at any time for any reason. The Judicial Branch may override the Chief Justice by a two-thirds (2/3) vote at the next regularly scheduled Judicial Branch meeting.

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

## **Chapter 503: Deputy Chief Justice**

### 503.1 The Deputy Chief Justice shall be appointed by the Chief Justice and confirmed by the Judicial Branch as outlined in the Judicial Policies and Procedures.

### 503.2 The Deputy Chief Justice shall assume the duties of the Chief Justice in the event of their absence and/ or removal.

### 503.3 All Duties of the 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 Chief Justice or Deputy Chief Justice, to be forwarded to the President.

### 504.2 In the event of a vacancy on the Judiciary, the President shall forward a qualified nominee to the Rules and Oversight Committee and the Senate.

#### In accordance with Title III of these statutes: should a vacancy occur; the President shall have thirty (30) business days to appoint a member to the branch. If there are no Presidential appointments, the President shall forward all applicants on file to the Chief Justice and request for an extension of up to thirty (30) business days.

### 504.3 The nominee shall present themselves at the next Rules and Oversight Committee Meeting and Senate meeting, to receive majority approval of the aforementioned bodies. If confirmed, the new justice shall be installed as outlined in Title IX of these Statutes.

## **Chapter 505: Jurisdiction of the Court**

### 505.1 In accordance with Article IV, Section 5 of the Constitution, the Judicial Branch shall have the power of Judicial Review over all disputes between Student Government student employees, members, and/or elected officials which involve Student Government law. Further, the Judicial Branch shall have the power of Judicial Review to negate and remove existing Student Government Statute, appropriation, law, Joint Resolution, Executive Order, and/or Senatorial policy when it conflicts with any provisions of the Student Government Constitution. These powers shall include and be limited as prescribed by law.

### 505.2 In accordance with Article VI, Special Joint Resolutions that propose friendly amendments to the SG Constitution shall be submitted to the Judicial Branch prior to the bill taking effect. The Judicial Branch shall meet to discuss the proposed changes and determine if there is a conflict with the friendly definition stated in Article VI. If the changes are approved unanimously by the Judicial Branch, the Special Joint Resolution shall take effect.

### 505.3 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 Judicial Branch shall conduct hearings in response to petitions for Judicial Review.

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

#### Petitions of General Judicial Review shall be filed with the Chief Justice and shall contain a case brief to be disseminated to the Justices immediately upon the Chief Justice receiving the petition.

#### The Chief Justice shall determine merit for Judicial Review Cases within three (3) business days with the exception of an interpretation by the Attorney General. Any member of the Judicial Branch may petition to overrule the Chief Justice’s decision on merit, within two (2) business days by a simple majority vote.

#### Upon finding merit, the Chief Justice shall call a designated hearing within fifteen (15) business days of the original filing of the petition.

#### Judicial Review Hearings shall include a Public Remarks section. Time allowances will be at the discretion of the Chief Justice

#### Further General Judicial Review procedures may be outlined in the Judicial Hearing Guidelines.

## **Chapter 507: Judicial Complaint**

### 507.1 Judicial Complaints may be filed when an alleged violation of Student Government law has occurred.

### 507.2 The student alleging that the violation occurred shall bring their complaint to the attention of the Attorney General before filing with the Court. The Attorney General shall determine merit based on whether the complaint is an issue involving the Student Body at Large or the interests of Student Government. Upon finding merit, the Attorney General may file and prosecute the complaint.

1. The Attorney General shall have three (3) business days to find merit.

### 507.3 If the Attorney General does not find merit or is unable to prosecute a Judicial Complaint, the A&S fee-paying student who files the Judicial Complaint will become the petitioner of the Complaint. The complainant will have the option to appoint any willing A&S fee-paying student to assist them in proving their complaint.

### 507.4 For Judicial Complaints, the Judicial Branch shall be separated into two courts, the Primary Court and the Supreme Court. The Chief Justice will assign justices as outlined in the Judicial Branch Policies and Procedures.

### 507.5 The Primary Court

#### The Primary Court shall be composed of the Deputy Chief Justice and a majority of all active Associate Justices appointed by the Chief Justice. All violations will be reviewed for merit and adjudicated by this court.

#### The Deputy Chief Justice shall review the complaint for merit within three (3) business days of receiving the complaint. The Deputy Chief Justice shall decide if the complaint has merit on three grounds:

##### The complaint must be concerning a matter under the purview of Student Government,

##### The complaint must be alleging a violation of an actionable part of Student Government law,

##### The complaint must be filed in accordance with proper procedure as outlined in Chapter 507.

#### The Deputy Chief Justice must inform the Court of their decision and reasoning, in writing. Any member of the Primary Court may petition to overrule the Deputy Chief Justice’s decision on merit within (2) business days by a simple majority vote of the Primary Court.

#### Upon finding merit, the Deputy Chief Justice shall call a designated hearing within fifteen (15) business days of the original filing of the complaint.

#### The plaintiff(s) and corresponding defendant(s) may elect student legal counsel. If so, they must notify the Deputy Chief Justice upon the designation of a hearing date. Counselors shall serve at the discretion of the parties directly involved, and as such may be dismissed at any time, for any reason. Should parties do so, they must notify the Deputy Chief Justice in writing.

#### Upon completion of the hearing, the Primary Court shall release its decision within five (5) business days. Should the Primary Court recommend Articles of Impeachment as punitive action against a Student Government member, the recommendation will automatically be reviewed by the Supreme Court for a majority vote in accordance with Article VII, Section 1.

### 507.6 The Supreme Court

#### The Supreme Court shall be composed of the Chief Justice and the remaining Associate Justices not serving on the Primary Court.

#### A student may request that the Supreme Court review the decision of the Primary Court. A student requesting an appeal must do so in writing to the Chief Justice within three (3) business days of the released decision. Supporting documentation should accompany all appeal requests.

#### All appeals shall be reviewed by the Chief Justice for merit within three (3) business days. The Chief Justice shall decide if the appeal has merit on three grounds:

##### 1. Errors in the Primary Court hearing proceedings substantially affected the outcome of the hearing.

##### 2. The sanction(s) is (are) extraordinarily disproportionate to the violation committed.

##### New information not available at the time of the Primary Court hearing substantially affected the outcome of the hearing.

#### The Chief Justice must inform the Court of their decision and reasoning, in writing. Any member of the Court may petition to overrule the Chief Justice’s decision on merit within two (2) business days by a simple majority vote of the Supreme Court.

#### Upon finding merit, the Chief Justice shall call a designated hearing before the Supreme Court within ten (10) business days of the original filing of the appeal. The Associate Justices assigned to the Supreme Court may under no circumstance have presided over the original case at the Primary Court level.

#### On appeal, the burden of proof rests with the plaintiff to clearly demonstrate the validity of their appeal on the grounds for which they filed. The plaintiff may elect student counsel. If so, they must notify the Chief Justice upon the designation of a hearing date. Counselors shall serve at the discretion of the parties directly involved, and as such may be dismissed at any time, for any reason. Should parties do so, they must inform the Chief Justice in writing.

#### Upon completion of the hearing, the Supreme Court shall release their decision within five (5) business days. All Supreme Court decisions are final and cannot be appealed further.

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

## **Chapter 508: Procedural Matters**

### 508.1 The procedure for all Judicial Review processes shall be outlined by the Judicial Formal Hearing Guidelines.

## **Chapter 509: Judicial Decisions**

### 509.1 Upon completion of the hearing, the Judicial Branch, Primary Court, or Supreme Court shall release their decision within five (5) business days.

### 509.2 Repeal or reprieve of illegal actions

#### The Judicial Branch shall repeal any legislation or action that has been deemed unconstitutional or against statute.

#### The Judicial Branch shall reverse any action that is in violation of the Student Government Constitution, Statute, or Policies and Procedures.

### 509.3 Freezing of A&S funds

#### The Judicial Branch 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 Court may overrule this decision with a simple majority vote.

#### Cases in which the proceedings involve an RSO or an individual acting on behalf of such an organization may result in the freezing of said organization’s A&S Fee funds, temporarily in accordance with Title VIII.

### 509.4 The Primary Court and Supreme Court shall have the power to make recommendations to the Senate for senate action against the accused or the complaint in question.

### 509.5 Both the Primary and Supreme Courts 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 510: Appearance of Witnesses**

### 510.1 Notice to Appear

#### The Chief Justice, Deputy Justice, and/or designee shall notify all parties designated by the Primary Court or Supreme Court of the occasion, time, and place of the proceedings and shall:

#### Direct all student parties to appear before the Court at the time and place specified.

#### Request all non-student parties to appear before the Court at the time and place so specified.

### 510.2 Failure by a student party to comply with the directive to appear before the Court, without reasonable cause, as determined by the presiding officer, shall result in the initiation of non-compliance.

## **Chapter 511: Student’s Rights**

### 511.1 Power of the Court

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

### 511.2 Any party appearing before the Court shall have the following rights:

#### 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.

#### To present witnesses and evidence at said hearings.

#### To cross-examine all witnesses involved in the proceedings.

#### To receive a written explanation of the Court’s decision and the rationale for the recommendation pursuant thereto.

## **Chapter 512: Partisanship**

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

## HISTORY:

SB-96F-962 (November 25, 1996)

SB-03S-1662 (April 3, 2003)

SB-04F-1827 (November 29, 2004)

SB-05S-1868 AA (May 16, 2005)

SB-05SA-1916 (June 20, 2005)

SB-07S-2088 (March 6, 2007)

SB-07S-2091 (March 6, 2007)

SB-07SB-2139 (July 23, 2007)

SB-07SB-2142 (August 5, 2007)

SB-10S-2380 (February 1, 2010)

SB-11SA-2532 (July 11, 2011)

SB-11SA-2526A (July 11, 2011)

SB-12S-2564 (January 30, 2012)

SB-12SB-2622 (July 23, 2012)

SB-14S-2742 (February 3, 2014)

OB-14SA-2771 (June 9, 2014)

JD-14SA-0002 (June 10, 2014)

SB-14S-2782 (September 15th, 2014)

SB-15S-2831 (February 9th, 2015)

SB-16F-3062(November 21st, 2016)

SB-17F-3237 (October 27th, 2017)

OB-18SA-3301 (June 26th, 2018)

SB-19SA-3406 (July 1st, 2019)

OB-20S-3496 (March 13th, 2020)

SB-21F-3585 (November 19, 2021)

SB-22S-3608 (April 4th, 2022)