**Judicial Branch**

**Policies and Procedures**

# 2021-2022



**Chief Justice**

Antwain Marshall

**Deputy Chief Justice**

 Travis Ford Revised: 10/28/2021

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## I. Mission and Purpose of the Judicial Branch

1. Mission
2. The Mission of the Judiciary shall be to serve the students by maintaining and ensuring a legal balance by exercising the power of Judicial Review among all the Branches and Offices of Student Government.
3. Purpose
4. The purpose of the Judiciary shall be to serve as the final deciding body for all disputes between Student Government employees, members, and/or elected officials which involve Student Government law.

## II. Membership of the Judicial Branch

1. Court Occupancy
2. The Judicial Branch shall be comprised of Justices nominated by the President and confirmed by a majority vote of the Senate. A Chief Justice shall be elected annually from within the Judicial Branch and a Deputy Chief Justice shall be appointed annually by the Chief Justice.
3. Membership Eligibility
4. Each member must be an A&S Fee-paying student, enrolled in at least one (1) class during both the fall and spring semesters at the University of North Florida, maintain at least a 2.5 institutional grade point average, unless otherwise approved by the Chief Student Affairs Officer, and not restricted from participation in Student Government by the University of North Florida’s Student Conduct Office. Students may seek membership to Student Government during their first semester and shall be exempt from the GPA requirement.
5. Appointment Process
6. Any individual interested in joining the Judiciary must fill out an application form and submit it to the Student Government Office or email it to either the Chief Justice, or the Deputy Chief Justice.
7. The nominee shall meet with the Judicial Leadership and Student Body President (or proper designee) for an interview before confirmation hearings.
8. The President shall forward any qualified nominee to the relevant Committee.
9. If forwarded by the relevant Committee the nominee will then go before the Senate.
10. Installation and Terms
11. The Judicial nominee shall immediately be sworn in and installed as an active Justice upon the majority confirmation from Senate.
12. If confirmed and sworn in, a Justice will complete onboarding with the Student Government Office Manager before or right after their first official duty as defined in Judicial P&Ps. Once installed as a member of the Judicial Branch, Justices may serve a maximum of six (6) years as long as they remain constitutionally qualified.
13. Upon installation, Justices shall sign a form stating that they have read, understand, and agree to follow the Judicial Branch Policies and Procedures.
14. Justices may request either a summer leave of absence or a three-week leave of absence in the fall or spring semester, within an academic year. A leave of absence request must be submitted to the Chief Justice for final approval. Special exceptions may be granted by the Judicial Branch by two-thirds (2/3) vote. The leave of absence request must be submitted ten (10) business days prior to the leave of absence. Justices shall provide written notice upon resignation to the Office of the Chief Justice.

## III. Judicial Branch Officers and Duties

1. Chief Justice’s Duties shall be:
2. To assign duties among the Justices and to divide the Associate Justices between the Primary and Supreme Courts.
3. To find merit in the Supreme Court for Judicial Complaints.
4. To find merit in Judicial Interpretations.
5. To preside over all cases, except the Primary Court for Judicial Complaints.
6. To call a Judicial Meeting after any changes to Statutes passed by Senate.
7. To serve as Budget Director over the Student Government Judicial Account.
8. To rule on procedural questions that arise during the course of the year.
9. To conduct and preside over meetings of the Judicial Branch.
10. To determine the time, day, frequency, and place of the regular meetings of the Judicial Branch.
11. To call a Judicial Branch meeting no later than two weeks after the first day of classes of both fall and spring semester.
12. To be responsible for establishing hearings, for which they preside, and for providing all persons necessary with appropriate information.
13. To hear and decide on point appeals.
14. To create ad-hoc committees when necessary.
15. To offer guidance to Justices during all deliberations in any Judicial business and/or matter.
16. To motion to remove a Justice who is deemed to have a conflict of interest in any case. This removal must be confirmed by a majority vote of the Judicial Branch.
17. To administer the “Oath of Office” to all incoming Student Government officials.
18. To appoint a member of the Judicial Branch in his/her absence.
19. To announce all Judicial Branch resignations, removals, nominations, and appointments at the next judicial meeting.
20. To collaborate with the other Justices in composing written judicial opinions.
21. To make a conscious effort to remain vigilant of current events and issues within Student Government, particularly those that may impact the Court.
22. To notify the Executive Branch of any vacancies within the Judicial Branch.
23. To issue a memorandum notifying the party responsible for updating the Constitution and Statutes when the Court decides to negate and remove statute.
24. To inform members of the Judicial Branch of all mandatory meetings/events no later than the posting of such meetings/events.
25. To only vote in the event of a tie, in all matters where the Associate Justices vote.
26. To ensure that all Justices have completed the onboarding process with Student Government administration.
27. To update the Chief Justice recognition plaque by adding their predecessor.
28. Deputy Chief Justice’s Duties shall be:
29. To assume the previously described duties of the Chief Justice in the event of their absence.
30. To preside over the Primary Court during Judicial Complaints.
31. To be responsible for establishing hearings for which they preside, and for providing all necesarry individuals with appropriate hearing information.
32. To conduct roll call at the beginning and end of each judicial meeting.
33. To keep a written record of attendance & review all excused absence requests.
34. To issue points for Justices.
35. To hear and decide on point appeals in conjunction with the Chief Justice.
36. To keep a written record of all points assessed.
37. To collaborate with the other Justices in composing written judicial opinions.
38. To make a conscious effort to remain vigilant of current events and issues within Student Government, particularly those that may impact the Court.
39. Ensure Justices are informed that any points assessed were removed in accordance of section (V) (A) (11) of this document, “Absence points will reset after one year according to when a Justice was confirmed by Senate. This date repeats each year in accordance to when that Justice was appointed.”
40. To declare when there is a possible conflict of interest.
41. Other tasks delegated by the Chief Justice.
42. Associate Justice’s Duties shall be:
43. To attend parking appeal hearings.
44. To vote on matters of Judicial business.
45. To attend all mandatory meetings.
46. To be well versed and knowledgeable in a matter that comes before the Court.
47. To complete tasks relevant to the business within the Judicial Branch that have been assigned by members of the Judicial Leadership.
48. To make a conscious effort to remain vigilant of current events and issues within Student Government, particularly those that may impact the Court.
49. To collaborate with the other Justices in composing written Judicial opinions.
50. To attend two Senate Committee meetings a semester.
51. To attend one Senate meeting a semester.
52. To declare when there is a possible conflict of interest when a Justice is voting.
53. Clerk of Courts’ Duties shall be:
54. To volunteer within the Judicial Branch.
55. To attend all hearings and meetings of the Judicial Branch.
56. To serve as a Bailiff during hearings and remove any individual that disturbs the Court or violates one of the Courtroom policies.
57. To keep a record of time spoken at hearings and alert the student(s) speaking when they have reached their time limit.
58. To assist with clerical needs such as filing, typing minutes, keeping attendance, etc.
59. To shadow an outgoing or the most senior Associate Justice.
60. In the event that there is no Clerk of Courts, these duties will be delegated to the Chief Justice and Deputy Chief Justice.
61. Chain of Command
62. The chain of command shall be the Chief Justice, the Deputy Chief Justice, and the Associate Justices (in order of tenure).

## IV. Internal Procedures of the Judiciary

1. Chief Justice Elections
2. Elections for the Chief Justice shall be held in the last regularly scheduled judicial meeting of the Spring Semester. If the Chief Justice position is vacated prior to the formal end of the term, or the Chief Justice intends to step down, a special election will be held within twenty (20) business days of the seat vacancy. During the interim, the Deputy Chief Justice will assume all duties of the Chief Justice.
3. The Chief Justice shall call for nominations on the floor. After all nominations have been made, a motion to close the floor for nominations must be made.
4. After the nominations have been closed, Justices may have the option to ask the candidates questions.
5. If the candidate happens to be the Chief Justice currently, then the next person in the aforementioned chain of command (who is not running for the same position) shall assume the duties of the Chief Justice for the remainder of the election.
6. After all candidates for this position have spoken, the Judiciary shall cast its votes via a roll call vote.
7. A candidate must receive a majority vote in order to be elected.
8. Should a majority decision not be reached, a runoff election will be held amongst the two candidates who received the highest number of votes.
9. The Newly Elected Chief Justice shall be sworn in as soon as the winner is announced.
10. A transition period of one (1)-two (2) weeks will occur between the current Chief Justice and the succeeding Chief Justice that will start the day of the judicial election and will end two (2) weeks from that date.
11. Deputy Chief Justice Appointment
12. The Chief Justice shall submit a nominee for the Deputy Chief Justice position to the Judicial Branch within the first twenty (20) business days of their term.
13. If there is a vacancy in the position before the election of a new Chief Justice, then the current Chief Justice must comply with the preceding subsection of this title.
14. At the next Judicial meeting, the Judicial Branch will vote to confirm the selected nominee by a simple majority vote.
15. Upon a successful confirmation, the new Deputy Chief Justice shall be installed immediately.
16. In the event that the Deputy Chief Justice is not confirmed by the Associate Justices, the Chief Justice shall submit a different nominee. The Judicial Branch will vote to confirm the new nominee by a simple majority vote.
17. Removals
18. Removal of the Chief Justice from their office requires a three-fourths (¾) majority of the remaining Justices eligible to vote.
19. The Chief Justice may remove the Deputy Chief Justice at any time if they feel it is in the best interest of the student body. The Judicial Branch may override the Chief Justice’s decision with a two thirds (2/3) vote at the next regularly scheduled Judicial meeting.
20. Judicial Meetings
21. Quorum for a Student Government Judicial Branch meeting shall be defined as more than half of the current membership.
22. Current membership shall be defined as all active Justices and shall exclude Justices excused from their duties on a Leave of Absence or current vacancies within the Branch.
23. Parking Appeals are excluded from this rule. As quorum is met by having three or more members in attendance.
24. The Chief Justice shall schedule meetings with the Branch whenever necessary.
25. A simple majority of the Judicial Branch may call a meeting whenever necessary.
26. Meetings may be closed to the general public at the discretion of the Chief Justice or by a majority vote of the Justices. The Student Government Advisor, the Student Government Director, and members of the University of North Florida Administration and their guests shall be allowed to attend. Any other parties may request permission to attend the meeting(s) from the Chief Justice. The Chief Justice’s decision may be overturned by a majority vote of the other Justices.
27. All meetings of the Judiciary in which the Policies and Procedures or Hearing Guidelines are changed will be subject to Florida Sunshine Law and should therefore be in compliance with the requirements.
28. Policies and Procedures
29. Changes shall be made by a simple majority vote of the Judiciary.
30. In the event that the Policies and Procedures and/or the Hearing Guidelines are changed after they have been sent to the pertinent parties (for a Judicial Complaint, Judicial Review, Judicial Appeal Hearing, et cetera), but before the conclusion of the aforementioned hearing, then the original copies of the Policies and Procedures and/or the Hearing Guidelines will be used as the point of reference.
31. Associate Justice Application Procedure
	1. Associate Justice Applications will be available online and at the Student Government front desk.
	2. All applicants will have the option of either turning in their application online by email or at the Student Government front desk.
		1. If an application is returned by email, it must be sent to either the Chief Justice or the Deputy Chief Justice.
		2. If an application is emailed to the Deputy Chief Justice, it must be forwarded to the Chief Justice.
	3. Once an application is received the Chief Justice will forward it to the Office Manager.
	4. Once an applicant has been approved to move forward by the Student Government Director, the Chief Justice will send out scenarios to the applicant.
		1. If an applicant is denied the application will not move forward.
		2. A denied applicant can re-apply at a future date.
	5. Reference (II)(C) Membership of the Judicial Branch for appointment procedure.
32. Special Judicial Complaint
	1. If there is a petition for an invalidation of an election the petition will be forwarded straight to the Deputy Chief Justice. The Deputy Chief Justice shall determine merit within two (2) business days.
		1. Merit shall be decided on the following grounds:
			1. The complaint must be alleging a major violation of an actionable part of the Election Code, or
			2. The complaint must be alleging a major error on the part of the Office of Election.
		2. Any members of the Judicial Branch may petition to overrule the Deputy Chief Justice decision on merit by a simple majority within two (2) business days.
		3. Upon finding merit, the Chief Justice shall call a designated hearing within ten (10) business days of the original filing of the complaint.
	2. The case will be put before the entire court to investigate if an invalidation needs to occur.
		1. The Court may subpoena members of Student Government as outlined to attend to be questioned by a simple majority of the Court.
	3. For the election to be invalidated there shall be a 3/4th vote of the Court. The Court shall release its decision within 72 hours of the conclusion of the hearing.
		1. Upon scheduling a hearing, a 2nd hearing shall be scheduled within 72 hours of the original hearing. The Court, by a simple majority, shall decide if this hearing is necessary for further deliberation and announcement of decision.
		2. The Court shall have two (2) business days to release their written decision.

## V. Judicial Branch Point System

1. Point System
2. Each Justice shall attend all Judicial, Committee, Board, and Council meetings on which they serve.
3. If a Justice is on an approved leave of absence, no points can be accumulated through the duration of that said leave.
4. If a Justice is not in attendance at any mandatory meeting, Parking Appeals, and/or scheduled event, then the Justice will receive an absence point. If a meeting is called with less than 48 hours’ notice, points will not be assigned to a Justice who has a previous conflict with the time and informs the Deputy Chief Justice or Chief Justice.
5. If a Justice wishes to appeal an assessed point, a point appeal must be time-stamped and submitted to the Chief Justice within five (5) business days from the date of the assessed point(s).
6. There are three outcomes for evaluating an appeal: approved (no points), reduced (half of the value to the predetermined point assignment), and denied (full amount of points).
7. The Deputy Chief Justice shall be responsible for assigning points. Similarly, it is the responsibility of the Chief Justice to assign points to the Deputy Chief Justice.
8. It is the responsibility of the Deputy Chief Justice to notify a Justice that they received a point within two (2) business days. If the Deputy Chief Justice fails to notify the Justice in time, then the Justice will not receive a point.
9. The final decision on point appeals shall be made by the Chief Justice.
10. The Chief Justice may suspend the point system in the event the point system hinders the Judicial Branch’s business and/or proves to be ineffective at that time.
11. It should be noted that while this section does cover the circumstances for the accumulation of points, it does not cover the discretionary power of both the Chief Justice and Deputy Chief Justice to assess points in situations of reasonable absence. Examples include, but are not limited to, emergencies, last-minute meetings, and urgent events.
12. Absence points will reset after one year according to when a Justice was confirmed by Senate. This date repeats each year in accordance to when that Justice was appointed.
13. Points will be accumulated as follows:
14. Dress code: 1 point
15. Tardiness: 1 point
16. If a Justice is more than five minutes late, they will be given one point.
17. If a Justice is late to a meeting with multiple roll calls their tardy points will be assessed as one point per missed roll call.
18. Tardiness to a public hearing will result in an absence from the hearing if the Justice arrives after the hearing has been called to order.
19. Appeals: 1 point
20. Justices are required to participate in any appeals system outside of Student Government (i.e., Parking) that requires the involvement of the Judiciary. Participation shall be in whatever capacity is deemed necessary to efficiently sustain a fair appeals system.
21. Public Hearings: 2 points
22. Public hearings shall include all hearings that are open to the public including, but not limited to, Judicial Complaint, Judicial Review, and Impeachment Hearings.
23. In the event that a punitive action hearing is scheduled as the result of an “in violation” ruling during a Judicial Complaint, Justices who have not participated in the hearing shall not be assessed points for missing the punitive action portion of the hearing. Justices who participate in the Judicial Complaint hearing, but who fail to attend the punitive action portion of the hearing without reasonable notice or extenuating circumstances shall be assessed two (2) points.
24. Formal Meetings: 2 points
25. Formal meetings shall include any meetings of the Judiciary called by the Chief Justice.
26. If part of the meeting is attended, points will be assessed based on each roll call response.
27. Justices shall come prepared to all meetings called by the Chief Justice. Points shall be assessed if work is unsatisfactory.
28. Confidentiality Violations: 4 points
29. If a Justice violates the standards of confidentiality with regards to activities that are conducted as a part of Student Government (i.e. Parking Appeals or Academic Appeals), the Justice shall immediately accumulate four (4) points.
30. Behavioral Issues: 1 to 2 points
31. While on the third floor of the Student Union, all members of the Judicial Branch are expected to act and behave in a professional manner.
32. While a member of the Judicial Branch all members will follow the Code of Ethics as outlined in the Student Government Constitution and Statutes Title X.
33. If a disciplinary issue occurs, the Chief Justice will first issue a warning to the involved Justice(s). After the initial warning from the Chief Justice, if the behavior continues the Chief Justice may ask the Justice to leave if they are disturbing the business of the Judicial Branch. After the first warning, if a similar offense occurs, the Chief Justice may issue a written reprimand and assess one (1) point.
34. If similar behavior continues after the warning and the written reprimand, the Chief Justice shall call a meeting with the Justice and the SG Advisor to discuss the behavioral issues. An additional written reprimand will go on the Justices’ file and two (2) additional points will be assigned.
35. Any further action will be at the discretion of the Chief Justice and SG Advisor.
36. If a Justice fails to declare a possible conflict of interest, they may accumulate 3 points.
37. If a Justice fails to complete the onboarding process within the time outlined in (II)(D)(2) Judicial P&Ps they shall receive one (1) point. Barring the discretion of the Chief Justice and extenuating circumstances.
38. Removal of Justices Due to Points
39. If a Justice accumulates 4 points in a calendar year from the date of their Senate confirmation, then the Chief Justice shall call a Point Appeal Hearing.
40. The Point Appeal Hearing shall be open to the public and will consist of the Justice presenting their case, and the Court deliberating whether to reduce the amount of points or recommend the Articles of Impeachment against the Justice.
41. The Chief Justice shall provide the Justices with any relevant documentation, including prior point appeals submitted by the Justice and written reprimands (if applicable).
42. When the Court gets to the matter during the hearing, the Chief Justice or presiding officer shall make a statement outlining the issue at hand, as well as the reasons that the Justice has received the points throughout the semester. The Justice in question shall then be permitted to make a rebuttal.
43. A period of questioning shall follow. Once all other Justices have the information they need, the Justices shall leave the room to engage in private deliberation. If a simple majority of the Justices vote to recommend the Articles of Impeachment, the Chief Justice shall inform the President and Senate immediately through a Formal Recommendation from the Judicial Branch.

Redemption Points

* 1. All Justices are eligible to reduce their total absence points by:
		1. Checking the parking lot counts on campus.
			1. Justices must have approval from the Chief Justice before seeking redemption points.
			2. Justices must have completed the golf-cart training.
			3. Justices must fill out the requisite parking lot count form for the absence point to count.
			4. Justices must complete 1 parking lot count form.
			5. Justices must be accompanied by at least one other Justice for mentioned activity.
	2. Absence points shall only be removed upon the successful completion of the prescribed form from the Judicial leadership

## VI. The Business of the Judiciary

1. Judicial Hearings
2. The Presiding Officer shall be responsible for furnishing all parties involved in any case with the Formal Hearing Guidelines.
3. The Presiding Officer is required to post notice of all Judicial Hearings in accordance with state and federal law.
4. Formal Hearings are required to take place if a Judicial Review Process is being utilized.
5. Minutes shall be recorded at any meeting where there are items of action or voting occurs.
6. Participation in Judicial Deliberations is exclusive to active members of the Judiciary. However, the General Counsel of the University of North Florida and professional staff of the Student Government of the University of North Florida may be involved in Judicial Deliberations at the request of the Court.
7. Voting
8. The Judicial Branch may only vote on business when quorum is established.
9. Other Judicial Responsibilities
10. The Judiciary’s involvement in entities outside of Student Government shall not be considered a Judicial Meeting and therefore will not have to follow the same guidelines under section VI, more specifically but not limited to:
11. Non-Student Parking Appeals
12. Student Parking Appeals
	1. Student Parking Appeals shall be governed by the *Parking Hearing Bylaws* document.
13. Other University Wide Committee Meetings

## VII. Associate Justice Orientation

1. Introduction
	1. The Judicial Leadership shall be responsible for training new Associate Justices.
	2. At least two (2) orientations shall be held per year, once in the fall and spring.
2. Associate Justice Orientations shall be outlined as follows: An initial onboarding detailing the roles and duties of an Associate Justice as prescribed in the Judicial Policies and Procedures and Judicial Leadership
3. A Parking Appeals presentation as prescribed by Parking Services and Judicial Leadership.
4. An introduction into University Wide Committees as prescribed by the Student Advocate and Judicial Leadership.
5. Timeline
6. The Chief Justice shall call for a mandatory orientation at least once in the fall and spring.
	* 1. The Chief Justice shall determine, at their discretion, if an additional orientation should be held during the academic year.
		2. A mandatory orientation shall be scheduled no more than four (4) weeks after the start of both Fall and Spring Semester.
7. The Chief Justice shall reserve the right to call additional trainings as deemed necessary. The Chief Justice shall reserve the right to make said trainings mandatory.
8. Mock Trials
9. Judicial leadership shall organize and set at least one Mock Trial per academic year. The Mock trial must reflect the current statues and prescribed law of the University of North Florida Student Government. Attendance shall be required of all Judicial Branch members.