

SGA Judicial Branch By-Laws

Student Government Association, University of Memphis

Herein this document:

- i. University in this document shall refer to the University of Memphis as an entity or its associated campuses,
- ii. SGA shall refer to the University of Memphis Student Government Association,
- iii. Constitution shall refer to the SGA Constitution,
- iv. Judicial Branch shall refer to the Judicial Branch of the SGA,
- v. Executive Branch shall refer to the Executive Branch of the SGA,
- vi. Legislative Branch shall refer to the Legislative Branch of the SGA,
- vii. Court shall refer to the Student Court, the highest court of the Judicial Branch,
- viii. Chief Justice shall refer to the Chief Justice of the Judicial Branch in person or position,
- ix. Associate Chief Justice shall refer to the Associate Chief Justice of the Judicial Branch in person or position,
- x. Associate Justice or Justice shall refer to an Associate Justice of the Judicial Branch in person or position,
- xi. Advisor shall refer to the Advisor to the Judicial Branch as outlined by the SGA Constitution in person or position,
- xii. Parking Services shall refer to the Parking and Transportation Services run under the University of Memphis Division of Business and Finance,
- xiii. Citations shall refer to Traffic and Parking Citations issued by Parking Services,
- xiv. Appeals shall refer to Traffic and Parking Appeals of those Citations issued by Parking Services.

i. Chief Justice

i. Qualifications and Selection

- i. Qualification and selection procedures are set out in the SGA Constitution

ii. Duties of the Chief Justice

- i. To ensure the maintenance of records of all actions and decisions of the Judicial Branch,
- ii. To preside over, or appoint the presiding justice to all court sessions and hearings,
- iii. To call special meetings when deemed necessary,
- iv. To represent the Judicial Branch, or appoint a representative in his/her absence, in all business with the Legislative and Executive Branches of the SGA,
- v. To supervise the working of the Student Court,
- vi. To be responsible for familiarizing him/herself with the various organizations, administrations, all parking lots, building locations, parking penalties and fines, and The Student Code of Conduct,
- vii. To serve in the capacity of an Associate Justice.

ii. Associate Chief Justice

i. Qualifications and Selection

- i. The Associate Chief Justice shall be appointed by the Chief Justice upon beginning his/her term,
- ii. The Associate Chief Justice must be a sitting Justice on the Student Court,
- iii. The appointment must be approved by the rest of the Court by a majority vote with the Chief Justice and the nominated Associate Chief Justice as non-voting,
- iv. The Advisor shall break a tie should one occur,
- v. In the event of a vacancy at the Associate Chief Justice position, the Chief Justice shall appoint another Justice following the selection and appointment process outlined in this document,
- vi. In the event the Associate Chief Justice is called to serve as the Chief Justice in the event of an absence at the position, he/she shall become the Interim Chief Justice and shall appoint an Interim Associate Chief Justice to serve until a new Chief Justice is appointed as outline by the SGA Constitution,
- vii. The Associate Chief Justice shall serve for the duration of that term served by the Chief Justice who appointed him/her,

ii. Duties of the Associate Chief Justice

- i. To represent the Chief Justice in his/her absence or as designated by the Chief Justice,
- ii. To become familiar with the duties of the Chief Justice in order to be prepared to represent the Chief Justice,
- iii. To be prepared to serve temporarily as Interim Chief Justice in the event that the Chief Justice position becomes vacant or he/she unable to serve.

- iv. To serve in the capacity of an Associate Justice.
- iii. Associate Justices
 - i. Qualifications and Selection
 - i. Qualifications and selection procedures are defined in the SGA Constitution.
 - ii. Duties of the Associate Justices
 - i. To hear and deliberate cases brought before the Student Court,
 - ii. To ensure that the required Justices are present to constitute a quorum;
 - i. at least three (3) Justices must be present at each Traffic Court session in order to constitute a quorum,
 - ii. Five (5) Justices must be present in order to constitute a quorum for Student Conduct Hearings, Special Sessions, and Called Meetings.
 - iii. To be responsible for familiarizing him/herself with the various organizations, administrations, all parking lots, building locations, parking penalties and fines, and The Student Code of Conduct.
- iv. Advisor
 - i. Qualifications and Selection
 - i. The Dean of Students or his/her representative shall serve as a counselor for students who wish to discuss traffic and/or parking citations. In addition, this administrative officer will advise students regarding procedures in cases involving violations of the Code of Student Conduct.
 - ii. Duties of the Advisor
 - i. To inform each student appearing before him/her of the student's due process and privacy rights before the administrative hearing.
 - ii. To forward to the Court all appropriate forms and documentation before the case is brought before the Court. These appropriate forms include but are not limited to:
 - i. A copy of the signed acknowledgement of the Student's Rights with a completed appeal form,
 - ii. Citation or copy of citation if applicable,
 - iii. All documentation pertinent to the specific hearing.
- v. Procedures
 - i. Traffic and Parking Appeals
 - i. Through an agreement with University of Memphis administration, the Student Court is designated as the arbitrating party to decide on all appeals of citations issued by Parking Services for persons who accrued any citation during the time he/she was a student at the University of Memphis.
 - ii. Appeals are decided on a case-by-case basis.
 - iii. Traffic and Parking Appeal Hearings
 - i. The Court will hold Hearings for which students may elect to appear in-person in order to appeal their citation(s)
 - i. Hearings should be held once a week during the Fall and Spring semesters,
 - ii. The scheduled day of the week and time must be regular over the semester in order to be consistent and must be reasonable in order to accommodate students.
 - iii. The scheduled day of the week and time may be different between semesters.
 - iv. The first hearing of a semester shall be scheduled and held no later than the third (3rd) week of the semester.
 - v. The last hearing of a semester shall be held the week before Dead Week, which is the week in which final examinations begin.
 - vi. Advance notice of the time and place of hearings must be advertised in an on-campus newspaper at the University.
 - vii. Hearings will not be rescheduled and held if the scheduled day of the week and time falls during a University holiday or closing, or a break in the Academic Calendar.
 - ii. Hearings for Traffic and Parking Appeals will not be held outside of the Fall or Spring semester or during University holidays or closings, or a break in the Academic Calendar.
 - i. Administration of timely decisions of appeals under these circumstances shall be at the discretion of the Chief Justice.
 - iii. The Court will observe a quorum in order to deliver a verdict on an appeal.
 - i. The Court may deliberate before the Chief Justice calls for a verdict.
 - ii. A verdict will consist of a vote excluding the Chief Justice.

- iii. The Chief Justice shall act as a tie-breaking vote in the case of a tie.
 - iv. The student appealing reserves the right to be accompanied by counsel or an advisor of their choice.
 - i. It is the student's responsibility to arrange for such counsel.
 - ii. The counsel may only speak during the hearing at the discretion of the Chief Justice.
 - v. The appellant may bring him/her evidence that is relevant to his/her appeal to present to the Court at the hearing.
 - vi. Only members of the Judicial Branch and the Student appealing and their counsel may be present at their hearing.
- iv. On-line Appeals
 - i. Appeals may be filled out and submitted online at the TigerPark website maintained by Parking Services upon which appeal(s) will be on that week's docket.
 - ii. These appeals may be assigned by the Chief Justice to sitting Justices of the Court.
 - iii. Each appeal is decided by an individual justice as designated by the Chief Justice.
 - iv. A docket of appeals must be run and decided on at least a bi-weekly basis.
 - v. The Chief Justice reserves the right to review and overturn any decision of an On-line Appeal.
- v. Students who wish to appeal traffic citations must appear or file an appeal within two (2) weeks of the issuance of the citation.
- vi. Students may elect to have their appeal heard in-person

B: Original Jurisdiction Process

- i. Students may bring before the Court matters pertaining to:
 - 1. Misunderstandings between the *University of Memphis Student Government Association Constitution* and the bylaws of any branch of the University of Memphis Student Government Association.
 - 2. Misapplication of the *Student Government Association Constitution* by any members of the University of Memphis Student Government Association, either intentional or unintentional.
- ii. The Court may make a decision on the case brought by the student or students.
- iii. The process for bringing an original jurisdiction suit is outlined in a separate document, which the Chief Justice shall make available to any interested Student.
- iv. A decision shall be reached by no less than seven Justices, with a Chief Justice having an equal vote as the other Justices.