

Student Government Association

REGULATIONS

OF THE

Judiciary



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PART VIII. AMENDMENTS

PART I. PREAMBLE

A. The Student Legislature, for the interest of protecting students' enumerated rights, granted by the University under the administration of President Sanford S. Atwood in consultation with the Board of Trustees and the University Senate, later expanded, as guaranteed by Article II, Section 1 of the Student Constitution, and in order to ensure due process and fundamental fairness to all students or student groups that come before a judicial body and in order to codify the role of the Constitutional Council and all lower tribunals formed by the Constitution, acts of the Student Legislature or subsidiary bodies, hereby ordains and enacts these Regulations of the Judiciary.

PART II. AUTHORITY

A. The Student Legislature derives its authority from Article I, Sections 1 and 2; Article IV, especially Sections 3(B) and (K); Article III, Section 2(C); Article VI, Sections 3 and 4(F); and Article IX, Section 2(B) to protect the institution's supremacy and student rights found in Article II, Section 1.

B. Where these Regulations are in conflict with the Rules of Procedure, established by the Constitutional Council and approved by the Student Legislature, these Regulations shall be of no further force.

PART III. GENERAL PROVISIONS OF THE JUDICIARY**Regulation 1. The Constitutional Council**

A. Per Article VI, Section 4 of the Student Constitution, the Constitutional Council retains both original and appellate jurisdiction in all cases. Therefore, the Council may serve as both a trial and appellate court, as prescribed below. The Council has sole discretion as to when and how it will function as a trial, appellate, or Supreme Court pursuant to its Rules of Procedure.

B. The Council shall never be prohibited to hear a case per Article VI, Section 4 of the Student Constitution. Hearing a case is at the sole discretion of the Council, except in cases when the Legislature has established by law for the Council to function as a lower tribunal. The Council will function as a lower tribunal when one has not been established by a Divisional Council or when an individual seeking to address a grievance has no other judicial body to petition.

C. The Council shall honor all writs and petitions in an expedited manner of those cases when the SGA or one of its elected or appointed members shall be a party and all cases arising from or regarding:

- (i) reapportionment of the seats of Student Legislature;*
- (ii) various codes of elections of the SGA or its subsidiary bodies;*
- (iii) the Chartering Bylaws of the SGA;*
- (iv) constitutions/bylaws of Divisional Councils or University-Wide Organizations; and*
- (v) inter-Divisional or organizational disputes.*

D. The Council shall be headed by a Chief Justice, term limited to one year, who shall be appointed by the President with the advice and consent of the Student Legislature.

E. Per Article VI, Section 4(F) of the Student Constitution, the Council shall have the authority to write its own Rules of Procedure, subject to the approval of the Legislature. All Rules of Procedure shall be presented as one document.



F. The Council shall have the authority to govern lower tribunals, unless otherwise specified by these Regulations, and shall be provided with the current Rules and Procedures of said lower tribunal.

G. All decisions of the Council shall be final and binding with no right of appeal therefrom in all cases, except at the Council's discretion.

H. A quorum of the Council shall be defined as a simple majority (50% + 1) of the actively enrolled Justices of the Constitutional Council. "Actively enrolled" shall mean that the student is present and attending classes on the Atlanta or Oxford campuses during the applicable semester. The Rules of Procedure shall supersede this regulation, unless further amended in both these Regulations and the Rules.

I. Seniority of justices shall be defined as given in the Rules of Procedure of the Constitutional Council.

Regulation 2. The Chief Justice of the Student Government Association of Emory University

A. The Chief Justice of the Student Government Association of Emory University ("the Chief Justice") shall serve as the head of the Constitutional Council and the Judicial Branch of the SGA. The Chief Justice may also serve as the Clerk of the Council and Reporter of Decisions of the Council.

B. Upon the end of the Chief Justice's term, the Council shall notify the Legislature and the President of the SGA, and the Chief Justice shall act as Chief Justice until a new one has been both appointed and approved.

C. A Justice who has served as Chief Justice and then continues to serve as an Associate Justice shall hold the title of "Chief Justice Emeritus" or "Chief Justice Emerita" and shall factor into all calculations of seniority.

PART IV. Lower Tribunals

Regulation 3. Establishment

A. The Interfraternity Council and Intersorority Council judicial councils are established by Article VI, Section 1 of the Student Constitution.

B. Per Article III, Section 2(C) of the Student Constitution, the SGA and its Divisional Councils have the authority to form lower tribunals.

C. All entities governing elections, either formed by the Student Legislature or subsidiary bodies, are established underneath the Legislative Branch as provided by the Student Constitution; however, the Constitutional Council retains original and appellate jurisdiction over all elections-related disputes, pursuant to Article VI, Section 4 of the Student Constitution.

D. All other judicial or quasi-judicial entities of chartered organizations, including but not limited to Divisional Councils, University-Wide Organizations, and student groups, shall be bound to these Regulations and the Rules of Procedure of the Constitutional Council.

Regulation 4. Limits

A. Lower tribunals shall be subject to the Student Constitution, these Regulations, and the Rules of Procedure established by the Constitutional Council.



PART V. Contempt of the Judicial Tribunal**Regulation 5. General Provisions**

A. Acts which are in violation of University Policy, the Regulations of the SGA Judiciary, the Rules of Procedure of the Constitutional Council, or the rules of procedure of the respective judicial tribunal, shall be considered acts in contempt of the judicial tribunal. Although this list is non-exhaustive, the following are acts which might result in being found in contempt of a judicial tribunal:

- (i) Failure to fully comply with instructions or orders of a judicial tribunal;*
- (ii) Failure to fully perform disciplinary measures imposed;*
- (iii) Perjury;*
- (iv) Failure to answer summons;*
- (v) Any act intended to lessen the authority or dignity of the judicial tribunal; or*
- (vi) Any act intended to obstruct justice on this campus.*

Regulation 6. Summary Action

A. In extraordinary cases where a student's or student group's conduct is excessively disruptive of a judicial tribunal's proceedings, the tribunal, by a quorum vote, may recommend disciplinary measures to the appropriate dean. Such action by the tribunal shall be recorded as follows:

- (i) one (1) copy to be served to the student via electronic delivery (the judicial body must guarantee receipt by the student);*
- (ii) one (1) copy for the records of the Tribunal;*
- (iii) one (1) copy for the Dean, the President of the SGA, and the Attorney General of the SGA; and*
- (iv) all lower tribunals shall ensure that one (1) copy is delivered to the Chief Justice of the Constitutional Council.*

Regulation 7. Right of Dissent and Concurrence

A. Dissent

(i) Any member of the judiciary may dissent from a finding or decision of its tribunal. A dissent is a notation that a vote was cast opposed to the majority view. A dissenting opinion shall be published with the decision of that tribunal. The opinion shall conform to the standards set forth for all opinions.

B. Concurrence

(i) Whenever a member agrees with the final resolution of a case, but disagrees with a major premise of the tribunal's decision, the member may write a concurring opinion. The opinion shall conform to the standards set forth for all opinions.

Regulation 8. Recusal of a Member of a Tribunal

A. On Motion of a Party

- (i) If a party to a case moves for the recusal of a judge of a lower tribunal, then the tribunal shall decide by vote of a quorum whether the member shall be recused.*
- (ii) If a lower tribunal has denied the motion, all parties shall have the right to petition the Constitutional Council to decide on whether or not the member of the tribunal shall recuse him or herself.*
- (iii) Justices of the Constitutional Council shall only be recused as provided in Regulation 5(B).*



B. By Own Motion

(i) A member of a tribunal may recuse him/herself by his/her own motion.

C. On Motion of the Tribunal

(i) A tribunal may, on its own motion, recuse any member for any reason by a quorum vote.

Regulation 9. Reprimand and Impeachment

A. Any Justice, member of a lower tribunal, officer within the judiciary, and any student enrolled at Emory University shall have the authority to register a complaint against any member(s) of the judiciary. The Constitutional Council shall have the authority to put a member of the Judicial Branch, including members of lower tribunals, on probation for a period of no longer than one (1) academic semester for violations and breaches of conduct or duty. Such decision shall be announced to the Legislature, with the President, Attorney General, and SGA Governance Committee receiving expedited notice.

B. A member of a judicial body may only be impeached upon a finding of a violation of duties arising from the Student Constitution by the Legislature. No judicial body shall have the authority to remove its own members.

C. When a member of a lower tribunal that is not established directly by the Student Legislature is being tried, the SGA Governance Committee shall have the authority to pull the appropriate bill from the respective subsidiary body to the Student Legislature for a final vote on the matter, unless the subsidiary body has already voted on the issue. Any such vote which occurs after notification by the SGA Governance Committee shall be considered null and void.

PART VI. THE CONSTITUTIONAL COUNCIL

Regulation 10. Members, Officers, and Other Personnel of the Council

A. Members

(i) The Constitutional Council shall consist of a Chief Justice and six Associate Justices, each of whom shall be appointed by the President and confirmed by the Legislature. These seven justices shall compose the Constitutional Council. Members of lower tribunals shall be junior to Constitutional Council justices, and shall also be junior to the head of a lower tribunal.

B. Clerk

(i) The Chief Justice shall have the authority to appoint a Clerk, subject to approval by the Council. When the Office of the Clerk is vacant, the Chief Justice shall act as Clerk. The Clerk shall serve at the pleasure of the Council. The limits and duties of the Clerk shall be prescribed in the Rules and Procedure of the Constitutional Council.

C. Justice to the Committee for Open Expression

(i) The President of the SGA shall appoint, and the SGA Legislature shall confirm, an Associate Justice to serve as an ex-officio member on the Committee for Open Expression as pursuant to University Policy 8.14.3.

D. Reporter of Decisions



(i) The Chief Justice shall have the authority to appoint a Reporter of Decisions, subject to approval by the Council. When the Office of the Reporter of Decisions is vacant, the Chief Justice shall act as the Reporter. The Clerk and Reporter may be the same individual, if desired by the Chief Justice and approved by the Council. The Reporter shall serve at the pleasure of the Chief Justice. The limits and duties of the Reporter shall be prescribed in the Rules and Procedure of the Constitutional Council.

E. Other Personnel

(i) The Council shall have the authority to form Offices and appoint individuals by order to those Offices, without the consent of the Legislature. Nonetheless, the Legislature shall at all times retain authority to limit or to require the formation of such offices or confirmation of such appointments.

F. Oath of Office

(i) The following Oath of Office shall be administered to each newly appointed Justice by the Chief Justice, or by the most senior Justice or Attorney General when a Chief Justice is being sworn in:

- a) "I, [NAME], do affirm that I will administer justice impartially, always be mindful of the interests of the students, the campus, and the public before me and will faithfully discharge and perform all the duties incumbent upon me as a Justice of the Constitutional Council of Emory University under the Constitution and bylaws of the Student Government Association."

G. Location of the Court

(i) The Chief Justice shall have the authority to determine both a time and place where a case shall be heard, except by majority dissenting vote of the Council, which may occur via e-mail or an in-person vote. The Chief Justice shall also have the ability to direct any Member, Officer, or Personnel of the SGA or its subsidiary bodies to reserve a space.

PART VII. THE JUDICIAL CONFERENCE

Regulation 11. Membership and Frequency

A. The Chief Justice shall summon, at least once every fall and spring semester, all Associate Justices of the Constitutional Council and the Heads of each respective subsidiary body, including but not limited to Divisional Councils, University-Wide Organizations, or student groups (such as the Residence Hall Association, Interfraternity Council, or Intersorority Council), to a conference which shall be known as "The Judicial Conference of the Student Government Association of Emory University," at such time and place as he or she may designate, or as determined by a majority of the active justices of the Constitutional Council.

B. The SGA Attorney General, Secretary of the SGA, the Head and solicitors of the Student Bar Association, and Members of the SGA Governance Committee shall serve as ex-officio representatives at the conference.

C. Any enrolled student of the University shall be eligible to attend the Conference.

Regulation 12. Presiding Officer

A. The Chief Justice shall preside at such conference.

Regulation 13. Attendance and Duties of Attendees

A. The Chief Justice may summon any other member of a judicial body to the conference.



B. Every aforementioned individual summoned shall attend and, unless excused by the Chief Justice, shall remain throughout the sessions of the conference and advise as to the needs of his or her judicial body and as to any matters in respect of which the administration of justice in the judicial bodies within the SGA or University may be improved.

Regulation 14. Duties of Conference

A. The Conference shall make a comprehensive survey of the condition of business in all judicial bodies of the SGA and review any judicial body of the University upon request of the SGA President or Attorney General; any University personnel; a Justice of the Constitutional Council or chief judges of any respective Subsidiary Body; Heads of University student discipline boards; Heads, counsels or solicitors of Divisional Councils; or the SGA Governance Committee.

B. It shall also submit suggestions and recommendations to the various judicial bodies to promote uniformity of management procedures and the expeditious conduct of judicial business.

C. If the Conference elects to establish a standing committee, it shall be appointed by the Chief Justice and all petitions for review shall be reviewed by that committee.

D. The Conference shall also carry on a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use as prescribed by the Constitutional Council for the other all other judicial bodies of the SGA or University pursuant to law of the SGA.

Regulation 15. Reports and Records

A. The Secretary for the SGA shall keep record of the Conference.

B. The Attorney General shall, upon request of the Chief Justice, report to such Conference on matters relating to the business of the several judicial bodies of the SGA, with particular reference to cases to which the SGA is a party.

C. The Chief Justice shall submit to the Legislature and President of the SGA an annual report of the proceedings of the Judicial Conference and its recommendations for legislation.

D. In the event the Conference, by a consensus of five (5) of the Justices of the Constitutional Council or a majority of those justices present, shall decide to enter to an Executive Session, a precise transcript of what each individual in the room states shall be kept by the Secretary of the SGA. At the adjournment of the meeting, the transcript shall be sent immediately to the President, Attorney General, and the SGA Governance Committee who all shall be bound to secrecy, until declassified by Order of the Constitutional Council.

PART VIII. AMENDMENTS

A. These Regulations may be amended anytime by a majority vote of the Student Legislature (with a minimum of 20 votes in favor), and the Council shall have the authority to prescribe an effective date of the amendment, unless otherwise noted in the bill amending these Regulations. No such date shall extend past sixty (60) days after the SGA President has signed the bill (or if and when a veto is overridden).

Starting from January 1, 2014, a full revision history shall be kept with this document.



Revision History:

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