

BYLAWS OF THE STUDENT SUPREME COURT

Article I-Composition

Section 1. Membership:

A. The Student Supreme Court shall be comprised of one (1) Chief Justice, and eight (8) Associate Justices who shall be comprised of two (2) members of Assembly, three (3) members of the Senate, and three (3) members of the student body at large;

B. The Secretary of the Association shall serve as the Court Clerk.

Section 2. Term of Office:

A. The term of office for each Justice shall be one (1) academic year, to expire on the day of Commencement;

B. In the event of a resignation, there shall be a new appointment; the new Justice shall fill the remainder of the term to which they were appointed.

Article II-Duties

Section 1. Duties

A. The Chief Justice of the Association Shall:

1. Schedule all hearings of the Court, where there must be a quorum to hold said meeting;

2. Preside over all hearings except those dealing with the impeachment of the Student Government Association (SGA) Vice President;

3. Choose who among the justices shall write the opinion of the Court, majority or dissenting respectively;

4. Hold no less than two (2) office hours per week;

5. Serve as a voting/ speaking member of the court;

6. Administer the Oath of Office to all members of the SGA Executive Board upon election;

B. The Associate Chief Justice of the Association shall:

1. Preside if the Chief Justice is unable for any reason;
 2. Assist the Chief Justice in their duties;
 3. Serve as the historian of the court;
 4. Serve as a voting/ speaking member of the court;
 5. Attend all meetings of the Judicial Branch; exceptions shall be made only at the discretion of the presiding justice.
- C. Associate Justices of the Association shall:
1. Serve as voting/speaking members of the Court;
 2. Attend all meetings of the Judicial Branch; exceptions shall be made only at the discretion of the presiding justice;
- D. The Court Clerk shall:
1. Be an non-voting, non-speaking member of the Student Supreme Court;
 2. Record all proceedings of the Student Supreme Court.
 3. If the Court Clerk is under investigation then the Chief Justice shall appoint a temporary Clerk from within its membership.

Article III- Jurisdiction

- Section 1. The Student Supreme Court shall have original jurisdiction:
- A. In cases involving the interpretation of the Constitution and Bylaws of SGA or subsidiary organizations;
 - B. In cases involving impeachment proceedings of SGA elected and appointed officials, with the exception of impeachment cases involving a member of the Judicial Branch;
 - C. To hear all cases involving SGA, a subsidiary organization, or members of SGA organizations;
 - D. To any case involving the constitutionality of an act or ruling of SGA;
 - E. To any case involving violation of an SGA Law except as otherwise stated in the following part of this section;

- F. To hear any grievances filed by any member of SGA;
- G. To all cases in which SGA shall be a party except as otherwise stated in the following parts of this section;
- H. To any other case where jurisdiction shall not be denied by the policies of SUNY Potsdam.

Article IV- Procedure

Section 1. Procedure of the Student Supreme Court shall be as follows:

- A. A Petitioner shall file a complaint with Chief Justice;
- B. The Judicial Branch shall notify parties at least one week in advance, if possible, of a judicial proceeding and, if applicable, the charges they face;
- C. The Judicial Branch shall make a good-faith attempt to schedule a mutually agreed upon time for a hearing;
- D. A defendant may be tried in absentia if they fail to appear after two scheduled hearings, or if they refuse to submit to the jurisdiction of the Judicial Branch;
- E. Parties involved shall have the right to bring witnesses, but must notify the Chief Justice or Associate Chief Justice of the Judicial Branch at least twenty four (24) hours in advance of the hearing;
- F. Parties involved shall have the right to question any person giving testimony during a hearing, unless otherwise stated by the presiding justice;
- G. Members of the Judicial Branch shall have the right to question any person giving testimony;
- H. Members of the Judicial Branch shall have the right to set rules and procedures for specific cases, insofar as they do not conflict with the constitution of SGA, by a two thirds (2/3) vote;
- I. Majority approval is required to rule on cases involving the interpretation of the constitution or bylaws, or to decide guilt or innocence in cases involving alleged campaign violations or impeachments;
 - 1. A second vote, with majority approval, is required to approve a sanction for a campaign violation or impeachment once parties are found guilty through the first vote;

- J. After completion of a trial there must be written, an opinion to be made public, if desired there may be majority and dissenting opinions;
- K. All proceedings must be recorded in some manner (audio, video, written minutes, or any acceptable means adopted by the current membership of the Student Supreme Court);
- L. No Student Supreme Court Justice shall take part in a case in which s/he shall have a vested interest, or by majority vote of the composition of the Student Supreme Court, and may be asked to recuse themselves from certain cases.

Article V- Burdon of Proof

Section 1. The burden of proving that a Respondent/ Defendant shall have violated the Constitution of SGA, the By-laws of SGA or any law of SGA shall rest, by a preponderance of the evidence submitted, with the Petitioner/Plaintiff.

Article VI- Evidence

Section 1. The following guidelines shall be used when dealing with evidence:

- A. Only evidence which a witness shall have directly perceived shall be admissible;
- B. Opinion based evidence shall be admissible only in cases in which the facts on which the opinion is based are made known, or the witness is an acknowledged expert;
- C. There shall exist a motion to suppress evidence which shall require a majority vote of the Student Supreme Court membership in attendance, at a scheduled meeting;
- D. Evidence not germane to the case shall not be admissible;
- E. Student judicial records, confidential communication between persons and medical personnel, immediate relatives, judicial advocates, and University staff when acting in a counseling capacity (to be determined by the court), shall not be admissible;
- F. Student Supreme Court members may take notice of matters which would be within the general experience of University staff and students;
- G. The Student Supreme Court, by a majority vote of its membership in attendance at a Hearing, shall be the sole judge of the relevance and admissibility of evidence.

Article VII- Witnesses

Section 1. Witness procedure shall be as follows:

- A. All persons making statements before the Student Judiciary shall be administered the affirmation prescribed herein by the Chief Justice:
 1. “I, (Witness' Name), swear to tell the truth, and hereby affirm and recognize that any misrepresentation before SGA Student Supreme Court shall result in a violation of SGA Constitution, Student Code of Conduct, and General College Policies, and may result in the filing of charges against myself, organization, or office.”;
- B. In the event a witness, other than the Petitioner and the Respondent, is unable to attend a Hearing in person, said witness may submit a written witness statement;
- C. The Student Supreme Court shall give considerably less weight to written witness statements than witness statements submitted in person at a Hearing, during its session.

Article VIII-Amendments

Amendments to these Bylaws shall be subject to a majority approval of the Representative Branch.

Article IX- Ratification

These Bylaws shall become effective upon a majority vote of the Representative Branch.