

Manual of Procedures of the Judiciary Board

Lake Superior State University

Adopted 22 April 1998

Amended 13 February 2003

Statement of Purpose

Section 1: To mediate, adjudicate and resolve conflicts within the Student Assembly.

Section 2: To hear and rule on requests for appeal.

Section 3: To interpret the *Constitution of the Students*.

A. General Provisions

Section 1: The LSSU Student Assembly, the Student Government and the Judiciary Board are empowered to enact this manual by Article VII, Section 1 of the *Constitution of the Students*.

Section 2: The governing documents of the Judiciary Board, in order of precedence, shall be accepted University policies, the *Constitution of the Students*, and this manual.

Section 3: This manual shall apply to all Judiciary Board activities, administrative and judicial in nature.

Section 4: This manual shall supercede all other by-laws and operational procedures of the governing bodies`` of the Student Assembly and all Student Government legislative enactment.

B. General Structure

Section 1: The Judiciary Board shall consist of five (5) student Justices, as provided by the *Constitution of the Students*.

Section 2: The Chief Justice of the Student Assembly (hereinafter referred to as the Chief Justice) shall be chosen by consensus of the seated Justices.

Section 3: The Administrative Justice shall be chosen by consensus of the seated Justices and shall serve for a period of one (1) academic semester. The Chief Justice shall not be the Administrative Justice.

Section 4: All Justices shall be equal voting members of the Judiciary Board.

Section 5: The Judiciary Board shall have the authority to create judicial committees to facilitate secondary level matters, as provided for in this manual.

Section 6: The Judiciary Board shall have the authority to create and fill administrative positions (such as the Court Reporter) to aid in the performance of its duties.

Section 7: All Justices shall have continuous appointment until such time the Justice resigns, is recalled, becomes a part-time student, or graduates from Lake Superior State University.

C. Duties of Judiciary Board Officers

Section 1: The duties of the Chief Justice shall be:

- § 1.1: To act as Chair of the Judiciary Board.
- § 1.2: To be the principal representative and spokesperson for the Judiciary Board.
- § 1.3: To be responsible for managing the efficient administration of the Judiciary Board.
- § 1.4: To preside at all hearings in which he or she participates.
- § 1.5: To allocate the judicial and administrative functions of the Judiciary Board.
- § 1.6: To perform all approved duties necessary to direct the Judiciary Board in accordance with the *Constitution of the Students* and this manual as requested in writing.

Section 2: The duties of the Administrative Justice shall be:

- § 2.1: To maintain the records and case files of the Judiciary Board.
- § 2.2: To issue notices and publish the orders and opinions of the Judiciary Board.
- § 2.3: To form judicial committees, at the direction of the Chief Justice.
- § 2.4: To appoint the Chair of the Election Committee and make available election petitions, as provided for in the *Constitution of the Students*.
- § 2.5: To serve as Acting Chief Justice, as necessary.
- § 2.6: To appoint the Court Reporter.

Section 3: The duties of the Court Reporter shall be:

- § 3.1: To be responsible for all written communications of the Judiciary Board.
- § 3.2: To keep accurate minutes of all Judiciary Board hearings and meetings.
- § 3.3: To assist the Administrative Justice in his or her duties as detailed in § 2.1 and 2.2.

Section 4: The duties of other administrative positions shall be determined by the consensus of the seated Justices.

D. Judicial Procedures

Section 1: Actions before the Judiciary Board, be they of original or appellate jurisdiction, shall be either primary or secondary level matters, to be determined by this manual or the Chief Justice.

Section 2: Primary level matters shall include, but not be limited to, matters of constitutional interpretation and amendment; matters of controversy between the governing bodies of the Student Assembly; matters of impeachment of the elected members of the Student Government; and infractions of established election policies.

Section 3: Primary level matters shall be heard by the full Judiciary Board, with the Chief Justice presiding.

Section 4: Secondary level matters shall include, but not be limited to, matters of interpretation of operational procedures; matters of allocation of Student Assembly resources; matters of recognition or de-recognition of student organizations; and matters of discipline or removal of all other members of the governing bodies of the Student Assembly.

Section 5: Secondary level matters may be heard by judicial committees consisting of three (3) Justices, or may be arbitrated by either one (1) or two (2) Justices. The Chief Justice shall determine the method of hearing.

E. General Procedures

Section 1: The following sections relate to the general administration of the Judiciary Board and are intended to facilitate the administration of justice by the Judiciary Board. The Judiciary Board shall conduct its affairs in an open and democratic manner.

Section 2: All matters to be heard before the Judiciary Board shall be submitted in writing to the Chief Justice.

Section 3: Meetings of the Judiciary Board may be called by the Chief Justice or any other three justices. Notice of all meetings of the Judiciary Board shall be given to all Justices.

Section 4: The quorum for all meetings and hearings of the Judiciary Board shall be a majority of Justices actively serving on the Judiciary Board.

Section 5: All decisions of the Judiciary Board shall require a majority vote of the Justices present at the proceeding for approval.

Section 6: The Judiciary Board shall hold its meetings and hearings in locations easily accessible to students, such as the meeting spaces within the Walker Cisler Center. The location of all Judiciary Board hearings shall be posted.

Section 7: Reporters and any other interested persons who wish to attend any Judiciary Board hearing may do so. The Judiciary Board shall maintain the authority to declare a hearing closed to the public.

Section 8: Meetings of the Judiciary Board shall be conducted in the following manner:

§ 8.1: Call to Order.

§ 8.2: Old Business / General Announcements.

§ 8.3: New Business.

§ 8.4: Hearing Requests.

§ 8.5: Hearings.

§ 8.5.1: Time limits, procedures, and recognition are subject to change at Justice's discretion.

§ 8.6: Closed Session.

§ 8.7: Adjournment.

Section 9: For financial purposes, the Judiciary Board shall be considered an internal committee of the Student Government. Student Government shall allocate to the Judiciary Board sufficient funds to efficiently operate the Judiciary Board.

F. Responsibilities of Justices

Section 1: All Justices are expected to attend the full hearings and the pre-trial matters to which they are assigned. A Justice may be excused from attending such meetings by the Chief Justice when that Justice shows a reasonable cause for that absence. A Justice who misses more than two such meetings without an excuse approved by the Chief Justice shall be subject to suspension by the Judiciary Board pending review by the Student Government.

Section 2: Justices may be disqualified from hearing a case for any reason that would prevent said Justice from being fair and impartial.

Section 3: Any justice of the Judiciary Board who will, during the Fall or Spring semester, be absent on a continuous basis for more than one (1) month (due to education needs, internships, or other requirements) or will be unable to participate for more than one (1) month in Judiciary Board activities due to prolonged injury or illness, may request that the Judiciary Board grant him or her inactive status.

§ 3.1: An inactive justice of the Judiciary Board will not count toward the quorum requirement.

§ 3.2: The inactive justice of the Judiciary Board shall resume his or her full duties as soon as he or she returns or states an ability to do so.

§ 3.3: No justice of the Judiciary Board may remain on inactive status for more than one academic semester.

G. Limitations on Judiciary Authority

Section 1: Ordinarily the Judiciary Board will not hear cases where it is incapable of providing effective remedy.

Section 2: Generally, the Judiciary Board will not review the administrative decisions of University officials or agencies. Nevertheless, any action by any administrative body constituting a substantial violation of any right guaranteed a student under the *Constitution of the Students* may be appealed to the Judiciary Board.

Section 3: The Judiciary Board shall take no action which is inconsistent with the rights of students contained in the *Constitution of the Students*, University policies, the Constitution or laws of the United States of America or the State of Michigan.

H. Prosecutorial Responsibility

Section 1: Charges of violations of this manual for which penalties are provided shall be initiated and prosecuted by the Student Government.

Section 2: The governing bodies of the Student Assembly and other private parties may request that the Student Government investigate possible violations of this manual. Such actions shall be submitted in writing to the Student Government.

Section 3: The Judiciary Board shall not prosecute any possible violations of this manual.

I. Amendments and Rule Making

Section 1: All amendments to this manual shall be made by three-fifths (3/5) affirmative vote of the seated Justices.

Section 2: The Judiciary Board shall have the authority to create further procedural codes for items not covered in this manual, provided that such codes do not conflict with this manual. Judicial Appendixes (separate written additions of this manual), which can include but not limited to declarations, procedural outlines, etc, will be constituted as addition(s) to this manual with three-fifths affirmation vote

Section 3: The Judiciary Board may issue such temporary rules and procedures (which are consistent with this manual) as are necessary. All rules used at more than one hearing of Judiciary Board shall be prepared in written form. All rules to be used for more than one (1) year must be incorporated into this manual (by direct revision or Judicial Appendixes) or be discarded.