

CHAPTER 200 - SUPREME COURT

ARTICLE I. AUTHORIZATION AND PURPOSE

§1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(a),(d) of the Student Government Constitution.

§2 **PURPOSE.** In addition to the powers and responsibilities granted to it by the Student Government Constitution the Supreme Court shall assist the President in the enforcement of Student Government rules and regulations, provide oversight whenever rules are violated, provide a judicial remedy when conflicts arise, ensure the Student Government Code is kept up to date and accurate, and address any issue of a disciplinary nature.

- (a) When Articles of Impeachment are filed, the Supreme Court shall act as the impeachment review committee as indicated in the Student Government Constitution.
- (b) This Supreme Court shall provide legislative oversight on the judicial systems of Student Government and advise the President on any issues.
- (c) Review any changes to the Student Government Code or the Student Government Constitution.
- (d) Decide if actions of members of Student Government are impeachable.
- (e) Maintain ethical, professional and performance standards within Student Government, providing proper remedies when applicable.

§1 **JURISDICTION.** In addition to the jurisdiction granted to the Supreme Court by the constitution the Supreme Court will have jurisdiction over the Code of Ethics and the each of the legislative Standing Rules and other rules that do not have direct judicial oversight by another court.

ARTICLE II. SUPREME COURT JUSTICES

§2 **THE CHIEF JUSTICE.** The Chief Justice shall adhere to all responsibilities outlined in the Judicial Code. The following include, but are not limited to, the responsibilities of the Chief Justice:

- (a) Arrange regularly scheduled meetings at which all Associate Justice shall be available to conduct official business.

- (b) Direct all matters of an administrative nature within the Student Government Court system as governed by S.G.C. VII.
- (c) Oversee an annual training of the Supreme Court, Election Board and Judicial Advocates.
- (d) Co-direct with the Election Board Chair the Rules Reading Seminar for all candidates.
- (e) Ensure all Associate Justice are informed of all upcoming hearings and meetings in order to meet quorum of Associate Justice, which must be present at every hearing and meeting.
- (f) Assign a justice to write a majority opinion in every case, or shall reserve the right for himself.
- (g) Carry out the various enumerated requirements outlined throughout the Judicial Code.
- (h) serve on all committees as requested or required. If not available, a designee must be sent in his place.
- (i) Consult with all Associate Justices to outline hearing procedures prior to any hearing of the Supreme Court.
- (j) Meet with all parties prior to any hearing of the Supreme Court to address Court procedures and any pretrial questions.
- (k) Serve as the official correspondent of the Judicial Branch to any parties in a hearing.
- (l) Participate in mediation or judicial board training by the Dean of Students Office.
- (m) Set the goals of the Student Government Court system and ensure the system meets its statutory and written expectations including deadlines and projects.
- (n) Provide any person coming before the Supreme Court their rights and responsibilities.
- (o) Advise the President on the proper and lawful execution of the Constitution and Student Government Code.
- (p) Coordinate and ensure the Student Government Code is properly formatted, updated and distributed and that any changes are properly transmitted.
- (q) Upon receipt of the attendance record from the Senate and House transmit those records to the Judicial Advocate and Court Clerk each week.

§3 **ASSOCIATE JUSTICES.** Associate Justices shall be responsible for attending meetings or hearings called to order by the Chief Justice.

- (a) Associate Justices shall adhere to attendance policies as stated in this code.
- (b) All Associate Justices must demonstrate their knowledge of all relevant Student Government documents and impartiality throughout their term of office.
- (c) No member of or nominee for a position within the Judicial Branch shall help, assist, serve on, campaign for, or advise any Fall or Spring Student Government Campaign.
- (d) Should undergo mediation or judicial board training by the Dean of Students Office.

ARTICLE III. OFFICERS OF THE COURT

§1 **COURT CLERK.** The Chief Justice of the Supreme Court shall appoint at least one (1) Court Clerk, as an officer of the Court. If there is no Court Clerk the Chief Justice shall select an Associate Justice which will assist the Chief Justice in all administrative and clerical matters. The following include, but are not limited to the responsibilities of the Court Clerk:

- (a) Assist the Chief Justice in all administrative and clerical matters.
- (b) Receiving and forward all complaints filed with the Court to the Chief Justice.
- (c) Keep the records of the Court as the official archivist.
- (d) Obtain and record attendance of Student Outreach Events by all members of the Judicial Branch.
- (e) Assist any plaintiff, defendant and the court in administrative, procedural and clerical matters.
- (f) Forward all Court Orders and Opinions to the Supreme Court Chief Justice for codification under this title. Court Orders and opinions shall be formatted in accordance with [Appendix IV](#)
- (g) The Court Clerk may be removed for cause from his position by a two-thirds vote of the Supreme Court.

§2 **JUDICIAL ADVOCATES.** The purpose of Judicial Advocates shall be to advise and act as an agent on behalf of any student wishing or requesting their counsel. The Supreme Court Chief Justice shall vest the appointment of at least two (2) Judicial Advocates which shall be recognized as having standing with any court in Student Government, and shall be recognized as an advocate upon demonstrating to the Supreme Court Chief Justice a complete understanding of Student Government Constitution and Student Government Code.

To this effect the Supreme Court shall establish a method of evaluation for advocate candidates.

- (a) Advocates may also be called upon to advise any member of Student Government in the preparation of statutes.
- (b) The Supreme Court Chief Justice may relieve the judicial advocate at any time with approval of the Supreme Court.
- (c) The Judicial Advocate shall keep all matters related to the case they are assigned in the strictest confidence. Judicial Advocates primarily shall:
- (d) Assist students in preparing petitions, complaints, briefs, evidence, testimony and other documents to any court in Student Government.
- (e) Ensure the proper preparation of all documents for the courts.
- (f) May be called upon by any member of Student Government in the preparation of statutes.
- (g) With the permission of the student, act as an agent of the student in regards to their court proceedings, and speak and act on their behalf.
- (h) Uphold all principles of ethics and standards of Student Government.
- (i) Provide defense or prosecution to the best of their ability at all times. May recuse themselves or deny supporting any student for any reason of conscience

ARTICLE IV. GENERAL PROCEDURE

§1 **QUORUM.** Two-thirds (2/3) of the number of justices appointed to office at the time of a hearing shall constitute the quorum of the Supreme Court.

- (a) Any action taken by Supreme Court without quorum present shall be null and void, excluding the issuance of an injunction by the Chief Justice or any two Associate Justices in conjunction.

ARTICLE V. REVIEWING RULE CHANGES

§1 **AS A REVIEWER OF RULE CHANGES.** The Supreme Court must review all bills presented to the Senate which change the Student Government rules or regulations, excluding the Constitution.

- (a) Whenever such bills are presented and read in the Senate, the Supreme Court shall meet within 6 days of that first reading and report to the Senate its suggestions as amendments to the bill.
- (b) After Supreme Court review, and at the meeting where amendments are to be considered, the bill will be returned to the Senate with amendments from the Supreme Court as presented by the Chief Justice. After the Chief Justice answers any questions of Senators each amendment will be voted on either individually or as a group.
- (c) A declaration of emergency status does not change the timeline as outlined in this section and may only be amended if the Supreme Court reviews the bill prior to the first reading.

§2 The Supreme Court shall review and make amendment proposals for the following reasons:

- (a) If the Supreme Court rules a change to the S.G.C. incongruent with another section of the S.G.C. or the Constitution.
- (b) To change grammar, spelling, and punctuation.
- (c) To bring the bill up to the organizational standards of the S.G.C.
- (d) To more closely align the wording and tone of the bill to match the word usage and tone of the S.G.C.

§3 Approval from the Supreme Court does not prohibit filing an Advisory Opinion Request or Notice of Complaint and cannot be used as a basis for denying applications of either.

ARTICLE VI. IMPEACHMENT REVIEW

§1 **AS THE REVIEW COMMISSION.** The Supreme Court shall serve as the Impeachment Review Commission for all impeachments as outlined in the Constitution. In the event that the Supreme Court meets to review Articles of Impeachment it is charged simply to determine if enough evidence of wrong doing exists related to the Articles listed. It can accept or reject all or some of the charges listed in the Articles. The procedures for such a review shall include but are not limited to:

- (a) The Supreme Court will hold hearings and provide the opportunity for the plaintiff and accused to present arguments and evidence.
- (b) Hearing procedures and deliberation procedures shall comply with S.G.C. VII. §100, Judicial Code.

- (c) The deliberative proceedings to decide the case, will occur in closed session of the Supreme Court. No records will be taken of the deliberative proceedings.
- (d) The Supreme Court may reject the Articles of Impeachment, in whole or part. They may accept the Articles of Impeachment, or parts, which will automatically result in a trial in whichever legislative body has jurisdiction on those Articles that are accepted. The Supreme Court may also reject the Articles of Impeachment, in whole or part, with an agreement that those cited are responsible of wrong doing, which will automatically result in a Standards Review by the Supreme Court which may result in lesser sanctions.
- (e) An agenda for the meeting and all questions of procedure or order shall be decided by the Chief Justice.

ARTICLE VII. MEMBERSHIP CONDUCT AND STANDARDS REVIEW

§1 **STANDARDS REVIEW.** The Supreme Court will collect complaints of ethical or other rule violations by members of Student Government and investigate other issues which violate the professional standards applicable to all members of Student Government.

- (a) The Supreme Court will establish a standardized form for the collection of standards and rule violation accusations.
- (b) The Supreme Court conduct an investigation into complaints it accepts and if a hearing is deemed necessary the court will provide any accused a hearing. Documentation will be kept for all investigations and hearings. These documents must be made open to the public at a time and in a manner as proscribed by the court.
- (c) The Supreme Court will use the Code of Ethics and good judgment to decide each case and provide any remedy including impeachment proceedings.

§2 **STATEMENT OF PURPOSE.** The Student Government and its members have a responsibility to uphold high standards and exemplify the ethical behavior requisite to the prestigious position of public office they hold. The Supreme Court as a Standards Board is responsible for maintaining and enforcing Student Government standards.

§3 **PHILOSOPHY.** Just as any organization at Texas State University, Student Government has rules and expectations for its members which all members accept upon taking their oath of office including the ethical parameters as outlined and norms of professionalism and quality

or quantity of work. Members must respect at all times the rights of other members as individuals. Members of Student Government accept that they will take on additional responsibilities beyond themselves in the service of students at Texas State University.

§4 **FILING A COMPLAINT.** The Supreme Court shall collect complaints using a Standards Review Complaint form which shall collect at least the following information:

- (a) Complainants full name, Texas State email, and Student ID number,
- (b) Accused full name,
- (c) An accounting from the complainant of the actions which warrant a Standards Review,
- (d) Any documents as evidence the complainant wishes to provide,
- (e) Selection of the complainants desired disciplinary remedy,
- (f) Justification of disciplinary remedy,
- (g) Other information the Supreme Court deems relevant to the case.

§5 **FOUNDATIONS FOR HEARING.** When collecting complaints the Supreme Court must use the following criteria to assess which actions are grounds for a hearing. Grounds for a hearing will be as follows:

- (a) Referral by any member of Student Government.
- (b) Violations of the Code of Ethics.
- (c) Direct violations of the Student Government procedure.
- (d) Failure to maintain standards of work, research, behavior or other standards as statute may require.
- (e) Excessive absences to meetings and required events.

§6 **HEARINGS.** Supreme Court will hold hearings and provide the opportunity for the respondent to address any allegations against them. A standards hearing does not require the presence of either the respondent or a complainant to proceed, so long as both have been given 48 hours' notice before the hearing date.

- (a) The process for hearings shall generally follow the process, when applicable to the conduct review, in accordance with the Judicial Code.
- (b) The deliberative proceedings to decide the cases verdict, will occur in closed session of the Supreme Court. No records will be taken of the deliberative proceedings.

- (c) Except in the case of Supreme Court members, Justices will not discuss details of the discussion in private or public outside of the deliberations.
- (d) The Supreme Court must decide each year if it shall be the Courts policy to keep the identity of complainants confidential or open to the public and shall establish any requisite rules which shall apply for one session. The Complainant may waive their right to confidentiality.
- (e) The Supreme Court must decided each year in what manner it will release the details of Standards Review investigations and hearings.
- (f) The Supreme Court Chief Justice will forward the Supreme Court decision to the President, Vice President, and House Leader, complainant and respondent.

§7 **DISCIPLINARY REMEDY.** The Supreme Court may remedy any complaint by making any combination of actions up to two (2) of the following:

- (a) Dismiss the complaint.
- (b) Require service to Student Government outside of the person's established commitments.
- (c) Require community service.
- (d) Place on probation in which case another complaint may result in impeachment.
- (e) Impeachment.
- (f) Other sanctions as provided for in the Student Government Code.