

# Supreme Court Policy

## **400.0 Rules and Procedures of the Supreme Court**

### 400.1 Purpose

400.1.1 This will constitute the procedure and rules that shall hereby be enacted by Student Association Senate and be adopted pursuant to Article V of the Student Association Constitution. Any rule of procedure not covered by this policy will mandate the court to look to a higher authority (i.e. New York State Constitution, U.S Constitution).

400.1.2 These rules shall be made for the Supreme Court of the University at Albany Student Association. Any inferior courts established shall have their own codes of procedures set up before any type of new judicial institution may be created.

### 400.2 Judicial Appointments

400.2.1 Appointments to the Supreme Court shall be in accordance to the Student Association Constitution Article V, Section 2.

### 400.3 Term

400.3.1 A Justice's term of office shall run through the conclusion of two academic years, regardless of time of appointment, pursuant to Article V, Section 2.c. of the Student Association Constitution.

400.3.2 The Supreme Court shall run from the beginning of the academic year to the end of the academic year.

400.3.3 If the court deems necessary, they may call an emergency Court session during intercessions in order to schedule a hearing which, because of its immediate and important nature, must be decided at once.

400.3.4 The hearings of the Supreme Court shall be made public and announced.

### 400.4 Jurisdiction

400.4.1 The Court will have original jurisdiction on all cases of law and equity arising under the Constitution, statutes, provisions, and resolutions of the Student Association and all those under the auspices of the Student Association except if jurisdiction is delegated to another judicial or quasi-judicial body. (Quasi-Judicial bodies are regulatory agencies such as the Elections Commission).

400.4.2 The Supreme Court shall have appellant jurisdiction on all cases appealed from judicial or quasi-judicial bodies.

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#### **401.0 Duties and Responsibilities of the Chief Justice**

- 401.1 The Chief Justice shall:
  - 401.1.1 Be the chief administrator of the Court.
  - 401.1.2 Schedule hearings, distribute briefs, and run the hearings of the Court.
  - 401.1.3 Create applications for all petitions and writs with proper restrictions necessary for all petitioners and make them available to all Student Association groups and members.
  - 401.1.4 Have signatory power over the funding of the Supreme Court.
  - 401.1.5 Be responsible for overseeing the creation of procedures for the hearing of the Court.
  - 401.1.6 Be responsible for giving a bi-weekly report to the Student Association Senate.
  - 401.1.7 The Chief Justice of the Student Association Supreme Court shall be ex-officio, non-voting, non-motioning members of the Senate.

#### **402.0 Procedures of Hearings**

- 402.1 The Court must provide the Executive and Legislative Branches, in written form, a formal procedure for hearings for use in that term by the third meeting of the Student Association Senate in that academic year provided that the Court is complete or virtually complete (at least five justices).
- 402.2 The Court must report, in written form, to the Executive and Legislative Branches, any changes in the procedures adopted for that year.

#### **403.0 Filing Procedures of Petitions**

- 403.1 All conflicts raised under the Court's jurisdiction shall be decided by the Supreme Court with the exceptions previously noted. To file for a hearing and/or judgment of this body shall require the plaintiff to file a pleading (petition) which shall consist of:
  - 403.1.1 The facts according to the plaintiff
  - 403.1.2 The course of action resulting in personal injury or harm
  - 403.1.3 The remedy being sought
- 403.2 The court shall issue a motion of pleading to the defendant who shall answer to pleading of the plaintiff and file a counter suit if they desire.
- 403.3 The defendant may motion for dismissal of a case either at the hearing or before.
- 403.4 Grounds for dismissal:
  - 403.4.1 The Court has no jurisdiction

403.4.2 The case is moot or unripe

403.4.3 The plaintiff has no standing

403.4.4 The plaintiff, in the Court's determination, has not fulfilled the criteria stated in 404.1

403.5 The Court shall issue no advisory opinions.

403.6 At least ten copies of the petition must be submitted at the litigant's expense

403.7 The copies of the petition must be sent to:

403.7.1 The justices of the Supreme Court

403.7.2 President of the Student Association

403.7.2.1 The President of the Student Association must make available copies to all Executive Branch officers at the expense of the Executive Branch.

403.7.3 Student Association Senate Chair

403.7.3.1 The Student Association Chair must make available copies to all Student Association Senators at the expense of the Legislative Branch.

403.7.4 Litigant (i.e. Student Association Counselors).

#### **404.0 Writs of Appeal**

404.1 Any case brought up under the Court's petitioner jurisdiction shall be filed by writ of appeal.

404.2 A writ of appeal shall consist of:

404.2.1 The facts according to the appellant

404.2.2 The course of action resulting in personal injury or harm.

404.2.3 The remedy being sought

404.3 Upon the decision, the Chief Justice shall schedule a hearing within two days of this decision. The Chief Justice shall then contact both the petitioner and the respondent of the hearing time and date, giving both parties in the case at least two days notice.

#### **405.0 Briefs**

405.1 The parties of the case are allowed to file briefs in writing at least twenty-four hours before the case is to be heard by the court.

- 405.2 Amicus Curiae briefs (friends of the Court) may be filed by interested third parties at least twenty-four hours before the case is to be heard by the Court.

#### **406.0 Statute of Limitations**

- 406.1 A litigant must seek remedy no later than eight weeks after the conflict has taken place. This will hold true only when the court is in session. The limit shall be from the day of the injury to the day of the pleading (petition) being filed.
- 406.2 Limitations for election appeals are three Student Association business days after the Elections Commissioner rules on an election issue.
- 406.3 Limitations on election cases shall be three Student Association business days from the official announcement of election results.

#### **407.0 Hearing Procedures**

- 407.1 There must be at least four Justices present to hear a case.
- 407.2 The Court may set time limits on oral arguments if they deem necessary when they set procedures for the year.
- 407.3 The Justices may ask questions at any point in the hearing.
- 407.4 There shall be no jury trials.
- 407.5 Affidavits and written or verbal testimony shall be accepted at hearings.
- 407.6 All federal, state and Student Association rules of evidence and proper judicial decision shall be observed.
- 407.7 Any action by anyone who violates decorum and proper behavior in the courtroom may be found in contempt of court and shall be properly removed.
- 407.8 Anyone who disobeys an order of judgment of the Supreme Court or any official who fails to enforce rulings of the Court shall be found in contempt of Court. Further disciplinary action may then be initiated including, but not exclusively, a recommendation for removal from office for refusal to comply.

#### **408.0 Decision**

- 408.1 A decision of the Court consisting of the majority opinion of the Court shall be delivered as soon as possible after the case has been decided.
- 408.2 The opinion and any dissent or concurrence shall be issued together in writing no later than ten Student Association business days after the hearing. Copies of the decision shall be sent to the following at the expense of the Supreme Court:
- 408.2.1 The litigants
- 408.2.2 Student Association President
- 408.2.3 Student Association Senate Chair

408.2.4 Albany Student Press

408.2.5 Whomever else is deemed necessary

408.3 The secretary of the Supreme Court shall take the minutes of all hearings and submit an abridged version of the written decision to be added to the Student Association Supreme Court Summary of Cases which will be the strength of common law precedent in future cases.

408.4 The Court may consider Federal and State laws and statutes when making a decision if they feel it is applicable of that it means that Student Association policy is inconsistent with State or Federal laws or statutes.

#### **409.0 Powers of the Court**

409.1 Injunctions and Equity

409.1.1 The Court may issue injunctions restricting Student Association governmental branches and groups from taking action which is contrary to the Constitution or Policy of the Student Association.

409.1.2 Injunctions shall be filled according to 403.0 (filing procedures), and hearings shall commence pursuant to 407.0 (hearing procedures) of these rules.

409.1.3 Temporary injunctions may be issued by the court by three or more Justices.

409.1.4 Temporary injunctions shall not extend for more than five Student Association business days.

409.1.5 Those temporary injunctions may be rescinded by the entire Court and can be extended to a permanent injunction by a majority of the Court.

409.2 Declaratory Judgments

409.2.1 Declaratory judgments shall be issued by this Court. A declaratory judgment shall consist of a request by a student for a declaration of rights consistent with the Student Association Constitution and all of its policies.

409.2.2 Declaratory judgments will only be made in accordance with the restricting injunctions and shall not be used as advisory opinions or laws to be enacted by the Student Association.

409.3 Subpoenas

409.3.1 Subpoenas may be issued by the Court in the name of the Student Association requiring in court the presence of ex-officio persons holding an office in the Student association, or in a group, or employed by such a group.

409.3.2 Subpoenas may be issued by the Court temporarily surrendering the records or other materials possessed by the Student Association or any Student Association group. These materials may be requested and examined by the Court or by persons under the supervision of the Court.

409.3.3 Anyone who disobeys a subpoena may be found in contempt of Court and further action may be instituted.

#### **410.0 Impeachment of a Supreme Court Justice**

410.1 A Supreme Court Justice of the Student Association shall be subject to impeachment for reasons of neglect of duty.

410.2 A request in writing for impeachment may be made by any elected or appointed member of the Student Association.

#### **411.0 Impeachment Proceedings**

411.1 A motion for impeachment shall be presented to the Student Association Senate Chair.

411.1.1 The Chair shall notify the President and the Vice President of the Student Association of the motion of impeachment.

411.1.2 The Chair will then call a special session of the Student Association Senate with the exception of the voting members of the Rules and Operations Committee, up until the impeachment is filed with the Student Association Senate Chair.

411.1.3 The special session is henceforth considered the impeachment hearing.

411.2 Impeachment Hearing

411.2.1 The impeachment hearing shall follow Robert's Rules of Order.

411.2.2 The Vice President of the Student Association shall be the presiding officer of the Impeachment Hearing.

411.2.3 The voting members of the Impeachment Hearing shall include all members of the Student Association Senate excluding the Rules and Operations committee and the Student Association Senate Chair.

411.2.4 If a motion of impeachment is approved by a two-thirds vote of the members of the Impeachment Hearing, it is then referred to the Trial Commission.

411.3 Removal of a Justice

411.3.1 Trial Commission

411.3.1.1 The Trial Commission shall follow judicial procedure in the hearing of the charges.

411.3.1.2 The President of the Student Association shall be the presiding officer of the Trial Commission.

411.3.1.3 The voting members of these proceedings shall include the elected and appointed members of the Rules and Operations Committee and the Student Association Senate Chair.

411.3.1.4 This commission shall consist of no less than five members.

411.3.1.5 If the Commission decides to grant the impeachment by a two-thirds vote, the Supreme Court Justice shall be considered removed from office.

#### **412.0 Vacancy of Office**

412.1 When a vacancy in the Judicial Branch arises, the Supreme Court shall have the power to consider any nomination in accordance to Article III, Section 2.d. of the Student Association Constitution.

#### **413.0 The Office Allocation Fairness Act of the New Millennium**

413.1 The Judicial Branch and the Legislative Branch shall each be given a permanent office.

413.1.1 The offices belonging to Copies Plus, Director of Operations and Legal Services shall be deemed permanent.

413.1.2 Office space will be allocated by a Commission consisting of the Student Association Senate Chair, the Vice President and the Supreme Court Chief Justice.