

Geneseo Student Association Student Court Guidelines

The Geneseo Student Court, in accordance with Article VII of the SA Constitution, hereby establishes its powers, obligations and procedures.

Article 1: Composition of the Court

- a) The Student Court (herein referred to as "Court") is the Judicial Branch of the Undergraduate Student Association of SUNY Geneseo.
- b) The Court will consist of five Justices- four Associate Justices and one Chief Justice. Justices will be selected in accordance with the SA Constitution.
- c) Once selected, Justices remain in office until they are no longer students at Geneseo, have ceased membership in the Student Association, submit a written resignation to the SA President, or are removed from office.
- d) No Justice of the Court may be a member of the SA Executive Committee or the Undergraduate Student Association Elections Committee (Herein referred to as "USAEC").
- e) All Justices must demonstrate a GPA of 3.0 to be appointed to the Court.
- f) In cases of a Justice participating in study abroad (or out of area internship), a temporary Justice shall be appointed. Upon returning from study abroad, the absent Justice will be allowed to return to the Court. The temporary Justice will remain on the Court if another opening becomes available; if no such opening is present, the temporary Justice will be excused from service. The temporary Justice shall be selected by the same measure as is followed by the Court for other vacancies.

Article 2: Responsibilities of the Court

Section 1- The Court

The duties and powers of the Court are as follows:

- a) To recommend to the SA Executive Committee appropriate action in cases involving violations or validity of Student Association policies and actions, except where otherwise stated in this Section.
- b) To hear and decide upon elections appeals from candidates or those with standing recognized by the USAEC.
- c) To hear and decide upon cases of impeachment of members of the SA Executive Committee when the matter has been fully referred to the Court by the USAEC.
- d) To elect whether to hear, and then to decide upon cases of impeachment of members of the USAEC when charges are presented by a member of the Student Association.
- e) To be knowledgeable of and well-versed in all policies of the Student Association, including the SA Constitution, SA Financial Policy, USAEC Guidelines and these guidelines.
- f) To issue rulings and enact sanctions on cases brought before the Court by the SA Executive Committee regarding violations of SA or college policy. Such cases may only be decided when referred by the SA Executive

Committee with clear and unmistakable authority given to the Court on the particular matter.

g) To hold in confidence all matters of a sensitive nature brought before the Court.

h) To make decisions based solely on information collected through Court investigations, public meetings, or executive sessions.

i) To maintain an objective attitude on any matter arising before the Court.

Section 2- Chief Justice

The duties and powers of the Chief Justice of the Court are as follows:

a) To act as head of the Judicial Branch of the Student Association.

b) To preside over all public meetings and executive sessions of the Court.

c) To call meetings of the Court.

d) To issue rulings during public meetings on questions of parliamentary process and to take the steps necessary to ensure the decorum and order of all proceedings.

e) To bring issues before the Court, which may require the Court's attention.

f) To attend weekly SA business meetings to give reports on the actions of the Court and to report back to the Court on the actions of the SA Executive Committee.

g) To appoint an Associate Justice to act as Chief Justice during temporary absences. Such appointments must be made in writing to the SA President and cannot last for more than two weeks.

h) To keep a file of all formal actions taken by the Court. This file will be kept as a reference for future courts on how certain matters may be handled to establish continuity in the Court.

Section 3- Associate Justices

The duties and powers and the Associate Justices of the Court are as follows:

a) To attend all public meetings and executive sessions of the Court

b) To take, on rotating basis, minutes of all non- confidential information at executive sessions

c) To bring to the Court's attention issues of interest.

d) To overturn, with the unanimous consent of the other Associate Justices, rulings of the Chief Justice on questions of parliamentary process.

Article 3: Meetings of the Court

a) The Court shall hold at least one public meeting during each month of the academic year, not including August or May. A simple majority of Justices must be present for action to be taken in a public session.

b) Public meetings of the Court will be held to hear cases not of a sensitive nature and to gather evidence. Public meetings shall be open to the college community and must be announced to the elected officers and employees of the Student Association, and the Student Association at large at least three days in advance.

c) Executive sessions of the Court shall be held when a case must be heard that is of a sensitive and potentially confidential nature. Executive Sessions may also be convened so that the Justices may discuss business before the Court, render decisions and prepare opinions. Executive sessions shall be open only to members of the Court, parties to the case and necessary guests invited by the Court.

d) A recorder appointed by the Court shall keep minutes of all public meetings. Minutes must be reviewed and approved by the Court at later public meetings. Copies of approved minutes must be furnished to the Director of SA Programs, Personnel and Finances and the SA Executive Committee.

Article 4: Standard Proceedings

Section 1- Presenting and Pursuing a Case

a) When a petitioner requests the services of the Court for cases involving neither impeachment questions nor election disputes, the process will be initiated through a written complaint filed by a petitioner with standing to the Chief Justice. Written complaints must outline specific violations of policy, and outline the actions that the Court is asked to consider as a result.

b) Receipt of a written complaint does not guarantee that a case shall be heard by the Court. Within two weeks of receiving a complaint, the Chief Justice must present the matter to the entire Court for their consideration. If two Justices favor pursuing the case, then further hearings must be held.

c) A majority of the Court in executive session will decide whether a petitioner has demonstrated sufficient standing to file a complaint. Petitioners must indicate how they or their organization have been directly harmed by an alleged violation of policy.

d) If the Court decides not to pursue the case or finds that a petitioner does not have standing to bring the issue before the Court, the petitioner will be notified and a copy of the written complaint will be kept on file with the Director of SA Programs, Personnel and Finances.

e) Upon deciding to pursue a case further, the Court must furnish a copy of the written complaint to the person(s) or entities, which are alleged to have committed

some form of violation. The copy of the complaint must be delivered to all involved parties before further action may be taken by the Court or petitioner.

f) When the SA Executive Committee refers its authority to decide a matter to the Student Court, it must furnish a prepared copy of background information on the case. The Student Court cannot decline a case referred from the SA Executive Committee.

g) When a matter has been referred from the SA Executive Committee to the Court, the Court must gather evidence, hold meetings and issue an opinion within two weeks (not including school recesses) of receipt of said referral.

Section 2- Informational Hearings

a) After all relevant parties have been made aware of a complaint that the Court intends to address, the Court must set a date for an informational hearing. One

week notice must be given to all parties (and to the Student Association if the case will be heard in an open meeting).

b) Informational hearings may occur either in an open meeting or in executive session. The Court may hold an informational hearing in executive session only upon majority vote with clear indication that sensitive or confidential information may be uncovered.

c) At an informational hearing, all parties to a complaint may present a written brief outlining their account of the events and violations alleged in the complaint. Parties are also free to include documentation supporting their claims.

d) At an informational hearing, all parties will sit as witnesses to give a verbal recitation of their claims. Questions may be posed by members of the Court. The public may submit questions to the Court, which will be asked at the Court's discretion.

e) During any informational hearing, the Chief Justice shall make rulings as to the admissibility of any evidence and may only be overruled by a unanimous vote of the Associate Justices.

f) At the conclusion of informational hearings at public meetings, the Court must ask for documentation or testimony from person(s) who feel that they are a party to the case but who have yet to be heard from.

g) If the Court during its deliberations feels that it is in need of further information, it may convene additional informational hearings upon majority vote.

Article 5- Election Appeal Proceedings

a) Charges of violations of any guidelines, by-laws, procedures, rules, or regulations of the USAEC may be brought by any voting member of the Undergraduate Student Association, except where otherwise specified in USAEC Guidelines.

b) Once an appeal is brought to the USAEC, and the USAEC has issued a decision, the question may be further appealed to the Student Court. The petitioner must make the appeal in writing to the Chief Justice within two business days of the USAEC decision.

c) USAEC decisions on the validity of impeachment and referendum petitions may not be appealed to the Court.

d) Upon notification of an election appeal, the Chief Justice will have two business days to convene the Court in executive session.

e) In executive session, the Court shall review the text of the USAEC decision and the text of the complaint. It shall then decide whether or not to pursue the case. If two Justices favor pursuing the case, then an informational meeting must be held. The Court, in deciding whether or not to proceed with an election appeal, may not consider information beyond the initial complaint, the ruling of the USAEC, or the USAEC guidelines.

f) If an informational meeting is to be held, the Chief Justice must contact all recognized candidates for the office whose election has been appealed, and supply them with a copy of the USAEC decision and text of the appeal. These recognized candidates will have three business days in which to submit a written

brief outlining their account of the election appeal and may include documentation supporting their claims.

- g) The Court may not hear an election appeal without holding informational hearings in open meeting. If the Court declines to open informational hearings to the college community, the decision of the USAEC must stand.
- h) The Court must convene an informational hearing on an election appeal within five days of the executive session at which the appeal was first considered.
- i) Informational hearings on election appeals will be conducted in accordance with the guidelines already outlined in this document except where otherwise stated in this Article.

Article 6- Impeachment Proceedings

Section 1- Impeachment of Members of the SA Executive Committee

- a) The Court will hear cases of impeachment against members of the SA Executive Committee upon the Chief Justice's receipt of a petition for impeachment. The petition for impeachment must be referred to the Court by the USAEC, which must confirm that the petition is valid under USAEC guidelines.
- b) The Court may not decline to hear an impeachment case upon receipt of a valid petition from the USAEC.
- c) The petition referred from the USAEC will be accompanied by clear and legible charges against a member of the SA Executive Committee. The Court will be responsible for furnishing the accused officer with a copy of the charges and obtaining a response to the allegations. If the accused officer does not answer the Court's request, impeachment hearings will proceed without the benefit of the accused officer's input.
- d) Impeachment proceedings will be conducted like informational hearings except where otherwise specified and applicable in this Article.

Section 2- Impeachment of Members of the USAEC

- a) Charges of impeachment against any member of the USAEC may be brought by any member of the Student Association.
- b) Charges of impeachment must be directed in writing to the Chief Justice and contain clear evidence of gross incompetence or flagrant disregard for the good of the Student Association.
- c) The Chief Justice will refer the charges of impeachment to the entire Court in executive session. The Court will act on the charges only if two Justices favor proceeding. Otherwise, the charges will be discarded by the Chief Justice and the student bringing the charges will be notified of the Court's decision.
- d) If the Court elects to move ahead with the case, it will be responsible for furnishing the accused officer with a copy of the charges against him/her and obtaining a response to the allegations. If the accused officer does not answer the Court's request, impeachment hearings will proceed.
- e) Impeachment hearings will be conducted like informational hearings except where otherwise specified and applicable in this Article.

Article 7 – Decisions of the Court

Section 1- Standard Cases

- a) When the Court feels sufficient information has been gathered, it shall vote in executive session on whether a complaint is justified and then on what action should be recommended or taken.
- b) Except where otherwise indicated, all decisions of the Court on the outcome of a case will be decided upon by a majority vote (at least three Justices).
- c) Once the necessary decisions have been rendered, the Chief Justice will direct a member of the Court majority to issue an opinion outlining the conclusions of the Court.
- d) Justices in the minority on a case may inform the Chief Justice of their intention to construct a dissenting opinion. All dissenting opinions must be issued alongside the findings of the majority of the Court.
- e) The Court's opinion, along with any dissenting opinions will be delivered to all relevant parties in a case as well, any witnesses involved in the informational hearing, and the Director of SA Programs, Personnel and Finances. The Court, on majority vote, will determine whether the entire opinion shall or shall not be available to the college community.
- f) The Court must issue an opinion within two weeks of the conclusion of the last informational hearing.
- g) In matters where the SA Executive Committee (or a member of the SA Executive Committee) has been charged with violation of policy, the Court's opinion will either uphold the decision of the Executive Committee or issue reparative recommendations.
- h) In matters where an SA Organization is charged with violating SA or college policy, the Court will render its opinion along with a recommendation for sanctions against the organization. The SA Executive Committee may choose to enact these sanctions.

Section 2- Election Cases

- a) Once the Court has concluded open meeting informational hearings related to election appeals, it will have two days in which to convene in executive session and issue its opinion.
- b) The Court's opinion must be delivered to all members of the USAEC, all candidates for the contested position, all members of the SA Executive Committee, the Director of SA Programs, Personnel and Finances, and the appropriate Class Advisor (if applicable).
- c) Opinions issued on election appeals will follow the same guidelines as standard cases except where otherwise stated in this Section.

Section 3- Impeachment Cases of Members of the SA Executive Committee

- a) After the impeachment hearings have concluded, the Court will render a decision on whether the charges against the Executive Committee member are true and whether the charges demonstrate gross incompetence or a flagrant disregard for the good of the Student Association. For the accused officer to be

removed from office, at least four Justices must find in the affirmative on both questions.

b) Opinions on cases of impeachment must be issued within one week of the conclusion of impeachment hearings. Copies of the opinion must be furnished to the accused member of the SA Executive Committee, the student who initiated the impeachment petition, the SA Executive Committee, the SA Advisor, the Director of SA Programs, Personnel and Finances, and the Vice President for Student and Campus Life.

c) If a verdict of guilty is rendered, the subject of the impeachment hearings will cease to serve as a member of the SA Executive Committee as soon as the opinion is issued.

d) Opinions will be prepared consistent with the policy of standard cases except where otherwise indicated in this Section.

Section 4- Impeachment Cases of Members of the USAEC

a) The procedure for rendering opinions on impeachment cases of members of the USAEC will follow that of the Section directly preceding this except where otherwise noted.

b) Copies of the opinion must be furnished to the subject of the impeachment hearings, the student who initiated the proceedings, the SA Executive Committee, the SA Advisor, Director of SA Programs, Personnel and Finances, and the other members of the USAEC.

Article 8- Removal of Justices

a) When a Justice of the Court has exhibited gross incompetence or flagrant disregard for the good of the Student Association, the Court may elect to pursue impeachment of that Justice.

b) Impeachment against a Justice of the Court may be brought only by another Justice on the Court. When impeachment charges are made, the Court shall convene an executive session to discuss whether the accused Justice is guilty of the charges. The accused Justice shall not attend this executive session.

c) The accused Justice will be permitted to submit written testimony to the executive session which shall also be forwarded to the SA Executive committee, should impeachment charges proceed.

d) For impeachment charges to proceed, all four other Justices must consent and affirm that the charges against the accused Justice are true.

e) If the other members of the Court affirm that the charges lodged against a Justice of the Court are true, then the matter will be referred to the SA Executive Committee.

f) The SA Executive Committee may gather information or testimony in the manner it sees fit. It may not decline to consider impeachment of a Justice when referred by the Court.

g) The question of impeachment will be placed on the agenda for the next open business meeting of the SA Executive Committee after the matter is fully referred from the Court. The SA Executive Committee will then consider the reading and vote on whether the accused Justice has demonstrated gross incompetence or

flagrant disregard for the good of the Student Association. The SA Executive Committee must unanimously vote in the affirmative on this question for the Justice to be removed.

h) If the SA Executive Committee finds the accused Justice guilty, the accused Justice will cease to be a member of the Court as soon as the vote result is announced.

i) If the SA Executive Committee does not unanimously find the accused Justice guilty, then the accused Justice will remain a member of the Court and the charges will be considered dismissed.

Article 9- Procedure

a) The Court will conduct itself according to Robert's Rules of Order, Revised, except where this document or controlling documents otherwise specify.

b) The procedures of the Court and the Court itself is governed by SA Financial Policy, the SA Constitution, the policies of the college, SUNY Board of Trustee Guidelines, the laws of the State of New York, and federal law. In the case of any discrepancy between the Court, its guidelines and any of the above regulations, the above regulations will control.

Article 10- Amendment

a) Amendments to these guidelines may be proposed by any member of the Court to the Chief Justice. The Chief Justice will convene an executive session to discuss the proposed changes and to determine whether the Court will endorse such changes. If a majority of the Court endorses a change in its guidelines, the Chief Justice will prepare proposed amendments for the SA Executive Committee

b) Members of the SA Executive Committee may also propose changes to these guidelines.

c) All changes to these guidelines must be approved by at least the three-quarters of the SA Executive Committee through a two-week reading at open business meetings.

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