



COUNCIL BILL

STUDENT GOVERNMENT COUNCIL · MODESTO A. MAIDIQUE CAMPUS
THE 37TH SESSION OF THE STUDENT SENATE

BILL HISTORY FOR LEGISLATIVE ARCHIVE

BILL ITEM	SB3708	
FORMAL TITLE	<i>A Bill to Update the Duties, Procedures, and Positions of the SGC-MMC Judicial Branch</i>	
AUTHOR(S)	<i>Bryan Gomez, Speaker Pro Tempore, CASE Senator; Brandon Aquino, 35th Speaker of the Senate, Former CASE Senator; Cristina Vale, Vice Chairwoman of the Rules, Legislation, and Judiciary Committee, SIPA Senator;</i>	
SPONSORS	<i>Ari Salzman, Chairman of the Rules, Legislation, and Judiciary Committee, CASE Senator; Giacomo Natteri, Chairman of the Finance Committee, Lower Division Senator; Cristhofer Lugo, Vice Chairman of the Student Advocacy Committee, Engineering and Computing Senator; Karla Sofia Perez, College of Business Senator; Amanda Ramirez, Chairwoman of the Student Advocacy Committee, CASE Senator;</i>	
FILING DATE	08-31-20	
COMMITTEE REFERRAL		
INTRODUCED TO FLOOR	08-31-20	
1ST READING	08-31-20	
2ND READING	09-14-20	
VOTE COUNT	29-02-02	
SENATE ACTION	PASSED	09-14-2020
REFERRED TO EXECUTIVE	MM-DD-YYYY	
EXECUTIVE ACTION	ENACTED / VETOED	MM-DD-YYYY
SUMMARY/LEGISLATIVE INTENT	This Council Bill seeks to update the Judicial Branch of the SGC-MMC so that it may function more optimally as well as match its equivalents at the rest of the Florida State University System schools' student governments.	
MAJOR POINTS OF DISCUSSION – 1ST READING		
MAJOR POINTS OF DISCUSSION – 2ND READING		
DOCUMENTS/RESEARCH/ PERSONAL STATEMENTS	SGC-MMC Statutes	



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Bill Item SB3708
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Author(s) *Bryan Gomez, Speaker Pro Tempore, CASE Senator; Brandon Aquino, 35th Speaker of the Senate, Former CASE Senator; Cristina Vale, Vice Chairwoman of the Rules, Legislation, and Judiciary Committee, SIPA Senator;*
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Filed 08-31-20
Committee Referral

A BILL TO UPDATE ARTICLE V OF THE SGC-MMC STATUTES BY PROVIDING A CLEAR STRUCTURE FOR THE SGC-MMC SUPREME COURT AND CREATING NEW POSITIONS THAT AID THE JUDICIAL BRANCH IN SERVING ITS PURPOSE

1 *Be it enacted by the Student Senate of the Student Government Association of the Modesto A.*
2 *Maidique Campus of Florida International University assembled,*
3

4 **SECTION 1. SHORT TITLE.**

5 a) This Bill may be cited as the “Judiciary Reform Act”.
6

7 **SECTION 2. AUTHORITY**

8 The Proposal outlined in this Council Bill is in compliance with the authority granted in Article
9 III, Section 5 (A) 1 of the SGA Constitution as well as restated in Article III, Section 3.01 (b) i-1
10 of the SGC-MMC Statutes, stating that “[The Senate shall] enact and diligently carryout all
11 legislation necessary and proper for the general welfare of the Student Body.” Additionally, this
12 proposal seeks to exercise the Senate’s power to “expand the jurisdiction of the Supreme Court,
13 expand the number of Justices of the Supreme Court” as stated in Article III, Section 5 (A) 8 of
14 the SGA Constitution.



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SECTION 3. BILL

~~Section 5.01 Purpose~~

- (a) ~~The purpose of the SGC-MMC Supreme Court is to serve as the judicial body of the Student Government Council—Modesto A. Maidique Campus.~~
- (b) ~~The Supreme Court shall receive writs of certiorari, for cases of petitions for legal review or grievances against SGC-MMC officials and entities, and shall decide whether to hear them, and if accepted for a hearing, shall rule on the writ.~~

~~Section 5.02 Structure and Leadership~~

- (a) ~~The SGC-MMC Supreme Court shall be composed of one (1) Chief Justice, four (4) associate justices and two (2) Court Clerks.~~
- (i.) ~~The Chief Justice shall be confirmed by the Senate with a two-thirds (2/3) majority vote~~
- (ii.) ~~All Associates shall be confirmed by the Senate with a simple majority vote~~
- (iii.) ~~The SGC-MMC Chief Justice shall be the chief administrator of the Supreme Court and a member of the Executive Board.~~
- (iv.) ~~The SGC-MMC Chief Justice shall serve as the SGC-MMC Parliamentarian.~~
- (1) ~~In absence of the SGC-MMC Chief Justice during a given SGC meeting, any Associate Justice may serve as the SGC-MMC Parliamentarian.~~
- (iv) ~~The Court Clerk is responsible for the following:~~
- (1) ~~Naming and assigning a citation to petitions received by the Supreme Court.~~
- a) ~~In crafting the name of the case, the plaintiff shall be listed first, followed by the defendant (i.e., Wickard v. Filburn).~~



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- 41 b) In assigning a citation to the case, the Supreme Court
42 designations shall be listed first, followed by the semester and year
43 in which the petition was adjudicated (i.e., S.C. 001 (Fall 2010))
44 (2) Making available, for public consumption, the vote and the majority
45 and dissenting and relative concurring opinions, as well as the name and
46 citation of the case.
- 47 a) A hard copy of the opinions relative to each petition shall be
48 filed in a binder in the SGC-MMC office, located in Graham
49 Center, Room 211.
- 50 b) The opinions shall be published at the SGC-MMC website, or
51 some other online resource to be designated by the Chief Justice.

52
53 **(b) Requirements**

- 54 (i) All Associate Justices shall be required to hold and maintain at least three (3)
55 office hours a week in which they are accessible to anyone within the Student
56 Body.
- 57 (ii) The Chief Justice shall complete 10 regularly scheduled office hours per week
58 in which they are accessible to anyone within the student body. Their office hours
59 shall be publicly available.
- 60 (iii) All Associate Justices shall be required to attend and prove proof of attending
61 at least three (3) of Student Government Association (MMC) sponsored events
62 during each semester of their term,
- 63 (1) Associate Justices must provide proof of attendance at each event,
64 preferably in the form of a picture or video, which may be used to promote
65 student government activities.
- 66 (2) Associate Justices must submit proof of attendance to the Chief Justice
67 three (3) weeks before the end of each semester.
- 68



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69 **Section 5.03** Court Procedures

70

71 ~~(a) All writs of certiorari must be validated or declined within ten (10) business days of~~
72 ~~being submitted to the Court Clerk.~~

73 ~~(b) All writs of certiorari must be heard within ten (10) business days of being validated~~
74 ~~unless the writ is a complaint or grievance filed against an SGC MMC Official. If the~~
75 ~~writ is a complaint or grievance filed against an SGC MMC Official, the Judiciary must~~
76 ~~hear the writ within fifteen (15) business days of validating the Writ.~~

77 ~~(c) Any SGC official can be referred for judicial hearing for misfeasance, malfeasance, or~~
78 ~~nonfeasance as stated in the SGC MMC Statutes. This review shall be instigated by a~~
79 ~~written grievance, filed as a writ of certiorari, which may be submitted by any member of~~
80 ~~the student body to the Supreme Court.~~

81 ~~(i) Upon the decided validity of the grievance, the SGC MMC Chief Justice and~~
82 ~~the SGC MMC Advisor will inform the charged SGC Official of the allegations,~~
83 ~~charges, student's rights, and an explanation of the judicial hearing process. The~~
84 ~~charged student's academic schedule should be taken into account for~~
85 ~~consideration of their later scheduled hearing.~~

86 ~~(ii) Once the judicial hearing is scheduled, the SGC official under investigation~~
87 ~~shall be notified within five (5) business days by the SGC MMC Chief Justice of~~
88 ~~the time, date, and location of the SGC MMC judicial hearing, and notice of~~
89 ~~witnesses who will be called to testify against him/her.~~

90 ~~(iii) Prior to the hearing, the plaintiff shall compile all evidence of the official~~
91 ~~actions of the SGC Official in question; this evidence shall be used during the~~
92 ~~hearing. The evidence shall be submitted to the SGC official being investigated~~
93 ~~five (5) business days prior to the hearing.~~

94 ~~(1) In the case that the plaintiff is the Senate Internal Affairs Committee or~~
95 ~~the Department of Justice, the committee or department shall prepare a~~
96 ~~report containing all the applicable information regarding the official.~~



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125 will be based solely on the information presented at the hearing using the standard
126 of “clear and convincing”. Determination may be made by a simple majority vote
127 of the SGC MMC Supreme Court.

128 (vii) The SGC official under investigation will receive written notice within ten
129 (10) business days regarding the outcome of the hearing.

130 (viii) The SGC official under investigation has the right to challenge the inclusion
131 of any Supreme Court member in the hearing. This challenge must be submitted
132 at least three (3) business days prior to the scheduled hearing. The challenge must
133 be in writing, and be based on cause, which clearly provides evidence of a conflict
134 of interest, bias, pressure, or influence that could preclude a fair and impartial
135 hearing.

136 **Section 8.04 Appeals Process**

137 (a) The Appeals Process is as follows:

138 (i) A written request must be submitted to the Vice Preside of Student Affairs or
139 designee within five (5) business days of the receipt of the hearing decision. If a
140 disciplinary action is not appealed, that decision becomes final. The written
141 request must state the reason(s) for appeal, the supporting facts, and the
142 recommended solution. Failure to describe the nature of the evidence in full detail
143 in the appeal letter will result in the denial of an appeal. Appeal considerations are
144 limited to:

145 1) Due process errors involving violations of a charged student’s rights that
146 substantially affected the outcome of the initial hearing. Appeals based on
147 this consideration will be limited solely to a review of the record of the
148 hearing.

149 2) New evidence that was not available at the time of the original hearing and
150 may have substantially affected the outcome. The nature of the evidence
151 must be described in full detail in the appeal letter.



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152 (ii) ~~The Vice President for Student Affairs or designee will review the written appeal,~~
153 ~~tape recording, and documentation from the original hearing, and determine if~~
154 ~~there is a basis for appeal. If the Vice President for Student Affairs or designee~~
155 ~~determines there is no basis for appeal and upholds the original Judicial Board~~
156 ~~Decision, a written decision will be sent to the student stating appeal denial and~~
157 ~~basis for the denial.~~

158 (iii) ~~If an appeal is granted, The Vice President for Student Affairs or designee may~~
159 ~~remand the decision to the original hearing body for review of the specific~~
160 ~~information in question or may order a new hearing to be held by a different~~
161 ~~hearing body composed of students trained as hearing body members by the office~~
162 ~~of Judicial and Mediation Services. Decisions of the appellate body will reflect~~
163 ~~final agency action.~~

164 Section 5.01 Purpose

165 (a) In accordance with the SGA Constitution and these SGC-MMC Statutes, a judicial
166 system shall be established and titled the SGC-MMC Judicial Branch.

167 (b) The purpose of the SGC-MMC Judicial Branch is to serve as the judicial body of the
168 Student Government Council – Modesto A. Maidique Campus through its SGC-MMC
169 Supreme Court and Department of Justice.

170 (c) For the purposes of this Article and the officials over which it establishes its authority,
171 any mention of legal advice, counsel, representation, or behavior representative thereof is
172 not official or certified legal advice, counsel, representation, or behavior representative
173 thereof. None of the officials listed herein shall act as, or assume, the legal privileges and
174 prerogatives of any certified attorney in any capacity.

175 (i) Unless otherwise stated, any position, office, title, or document referenced to
176 within this Article V shall be understood to be an SGC-MMC position, office,
177 title, or document.



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178 (d) The Supreme Court shall receive *Writs of Certiorari*, for cases of petitions for legal
179 review or grievances against SGC-MMC officials and entities, and shall decide whether
180 to hear them, and if accepted for a hearing, shall rule on the *Writ*.

181 Section 5.02 Structure and Leadership

182 (a) The structure of the SGC-MMC Judicial Branch shall be composed of:

183 (i) One (1) Chief Justice

184 (ii) Four (4) Associate Justices

185 (iii) Up to two (2) Court Clerks

186 (1) The SGC-MMC Judicial Branch must have at least one (1) Court
187 Clerk.

188 (iv) One (1) Attorney General

189 (v) Up to three (3) Deputy Attorney General

190 (vi) One (1) University Defender

191 (vii) Up to three (3) Deputy University Defender

192 (b) The Supreme Court shall consist of the Chief Justice, the Associate Justices, and the
193 Court Clerks.

194 (c) The Office of the Attorney General shall consist of the Attorney General and the Deputy
195 Attorney(s) General.

196 (d) The Office of the University Defender shall consist of the University Defender and the
197 Deputy University Defender(s).

198 (e) The Department of Justice shall consist of both the Office of the Attorney General and
199 the Office of the University Defender.

200 (i) The Department of Justice is responsible for enforcing the law, defending the
201 interests of the Student Body, and ensuring the fair and impartial administration
202 of the Constitution and Statutes of the Student Government Association.

203 (ii) Oversight of the Department of Justice may be exercised by the Senate's Internal
204 Affairs Committee, which shall have the authority to review the records of the
205 department, compel reports of its members, and to make recommendations to the



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206 University Defender, Attorney General, Chief Justice, or Senate with regards to
207 its improvement.

208 **Section 5.03** Appointments and Terms of Office

209 (a) As delineated in Article V, Section 6 of the SGA Constitution:

210 (i) The Chief Justice shall be appointed by the President and confirmed by a simple
211 majority vote of the Senate members present and eligible to vote.

212 (ii) The Associate Justices shall be appointed by the Chief Justice and confirmed by a
213 simple majority vote of the Senate members present and eligible to vote.

214 (iii) Justices shall serve for one (1) two-year term, starting at the date of confirmation
215 and ending two years after that date.

216 (1) Justices are not limited to a number of terms they can serve but
217 must re-apply after every two-year term.

218 (iv) Court Clerks shall be appointed by the Chief Justice and serve a one-year term.

219 (1) Court Clerks are not limited to a number of terms they can serve
220 but must re-apply after every one-year term.

221 (b) The positions of the Department of Justice shall be appointed and serve their terms as
222 follows:

223 (i) The Attorney General shall be appointed by the Chief Justice and confirmed by a
224 simple majority vote of the Senate members present and eligible to vote. The
225 Attorney General shall serve a one-year term.

226 (1) Attorneys General are not limited to a number of terms they can
227 serve but must re-apply after every one-year term.

228 (ii) Deputy Attorneys General shall be appointed by the Attorney General and serve a
229 one-year term.

230 (1) Deputy Attorneys General are not limited to a number of terms
231 they can serve but must re-apply after every one-year term.



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232 (iii) The University Defender shall be appointed by the Chief Justice and confirmed
233 by a simple majority vote of the Senate members present and eligible to vote. The
234 University Defender shall serve a one-year term.

235 (1) University Defenders are not limited to a number of terms they can
236 serve but must re-apply after every one-year term.

237 (iv) Deputy University Defenders shall be appointed by the University Defender and
238 serve a one-year term.

239 (1) Deputy University Defenders are not limited to a number of terms
240 they can serve but must re-apply after every one-year term.

241 **Section 5.04** Duties and Responsibilities of Officers

242 (a) The Duties and Responsibilities of the Chief Justice shall include:

243 (i) Serving as the chief administrative officer of the Judicial Branch and the SGC-MMC
244 Supreme Court.

245 (ii) Presiding over meetings of the SGC-MMC Supreme Court.

246 (iii) Serving as a member of the Executive Board.

247 (iv) Having the same powers and responsibilities of the Associate Justices.

248 (v) Serving as the SGC-MMC Senate Parliamentarian.

249 (i) In the absence of the Chief Justice, they may designate an Associate Justice to
250 serve as the SGC-MMC Senate Parliamentarian.

251 (vi) Controlling the judicial agenda and docket and decide which cases the SGC-MMC
252 Supreme Court will consider first.

253 (1) It shall be the sole responsibly of the Chief Justice to decide on and render
254 decisions on motions, made by parties to a case, prior to, during, and after a trial.

255 a) In the absence of the Chief Justice, or in the case of their recusal, they
256 shall designate an Associate Justice to perform this duty.

257 (vii) Being responsible for notifying members of the Judicial Branch of the date, time,
258 location of any Judicial Branch meetings.



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- 259 (viii) Having the authority to assign duties to members of the Judicial Branch that are
260 necessary to meet the objectives of the Judicial Branch.
- 261 (ix) Ensuring that the Oath of Office has been administered to all confirmed SGC-MMC
262 officials.
- 263 (x) Announcing all SGC-MMC Supreme Court resignations and removals at the SGC-
264 MMC Senate meeting immediately following the procedure of resignation and/or
265 removal.
- 266 (xi) Announcing any Writs that the Supreme Court has voted to grant at the SGC-MMC
267 Senate meeting immediately following the Supreme Court's decision.
- 268 (xii) Completing ten (10) regularly scheduled office hours per week in which they are
269 accessible to anyone within the student body. Their office hours shall be publicly
270 available.
- 271 (xiii) Attending at least three (3) SGA-sponsored events per semester.
- 272 (1) Photo evidence, or another form of documentation deemed appropriate by the
273 Internal Affairs Committee, must be submitted to the Internal Affairs Committee
274 for attendance at the event to be valid.
- 275 (xiv) Not being actively identified with any candidate/ticket or campaign for any SGC-
276 MMC elected office(s), nor act in a partisan manner.
- 277 (b) The Duties and Responsibilities of Associate Justices shall include:
- 278 (i) Assisting the Chief Justice in the administration of his or her duties.
- 279 (ii) Performing any duties of the Chief Justice upon his or her request.
- 280 (iii) Completing three (3) regularly scheduled office hours per week in which they are
281 accessible to anyone within the student body. Their office hours shall be publicly
282 available.
- 283



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- 284 (iv) ~~Attending at least three (3) SGA-sponsored events per semester.~~
- 285 (v) (1) Photo evidence, or another form of documentation deemed appropriate by the
- 286 Internal Affairs Committee, must be submitted to the Internal Affairs Committee for
- 287 attendance at the event to be valid.
- 288 (vi) Not being actively identified with any candidate/ticket or campaign for any SGC-
- 289 MMC elected office(s), nor act in a partisan manner.
- 290 (c) The Duties and Responsibilities of Court Clerks shall include:
- 291 (i) Acting as a liaison between the members of the SGC-MMC Supreme Court and the
- 292 members of the Student Government Association and Student Body.
- 293 (ii) Naming and assigning a citation to Writs of Certiorari received by the SGC-MMC
- 294 Supreme Court.
- 295 (iii) Making available, for public consumption, the votes, and opinions of the court, as
- 296 well as the name and citation of the case.
- 297 (1) A hard copy of the opinions relative to each petition shall be filed in a binder
- 298 in the SGC-MMC office.
- 299 (2) A digital copy of the opinions relative to each petition shall be filed and
- 300 uploaded to the FIU Digital Commons Archives.
- 301 (iv) ~~Attending at least three (3) SGA-sponsored events per semester.~~
- 302 (1) ~~Photo evidence, or another form of documentation deemed appropriate by the~~
- 303 ~~Internal Affairs Committee, must be submitted to the Internal Affairs Committee~~
- 304 ~~for attendance at the event to be valid.~~
- 305 (v) Not being actively identified with any candidate/ticket or campaign for any SGC-
- 306 MMC elected office(s), nor act in a partisan manner.
- 307 (d) The Duties and Responsibilities of the Attorney General shall include:
- 308 (i) Serving as the chief administrative officer of the Office of the Attorney General.
- 309 (ii) Being responsible, upon request, for providing counsel and representation to any
- 310 student petitioning the SGC-MMC Supreme Court, the SGC-MMC Elections Board,



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- 311 any lower courts, or established judicial boards under the jurisdiction of the SGC-
312 MMC, as a petitioner, plaintiff, or appellant.
- 313 (iii) Reviewing all bills, resolutions, and appropriations passed by the Senate and offering
314 advice on the legality of the legislation with respect to the Student Government
315 Association Constitution, SGC-MMC Statutes, and university policy.
- 316 (iv) Ensuring the legality of legislation, actions, and proceedings of the Student
317 Government Association with respect to the Student Government Association
318 Constitution, SGC-MMC Statutes, and university policy.
- 319 (v) Filing Writs on behalf of the Students of Florida International University's Modesto
320 A. Maidique Campus in the event that an SGC-MMC official, group of officials, or
321 branch, is, or are, in violation of the Student Government Association Constitution,
322 SGC-MMC Statutes, university policy, or any relevant governing document under the
323 jurisdiction of the Student Government Association.
- 324 (vi) Overseeing litigation on behalf of the Students of Florida International University's
325 Modesto A. Maidique Campus in the SGC-MMC Supreme Court and any lower
326 courts established under the SGC-MMC.
- 327 (vii) Investigating all relevant records and collecting evidence for the purpose of trial
328 preparation and presentation.
- 329 (viii) Completing five (5) regularly scheduled office hours per week in which they are
330 accessible to anyone within the student body. Their office hours shall be publicly
331 available.
- 332 (ix) Attending at least three (3) SGA-sponsored events per semester.
- 333 (1) Photo evidence, or another form of documentation deemed appropriate by the
334 Internal Affairs Committee, must be submitted to the Internal Affairs Committee
335 for attendance at the event to be valid.
- 336 (x) Not being actively identified with any candidate/ticket or campaign for any SGC-
337 MMC elected office(s), nor act in a partisan manner.
- 338 (e) The Duties and Responsibilities of the Deputy Attorney General shall include:



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- 339 (i) Assisting the Attorney General in the administration of his or her duties.
- 340 (ii) Serving as second chair and co-counsel for all cases in which the Attorney General is
- 341 present.
- 342 (1) In the event that the Attorney General is not, or will not, be present the Deputy
- 343 Attorney General shall serve as first chair and lead counsel with the written
- 344 consent of the Attorney General.
- 345 (iii) Performing any duties of the Attorney General in his or her absence or upon his or
- 346 her request.
- 347 (iv) Attending at least three (3) SGA-sponsored events per semester.
- 348 (1) Photo evidence, or another form of documentation deemed appropriate by the
- 349 Internal Affairs Committee, must be submitted to the Internal Affairs Committee
- 350 for attendance at the event to be valid.
- 351 (f) The Duties and Responsibilities of the University Defender shall include:
- 352 (i) Serving as the chief administrative officer of the Office of the University Defender.
- 353 (ii) Being responsible, upon request, for providing counsel and representation to any
- 354 student brought before the SGC-MMC Supreme Court, the SGC-MMC Elections
- 355 Board, any lower courts, or established judicial boards under the jurisdiction of the
- 356 SGC-MMC, as a respondent, defendant, or appellee.
- 357 (1) The University Defender will be required to offer to represent SGC-MMC, or
- 358 any SGC-MMC governing council, in the event that the SGC-MMC and/or an
- 359 SGC-MMC governing council is party to a case being heard before the SGC-
- 360 MMC Supreme Court.
- 361 (iii) Investigating all relevant records and collecting evidence for the purpose of trial
- 362 preparation and presentation.
- 363 (iv) Completing five (5) regularly scheduled office hours per week in which they are
- 364 accessible to anyone within the student body. Their office hours shall be publicly
- 365 available.
- 366 (v) Attending at least three (3) SGA-sponsored events per semester.



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367 (1) Photo evidence, or another form of documentation deemed appropriate by the
368 Internal Affairs Committee, must be submitted to the Internal Affairs Committee
369 for attendance at the event to be valid.

370 (vi) Not being actively identified with any candidate/ticket or campaign for any SGC-
371 MMC elected office(s), nor act in a partisan manner.

372 (g) The Duties and Responsibilities of the Deputy University Defender shall include:

373 (i) Assisting the University Defender in the administration of his or her duties.

374 (ii) Serving as second chair and co-counsel for all cases in which the University Defender
375 is present.

376 (1) In the event that the University Defender is not, or will not, be present the
377 Deputy University Defender shall serve as first chair and lead counsel with the
378 written consent of the University Defender.

379 (iii) Performing any duties of the University Defender in his or her absence or upon his or
380 her request.

381 (iv) Attending at least three (3) SGA-sponsored events per semester.

382 (1) Photo evidence, or another form of documentation deemed appropriate by the
383 Internal Affairs Committee, must be submitted to the Internal Affairs Committee
384 for attendance at the event to be valid.

385 Section 5.05 Orientation and Training

386 (a) Upon confirmation, each member of the Judicial branch shall be required to attend an
387 orientation and training as to their respective roles within the Judicial Branch.

388 (b) The Chief Justice, in cooperation with the Office of General Counsel, shall conduct the
389 training session.

390 (i) Should the Office of General Counsel be unavailable within a reasonable amount
391 of time to assist with Judicial Branch training, the Chief Justice shall conduct the
392 training session in cooperation with the Office of the Vice President of Student
393 Affairs.



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394 (ii) Should the Office of the Vice President for Student Affairs be unavailable within
395 a reasonable amount of time to assist with the Judicial Branch Training, the Chief
396 Justice shall conduct the training in cooperation with the Student Life and
397 Development Office.

398 (c) This orientation and training session may include, but need not be limited to education of
399 the following:

400 (i) Judicial Process;

401 (ii) State Laws;

402 (iii) Local Laws;

403 (iv) Government in the Sunshine;

404 (v) Family Educational Rights and Privacy Act (FERPA);

405 (vi) SGA Constitution;

406 (vii) SGC-MMC Statutes;

407 (viii) SGC-MMC Senate Rules;

408 (ix) FIU's Human Resources guidelines;

409 (x) SGC-MMC Case Law; and

410 (xi) All relevant governing documents.

411 Section 5.06 Meetings and Attendance

412 (a) The Judicial Branch shall meet at least once a month.

413 (i) Judicial Branch meetings will be scheduled regularly by the Chief Justice.

414 (1) The Clerk(s) of Court will send out the agenda and minutes of the
415 upcoming Judicial Branch meeting to all of the members of the Judicial
416 Branch no later than 24 hours prior to the given Judicial Branch meeting.

417 (b) The SGC-MMC Supreme Court will convene whenever necessary in order to review filed
418 Writs or entertain hearings.

419 (i) SGC-MMC Supreme Court meetings and hearings will be scheduled by the Chief
420 Justice.



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- 421 (ii) The Chief Justice may call the court and/or Judicial Branch into session for a
422 special meeting with a 48-hour notice.
- 423 (1) Any member of the Judicial Branch may ask the Chief Justice to call a
424 special meeting. If the Chief Justice refuses to do so, a meeting may be called
425 with a supermajority vote of all the Justices and a 48-hour notice for all
426 Judicial Branch members.
- 427 (c) Each Justice of the SGC-MMC Supreme Court shall attend all court hearings and
428 meetings.
- 429 (i) For any case to be heard, a minimum of three (3) Justices must be present.
- 430 (ii) No Justice will be able to serve in their position during a particular hearing if the
431 scheduled hearing has begun prior to their arrival.
- 432 (d) The accumulation of more than two (2) unexcused absences in one semester by a member
433 of the Judicial Branch from required Judicial Branch Meetings, SGC-MMC Supreme
434 Court Meetings, and/or SGC-MMC Supreme Court Hearings will result in the automatic
435 removal of that Judicial Branch member.
- 436 (i) In order to be excused, notice of the absence must be sent to the Court Clerk(s)
437 no later than 48 hours prior to said absence with documentable proof of excuse.
- 438 (e) Minutes will be taken at all meetings and hearings of the Judicial Branch.
- 439 (i) Judicial Branch meeting minutes are to be made electronically available for
440 public consumption no later than 48 hours after a given meeting.
- 441 (ii) SGC-MMC Supreme Court meeting and hearing minutes are to be made
442 electronically available for public consumption no later than 48 hours after a
443 given meeting or hearing.
- 444 (1) A hard copy of the meeting minutes taken at SGC-MMC Supreme Court
445 Hearings will form part of the record of the case and shall be entered into the
446 judicial archive which shall be held in the SGA Office.
- 447 (2) A digital copy shall additionally be retained and shall be entered into the
448 FIU Libraries Digital Commons.



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449 **Section 5.07 Definitions**

450 (a) Affidavits:

451 (i) If it so chooses, any office of the Department of Justice may collect affidavits from
452 witnesses subpoenaed to testify for a particular trial.

453 (1) Affidavits must be taken by officials of the Department of Justice and
454 submitted to the Clerks of Court no later than 24-hours prior to the
455 commencement of trial.

456 (b) Amicus Curiae Briefs:

457 (i) After a Writ of Certiorari has been granted and all parties have been notified, both
458 parties to the case and any interested parties may file Amicus Curiae Briefs with the
459 Chief Justice.

460 (ii) Briefs must be received by the Chief Justice no later than five (5) business days prior
461 to the commencement of a hearing.

462 (iii) Briefs must conform to the SGC-MMC Amicus Curiae Brief Template and must
463 contain a listing of the general arguments for or against the issue in question.

464 (1) The SGC-MMC Amicus Curiae Brief Template can be found on FIU's
465 Student Government Association website.

466 a) The format of the SGC-MMC Amicus Curiae Brief Template may be
467 revised and approved at the discretion of the Chief Justice.

468 (iv) Briefs must be succinct, to the point, and signed by the party that prepared it.

469 (v) Prior to the start of trial, the Chief Justice shall distribute copies of all available
470 Amicus Curiae Briefs to all parties involved.

471 (c) Contempt:

472 (i) The SGC-MMC Supreme Court shall have the power to cite all parties at interest and
473 any witnesses or spectators, at hearings and trials, for contempt of court and shall
474 have the power to try him, her, or them for this offense and issue punishment or
475 penalty thereof.

476 (d) Counsel:



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477 (i) Any student may represent a plaintiff, or a defendant, in cases of a grievance against
478 an SGC-MMC official or entity, an appellant, or an appellee, in cases of an appeal of
479 the decisions of the SGC-MMC Elections Board or any governing council, or a
480 petitioner, or a respondent, in cases of a petition for legal review so long as the party
481 being represented submits written approval of counsel to the Court Clerk at least 24-
482 hours prior to any judicial proceedings regarding the party's case.

483 (1) Any party brought before the SGC-MMC Supreme Court has the right to
484 representation by the University Defender but must elect to do so. Any party that
485 consents to representation by the University Defender shall be bound to all actions
486 and statements made by said counsel.

487 a) All respondents, defendants, and appellees shall have the right to be
488 represented by the Office of the University Defender. The respondent,
489 defendant, or appellee may choose to forgo representation by the Office of
490 the University Defender.

491 b) All petitioners, plaintiffs, and appellants shall have the right to be
492 represented by the Office of the Attorney General. The petitioner, plaintiff,
493 or appellant may choose to forgo representation by the Office of the
494 Attorney General.

495 (e) Double Jeopardy:

496 (i) No SGC-MMC official shall be tried for the same case twice after having already
497 been found innocent or guilty of said case.

498 (1) This does not include situations in which a student and/or SGC-MMC official
499 chooses to appeal the verdict of his or her case.

500 (f) Failure to Appear:

501 (i) Occurs when a party has failed to appear when, after being served with process or
502 having actively resisted attempts to receive process, he or she does not make an
503 appearance, in person or by counsel, at a duly convened preceding of the SGC-MMC
504 Supreme Court



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505 (ii) If an SGC-MMC official, elected or appointed, knowingly fails to appear before the
506 SGC-MMC Supreme Court, he or she will be held in contempt of court.

507 (iii) Should the charged official, officials, and/or counsel for such, not present themselves
508 at the hearing, the hearing will take place and a decision will be rendered in absentia.

509 (g) Injunction:

510 (i) The SGC-MMC Supreme Court shall have the power to enjoin the action of any
511 official or entity within its jurisdiction.

512 (ii) For any case, the Chief Justice, or in the case of the Chief Justice's recusal or absence
513 in a case, the senior-most Justice, may only enjoin an official or entity within the SGC-
514 MMC's jurisdiction prior to the announcement of the Court's decision, opinion, or
515 verdict.

516 (1) Any injunction the Court puts in place may be the result of a request from either
517 party to a case or the result of the Court's belief that it must intervene in order to
518 prevent further damage to any party.

519 (2) Any injunction the Court puts in place must be lifted upon the conclusion of the
520 case that brought about said injunction. However, this does not mean that the action
521 compelled or restrained by the injunction may not be part of the Court's decision,
522 opinion, or verdict.

523 (iii) The Court may hold individuals, branches, or entities under its jurisdiction in
524 Contempt of Court for acts which defy its injunctions.

525 (h) Opinion:

526 (i) The SGC-MMC Supreme Court shall issue opinions in cases of appeals of the
527 decisions of the SGC-MMC Elections Board, any lower courts, or established judicial
528 boards under the jurisdiction of the SGC-MMC.

529 (ii) The Court may issue the follow types of opinions:

530 (1) Majority opinions:

531 a) The opinion of a simple majority of the Court, the author of which shall be
532 decided by the Chief Justice or, if the Chief Justice is not part of that simple



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533 majority, the senior-most Justice within the majority. Majority opinions shall
534 have binding legal authority and may be cited as precedent in future cases.

535 (2) Dissenting opinions:

536 a) The opinion of a member of the Court who disagrees with the majority.

537 Any Justice disagreeing with the majority may write a dissenting opinion and

538 there may be as many dissenting opinions as there are Justices disagreeing

539 with the majority. Dissenting opinions shall not have binding legal authority.

540 (3) Concurring opinions:

541 a) The opinion of a member of the Court who agrees with the majority but

542 based on legal reasoning different to that of the majority opinion. Concurring

543 opinions shall not have binding legal authority.

544 (4) Plurality opinions:

545 a) The opinion of a set of members of the Court that make up less than a

546 simple majority. This type of opinion can only exist in instances where the

547 Court failed to arrive at a majority opinion.

548 (i) Oral Argument:

549 (i) Oral Argument is the time allotted in cases involving an appeal or a petition for legal

550 review to the parties of the case during which they make their argument for why their

551 interpretation of the law should be upheld.

552 (ii) During this time, Justices may interrupt the presenting party to ask questions.

553 Although the time taken by the Justice to ask the question will not be taken from the

554 presenting party's time, the time they take to answer the Justice's question will.

555 (iii) No later than 72-hours prior to the commencement of Oral Argument proceedings

556 the Chief Justice shall inform both parties of the amount of time they will each be

557 allotted.

558 (1) After reading all filed Amicus Curiae briefs, the Chief Justice may decide that

559 Oral Argument is not necessary, at which point both parties will be notified. Upon the



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- 560 notification of both parties, the three (3) business day period of deliberations will
561 begin.
- 562 (2) If the Chief Justice decides that Oral Argument proceedings are necessary, they
563 may set no less than ten (10) minutes and no more than thirty (30) minutes for both
564 sides to present their case.
- 565 a) If after hearing Oral Argument from both sides the Court wishes to
566 continue hearing from the parties to the case, the Chief Justice may extend
567 Oral Argument by no more than ten (10) minutes.
- 568 i) This extension may not be granted after the adjournment of the original
569 proceeding.
- 570 ii) This extension shall follow the same structure as that of a standard Oral
571 Argument proceeding.
- 572 (j) Recusal:
- 573 (i) Any Justice of the SGC-MMC Supreme Court shall recuse himself/herself from
574 participation in the adjudication of a case if he or she believe that, by virtue of his or her
575 relationship or close association with any of the parties to the case, he or she is unable to
576 decide the case impartially.
- 577 (ii) Any parties to a case before the SGC-MMC Supreme Court have the right to
578 challenge the inclusion of any Justice in his or her respective hearing.
- 579 (1) This challenge must be submitted no later than three (3) business days prior to
580 the scheduled hearing.
- 581 (2) The challenge must be in writing and based on cause, which clearly provides
582 evidence of a conflict of interest, bias, pressure, or influence that could preclude
583 a fair and impartial hearing.
- 584 (iii) In the event of a challenge for recusal, or that one or more Justices feels as though a
585 fellow Justice should be recused, the Justices shall take a vote for said Justice's
586 recusal.
- 587 (1) This vote shall take place during an official meeting of the Supreme Court.



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- 588 (2) If a simple majority of the Justices hearing the case vote to recuse the Justice in
589 question, that Justice will be recused for the remainder of the case.
- 590 (iv) When a Justice has been recused, they shall take no part in the trial in any official
591 capacity. This restriction is to include hearings, deliberations, votes, the opinion drafting
592 process, and any other business of the court regarding the case in which they were
593 recused.
- 594 (v) If the Chief Justice is recused, the senior-most Justice taking part in the case shall be
595 serve as acting Chief Justice and bare all of the duties and responsibilities of the Chief
596 Justice for that case.
- 597 (k) Standing:
- 598 (i) Any aggrieved party who is a student at Florida International University shall have
599 the standing to bring a complaint before the SGC-MMC Supreme Court.
- 600 (ii) Any SGC-MMC official, officials, or SGC-MMC branch can be referred for judicial
601 hearing for violations of any SGA or SGC governing documents, and/or relevant
602 governing documents, university procedures, state laws, and/or federal laws. This
603 review shall be instigated by a written grievance filed as a Writ of Certiorari.
- 604 (1) SGC-MMC officials shall include but may not be limited to all members of
605 the SGC-MMC Legislative, Executive, and Judicial branches as well as all
606 Governing Council Directors.
- 607 (l) Statute of Limitations:
- 608 (i) No case shall be heard by the SGC-MMC Supreme Court more than ninety (90)
609 business days after the alleged act, occurrence, or transaction constituted the principal
610 matter of the case or reasonable discovery thereof.
- 611 (m) Subpoena:
- 612 (i) The SGC-MMC Supreme Court shall have the power of subpoena over all SGC-
613 MMC Officials.
- 614 (ii) The SGC-MMC Supreme Court may request the testimony of students that are not
615 SGC-MMC Officials.



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616 (iii) Any SGC-MMC Official who fails to obey a subpoena shall be held in contempt of
617 court.

618 (n) Summary Judgment:

619 (i) A pre-trial motion in cases of a grievance against an SGC-MMC official or entity.

620 Motions for Summary Judgment seek to establish that the disputed issues of the case are
621 matters of law rather than matters of fact and therefore renders the need for a trial
622 unnecessary.

623 (1) The Court shall only grant this motion after receiving an outline of the facts as
624 presented by both sides.

625 a) If the Court believes that the facts, as presented by both sides, do not
626 conflict with one another it may grant this motion.

627 b) After granting a Motion for Summary Judgment, the Court shall request
628 that both parties to the case submit briefs outlining the legal theory behind
629 their allegation or defense within five (5) business days.

630 c) Upon the conclusion of the five (5) business day period for submission of
631 briefs, the Court shall enter a five (5) business day period to deliberate, arrive
632 at a verdict, and, if applicable, decide on the sentence.

633 (2) This motion may only be filed by the defendant since, in effect, it waives the
634 defendant's right to a trial if granted by the Court.

635 (o) The Supreme Court:

636 (i) Refers to all Justices of the Supreme Court, acting as one entity.

637 (1) When mentioned in the context of a case, "The Supreme Court" may refer to
638 all the Justices participating in that given case, which may exclude any Justices
639 that were absent or recused. It may also refer to the Chief Justice in their capacity
640 as the chief administrative officer of the Supreme Court, usually in the context of
641 the power to grant or deny motions.

642 (ii) May also be referred to as "The Court," "The Justices," or "The Bench"

643 (p) Writs of Certiorari:



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- 644 (i) The SGC-MMC Supreme Court shall receive Writs of Certiorari for cases of:
645 (1) Petition for legal review.
646 a) For these cases, the parties involved will be either:
647 i) Petitioner; or
648 ii) Respondent.
649 (2) Grievance against SGC-MMC officials and entities.
650 a) For these cases, the parties involved will be either:
651 i) Plaintiff; or
652 ii) Defendant.
653 (3) Appeal of the decisions of the SGC-MMC Elections Board, any lower courts,
654 or established judicial boards under the jurisdiction of the SGC-MMC.
655 a) For these cases, the parties involved will be either:
656 i) Appellant; or
657 ii) Appellee.

658 Section 5.08 Pre-Trial Procedures

- 659 (a) All Writs of Certiorari must be granted or denied by a simple majority vote of the SGC-
660 MMC Supreme Court Justices within ten (10) business days of being submitted to the
661 Court Clerk(s).
662 (i) Upon granting of a Writ, the SGC-MMC Supreme Court Clerk(s) is/are required to
663 forward the Writ to the officers of the Department of Justice no later than 48 hours
664 after granting.
665 (1) The Office of the Attorney General will be required to serve as counsel for the
666 petitioner/plaintiff/appellant.
667 a) The petitioner/plaintiff/appellant may choose to opt out of being
668 represented by the Office of the Attorney General.
669 b) The Office of the Attorney General has the prerogative to take a
670 student's case and represent it on behalf of the Students of Florida
671 International University.



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672 (2) The Office of the University Defender will be required to serve as counsel for
673 the respondent/defendant/appellee.

674 a) The respondent/defendant/appellee may choose to opt out of being
675 represented by the Office of the University Defender.

676 b) The Office of the University Defender has the prerogative to take a
677 student's case and aid the student in preparing a defense to the charges
678 rendered against him, her, and/or them.

679 (b) Upon the granting of the Writ of Certiorari, the SGC-MMC Supreme Court Clerk(s)
680 shall:

681 (i) Assign the name of the case, where the surname of the
682 plaintiff/petitioner/appellant shall be listed first, followed by the surname of the
683 defendant/respondent/appellee. (i.e. Richards v. Smith)

684 (ii) Assign each case a trial number of standard formats.

685 (1) The case number shall be formatted with the SGC-MMC Supreme Court
686 designation listed first followed by the order number beginning with 001
687 according to the order in which it was received, followed by the respective
688 calendar year in which the case was adjudicated. (i.e. S.C. 001 (2020)).

689 a) All cases should begin January 1st (S.C. 001 (2020)) through December
690 31st (S.C. XXX (2020)).

691 (iii) Inform the accused, in writing, of the allegations, charges, students' rights, and
692 judicial hearing process no later than twenty-four (24) hours after granting.

693 (c) All Writs of Certiorari must be heard within ten (10) business days of being granted
694 unless the Writ is a complaint or grievance filed against an SGC-MMC official.

695 (i) If the Writ is a complaint or grievance filed against an SGC-MMC official, the
696 SGC-MMC Supreme Court must hear the Writ within fifteen (15) business days of
697 granting the Writ.



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- 698 (d) The SGC-MMC Supreme Court Chief Justice should take into account the accused's
699 academic and extracurricular schedules when selecting the date and time of his, her,
700 and/or their hearing.
- 701 (e) Once the judicial hearing is scheduled, the SGC official, or officials, under investigation
702 shall be notified within five (5) business days by the Chief Justice of the time, date, and
703 location of the judicial hearing.
- 704 (i) If, for any reason, a hearing is postponed the Chief Justice must alert all parties to
705 the case no later than 24-hours prior to the commencement of the original hearing and
706 must notify them of the new time, date, and location of the judicial hearing no later
707 than five (5) business days prior to the commencement of the new hearing unless the
708 new hearing is to take place less than five (5) business days after the time set
709 originally, in which case the Chief Justice is to notify all parties as soon as possible.
- 710 (f) The Attorney General, University Defender, and/or chosen Counsel shall compile all
711 evidence to be used at the judicial hearing. This evidence shall be submitted to the
712 opposing party and the Court by the Attorney General, University Defender, and/or
713 chosen Counsel no later than five (5) business days prior to the hearing.
- 714 (g) If any party to a case wishes to subpoena a witness for a hearing, the party must submit
715 an official request.
- 716 (i) This request must be communicated to the Court and all other parties to the case.
717 (ii) This request must include the full name of the person being subpoenaed, their
718 academic email, and an explanation of the relevance of this subpoena.
- 719 (1) The Chief Justice shall decide whether the witness is relevant to the case. If
720 so, the Chief Justice shall inform the Court Clerk(s) to contact the witness to
721 inform them that they have been subpoenaed and must appear before the
722 Court on the date of the hearing.
- 723 (h) Whenever the Chief Justice, or a simple majority of the Justices present, deems it
724 appropriate, the Supreme Court may consolidate multiple cases into one.



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- 725 (i) A consolidation of cases will be deemed appropriate when the constitutional issue
726 in question is the same or substantially similar.
- 727 (ii) A consolidation of cases may be deemed appropriate in appeals cases and cases
728 involving a petition for legal review.
- 729 (iii) A consolidation of cases shall be prohibited in cases of a grievance against an
730 SGC-MMC official or entity.
- 731 (1) This prohibition is to exclude instances where multiple officials or entities
732 have been alleged to conspire to commit an act of nonfeasance, misfeasance,
733 or malfeasance in concert, whereby the Court may choose to try all the
734 accused as co-defendants.
- 735 (i) In cases involving an appeal of the decisions of the SGC-MMC Elections Board, any
736 lower courts, or established judicial boards under the jurisdiction of the SGC-MMC, the
737 Chief Justice shall forward all Amicus Curiae briefs to the rest of the Court. After
738 distributing all briefs and no later than 72 hours prior to the commencement of Oral
739 Argument proceedings, the Chief Justice will inform both parties of how much time they
740 are to be allotted for Oral Argument as well as whether or not additional briefs will be
741 accepted up to 24-hours prior to the commencement of proceedings.
- 742 (i) No briefs shall be accepted past the 72-hour period prior to the commencement of
743 Oral Argument proceedings that was not written and filed by either of the parties to
744 the case.
- 745 (1) Before this period, briefs shall be accepted from all interested parties.
- 746 (ii) Both parties in cases of an appeal of the decision of the SGC-MMC Elections
747 Board, any lower courts, or established judicial boards under the jurisdiction of the
748 SGC-MMC shall be allotted the same amount of time for Oral Argument.
- 749 (1) The only exception to this shall include sanctions levied by the Chief Justice
750 in cases were a party to the case is being held in Contempt of Court.
- 751 (j) In cases involving a grievance against an SGC-MMC official or entity, the accused may
752 file a motion for Summary Judgment.



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- 753 (i) This request is to be submitted to the Clerk of the Court and the Chief Justice via
754 official communication.
- 755 (ii) With the request, the accused must also submit a brief outlining the facts as they
756 know them.
- 757 (iii) The plaintiff will be notified of the defendant’s filing and required to submit a
758 brief outlining the facts as they know them as well.
- 759 (iv) Upon receiving both briefs, the Chief Justice will decide whether to grant the
760 motion for Summary Judgment. If the motion is granted, both parties shall be asked to
761 submit briefs outlining the legal theory of their allegation or defense.
- 762 (k) In cases involving a petition for legal review the Court shall be tasked with notifying the
763 entity which governs the challenged governing document of the case. This entity shall
764 have standing in that matter and may serve as the Respondent in that given case if they
765 would like to offer an alternate interpretation to that of the Petitioner.
- 766 (i) When a petition for legal review is filed and granted Writ of Certiorari by the
767 Court, the case will enter a two (2) business day period during which any SGC-MMC
768 branch or entity with standing in the matter may file to serve as a Respondent in the
769 case. If the two (2) business day period elapses without any SGC-MMC branch or
770 entity opting to serve as a Respondent a three (3) business day period will begin,
771 during which any student enrolled at the university may file to serve as the
772 Respondent in this case. If after the three (3) business day period, there is no
773 Respondent the case moves forward with the Petitioner as the sole party to the case.
- 774 (1) Organizations, branches, entities, officials, or students that wish to serve as a
775 Respondent to a case may request to do so by submitting a written communication
776 to the Clerk of the Court and the Chief Justice.
- 777 (ii) When a petition for legal review of the SGA governing documents is filed and the
778 Court grants that case Writ of Certiorari, the SGC-MMC Senate shall have standing
779 to serve as the Respondent to the case.



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- 780 (1) The SGC-MMC Speaker of the Senate shall, as the representative of the
781 Senate, decide whether the Senate will argue the case.
- 782 a) If the SGC-MMC Speaker of the Senate decides that the Senate will
783 serve as a Respondent to the case the Speaker must appoint a Senator to
784 argue the case on the Senate’s behalf.
- 785 i) The Speaker must obtain the Senator’s consent in writing in
786 order to appoint them as the Senate’s representative in this case.
- 787 (iii) When a petition for legal review of lower governing documents, such as the
788 Constitutions of governing councils and other organizations under the Student
789 Government’s jurisdiction, is filed and the Court grants that case Writ of Certiorari,
790 that governing council or organization’s executive board shall have standing to serve
791 as the Respondent to the case.
- 792 (1) The governing council or organization’s Executive Board must choose one
793 member to represent the council or organization in the case.
- 794 (iv) The Chief Justice shall review and distribute all Amicus Curiae briefs to the rest
795 of the Court and shall inform all parties to the case of how much time they will be
796 allotted for Oral Argument no later than 72 hours prior to the commencement of Oral
797 Argument proceedings.
- 798 (l) After the Court has granted a case Writ of Certiorari and before the start of trial, either
799 party to a case may request a continuance, which may be granted at the discretion of the
800 Chief Justice.
- 801 (i) Any continuance granted by the Court shall not be in excess of five (5) business
802 days, unless agreed to by both parties to the case as well as the Court.
- 803 (m) The SGC-MMC Supreme Court shall have the power to issue injunctions.
- 804 **Section 5.09 Trial Procedures**
- 805 (a) All trial, hearing, and court proceedings and orders of the court shall be established by
806 the SGC-MMC Statutes and published prior to the court session.



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- 807 (b) All parties shall be given equal opportunity to review the orders, and rules, and to present
808 their case.
- 809 (c) Proceedings for cases involving a grievance against an SGC-MMC official or entity are
810 as follows:
- 811 (i) Opening remarks by the Chief Justice.
- 812 (ii) Opening statement by the plaintiff.
- 813 (iii) Opening statement by the defendant.
- 814 (iv) Presentation of witnesses by the plaintiff.
- 815 (1) The defendant may ask the plaintiff's witnesses questions after the plaintiff
816 has finished with their line of questioning for each.
- 817 (2) The amount of time allotted for either side to question the witness shall be
818 determined by the Chief Justice.
- 819 (1) The plaintiff shall be allotted the same amount of time to question their
820 witnesses as the defendant will be allotted to question the plaintiff's witnesses.
- 821 (v) Presentation of witnesses by the defendant.
- 822 (1) The plaintiff may ask the defendant's witnesses questions after the defendant
823 has finished with their line of questioning for each.
- 824 (2) The amount of time allotted for either side to question the witness shall be
825 determined by the Chief Justice.
- 826 a) The defendant shall be allotted the same amount of time to question
827 their witnesses as the plaintiff will be allotted to question the plaintiff's
828 witnesses.
- 829 (vi) Closing statement by the plaintiff.
- 830 (vii) Closing statement by the defendant.
- 831 (viii) Rebuttal by the plaintiff.
- 832 (ix) Closing remarks and adjournment by the Chief Justice.



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- 833 (d) Proceedings for cases involving an appeal of the decision of the SGC-MMC Elections
834 Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-
835 MMC are as follows:
- 836 (i) Opening remarks by the Chief Justice.
 - 837 (ii) Oral Argument by the Appellant.
 - 838 (iii) Oral Argument by the Appellee.
 - 839 (iv) Rebuttal by the Appellant if any time was reserved for rebuttal.
 - 840 (1) Only the Appellant may reserve time for a rebuttal.
 - 841 (2) To reserve time for a rebuttal, the Appellant must state that they desire to
842 reserve the remainder of their time during Oral Argument when they have as
843 much time left as they would like to reserve.
 - 844 a) The amount of time reserved for rebuttal may not exceed twenty (20)
845 percent of the total amount of time allotted to the Appellant for Oral
846 Argument.
 - 847 (v) Closing remarks and adjournment by the Chief Justice.
- 848 (f) Proceedings for cases involving a petition for legal review are as follows:
- 849 (i) Opening remarks by the Chief Justice.
 - 850 (ii) Oral Argument by the Petitioner.
 - 851 (iii) Oral Argument by the Respondent.
 - 852 (1) If no one has filed to serve as a Respondent to the case then Oral Argument
853 shall only be heard from the Petitioner.
 - 854 (iv) Rebuttal by the Petitioner if any time was reserved for rebuttal.
 - 855 (1) Only the Petitioner may reserve time for a rebuttal.
 - 856 (2) To reserve time for a rebuttal, the Petitioner must state that they desire to
857 reserve the remainder of their time during Oral Argument when they have as
858 much time left as they would like to reserve.



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859 a) The amount of time reserved for rebuttal may not exceed twenty (20)
860 percent of the total amount of time allotted to the Petitioner for Oral
861 Argument.

862 (v) Closing remarks and adjournment by the Chief Justice

863 **Section 5.10 Post-Trial Procedures**

864 (a) Upon the adjournment of proceedings for a case, the SGC-MMC Supreme Court Justices
865 shall have up to three (3) business days to deliberate on the case and vote on a decision if
866 it is an appeal or a petition for legal review. In grievance cases, the Court shall have up to
867 ten (10) business days to deliberate on the case, arrive at a verdict, and decide on a
868 sentence.

869 (b) Appeals cases and cases involving a petition for legal review shall be decided using the
870 standard of “to a preponderance of the evidence.”

871 (c) Grievance cases shall be decided solely on the information presented during the trial and
872 using the standard of “beyond a reasonable doubt.”

873 (d) Upon the conclusion of deliberations, the Court shall render one of the following types of
874 decisions based on the type of case:

875 (i) In petition for legal review cases, the Court shall provide a constitutional
876 interpretation that addresses the issue presented by the Petitioner.

877 (1) The Court may recommend that further action be taken by the SGC-MMC
878 Senate, SGC-MMC Executive Branch, or other entity under the jurisdiction of
879 the SGC-MMC to address the issue as part of its interpretation.

880 (ii) In grievance cases, the Court shall announce a verdict and, if applicable, a
881 sentence.

882 (1) The verdict of a grievance case shall either be “guilty” or “not guilty” as
883 determined by the vote of the Justices.

884 (2) If a defendant is found guilty, the Chief Justice shall be tasked with deciding
885 the sentence but should consult the rest of the Court before delivering the
886 sentence.



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887 (iii) In appellate cases, the Court will decide whether to remand, affirm, reverse,
888 vacate, or modify the decision of the lower court or judicial body and shall deliver an
889 opinion that states what action the Court has decided to take as well as the Court's
890 legal reasoning.

891 (1) The court may issue the following kinds of opinions:

892 a) Majority opinions

893 b) Dissenting opinions

894 c) Concurring opinions

895 d) Plurality opinions

896 (2) Only majority opinions shall have binding legal authority and establish
897 precedent within the SGC-MMC case law.

898 (3) Justices may only author one (1) opinion for each given case.

899 a) Justices may opt to not author an opinion and instead join in the opinion
900 of another Justice.

901 b) The only instances where a Justice may join in the opinion of another
902 Justice and author their own at the same time including the following:

903 i) When they are a part of the majority, but do not deliver the
904 majority opinion, and author a concurring opinion.

905 ii) When they are not a part of the majority and author a dissenting
906 opinion and join in the opinion of another dissenting Justice.

907 (4) In the case where a simple majority of the Court cannot agree upon an
908 opinion, the lower court or judicial body's ruling shall stand, and no majority
909 opinion shall be produced.

910 (e) After arriving at their decision, the Court shall have up to five (5) business days to write
911 all of their opinion(s).

912 Section 5.11 Appeals Process

913 (a) The Appeals Process is as follows:



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914 (i) A written request must be submitted to the Vice President of Student Affairs or
915 their designee within five (5) business days of the receipt of the hearing decision. If a
916 disciplinary action is not appealed, that decision becomes final. The written request
917 must state the reason(s) for appeal, the supporting facts, and the recommended
918 solution. Failure to describe the nature of the evidence in full detail in the appeal
919 letter will result in the denial of an appeal. Appeal considerations are limited to:
920 (1) Violations of State and/or Federal Law(s)
921 (2) Violations of Students' Due Process Rights
922 (ii) The Vice President of Student Affairs or their designee will review the written
923 appeal, the record, and documentation from the original hearing, and determine if
924 there is a basis for appeal. If the Vice President for Student Affairs or their designee
925 determines there is no basis for appeal and upholds the original SGC-MMC Supreme
926 Court Decision, a written decision will be sent to the student stating appeal denial and
927 basis for the denial.
928 (iii) If an appeal is granted, the Vice President of Student Affairs or their designee
929 will remand the decision to the original hearing body for a de novo review in
930 consideration of the Vice President of Student Affairs' instruction to follow the
931 violated State and/or Federal law(s), or to consider the new evidence, or both.
932 (iv) After delivering an opinion or verdict for any case, the Court must inform the
933 parties to the case of how they may contact the Senate Rules, Legislation, and
934 Judiciary Committee if they wish to report a perceived violation of their Due Process
935 rights.
936 (1) The Senate Rules, Legislation, and Judiciary Committee shall be tasked with
937 preparing a virtual form on a university sponsored online platform that students
938 may access to report a perceived violation of their Due Process rights.

939
940 **SECTION 4. ENACTMENT TIME**



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- 941 (a) Upon the passage of this Council Bill by the SGC-MMC Senate and its signing by the
942 SGC-MMC President, this shall become the official law of the SGC-MMC. Accordingly,
943 all statutory updates will take effect immediately.
- 944 (b) A stipend for the positions of Attorney General and University Defender shall be
945 included in the next Emoluments Proposal by the SGC-MMC President and any
946 subsequent Emoluments Proposals so long as the positions continue to exist within the
947 SGC-MMC.
- 948 (i) The amount of the stipend for the positions of Attorney General and University
949 Defender must be equal to or greater than the stipend for Secretaries of the Executive
950 Branch but may not exceed the amount of the stipends of Senators.
- 951 (ii) The amount of the stipend for the position of Attorney General shall be equivalent to
952 the amount of the stipend for the position of University Defender.
- 953 (iii) Prior to the next Emoluments Proposal taking effect in this upcoming fiscal year, both
954 the position of the Attorney General and the position of the University Defender may
955 be filled so long as the appointee has submitted a written statement acknowledging
956 and consenting to the following stipulations:
- 957 (1) Neither position shall be salaried through the 2020-2021 fiscal year.
- 958 (2) Both positions will still be held accountable for their weekly office hours and
959 other requirements of their position through the 2020-2021 fiscal year.
- 960 (3) The term for both positions shall end earlier than the usual one-year term.
- 961 a) Both positions shall have their term end at the start of the 2021-2022
962 fiscal year.
- 963 (4) These stipulations shall, at the start of the 2021-2022 fiscal year, no longer
964 affect neither the position of the Attorney General nor the position of the
965 University Defender.
- 966 (c) The positions of Clerk of the Court, Deputy Attorney General, and Deputy University
967 Defender shall be considered volunteer positions, and thus shall neither be required to
968 complete any amount of office hours nor paid a stipend.



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969 SECTION 5. IMPLEMENTATION

970 If any section, subsection, sentence, clause or phrase of this Council Bill and the proposed
971 changes to the SGC-MMC Statutes outlined herein are for any reason held to be unconstitutional,
972 contrary to statute, or otherwise inoperative, such decision shall affect only the particular section,
973 subsection, sentence, clause or phrase in question of this Council Bill, and will not affect the
974 validity of the remaining portion of this Council Bill.

975

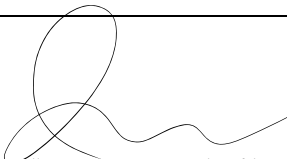


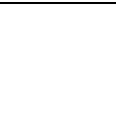
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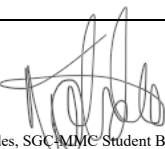


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SB3708		
A BILL TO UPDATE THE DUTIES, PROCEDURES, AND POSITIONS OF THE SGC-MMC JUDICIAL BRANCH		
IN FAVOR OF: 29	AGAINST: 2	ABSTENTIONS: 2
AMENDMENTS: APPENDED ON BACK.		

SENATE ACTION	DATE: 9/14/20	<u>PASSED</u>	FAILED
 Janelle Fraga, SGC-MMC Speaker of the Senate			
 , Bryan Gomez	 , Cristina Vale	 , Brandon Aquino	

EXECUTIVE ACTION	DATE:	ENACTED	VETOED
 Alexandra Valdes, SGC-MMC Student Body President			