## BILL HISTORY FOR LEGISLATIVE ARCHIVE

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<td>FORMAL TITLE</td>
<td>A Bill to Update the Duties, Procedures, and Positions of the SGC-MMC Judicial Branch</td>
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<tr>
<td>AUTHOR(S)</td>
<td>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;</td>
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<tr>
<td>SPONSORS</td>
<td>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;</td>
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### 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

**Amendment Coding:** Words **striked** are deletions; words **underlined** are additions.
COUNCIL BILL
STUDENT GOVERNMENT COUNCIL · MODESTO A. MAIDIQUE CAMPUS
THE 37TH SESSION OF THE STUDENT SENATE

Bill Item
SB3708

Formal Title
A Bill to Update the Duties, Procedures, and Positions of the SGC-MMC Judicial Branch

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;

Sponsors
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;

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

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

SECTION 1. SHORT TITLE.

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

SECTION 2. AUTHORITY

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

Amendment Coding: Words struck are deletions; words underlined are additions.
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).
b) In assigning a citation to the case, the Supreme Court designation shall be listed first, followed by the semester and year in which the petition was adjudicated (i.e., S.C. 001 (Fall 2010)).

(2) Making available, for public consumption, the vote and the majority and dissenting and relative concurring opinions, as well as the name and citation of the case.

a) A hard copy of the opinions relative to each petition shall be filed in a binder in the SGC-MMC office, located in Graham Center, Room 211.

b) The opinions shall be published at the SGC-MMC website, or some other online resource to be designated by the Chief Justice.

(b)-Requirements

(i) All Associate Justices shall be required to hold and maintain at least three (3) office hours a week in which they are accessible to anyone within the Student Body.

(ii) The Chief Justice shall complete 10 regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.

(iii) All Associate Justices shall be required to attend and prove proof of attending at least three (3) of Student Government Association (MMC)-sponsored events during each semester of their term.

(1) Associate Justices must provide proof of attendance at each event, preferably in the form of a picture or video, which may be used to promote student government activities.

(2) Associate Justices must submit proof of attendance to the Chief Justice three (3) weeks before the end of each semester.
Section 5.03 Court Procedures

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

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

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

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

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

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

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

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(2) In the case that a student presents the writ of certiorari, that student is entitled to present the case and evidence or request and allow the Department of Justice to take up the plaintiff role, by presenting the evidence and presenting the argument in the hearing.

i) The Department of Justice has the prerogative to accept or deny the student’s request to present a case on the student’s behalf.

(iv) Should the charged official not present him/herself at the hearing, the hearing will take place and a decision will be rendered in absentia.

(v) The hearing will be recorded for documentation purposes, will be chaired by the SGC-MMC Chief Justice, and will proceed as follows:

(1) Opening statement by the SGC-MMC Chief Justice.

i) At any point throughout the proceedings any justice may interrupt to ask a question

(2) Opening statement by the plaintiff, and submission of any pertinent written information (e.g., records, exhibits, written statements) except for witness statements for consideration by the Supreme Court.

(3) Opening statement by the defendant, and submission of any pertinent written information (e.g., records, exhibits, written statements) except for witness statements for consideration by the Supreme Court.

(4) Plaintiff witness statements are submitted, and their witnesses are questioned in the following order: the plaintiff, the defendant, and any justices present.

(5) Defendant witness statements are submitted, and their witnesses are questioned in the following order: the defendant, the plaintiff, and any justices present.

(6) Closing statement are made by the plaintiff.

(vi) Upon conclusion of the hearing, the SGC-MMC Supreme Court will move into deliberations. The Supreme Court’s determination of “guilty” or “not guilty”

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

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

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

**Section 8.04 Appeals Process**

(a) The Appeals Process is as follows:

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

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

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

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

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

Section 5.01 Purpose

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

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

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

(i) Unless otherwise stated, any position, office, title, or document referenced to within this Article V shall be understood to be an SGC-MMC position, office, title, or document.
(d) 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 structure of the SGC-MMC Judicial Branch shall be composed of:

(i) One (1) Chief Justice

(ii) Four (4) Associate Justices

(iii) Up to two (2) Court Clerks

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

(iv) One (1) Attorney General

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

(vi) One (1) University Defender

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

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

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

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

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

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

(ii) Oversight of the Department of Justice may be exercised by the Senate’s Internal Affairs Committee, which shall have the authority to review the records of the 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
209 Section 5.03 Appointments and Terms of Office
210 (a) As delineated in Article V, Section 6 of the SGA Constitution:
211 (i) The Chief Justice shall be appointed by the President and confirmed by a simple
212 majority vote of the Senate members present and eligible to vote.
213 (ii) The Associate Justices shall be appointed by the Chief Justice and confirmed by a
214 simple majority vote of the Senate members present and eligible to vote.
215 (iii) Justices shall serve for one (1) two-year term, starting at the date of confirmation
216 and ending two years after that date.
217 (1) Justices are not limited to a number of terms they can serve but
218 must re-apply after every two-year term.
219 (iv) Court Clerks shall be appointed by the Chief Justice and serve a one-year term.
220 (1) Court Clerks are not limited to a number of terms they can serve
221 but must re-apply after every one-year term.
222 (b) The positions of the Department of Justice shall be appointed and serve their terms as
223 follows:
224 (i) The Attorney General shall be appointed by the Chief Justice and confirmed by a
225 simple majority vote of the Senate members present and eligible to vote. The
226 Attorney General shall serve a one-year term.
227 (1) Attorneys General are not limited to a number of terms they can
228 serve but must re-apply after every one-year term.
229 (ii) Deputy Attorneys General shall be appointed by the Attorney General and serve a
230 one-year term.
231 (1) Deputy Attorneys General are not limited to a number of terms
232 they can serve but must re-apply after every one-year term.
(iii) The University Defender shall be appointed by the Chief Justice and confirmed by a simple majority vote of the Senate members present and eligible to vote. The University Defender shall serve a one-year term.

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

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

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

Section 5.04 Duties and Responsibilities of Officers

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

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

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

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

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

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

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

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

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

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

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

Amendment Coding: Words struck are deletions; words underlined are additions.
(viii) Having the authority to assign duties to members of the Judicial Branch that are necessary to meet the objectives of the Judicial Branch.

(ix) Ensuring that the Oath of Office has been administered to all confirmed SGC-MMC officials.

(x) Announcing all SGC-MMC Supreme Court resignations and removals at the SGC-MMC Senate meeting immediately following the procedure of resignation and/or removal.

(xi) Announcing any Writs that the Supreme Court has voted to grant at the SGC-MMC Senate meeting immediately following the Supreme Court’s decision.

(xii) Completing ten (10) regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.

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

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

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

(b) The Duties and Responsibilities of Associate Justices shall include:

(i) Assisting the Chief Justice in the administration of his or her duties.

(ii) Performing any duties of the Chief Justice upon his or her request.

(iii) Completing three (3) regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.
(iv) Attending at least three (3) SGA-sponsored events per semester.
(v) (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.
(vi) Not being actively identified with any candidate/ticket or campaign for any SGC-MMC elected office(s), nor act in a partisan manner.

(c) The Duties and Responsibilities of Court Clerks shall include:
(i) Acting as a liaison between the members of the SGC-MMC Supreme Court and the members of the Student Government Association and Student Body.
(ii) Naming and assigning a citation to Writs of Certiorari received by the SGC-MMC Supreme Court.
(iii) Making available, for public consumption, the votes, and opinions of the court, as well as the name and citation of the case.
   (1) A hard copy of the opinions relative to each petition shall be filed in a binder in the SGC-MMC office.
   (2) A digital copy of the opinions relative to each petition shall be filed and uploaded to the FIU Digital Commons Archives.
(iv) Attending at least three (3) SGA-sponsored events per semester.
   (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.
   (v) Not being actively identified with any candidate/ticket or campaign for any SGC-MMC elected office(s), nor act in a partisan manner.

(d) The Duties and Responsibilities of the Attorney General shall include:
(i) Serving as the chief administrative officer of the Office of the Attorney General.
(ii) Being responsible, upon request, for providing counsel and representation to any student petitioning the SGC-MMC Supreme Court, the SGC-MMC Elections Board,
any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC, as a petitioner, plaintiff, or appellant.

(iii) Reviewing all bills, resolutions, and appropriations passed by the Senate and offering advice on the legality of the legislation with respect to the Student Government Association Constitution, SGC-MMC Statutes, and university policy.

(iv) Ensuring the legality of legislation, actions, and proceedings of the Student Government Association with respect to the Student Government Association Constitution, SGC-MMC Statutes, and university policy.

(v) Filing Writs on behalf of the Students of Florida International University’s Modesto A. Maidique Campus in the event that an SGC-MMC official, group of officials, or branch, is, or are, in violation of the Student Government Association Constitution, SGC-MMC Statutes, university policy, or any relevant governing document under the jurisdiction of the Student Government Association.

(vi) Overseeing litigation on behalf of the Students of Florida International University’s Modesto A. Maidique Campus in the SGC-MMC Supreme Court and any lower courts established under the SGC-MMC.

(vii) Investigating all relevant records and collecting evidence for the purpose of trial preparation and presentation.

(viii) Completing five (5) regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.

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

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

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

(e) The Duties and Responsibilities of the Deputy Attorney General shall include:

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

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

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

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

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

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

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

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

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

Section 5.05 Orientation and Training

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

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

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

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

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

(i) Judicial Process;
(ii) State Laws;
(iii) Local Laws;
(iv) Government in the Sunshine;
(v) Family Educational Rights and Privacy Act (FERPA);
(vi) SGA Constitution;
(vii) SGC-MMC Statutes;
(viii) SGC-MMC Senate Rules;
(ix) FIU’s Human Resources guidelines;
(x) SGC-MMC Case Law; and
(xi) All relevant governing documents.

Section 5.06 Meetings and Attendance

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

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

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

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

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

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(ii) The Chief Justice may call the court and/or Judicial Branch into session for a special meeting with a 48-hour notice.

(1) Any member of the Judicial Branch may ask the Chief Justice to call a special meeting. If the Chief Justice refuses to do so, a meeting may be called with a supermajority vote of all the Justices and a 48-hour notice for all Judicial Branch members.

(c) Each Justice of the SGC-MMC Supreme Court shall attend all court hearings and meetings.

(i) For any case to be heard, a minimum of three (3) Justices must be present.

(ii) No Justice will be able to serve in their position during a particular hearing if the scheduled hearing has begun prior to their arrival.

(d) The accumulation of more than two (2) unexcused absences in one semester by a member of the Judicial Branch from required Judicial Branch Meetings, SGC-MMC Supreme Court Meetings, and/or SGC-MMC Supreme Court Hearings will result in the automatic removal of that Judicial Branch member.

(i) In order to be excused, notice of the absence must be sent to the Court Clerk(s) no later than 48 hours prior to said absence with documentable proof of excuse.

(e) Minutes will be taken at all meetings and hearings of the Judicial Branch.

(i) Judicial Branch meeting minutes are to be made electronically available for public consumption no later than 48 hours after a given meeting.

(ii) SGC-MMC Supreme Court meeting and hearing minutes are to be made electronically available for public consumption no later than 48 hours after a given meeting or hearing.

(1) A hard copy of the meeting minutes taken at SGC-MMC Supreme Court Hearings will form part of the record of the case and shall be entered into the judicial archive which shall be held in the SGA Office.

(2) A digital copy shall additionally be retained and shall be entered into the FIU Libraries Digital Commons.
Section 5.07 Definitions

(a) Affidavits:
   (i) If it so chooses, any office of the Department of Justice may collect affidavits from witnesses subpoenaed to testify for a particular trial.
      (1) Affidavits must be taken by officials of the Department of Justice and submitted to the Clerks of Court no later than 24-hours prior to the commencement of trial.

(b) Amicus Curiae Briefs:
   (i) After a Writ of Certiorari has been granted and all parties have been notified, both parties to the case and any interested parties may file Amicus Curiae Briefs with the Chief Justice.
   (ii) Briefs must be received by the Chief Justice no later than five (5) business days prior to the commencement of a hearing.
   (iii) Briefs must conform to the SGC-MMC Amicus Curiae Brief Template and must contain a listing of the general arguments for or against the issue in question.
      (1) The SGC-MMC Amicus Curiae Brief Template can be found on FIU’s Student Government Association website.
      a) The format of the SGC-MMC Amicus Curiae Brief Template may be revised and approved at the discretion of the Chief Justice.
   (iv) Briefs must be succinct, to the point, and signed by the party that prepared it.
   (v) Prior to the start of trial, the Chief Justice shall distribute copies of all available Amicus Curiae Briefs to all parties involved.

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

(d) Counsel:

Amendment Coding: Words stricken are deletions; words underlined are additions.
(i) Any student may represent a plaintiff, or a defendant, in cases of a grievance against
an SGC-MMC official or entity, an appellant, or an appellee, in cases of an appeal of
the decisions of the SGC-MMC Elections Board or any governing council, or a
petitioner, or a respondent, in cases of a petition for legal review so long as the party
being represented submits written approval of counsel to the Court Clerk at least 24-
hours prior to any judicial proceedings regarding the party’s case.

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

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

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

(e) Double Jeopardy:

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

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

(f) Failure to Appear:

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

Amendment Coding: Words struck are deletions; words underlined are additions.
(ii) If an SGC-MMC official, elected or appointed, knowingly fails to appear before the SGC-MMC Supreme Court, he or she will be held in contempt of court.

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

(g) Injunction:

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

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

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

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

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

(h) Opinion:

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

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

(1) Majority opinions:

a) The opinion of a simple majority of the Court, the author of which shall be decided by the Chief Justice or, if the Chief Justice is not part of that simple
majority, the senior-most Justice within the majority. Majority opinions shall have binding legal authority and may be cited as precedent in future cases.

(2) Dissenting opinions:

a) The opinion of a member of the Court who disagrees with the majority. Any Justice disagreeing with the majority may write a dissenting opinion and there may be as many dissenting opinions as there are Justices disagreeing with the majority. Dissenting opinions shall not have binding legal authority.

(3) Concurring opinions:

a) The opinion of a member of the Court who agrees with the majority but based on legal reasoning different to that of the majority opinion. Concurring opinions shall not have binding legal authority.

(4) Plurality opinions:

a) The opinion of a set of members of the Court that make up less than a simple majority. This type of opinion can only exist in instances where the Court failed to arrive at a majority opinion.

(i) Oral Argument:

(i) Oral Argument is the time allotted in cases involving an appeal or a petition for legal review to the parties of the case during which they make their argument for why their interpretation of the law should be upheld.

(ii) During this time, Justices may interrupt the presenting party to ask questions. Although the time taken by the Justice to ask the question will not be taken from the presenting party’s time, the time they take to answer the Justice’s question will.

(iii) No later than 72-hours prior to the commencement of Oral Argument proceedings the Chief Justice shall inform both parties of the amount of time they will each be allotted.

(1) After reading all filed Amicus Curiae briefs, the Chief Justice may decide that Oral Argument is not necessary, at which point both parties will be notified. Upon the
notification of both parties, the three (3) business day period of deliberations will begin.

(2) If the Chief Justice decides that Oral Argument proceedings are necessary, they may set no less than ten (10) minutes and no more than thirty (30) minutes for both sides to present their case.

a) If after hearing Oral Argument from both sides the Court wishes to continue hearing from the parties to the case, the Chief Justice may extend Oral Argument by no more than ten (10) minutes.

i) This extension may not be granted after the adjournment of the original proceeding.

ii) This extension shall follow the same structure as that of a standard Oral Argument proceeding.

(j) Recusal:

(i) Any Justice of the SGC-MMC Supreme Court shall recuse himself/herself from participation in the adjudication of a case if he or she believe that, by virtue of his or her relationship or close association with any of the parties to the case, he or she is unable to decide the case impartially.

(ii) Any parties to a case before the SGC-MMC Supreme Court have the right to challenge the inclusion of any Justice in his or her respective hearing.

(1) This challenge must be submitted no later than three (3) business days prior to the scheduled hearing.

(2) The challenge must be in writing and based on cause, which clearly provides evidence of a conflict of interest, bias, pressure, or influence that could preclude a fair and impartial hearing.

(iii) In the event of a challenge for recusal, or that one or more Justices feels as though a fellow Justice should be recused, the Justices shall take a vote for said Justice’s recusal.

(1) This vote shall take place during an official meeting of the Supreme Court.
(2) If a simple majority of the Justices hearing the case vote to recuse the Justice in question, that Justice will be recused for the remainder of the case.

(iv) When a Justice has been recused, they shall take no part in the trial in any official capacity. This restriction is to include hearings, deliberations, votes, the opinion drafting process, and any other business of the court regarding the case in which they were recused.

(v) If the Chief Justice is recused, the senior-most Justice taking part in the case shall serve as acting Chief Justice and bare all of the duties and responsibilities of the Chief Justice for that case.

(k) Standing:

(i) Any aggrieved party who is a student at Florida International University shall have the standing to bring a complaint before the SGC-MMC Supreme Court.

(ii) Any SGC-MMC official, officials, or SGC-MMC branch can be referred for judicial hearing for violations of any SGA or SGC governing documents, and/or relevant governing documents, university procedures, state laws, and/or federal laws. This review shall be instigated by a written grievance filed as a Writ of Certiorari.

(1) SGC-MMC officials shall include but may not be limited to all members of the SGC-MMC Legislative, Executive, and Judicial branches as well as all Governing Council Directors.

(l) Statute of Limitations:

(i) No case shall be heard by the SGC-MMC Supreme Court more than ninety (90) business days after the alleged act, occurrence, or transaction constituted the principal matter of the case or reasonable discovery thereof.

(m) Subpoena:

(i) The SGC-MMC Supreme Court shall have the power of subpoena over all SGC-MMC Officials.

(ii) The SGC-MMC Supreme Court may request the testimony of students that are not SGC-MMC Officials.

Amendment Coding: Words struck are deletions; words underlined are additions.
(iii) Any SGC-MMC Official who fails to obey a subpoena shall be held in contempt of court.

(n) Summary Judgment:

(i) A pre-trial motion in cases of a grievance against an SGC-MMC official or entity. Motions for Summary Judgment seek to establish that the disputed issues of the case are matters of law rather than matters of fact and therefore renders the need for a trial unnecessary.

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

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

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

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

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

(o) The Supreme Court:

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

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

(ii) May also be referred to as “The Court,” “The Justices,” or “The Bench”

(p) Writs of Certiorari:

Amendment Coding: Words struck are deletions; words underlined are additions.
(i) The SGC-MMC Supreme Court shall receive Writs of Certiorari for cases of:

1) Petition for legal review.
   a) For these cases, the parties involved will be either:
      i) Petitioner; or
      ii) Respondent.

2) Grievance against SGC-MMC officials and entities.
   a) For these cases, the parties involved will be either:
      i) Plaintiff; or
      ii) Defendant.

3) Appeal of the decisions of the SGC-MMC Elections Board, any lower courts,
   or established judicial boards under the jurisdiction of the SGC-MMC.
   a) For these cases, the parties involved will be either:
      i) Appellant; or
      ii) Appellee.

Section 5.08 Pre-Trial Procedures

(a) All Writs of Certiorari must be granted or denied by a simple majority vote of the SGC-
    MMC Supreme Court Justices within ten (10) business days of being submitted to the
    Court Clerk(s).

   (i) Upon granting of a Writ, the SGC-MMC Supreme Court Clerk(s) is/are required to
   forward the Writ to the officers of the Department of Justice no later than 48 hours
   after granting.

   (1) The Office of the Attorney General will be required to serve as counsel for the
   petitioner/plaintiff/appellant.
   a) The petitioner/plaintiff/appellant may choose to opt out of being
      represented by the Office of the Attorney General.
   b) The Office of the Attorney General has the prerogative to take a
      student’s case and represent it on behalf of the Students of Florida
      International University.
(2) The Office of the University Defender will be required to serve as counsel for
the respondent/defendant/appellee.

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

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

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

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

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

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

a) All cases should begin January 1\textsuperscript{st} (S.C. 001 (2020)) through December
31\textsuperscript{st} (S.C. XXX (2020)).

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

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

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

Amendment Coding: Words \underline{stricken} are deletions; words \underline{underlined} are additions.
(d) The SGC-MMC Supreme Court Chief Justice should take into account the accused’s academic and extracurricular schedules when selecting the date and time of his, her, and/or their hearing.

(e) Once the judicial hearing is scheduled, the SGC official, or officials, under investigation shall be notified within five (5) business days by the Chief Justice of the time, date, and location of the judicial hearing.

   (i) If, for any reason, a hearing is postponed the Chief Justice must alert all parties to the case no later than 24-hours prior to the commencement of the original hearing and must notify them of the new time, date, and location of the judicial hearing no later than five (5) business days prior to the commencement of the new hearing unless the new hearing is to take place less than five (5) business days after the time set originally, in which case the Chief Justice is to notify all parties as soon as possible.

(f) The Attorney General, University Defender, and/or chosen Counsel shall compile all evidence to be used at the judicial hearing. This evidence shall be submitted to the opposing party and the Court by the Attorney General, University Defender, and/or chosen Counsel no later than five (5) business days prior to the hearing.

(g) If any party to a case wishes to subpoena a witness for a hearing, the party must submit an official request.

   (i) This request must be communicated to the Court and all other parties to the case.

   (ii) This request must include the full name of the person being subpoenaed, their academic email, and an explanation of the relevance of this subpoena.

   (l) The Chief Justice shall decide whether the witness is relevant to the case. If so, the Chief Justice shall inform the Court Clerk(s) to contact the witness to inform them that they have been subpoenaed and must appear before the Court on the date of the hearing.

(h) Whenever the Chief Justice, or a simple majority of the Justices present, deems it appropriate, the Supreme Court may consolidate multiple cases into one.
(i) A consolidation of cases will be deemed appropriate when the constitutional issue in question is the same or substantially similar.

(ii) A consolidation of cases may be deemed appropriate in appeals cases and cases involving a petition for legal review.

(iii) A consolidation of cases shall be prohibited in cases of a grievance against an SGC-MMC official or entity.

   (1) This prohibition is to exclude instances where multiple officials or entities have been alleged to conspire to commit an act of nonfeasance, misfeasance, or malfeasance in concert, whereby the Court may choose to try all the accused as co-defendants.

(i) In cases involving an appeal of the decisions of the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC, the Chief Justice shall forward all Amicus Curiae briefs to the rest of the Court. After distributing all briefs and no later than 72 hours prior to the commencement of Oral Argument proceedings, the Chief Justice will inform both parties of how much time they are to be allotted for Oral Argument as well as whether or not additional briefs will be accepted up to 24-hours prior to the commencement of proceedings.

   (i) No briefs shall be accepted past the 72-hour period prior to the commencement of Oral Argument proceedings that was not written and filed by either of the parties to the case.

   (1) Before this period, briefs shall be accepted from all interested parties.

   (ii) Both parties in cases of an appeal of the decision of the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC shall be allotted the same amount of time for Oral Argument.

       (1) The only exception to this shall include sanctions levied by the Chief Justice in cases were a party to the case is being held in Contempt of Court.

   (j) In cases involving a grievance against an SGC-MMC official or entity, the accused may file a motion for Summary Judgment.

Amendment Coding: Words stricken are deletions; words underlined are additions.
(i) This request is to be submitted to the Clerk of the Court and the Chief Justice via official communication.

(ii) With the request, the accused must also submit a brief outlining the facts as they know them.

(iii) The plaintiff will be notified of the defendant’s filing and required to submit a brief outlining the facts as they know them as well.

(iv) Upon receiving both briefs, the Chief Justice will decide whether to grant the motion for Summary Judgment. If the motion is granted, both parties shall be asked to submit briefs outlining the legal theory of their allegation or defense.

(k) In cases involving a petition for legal review the Court shall be tasked with notifying the entity which governs the challenged governing document of the case. This entity shall have standing in that matter and may serve as the Respondent in that given case if they would like to offer an alternate interpretation to that of the Petitioner.

(i) When a petition for legal review is filed and granted Writ of Certiorari by the Court, the case will enter a two (2) business day period during which any SGC-MMC branch or entity with standing in the matter may file to serve as a Respondent in the case. If the two (2) business day period elapses without any SGC-MMC branch or entity opting to serve as a Respondent a three (3) business day period will begin, during which any student enrolled at the university may file to serve as the Respondent in this case. If after the three (3) business day period, there is no Respondent the case moves forward with the Petitioner as the sole party to the case.

(1) Organizations, branches, entities, officials, or students that wish to serve as a Respondent to a case may request to do so by submitting a written communication to the Clerk of the Court and the Chief Justice.

(ii) When a petition for legal review of the SGA governing documents is filed and the Court grants that case Writ of Certiorari, the SGC-MMC Senate shall have standing to serve as the Respondent to the case.
(1) The SGC-MMC Speaker of the Senate shall, as the representative of the Senate, decide whether the Senate will argue the case.

a) If the SGC-MMC Speaker of the Senate decides that the Senate will serve as a Respondent to the case the Speaker must appoint a Senator to argue the case on the Senate’s behalf.

i) The Speaker must obtain the Senator’s consent in writing in order to appoint them as the Senate’s representative in this case.

(iii) When a petition for legal review of lower governing documents, such as the Constitutions of governing councils and other organizations under the Student Government’s jurisdiction, is filed and the Court grants that case Writ of Certiorari, that governing council or organization’s executive board shall have standing to serve as the Respondent to the case.

(1) The governing council or organization’s Executive Board must choose one member to represent the council or organization in the case.

(iv) The Chief Justice shall review and distribute all Amicus Curiae briefs to the rest of the Court and shall inform all parties to the case of how much time they will be allotted for Oral Argument no later than 72 hours prior to the commencement of Oral Argument proceedings.

(l) After the Court has granted a case Writ of Certiorari and before the start of trial, either party to a case may request a continuance, which may be granted at the discretion of the Chief Justice.

(i) Any continuance granted by the Court shall not be in excess of five (5) business days, unless agreed to by both parties to the case as well as the Court.

(m) The SGC-MMC Supreme Court shall have the power to issue injunctions.

Section 5.09 Trial Procedures

(a) All trial, hearing, and court proceedings and orders of the court shall be established by the SGC-MMC Statutes and published prior to the court session.
(b) All parties shall be given equal opportunity to review the orders, and rules, and to present their case.

(c) Proceedings for cases involving a grievance against an SGC-MMC official or entity are as follows:

   (i) Opening remarks by the Chief Justice.

   (ii) Opening statement by the plaintiff.

   (iii) Opening statement by the defendant.

   (iv) Presentation of witnesses by the plaintiff.

      (1) The defendant may ask the plaintiff’s witnesses questions after the plaintiff has finished with their line of questioning for each.

      (2) The amount of time allotted for either side to question the witness shall be determined by the Chief Justice.

   (v) Presentation of witnesses by the defendant.

      (1) The plaintiff may ask the defendant’s witnesses questions after the defendant has finished with their line of questioning for each.

      (2) The amount of time allotted for either side to question the witness shall be determined by the Chief Justice.

      a) The defendant shall be allotted the same amount of time to question their witnesses as the plaintiff will be allotted to question the plaintiff’s witnesses.

   (vi) Closing statement by the plaintiff.

   (vii) Closing statement by the defendant.

   (viii) Rebuttal by the plaintiff.

   (ix) Closing remarks and adjournment by the Chief Justice.
(d) Proceedings for cases involving an appeal of the decision of the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC are as follows:

(i) Opening remarks by the Chief Justice.

(ii) Oral Argument by the Appellant.

(iii) Oral Argument by the Appellee.

(iv) Rebuttal by the Appellant if any time was reserved for rebuttal.

(1) Only the Appellant may reserve time for a rebuttal.

(2) To reserve time for a rebuttal, the Appellant must state that they desire to reserve the remainder of their time during Oral Argument when they have as much time left as they would like to reserve.

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

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

(f) Proceedings for cases involving a petition for legal review are as follows:

(i) Opening remarks by the Chief Justice.

(ii) Oral Argument by the Petitioner.

(iii) Oral Argument by the Respondent.

(1) If no one has filed to serve as a Respondent to the case then Oral Argument shall only be heard from the Petitioner.

(iv) Rebuttal by the Petitioner if any time was reserved for rebuttal.

(1) Only the Petitioner may reserve time for a rebuttal.

(2) To reserve time for a rebuttal, the Petitioner must state that they desire to reserve the remainder of their time during Oral Argument when they have as much time left as they would like to reserve.
a) The amount of time reserved for rebuttal may not exceed twenty (20)
percent of the total amount of time allotted to the Petitioner for Oral
Argument.
(v) Closing remarks and adjournment by the Chief Justice

Section 5.10 Post-Trial Procedures
(a) Upon the adjournment of proceedings for a case, the SGC-MMC Supreme Court Justices
shall have up to three (3) business days to deliberate on the case and vote on a decision if
it is an appeal or a petition for legal review. In grievance cases, the Court shall have up to
ten (10) business days to deliberate on the case, arrive at a verdict, and decide on a
sentence.
(b) Appeals cases and cases involving a petition for legal review shall be decided using the
standard of “to a preponderance of the evidence.”
(c) Grievance cases shall be decided solely on the information presented during the trial and
using the standard of “beyond a reasonable doubt.”
(d) Upon the conclusion of deliberations, the Court shall render one of the following types of
decisions based on the type of case:
(i) In petition for legal review cases, the Court shall provide a constitutional
interpretation that addresses the issue presented by the Petitioner.
(1) The Court may recommend that further action be taken by the SGC-MMC
Senate, SGC-MMC Executive Branch, or other entity under the jurisdiction of
the SGC-MMC to address the issue as part of its interpretation.
(ii) In grievance cases, the Court shall announce a verdict and, if applicable, a
sentence.
(1) The verdict of a grievance case shall either be “guilty” or “not guilty” as
determined by the vote of the Justices.
(2) If a defendant is found guilty, the Chief Justice shall be tasked with deciding
the sentence but should consult the rest of the Court before delivering the
sentence.
(iii) In appellate cases, the Court will decide whether to remand, affirm, reverse, vacate, or modify the decision of the lower court or judicial body and shall deliver an opinion that states what action the Court has decided to take as well as the Court’s legal reasoning.

(1) The court may issue the following kinds of opinions:
   a) Majority opinions
   b) Dissenting opinions
   c) Concurring opinions
   d) Plurality opinions

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

(3) Justices may only author one (1) opinion for each given case.
   a) Justices may opt to not author an opinion and instead join in the opinion of another Justice.
   b) The only instances where a Justice may join in the opinion of another Justice and author their own at the same time including the following:
      i) When they are a part of the majority, but do not deliver the majority opinion, and author a concurring opinion.
      ii) When they are not a part of the majority and author a dissenting opinion and join in the opinion of another dissenting Justice.

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

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

Section 5.11 Appeals Process

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

(1) Violations of State and/or Federal Law(s)
(2) Violations of Students’ Due Process Rights

(ii) The Vice President of Student Affairs or their designee will review the written appeal, the record, and documentation from the original hearing, and determine if there is a basis for appeal. If the Vice President for Student Affairs or their designee determines there is no basis for appeal and upholds the original SGC-MMC Supreme Court Decision, a written decision will be sent to the student stating appeal denial and basis for the denial.

(iii) If an appeal is granted, the Vice President of Student Affairs or their designee will remand the decision to the original hearing body for a de novo review in consideration of the Vice President of Student Affair’s instruction to follow the violated State and/or Federal law(s), or to consider the new evidence, or both.

(iv) After delivering an opinion or verdict for any case, the Court must inform the parties to the case of how they may contact the Senate Rules, Legislation, and Judiciary Committee if they wish to report a perceived violation of their Due Process rights.

(1) The Senate Rules, Legislation, and Judiciary Committee shall be tasked with preparing a virtual form on a university sponsored online platform that students may access to report a perceived violation of their Due Process rights.

SECTION 4. ENACTMENT TIME
(a) Upon the passage of this Council Bill by the SGC-MMC Senate and its signing by the SGC-MMC President, this shall become the official law of the SGC-MMC. Accordingly, all statutory updates will take effect immediately.

(b) A stipend for the positions of Attorney General and University Defender shall be included in the next Emoluments Proposal by the SGC-MMC President and any subsequent Emoluments Proposals so long as the positions continue to exist within the SGC-MMC.

(i) The amount of the stipend for the positions of Attorney General and University Defender must be equal to or greater than the stipend for Secretaries of the Executive Branch but may not exceed the amount of the stipends of Senators.

(ii) The amount of the stipend for the position of Attorney General shall be equivalent to the amount of the stipend for the position of University Defender.

(iii) Prior to the next Emoluments Proposal taking effect in this upcoming fiscal year, both the position of the Attorney General and the position of the University Defender may be filled so long as the appointee has submitted a written statement acknowledging and consenting to the following stipulations:

(1) Neither position shall be salaried through the 2020-2021 fiscal year.

(2) Both positions will still be held accountable for their weekly office hours and other requirements of their position through the 2020-2021 fiscal year.

(3) The term for both positions shall end earlier than the usual one-year term.

   a) Both positions shall have their term end at the start of the 2021-2022 fiscal year.

   (4) These stipulations shall, at the start of the 2021-2022 fiscal year, no longer affect neither the position of the Attorney General nor the position of the University Defender.

(c) The positions of Clerk of the Court, Deputy Attorney General, and Deputy University Defender shall be considered volunteer positions, and thus shall neither be required to complete any amount of office hours nor paid a stipend.

Amendment Coding: Words stricken are deletions; words underlined are additions.
SECTION 5. IMPLEMENTATION

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

**STUDENT GOVERNMENT COUNCIL · MODESTO A. MAIDIQUE CAMPUS**

**THE 37TH SESSION OF THE STUDENT SENATE**

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**AMENDMENTS:**

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Janelle Fraga, SGC-MMC Speaker of the Senate

, Bryan Gomez , Cristina Vale , Brandon Aquino

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Alexandra Valdes, SGC-MMC Student Body President

**Amendment Coding:** Words *stricken* are deletions; words *underlined* are additions.