Bylaws

of the

Judicial Branch

of the

Student Government Association

of the

University of Wisconsin-Stevens Point
I. Definitions
   a. Justice
      i. Any of the five members of the Judicial Branch including the Chief Justice.
   b. Court
      i. The Judicial Branch may be referred to as the Court when hearing cases.

II. Membership
   a. Chief Justice
      i. The Chief Justice shall sever as the Chair for all meetings and functions of the Judicial Branch.
      ii. The Chief Justice shall be a voting member of the judicial branch
      iii. The Chief Justice shall be responsible for writing the official decisions of assigning to another justice the writing of official decisions for any cases brought forward to the court.
      iv. The Chief Justice shall be the spokesperson of the Judicial Branch
      v. The Chief Justice shall be responsible for correspondence and notification for all actions of the Judicial Branch.
      vi. The Chief Justice shall work with the Dean of Students or their designee to organize and schedule all training necessary for effective functioning of the Judicial Branch.
      viii. Once a month the Chief Justice shall attend a Student Government Association Senate meeting to report on the actions of the Judicial Branch
      ix. The Chief Justice shall be a committee member on Hearing Committees held by the Dean of Students Office
   b. Deputy Chief Justice
      i. In any circumstance where the Chief Justice cannot serve, the Deputy Chief Justice will assume the responsibilities of the Chief Justice.
      ii. In the absence of the Chief Justice, the Deputy Chief Justice will serve as the chair for judicial meetings and functions of the Judicial Branch.
      iii. If the Chief Justice is unable to attend the Constitutional Review Committee, the Deputy Chief Justice will serve as their proxy.
      iv. The Deputy Chief Justice will serve as the Clerk of Courts for all cases.
         1. The Clerk of the Court shall serve as the record keeper for the Judicial Branch
         2. The Clerk of the Court shall be responsible for working with the Student Government Association Chief of Staff to keep the judicial Branch Website updated
         3. The Clerk of the Court shall keep minutes of all meetings and proceedings.
      v. The Deputy Chief Justice will be appointed by the Chief Justice and
approved by the remaining Associate Justices.

c. Associate Justice
   i. The Associate Justices shall be voting members of the Judicial Branch
   ii. The Associate Justices shall attend all Justice meetings and be subject to the Student Government Association Attendance rules and point system.
   iii. The Associate Justice shall be a committee member on Hearing Committees held by the Dean of Students Office

III. Meetings
   a. The Judicial Branch shall hold a general open meeting no less than once per month
   b. The Judicial Branch shall be subject to Wisconsin Open Meetings Law.
   c. The Judicial Branch shall conduct meetings according to Robert’s Rules of Order Newly Revised, except as outlines in these bylaws.

IV. Elections Committee
   a. Membership
      i. The Judicial Elections Committee shall be made up of all Justices, the Student Government Association Chief of Staff, and the Student Government Association Communication and Public Relations Director.
      ii. Only the Justices shall vote on the Committee.
      iii. The Committee shall elect a chair from among voting and non-voting members at the first committee meeting of the year.
   b. Meetings
      i. The elections committee shall meet to elect a chair, determine proportional representation for the Senate, and set the elections calendar no later than three weeks before fall semester finals begin.
         1. The Communications and Public Relation Director will be responsible for publicizing the elections calendar once it has been finalized.
      ii. The elections committee will meet no later than one week before the week of finals exams of the fall semester, to edit and approve the application forms.
      iii. The elections committee will meet to approve all submitted applications for eligibility after the application close time.
      iv. The elections committee will continue meetings throughout the general election period to plan and public debate, review policies with approved candidates and handle any election rules violations.
   c. Proportional representation
      i. The Committee will obtain the enrollment numbers and calculate proportional representation.
      ii. Each college is guaranteed a minimum of four seats.
   d. Issuing the applications
      i. Notification of the availability of the applications for the President, Vice-President and Senator positions will be sent out to the student body on the first day of classes of the spring semester.
ii. Applications will be made available electronically on the Student Government Association website and paper copies will be available in the Student Government Association office.

iii. Applications will be available from the start of the spring semester until noon on the Friday of the fifth week before Spring Break.

e. Campaign Finance and Reservations
   i. The Chief of Staff will be responsible for reserving space for the public debate between all approved Presidential and Vice-Presidential candidates.
   ii. The Chief of Staff shall also reserve spaces for campaigning at the request of the approved candidates
   iii. The approved candidate teams are allotted funds from Student Government Association for campaigning
      1. A two hundred dollar ($200) reserve is available for the election and must be divided up among the candidate teams equally.
      2. Purchase of campaign materials must be approved by the student Government Association Chief of Staff prior to the purchase being made.
      3. Requests for reimbursements for campaign materials without prior approval shall be denied.
   iv. A maximum of $250 may be spent by each individual running for a position on all campaign activities.
      1. Candidate teams for President and Vice President may spend a grand total of $500.
      2. All expenses must be reported to the Chief of Staff before the first day of voting.

f. Processing Applications
   i. All applications for Senator, President, and Vice-President will be reviewed by the elections committee to ensure that all aspects of the application have been filled out properly.
      1. Each application will be reviewed for completion.
      2. Each applicant’s GPA will be checked by the Student Government Association advisor to ensure candidate eligibility.
      3. Each application’s signatures will be checked for accuracy and validity.
         a. The committee will verify that no name or signature is written more than once on any individual application.
         b. The committee will check that each individual endorsing the candidate is a current student of the University of Wisconsin Stevens Point.
         c. Any candidate will be notified of any issues with required signatures on their application so the candidate may rectify the situation.
      4. The Chief Justice shall notify all approved candidates by
noon the Monday of the fourth week before Spring Break so that they may begin campaigning.

g. Elections codes of conduct
   i. All candidates must follow all policies of the University as well as all state laws when using posters and signage.
   ii. Each team will be allowed to send one e-mail to the Student Organizations Presidents list with the supervision and approval of the Chief of Staff and Elections Chair before the elections voting begins.
   iii. Each team will be allowed to submit one statement for inclusion in one Student Government Association Newsletter e-mail to the student body with the supervision and approval of the Communications and Public Relations Director and Elections Chair before the elections voting begins.
   iv. Advertising should use the name of the Student Government Association to comply with campus posting policies.
      1. All campus policies relating to appropriate content must be followed.
   v. President, Vice President, and Senator candidates campaigning with posters, signage, social media, or other online media, soliciting votes, and giving speeches may not begin until the candidacy of the applicants has been accepted.
   vi. All campaigns must conclude active campaigning activities by 11:59pm on the day prior to the opening of the voting period.
      1. Any campaign materials previously posted may remain.
   vii. No Student Government Association officer may use their position or title to endorse any candidate.
   viii. Candidates for President, Vice President, and Senator will be prohibited from using internet enabled devices to directly solicit votes (even if done in a non-partisan manner) during the dates of the election or during a potential runoff election.
   ix. No Student Government Association resources or spaces shall be used to benefit any candidate, excepting those resources or spaces explicitly provided for candidate use.
   x. No individual or organization may personally or through an agent directly compel by force, intimidation, or authority, especially without regard for individual desire or violation, and elector to vote for or against any candidate.
   xi. No individual or organization may personally or through an agent knowingly disseminates false or deliberately damaging information to, or provide any compensation to, an elector with the purpose of compelling them to vote for or against any candidate.

h. Violation of election rules
   i. The elections committee shall consider only formal, written complaints and shall address if any individual is in violation of the election codes of conduct.
   ii. The committee shall inform the accused party immediately
following the submission of a complaint.

iii. The accused party, as well as the complainant, shall be allowed to testify before the elections committee in regards to the complaint.

iv. Both parties shall be informed of the ruling of the elections committee immediately following their decision.

v. An appeal of the Elections committee decision shall first be submitted to and reviewed by the elections committee within twenty four hours.

vi. A second appeal may be taken to the Senate for a decision by a majority vote within five academic days of the first appeal decision of the Elections Committee.

vii. Available sanctions include but are not limited to: limiting of campaign funds, time, locations, and Student Government Association resources, revocation of candidacy eligibility; referral to Dean of Students for code of conduct violations.

viii. The Elections Committee will utilize a three-strike system.

1. Minor infraction constitutes one strike against the accused, major infraction may constitute two to three strikes.

2. If a candidate accumulates three strikes during the duration of the election cycle their eligibility for candidacy will be revoked.

3. Severity of infraction will be determined at the discretion of the Elections Committee.

i. Issuing Ballots

   i. The Elections Committee shall create the ballot.

   ii. The Thief of Staff will send out the ballot for President and Vice President to the student body via email by noon on the first day of the election.

   iii. The Chief of Staff will also send out the Senator Election Ballot to the students of the CLS, CPS, CNR, and COFAC via email by noon on the first day of the election.

   iv. The Election voting period shall be open for three days beginning on the Monday before the state of Spring Break.

j. Counting Ballots

   i. Ballots will be electronically.

   ii. The Elections Committee will verify the election results prior to the Senate meeting that evening.

   iii. The senatorial candidates who receive the highest number of votes shall be elected to the position of Senator, up to the allotted number of seats for each College as determined by proportional representation.

       1. If more than one candidate receives the same number of votes for the last senator seat available for their respective College during the Senator Election a debate must be conducted to fill the prospective seat(s)

   iv. The team that obtains the plurality of all votes cast shall be the official winner of the election.
1. If there is a tie between teams, there will be a runoff election which will begin on the Monday following Spring Break and run until the following Wednesday. At that time, ballots will be electronically tallied and announced by the chair of the Elections Committee at the following Student Government Association Senate meeting.

v. The Elections Committee will only allow each candidate to be written in once per college per voter
   1. If a candidate is voted in more than once per college per voter, then the extra votes will be disregarded

k. Announcing results
   i. Election results shall be announced by the Chair of the Elections Committee at the Student Government Association Senate meeting on the Thursday of the election week.
   ii. The Official announcement of the President, Vice President, and Senator Election results will be published to the student body via email by the Student Government Association within 24 hours after the verbal announcement at the Senate meeting.

l. Recall Processes
   i. The elections Committee shall review any petition for recall of any elected SGA officer.
   ii. Petitions must include a description of any alleged offenses, misconduct, unethical or illegal acts.
   iii. The Elections Committee shall investigate to the best of their ability the accusations.
   iv. Assuming sufficient cause is found, each petition’s signatures will be checked for accuracy and validity.
      1. The Committee will verify that no name or signature is written more than once on any individual petition.
      2. The Committee will check that each individual endorsing the petition is a current student of the University of Wisconsin Stevens Point.
   v. Upon verification of the signatures and approval of the petition for recall, the Elections Committee will notify the elected official in question of the pending recall election.
   vi. The Chief justice shall notify the elected official’s constituents of the recall election.
   vii. The Elections Committee will make a position application available to eligible students for the position being recalled.
   viii. Candidates shall have seven days to submit the completed candidacy forms to the Elections Committee.
   ix. Within seven days of the candidacy application deadline, a three day recall election will be held according to standard election guidelines.
   x. The Elections Committee shall review the results according to standard election guidelines with the exception of the timeline.
   xi. The Candidate who obtains the plurality of the vote will take office
immediately upon complete review of the election.
m. Dissolution Process
   i. The Elections Committee and the Office of the Vice Chancellor for
      Student Affairs shall review any petition for dissolution of the
      Student Government Association
   ii. Petitions must include a description of any alleged offenses,
      misconduct, unethical or illegal acts by the Student Government
      Association.
   iii. Each petition’s signatures will be checked for accuracy and validity
       1. The Committee will verify that no name or signature in
          written more than once on any individual petition.
       2. The Committee will check that each individual endorsing the
          petition is a current student of the University of Wisconsin
          Stevens Point.
   iv. Upon verification of the signature and approval of the petition for
      dissolution, the Chief Justice will notify each individual Student
      Government Association officer of the petition for their dissolution.
   v. The Chief Justice and the Vice Chancellor for Student Affairs will
      notify the student body of the upcoming vote for the dissolution of
      the Student Government Association.
   vi. The Remaining process of potential dissolution is handled by the
      Vice Chancellor for Student Affairs.

V. Cases
   a. Student Government Association Cases
      i. The Student Government Association Advisor will serve as the
         advisor involving the Student Government Association.
      ii. All hearings are subject to open meetings laws, however the Court
          will enter closed session when personal and confidential information
          may be discussed.
      iii. The decision of the Court shall be the final decision
   iv. Student Government Association Case Submission
      1. Any student, faculty, or staff member of the University may
         file a written complaint of an alleged violation by the Student
         Government Association of their own constitution, bylaws,
         statutes, policies, or regulations, or any University of
         Wisconsin-Stevens Point policies and regulations, with the
         Dean of Students or with the Student Involvement and
         Employment Office.
      2. All written complaints must be filed within two months of
         the alleged offense.
         a. The Court may extend this deadline at the sole
            discretion of the Chief Justice.
      3. Complaints must include the following information.
         a. Detailed description of the alleged offense.
         b. Date, time and place of the alleged offense if applicable
         c. Any Documents related to the alleged offense
available to the complainants.

d. Names and addresses of the complainants

v. Student Government Association Case Pre-hearing

1. The Student Government Association has the right to due process and to have the charges against them judged by their peers.

2. The Chief Justice will appoint a justice to investigate the alleged offense.

3. Within two full weeks of the filing of the complaint, the Chief Justice will schedule the hearing that must be held within thirty days of the receipt of the complaint.

4. In situations when a semester break may disrupt the Proceedings, the hearing will move forward to a time when the Court and parties associated with the case are available, including the potential following semester.

   a. Upon the graduation or removal of the Chief Justice, the Deputy Chief Justice shall assume the position of Interim Chief Justice until a permanent Chief Justice is appointed.

      i. If the Deputy Chief Justice position is vacant, an Associate Justice shall be appointed as the Interim Chief Justice by the Dean of Students Office.

5. When the hearing is scheduled, the Student Government Association (President, Speaker of the Senate, and Advisor) and complainant shall receive the following information:

   a. Written notification of the time and place of the hearing

   b. A statement of the charges against the student organization

   c. Information of the procedures for the Student Government Association Case hearings.

   d. The Chief Justice will ensure that all parties involved understand the hearing and potential post decision processes to the best of their ability.

b. Student Government Association Case Hearing Agenda Format

   i. All hearings shall be recorded.

   ii. All parties involved shall have the right to due process.

   iii. Quorum for hearings will be at a minimum three justices who can vote on the case

   iv. The Chief Justice shall serve as the presiding Chair of the hearing.

   v. The Chief Justice or Clerk of Court shall notify all parties involved in the case about the Court’s ruling in a timely manner.

   vi. Decision of the Court shall be publicly posted within fifteen business days after the day of the hearing.

VI. Student Government Association Case Hearing

a. Call to order
i. The Chief Justice shall call the meeting to order.
b. Roll call
   i. The Clerk of the Court shall call the roll.
c. Procedural Announcements
   i. The Chief Justice shall answer any questions specifically related to procedures only.
d. Open Forum/Audience
   i. The Chief Justice shall recognize members of the audience to address the issues at hand.
e. Reading of the Complaint.
   i. The Chief Justice shall read the complaint.
f. Opening Statements.
   i. The Complainant may make an opening statement.
   ii. The defendant may make an opening statement.
g. Questions from the Court
   i. Complainant
      1. The Complainant may present an witnesses evidence, and testimony on their own behalf.
      2. The Complainant may cross-examine any witnesses presented by the defendant.
   ii. Defendant
      1. The Defendant may present any witnesses, evidence, and testimony on their own behalf.
      2. The Defendant may cross-examine any witnesses presented by the complainant.
h. Closing Statements.
   i. Complainant will be permitted to make closing remarks
   ii. Defendant will be permitted to make closing remarks
i. Closed Session Deliberations
j. Adjourn
k. Decisions
   i. If the Judicial Branch finds insufficient evidence that the Students Government Association is in violation of the claim, the case will be dismissed.
   ii. If the Students Government Association is found to be in violation of the existing statute, its own bylaws, constitution, UW-Stevens Point policy, UW System policy, UW Board of Regents policy, or State or Federal law, the Judicial Branch will draft a decision instructing the Student Senate and Executive branch to remedy the situation within thirty days.
   iii. Thirty days after the Student Government Association is notified of the initial decision or upon notification that the situation has been remedied, the judicial Branch will review the remedy to determine if the violation has been corrected.
      1. The Court may declare that case closed if the remedy brings the Student Government Association back into compliance.
      2. The Court may refer the case back to the Senate and
Executive Branch for further action if the remedy does not bring the Student Government Association into compliance.

a. The Senate and Executive Branches will have twenty-one days from the notification of failure to remedy the violation to correct the situation.

b. Twenty-one days after the Student Government Association is notified of the failure to remedy the violation or upon notification that the situation has been remedied, the Judicial Branch will again review the remedy to determine if the violation has been corrected.

iv. If the Student Government Association fails to come into compliance, the Judicial Branch will publish the decision in the Student Newspaper and notify the Chancellor’s Office of the non-compliance of the Student Government Association.

v. In the instance of a new statute or resolution being found to violate any higher (State or Federal) governing documents, the Court may strike any or all portions of the statute or resolution to bring it into compliance.

1. The Court should exercise discretion and strike as little as possible, attempting to retain the spirit of the legislation.

vi. The Court will notify the complainant upon completion of the case.