

Tennessee Tech Student Government Association

Special Rules of Order
of the
Supreme Court

Effective as of September 9th, 2024

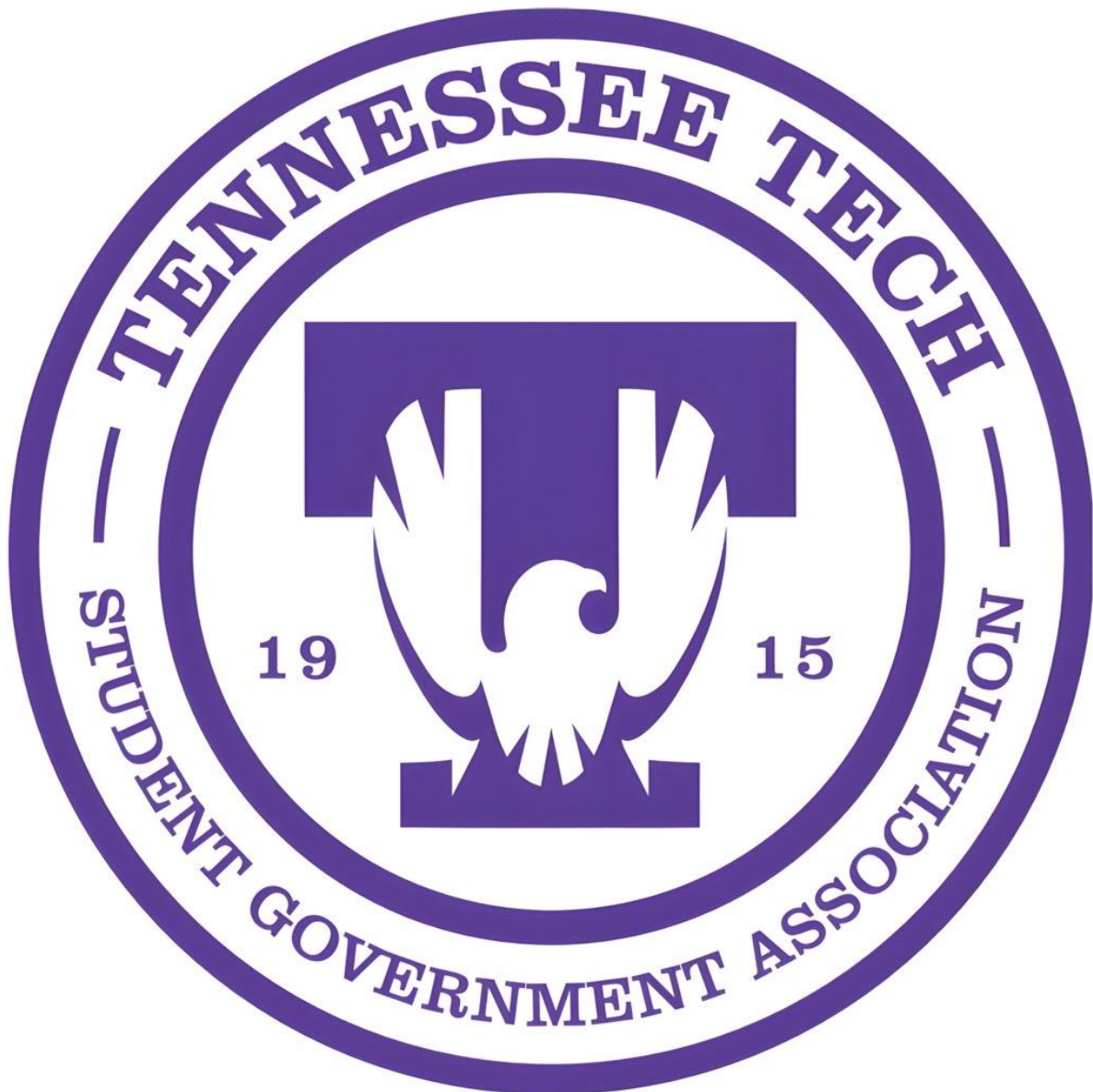


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General Provisions

Rule 1 – Title

These rules may be known and cited as the Special Rules of Order of the Supreme Court or, when referencing the Court, simply “The Rules.”

Rule 2 – Scope

The Rules of Judicial Procedure are solely limited to the operations of the Supreme Court of the Student Government Association of Tennessee Tech and any subsidiary bodies. The authority for the Supreme Court’s adoption of these rules is granted by Article V, Section 2, Paragraph 1 of the SGA Constitution where the Supreme Court “shall ... adopt rules of procedure consistent with the SGA Policies Manual.”

These rules shall be treated as special rules of order for the purpose of parliamentary questions.

Rule 3 – Student Citation Appeals Committee

For the purpose of carrying out the constitutional duty of serving “as the Student Citation Appeals Committee, which shall hear all traffic appeals from the student body” (SGA Constitution Article V, Section 2, Paragraph 5), the Supreme Court shall from time to time sit as the Student Citation Appeals Committee. The Supreme Court sitting as the Student Citation Appeals Committee may adopt its own rules under which to function and is not bound by the rules set forth here. The Student Citation Appeals Committee is to be considered a distinct body from the Supreme Court that may have different officers, rules, and regulations.

Rule 4 – Compliance

Pursuant to Article I of the SGA Constitution and the principles of checks and balances, the Supreme Court shall be bound by the SGA Policies Manual, the SGA Constitution, all Tennessee Tech University policies and procedures, and all applicable local, state, and federal regulations.

Rule 5 – Severability

If any part of these rules is found to be invalid for any reason, this will not affect the validity of the remaining rules. All other rules will still apply and should be considered as separate and valid on their own.

Rule 6 – Citations Not Binding

References made to the SGA Constitution, the SGA Policies Manual, or other rules in this document are meant to help the reader and do not impact the rules' validity or interpretation. Any mistakes in these references are not important and do not change the rules themselves.

Rule 7 – Parliamentary Authority

The Supreme Court adopts *Robert's Rules of Order: Newly Revised 12th Edition* as its parliamentary manual and shall be used to resolve all matters not addressed in these rules. These rules shall prevail in all cases of contradiction between these rules and *Robert's Rules of Order*. The Attorney General shall serve as the Parliamentarian of the Supreme Court.

Administration

Rule 8 – Officers of the Supreme Court

The Supreme Court shall have three officers responsible for the administration of the Supreme Court. The officers shall consist of the Chief Justice, the Associate Chief Justice, and the Attorney General

The Chief Justice and Associate Chief Justice shall be elected by the Supreme Court to a term of one (1) calendar year as described by Article V, Section 2, Paragraph 1 of the SGA Constitution. The Chief Justice and Associate Chief Justice may continue to serve past one (1) calendar year only until their successor is elected by the Supreme Court in accordance with this document.

Pursuant to Article V, Section 3 of the SGA Constitution, the Attorney General shall be elected by the Supreme Court from outside the membership of the court and shall serve at the pleasure of the Court until their resignation, their successor is elected, or the office of the Attorney General is declared vacant by the Supreme Court.

Rule 9 – Responsibilities of the Chief Justice

The Chief Justice shall supervise the functioning of the Judicial Branch and its members. They shall also administer the Oath or Affirmation of Office “to all newly elected and appointed officials of the Student Government Association” (SGA Constitution Article IX, Section 1).

The Chief Justice, or their designee, shall represent the Supreme Court in all matters except as designated by the Supreme Court.

The Chief Justice shall be responsible for enforcing all rules and regulations of the Supreme Court.

Rule 10 – Responsibilities of the Associate Chief Justice

The Associate Chief Justice shall discharge all duties of the Chief Justice should they be incapable of doing so (SGA Constitution Article V, Section 2, Paragraph 1). In the event of vacancy of the Chief Justice, the Associate Chief Justice shall become the Acting Chief Justice until a new election for the Chief Justice is held.

The Associate Chief Justice, in coordination with the Attorney General, shall oversee the systems governing the submission of cases to the Supreme Court and report the status of cases in the system to the Supreme Court at all meetings. The Associate Chief Justice shall be responsible for recommending improvements to case submission procedures to the Supreme Court.

The Associate Chief Justice shall assist the Chief Justice in their duties as requested.

Rule 11 – Responsibilities of the Attorney General to the Supreme Court

The Attorney General shall be the chief administrative officer of the Supreme Court and as such shall maintain all records of the Supreme Court, prepare and distribute the minutes of all Supreme Court meetings, notify all Justices of meetings of the Supreme Court, receive all papers for the Supreme Court not specified to be received by someone else, and other duties as may arise to ensure the proper functioning of the Supreme Court as directed by the Chief Justice.

The Attorney General “shall serve as the Secretary and Reporter of the Supreme Court” as specified in Article V, Section 3, Paragraph 5 of the SGA Constitution, and as such shall certify all decisions and actions of the Supreme Court and report those decisions and actions where required.

Pursuant to the First Judiciary Act of 2024, during a vacancy in the Office of the Attorney General, the Chief Justice shall designate an Associate Justice as Secretary of the Supreme Court who shall take on only the administrative duties of the Attorney General with respect to the Supreme Court until a new Attorney General is selected.

Rule 12 – Management of Records

The Attorney General shall be responsible for maintaining all records of the Supreme Court and furnishing them upon a valid request of any Justice, the SGA Secretary, the SGA President, the SGA Advisor, or any entity as may be required by an applicable provision of the SGA Policies Manual, the SGA Constitution, Tennessee Tech University policies and procedures, and any local, state, or federal regulations.

In compliance with the SGA Constitution, the Attorney General shall work with the SGA Secretary to ensure they are able to fulfill their duties of maintaining “accurate and complete records of all SGA meetings, including minutes, attendance, and important decisions” (SGA Constitution Article IV, Section 4, Subsection c, Clause 8) on matters related to the Supreme Court.

Rule 13 – Membership of the Supreme Court

Pursuant to Article V, Section 2, Paragraph 1 of the SGA Constitution, the membership of the Supreme Court shall consist of the Chief Justice, the Associate Chief Justice, and the seven Associate Justices. The term of membership shall take place immediately upon the Justice taking the Oath of Office. Justices shall serve until the completion of their degree program, resignation, or impeachment and conviction (SGA Constitution Article V, Section 5, Subsection a)

Meetings

Rule 14 – Chairperson

The Chief Justice shall preside at all Supreme Court meetings. Should the Chief Justice not be present, the Associate Chief Justice shall serve as Chair for the meeting. Should neither the Chief Justice nor Associate Chief Justice be present, the Attorney General shall preside until the Supreme Court elects a temporary Chair. Only a Justice may chair except as provided in the need to elect a temporary Chair.

The Chairperson is responsible for calling all meetings of the Supreme Court to order.

Rule 15 – Regular Meeting Schedule

The Chief Justice shall propose a regular schedule of meetings within the first two (2) weeks of the fall or spring semester to be effective only for that

semester. The regular schedule will only become binding upon a two-thirds affirmative vote of the Supreme Court. The schedule may be amended by the Supreme Court on the recommendation of the Chief Justice with the concurrence of two-thirds of Justices present and voting.

Rule 16 – Special Meetings

For important matters that require urgent consideration by the Supreme Court, a special meeting may be called by the Chief Justice, Associate Chief Justice, or Attorney General with the lattermost only upon the request of a majority of Associate Justices.

The notice for a special meeting must be provided at least forty-eight hours in advance of such a meeting. The notice shall include the agenda for the meeting and the reason for the call. Only items described in the call may be considered at a special meeting.

Rule 17 – Executive Session

From time to time, the Supreme Court may need to consider matters of grave importance in secrecy. In such cases, the Supreme Court may adjourn and enter executive session upon the affirmative vote of two-thirds of the voting membership present.

Rule 18 – Quorum

One half of Justices, rounded up, are required to establish quorum at a meeting of the Supreme Court. However, from time to time, the Supreme Court may recess or adjourn with fewer.

Rule 19 – Notice of Absence

Justices should at their earliest possible convenience notify the Chief Justice and Attorney General if they must be absent for a meeting.

Rule 20 – Agendas

Regular Meetings

The Attorney General shall prepare and distribute the agenda of all regular meetings on the advice of the Chief Justice at least three days in advance of the next regular meeting.

Special Meetings

The agenda for a specially called meeting shall be prepared and distributed by the person calling the special meeting in the notice of said meeting.

Rule 21 – Minutes

The Attorney General is responsible for the preparation and distribution of all minutes. The minutes, upon approval, shall become the official record of actions taken and decisions reached by the Supreme Court. Should the Attorney General be unable to attend a meeting or is otherwise incapable of taking minutes, the Chief Justice shall designate an acting recording secretary. Minutes from meetings in executive session shall be kept separately from other minutes.

Minutes from regular and special meetings shall be considered for approval at the next regular meeting of the Supreme Court. Should more than one-half of the Justice's terms expire or ninety (90) days pass before the next regular meeting, the Chief Justice, after consultation with the Associate Chief Justice, is empowered to declare minutes approved. Minutes from an executive session may only be approved in executive session. Justices, the Attorney General, the SGA Advisor, and the special Advisor to the Supreme Court may inspect the minutes of an executive session even if they were not present for that meeting.

All approved minutes shall be transmitted by the Attorney General to the SGA Secretary so that they may be publicly inspected unless such minutes are from a meeting of the Supreme Court in executive session.

Rule 22 – Right to Motion, Attend, and Debate

Only Justices of the Supreme Court may make motions and cast votes. The Chair is not barred nor discouraged from making motions or voting on matters before the Supreme Court.

The following people have the right to attend all meetings of the Supreme Court: Justices of the Supreme Court, the Attorney General, the SGA Advisor, and the special Advisor to the Supreme Court. Otherwise, attendance is only permitted by invitation of the Chief Justice or a majority of the Supreme Court. No one may be invited to attend an executive session without the unanimous consent of the Supreme Court.

All Justices and the Attorney General retain the right to speak during debate on items of business. Any attendee may speak with the consent of the Chair provided the Supreme Court has not voted to bar them from speaking.

Cases Before the Supreme Court

Rule 23 – Types of Cases

The Supreme Court may consider four types of cases: Constitutional Interpretation, Appeals on the Constitutionality of Legislation, Review of Executive Acts, and Constitutionality of Impeachment Proceedings. The Supreme Court is granted the authority to hear such cases under Article V, Section 2, Paragraph 4 of the SGA Constitution.

All cases accepted by the Court shall be considered within a reasonable time frame as determined by the Court. Once a case is accepted, the only way to dispose of the case is through the adoption of an opinion.

Rule 24 – Case Submission

All cases to potentially be heard by the Supreme Court shall be submitted in the form of a petition signed by at least one of the following: one-fourth (1/4th) of Senators, one-fourth of Executive Cabinet members (1/4th), or one (1) Executive Council member (SGA Constitution Article V, Section 2, Paragraph 5).

The Attorney General shall maintain a system for the submission of petitions to the Supreme Court on EagleEngage to be supervised by the Associate Chief Justice. Case submission details should, at a minimum, include questions for the Supreme Court to answer, necessary documentation for the Supreme Court to reach its decision, and sections of the SGA Constitution, SGA Policies Manual, or branch-specific procedures the submitter believes supports the need for the case.

In cases where the Associate Chief Justice receives a petition of Senators or Cabinet members, the Associate Chief Justice shall forward such petition to the Attorney General and Chief Justice to verify the number of signatures. All other cases and papers to be submitted to the Supreme Court should be done through the Associate Chief Justice.

Rule 25 – Acceptance of Cases

As the Supreme Court's time is valuable, the Supreme Court reserves the right to reject cases or specific questions of a case in its sole discretion unless otherwise provided by the SGA Constitution or the SGA Policies Manual. Upon the acceptance of a case, the Attorney General shall assign it a case number and a case name.

Pursuant to Article V, Section 2, Paragraph 5 of the SGA Constitution, a case will be considered accepted upon the concurrence of half the Justices, rounded

down. As soon as possible after a concurrence of the requisite number of Justices, the Associate Chief Justice shall draft a writ of certiorari, verify that the needed number of Justices support it, and provide it to the Attorney General to notify the involved parties to the case. The Supreme Court shall be deemed to have rejected any case should the requisite number of Justice fail to concur within ten (10) days where classes are in session.

Rule 26 – The Docket

The Attorney General shall maintain the official docket of cases before the Supreme Court. The ordering of cases on the docket shall be prioritized as follows:

1. Constitutionality of Impeachment Proceedings
2. Review of Executive Acts
3. All other cases

Cases that were accepted earlier shall be placed earlier in the docket within their respective class of case.

When there is no current pending case before the Supreme Court, the Supreme Court shall proceed with the next item on the docket. The Supreme Court may, with a simple majority, consider more than one case at a time.

Decisions and Opinions

Rule 27 – Types of Decisions

The Supreme Court may issue two types of decisions: Memorandums and Full Opinions.

Memorandum decisions are to be used in cases where the Supreme Court wishes to quickly issue a decision without an explanation of their reasoning. Memorandum decisions may be further explained by a full opinion decided and published at a later date. Justices may file dissenting or concurring opinions with the release of a memorandum decision.

Full opinions will be issued by the Supreme Court when it feels the need to explain the reasoning for its decision. When issuing a full opinion, the Majority Opinion shall be issued as the Opinion of the Court with any concurring or dissenting opinions attached.

Rule 28 – Adopting Decisions and Opinions

Memorandum decisions shall be adopted upon the affirmative vote of a majority of those present and voting at any meeting, regular or special.

A full opinion shall only be adopted upon an affirmative vote of an absolute majority of Justices.

Upon the adoption of any decision or opinion, the Attorney General shall publish it after providing at least three days for the submission of concurring or dissenting opinions unless the Supreme Court shall decide by a two-thirds affirmative vote that the release of such a decision is an emergency and needing of immediate publication. Should an emergency decision be published, Justices shall have up to five days to file dissenting or concurring opinions for publishing.

Rule 29 – Filing of Dissenting and Concurring Opinions

Any Justice may file a dissenting or concurring opinion to be released with any decision of the Supreme Court. All dissents and concurrences must be filed before the Attorney General publishes the Decision of the Court except as provided in Rule 28.

Dissents and Concurrences shall be of no legal effect, but they may provide insight into a Justice's thoughts on a case. Any Justice may sign onto another Justice's dissent or concurrence.

Rule 30 – The Majority Opinion

After consideration of the questions of a case before the Supreme Court, the Court may adopt a Majority Opinion to become the Opinion of the Court thus rendering a full opinion. The author of the Majority Opinion shall be decided by the senior most member of the Supreme Court in agreeance with the majority. In cases where the Opinion of the Court has multiple authors, the decision shall be issued *per curiam*.

The seniority of the Court is as follows:

1. The Chief Justice
2. The Associate Chief Justice
3. The Associate Justices

The seniority of the Associate Justices shall be determined by their length of service on the Supreme Court. Should it still be unclear who the senior most justice is, credit hours taken will be the final decider of seniority.

Rule 31 – Formats of Opinions

The Chief Justice, or their designee, shall promulgate the format of all majority, dissenting, and concurring opinions.

Miscellaneous Provisions

Rule 32 – Suspension of the Rules

Any rule, excepting this rule and rules relating to amending these rules, may be suspended for one meeting of the Supreme Court upon the concurrence of at least two-thirds (2/3rds) of all Justices, not just those present.

Rule 33 – Amendments to these Rules

Any amendments to these rules shall be submitted to the Attorney General at least five days prior to any regular meeting of the Supreme Court. All amendments shall be read for at least two regular meetings before a vote to adopt the amendments may be considered. These rules may only be amended upon the concurrence of two-thirds of the Justices of the Supreme Court.