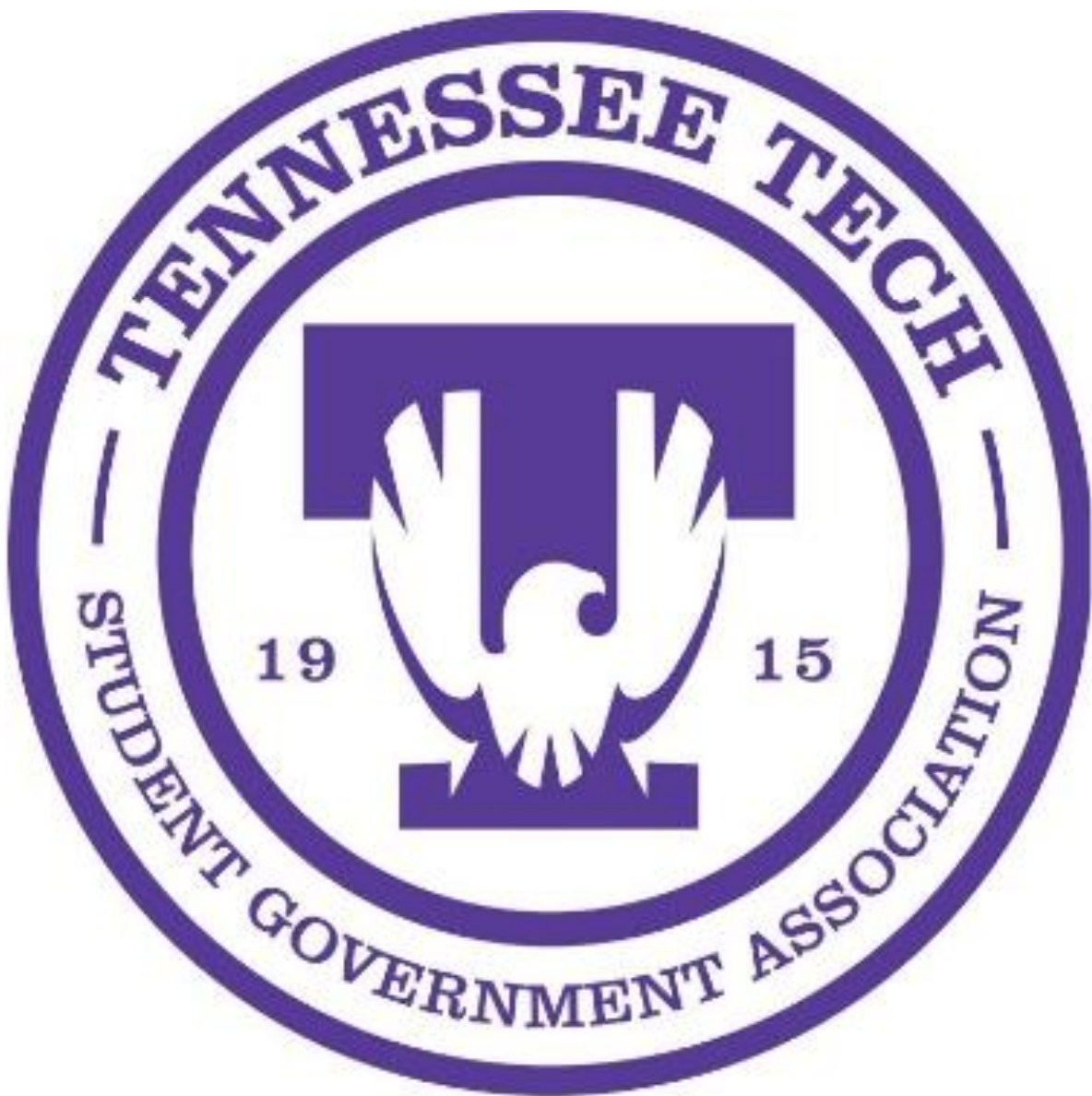


Tennessee Tech Student Government Association

# Judicial

## Rules of Order

Effective on October 26<sup>th</sup>, 2023



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# General Provisions

## **Rule 1 – Title**

These rules may be known and cited as the Supreme Court Rules of Judicial Procedure or the Judicial Rules of Order.

## **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 VI, Section 2, Subsection A, Clause 2 which mandates that the Supreme Court "[a]dopt its own rules and regulations under which to function."

These rules are to be treated as the Special Rules of Order of the Supreme Court for the purpose of parliamentary questions.

## **Rule 3 – Student Citation Appeals Committee**

For the purpose of carrying out the constitutional duty of "[r]ender[ing] decisions on all cases involving appeals of traffic tickets by members of the student body" (VI.2.A.1), 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 XVII of the SGA Constitution and the principles of checks and balances, the Supreme Court shall be bound by all laws of SGA, the SGA Constitution, all Tennessee Tech University policies and procedures, and all applicable local, state, and federal regulations.

## **Rule 5 – Severability**

If any provision of these rules or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to that end the provisions of these rules are declared to be severable.

## **Rule 6 – Citations Not Binding**

Citations in these Rules of Order to the SGA Constitution, to laws of SGA, or to other rules are for the convenience of the user. Errors in citations are inconsequential.

## **Rule 7 – Parliamentary Authority**

The Supreme Court adopts *Robert's Rules of Order: Newly Revised* 12<sup>th</sup> 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 Secretary of the Supreme Court 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 a Secretary of the Supreme Court.

The Chief Justice and Associate Chief Justice shall be appointed in the manner described by the SGA Constitution.

The Secretary of the Supreme Court shall be nominated by the Chief Justice subject to the confirmation of the Supreme Court. The Secretary shall serve at the pleasure of the Supreme Court. The Secretary need not be a Justice of the Supreme Court.

## **Rule 9 – Responsibilities of the Chief Justice**

The Chief Justice shall “[s]upervise the functioning of the Judicial Branch and its members” and “[a]dminister the Oath of Office to newly elected or appointed officers and [J]ustices of the Student Government Association” (VI.7).

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 perform all duties of the Chief Justice should they be incapable of doing so (VI.7.C). In the event of vacancy of the Chief Justice, the Associate Chief Justice shall become the Acting Chief Justice.

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

## **Rule 11 – Responsibilities of the Secretary**

The Secretary 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.

## **Rule 12 – Management of Records**

The Secretary of the Supreme Court 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 law of SGA, the SGA Constitution, Tennessee Tech University policies and procedures, and any local, state, or federal regulations.

In compliance with the SGA Constitution, the Secretary shall work with the SGA Secretary to ensure they are able to fulfill their duties of “[m]aintain[ing] all Student Government Association records, documents, and correspondence” (IV.1.D.1) on matters related to the Supreme Court.

## **Rule 13 – Membership of the Supreme Court**

Pursuant to Article VI, Section 4 of the SGA Constitution, the membership of the Supreme Court shall consist of the Chief Justice, the Associate Chief Justice, the seven Associate Justices, and the two Alternate Associate Justices. The term of membership shall take place immediately upon the Justice taking the Oath of Office.

At any one time there can be at most nine voting members of the Supreme Court. The Alternate Associate Justices are only entitled to a vote in the absence of an Associate Justice. However, Alternate Associate Justices retain the right to attend and participate in all meetings. Unless acting as a voting member, the Alternate Associate Justice may not make motions.

# 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 Secretary 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 meetings of the Supreme Court after the SGA Senate's first meeting in the fall semester. The regular schedule will only become binding upon a two-thirds affirmative vote of the Supreme Court.

## **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 Secretary with the lattermost only upon the request of 4 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**

Six voting members are required to establish quorum at a regular meeting of the Supreme Court. Only five members shall be needed to establish quorum of a specially called meeting. However, from time to time, the Supreme Court may recess or adjourn with fewer.

## **Rule 19 – Notice of Absence and Appointment of Proxy**

Justices should at their earliest possible convenience notify the Chief Justice and Secretary if they must be absent for a meeting. An Associate Justice should specify which Alternate Associate Justice they wish to give their voting power to in the notice of their absence. Should that Alternate Associate Justice be unable to attend, the other Alternate Associate Justice shall be granted the Associate Justice's voting rights for that meeting. The Alternate Associate Justices may only ever hold the voting rights of one Associate Justice.

## **Rule 20 – Agendas**

### *Regular Meetings*

The Secretary 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 Secretary 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 Secretary be unable to attend a meeting or is otherwise incapable of taking minutes, the Court shall elect an Acting Recording Secretary nominated by the Chief Justice. Minutes from meetings in executive session shall be kept separately from other minutes.

Minutes from regular and special meetings shall be approved at the next regular meeting of the Supreme Court. Should more than one-half of the Justice's terms expire 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 Secretary, and the SGA Advisor 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 Secretary 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 voting members 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: the members of the Supreme Court, the Secretary of the Supreme Court, the SGA Advisor, and the university's Dean of Students. 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 Secretary of the Supreme Court 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 three types of cases: Constitutional Interpretation, Appeals on the Constitutionality of Legislation, and Impeachment Proceedings. The Supreme Court is granted the authority to hear such cases under Article VI of the SGA Constitution.

All cases accepted by the Court shall be considered items of business before the Court that qualify as pending main motions. Once a case is accepted, the only way to dispose of the case is through the adoption of an opinion.

## **Rule 24 – Case Submission**

The Secretary of the Supreme Court shall maintain a system for the submission of cases to the Supreme Court unless the SGA Constitution provides otherwise. 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 the submitter believes supports the need for the case.

In cases where the Chief Justice receives a petition of Senators requesting an appeal on the constitutionality of legislation, the Chief Justice shall forward such petition to the Secretary of the Supreme Court. All other cases and papers to be

submitted to the Supreme Court should be done through the Secretary of the Supreme Court.

## **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. Upon the acceptance of a case, the Secretary shall assign it a case number in increasing order and a case name.

Cases on impeachment proceedings are automatically accepted as required by the SGA Constitution Article VI, Section 2, Subsection A, Clause 3.

For appeals of the constitutionality of legislation, the Supreme Court must issue a writ of certiorari within five days of the appeal being submitted if it wishes to hear the case, and such writ of certiorari will only be granted upon the signature of four Justices (VI.3.B).

In all other cases, the Supreme Court shall have no time limit to accept or deny a case. Any case upon reaching the signatures of at least four Justices shall be accepted and added to the docket of cases before the Supreme Court.

## **Rule 26 – The Docket**

The Secretary of the Supreme Court shall maintain the official docket of cases before the Supreme Court. The order of the docket shall be as follows:

1. Impeachment Proceedings
2. Appeals of the Constitutionality of Legislation
3. All other cases

Within each rank, cases of a lower case number shall be considered first.

When there is no current pending business before the Supreme Court, the Supreme Court shall proceed with the next item on the docket.

# **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 a majority of the voting members that the Supreme Court is entitled to [currently five per Article VI, Section 4 of the SGA Constitution].

Upon the adoption of any decision or opinion, the Secretary of the Supreme Court 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 Secretary of the Supreme Court 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 to render 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.

The seniority of the Court is as follows:

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

The seniority of the Associate and Alternate 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**

These rules, as the By-laws of the Supreme Court, shall not be able to be suspended without a unanimous vote of the voting membership of the Supreme Court [currently nine per Article VI, Section 4 of the SGA Constitution].

### **Rule 33 – Amendments to these Rules**

Any amendments to these rules shall be submitted to the Secretary of the Supreme Court at least five days prior to any regular meeting of the Supreme Court. All amendments shall be read and considered for at least two regular meetings before a vote to adopt the amendments may be considered. These rules may only be amended upon a vote of two-thirds of the voting membership that the Supreme Court is entitled to [currently six per Article VI, Section 4 of the SGA Constitution].

### **Rule 34 – Adoption of these Rules**

These rules shall become effective upon a two-thirds vote of the Supreme Court after consideration during at least two regular meetings of the Supreme Court.