



# Student Court of Liberty University

CODE OF JUDICIAL PROCEDURE

SPRING 2022 TERM

Approved 11 February 2022

**WE**, the undersigned Chief Justice and Associate Justices of the Student Court of Liberty University, for the more effective administration of justice, for the creation of clarity and accessibility, and to ensure the impartiality of our decisions to the SGA and Student Body, do ordain and establish these Bylaws and this Code of Ethics for the Student Court.

Signed this day, February 11, in the Year of our Lord 2022 and of the University 50.

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*Andrew Hilty, Chief Justice*

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*Ashley Hart, Associate Justice*

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*Lauren Hosier, Associate Justice*

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*Landon Keen, Associate Justice*

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*Caleb Webb, Associate Justice*

## **Article I: Definitions**

Section 1: This Code of Judicial Procedure (hereafter “CJP”) shall constitute the Bylaws of the Student Court.

Section 2: The “Court” shall be composed of the Chief Justice, the Associate Justices, and any officers of the Court party to the case at hand, including the Solicitor General (if appointed and party to the case), the General Counsel (if appointed, party to the case, and in the absence of the Solicitor General), any special masters appointed by the Court. The Chief Justice shall have the authority to appoint Judicial Assistants as officers of the Court, should the letters of commission for the aforesaid Judicial Assistants specify as such.

Section 3: A quorum of the Court shall be composed of any two Justices along with either the Chief Justice, or in the absence of the Chief Justice, a third Justice appointed to preside pursuant to Article II Section 2 of this Code either in person or digitally as the Court shall permit.

Section 4: “Session” shall refer to any meeting of the Court for the purpose of conducting business. The time and place of all sessions shall be set by the Chief Justice.

Section 5: “Hearing” shall refer to any session of the Court wherein the parties to the case are present, either in person or digitally as the Court may permit.

Section 6: “Subterm” shall refer to the two-week period within which the Court holds session on a particular docket.

Section 7: Each term of the Court shall run concurrently with each semester.

Section 8: The Court shall be notified of all sessions no later than 24 hours prior to said session.

Section 9: The Clerk of the Court may be appointed by the Chief Justice at the start of each term. The Clerk shall receive and disseminate all communications to the Court, set the docket for the upcoming subterm, maintain the minutes of all sessions, and maintain any official Judicial Branch social media accounts.

Section 10: The Chief Justice has the authority to perform any action delegated to the Clerk under Article I Section 9 of the CJP, and shall do so in the absence, through incapacitation or vacancy, of the Clerk.

Section 11: The Chief Justice may establish reasonable regulations for the maintenance of health and safety at all Court sessions.

## **Article II: Presidency of the Court**

Section 1: The Chief Justice shall preside over the Court except in his or her absence.

Section 2: If the Chief Justice is unable to attend a scheduled meeting of the Court, he or she may appoint an Associate Justice to preside over the Court provided that written notice be given by email to the Court prior to the scheduled sitting.

Section 3: An Associate Justice duly appointed according to Article II Section 2 of the CJP may perform any action reserved to the Chief Justice throughout the CJP, subject to the terms of his or her appointment.

## **Article III: Traffic Procedure**

Section 1: At the direction of the Chief Justice, the Clerk of the Court shall release to the Court a list of upcoming cases for review. The Justices shall have until 11:59 pm on the Wednesday following to review the cases and to vote on whether to hear the case or to decide it. If a majority of the Justices vote to decide a case, it shall be laid on the “Conference” calendar. If a majority of the Justices vote to hear the case, it shall be laid on the “Hearing” calendar, which shall take precedence over the conference calendar. If a case cannot be laid on either calendar the Chief Justice shall determine the proper action in that case. All parties to cases on the hearings calendar shall be notified no later than Thursday at 12 noon.

Section 2: On the first Friday of the subterm, the Court shall meet to decide all cases on the decision calendar. Decisions shall be made by a voting majority of the Justices in attendance.

Section 3: All cases on the hearings calendar shall be heard as near as possible to the scheduled meeting of the Court on the second Friday of the subterm. Both the appealing party and the ticketing officer shall be offered attendance. The appealing party may speak first, followed by the officer, after which time the appealing party may offer rebuttal.

Section 4: Failure to check-in with the SGA front desk by the scheduled hearing time will constitute failure to appear at hearing. The Student Court must rule against a party which fails to appear. If neither party appears, the Student Court must dismiss the case without prejudice and offer a timeline for the appellant to refile.

Section 5: The Chief Justice shall assign all decided cases to the Justices to write the decision of the Court according to the reasoning given by the majority. The decisions of the Court will signed by each of the justices joining in the majority. These decisions must be

transmitted by 11:59 pm on the second business day following the session in which the case was decided.

Section 6: Cases arising under this article may be continued to the next hearing of the Court at the discretion of the Chief Justice.

#### **Article IV: Disciplinary Procedure**

Section 1: If any member of the SGA believes that a member of the Executive or Legislative Branches has violated the Constitution or Code of Ethics, and that such behavior merits discipline up to impeachment, they may file a petition with the Court for the empaneling of an Investigative Committee. Such a petition shall conform to that found in Appendix A: Petition for an Investigative Committee. Thereafter the member against whom the petition was filed shall be known as the “Respondent.” Upon receipt of the petition, the Clerk shall notify Chief Justice and the Respondent.

Section 2: The Standing Investigative Committee must be utilized if and only if the petition seeks:

- a) disqualification under Article II of the Constitution; or,
- b) disqualification pursuant to requirements of office specified by relevant bylaws; or,
- c) discipline for failure to comply with an order issued under Article V section 1.2 of the Constitution.

Section 3: The Standing Investigative Committee shall be composed of the Senior Class President, the Speaker of the House, the chair of the largest House committee, the President of the Senate, and the Director of Internal Affairs. These members must be vetted in like manner as all investigative committee members. Should any member of the Standing Investigative Committee be disqualified in a particular matter, they will be replaced at random from the rolls of their respective branch.

Section 4: If the petition seeks discipline for a matter not delegated to the Standing Investigative Committee, at the direction of the Chief Justice, the Clerk shall select, at random, from the rolls of the branches, members of the SGA to satisfy the requirements of Article V Section 4 of the SGA Constitution. These individuals will be vetted by the Court to ensure they are unbiased in the case at hand and shall exclude any individuals proscribed by Article V

Section 4 of the SGA Constitution. All individuals who are proscribed or determined by the Court to carry significant potential for bias shall be excused and another individual shall be randomly selected.

Section 5: Upon confirmation of the committee membership, the committee will be empaneled and shall elect a chair to preside. The Chief Justice shall charge the committee by explaining its role, authority, and the allegations of the case at hand. The Court shall await receipt of the decision of the committee. The committee may return a true bill and indict the Respondent, who shall now be referred to as the “Defendant,” or may return an ignoramus bill, which shall acquit the Respondent and conclude the procedure.

Section 6: If the investigative committee returns a true bill, the Chief Justice shall certify the bill and the General Counsel and Defendant shall be notified. The Court may, in the absence of a General Counsel, Acting General Counsel, or Solicitor General, appoint a special master to bring the case before the Court. The General Counsel or whoever is serving in that capacity shall be referred to as the “Prosecution.”

Section 7: The Court shall hold at least one preliminary hearing and only one final hearing, after which the Court shall render judgement and issue any such writs as necessary for the enforcement of said judgement, concluding the procedure. The requirements of this section may be waived at the discretion of the Court. All hearings arising under this section shall be laid on the “Discipline” calendar, which shall take precedence over the Conference, Hearings, Questions, and Judiciary calendars.

Section 8: Should any party desire the Court to perform or abstain from performing a certain action, they may do so by moving the Court either in writing, or, while the Court is in session, verbally, stating precisely the act to be performed or abstained from and what justification exists for granting said motion.

Section 9: For cases of impeachment arising under an alleged violation of the Constitution, the Court must determine prior to the final hearing whether the alleged violation was a settled matter of Constitutional provision beyond a reasonable doubt. Should the Court find reasonable doubt that the alleged offense was a settled matter, the Court shall dismiss the impeachment case with prejudice and reconvene in a judicial capacity.

## **Article V: Judicial Procedure**

Section 1: The Court must convene under Judicial Procedure according to Article V of the CJP if: any individual in Student Government petitions the Court for a ruling on the permissibility of any action already committed under the Constitution and statutes pursuant to the jurisdiction of the Court laid out in the SGA Constitution, Article V, by filing such a petition with the Court, **or** the Court reconvenes in an appellate capacity pursuant to Article IV Section 7 of the CJP.

Section 2: Upon receipt of such a petition or writ, the Chief Justice shall set times for any such hearings as necessary for the effective prosecution of the petition, taking into consideration the opinions of the parties to the case at hand. All hearings arising under this section shall be laid on the “Judiciary” calendar, which shall take precedence over the Hearing, Conference, and Question calendars.

Section 3: Motions may be made, with leave of the Court, in the same manner as laid out in Article IV Section 6 of the CJP.

Section 4: The Court may issue any such writ or ruling under Article V section 1.2 of the Constitution as necessary for the enforcement of its decisions.

Section 5: Any member of the Student Government may petition the Court with a certified question as to interpretation of the Constitution and binding legislation, by filing such a petition with the Court.

Section 6: Upon receipt of such a petition, the Chief Justice shall set times for any such hearings as necessary for the effective prosecution of the petition. All hearings arising under this section shall be laid on the “Question” calendar, which shall take precedence over the Hearing and Conference calendar.

Section 7: Decisions of certified questions are official statements of the Court’s position at the time of writing, not a decision regarding an actual case or controversy, and as such no writ or ruling may issue under Article V section 1.2 of the Constitution, nor may any motions be granted.

## **Article VI: Amendments**

Section 1: These Bylaws and the following Judicial Code of Ethics shall be confirmed by the unanimous decision of the Justices of the Court at the beginning of each term. Any Justice may suggest amendments, which may be adopted by the unanimous decision of the Court.

Section 2: After said approval, a voting majority of the Court may suggest amendments, at which time the Court shall vote. If the amendment is approved unanimously the amendment shall be adopted for all cases beginning after said adoption.

## **Article VII: Judicial Code of Ethics**

Section 1: The purpose of this Code of Ethics is to establish to the members of the SGA and Student Body that this Court is, and shall remain, unbiased and unaffected by outside pressures in its decisions. The Judicial Branch of the SGA charged with many matters which may prove controversial, and as such it is imperative that all parties understand this Court is concerned with what the rules state and what actually occurred, no more and no less.

Section 2: All Justices of the Student Court shall recuse themselves should they be unable to render judgement honestly and without bias.

Section 3: All Justices shall avoid discussing cases outside of the context of the Court. They shall not disclose personal details of any parties to cases before the Court to persons outside the Court in an unauthorized fashion, either during the case or after the case has been decided. They shall not give out the names of appellants or LUPD officers.

Section 4: No member of the Court shall speak to any member of the press in their capacity as a Justice without leave of the Chief Justice and Administration.

Section 5: The Judicial Branch is charged with the conduct of free and fair elections. Therefore, no Justice shall publicly endorse any candidate to SGA office, either as an officer of the Court or in a personal capacity, nor shall he or she endorse any candidates as a representative of another organization. Justices may belong to organizations which offer such endorsements, provided that his or her name or likeness is not attached to any publication of endorsement issued by said organization.

Section 6: All Justices shall conduct themselves towards their peers on the Court, and all other officers thereof, in a professional manner at all times, by refraining from disparaging,



harassing, threatening, or engaging in any behavior unbecoming of the office of Justice of the Court.

**Appendix A: Petition for an Investigative Committee**

**Petition to the SGA Court to Open an Investigative Committee**

**Summary of Events:**

**Desired Action:**

**Facts:**

**Relevant Rules:**

**Related Evidence:**