

# GRADUATE AND PROFESSIONAL STUDENT ASSOCIATION

## SUPREME COURT RULES AND PROCEDURES



Effective March 20, 2020

## **Article I. Purpose**

### **Section 1. Avenue for Relief**

The Supreme Court of the Graduate and Professional Student Association (GPSA) of Arizona State University was established under Title III of the GPSA Constitution, in order to provide the graduate students of Arizona State University with a judicial body which ensures a fair, equitable, and impartial means of adjudicating disputes arising under the Constitution and the Bylaws of GPSA.

### **Section 2. Establishment of Internal Procedures**

The purpose of these rules and procedures is to set forth a framework which shall govern the Supreme Court and give notice to concerned parties in resolving disputes prior to contacting the Supreme Court. These Rules and Procedures provide a comprehensive guide to the operations of the Supreme Court and the methods of resolving a dispute. Unless noted within the document, any rules and procedures in the GPSA Constitution shall supersede this document.

## **Article II. The Supreme Court**

### **Section 1. Session**

- A. The Supreme Court annual session begins immediately after the GPSA Assembly convenes. The Court begins its session each April and ends with the conclusion of the GPSA Assembly's legislative session the following April.
- B. The Supreme Court Justices' terms shall follow the rules as defined in Title III, Article 1, Section 4 of the GPSA Constitution.

### **Section 2. Quorum**

- A. The Supreme Court may not sit to adjudicate disputes without a quorum present. A quorum consists of at least three (3) Justices. The Supreme Court may not adjudicate a dispute if no less than three (3) members of the Court are present, as per outlined in Title III, Article 2, Section 2 of the GPSA Constitution.
- B. Should a Justice recuse themselves, or be otherwise unavailable, convening quorum will be met by the remaining Justices, unless the minimum quorum threshold is not met per subsection (A) requirements.

### **Section 3. Proxies**

- A. The Justices of the Supreme Court may vote electronically or by other remote means, but there are no allowances granted for proxy voting of Justices.

### **Section 4. Clerk of the Court**

- A. The Clerk of the Court shall be located at the business offices of GPSA.
- B. The Clerk receives Supreme Court documents and has the authority to reject any submitted filing that does not comply with these Rules and Procedures.
- C. Any document filed with the Clerk is made part of the Supreme Court's records and may not be withdrawn from the official Supreme Court files.
- D. The Clerk shall make public all decisions of the Supreme Court.
- E. The term of the Clerk of the Court shall begin as per rules and procedures in Title III, Article 1, Section 3, Clause 2 of the GPSA Constitution.
- F. The Clerk of the Court shall store all files within the office of the Assembly Secretary and Parliamentarian, upon the finalizing of the document.

**Section 5. Judicial Canons**

- A. A Justice will remain neutral in all matters presented to the Court.
- B. A Justice will abstain from making public comments about ongoing proceedings prior to and during that proceeding.
- C. A Justice may recuse him or herself at will if his or her ability to be impartial is at risk.

**Section 6. Participation**

- A. A Justice has a duty to attend and actively participate in all meetings and deliberations of the Supreme Court.
- B. The Supreme Court shall meet twice a session, once at the beginning of the academic year and once at the end.
- C. The Supreme Court in their first meeting should select a Chief Justice.
- D. The Supreme Court in their second meeting must review the Rules and Procedures document and may make edits and/or update the Rules and Procedures document at this meeting.
- E. The Supreme Court must be in active communication with members of the GPSA Government Operations committee.

**Section 7. Conflicts**

- A. A Justice must immediately resign from their office before he or she becomes a candidate for any elected position in GPSA or appointed director.

**Section 8. Chief Justice Selection Process**

- A. The Chief Justice shall be selected at the beginning of each session by a majority of the Justices.
  - 1. Voting may be conducted online if the majority of Justices are not able to meet.
  - 2. Voting shall be conducted by the Clerk of the Court, and shall last forty-eight hours, following one week of deliberation before the vote.
  - 3. Justices shall be allowed to self-nominate, and may be voted in by a majority of the Justices.
  - 4. Should a Chief Justice be subject to a loss of confidence amongst the rest of the Justices, they may be removed by a simple majority vote.
  - 5. All elections or votes of removal shall be presided over by the Clerk of the Court.

**Section 9. Chief Justice Duties**

- A. It shall be the duty of the Chief Justice to:
  - 1. Preside over all meetings of the Supreme Court;
  - 2. Ensure that all decisions and opinions of the Supreme Court are written and filed with the Clerk of the Court;
  - 3. Communicate and perform additional duties with the GPSA and Clerk as necessary.

**Article III. Cases and Controversies**

**Section 1. Jurisdiction**

The Supreme Court shall have jurisdiction over all disputes arising under the GPSA Constitution or any Bylaws established pursuant to the Constitution. In addition, the Supreme Court shall have any other jurisdiction the GPSA Assembly may provide in the Bylaws.

**Section 2. Appeals from the Elections Department**

- A. All appeals from the Elections Department must be filed within five (5) business days from the original publication or announcement of the decision.
- B. The Petitioner should attach a copy of the Elections Department's decision and the complaint that was originally filed.
- C. The functions of Appeals from the Elections Department is to allow the Petitioner to challenge the Elections Department's interpretation of the Election Code as applied, or the Election Code's constitutionality.

### **Section 3. Petition**

- A. All Petitions shall be filed with the Clerk.
- B. Petitions to the Supreme Court shall be signed and dated.
- C. The Petition shall comply with the Rules and Procedures Complaint Process.
- D. Upon receipt of the Petition by the Clerk, the Clerk shall have two (2) days to provide reasonable notice to the Chief Justice and Defendant listed on the Petition.

### **Section 4. Answer**

- A. Each Defendant may file an Answer to the Petition. Failure to provide an Answer in a timely manner will result in a default judgment in favor of the Petitioner.
- B. The time to file an Answer ends thirty (30) days after the receipt by the Defendant of a certified copy of the Petition.
  - a. For good cause, the Court, by majority vote of the Justices, may extend the time to file an answer for a period not exceeding fifteen (15) days.
- C. All answers shall be filed with the Clerk.
- D. Answers shall be signed and dated.
- E. The Answer shall comply with the Rules and Procedures Answer Process.
- F. Upon receipt of the Answer by the Clerk, the Clerk shall have two (2) days to notify the Chief Justice and Petitioner.

### **Section 5. Initial Supreme Court Action**

Within five (5) business days from the Supreme Court's notification of an Answer, the Supreme Court, by majority vote, shall act by:

- A. A Decision of Dismissal of the Petition for reasons including, but not limited to:
  - 1. Lack of Standing;
  - 2. Failure to State a Claim upon which relief may be granted;
  - 3. Not ripe for adjudication; or
  - 4. The issues involved cannot be fairly addressed by the Supreme Court.
- B. Issuing a Decision without an oral hearing.

- C. The scheduling of Oral Proceedings, which will take place no more than twenty-one (21) business days from the initial Petition filing date.
- D. If no Answer is received within five (5) business days, the Supreme Court shall issue judgment in Petitioner's favor.

**Section 6. Oral Proceedings**

- A. The purpose of an oral proceeding is to allow the parties to present evidence and arguments for the Supreme Court's consideration during deliberations.
- B. All oral proceedings are hearings open to the public.
- C. The time and place of an oral proceeding shall be made public at least three (3) business days in advance of the hearing.
- D. Only the Justices, Petitioner, and Defendant, and their student representatives shall be allowed to speak at an oral proceeding.
- E. The parties involved in oral proceedings, if represented, may only be represented by Arizona State University students.
- F. The format for oral proceedings shall be as follows:
  - 1. The petitioner and defendant will each be given fifteen (15) minutes, irrespective of multiple same-side parties, to present his or her arguments and answer questions of the Supreme Court.
  - 2. There may be a short recess in order to allow the parties to prepare their rebuttal and for the Supreme Court to prepare further questions;
  - 3. The Petitioner and defendant will each be given ten (10) minutes, irrespective of multiple same-side parties, to respond to the other parties' arguments and answer questions of the Supreme Court.
- G. The Supreme Court may reserve the right to extend the times allotted during oral proceedings.

**Section 7. Deliberations**

- A. The Supreme Court shall begin deliberations upon completion of an oral proceeding.
- B. All deliberations are closed to the public.
- C. During deliberations, the Supreme Court shall consider all evidence presented in the course of action, as well as appropriate precedent.

- D. At the end of Deliberations, the Supreme Court shall take an official vote. A majority vote shall determine the decision.

**Section 8. Decisions and Remedies**

- A. In a decision, the Supreme Court may impose any remedy it has power to provide in which it deems appropriate to the case. All decisions and remedies shall be final and binding on GPSA, its subdivisions and representatives, and its members at large.
- B. All decisions shall be signed and dated by all participating Justices.
- C. There must be at least one (1) holding from the Supreme Court. Dissenting and/or concurring opinions may also be filed.
- D. Each Justice, unless disqualified from a proceeding, must sign his name to the holding he or she agrees with.
- E. All Decisions presented by the Supreme Court shall be filed with the Clerk and posted within a reasonable time on the GPSA website.
- F. The decision format shall include:
  - 1. Supreme Court Decision
    - a. The names of the parties involved.
    - b. The file number
    - c. Date of the oral proceedings, if any; and
    - d. Date the Decision is filed.
  - 2. Opinion(s) of the Supreme Court
    - a. Fact Summary;
    - b. Reasoning;
    - c. Holding of the Supreme Court, including the relief granted;
    - d. Concurring and dissenting opinions, if applicable.

**Article V. General Provisions**

**Section 1. Revision and Amendments**

These Rules and Procedures may be revised or amended through formal adoption by a majority of the Supreme Court and majority vote of the GPSA Assembly.

- A. Voting may be conducted online for amendments to this document, providing that Justices are given one week of deliberation period prior to the start of the vote.
- B. Voting shall be conducted by the Clerk of the Court and last forty-eight (48) hours following the deliberation period.
- C. The Government Operations committee shall be authorized to make stylistic changes which do not alter the intent or meaning of the Supreme Court Rules and Procedures without the consent of the Assembly, contingent upon a majority vote.
  - a. Any changes made by the Government Operations Committee must be communicated to the Supreme Court by electronic or registered mail to the Clerk of the Court.

**Section 2. Suspension of the Rules**

- A. The Rules and Procedures of the Supreme Court may be suspended by a majority vote of Justices.
- B. If a rule is suspended, the Supreme Court shall include, in the Decision, the reasons behind the necessity of the suspension.

**Section 3. Time Limits**

All time limits expressed in days shall include only school days with weekends and holidays excluded.

**Section 4. Items Not Covered**

When a situation arises that is not covered by these Rules and Procedures, the Supreme Court shall determine an equitable course of action in the spirit of common sense and due process of law, subject to the limitations of the GPSA Constitution.