Amendment C-02-2020
The University of Alabama
24th Senate 2019-2020

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Sponsored by: Speaker Kathryn Hayes, Senator Allison Koszyk, Senator Erin Jolley
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AN AMENDMENT TO THE CONSTITUTION UPDATING LANGUAGE AND COMMON PRACTICES OF THE JUDICIAL BOARD

Section 1.
Findings:

A. The Student Government Association Constitution features several spelling errors throughout Article V.
B. The Office of Student Conduct is the primary supervisory entity for the SGA Judicial Board.
C. The University of Alabama and the Office of Student Conduct have the power to delegate judicial power to the SGA Judicial Board
D. The Office of Student Conduct seeks clarification and codification of common practices pursuant to the SGA Constitution.

Section 2. Amendment to the Constitution: changes in red

ARTICLE V - JUDICIAL BRANCH

Section 1: Judicial Power. All judicial power of the SGA shall be vested in the Student Judicial Board, abbreviated hereafter as Judicial Board.

A. The Judicial Board shall be delegated judicial power by the administration of The University of Alabama.
B. The Judicial Board shall be vested judicial power by this Constitution and any rules or regulations which may be established pursuant to this Constitution.

Section 2: Jurisdiction. The Judicial Board shall have jurisdiction to consider the following matters:

A. All controversies arising under this Constitution and any rules or regulations which may be established pursuant to this Constitution;
B. All student parking violations cited by The University of Alabama Office of Transportation Services being that the responsibility is deisgnated designated by the appropriate University administrative officials or standing committee;
C. All controversies arising under the Code of Student Conduct for which the Judicial Board has been designated as a "Judicial Body" or an "Appellate Board" within the meaning of the Code of Student Conduct;
D. All controversies arising under the Code of Academic Conduct as designated by the administration at The University of Alabama;
E. All appeals arising under student elections regulations;
F. The impeachment and removal proceedings as outlined in Article IX of this Constitution.

Section 3: Composition. The Judicial Board shall consist of up to one justice for every 1,200 students enrolled at The University of Alabama with a minimum of 15 justices and up to one clerk for every 6,000 students enrolled. a preset number of Associate Justices and Clerks, as decided by the Office of Student Conduct prior to the opening of the selections process.

Section 4: Chief Justice. The Judicial Board shall elect a Chief Justice from its membership.

A. The Chief Justice for the upcoming academic year shall be elected from its current membership prior to the selection of new members.
B. The Chief Justice-elect shall remain a member of the Judicial Board for the upcoming term; he or she shall also be a member of the selection committee for the upcoming term

1. If the sitting Chief Justice seeks and is granted re-election, he or she shall remain in office, remain a member of the Student Judicial Board, and serve upon the selection committee for Associate Justices for the upcoming term.
2. If the sitting Chief Justice seeks and is denied re-election, he or she shall not serve upon the selection committee for Associate Justices or Clerks for the upcoming term if he or she chooses to submit to the selection process as an Associate Justice or Clerk.

    a. In said event, the President shall appoint a member of the Executive Branch to fill the vacancy on the selection committee.

3. If the sitting Chief Justice chooses not to seek re-election or chooses not to submit to the selection process for Associate Justice or Clerk then he or she shall serve upon the selection committee.

Section 5: Conduct Hearings. Justices shall receive assignments through a rotation system assigned by the Chief Justice.

A. A minimum of three justices must be in attendance in order to hear a case presented by a student before reaching a decision.
B. For parking appeal hearings, if a student chooses not to appear before the board but would like an appeal to be considered, only one justice three justices must be in attendance to reach a decision on that case, with the exception of Summer Panels being at the discretion of the Office of Student Conduct and UA Parking Services.

Section 6: Eligibility. Judicial Board Justices and Judicial Board Clerks shall be selected in the spring semester of each school year from full-time students at The University of Alabama.

A. Academic requirements.

1. Undergraduate students. All undergraduate students seeking judicial office must have an overall cumulative GPA of not less than 2.30 on a 4.0 scale and earned at least 12 credit hours from The University of Alabama.
2. Law students. All law students seeking judicial office must have an overall cumulative GPA of not less than 2.50 on a 4.0 scale and earned at least 12 credit hours from The University of Alabama.

3. Graduate students. All graduate students seeking judicial office must have an overall cumulative GPA of not less than 3.00 on a 4.0 scale and earned at least 9 credit hours from The University of Alabama.

B. Selection.

1. Candidates for justice and clerk shall submit blind applications.
2. The blind review of each application will be made by the Chief Justice and a minimum of two non-returning justices selected by the non-returning in good standing justices of the Judicial Board and the Chief Justice.

a. In the event there are no non-returning justices, the Attorney General and a Senator selected from the membership of the Senate Rules Committee will assist the Chief Justice in the blind application review.
b. In the event that the Chief Justice is a returning justice returning to serve another term, a staff member from the Office of Judicial Affairs Student Conduct at The University of Alabama will lead in the blind review of each application. A Judicial Selection Panel will conduct a personal interview of applicants.

3. The Judicial Selection Panel shall consist of the following:

a. One representative from Judicial Affairs the Office of Student Conduct;
b. At least three non-returning justices selected by the non-returning members in good standing of the Judicial Board;

i. In the event there are not at least three non-returning members in good standing of the Judicial Board, then one non-returning justice shall be selected by the non-returning members in good standing of the Judicial Board.

1. In the event there is not one non-returning justice in good standing of the Judicial Board, then the Executive Council shall select two members of the executive branch to serve on the selection

panel and the Senate shall select one member of the Senate to serve on the selection panel.

c. The Chief Justice of the Judicial Board.

i. In the event that the Chief Justice is a returning justice returning to serve another term, then a staff member from the Office of Judicial Affairs Student Conduct at The University of Alabama shall serve on the selection panel.

C. Confirmation. Candidates for Judicial Board justices and clerks shall be confirmed or denied confirmation individually by a majority vote (fifty percent plus one vote) of the Senate.

D. Vacancies. In the event of a vacancy on the student Judicial Board, the Chief Justice shall have sole responsibility and full discretion to initiate the application process. Applications for the vacant office shall be available on the SGA website for a period, the minimum of which is 5 academic days, and chosen applicants shall submit to an interview conducted by the Chief Justice, an Associate Justice, and one representative of the Executive Branch identified by the President. Said committee shall be responsible for selecting the applicant(s) qualified to submit to the interview process, as well as those who shall fill the vacancy. The SGA President, Student Senate, and Judicial Advisor must approve the members selected to fill the vacancies. For vacancies that occur forty days prior to the spring SGA elections, those vacant Judicial Board seats shall remain vacant until the selections process for the next Judicial Board begins.

Section 7: Duties and Responsibilities of the Chief Justice. The Chief Justice of the Judicial Board shall:

A. Preside over the Judicial Board;

B. Assign cases and appeals for panels fairly and equitably among justices;

C. Ensure that the attendance policy of the Judicial Board is maintained;

D. Establish and implement an intensive training program for all newly-appointed justices and clerks;

E. Certify that newly appointed justices or clerks have successfully completed the intensive training program prior to assigning duties to these justices and clerks;

F. Regularly schedule meetings of the Judicial Board to hear appeals and cases;
G. Schedule panels to hear campaign violations, constitutional review cases, judicial review cases, and issue appropriate sanctions as necessary pursuant to Section 2 of this Constitution.

Section 8: Duties and Responsibilities of justices. The justices of the Judicial Board shall:

A. Hear cases and make rulings;
B. Recommend to the Chief Justice methods for the fair and equitable assignment of cases and appeals;
C. Recommend rules of procedure to the Chief Justice
D. Carefully consider and fairly decide all cases and controversies coming before them as members of the Judicial Board;
E. Recuse themselves from participating in any proceeding in which their impartiality may be compromised, in which they have knowledge of a disputed fact, or in which they have an interest, other than as a student, in the outcome. Failure to recuse oneself shall be grounds for impeachment and removal from office.

Section 9: Duties and Responsibilities of the Judicial Board Clerks.

A. Judicial Board Clerks shall be appointed by the Chief Justice to administratively process each case or appeal coming before the Judicial Board.
B. Judicial Board Clerks shall be responsible for the docketing, scheduling, and other administrative functions established by the rules of procedure adopted in accordance with this Article.