



STUDENT GOVERNMENT  
ASSOCIATION

General Procedural Rules of the Judicial Council  
for the Student Government Association

As adopted, Spring 2022

As amended, Month Year

## 1. Purpose, Interpretation, and Amendment

### 1.1 Purpose and Interpretation

These General Procedural Rules shall provide the Judicial Council Justices of the Student Government Association with clear and uniform procedures for the conduct of business. This document shall be considered subordinate to the Student Government Association Constitution, as amended, all rules and regulations of the University as outlined in the student handbook, and all local and state laws. This document shall be considered equal to the Legislative Bylaws of the Student Government Association.

All matters not covered within these General Procedural Rules shall be governed by Robert's Rules of Order, Newly Revised Interpretation of Robert's Rules of Order, Newly Revised shall be made by the Chief Justice of Judicial Council during meetings of the Judicial Council.

### 1.2 Amendments

1.1.1 These General Procedural Rules may be amended by a simple majority affirmative vote of the Senate, present, provided that it has gone up for first reading at the previous meeting of the Senate, and voting and four-sevenths (4/7) affirmative vote of the Judicial Council, within two weeks of the Senate's simple majority affirmative vote.

1.2.1 If the Judicial Council vetoes any legislation passed by the Senate, the Judicial Council shall report to the author of said legislation within two weeks (14 days) of its passing and to the Speaker of the Senate. All vetoed legislation shall be the first item under Unfinished Business at the meeting immediately following the veto.

1.2.2 The Chief Justice must report to the Senate any vetoes made, the vote count, and the listed justification of the vetoed majority.

1.2.3 Two thirds ( $\frac{2}{3}$ ) vote of the Senate, present and voting, can override vetoes of the Judicial Council, following the precedent in Section 3.1.9 of the SGA Constitution.

## 2. Attendance Policy, Resignation, Censure, and Judicial Review

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### 2.1 Attendance Required

Attendance and active involvement within the Student Government Association meetings shall be considered an expectation of all elected and appointed members.

### 2.2 Excused Absences for Justices

Justices shall be allowed no more than three (3) unexcused Judicial Council absences per academic year, unless excused by the Judicial Council.

2.2.1 The process for submitting an excuse for a justice on the Judicial Council shall be contacting the Chief Justice within twenty-four (24) hours before the meeting.

2.2.2 In the instance of ruling on an absence for a justice, the justice whose absence is being ruled on may not vote on their absence. In the instance of a tie, the President shall be considered the tie-breaker.

### 2.3 Judicial Censure Against Justices

Any official request for censure of any justice, made by no less than ten (10) students, shall be investigated by the other six justices, with the president, or their designated representative, presiding, and breaking any ties. The Judicial Council may also begin an investigation if a majority of the other six justices and the President, or their representative, believe it is necessary. If the justice is found to be neglecting or wanting in their duties, then a censure shall be issued.

### 2.4 Judicial Review of Excessive Absences

Any member of the Judicial Council that has excessive absences, and/or already received a Censure, shall be addressed by the Chief Justice pursuant to Section 4.6.7 of the SGA Constitution. Once the member in question is notified of their excessive absences, they shall appear before the Judicial Council to explain why the member was so frequently absent, and provide information as to why excessive absences on their part shall not occur again. The Judicial Council shall meet and decide on the matter within seven (7) days of receiving it and shall notify all parties involved as soon as possible.

### 2.5 Resignation

#### 2.5.1 Resignation of Justices

Any justice of the Judicial Council who resigns their seat shall notify the President and Chief Justice as soon as possible.

#### 2.5.2 Resignation of Chief Justices



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Any Chief Justice of the Judicial Council who resigns their seat shall notify the President and Judicial Council as soon as possible.

2.5.2.1 As per Section 4.5.3 of the SGA Constitution, the Associate Chief Justice shall immediately serve as acting Chief Justice until a new one can be appointed and approved.

2.5.2.2 In the event that both the Chief Justice and Associate Chief Justice positions are simultaneously vacant, the duties of the Chief Justice shall be performed by the most senior member of the Judicial Council. In the event of a tie for seniority, the President acts as a tiebreaker.

2.5.2.2.1 Most senior member shall be the member of Judicial Council who has served for the longest amount of time. In the event of two or more members have the same service time, higher than the rest of their peers, a vote amongst JC shall be had to determine the temporary Chief Justice, with the President acting as tie breaker in such an event

### 3. Meeting Procedure

#### 3.1 Judicial Council

The Judicial Council shall meet at least twice a month at a time and location agreed to by its members; however, it can also meet on call of the Chief Justice, provided twenty-four (24) hours' notice is given. In the case of an emergency, the time clause is null, as pursuant to Section 4.4.6.1 of the Constitution.

#### 3.2 Open Meetings

All meetings of all branches of Student Government Association shall be in full compliance with the Kentucky Open Meetings Law, KRS 61.805 and shall be scheduled and conducted in such a manner that all interested persons of the student body shall be given an opportunity to attend and have their views recognized at the discretion of the chair or code of conduct governing the body and given full and due considerations as specified in Article 1 of the Constitution under special orders.

3.2.1 Should the Chief Justice opt to move the Judicial Council online and/or a hybrid format, all Justices must have their cameras on in order to comply with KRS 61.805.

#### 3.5 Minutes of Judicial Council

The Associate Chief Justice shall send all minutes of Judicial Council proceedings before the next regular meeting of the Senate to the Director of Information Technology for posting to the SGA website.

### 4. Order of Business



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### 4.1 Format

The following shall be the order of business at each twice-monthly meeting of the Judicial Council.

1. Call to order
2. Attendance
3. Approval of Minutes
4. Guest and Student Speakers. Any student of the University who has a matter to bring before the Judicial Council shall be allowed to speak at this time for no longer than ten minutes.
5. Chief Justice Report. The Chief Justice shall render a report at this time.
6. Committee Report. Reports shall be given by the Judicial Council representatives concerning committee business. The report shall include committee recommendations on pending changes and any other business taken by the committee.
7. Special Orders. Special Orders may include censures, judicial review of procedures and/or legislation, and general hearings.
8. Absences and Office Hour Excuse Rulings.
9. Announcements
10. Adjournment

### 4.2 Quorum

Five (5) members of the Judicial Council minus the number of vacancies in the Judicial Council shall constitute a quorum for the consideration of business.

## 5. Definitions

5.1 “Censure” is an act taken by the Judicial Council meant to express disapproval of actions taken by an officer of the SGA deemed unbecoming of their office.

5.2 “Judicial Review” refers to the act of the Judicial Council reviewing Senate Legislation based upon the Legislation’s Constitutionality as per the SGA Constitution.

5.3 “Defendant” refers to the member of the Student Government Association or any duly registered student of Western Kentucky University (in the event that a Hearing must be held regarding the actions of a student who is not currently a member of the Student Government Association) who is called to testify in their defense in a Judicial Council Hearing.

5.4 “Appellant” refers to the member of the Student Government Association or the duly registered student of Western Kentucky University who appeals a previous ruling by the Judicial Council.

5.5 “Upheld Ruling” refers to the instance of an appeal presented and the Judicial Council upholds its initial ruling.



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5.6 “Appealed Ruling” refers to the instance of an appeal presented and the Judicial Council overturns its initial ruling.

### 6. Judicial Council Hearings, Censures, Expulsions, Appeals, and Rulings

#### 6.1 Judicial Council Hearings

6.1.1 A Judicial Council Hearing shall be called in the event of a SGA member’s failure to fulfill the duties of their office.

6.1.1.1 After receiving an official request for a censure, the meeting must be scheduled within five (5) class days.

6.1.1.2 In scheduling a hearing, the Chief Justice must formally invite and inform the Defendant(s) of the time and location of the hearing within twenty-four (24) hours of the meeting being scheduled, but no later than forty-eight (48) hours in advance.

6.1.1.2.1 If there are no objections from all parties involved, the Judicial Council may schedule a hearing prior to the forty-eight (48) hour window.

6.1.1.2 The location and time of the Hearing shall be made readily accessible to the Defendant(s) called upon.

6.1.2 The Defendant(s) in question must have an established opportunity to justify their claim and they must be given the floor to state their case for at least three minutes.

6.1.3 If present, the Defendant(s) may be questioned by the Judicial Council regarding their failure to fulfill their duties.

6.1.4 After questioning, the Justices will begin deliberation. During deliberation, the Defendant(s) have the right to be present but not to participate.

6.1.5 A Hearing may count as one of the twice monthly meetings of the Judicial Council, in the event it is within the “special orders” section of the order of business.

#### 6.2 Censures

6.2.1 A Censure may be issued against any member of the Student Government Association who fails to fulfill the duties of their office as outlined in the Student Government Association Constitution.

6.2.2 Censures may be issued after a Hearing is held in which the actions of the Defendant are reviewed pursuant to the Judicial Council Hearings procedure as outlined in section 6.1 of this document.



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6.2.3 For a Censure to be issued, a majority vote of the quorum of the Judicial Council at the time of the Hearing is required. Judicial Council Justices must be present at the Hearing to partake in the vote.

6.2.4 Censures shall take the form of a formal written notice to the Defendant via email to the Defendant's WKU email. This email shall contain a general notice that a Censure has been issued as well as a detailed explanation of what punishment the Judicial Council has agreed upon as a part of the Censure.

6.2.4.1 Punishments which accompany a Censure may include any combination of the following (if eligible); additional office hours assigned for the month following the issuing of the Censure, not exceeding four (4) additional hours; removal from the position of Committee Chair; removal from University Committees; removal from Faculty Senate.

### 6.3 Expulsions

6.3.1 In the event that a Defendant fails to uphold the punishment of a Censure Hearing, the Judicial Council shall hold another Hearing in which the Defendant is up for Expulsion from the Student Government Association.

6.3.2 In the event that the Defendant for a Censure Hearing for Expulsion fails to attend the Hearing, the Judicial Council shall still have the authority to remove said Defendant from SGA without a formal Impeachment Trial.

6.3.3 The vote for Expulsion shall be a majority of the attending quorum.

6.3.4 The process of Expulsion may be subject to appeal by the Defendant.

6.3.4.1 While under Appeal, the Appellant is not subject to Judicial Punishment until the Appealing process is concluded and a verdict given.

### 6.4 Judicial Council Rulings

6.5.1 Any duly registered student of Western Kentucky University has the right to request the Judicial Council's ruling on a specific issue as it pertains to the general procedure of Student Government Association, the Constitution, Bylaws, and violations of local, state, or federal policy.

6.4.2 A request for a ruling is made through communication either online or in person with the Chief Justice of the Judicial Council.

6.4.3 Once a request for a ruling has been made, the Chief Justice will add the item to their proposed agenda for the next regularly scheduled meeting.



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6.4.4 In the event of an emergent ruling, the Chief Justice may opt to request a decision happen electronically or hold an emergency meeting.

### 6.5 Appeals

6.5.1 The Appealing process shall proceed as per Section 4.6.2 of the SGA Constitution.

6.5.1.1. In the instance an appeal is denied for not meeting any of the criteria in Section 4.6.2. 1 of the SGA Constitution, it shall be documented in the Judicial Council minutes and sent to the appellant within twenty-four (24) hours of the decision being made.

6.5.2 While under Appeal, the Appellant is not subject to Judicial Punishment until the Appealing process is concluded and a verdict given.

6.5.3 Any duly registered student of Western Kentucky University may file an appeal of an Upheld Ruling when at least one (1) of the following two (2) criteria are met: ONE (1) New facts are presented from the prior ruling; or TWO (2) Procedural issues are presented from the prior ruling.

6.5.4 All appeals, including appeals made against Upheld Rulings, may not be made beyond thirty-one (31) days following the original ruling, as per Section 4.6.2.2 of the Student Government Constitution.

## 7. Role of the Judicial Council in SGA Elections

### 7.1 Election Codes

7.1.1 The Judicial Council will enact and review election codes for all elections, either scheduled or special, with approval of a majority vote of the Senate.

7.1.2 The election codes require four-sevenths (4/7) approval of JC and two-thirds (2/3) approval of the Senate.

7.1.3 The election codes must be approved by the Senate two weeks (fourteen days) before the required election application filing date. Immediately after the approval of the election codes, the Director of Information Technology should be sent the election codes for posting on the SGA website.

7.1.3.1 In the instance of a special election, the Judicial Council has discretion over the timeline for the approval of the election codes in regards to the election application filing date.

### 7.2 Role of the Chief Justice in SGA Elections

7.2.1 Once the dates for the election have been decided by the Executive Cabinet, the Chief Justice of the Judicial Council shall contact a representative of Top-Net to reserve the dates for the election.



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7.2.2 The Chief Justice of the Judicial Council shall draft election codes and present them to the Justices of the Judicial Council for approval.

7.2.2.1 Following approval from the Judicial Council, the Chief Justice shall present the election codes to the Senate at the next regular meeting of the Senate.

7.2.3 The Chief Justice of the Judicial Council shall set and preside over at least two orientation meetings which all candidates shall be required to attend to qualify for campaigning.

7.2.3.1 At the orientation meeting, the Chief Justice shall review in detail each section of the election codes. Time shall be reserved for general questions following the presentation.

7.2.3.2 For the reading of the election codes in the Senate to count as an orientation meeting, the Chief Justice shall ensure the codes are reviewed with the same standard of detail as the orientation meeting.

7.2.3.3 Anyone who wishes to run in an election and is unable to attend any of the set orientation meetings shall contact the Chief Justice. The Chief Justice shall organize a time to meet with said individual and provide a detailed orientation for that person.

7.2.4 The Chief Justice of the Judicial Council shall provide a full list of candidate names and student ID numbers as well as the corresponding position each student is running for to a Top-Net representative prior to the election.

### 7.3 Hearings Regarding Election Code Violations

7.3.1 The same procedure for hearings as outlined in section 6.1 of this document shall be followed for hearings regarding election code violations.

7.3.1.1 The time frame for such a hearing shall be altered from the time frame as outlined in section 6.1. The hearing must take place within twenty-four (24) hours of the submission for a request for a hearing.

7.3.1.2 Hearings over election code violations may result in a change of the filed position being run for or a complete removal from the ballot, if the hearing occurs prior to the onset of voting.

7.3.2 Once the election starts on Top-Net, hearings regarding election code violations may not be heard to remove someone from the ballot.

7.3.2.1 Hearings over election code violations may be made after the election begins. These hearings would be grounds for removal from a position as they constitute a failure to uphold the duties of the elected office.





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## 8. Oath of Office

### 8.1. Eligibility

All duly elected and appointed members of all branches of Student Government shall be considered a member with all rights and privileges of the office in which they are about to enter upon taking the Student Government Association Oath of Office.

### 8.2. Administration of Oath

The Oath shall be administered by the Judicial Council Chief Justice, or by the President in their absence, at a regular meeting of the Senate and is as follows:

"I, state your name, do hereby affirm that I will faithfully execute the duties of the office of state your position, and I also affirm to uphold and defend the Constitution and Bylaws of the Student Government Association of Western Kentucky University and to perform the duties of the office in which I am about to enter to the best of my ability."