

Student Government Judiciary Act of 2003

401.1 – Jurisdiction of the Supreme Court

401.10 The Supreme Court shall have original jurisdiction over cases involving:

- a. Interpretation of the SG Constitution
- b. Offenses against the SG Constitution
- c. Constitutionality of SG Constitutional Provisions
- d. The constitutionality and interpretation of Senate legislation
- e. Disputes in or between any Registered Student Organizations (RSO)
- f. Any other matter directly related to the Student Government

401.11 The Supreme Court shall have appellate jurisdiction over cases involving:

- a. Student Government Association elections pursuant to Art. III sec. 6 of the Student Government Constitution.
- b. The appeal of parking citations

401.2 – Cases Brought Before the Supreme Court

401.20 Any student, RSO, or Council of the University of Kentucky may bring an action before the SGA Supreme Court.

401.21 A student may initiate an action by delivering a written petition to the Clerk of the Court, or depositing a written petition in the place in the SGA Office designated by the Clerk for that purpose

401.22 To be acted on by the Supreme Court, any petition or motion for recusal must:

- a. Clearly and accurately state the petitioner or petitioners' name or names;
- b. Clearly and accurately state the respondent or respondents' name or names;
- c. Clearly and accurately state the action or actions that are disputed by the petitioner or petitioners, including the time, place, and manner of said action or actions, to the best of the petitioners' knowledge;
- d. Clearly and accurately state the specific provision or provisions of the SGA Constitution or bylaws the petitioner alleges are violated by the disputed action;
- e. Clearly and accurately set forth the relief sought by the petitioner or petitioners;
- f. Include, at the end of the petition, the following words: "I hereby represent to the Supreme Court of the Student Government Association my belief in good faith that to the best of my knowledge the allegations contained herein are true."
- g. Bear the signature of each petitioner at the end of the form.

401.3 – Parties to Actions before the Supreme Court

401.30 A petitioner in any action before the Supreme Court may be any student, RSO, council, or organ of the SGA at the University of Kentucky.

401.31 Any student, RSO, SGA officer, including the members of the Student Senate, may be named as the respondent in any petition brought before the Supreme Court.

401.32 All respondents have the right:

- a. to be served with a copy of the petition filed against them;
- b. to respond to said complaint with a written answer for consideration by the Court;
- c. to appear before the Court and be heard.

401.33 Any party to any action, may, at the discretion fo the Court, implead any third party.

401.34 The Supreme Court may strike any respondent from any petition if the petition neither adequately alleges that said respondent has acted in any way contrary to the Constitution, bylaws, or statutes of the SGA, nor adequately alleges that said respondent must be a party to the action in order for the relief requested to be given.

401.4 – Actions before the Supreme Court

401.40 The Supreme Court may summarily dismiss any action brought before it that does not conform to the requirements of this Act.

401.41 Any petition submitted to the Court that fulfills the requirements of this Act shall be heard by the Court.

401.42 Service of a copy of the petition to all respondents, or a good faith effort to personally serve all respondents that is adjudged to be fair by the Court, the Court may order all parties to appear before it, no less than 14 days from the time of service, except for alleged election violations. Any party failing to respond within the allotted time is subject to judgment against them.

401.43 Respondents to any petition brought before the Clerk of the Court must inform the Court that they may submit an answer to the petition to the Court and appear in person before the Court and be heard.

401.44 The Supreme Court will conduct its proceedings in accordance with the SGA Constitution, bylaws, and statutes as well as the normal, accepted practice of the courts of the Commonwealth of Kentucky.

401.45 Upon conclusion of any case before it, the Supreme Court will issue a written opinion explaining its ruling and any relief granted. A copy of this opinion will be transmitted to each party to the action and to the SGA President and Senate President.

401.46 A compilation of all decisions of the Supreme Court shall be kept in the SGA office, online, and made available to all students.

401.47 Prior Supreme Court decisions shall be treated as legal precedent under the SGA Constitution and bylaws and may not be overturned save on reconsideration of the same case or changes made to the Constitution, bylaws, or statutes.

401.48 All actions, with the exception of parking appeals, must be brought before the Supreme Court within one year of the action, transaction or occurrence giving rise to the petition.

401.5 – Special Rules regarding Parking Appeals

401.50 The appeal of a parking citation must be brought within 10 calendar days of the issuance of the ticket.

401.51 The petitioner must fill out a form detailing the reason for the appeal and provide a copy of the citation and give it to the Court Clerk.

401.52 The court will meet within 5 days of the receipt of the appeal form to decide whether to schedule a hearing or deny the appeal.

401.6 – Clerk of the Supreme Court

401.60 The justices of the Supreme Court may nominate a student in good standing at the University of Kentucky to serve as Clerk of the Supreme Court, subject to confirmation by a majority of the justices. Once confirmed the clerk serves at the pleasure of the Court and only while in good standing at the University of Kentucky.

401.61 The Supreme Court, through its Clerk, shall maintain a place in the SGA office where petitions for review and action by the Court may be filed. The Clerk also shall make available in the SGA office materials explaining what must be included in a valid petition to the Court.

401.62 The Clerk shall be responsible for all records of the Courts, including retention of all original copies of petitions, responses, transcripts, and any and all other records filed with or issued by the Court.

401.63 Upon the filing of any properly composed petition, the Clerk will deliver to each justice one complete copy of said petition. The Clerk will also deliver one copy of said petition to any SGA officer(s), or students, or RSO named as respondents in said petition.

401.64 Delivery of said petitions to any SGA officer must be made in person by the Clerk or another person acting for the Clerk. The Clerk is responsible for informing each respondent of his or her right to submit a written answer to the Court and to appear in person and be heard before the Court.

401.65 The Clerk of the Supreme Court shall be familiar with the Kentucky Open Records Act and similar provisions in the Student Government in the Sunshine Act, and provide all necessary advice to the Court regarding these provisions.

401.66 If the Court does not appoint a Clerk, then the functions laid out in this section shall be performed by the Chief Justice or his/her designee.

401.7 – Sunset Clause

401.80 According to Section V(a) of the Sunset Act of 2017, “All legislation presented to Full Senate [...] shall contain a “Sunset Clause,” in which an expiration date and renewal period are chosen.”

- a. The expiration date for the Judiciary Act is November 30.
- b. The renewal period for the Judiciary Act is two (2) years.