

CHAPTER 1 - ESTABLISHMENT OF THESE GENERAL STATUTES

“§1-1. Authority.

1. The general statutes shall be empowered to govern executive, judicial, and legislative authority and procedures of the ASU-SGA, except where provided otherwise by the Constitution.
2. All acts of the full ASU-SGA that govern the authorities or functions listed in the preceding item and, if unaltered, would remain in force for the majority of two (2) or more sessions of the ASU-SGA, shall be compiled within these statutes.
3. The general statutes shall preempt all other statutory documents, with the exception of the ASU-SGA constitution.
4. The general statutes shall be the sole statutory authority governing the operations of the executive branch, with the exception of the constitution.

§1-2. Amendments to the General Statutes.

1. Unless otherwise provided within the ASU-SGA Constitution or within these general statutes, the general statutes shall be amended only through the ASU-SGA legislative process.

§1-3. Organization.

1. The subdivisions of the general statutes shall be organized by the following system, exemplified by the model clause
“143-318.11(a)(6)”

Level	Name	Part of Full Designation	Within the G.S.
<i>Clause Prefix</i>	<i>“G.S.” Designator</i>	“ASU-SGA G.S.” or “§”	“§”
Level 1	Chapter	§ 143-318.11(a)(6)	“CHAPTER 143. [TITLE].”
Level 2	Section	§143- 318.11(a)(6)	“§ 143-318. [Title]. ”
Level 3	Subsection	§143-318. 11(a)(6)	“11.” (under section)
Level 4	Item	§143-318.11(a)(6)	“(a)” (under subsection)
Level 5	Subitem	§143-318.11(a)(6)	“(6)” (under item)

2. As part of its record keeping function, the Rules Committee is hereby authorized:
 - (a) To rearrange the order of chapters, sections, subsections, and other divisions or subdivisions;
 - (b) To provide titles for any such divisions or subdivisions and section titles or catchlines when they are not provided by such laws;
 - (c) To adopt a uniform system of lettering or numbering chapters and the various subdivisions thereof and to reletter or renumber chapters and chapter subdivisions in accordance with such uniform system;
 - (d) To make such other changes in arrangement and form that do not change the meaning of the general Statutes as may be found by the Rules Committee necessary for an accurate, clear and orderly codification of such general and permanent laws;
 - (e) To strikethrough and/or provide context to, but not remove, any statutes or parts of statutes that have been found to be unconstitutional or otherwise voided by SGA judicial processes; and
 - (f) To amend the content of these statutes relating to its organization accordingly.
3. The Rules Committee shall be required to maintain a record of all changes made pursuant to the previous subsection.

CHAPTER 2 - RESERVED FOR FUTURE STATUTES

CHAPTER 3 - ELECTION BYLAWS

§3-1. Definitions

1. The following are the official Elections Bylaws Definitions:
 - (a) Campaign Material: Electronic and physical material used to promote nominees and otherwise garner votes for an election.
 - (b) Campaign Staff: Individuals directly involved in the promotion of a campaign, distribution of materials, or serving as direct aide to a candidate.
 - (c) Official Capacity: Acting as or on behalf of a campaign or candidate
 - (d) Electronic Communication: Any message sent via the Internet or other electronic mediums.
 - (e) Ticket/Campaign: Candidates for President and Vice President or candidates for senatorial positions.
 - (f) Majority: A percentage equal to half of the total population plus one or more.
 - (g) Candidates and Campaign Staff:
 - (1) All individuals acting at the specific behest of a candidate/campaign to aid in the candidate's campaign for office are considered "campaign staff"
 - (2) Individuals aiding a campaign based on a general request (such as one to "support them" or to "post a general copy-and-paste message on social media") are not a part of "campaign staff"
2. Additional definitions may be established by the Student Senate.

§3-2. Senatorial Elections

1. Senate Candidate Eligibility
 - (a) A person running for a Senate seat must receive a minimum of twenty-five (25) votes before they may be declared an elected senator.
2. Senate Election Policy
 - (a) Candidates for the President and Vice President shall not run concurrently in Senatorial Elections.

§3-3. Presidential and Vice-Presidential Elections

1. Election Governance

- (a) The Presidential and Vice Presidential election shall be supervised by two separate organizational boards: The Elections Administration Board (EAB) and The Elections Court.
 - (1) The Elections Administration Board shall be responsible for the general supervision and administration of these elections bylaws.
 - (2) The Elections Court shall be responsible for adjudicating and resolving questions related to alleged violations of the elections code and the elections bylaws, actions of individuals, interpretation of policies, and other related matters in accordance with these bylaws.

§3-4. Elections Officials

1. The Recruitment and Retention Officer

- (a) Shall have the power and duty to:
 - (1) Work to promote elections to the student body.
 - (2) Host presidential and vice-presidential as well as senatorial interest meetings.
 - (3) Educate campaigns as to their responsibilities.
 - (4) Make a budget request to the SGA Treasurer and President Pro-Tempore of the Senate in order to fund any materials necessary to carry out elections.
 - (3) Serve as the chairperson of the EAB.
 - (4) Appoint a vice-chair from the membership of the EAB to assist them in the administration of the elections.
 - (5) Appoint additional leadership positions to the EAB.
 - (6) Hold the authority to delegate any administrative tasks to the EAB as deemed necessary.
 - (7) Carry out official correspondence with all candidates in a timely manner.
 - (8) Number all paper ballots before distribution in the event a paper ballot process is followed.
 - (9) Oversee the tallying of the votes and reception of results in all SGA elections.
 - (10) Supervise the Homecoming Elections process.
 - (11) Schedule rooms and facilities for the purposes of planning and implementing the election process.

- (13) Enforce all debate procedures not delegated to the moderator before and throughout the debate.
 - (14) Conduct training for the EAB Members. Members may not serve in an official capacity without formal training.
 - (15) Notify candidates of any mandatory meetings (with exception to the Policies and Procedures Meeting) at least 48 hours in advance of the beginning of a meeting.
 - (16) The Recruitment and Retention Officer is responsible for maintaining a transition binder. The Binder shall be composed of any documents that would contribute to successful future elections and assist the incoming Recruitment and Retention Officer in facilitating elections.
 - (18) Schedule and coordinate a “Transition Dinner” between outgoing and incoming administrations.
- (b) If it is proven and adjudicated by a Judicial Authority that the Recruitment and Retention Officer has violated any of their duties or any section of this chapter, the EAB Vice-Chair shall immediately assume the elections governance role of the Recruitment and Retention Officer for the remainder of the election period.

2. Elections Administration Board (EAB)

(a) Membership and Position Requirements

- (1) The EAB shall be an advisory group consisting of 5 currently enrolled students at a minimum.
- (2) The membership shall be nominated by the Recruitment and Retention Officer.
- (3) Nominees must be approved by the Senate by a $\frac{2}{3}$ vote.

(b) Duties and Responsibilities

- (1) Members of the EAB shall be assigned by the Recruitment and Retention Officer to each ticket in order to assist candidates and their staff in the adherence to elections policies and procedures. EAB Members shall serve primarily as educational and oversight resources to the candidates, their staff, and any other interested parties about the election process, policies, and procedures.
- (2) The EAB shall assist the Recruitment and Retention Officer in the day-to-day supervision of the elections; including but not limited to maintaining and supervising all campaign

materials, campaign budgets, and monitoring campaign staff lists.

- (3) Members of the EAB shall review all campaign material before distribution by the ticket with which they have been assigned to ensure that all campaign teams have complied with regulations.
- (4) Members of the EAB shall uphold the integrity of the elections by reporting any violations of policy and procedure to the Recruitment and Retention Officer as well as the Elections Court chair immediately.
- (5) Members of the EAB are prohibited from expressing any opinions concerning the candidates during the election.
- (6) Members of the EAB shall comply with all reasonable requests of the Elections Court during investigations into violations of policy and procedure.
- (7) Members of the EAB shall review all Election Violation Complaint Forms (EVCF) to objectively ensure that all fields have been completed on the document. EAB Members are strictly prohibited from assessing documents on grounds of substance and content. One member of the EAB must sign certifying that the complainant has successfully completed the document and shall immediately forward the EVCF to the Elections Court Chair and the Recruitment and Retention Officer
- (8) EAB members must forward successfully completed EVCF's within 24 hours of its completion.
- (9) Assist Complainants in revising any rejected EVCF documents in order to meet the procedural requirements.
- (10) Assist the Recruitment and Retention Officer in Maintaining and certifying all records relating to the elections process
- (11) Complete EAB training and swear the oath of office before the senate prior to acting in an official capacity
- (12) Ensure all candidates meet the qualifications of their prospective offices as prescribed by the SGA Constitution .

3. The Elections Court Chair

(a) Position Requirements

(1) The Elections Court Chairperson shall be appointed by the Senate President in consultation with the Vice-President no later than two weeks prior to the end of the fall semester. If the Senate President intends to seek re-election, the Recruitment and Retention Officer shall appoint the elections court chair. The Elections Court Chair shall be at least a junior in standing at the time of their appointment, and possess at least 12 weeks of consecutive ASU-SGA experience and/or have served on the ASU Student Conduct Board for a minimum of 12 weeks.

(b) Duties and Responsibilities:

- (1) Call and Chair meetings of the Elections Court.
- (2) Maintain all records in an Elections Court Binder and forward all rationales to all involved parties, The Rules Committee Chairman, the Press Director, and the Recruitment and Retention Officer.
- (3) Elections Court rationales must be uploaded to the Student Government official website immediately following the election.
- (4) Appoint a Vice Chairperson to the Elections Court to assist in requests of the Chairperson.
- (5) Establish any additional officer positions within the Court as needed.
- (6) Plan and Conduct a minimum of one training meeting for the Elections Court members.
- (7) Remove Members of the Elections Court with Due Process as necessary.
- (8) Retain all non-conflicting rights of that of a general member to the Elections Court throughout their time on the Court.
- (9) Assist Candidates and their staff with appropriate, impartial, and objective advice relating strictly to pending or potential cases upon request.
- (10) Forward all documentation regarding cases to the Rules Committee in the case an appeal is filed.
- (11) In the absence of official judicial statutes, establish standing orders for the Elections Court. These orders shall be approved by a simple majority of the court.

4. The Elections Court

(a) Position Requirements

- (1) The Elections Court Members must be appointed and confirmed at the minimum one week prior to the first action of the election process during the spring semester. Once all nominations have been made, the Elections Court Chair shall provide the Rules Committee Chair with a list containing the name of each nominee in order for all nominees to be placed on the legislative docket for review by the Senate Rules Committee.
- (2) The Election Court members shall possess at least 12 weeks of consecutive ASU-SGA experience and/or have served on the ASU Student Conduct Board for a minimum of 12 weeks.
- (3) The senate may waive the ASU-SGA and/or Student Conduct Board experience requirements as deemed appropriate for a merited membership of the Court.
- (4) Take the oath of Office in front of the Student Senate prior to acting in an official capacity.

(b) Duties and Responsibilities

- (1) Elections Court members are charged with the adjudication and resolution of questions related to alleged violations of elections policies, actions of individuals, interpretation of policies, and other related matters in accordance with but not limited to these statutes, all Student Government governing documents, and University Policy.
- (2) Determine responsibility of parties involved and render sanctions using preponderance of the evidence in the case a violation(s) has taken place.
- (3) Review all complaints, concerns, and allegations of violations by candidates, members of their staff, and any other concerned parties.
- (4) Adjudicate cases brought before the Elections Court with fairness, impartiality, and objectivity.

- (5) Review all facts of the cases brought forth and provide due process to all parties involved.
- (6) Request appropriate records from the EAB and Recruitment and Retention Officer.
- (7) Forward all relevant documents and records used in cases to the Elections Court Chairperson for documentation.
- (8) Request the senate to consider extending the Due Diligence period with a unanimous vote of all Elections Court Members if deemed necessary
- (9) The Elections Court may summon the Recruitment and Retention Officer as well as members of the Elections Administration Board to present information during hearings that are relevant to cases

§3-5. General Policies

1. Declaring a Candidacy
 - (a) Candidates shall sign and complete in full the “Declaration of Candidacy Form” in order to register as a candidate.
 - (b) If a candidate improperly completes a Declaration of Candidacy Form or is ineligible to run for the seat they are seeking based on election rules, the Recruitment and Retention Officer shall invalidate their declaration.
2. Mandatory Meetings
 - (a) Campaigns must represent themselves at elections court hearings in which they are a party.
 - (b) Candidates and staff must appear before judicial bodies, including the Elections Court, if requested.
 - (c) The Presidential Policies and Procedures Meeting
 - (1) The Recruitment and Retention Officer shall host a “Policies and Procedures” meeting after the conclusion of the declaration period in order to prepare presidential and vice presidential campaigns to navigate election procedures. This meeting shall be mandatory for all presidential and vice presidential candidates and a minimum of three (3) campaign staff

(or all campaign staff for a ticket with less than three (3) campaign staff). The Recruitment and Retention Officer may grant exceptions to this requirement at their discretion.

(d) The Presidential Debate

(1) The Recruitment and Retention Officer shall host a minimum of one (1) debates during the first week of the Presidential and Vice Presidential Campaign period.

(2) Candidates are required to attend at least one (1) public debate during the election process.

(3) Candidates must comply with requests of the Moderator during the debate.

(4) The format of the debate shall be as follows:

1. Welcome and introduction of the candidates and the moderator by the Recruitment and Retention Officer;
2. Announcement of the debate rules.
3. Opening statements by each ticket.
4. Questioning period, which may include submitted questions from the audience
5. Closing remarks from each ticket, in the same order as opening statements;
6. Conclusion, by the Recruitment and Retention Officer.

3. Campaign Phases:

(a) The Declaration Period

(1) The Declaration period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which candidates may officially declare their candidacy.

(b) The Campaigning Period

(1) The Campaigning period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which candidates and their staff share their campaign

platforms and materials. Candidates and staff shall be permitted to solicit votes during this time.

(c) The Voting Period

(1) The Voting Period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which the student body casts their ballots.

(d) The Runoff Period

(1) The Run-Off period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which an additional election will take place due to no candidate receiving 50% +1 of the vote during the original election. Candidates receiving the first and second most votes shall proceed to a runoff election at the request of the second place vote recipient during this time.

(e) The Due Diligence Period

(1) The due diligence period shall begin upon the announcement of unofficial election results and end at the conclusion of the fourth calendar day following the announcement.

2. Scheduling and Reservations

(a) The Recruitment and Retention Officer is responsible for scheduling rooms and facilities for the purposes of planning and implementing the election process. The Elections Administration Board shall reserve a room for the mandatory meetings as outlined in these Election Bylaws and all subsequent meeting spaces necessary for the operations therein.

(b) The Elections Court Chair shall schedule facilities during the election period for conducting hearings and meetings as necessary.

(c) The Elections Administration Board will be responsible for reserving contact tables and display cases in the Plemmons Student Union (PSU) to be made available to candidates during the Active Campaigning period. Candidates are

specifically disallowed from reserving additional contact tables and display cases in the PSU.

- (1) Candidates may have a computer or electronic device at all contact tables, but those devices shall not be used for voting.
- (2) The EAB will determine which tickets will have what locations within the Plemmons Student Union on which days through a random assignment process and provide such assignments at least one full week prior to the campaigning period.

§3-6. Campaign Conduct

1. Campaign Materials and Marketing

- (a) All campaign material(s) used by a campaign must be submitted to the Elections Administration Board for documentation purposes at or before the time they are distributed.
 - (1) Materials may be submitted to the Elections Administration Board either physically or electronically.
 - (2) Physical materials must be distributed in accordance with the policies of Appalachian State University, the Town of Boone, and the ASU-SGA.
 - (3) Campaign materials improperly used or placed may only be removed by the offending ticket, the EAB, or a University official acting in the execution of their duties.

2. Correspondence and Communication

- (a) Candidates and staff shall be truthful at all times to the Elections Administration Board and judicial bodies.
- (b) Campaign staff and candidates are prohibited from contacting Elections Court Members at any time during an election, with the exception of the Elections Court Chair.
- (c) Campaign staff and candidates may not contact members of the Elections Court or Elections Administration Board outside of an official capacity regarding elections.

- (d) Candidates and their staff are prohibited from destroying records and files that pertain to the campaign, until after the certification of the election results.
- (e) Campaigning in residence halls must comply with University Housing policy.
- (f) Online social network groups, campaign websites, blogs, and other online campaigning conduits may not be publicly posted or published until the Campaigning period commences; however, campaigns may create private groups at any time. All publicly posted social media groups must include the members of the Election Administration Board assigned to oversee the campaign.

3. Polling Centers

- (a) The EAB may establish reasonable restrictions on campaigning near polling centers. Candidates and staff must observe any such restrictions, and are prohibited from interfering with the operations of polling centers.

§3-7. Campaign Finance Regulations

1. Spending Documentation

- (a) Campaigns must document all purchases of materials on a uniform spreadsheet provided by the EAB.
- (b) Copies of receipts from campaign purchases must be provided to the EAB member assigned to each campaign.
- (c) In the case of materials being provided to a campaign at no cost, the candidate may submit a price valuation for the materials, to be reviewed by the EAB for approval or modification. The EAB will adhere to market price in determining the amount deducted from a campaign's budget for items provided at no cost.
- (d) Any taxes incurred on purchases of campaign materials will not count towards the campaign budget.

2. Spending Limits

- (a) The following are the maximum amounts campaigns can spend on an election:
 - (1) Presidential and Vice Presidential: \$700 per ticket
 - (2) Senatorial Elections: \$50 per ticket

(3) Presidential and Vice Presidential runoff elections:
\$100

(b) Every donation must be accompanied by a receipt signed by the donor and the candidate.

§3-8. Vote Counting and Certification

1. When the Elections Court is not in session, its responsibilities under this section shall fall to the Senate Committee on Rules, and the responsibilities of the Elections Court Chair shall fall to the Chair of the Senate Committee on Rules.
2. Vote Counting
 - (a) The Recruitment and Retention Officer may, with the permission of the Elections Court chair, view the votes before polling has closed in order to measure voter turnout and better promote the election in progress. The Recruitment and Retention Officer is prohibited from sharing the results of the election in progress with anyone except the ASU-SGA advisors.
 - (b) Once the polls have closed, the Recruitment and Retention Officer shall redact or delete personally identifying voter information from the voting data, then, with the assistance of the EAB vice-chair and the Elections Court chair, tally the votes cast and calculate the results. The ASU-SGA advisors, two members from each campaign, and one representative from each recognized student newspaper shall be permitted to observe the vote counting.
 - (c) In presidential and vice-presidential elections, the winner shall be the ticket earning the majority of all votes cast. If no ticket receives a majority of the votes cast, the two tickets with the greatest number of votes shall advance to a runoff election.
 - (d) In senatorial elections, the winner(s) shall be the “n” tickets earning the greatest number of votes, where “n” is the number of Senate seats in that constituency.
5. Declaration of Unofficial Results
 - (a) The Recruitment and Retention Officer shall declare the unofficial results of an election within 12 hours of the closing of the last poll.

(b) The Recruitment and Retention Officer shall individually notify each campaign of their right to challenge the election results within the due diligence period.

6. Certification of Elections

(a) The Recruitment and Retention Officer shall present the unofficial results of the election to the Elections Court for certification after the conclusion of the due diligence period.

(1) Members of the Elections court may raise objections to the Recruitment and Retention Officer about the unofficial results of the election.

(b) After the presentation of the unofficial election results by the Recruitment and Retention Officer to the Elections Court, the Elections Court Chair must sign the unofficial Election Results along with the Recruitment and Retention Officer for the results to become official and final.

CHAPTER 4. JUDICIAL GOVERNANCE.

§4-1. Purpose and Authority of this Chapter.

- (1) Purpose. - it is the policy of the ASU-SGA that these clauses exist to document, establish, and clarify the details of the procedures used in ASU-SGA Judicial Operations.
- (2) Authority. - it is the policy of the ASU-SGA that these statutes supercede the Elections Bylaws only where they conflict with regards to the resolution of judicial cases within the ASU-SGA.

§4-2. Judicial Authorities and General Regulations Thereof.

- (1) Chief Authority. - the chief judicial authority of the ASU-SGA shall be as defined by the Constitution of the ASU-SGA.
 - (a) The Rules Committee shall sit *en banc* when exercising its authority as the chief judicial authority of the ASU-SGA.
- (2) Other Authorities. - In accordance with the ASU-SGA constitution, these inferior courts are hereby established, with the following jurisdictions:
 - (a) Rules Committee Commissions of Judicial Review - a panel of Rules Committee members, with a minimum of five (5) committee members serving on the panel, including the Chief Presiding Officer of the Commission.
 - (1) Rules Committee Commissions of Judicial Review shall enjoy original jurisdiction over all matters for which the chief judicial authority of the ASU-SGA does not have exclusive original jurisdiction that are not delegated to other inferior courts.
 - (2) Rules Committee Commissions of Judicial Review shall be chaired by the acting Chairperson of the Senate Committee on Rules, unless the acting Chairperson of the Senate Committee on Rules delegates an Officer of the Senate Committee on Rules to chair the commission, in which case the appointed officer shall chair the Commission
 - (3) Members of Rules Committee Commissions of Judicial Review shall be appointed by the presiding officer of the Commission of Judicial Review, and shall serve on the Commission for the length of the

case, unless they resign, quit, or become ineligible to serve on the Commission

- (4) Rules Committee Commissions of Judicial Review shall be formed on a case-by-case basis at the discretion of the Acting Chairperson of the Senate Committee on Rules or at the discretion of the Senate Committee on Rules, and multiple such commissions may be formed simultaneously if necessary.
- (5) Participation on a Rules Commission of Judicial Review shall not in itself be sufficient cause to obligate a Justice from recusing themselves from appeals of cases they have previously adjudicated at the Rules Commission of Judicial Review level.
- (6) Precedent and Orders of Remedy established and issued by Rules Commissions of Judicial review shall govern all inferior courts of the ASU-SGA.

(b) Elections Commission - a panel of a minimum of five undergraduate students attending Appalachian State University (including the Chair of the Commission) appointed by the Recruitment and Retention Officer with the consent of the Senate. The Elections Commission may also be referred to as the "Elections Court."

- (1) The purpose of the Elections Commission shall be to permit rapid resolutions of Elections-related grievances.
- (2) While in session, the Elections Commission shall enjoy original jurisdiction over cases only alleging violations of the Elections Bylaws.
- (3) The Chief Presiding Justice of the Elections Commission shall be the Senate-appointed Elections Court Chair, or in their absence, the next official in their line of succession. In the absence of a clear successor for the Elections Court Chair, the first-appointed Elections Court Justice shall serve as the Chief Presiding Justice of the Elections Commission.

- (4) The Elections Commission shall be in “normal” session from the start of the fourteenth calendar day prior to the opening of the declaration period for each spring election to the conclusion of the fourteenth day following the conclusion of each spring election.
 - (5) In the event that the Elections Court has not completed the adjudication of submitted cases at the conclusion of the fourteenth day following the conclusion of a spring election, it shall stop accepting cases but remain in an “extended session” until the last case on its docket is adjudicated.
 - (6) An Elections Commission may be formed to handle judicial cases related to ASU-SGA elections conducted in the fall. If an Elections Commission is formed to handle judicial cases related to fall elections, it shall be populated in the same manner as that of a spring election, excepting that the Chair of the Commission be appointed no later than two weeks prior to the conclusion of the spring semester preceding the elections, and that the Commission’s justices be confirmed no later than one week prior to the start of the first election activity of the election they will govern. If an Elections Commission is not formed to handle ASU-SGA elections conducted in the fall, Rules Committees Commissions of Judicial Review shall enjoy original jurisdiction over elections-related judicial cases.
- (3) Reporting of Judicial Cases by Inferior Courts. - as soon as is practicable upon receipt of a judicial case or petition for appeal by an inferior court, and before any notifications or other actions are made/taken for the case, the chief presiding justice of the inferior court shall notify the Chief Justice of the ASU-SGA of the submission of the case and details associated with the case. The chief presiding justice of the inferior court shall further notify the Chief Justice of the ASU-SGA of any delays made in the handling of the case, injunctive relief made in the case, findings made for the case and their rationale, and orders of remedy made in the case.

- (4) General Powers of Judicial Authorities. - the ASU-SGA grants all judicial authorities the following powers and duties:
- (a) Subpoena Power over ASU-SGA Officers. - ASU-SGA officers are obligated to provide testimony and evidence when subpoenaed to do so by a judicial authority. Judicial authorities may not issue subpoenas requiring ASU-SGA officers to provide testimony or evidence in capacities extending beyond that of their officer positions within the ASU-SGA.
 - (b) Self-Governance. - judicial authorities shall not be required to adhere to legislative or executive operating procedures, bylaws, etc. regulating their behavior. Judicial authorities shall be exclusively governed by the ASU-SGA Constitution, these ASU-SGA General Statutes, their own judicial operating procedures (where applicable), and orders of remedy issued by higher courts.
- (5) Specific Authorities of the Chief Justice of the ASU-SGA. - the ASU-SGA grants the following powers and duties to the Chief Justice of the ASU-SGA:
- (a) Presentation of Judicial Findings. - the Chief Justice of the ASU-SGA or their designee may, when compelled to by orders of remedy, at their own discretion, or at the direction of a judicial authority, present the results of adjudicated cases to the ASU-SGA Senate.
 - (6) Transferability of Powers and Duties of Officers. - when judicial officers do or must recuse themselves from their duties, individuals acting in their place (“successors”) shall be permitted to (and in some cases, must) act with their authority within the scope of judicial cases these successors serve in.
 - (7) Results of Judicial Hearings. - judicial authorities are charged with using these judicial processes to determine if violations have occurred, and are responsible for issuing orders of remedy to correct, to the best of their ability, any violation that occurs.

§4-3. Definitions.

- (1) Annotation of Definitions. - the ASU-SGA explicitly grants the Senate Committee on Rules permission to annotate, but not change,

the contents of this section as it deems appropriate to provide insight, informal terms, unofficial nomenclature, etc.

(2) Titles of Parties in Judicial Cases. - the ASU-SGA recognizes the following as parties involved in judicial cases:

- (a) Judicial Authority: the group responsible for rendering decisions in a judicial case.
- (b) Complainant: a party initiating a judicial case.
- (c) Respondent: a party responding to a judicial case filed by a complainant. Respondent parties must be people - individuals wishing to challenge statutes must file judicial cases against the party responsible for their enforcement and/or execution.
- (d) Counsel: a party appointed by a complaint or respondent to serve as their representative in the judicial case.
- (e) “Complainant Parties”: includes all complainants involved in a case, in addition any counsel the complainants may have appointed.
- (f) “Respondent Parties”: includes all respondents involved in a case, in addition to any counsel the respondents may have appointed.
- (g) Chief Justice of the ASU-SGA or “Chief Justice”: the Chairperson of the Chief Judicial Authority of the ASU-SGA (i.e. the Chairperson of the Senate Committee on Rules) when holding or acting in their judicial capacity.
- (h) Chief Presiding Justice: the highest judicial officer serving in a judicial authority for a given case. This official often serves as the organizer of the judicial authority within the scope of the case.
- (i) Associate Justice: an individual who serves as a part of a judicial authority and is not the Chief Presiding Justice thereof.

(3) Standards of Confidence. - the ASU-SGA defines the following standards of confidence for judicial decision-making:

- (a) Reasonable Suspicion: having a reasonable basis to believe an assertion; having a belief that an assertion has at least some potential to be true.
- (b) Probable Cause: having specific, articulable facts supporting the validity of an assertion.

- (c) Preponderance of the Evidence: having evidence and/or justification indicating that an assertion is more likely than not to be valid.
 - (d) Clear and Convincing Evidence: having evidence and/or justification indicating that an assertion is very likely to be valid, potentially despite reasonable doubts that may remain regarding the assertion.
 - (e) Beyond a Reasonable Doubt: having evidence and/or justification that renders moot all reasonable doubts that could be had regarding the validity of an assertion.
- (4) Results of Adjudication. - the ASU-SGA defines the following terms related to the results of adjudication:
- (a) Judgment: the finding of if a violation of a rule or statute has actually occurred. Valid judgements include “in violation” and “not in violation.”
 - (b) Orders of Remedy/Remedies: measures ordered by a judicial authority to correct, mitigate, or prevent violations of a rule or statute.

§4-4. General Processes of Judicial Cases and Associated Time and Notification Requirements.

- (1) Procedural Steps in Judicial Cases. - the ASU-SGA requires the following standard procedural steps be observed in judicial processes within the ASU-SGA except as specifically provided otherwise:
- (a) Case Initiation: a judicial case is brought before a judicial authority by a complainant. Complainant parties shall provide the details of the case (including the exact allegations made by the complainant, and evidence or evidence being sought by the complainant supporting the allegations) in their original submission of a case.
 - (b) Initial Notification: the presiding officer of the judicial authority with which the case was initiated notifies other members of the judicial authority with which the case was initiated, the complainant parties, and the respondent parties that the case has been received.
 - (1) The initial notification of a case shall include the details of the case provided by the complainant.

- (c) Preliminary Hearing: the initial review of the case by the judicial authority.
- (1) Final adjudication of the case by a judicial authority shall not be held at preliminary hearings, excluding: (i) the consideration and possible adoption of a motion to dismiss the case, (ii) instances where a respondent concedes the case and both the respondent and complainant parties permit final adjudication to be held at the preliminary hearing, and (iii) instances where a respondent and complainant agree on a resolution to a judicial case.
 - (2) Complainants and respondents are not guaranteed a right to confront each other during a preliminary hearing.
 - (3) Motions to extend deadlines, suppress evidence, seek injunctive relief, etc. may be considered at preliminary hearings.
 - (4) A motion to dismiss the judicial case shall automatically be considered at the first preliminary hearing of a case. Decisions to dismiss a judicial case shall be based entirely on the justiciability of the case.
 - (5) Preliminary hearings shall be held at the discretion of the chief presiding justice of the judicial authority with which a judicial case is filed, and may not occur for every judicial case.
- (d) Hearing of Substance/Main Hearing: the review of the case by the judicial authority with which the case was filed at which verdicts/judgements regarding the case are rendered.
- (e) Ordering of Remedies: the determination and announcement of remedies following the issuance of a verdict by a judicial authority. The ordering of remedies may be incorporated into hearings of substance, provided that ordering remedies occurs after verdicts are rendered for all alleged violations in a case.
- (f) Post-Remedy Reviews: includes all judicial actions taken after the announcement of orders of remedies associated with a case, including the initiation of appeals, the issuance of

writs of certiorari, and hearings regarding noncompliance with remedies.

(2) Time and Notification Requirements. - each judicial authority may set its own time and notification requirements to be observed in judicial cases in appropriate statutes. Judicial authorities that do not define such time and notification requirements shall observe the following time and notification requirements, unless extended by the judicial authority:

(a) Initial Notification: initial notifications for a judicial case must be sent within two academic days of receipt of a case by the judicial authority.

(b) Initial Hearing of Substance: the initial hearing of substance for a judicial case must be held within ten academic days of receipt of a case by the judicial authority. No initial hearing of substance shall be held without first notifying involved parties at least two calendar days in advance of the hearing.

(c) Subsequent Hearings of Substance: where applicable, within two academic days of the conclusion of the previous hearing of substance by the judicial authority. No subsequent hearing of substance shall be held without first notifying involved parties at least one calendar day in advance of the hearing

(d) Ordering of Remedies: determinations of orders of remedy must be completed and announced within two academic days of the determination of the verdict by the judicial authority.

(3) Procedure and Timeline Adjustments during Exam Periods. - the ASU-SGA allows judicial authorities to make the following adjustments to judicial procedures and judicial timeline requirements from 12:00 a.m. on reading day through 11:59 p.m. on the last day for faculty to submit final grades for an academic term (an “exam period”), as posted by the Appalachian State University Registrar.

(a) Authority of Chief Presiding Justices to issue Emergency Injunctions during Exam Periods: unless specifically stated otherwise for a judicial authority, the Chief Presiding Justice for a case shall have the authority to independently issue emergency injunctions during exam periods, provided that the judicial authority they represent has the authority to issue any such injunctions they make pursuant to this clause. Chief

Presiding Justices shall use extreme discretion in utilizing this authority.

- (b) Timeline Requirements Postponed during Exam Periods: unless specifically stated otherwise for a judicial authority, time elapsed during exam periods shall not count for the purpose of timeline requirements governing the processing of judicial cases.
 - (c) Opportunity for Main Hearings Scheduled during Exam Periods to be Rescheduled: at the demand of any complainant or respondent in a judicial case, a main hearing scheduled to occur within an exam period shall be rescheduled to a time outside of an exam period.
- (4) Procedure and Timeline Adjustments during Scheduled University Closures. - the ASU-SGA allows judicial authorities to make the following adjustments to judicial procedures and judicial timelines requirements during University Breaks and Holidays, as posted by the Appalachian State University Registrar.
- (a) Authority of Chief Presiding Justices to issue Emergency Injunctions during Scheduled University Closures: unless specifically stated otherwise for a judicial authority, the Chief Presiding Justice for a case shall have the authority to independently issue emergency injunctions for cases submitted immediately before or during scheduled University closures, provided that the judicial authority they represent has the authority to issue any such injunctions they make pursuant to this clause.
 - (b) Timeline Requirements Postponed during Scheduled University Closures: unless specifically stated otherwise for a judicial authority, time elapsed during scheduled University closures shall not count for the purpose of timeline requirements governing the processing of judicial cases.
 - (c) Opportunity for Main Hearings Appearances to be Moved to Virtual Formats during Scheduled University Closures: unless specifically stated otherwise for a judicial authority, any party that appears in a main hearing occurring during a scheduled University closure may elect to appear via a virtual medium instead of in-person, provided that such an appearance is

functionally in real-time. Allowable virtual media shall be determined by the Chief Presiding Justice of a judicial case. Any party that elects to invoke this right is responsible for procuring any equipment or services necessary to appear before the judicial authority.

(5) Procedure and Timeline Adjustments due to Unforeseeable Circumstances. - the ASU-SGA allows judicial authorities to make the following adjustments to judicial procedures and judicial timeline requirements in response to unforeseeable circumstances (such as inclement weather, unexpected University closures, major national events, etc.). Any adjustments to judicial procedures and timelines made pursuant to this subsection must be minimized to the greatest extent permitted by the situation that necessitated such adjustments.

(a) Authority of Chief Presiding Justices to issue Emergency Injunctions during Unforeseeable Circumstances: Chief Presiding Justices shall have the authority to issue emergency injunctions during unforeseeable circumstances to last only for the duration required to permit a judicial authority presiding over a case to consider issuing injunctions as it would outside of the unforeseeable circumstances, provided that the judicial authority they represent has the authority to issue any such injunctions they make pursuant to this clause. Chief Presiding Justices shall use extreme discretion in utilizing this authority.

(b) Authority of Chief Presiding Justices to modify Timeline Requirements during Unforeseeable Circumstances: Chief Presiding Justices shall have the authority to extend timeline requirements during unforeseeable circumstances only to the extent required to permit a judicial authority presiding over a case to consider further extending case timeline requirements.

§4-5. General Processes of Hearings of Substance.

(1) Below Aspects Nonbinding. - the ASU-SGA recognizes that the below steps may not necessarily be a part of every hearing of substance conducted by each judicial authority within the ASU-SGA.

(2) Definitions of Procedural Steps in Hearings of Substance. - the ASU-SGA provides the following structure for main hearings conducted by judicial authorities within the ASU-SGA.

- (a) Opening Arguments: the complainant and respondent parties shall be entitled to opening statements in which they may present their initial arguments. Any evidence or testimony presented during opening statements must be later presented during a step of the judicial case that allows for cross-examination.
- (b) Testimony: the complainant and respondent parties may present evidence and call witnesses. Any individual who presents evidence or testimony may be cross-examined by the other side. Following cross-examination, members of the judicial body shall be permitted to ask questions of the individual.
- (c) Closing Arguments: the complainant and respondent parties shall be entitled to closing statements in which they summarize their case.
- (d) Deliberation: the judicial body shall enter deliberation on the case in either open or closed session.
- (e) Announcement of Judgment: the judicial body shall announce its judgment on the judicial case in open session.

§4-6. Fundamental Rights Guaranteed to Parties in Judicial Cases.

- (1) Below Rights Guaranteed. - the ASU-SGA guarantees the following rights to parties involved in judicial proceedings
 - (a) Responsibility as an Open Question, with the Primary Burden of Proof on Complainants: the responsibility of respondent parties with regards to alleged statutory violations shall be held as an open question unless complainant parties demonstrate respondent responsibility (or respondent parties demonstrate the lack thereof) for alleged violations through judicial proceedings.
 - (b) Notification: all parties involved in judicial proceedings shall be notified of judicial hearings that they have a right to attend in a manner prescribed by these statutes or by a statutory authority governing the judicial authority under which a judicial case is filed prior to any such hearings being

conducted. The notification requirement is intended to permit respondents and complainants with enough time to prepare the presentations of their cases prior to hearings at which decisions are rendered.

- (c) Speedy Process: unless a motion to extend the case is passed by the judicial authority, cases shall be completed in a timely manner, as prescribed in applicable governing authorities.
- (d) Due Process: procedural and substantive due process shall be afforded to all parties in judicial cases.
- (e) Immunity from Involuntary Self-Testimony and Certain Negative Consideration Resulting from Refusing to Testify: parties shall not be required to testify against themselves in judicial hearings, and may respond among the lines of “I refuse to answer the question” during testimony should the answer to any inquiry, in their opinion, potentially reveal wrongdoing on their part.
 - (1) This right shall not be construed as protecting officers from being obligated to submit documents, etc. related to their duties as an officer of the ASU-SGA to judicial bodies.
 - (2) The refusal to respond to an inquiry shall not be held to incriminate or directly suggest wrongdoing in adjudication of judicial cases pursuant to these statutes.
- (f) Equal Protection: all parties associated with judicial cases shall be afforded equal protections in judicial proceedings. For example, complainant and respondent parties shall be offered the same amount of time to present their cases as each other.
- (g) Transparency in Confrontation: all parties in judicial cases shall have the right to know the identities of all other parties in judicial cases.
- (h) Good Faith Effort Made to Provide an Opportunity to Appear at Non-Emergency Judicial Hearings: in all non-emergency judicial proceedings to which complainant or respondent parties are permitted to attend, a good faith effort will be

made to hold and schedule judicial hearings in a manner that enables all involved parties to attend.

- (i) Impartial Justices: justices serving on judicial authorities shall act in an impartial and unbiased manner to the greatest extent possible. Justices shall recuse themselves from cases where they have unusual personal interests in the results of the case, where they cannot maintain impartiality, or where they cannot exclude their biases from their decision-making.
- (j) Record of Judicial Proceedings: a record of public judicial proceedings shall be maintained, and shall be made available to any individual requesting such records pursuant to relevant public records law. Judgements, orders of remedy, and rationales associated with judicial cases shall be made publicly available, such as by posting such documents to the ASU-SGA website.
- (k) Limited Right to Not Attend Judicial Proceedings: except when issued a subpoena, no respondent or complainant party in a judicial case shall be obligated to attend judicial proceedings, and may in fact appoint counsel to represent them in their absence. Complainant and respondent parties electing not to attend judicial proceedings, however, may not provide testimony to be read on their behalf, and must subject themselves to cross-examination (as described within this section) to provide testimony.
- (l) Cross-Examination: respondent parties shall have the right to ask on-topic, germane questions of witnesses presented by complainant parties, and vice-versa. All testimony of a party who refuses to answer on-topic, germane questions presented during cross-examination shall be excluded from consideration by judicial authorities. Hearsay evidence shall be generally permitted by ASU-SGA judicial authorities, however all reasonable measures should be taken to minimize the amount of hearsay evidence provided (such as by subpoenaing primary witnesses).
- (m) Limited Subpoena Power: except as otherwise provided in ASU-SGA governing documents, parties in judicial proceedings shall be permitted to compel officers of the

ASU-SGA to provide testimony or evidence that, as determined by the Chief Presiding Justice of their case, is related to and will substantially affect the case.

(n) Petition for the Appeal of Decisions of an Inferior Court: parties in judicial cases shall be guaranteed the opportunity to petition that the decision of an inferior court be reconsidered by a judicial authority with the jurisdiction to do so. This right shall not include a guarantee that a petition for appeal be approved.

(2) Below Rights Explicitly not Guaranteed. - the ASU-SGA explicitly does not guarantee the following rights to parties involved in judicial proceedings:

(a) Assumption of Good-Faith Amid a Refusal to Provide Requested Evidence: parties refusing to provide requested evidence without sufficient justification for their refusal in instances where an opposing party or a judicial authority requests the party provide evidence shall not be guaranteed protection against the judicial authority holding the refusal to provide such evidence against the refusing party's stance in the judicial case.

(b) Access to Closed-Session Proceedings and Documentation: except as provided by public records law, parties shall not be permitted to enter closed session proceedings, nor shall they be guaranteed the right to access records not considered as "public records."

(c) Unlimited Right to Speak at Judicial Proceedings: judicial authorities may implement reasonable time limits on presentations in judicial hearings to facilitate adjudication of judicial cases in appropriate timeframes, and parties acting in a disruptive or unsafe manner may have their right to speak at judicial proceedings revoked until the judicial authority believes they will cease their disruptive or unsafe behavior.

(d) Right to Attend at Judicial Hearings: so long as a good faith effort is made to provide all involved parties an opportunity to attend judicial hearings, involved parties shall not be guaranteed the right to actually attend judicial hearings. For example, parties associated with judicial hearings who

consistently and intentionally disrupt judicial proceedings may have the privilege of attending judicial proceedings revoked until the judicial authority believes they will cease their disruptive behavior.

- (e) Right to Attend Judicial Meetings/Hearings Associated with Emergency Injunctions: parties are not necessarily guaranteed an opportunity to appear at judicial meetings or hearings associated with the issuance of emergency injunctions.
 - (f) Appeals: decisions of the chief judicial authority of the ASU-SGA shall not be appealable. Parties in judicial cases shall not be guaranteed that an appeal of the decision of an inferior court shall be considered in its substance, nor shall they be guaranteed that any petitions for appeal they make be accepted.
 - (g) Immunity from Obligation to Appear to Give Testimony: officers within the ASU-SGA may, at the discretion of the judicial body adjudicating a case, be required to appear to testify in any judicial case, including ones for which they are the respondent.
 - (h) Right to Perjury: perjury and related dishonest practices are explicitly prohibited. Any ASU-SGA officers found to be engaging in perjury or similar dishonest practices in their interactions with a judicial authority may be subject to the issuance of orders of remedy or injunctions by that judicial authority as a means to secure truthful testimony, even if such individuals are not respondents in a case. The Senate reserves the authority to censure and/or remove individuals and officers that engage in perjury or similar dishonest practices in their interactions with ASU-SGA judicial authorities when appropriate.
- (3) Administrative and Judicial Procedures Distinct. - the ASU-SGA recognizes that administrative procedures conducted with the ASU-SGA and its constituent bodies, including impeachment and Senate Petitions for Removal, are not judicial procedures, and that individuals subject to such administrative procedures are not necessarily guaranteed the rights afforded to individuals subject to judicial procedures within the ASU-SGA and vice versa.

§4-7. Injunctive Measures.

- (1) Purpose and Function of Injunctive Measures. - injunctive measures shall be implemented by judicial bodies for the purpose of preventing statutory violations (or further statutory violations) from occurring in a case pending full adjudication.
- (2) Injunctive Authority Limited by Authority to Order Remedies. - no judicial authority within the ASU-SGA shall issue injunctive measures requiring action that the judicial authority could not issue by ordering remedies.
- (3) Elements Required to Issue Injunctions. - the ASU-SGA requires that judicial bodies verify the following elements of a situation are present prior to intervening with injunctive relief:
 - (a) Case Merit: the judicial authority has a reasonable belief that the complainant party has a reasonable chance to prevail in the case.
 - (b) Threat of Irreparable Injury: some form of irreparable or challenging-to-repair injury to the case, the complainant, the respondent, or the SGA would be imminent or certain in the absence of injunctive relief.
 - (c) Risk/Benefit Analysis: the threatened injury is likely to outweigh any damage the proposed injunction may cause to affected parties.
- (4) Types of Injunctive Measures. - the ASU-SGA shall recognize the following types of injunctive measures:
 - (a) Emergency Injunctions: an intervention taking or halting a certain action or set of actions until the matter can be addressed at a preliminary hearing. Emergency injunctions may be made without guaranteeing that all parties have been granted sufficient prior notification to communicate with the judicial authority responsible for adjudicating the case prior to the consideration of the injunction. Involved parties do not have the right to attend hearings at which emergency injunctions are issued, but may be allowed to attend such hearings by the judicial authority adjudicating a case. The effect of emergency injunctions may not extend beyond the time necessary to consider a preliminary injunction with due process being afforded to all involved parties.

(b) Preliminary Injunctions: an intervention taking or halting a certain action or set of actions until an issue may be considered in detail. Preliminary injunctions may only be made at or after a preliminary hearing, and require that a motion to dismiss the case has been heard prior to the adoption of any preliminary injunctions. Preliminary injunctions shall not extend beyond the completion of the judicial case (but may be implemented in a longer-lasting manner through issuing orders of remedy).

(5) Reasonable Suspicion Standard Used in Decisions Regarding Injunctions. - justices shall use a standard of reasonable suspicion when making decisions regarding injunctive relief.

§4-8. Aspects of Justiciability/Tenants Establishing Limitations on the Right to Bring Cases.

(1) Standing. - complainants shall be required to establish the following to demonstrate they have the standing to bring a case to a judicial authority:

(a) Personal Injury: damage has been caused to the complainant or their constituency, or future damage will be caused to the complainant or their constituency without intervention.

(b) Causation - the respondent is or will be responsible for the injury faced by the complainant, and the respondent's action or inaction was not induced by the nongermane action or inaction of another party not listed as a co-respondent in the case.

(2) Redressability. - complainants shall be required to establish the following to demonstrate that a case is redressable in order to bring a case to a judicial authority:

(a) Redressable within Jurisdiction: issues within the judicial case must fall within the jurisdiction of the judicial authority with which the case was filed.

(b) Redressable by Judicial Remedy: a resolution of the case must be capable of correcting a past violation of ASU-SGA governing documents and/or substantially contributing to the prevention of an ongoing or future violation, and the case should not be readily resolvable through non-judicial mechanisms.

- (3) Timeliness. - complainants shall be required to establish that the time elapsed between any alleged nongermane actions resulting in the case and the submission of the case to a judicial authority were reasonable and/or necessary.
- (4) Novelty. - dismissed cases may not be brought again to the same judicial authority responsible for dismissing them, unless a substantive change in the case has been made (such as a redrafting of the submission to meet standards, or a new development gives the issues presented by the case new standing, etc.). Previously adjudicated cases may not be brought to any judicial authority unless a substantive change in the case has been made (such as a new development gives the issues presented by the case new, unadjudicated standing).

§4-9. Decisions Regarding Justiciability.

- (1) Reasonable Suspicion Standard Used in Decisions of Justiciability. - aspects of justiciability shall be established and decided upon using a standard of “reasonable suspicion” through the complainant’s establishment of any of the following:
 - (a) The foundation of a reasonable suspicion by the complainant party that a given aspect of justiciability is sufficiently established to proceed with a case.
 - (b) The foundation of a reasonable suspicion by the complainant party that evidence being sought by the complainant party will instill a reasonable suspicion that a given aspect of justiciability is sufficiently established to proceed with a case.
- (2) Assumptions to be Made in Favor of Continued Adjudication. - to ensure that contested judicial cases are afforded full and complete adjudication, all inferences shall be drawn in favor of the complainant, and assertions of fact by the complainant shall be assumed to be true when making decisions of justiciability.

§4-10. Standards of Evidence in Judicial Cases.

- (1) Reasonable Suspicion Standard used at Preliminary Hearings. - justices in preliminary hearings shall use a standard of reasonable suspicion when making decisions. For example, a motion to dismiss a case should be rejected if the judicial authority has a reasonable suspicion that the complainant’s allegations may be valid.

- (2) Clear and Convincing Evidence Standard used in Decisions of Verdicts at Minimum. - judicial authorities shall use a minimum standard of clear and convincing evidence when rendering decisions related to verdicts.
- (3) Preponderance of the Evidence Standard used unless otherwise provided. - judicial authorities shall use a standard of preponderance of the evidence when making decisions except as otherwise provided by these General Statutes or as otherwise provided in any other authority governing judicial operations of the ASU-SGA.

§4-11. Remedies in Judicial Cases.

- (1) Remedies not Expressly Prohibited Allowed. - ASU-SGA judicial authorities may issue any remedy they deem necessary to remedy a statutory violation or prevent an imminent statutory violation, except as provided below.
- (2) Responsibility of ASU-SGA Officers to Carry Out Orders of Remedy. - officers of the ASU-SGA shall be obligated to uphold and comply with orders of remedy issued by ASU-SGA judicial authorities, and shall not interfere or attempt to bypass such orders of remedy.
- (3) Limitations on Authority to Order Remedies for all Judicial Authorities. - no ASU-SGA judicial authority shall have the authority to issue or mandate any of the following orders of remedy:
 - (a) Expel a member from the ASU-SGA.
 - (b) Bar a student of Appalachian State University from membership within the ASU-SGA.
 - (c) Bar a student of Appalachian State University from holding an officer position within the ASU-SGA, unless such a student is not statutorily permitted to hold the officer position with the ASU-SGA.
 - (d) Permanently strip an individual of an ASU-SGA Officer Position, unless such an individual is not statutorily permitted to hold the officer position within the ASU-SGA.
 - (e) Enjoin (prevent) an ASU-SGA Officer from carrying out the duties of their office in an amount greater than necessary to ensure that they do not impede the function of the ASU-SGA and its constituent bodies.

- (f) Compel a member to speak or act in a capacity other than the capacity of an ASU-SGA office that they hold or in a capacity other than the capacity of a position they hold in an organization that is subsidiary to the ASU-SGA in some manner (including, but not limited to: by accepting funding from the ASU-SGA and organizing under a charter issued by the ASU-SGA).

§4-12. Judicial Processes as Applied to Specific Judicial Authorities.

- (1) Specific Regulations Governing the Rules Committee defined through Rules Committee Judicial Operating Procedures. - the Senate Committee on Rules shall address specific aspects of judicial procedure governing its own operations as the Chief Judicial Authority of the ASU-SGA not defined in these statutes in its own document, to be entitled “Rules Committee Judicial Operating Procedures,” which shall be amendable in the same manner as its bylaws.
 - (a) The Rules Committee shall be obligated to hear appeals of judicial cases in which an order of remedy disqualifies a candidate(s) from an Appalachian State University Student Government Association election, and must do so in a timely manner.
- (2) Specific Regulations Governing Rules Committee Commissions of Judicial Review defined through Rules Committee Judicial Operating Procedures. - The Senate Committee on Rules shall address specific aspects of judicial procedure governing Rules Committee Commissions of Judicial Review in the “Rules Committee Judicial Operating Procedures” document.
- (3) Specific Regulations Governing the Elections Commission. - the ASU-SGA mandates that the Elections Commission observe the following:
 - (a) Quorum: The Elections Commission shall not have quorum without the presence of a simple majority of all of its members.
 - (b) Timeline Requirements Outside of Active Campaigning Periods: the Elections Commission shall observe the following timeline requirements outside of active campaigning periods:

- (1) Initial notifications shall be sent to involved parties within two academic days
- (c) Timeline Requirements During Active Campaigning Periods: the Elections Commission shall observe the following timeline requirements during active campaigning periods:
- (1) Initial notifications shall be sent to involved parties within one academic day or receipt of a case by the Elections Commission.
 - (2) The initial hearing of substance for a judicial case shall begin no less than one academic day following the distribution of initial notifications for the judicial case, except by the consent of all parties involved in a judicial case.
 - (3) The initial hearing of substance for a judicial case shall begin no more than two academic days following the distribution of initial notifications for the judicial case, except by the consent of all parties involved in a judicial case.
 - (4) Orders of Remedy, if applicable, shall be distributed by the Elections Commission no later than one academic day after the conclusion of the final hearing of substance for a judicial case.
- (d) Limitations on Authority to Order Remedies: the Elections Commission shall issue orders of remedy only to ensure the integrity and continued operation of ASU-SGA elections.
- (e) Timeline Adjustments for Scheduled University Closures Not Observed: the Elections Commission shall not adjust its timeline requirements for scheduled university closures.
- (f) Special Rules Regarding Timeline Adjustments due to Unforeseeable Circumstances: should the Elections Commission invoke adjustments to its timeline requirements due to unforeseeable circumstances, all elections affected by these adjustments (i.e. all elections containing parties listed as complainants or respondents in judicial cases whose timeline requirements are modified due to the unforeseeable circumstances) shall be null and void. The Elections

Commission shall use extreme discretion in utilizing this authority.

- (g) Certain Special Procedure Adjustments Not Observed: the Chief Presiding Officer of the Elections Commission shall not have the authority to independently issue emergency injunctions in any circumstance, except to declare elections null and void in the event that the Elections Commission invokes adjustments to its timeline requirements due to unforeseeable circumstances.

§4-13. Historical Recordkeeping.

- (1) Documentation of Changes to these Statutes Provided in this Section. - the ASU-SGA recognizes an interest in documenting changes to these judicial statutes to ensure accountability and clarity in judicial procedures governed by these statutes, and mandates that modifications to the text of these judicial statutes be documented within this section. Such documentation shall include, at minimum:
 - (a) A brief description of the modifications made to the statutes.
 - (b) The starting date upon which the modification to these statutes go into effect.
 - (c) The Senatorial Session number under which the modifications to these statutes were made or introduced.
 - (d) The name(s) of the primary introducer(s) of modifications to these statutes.
- (2) List of Changes to these Statutes. - the ASU-SGA recognizes the following modifications to these statutes:
 - (a) *Original Introduction - __/__/2022 (55th Session), Connor Ryan Schlaline*