

# **BAYLOR UNIVERSITY STUDENT COURT**

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## **RULES OF ORIGINAL PROCEDURE**

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**WITH FORMS**

**September 15, 2020**



**Printed for the use  
of  
THE BAYLOR UNIVERSITY STUDENT BODY**

**MEMBERS OF THE STUDENT COURT  
AT THE TIME OF ADOPTION**

BEN SOBUS, *Chief Justice*

BURKE CRAIGHEAD, *Deputy Chief Justice*

MACY MERRITT, *Associate Justice*

BRIGID NALE, *Associate Justice*

GRACE GILMOUR, *Court Clerk*

KRISHNA KANDURY, *Court Clerk*

## FOREWARD

This document contains the Rules of Procedure in any and all matters which come before the Baylor University Student Court under its original jurisdiction together with appropriate forms, as ratified on September 15, 2020. The rules and procedures herein have been established pursuant to The Baylor University Student Body Constitution. The rules and procedures herein have been approved by the unanimous vote of all members of the Student Court pursuant to Art. IV, Sec. 3, A of the Baylor University Student Body Constitution. These rules and procedures are established to guide any and all members of the Baylor University Student Body in their interactions with the Student Court. Furthermore, these rules and procedures established herein are established to further define the Baylor University Student Court's original jurisdiction in accordance with Art. IV, Sec. 4 of the Baylor University Student Constitution. These rules and procedures are subject to change at any time by the unanimous consent of the Student Court's members and a subsequent vote by the Baylor Student Senate. All questions regarding these rules and procedures should be directed to the Chief Justice, or in his or her absence, the Deputy Chief Justice.

For the convenience of the user, several forms have been attached to these rules and procedures. These forms, hereinafter "Templates", are examples for the preferred guidelines of the Court. The Templates are examples only, and are not considered binding on any member of the Baylor Student Body. The Court may request alterations or corrections to any document including but not limited to: complaints, responses, and motions. Any questions regarding this document or its execution should be directed to the Court Clerks.

**Ben Sobus /s/**

*Chief Justice, Baylor University Student Court*

SEPTEMBER 15, 2020

**AUTHORITY FOR THE PROMULGATION OF THE RULES**

**ARTICLE IV, SECTION 3, BAYLOR UNIVERSITY STUDENT BODY CONSTITUTION**

**Rules of Procedure; Power to Prescribe**

- a) The Baylor University Student Court shall have the power to adopt any procedure, not in conflict with The Baylor University Student Body Constitution, that it deems necessary and proper for the conduct of the Court.
- b) These Rules shall not alter, abridge, enlarge, or modify any substantive right of a Baylor University student or organization.

**Rules of Procedure; Method of Prescribing**

- a) Any additions, modifications, corrections, or alterations made to these procedures shall be made with the unanimous consent of all members of the Student Court.
- b) These procedures voted on by the Student Senate within two Student Senate meetings following their adoption by the Student Court.

**Rules of Procedure; Effective Date**

- a) These procedures shall take effect and be considered authoritative within the Judicial Branch, subordinate to The Baylor University Student Body Constitution, at the conclusion of the Student Senate meeting immediately following their adoption by the Court unless the Senate chooses not to ratify them by a two-thirds nay vote.
- b) In the event that a case is before the Court at the time of an alteration to these procedures, the version of these procedures under which the complaint was filed shall be considered authoritative in that matter.

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# RULES OF ORIGINAL PROCEDURE

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## TITLE I. APPLICABILITY OF RULES

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### **Rule 1. Scope of Rules; Definition; Title.**

#### **a) Scope of Rules**

- i) These rules established herein govern the procedure of The Baylor University Student Court in matters of original jurisdiction.
- ii) These rules established herein are established to further define the Baylor University Student Court's original jurisdiction in accordance with Art. IV, Sec. 5 of the Baylor University Student Constitution.
- iii) Any and all members of the Baylor University Student Body must abide by the procedures contained herein when dealing with matters of original jurisdiction.

#### **b) Definitions**

- i) In these rules, "student" shall be understood to mean "any member of the Baylor University Student Body."
- ii) In these rules, "Constitution" shall be understood to mean "The Baylor University Student Body Constitution."
- iii) In these rules, "Court" shall be understood to mean "The Baylor University Student Court."
- iv) A student who files a Complaint pursuant to Art. IV, Sec. 5, Par. 2, A of the Constitution will herein be referred to as a "Plaintiff."
- v) The party against whom a Complaint is filed will herein be referred to as a "Defendant."
- vi) "Class days" shall be understood to mean any operating day in which classes are being held beginning at 8:00am and concluding at 5:00pm Central Standard Time. Any deadline contained herein which is listed as a "class day" shall be understood to mean before 5:00pm on the respective day.

- c) **Title.** These rules are to be known as the “Baylor University Student Court Rules of Original Procedure.”

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## TITLE II. ORIGINAL JURISDICTION OF THE COURT

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### **Rule 2. Jurisdiction of the Court; Discretion of the Court.**

#### **a) Jurisdiction of the Court.**

- i) The Court may accept a claim under its original jurisdiction only if the issue is presented in a formal Complaint pursuant to Art. IV, Sec. 5, Par. 1, A of the Constitution.
- ii) The Court’s original jurisdiction includes, but is not limited to:
  - 1) The interpretation of the Constitution.
  - 2) Interpretation of all legislation signed by the Student Body President.
  - 3) Disputes and controversies involving student(s) and student organization(s).
  - 4) An alleged violation of the Constitution, or an alleged violation of other legislation passed by the Senate.
- iii) A list of matters which fall under the Court’s original jurisdiction can be found in Art. IV, Sec. 5, Par. 2, A of the Constitution.

#### **b) Discretion of the Court**

- i) The following shall be considered at the discretion of the Court:
  - 1) To accept or deny any Complaints filed in a matter listed in Art. IV, Sec. 5, Par. 2, A of the Constitution
  - 2) All powers and responsibilities listed in Title VIII of these Rules.

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## TITLE III. COMMENCING AN ACTION

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**Rule 3. Filing; Complaint; Contents of Complaint; Answer.**

**a) Filing.**

- i) Plaintiffs must file their Complaint with the Clerk of the Court.
- ii) Immediately upon receipt of a Complaint, the Clerk of the Court shall send notice to the Chief Justice, the Plaintiff, and the named Defendant confirming that the Complaint was received. This notice does not include the Complaint being forwarded to the Defendant.
- iii) The Complaint must contain the information elaborated on in Title III, Rule 3(c) of these Rules and illustrated in Template 1, which has been attached to this document.
- iv) The Court shall determine whether to grant or deny hearing within five class days of the Confirmation of Receipt from the Clerk of the Court.

**b) Complaint.**

- i) If the Plaintiff intends to appoint an Advocate for the purpose of a Hearing, that Advocate should be listed on the Complaint.
- ii) The Complaint should be composed in accordance with the guidelines illustrated within Template 1.

**c) Contents of Complaint.**

- i) A Complaint must include the following:
  - 1) Introduction of the involved parties.
    - (a) If the Defendant is an organization, the organization's president or equivalent position should also be listed as a Defendant.
  - 2) A brief introduction to the action.
  - 3) Applicability of the Court's original jurisdiction. This can be found in Art. IV, Sec. 5, Par. 2, A of the Constitution.
  - 4) Relevant factual background which acts as the basis for the Complaint.
  - 5) Prayer for relief. State the remedy you seek from the Court.

- ii) A Complaint should contain all offending actions being asserted by the Plaintiff. If these actions are not listed in the Complaint they will not be considered before the Court.
- iii) The Court, under its discretion, may lessen, but not intensify, any relief requested by the Plaintiff.
- iv) After the Court has granted a hearing regarding an action, the named Defendant will receive an electronic copy of the Complaint.

**d) Answer.**

- i) The Defendant shall submit a formal Answer to the Complaint.
- ii) The purpose of an Answer is to directly address the allegations made by the Plaintiff.
- iii) Only the named Defendant or their Advocate may submit an Answer.
  - 1) If the named Defendant is an organization, the organization's President or equivalent position (or a member of the organization appointed to stand as the representative of the organization in trial) should author the Answer.
- iv) If the Defendant intends to appoint an Advocate for the purpose of a Hearing, that Advocate should be listed in the Answer unless the Advocate is the one authoring the Answer.
- v) The failure of a Defendant to file an Answer can be considered legitimate grounds for a Motion to Stay from either party.

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**TITLE IV. MOTIONS FOR STAY OR INJUNCTION**

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**Rule 4. Motions for Stay; Motions for Injunction.**

**a) Motions for Stay.**

- i) The purpose of a Motion for Stay is to postpone proceedings in a matter before the Court.
- ii) A Motion for Stay shall be considered an urgent matter before the Court.

- iii) Parties should submit a Motion for Stay at least 24 hours prior to the next hearing scheduled by the Court.
- iv) A Motion for Stay should include a period of time for which the Movant desires procedures to be postponed, the reason for the motion, and at least one detrimental effect to themselves or their case if proceedings continue without postponement.
- v) All Motions for Stay are left to the discretion of the Court to grant or deny by the majority vote of the Justices in quorum.
- vi) A Motion for Stay should be composed in accordance with the guidelines illustrated within Template 3.

**b) Motions for Injunction**

- i) The purpose of a Motion for Injunction is to demand that a certain party be made to take a certain action, or that a certain party be prohibited from taking a certain action.
  - ii) A Motion for Injunction shall be considered an urgent matter before the Court
  - iii) Parties should submit a Motion for Injunction at least 24 hours prior to the next hearing scheduled by the Court.
  - iv) A Motion for Injunction should include the reason for the motion, the reason why the Court should require or prevent an action prior to the conclusion of the issue, and at least one detrimental effect of the Court's refusal to do so.
  - v) All Motions for Injunction are left to the discretion of the Court to grant or deny by the majority vote of the Justices in quorum.
  - vi) If granted, all Motions for Injunction are considered temporary and shall expire immediately upon the issuance of a decision of the Court in the matter to which the Motion pertains.
  - vii) All Motions for Injunction should be composed in accordance with the guidelines illustrated within Template 4.
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## TITLE V: EVIDENCE

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### **Rule 5. Definitions.**

#### **a) Definitions.**

- i) “Evidence” refers to any and all pieces of information relied upon by the Court in making its decision.
  - 1) “Physical Evidence” refers to any document, written or electronic, or object which tends to make an assertion of either party more or less likely.
  - 2) “Testimony” refers to the knowledge or information which is imparted by a witness either from the stand in Hearing or in the form of an Affidavit.

### **Rule 6. Submission; Objections; Admittance.**

#### **a) Submission**

- i) In order for a piece of evidence to be considered in a case before the Court it must be submitted by a party and admitted by the Court.
- ii) Parties must submit an Evidence List to the Clerk of the Court no later than 24 hours prior to the Pre-Trial Hearing scheduled by the Court.
- iii) An Evidence List must contain all pieces of physical evidence which the party intends to present before the Court and should conform to the guidelines illustrated within Template 5.
- iv) Physical Evidence which appears on a party’s Evidence List may be submitted in the Trial phase only.
- v) If a piece of evidence comes to a party’s attention after the deadline for Evidence List submissions has passed, both parties shall appear before the Court to argue for the admissibility of the evidence.
  - 1) If sufficient cause for the evidence’s absence from the Evidence List is demonstrated, the opposing party may, but need not, request a Stay of no more than 24 hours in order to prepare to combat the new evidence.

- vi) During Pre-Trial and Trial, parties must provide a copy of each piece of evidence in either physical or electronic format to the Court and their opposing party at the time of submission. They are encouraged, but not required to provide a copy to each of the seated Justices.
- vii) During Pre-Trial and Trial, parties are encouraged to submit evidence by saying “At this time, the [Plaintiff/Defendant] offers [piece of evidence] into evidence.”
- viii) If a party has appointed an Advocate, only the Advocate may submit evidence to the Court.

**b) Objections**

- i) A party may object to any piece of evidence at the time of its submission by the opposing party.
- ii) If a party has appointed an Advocate, only the Advocate may object to a piece of evidence.
- iii) Evidence must meet certain requirements to be considered by the Court in its deliberations; objections are based on the failure of a piece of evidence to meet one or more of those requirements. These requirements are:
  - 1) Relevance. A piece of evidence must contribute to the truth or falsehood of a fact related to the case. Parties or Advocates objecting under this requirement are encouraged to phrase their objection in the following way: “Objection to Relevance, Your Honors.”
  - 2) Foundation. A piece of evidence must be identified before it can be admitted. The contents of a piece of evidence may, but need not, be used to identify it. Parties or Advocates objecting under this requirement are encouraged to phrase their objection in the following way “Objection, Your Honors, this evidence Lacks Foundation.”
  - 3) Not for the sole purpose of proving character. A piece of evidence whose only use is to establish any party’s ethical nature, morality, or lack of either is not admissible in the Court. Parties or Advocates objecting under this requirement are encouraged to phrase their

objections in the following way: “Objection, Your Honors, this is Character Evidence.”

- 4) Not hearsay. With a few exceptions, listed below, a witness may not testify to a statement made outside of Court. Similarly, a piece of physical evidence which contains statements by any individual outside of Court is considered Hearsay unless they meet an exception below. Parties or Advocates objecting under this requirement are encouraged to phrase their objections in the following way: “Objection, Your Honors, this is Hearsay.”

(a) Statements made by the named Defendant are not hearsay if they are offered by the Plaintiff, a Plaintiff’s witness, or a piece of physical evidence submitted by the Plaintiff or Plaintiff’s Advocate. Similarly, statements made by the named Plaintiff are not hearsay if they are offered by the Defendant, a Defense Witness, or a piece of physical evidence submitted by the Defendant or the Defendant’s Advocate.

(b) If the Defendant is an Organization, then a statement made by a member of that Organization within the scope of their role therein shall be considered a statement made by the Organization.

(c) Statements which are not being used to prove the truth of their content are not hearsay. For example, the statement “the sky is blue” is not admissible to prove that the sky is, in fact, blue.

(d) If the Court has little or no cause to doubt the accuracy of a statement, it may be excluded from the rule against hearsay.

(e) Statements that are non-testimonial in nature do not fall within the exclusionary rule for hearsay. Non-testimonial statements are statements not offered for the primary purpose of establishing past events for a future judicial proceeding.

- 5) Not testifying to the mindset of another individual. A witness may not testify to any information which requires the operation of another individual's mind. Parties or Advocates objecting under this requirement are encouraged to phrase their objections in the following way "Objection, Your Honors, this is Speculation."
  - 6) No objections may be raised to the current authoritative versions of: the Constitution, the Rules of Court Procedure (Appellate and Original), the Student Senate By-Laws, the Executive Branch By-laws, and the Electoral Code. The version of these documents which was most recently approved by the appropriate body and the Senate shall be considered current and authoritative.
  - iv) Objections to physical evidence are to be overruled or sustained by a majority vote of Justices in quorum.
  - v) Objections to testimony are to be overruled or sustained by the Chief Justice.
- c) Admittance.**
- i) A piece of evidence is admitted into the Court's record when it is submitted and one of two events occur: no objection is made to the evidence, or all objections made to the evidence are overruled.
  - ii) No piece of evidence, physical or testimonial, that has not been admitted into the record may be considered by the Court in its deliberations.

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## TITLE VI: WITNESSES

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### **Rule 7: Witness Testimony.**

#### **a) Witness Testimony.**

- i) Either party may call witnesses to testify at trial.

- ii) Parties are required to submit a Witness List to the Clerk of the Court no later than 24 hours prior to the Pre-Trial Hearing scheduled by the Court.
- iii) A Witness List should contain all individuals that the respective party intends to call in trial and should conform to the guidelines illustrated within Template 6.
- iv) All witnesses are required to have first-hand knowledge of the incidents relevant to the case.
- v) No witness may be present for the testimony of another witness, excluding the named parties and those excused by the Chief Justice.
- vi) Witnesses other than the named Defendant may be compelled to answer questions at the discretion of the Chief Justice, and at the request of the party or counsel examining or cross-examining the witness on the stand.
- vii) The named Defendant reserves the right not to appear as a witness at Trial.
- viii) No individual who has served as an Advocate before the Court may be compelled to testify to any information which pertains to the individual for whom they served if that information meets the following requirements. These same requirements apply to any statements between an individual and their Advocate which are contained in a piece of physical evidence.
  - 1) Information obtained during the period in which the Advocate served. If the Advocate was not dismissed formally, they shall be considered dismissed at the time when the Opinion(s) of the Court was published. In the case of an appeal, the aforementioned Advocate continues advising their client until the appeal is resolved.
  - 2) Information which directly relates to the matter for which the Advocate was appointed.
  - 3) The client believed that the communication would be privileged.
  - 4) Information given by the client to their Advocate for the purpose of obtaining the Advocate's advice OR advice given by the Advocate to their client.
- ix) If an individual who has served, or is serving, as an Advocate before the Court testifies to a piece of information which meets the above requirements, the entirety of that individual's testimony will be stricken and

may not be considered by the Court in its deliberations. The individual will also be referred to the Student Conduct Administration pursuant to Article IV, Sec V, Par 4 (D) of the Constitution.

- x) The client in the above relationship, and only the client, may waive the requirements of Rule 7(a) 8 and 9 of this document
- xi) A witness who did not appear on either party's Witness List may not appear before the Court or give testimony. Witnesses called by the Court after both parties have concluded their cases-in-chief are the sole exception.
- xii) A witness's testimony must be truthful and accurate as determined by a preponderance standard (meaning more likely than not). Any witness found to have violated this rule will be referred to the Student Conduct Administration pursuant to Article IV, Sec V, Par 4 (D) of the Constitution
- xiii) If a non-party witness is unavailable for trial, they can create an Affidavit to be recorded and signed by the Court Clerk. The Court shall determine by majority vote whether a witness qualifies as unavailable. Valid reasons for unavailability include, but are not limited to:
  - 1) Mandatory Baylor University events and/or meetings
  - 2) Appearance before any committee or board led by a Baylor Faculty member.
  - 3) Medical condition requiring hospitalization.
- xiv) Testimony given in the form of an Affidavit is to be given less weight than testimony given in trial due to the lack of possibility for Cross Examination.

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## TITLE VII: ADVOCATES

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**Rule 8: Arguments, Motions, Examinations.**

**a) Arguments.**

- i) If a named party has appointed an Advocate to represent them, only that Advocate may present arguments before the Court on that party's behalf.
- ii) If more than one Advocate has been appointed, a Lead Advocate must be designated by the party they are to represent. In such cases, only the Lead Advocate may either deliver an Opening Statement or a Closing Argument themselves, or designate another advocate to do so.

**b) Motions.**

- i) If a named party has appointed an Advocate to represent them, only that Advocate may file a Motion with the Court.
  - 1) The sole exception is a Motion to Change Advocates. Only the named party may file the aforementioned Motion.
  - 2) A Motion to Change Advocates must demonstrate sufficient cause for the change. Parties are encouraged to submit a Motion to Change Advocates in accordance with the guidelines illustrated within Template 7, but verbal motions during Trial are also acceptable.
- ii) If a Lead Advocate has been designated, only the Lead Advocate may file a Motion with the Court. Motions to Change Advocates are excluded from this requirement.

**c) Examinations.**

- i) If an advocate has been appointed by a named party, only the Advocate may conduct Direct and Cross-Examinations.
- ii) If multiple Advocates have been appointed, only one may conduct the Direct and Cross-Examinations of a single witness. That Advocate is the only Advocate who may object during this specific witness's testimony.
  - 1) This does not prevent a single Advocate from conducting the Direct and Cross-Examination of more than one witness.
- iii) If a Party has chosen to represent themselves and wishes to testify as a witness, they must appoint an Advocate to represent them during their own Direct and Cross-Examinations.

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## TITLE VIII: PROCEDURAL POWERS

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### **Rule 9: Scheduling, Summons, Subpoenas, Removal.**

#### **a) Scheduling.**

- i) It is at the discretion of the Court to schedule dates for all portions of Trial.
- ii) The Court shall provide a Preliminary Timeline to both Parties upon granting a hearing.
- iii) Any objection(s) to the timeline set by the Court should be submitted in the form of a Motion for Stay.
- iv) The deadline for the submission of an Answer from the Defendant will be set no sooner than 2 class days and no later than 5 class days from the granting of a Hearing.
- v) The deadline for the submission of Witness and Evidence Lists shall be no sooner than 2 class days after the deadline for the submission of an Answer and no later than 24 hours prior to the start of the Pre-Trial Hearing.
- vi) The Pre-Trial phase of Hearing shall be scheduled no sooner than 4 class days and no later than 6 class days after the deadline for the submission of an Answer.
- vii) The Trial phase of Hearing shall be scheduled no sooner than 24 hours and no later than 72 hours after the conclusion of the Pre-Trial phase.
- viii) If additional hearings are required to complete the Trial phase, they shall be scheduled at the discretion of the Chief Justice, but may not occur more than 5 class days after the conclusion of the previous hearing.
- ix) If the Defendant is found Liable, the Court shall grant both parties a period of time no less than 24 hours and no more than 72 hours after the initial finding in which:
  - 1) The Plaintiff, or Plaintiff's Advocate, may submit a Brief justifying the severity of the requested Relief to the Clerk of the Court. The Plaintiff

is encouraged to format such a Brief in accordance with the guidelines illustrated within Template 8.

2) The Defendant, or Defendant's Advocate, may submit a Brief urging for a lessened Relief to the Clerk of the Court. The Defendant is encouraged to format such a Brief in accordance with the guidelines illustrated within Template 8.

x) The Court shall submit a formal Decision for review to the Court's Faculty Advisor and the VP for Student Life (or party designated by the same) no later than 5 class days after the submission of the aforementioned Briefs.

**b) Summons.**

- i) The Court shall serve all named parties with a Summons pursuant to Art. IV, Sec. V, Par. 4 (A) of the Constitution.
- ii) Parties who fail to appear after receiving such a Summons shall be referred to the Student Conduct Administration pursuant to Art. IV, Sec. V, Par 4 (D) of the Constitution.
- iii) The Chief Justice shall author and sign (either physically or electronically) all Summons.
- iv) After the Chief Justice signs a Summons, it will be submitted to the Court's Faculty Advisor for approval and signature (either physical or electronic).
- v) A Summons bearing the signatures of both the Chief Justice and the Court's Faculty advisor shall be served to all involved parties (either physically or electronically via Baylor email) by the Clerk of the Court.

**c) Subpoenas.**

- i) The Court shall issue Subpoenas pursuant to Article IV, Sec V, Par 4 (A) of the Constitution.
- ii) Parties who desire for a piece of physical evidence to be Subpoenaed state this desire when they submit their Evidence List.
- iii) Parties who desire for a witness to be Subpoenaed must request a Subpoena, either in writing or verbally, at the Pre-Trial Hearing.
- iv) Subpoenas shall be issued with a majority vote of the justices in quorum and the approval of the Court's Faculty Advisor.

- v) Students who fail to comply with a Court Subpoena shall be referred to the Student Conduct Administration pursuant to Article IV, Sec V, Par 4 (D) of the Constitution.
- vi) A party or party's Advocate may submit a request for Subpoena of a witness even if the witness appears voluntarily on the opposing party's Witness List. In such an event, the witness shall appear during both parties' case-in-chief.

**d) Removal.**

- i) Spectators are allowed at the Trial phase of hearing alone, and only with the express consent of the Chief Justice.
- ii) Any spectator may be removed from hearing at the discretion of the Chief Justice.
- iii) No named party or Advocate may be removed from Hearing except in the event, and only for the duration, of a Recess or in the event that an individual commits an offense listed in Rule 15 (c) 2.

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**TITLE IX: PRE-TRIAL**

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**Rule 10: Order of Procedure.**

**a) Order of Procedure.**

- i) At the time set for the beginning of the Pre-Trial Hearing, the Clerk of the Court shall introduce the Court in the following way: "All rise for the Honorable Chief Justice and Associate Justices of the Baylor University Student Court."
- ii) The Chief Justice shall begin the hearing in the following way: "The Pre-Trial Hearing in the matter of [Plaintiff] v [Defendant] is now in session."
- iii) The Pre-Trial Hearing shall proceed to dealing with Evidence and Witnesses, from thence to Discovery.
- iv) The Court will Recess for a time no less than 30 minutes and no more than 2 hours so that both parties can examine the evidence provided in Discovery and prepare Motions in Limine.

- v) After the Recess, the Court will hear and rule on all Motions in Limine.
- vi) The Chief Justice shall then attend to any further Housekeeping Matters.
- vii) Finally, the Chief Justice shall adjourn the hearing in the following way: “This Court stands adjourned until the Trial Hearing on [Date of Hearing].”

**Rule 11: Evidence and Witnesses, Discovery, Motions in Limine, Housekeeping Matters.**

**a) Evidence and Witnesses.**

- i) Parties must bring copies of all physical evidence on their Evidence Lists to Pre-Trial.
- ii) At this point in Pre-Trial, evidence which has been Subpoenaed by the Court shall be produced.
- iii) At this point in Pre-Trial, all Requests for Subpoena of a witness shall be submitted and the merits thereof argued.
- iv) The Court, based on a majority vote of the Justices in quorum, shall rule on all witness Subpoenas at this time.

**b) Discovery.**

- i) After the matters addressed in Rule 11(a) have concluded, the Court will proceed to Discovery.
- ii) During Discovery, both parties shall allow their opposing counsel full access to all pieces of physical evidence on their respective Evidence Lists.
- iii) Pursuant to Rule 10(a)iv, the Court shall Recess for a time no less than 30 minutes and no more than 2 hours for Discovery.
- iv) A Clerk or Assistant Clerk of the Court must be present at all times during this Recess and no piece of evidence or copy thereof may leave the room.

**c) Housekeeping Matters**

- i) The Chief Justice shall inform the Parties of his or her preferences regarding use of the room in which a Hearing is held during Statements and Examinations immediately following the resolution of the Motions in Limine.
- ii) Only the Chief Justice may alter these preferences once they have been established.

## TITLE X: TRIAL

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### **Rule 12: Order of Procedure.**

#### **a) Order of Procedure.**

- i) At the time set for the beginning of the Trial Hearing, the Clerk of the Court shall introduce the Court in the following way: “All rise for the Honorable Chief Justice and Associate Justices of the Baylor University Student Court.”
- ii) The Chief Justice shall begin the Hearing in the following way: “The [Ordinal Number] Trial Hearing in the matter of [Plaintiff] v [Defendant] is now in session.”
- iii) The Trial phase will begin with an Opening Statement from the Plaintiff.
- iv) The Defense may either give their Opening Statement immediately after the Plaintiff or after the Plaintiff has rested its case-in-chief.
- v) After the Opening Statement(s), the Plaintiff shall proceed with its case-in-chief.
- vi) The Defense shall proceed with their case-in-chief immediately after the Plaintiff rests.
- vii) After the Defense has rested its case-in-chief, the Plaintiff shall have the opportunity to call Rebuttal Witnesses.
- viii) Any witnesses called by the Court shall testify following the conclusion of testimony given by both parties’ witnesses.
- ix) After the Court’s witnesses have testified, the Trial shall proceed to the Plaintiff’s Closing Argument.
- x) The Defense shall give a Closing Argument immediately after the Plaintiff.
- xi) The Plaintiff shall be given the opportunity to present a Rebuttal Argument.
- xii) After the Rebuttal, the Chief Justice shall adjourn in the following way: “This Court stands adjourned in the case of [Plaintiff] v [Defendant]. Both Parties (and their Advocates) shall be informed of the Court’s finding when it is made.”

**Rule 13: Opening Statements, Case-in-Chief, Rebuttal Witnesses, Court’s Witnesses, Closing Arguments.**

**a) Opening Statements.**

- i) A party’s Opening Statement is a summary of what that party believes will happen in the Trial.
- ii) Only the Lead Advocate (if one has been designated) may deliver an Opening Statement.
- iii) Opening Statements may last up to 30 minutes for each party.
- iv) No objections may be made to an Opening Statement.
- v) The Court may not ask questions during an Opening Statement.
- vi) Opening Statements are encouraged to begin in the following way: “Mister/Madame Chief Justice and may it please the Court.”

**b) Case-in-Chief**

- i) A party’s case-in-chief is the summation of all Direct and Cross Examinations of the witness(es) called by that party.
- ii) If an Advocate has been appointed, only the Advocate may conduct a Direct or Cross-Examination and make objections therein.
- iii) If multiple Advocates have been appointed, only one may conduct each Direct or Cross-Examination and make objections therein. This does not prevent the same Advocate from conducting multiple examinations.
- iv) Each witness shall be called to the stand in the following way: “At this time, the [Party] calls [Witness name] to the stand.”
- v) Each witness shall raise their right hand prior to testifying, at which time the Clerk of the Court shall administer the following oath: “Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God”. If the witness answers in the negative, that witness may not testify.
- vi) The Court may ask questions of any witness at any time.
- vii) Once the party who calls a witness has concluded their Direct Examination, the opposing party has a right to conduct a Cross-Examination.
- viii) The party who calls a witness is entitled to a Re-Direct Examination which must remain within the scope of Cross.

- ix) A Re-Cross may be granted at the discretion of the Chief Justice. If granted, a Re-Cross must remain within the scope of the Re-Direct.

**c) Rebuttal Witnesses.**

- i) Only the Plaintiff has the opportunity to call Rebuttal Witnesses to directly refute the assertions made by the Defense witnesses.
- ii) If a Rebuttal Witness does not appear on the Plaintiff's original Witness List, the Plaintiff must submit either a verbal or written explanation to the Court clarifying which Defense testimony that particular witness is being called to rebut.
- iii) Rebuttal Witnesses are subject to Direct and Cross-Examination as detailed above.
- iv) The Court may ask questions of any Rebuttal Witness at any time.

**d) Court's Witnesses.**

- i) The Court reserves the right to call any witnesses it feels are necessary to fairly adjudicate the matter at trial.
- ii) If the Court calls such a witness, the Court shall conduct a Direct Examination of that witness.
- iii) After the Direct Examination of the Court's witness, both parties shall have the opportunity to conduct a Cross-Examination (first the Plaintiff, followed by the Defense).

**e) Closing Arguments.**

- i) Closing argument is a summation of the most important facts of the Trial and the party's argument for why those facts aid their position.
- ii) Time limits for closing arguments shall be set by the Chief Justice, with both parties receiving the same amount of time (the Plaintiff's initial closing and rebuttal are combined when determining a time limit).
- iii) The Court may ask questions during the closing argument.
- iv) The only objection which may be made during the closing argument is "Objection, facts not in evidence." This objection is to be made when the party delivering the closing cites an event or piece of evidence which was not admitted in trial. Such objections are not deducted from a party's closing time.

- v) Additional time may be requested, as will be determined by a majority of justices in quorum.

**Rule 14: Objections to Form.**

**a) Objections to Form.**

- i) Objections to Form are objections to the way in which a Party, Advocate, or Justice poses their questions.
- ii) Objections to form are:
  - 1) Leading. A leading question is when the question posed implies the answer. An example is “You went to the meeting, didn’t you?” Parties objecting to a leading question are encouraged to phrase their objection in the following way: “Objection, Your Honors, Leading Question.”
    - (a) Leading Questions are permissible during Cross Examination.
  - 2) Argumentative. This objection is made when the individual conducting examination argues with the witness or proceeds as though contradictory testimony was not given. An example would be when a witness who has answered “No” is told “But ‘yes’ is the truth, isn’t it?” Parties objecting to an argumentative statement are encouraged to phrase their objection in the following way: “Objection, your Honors, Argumentative.”
  - 3) Compound Question. A question is considered compound if more than one question is contained therein. An example would be “You went to the meeting and then you went back home, didn’t you?” Parties objecting to a compound question are encouraged to phrase their objections in the following way: “Objection, Your Honors, Compound Question.”
  - 4) Assumes facts not in evidence. This occurs when the individual conducting examination asks a question which assumes a fact to which no testimony has been given. An example of this would be if a witness who has not testified to being at a particular meeting is asked: “So when did you get to the meeting?” Parties objecting in this circumstance are encouraged to phrase their objections in the

following way: “Objection, Your Honors, assumes facts not in evidence.”

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## TITLE XI: MISCELLANEOUS

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### **Rule 15: Dress, Addressing the Court, Parties.**

#### **a) Dress.**

- i) Students who will be participating in a Hearing are strongly encouraged to dress in Formal or Business Formal attire.

#### **b) Addressing the Court.**

- i) Students before the Court are encouraged to address the Court and its members formally. The most common ways of doing so are as follows:
  - 1) “The Court” or “Your Honors” when addressing the Justices collectively.
  - 2) “Mister/Madame Chief Justice” or “Your Honor” when addressing the Chief Justice.
  - 3) “Justice [surname]” or “Your Honor” when addressing an individual Justice.
  - 4) “Mister/Madame Clerk of the Court” when addressing either of the Clerks.
- ii) Parties should ask the Court’s permission before proceeding with each phase of a Hearing. The most common way to do so is as follows: “Permission to proceed with [Phase of Trial], Your Honors?”

#### **c) Parties.**

- i) Parties may not address one another during a Hearing.
- ii) Any substantial breach of civility and decorum may result in the student’s being remanded to the Student Conduct Administration. Substantial breaches of civility and decorum include, but are not limited to:
  - 1) The use of profanity.
  - 2) Racial, sexual, or gender-based slurs.

3) Physical altercations.

**Rule 16: Recess, Special Objections, Alterations, Judicial Emergencies, Supremacy.**

**a) Recess.**

- i) It shall be at the discretion of the Chief Justice to place the Court in Recess.
- ii) While a Recess may not occur during Opening Statements, Direct and Cross-Examination, and Closing Arguments, a Recess may occur between any of these.
- iii) No Recess shall extend for a period exceeding 3 hours, unless the trial is not to be concluded in the same day.

**b) Special Objections.**

- i) Special Objections are objections made to the phrasing of a witness's answer.
- ii) Special Objections may be made only on the following grounds:
  - 1) Narrative. A witness's answer is considered narrative when the answer given exceeds the bounds of the question asked. Parties objecting to a narrative answer are encouraged to phrase their objections in the following way: "Objection, Your Honors, the answer has become narrative."
  - 2) Nonresponsive. A witness's answer is considered nonresponsive when it does not answer the question posed. Parties objecting to a nonresponsive answer are encouraged to phrase their objections in the following way: "Objection, Your Honors, the witness has become nonresponsive."

**c) Alterations.**

- i) Alterations to these Rules may be made by the unanimous vote of the Justices in quorum as necessary and proper for the execution of the Court's duties.

**d) Judicial Emergencies.**

- i) Cases which arise under the Original Jurisdiction of a lower judicial body are to be governed by the Rules contained herein.

- ii) Cases which arise under the original jurisdiction of the Electoral Commission are to be considered Judicial Emergencies.
  - 1) Judicial Emergencies in Original Jurisdiction are not bound by the Scheduling requirements found in this document.
  - 2) Judicial Emergencies are still bound by all rules herein which do not pertain to scheduling and/or deadline requirements.

**e) Supremacy.**

- i) This document shall be considered the highest authority in cases which fall under the Court's Original Jurisdiction. The Constitution is the only document which is to be considered authoritative over this document in such matters.
- ii) The Court will implement this document following the lack of a two-thirds "nay" vote in the Senate, at which time all previous authoritative versions of the Rules of Procedure in matters of Original Jurisdiction will be repealed.

# BAYLOR UNIVERSITY STUDENT COURT

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## FORMS AND TEMPLATES

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### LIST OF INCLUDED FORMS\*

TEMPLATE 1. COMPLAINT

TEMPLATE 2. ANSWER

TEMPLATE 3. MOTION FOR STAY

TEMPLATE 4. MOTION FOR INJUNCTION

TEMPLATE 5. EVIDENCE LISTS

TEMPLATE 6. WITNESS LISTS

TEMPLATE 7. MOTION TO CHANGE ADVOCATES

TEMPLATE 8. RELIEF BRIEFS

\*All arguments and situations contained in these Templates are simplified versions and should not be considered as acceptable legal arguments before the Court; they are to illustrate format *only*. Similarly, any and all organizations, individuals, and cases cited herein are fictitious and do not constitute legitimate precedent of the Student Court.

### TEMPLATE 1

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BAYLOR UNIVERSITY STUDENT COURT

John Doe	§
	§
<i>Plaintiff</i>	§ <b>Failure to Perform</b>
	§ <b>Constitutional Duties</b>
Vs.	§
	§ <b>Case BU201601-O</b>
Frank Wheeler,	§
	§ <b>Complaint</b>
<i>Defendant</i>	§
_____	§

Plaintiff John Doe states as follows:

**Involved Parties**

1. Plaintiff John Doe is a current Baylor Student, age 20.
2. Defendant Frank Wheeler is a current Baylor Student, age 22.

**Introduction**

3. This action alleges that the Defendant failed to fulfill the requirements of her position as Editor of the Baylor University Secret Society (a student organization on campus).

**Jurisdiction**

4. Article IV, Section V, Par. 2 (a)(iii)d grants the Court jurisdiction to hear cases arising from a dispute between two students.
5. The events from which this Complaint arises occurred between two Baylor Students in regards to a Baylor Organization.

**Factual Background**

6. In 2019, Plaintiff was a member of the Baylor University Secret Society.
7. In 2019, Defendant was the Editor of the Baylor University Secret Society.
8. The Secret Society Constitution on file with Student Activities requires the Editor to maintain a well edited newsletter for the organization.

**Action**

9. In February of 2019, Plaintiff requested to see the newsletter of the Baylor University Secret Society.

10. The Defendant agreed to produce those records.
11. After 3 weeks, the Defendant failed to produce those records.
12. The Plaintiff again asked the Defendant to produce the records.
13. The Defendant informed the Plaintiff that no such records existed.
14. By failing to maintain this records and newsletter, the Defendant failed in her Constitutional Duties.

**Prayer for Relief**

THEREFORE, Plaintiff demands judgement be entered against the Defendant in the form of a written reprimand and the Defendant's immediate dismissal from the Baylor University Secret Society.

*Respectfully submitted this 20th day of March, 2019.*

Sofie Hernandez /s/  
*Advocate for the Plaintiff*

**BAYLOR UNIVERSITY STUDENT COURT**

	John Doe	§
	§	
<i>Plaintiff</i>	§ <b>Failure to Perform</b>	
	§ <b>Constitutional Duties</b>	
Vs.	§	
	§ <b>Case BU201601-O</b>	
Frank Wheeler,	§	
	§ <b>Answer</b>	
<i>Defendant</i>	§	
_____	§	

Defendant Frank Wheeler states as follows:

**Involved Parties**

1. Plaintiff is John Doe.
2. Defendant is Frank Wheeler.

**Introduction**

3. The allegations contained in paragraph 3 of the Complaint do not appear to require a response. To the extent a response is required, Defendant denies the allegations.

**Jurisdiction**

4. Defendant agrees with the allegations in paragraph 4 of the Complaint.
5. While both the Plaintiff and Defendant were Baylor Students at all relevant times, Defendant denies any events alleged in paragraph 5 of the Complaint.

**Factual Background**

6. Defendant admits the allegations in paragraph 6 of the Complaint.
7. Defendant admits the allegations in paragraph 7 of the Complaint.
8. Defendant admits the allegations in paragraph 8 of the Complaint.

**Action**

9. Defendant denies the allegations in paragraph 9 of the Complaint.
10. Defendant denies the allegations in paragraph 10 of the Complaint.
11. Defendant denies the allegations in paragraph 11 of the Complaint.
12. Defendant denies the allegations in paragraph 12 of the Complaint.

13. Defendant denies the allegations in paragraph 13 of the Complaint.

14. Defendant denies the allegations in paragraph 14 of the Complaint.

**Prayer for Relief**

THEREFORE, Defendant wishes for the immediate dismissal of the Complaint entered by Plaintiff.

*Respectfully submitted this 21st day of March, 2019.*

Samantha Baez /s/  
*Advocate for the*

*Defense*

TEMPLATE 3

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BAYLOR UNIVERSITY STUDENT COURT

	John Doe	§
	§	
<i>Plaintiff</i>	§ <b>Motion for Stay</b>	
	§	
Vs.	§	
	§ <b>Case BU201601-O</b>	
Frank Wheeler,	§	
	§	
<i>Defendant</i>	§	
	§	

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COMES NOW the Plaintiff, John Doe, before the Baylor University Student Court and states the following for their reasons behind making this motion for a 24-hour Stay of Proceedings:

Mr. Doe was recently injured and will not be out of the hospital until after the time set for Trial. He will be well enough to attend the following day.

To deprive the Plaintiff of the opportunity to be present at Trial is to deny him the right to ensure that the actions of his Advocate best align with his own desire. Further, a negative inference on the character and concerns of Mr. Doe is likely to be drawn by the Court as a result of Mr. Doe's apparent failure to appear.

*Respectfully submitted this 22nd day of March, 2019.*

Sofie Hernandez /s/  
*Advocate for the Plaintiff*

TEMPLATE 4

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BAYLOR UNIVERSITY STUDENT COURT

John Doe §  
§  
*Plaintiff* § **Motion for Injunction**  
§  
Vs. §  
§ **Case BU201601-O**  
Frank Wheeler, §  
§  
*Defendant* §  
§

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COMES NOW the Plaintiff, John Doe, before the Baylor University Student Court and states the following for their reasoning behind making this motion to require the Defendant, Frank Wheeler, to cease performing the duties of Editor of the Baylor University Secret Society until this cases is concluded:

The relief sought by Mr. Doe is the dismissal of the Defendant from the Baylor University Secret Society; if the Defendant is allowed to continue performing the duties of Editor is to call into question every action of the organization if the Defendant should be found Liable.

Because the Baylor University Secret Society Constitution provides the Secretary with the ability to fulfill the duties of the Treasurer, no substantial harm will come to the organization as a result of this Motion being granted.

*Respectfully submitted this 22nd day of March, 2019.*

Sofie Hernandez /s/  
*Advocate for the Plaintiff*

TEMPLATE 5

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BAYLOR UNIVERSITY STUDENT COURT

	John Doe	§
	§ <b>Failure to Perform</b>	
<i>Plaintiff</i>	§ <b>Constitutional Duties</b>	
	§	
Vs.	§	
	§ <b>Case BU201601-O</b>	
Frank Wheeler,	§	
	§ <b>Plaintiff's Evidence List</b>	
<i>Defendant</i>	§	
	§	

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The Plaintiff intends to offer the following in trial in order to prove the allegations of the Complaint:

1. The Baylor University Student Body Constitution
2. The Baylor University Secret Society Constitution
3. Text Messages from the Plaintiff's phone.
4. An email from the Defendant to a mutual friend.

*Respectfully submitted this 22nd day of March 2019.*

Sofie Hernandez /s/  
*Advocate for the Plaintiff*

TEMPLATE 6

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BAYLOR UNIVERSITY STUDENT COURT

	John Doe	§
	§ <b>Failure to Perform</b>	
<i>Plaintiff</i>	§ <b>Constitutional Duties</b>	
	§	
Vs.	§	
	§ <b>Case BU201601-O</b>	
Frank Wheeler,	§	
	§ <b>Plaintiff's Witness List</b>	
<i>Defendant</i>	§	
	§	

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The Plaintiff intends to call the following witnesses in order to prove the allegations of the Complaint:

1. Joseph Mackelmore, President of the Baylor University Secret Society (pending a subpoena from the court).
2. Gary Martin, mutual friend to the Plaintiff and Defendant.
3. William Brown, mutual friend to the Plaintiff.
4. John Doe, Plaintiff.

*Respectfully submitted this 22nd day of March 2019.*

Sofie Hernandez /s/  
*Advocate for the Plaintiff*

TEMPLATE 7

BAYLOR UNIVERSITY STUDENT COURT

	John Doe	§
	§ <b>Motion for Change of Advocate</b>	
<i>Plaintiff</i>	§	
	§	
Vs.	§	
	§ <b>Case BU201601-O</b>	
Frank Wheeler,	§	
	§	
<i>Defendant</i>	§	
	§	

COMES NOW the Plaintiff, John Doe, before the Baylor University Student Court and states the following for their reasoning behind making this motion to dismiss Sofie Hernandez and appoint Gunner Pinkerton as Plaintiff’s Advocate for the duration of Trial:

During the testimony of the Defendant, Ms. Hernandez laughed constantly. Ms. Hernandez also opted to not conduct a Cross-Examination of the Defendant.

For the above reasons, I no longer have faith in Ms. Hernandez’s ability to represent myself and my interests and request the aforementioned Change of Advocate be granted as soon as possible.

*Respectfully submitted this 23rd day of March, 2019.*

/s/

John Doe

*Plaintiff*

**TEMPLATE 8**

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**BAYLOR UNIVERSITY STUDENT COURT**

	John Doe	§
<i>Plaintiff</i>	§ <b>Defense Brief Concerning</b>	
	§ <b>Relief</b>	
	§	
Vs.	§	
	§ <b>Case BU201601-O</b>	
Frank Wheeler,	§	
	§	
<i>Defendant</i>	§	
	§	

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The Court having entered a preliminary finding of Liability against the Defendant, the Defendant offers the following as its reasoning in requesting a lessened Relief than that demanded by the Plaintiff.

While the Court has the ability to remove an individual from an organization or a position within an organization, it may only do so if that individual was inappropriately placed in the position from which they are being removed. Ms. Wheeler’s appointment both as a member of the Baylor University Secret Society and as the Editor of the same was proper and appropriate. For the above reasons, the Court should not grant the portion of Relief to remove Ms. Wheeler from her position.

FURTHER, while the court does have the ability to issue a written reprimand, such a reprimand is a permanent part of the student’s record against whom it is delivered. Such a reprimand is a punishment which is disproportionate to the action for which Ms. Wheeler was found Liable. For that reason, the Court should not grant the portion of Relief to issue a written reprimand. It should instead issue a verbal reprimand.

*Respectfully submitted this 25th day of October, 2019.*

Samantha Baez /s/  
*Advocate for the*

*Defense*