



The University of Alabama at Birmingham  
Student Senate 2024-2025

**A Bill to be Entitled: “Ensuring Clarity and Consistency in Student Court Procedures”**

*Abstract: This bill proposes several amendments to the Student Court's judicial procedures as outlined in the Code of Laws in order to enhance fairness, transparency, and accountability. The introduction of objections during witness testimony ensures that improper or biased questioning can be challenged, protecting the integrity of trials. Removing the notarization requirement for written statements and replacing it with proof of sender simplifies the process while maintaining the reliability of evidence. Preventing justices from interrupting opening or closing statements ensures both parties can present their cases fully, with judicial questions reserved for the appropriate times. Requiring the Chief Justice to share complaint evidence while exempting legal counsel from sharing their own maintains transparency and fairness. Establishing an anonymous reporting system for judicial misconduct ensures that justices remain neutral throughout the year. Additionally, outlining the rights of complainants and refining the Chief Justice's role to facilitate trials without voting (except in ties) strengthens impartiality. Finally, prohibiting external aid for legal counsel ensures that parties rely on evidence and witness testimony rather than outside influence, further ensuring a fair process. Together, these changes promote a more just, transparent, and ethical student judicial system.*

*Be it enacted by the Senate of the Undergraduate Student Government Association of the University of Alabama at Birmingham assembled,*

Section 1:

**§ 404.0 Hearings with Witnesses Testifying**

§ 404.1 Both the Plaintiff and Defendant's respective counsel are eligible to deliver a five-minute opening statement. Only one statement will be given from both sides. **Objections from the opposing counsel are permitted, allowing the opportunity for the opposing counsel to proffer.**

§ 404.2 Each Witness shall testify under oath, hereinafter provided for and to be given by the Court Clerk and shall remain under oath for each examination and cross-examination given during the Hearing.

§ 404.3 The Plaintiff or Prosecutor shall call and examine Witnesses in any order he chooses. The Witnesses may be cross-examined at this time. The Student Defendant may then call and examine Witnesses in any order. These Witnesses may be cross-examined by the Plaintiff; however, questions may be directed to the testimony given, only. Re-direct witnesses shall be allowed during the Hearing. **Justices may not interrupt either party during opening or closing statements but retain the right to ask questions during the trial.**

§ 404.4 Both sides shall be limited to no more than 30 minutes for witness testimony, cross examination, and re-direct. Closing arguments will be heard by both sides for no more than 5 minutes each.

§ 404.5 ~~Written statements by absent Witnesses will be admissible as evidence only if the Student Court determines that good cause is shown. Prior to the Hearing, these written statements shall have been notarized. These statements shall be entered as testimony and shall be read aloud, if feasible, by the Court Clerk. The Student Court shall take into consideration that cross-examination is not possible.~~ Written statements by absent Witnesses will be admissible as evidence only if the Student Court determines that good cause is shown. Prior to the Hearing, these written statements shall be accompanied by proof of sender, such as a signed statement by the sender detailing the recipient and time the statement was sent, or an email showing the statement was sent by the person whose statement is being used.

§ 404.6 The Student Defendant may testify under oath on his own behalf. If the Student Defendant appears as a Witness, the Student Defendant is subject to cross-examination; however, the Student Defendant may decline to answer any or all questions.

§ 404.7 The Student Defendant's prior record(s) from any prior Hearing shall be inadmissible as evidence to prove Guilt. Credibility of the Plaintiff and all Witnesses will always be in question. The Plaintiff can never initiate an attack on the credibility of the Defendant.

§ 404.8 All Justices may ask questions provided that they are relevant to the issues being argued before the Student Court. If questions are deemed irrelevant, the Chief Justice may instruct counsel to disregard the question presented to them.

§ 404.9 The Student Defendant shall be presumed Innocent until proven Guilty. The burden of proof rests with the Plaintiff and must be supported by clear and convincing evidence.

§ 404.10 Any evidence presented to the Student Court that is found to be obtained illegally or irrelevant in nature to the hearing shall be rendered inadmissible.

§ 404.11 The Chief Justice shall have the authority to declare an individual in Contempt of Court for an action which impedes the Court's proceedings. Any student found in Contempt of Court shall be referred to the Non-Academic Judicial Affairs Officer for disciplinary action. Any non-student found in Contempt of Court will be asked to leave the campus immediately. If he/she refuses, the Chief Justice has the authority to summon UAB Police and may file charges of trespassing.

§ 404.12 A complete, factual, taped recording shall be kept by the Court Clerk of all Hearings. The Court Clerk shall be responsible for keeping all records on file in the USGA office. In the event of an Appeal, the Chief Justice shall forward all records concerning the Hearing to the Court of Appeals within two business days.

§ 404.13 ~~The Chief Justice shall be responsible for maintaining proper decorum during the Hearings.~~ The Chief Justice shall facilitate the trial, ask guiding questions, and shall only vote in the event of a tie.

§ 404.14 The Chief Justice shall provide all evidence presented in the complaint at the initial start of the case. However, legal counsel are not required to share additional evidence collected with each other.

§ 404.15 No external aid shall be provided to legal counsel concerning their case theory or case materials unless they are working directly with a witness.

Section 2:

**§ 408.0 Code of Ethics**

§ 408.1 Justices shall refrain from discussing in detail any matters currently before the Student Court, except during the private Judicial Conference.

§ 408.2 Justices shall disqualify themselves from any case, which involves parties that may influence or enjoy their favor. If the Chief Justice has reason to believe that an Associate Justice is not recusing themselves when appropriate, then the rest of the Judicial Branch may vote on a decision to force the Associate Justice in question to recuse themselves. The Chief Justice alone cannot force Associate Justices to disqualify themselves from a case. **The Student Court shall provide clear guidelines to the complainant outlining their rights once a complaint is confirmed to be under the jurisdiction of the Student Court.**

§ 408.3 A mandatory public form shall be available for students to report breaches of neutrality by Justices. Reports may be made anonymously and will be reviewed solely by the Chief Justice.

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*\*This signature confirms that the previous signatures  
and their divisions have followed the process outlined in  
the USGA Constitution, USGA Code of Laws, and any  
processes set forth by the Executive Vice President and  
the Legislative Branch.*