

## **9. Definitions**

### **§9-101**

A hearing of fact shall mean a hearing where the facts of the incident are in dispute and evidence must be presented to find what actually happened.

### **§9-102**

A hearing of law shall mean a proceeding where no facts are being disputed and suit is being brought for an interpretation of: (a) the CSC Student Association Constitution, (b) bylaws or (c) other governing document.

### **§9-103**

An open hearing shall mean a hearing, open to the public, where they may come and voice their concerns in an orderly fashion. Open hearings shall be held from a set time to another set time in which all justices and the petitioner shall be present to hear arguments and respond.

### **§9-104**

A representative shall mean any member of the CSC student body called upon or volunteering to represent a petitioner or respondent before the Constitutional Court. The representative may conduct all examinations, object and make statements, arguments, and file papers with the Court.

### **§9-201**

A review of a matter, *en banc*, shall mean the Court reviews the matter as a whole, with five sitting judges reviewing the presented material.

### **§9-202**

The Doctrine of *Stare Decisis* shall refer to the use of precedent and the decisions of the Court in past matters to assist in deciding current matters, and the idea that the Court is compelled to uphold the previous decisions of the Court.

### **§9-301**

A sustained objection shall mean that the question or the statement being objected to is found out of order.

### **§9-302**

An overruled objection shall mean that the question or statement objected to is not out of order and the speaker may continue.

### **§9-303**

An argumentative question or statement is one that presents unfair prejudice, unnecessarily rudeness, or is unruly to the point of being demeaning.

### **§9-304**

An irrelevant question or statement is one that is not probative into facts of the case at hand.

### **§9-305**

A statement that is hearsay shall mean an out of court statement, made by someone who is not the declarant of the statement before the Court, with the exception laid out in these rules.

### **§9-306**

If a question or a statements is beyond the scope of something, it is bringing to light facts that were not presented in the prior set of questions of the witness.

### **§9-307**

A vague question is one which confuses the witness, the audience or the Court.

### §9-308

Compound question is a question in which the counsel, that is questioning the witness, asks more than one question of the witness without allowing time them to answer.

### §9-309

If a witness lacks personal knowledge, they would not be aware of the answer first hand and would had to of heard it from another source.

### §9-310

A leading question is one which shows a preference as to how the witness should answer. This objection shall only be heard during direct or re-direct examinations.

### §9-311

A speculative statement is on which the declarant does not know as a fact and must guess.

### §9-312

A motion *in limine* is a motion to exclude certain evidence that cannot be objected to under § 3-203.02(a) - §3-203.02(j), but that would be unfairly prejudicial to the respondent or petitioner.

### §9-401

Direct examination shall be the questioning of a witness which the questioning counselor has called to the stand.

### §9-402

Re-direct shall mean the direct examination of a witness to clarify facts testified to on cross examination. Any subject brought up on re-direct that was not brought up on cross examination shall be subject to an objection under § 3-203.02 (d) (I).

### §9-403

Cross examination shall be the examination of a witness called by the opposing party.

### §9-405

Re-cross shall immediately follow re-direct and is to clarify points made on re-direct. Any questions which addresses an issue not brought up during re-direct shall be subject to an objection under § 3-203.02 (d) (II)

### §9-501

A writ of mandamus is an order which compels an official to carry out the official duties of their office.

### §9-502

A one-time action under § 6-103 (e) means an action which happened once and is not associated with a pattern of behavior.

### §9-503

A cease and desist order is an order from the Court that will compel and official or entity to stop a pattern of behavior.

### §9-504

A default judgment shall mean one party did not respond properly to a petition and therefore the Court finds in favor of the petitioning party by default. Default judgments shall be exempt from being used for *stare decisis* unless otherwise noted.

### §9-601

Campaigning shall mean: (a) posters being hung, (b) posters being distributed, (c) any candidate or candidate's election party distributing any sort of promotional item, (d) any sort of treat to students being distributed by a candidate or any member of an election party, and/or (e) any mass communication that would lead a reasonable person to believe that the candidate was soliciting votes.

### §9-602

Campaign member, or campaign party member, shall mean anyone officially associated with the campaign of a candidate, or who is receiving instructions or suggestions, regarding soliciting votes, from anyone officially associated with a campaign.

### §9-603

Slander shall mean oral or spoken false statement about a person, shared with at least one other person that harms the defamed person's reputation or standing within the student community.

### §9-604

Libel is a published statement, stating false facts about a person, shared with at least one other person, and that harms the defamed person's reputation or standing within the student community.