

MEMORANDUM OPINION OF THE COURT

NOTICE: The following document represents a Memorandum Opinion of the Supreme Court of the Student Government Association of Texas Tech University and constitutes a binding decision on all parties concerned within the decision of the Court.

STUDENT SUPREME COURT OF TEXAS TECH UNIVERSITY

*Pippen v. Student Government Association*

Decided January 26, 2014; Announced January 27, 2014

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By 5-1 Decision

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On January 25, 2014, this Court heard oral arguments concerning the removal of Senator Matt Pippen from his position as Senator for the College of Engineering. The dispositive question, this Court finds, is whether Senate Resolution 49.26 and its impeachment process was consistent with Art. III § 8 Cl. I & Amendment X of the Texas Tech University Student Government Association Constitution as well as the standing Rules of the Senate. We conclude it was not.

The process employed by Senate Resolution 49.26 to remove Senator Pippen from his role as a Senator for the College of Engineering lacked the basic principles of due process in that a person shall be charged with an offense and *then* tried on the merits. The terms “impeachment” and “removal” are terms of independent significance each requiring a separate process and vote. By combing the impeachment and removal process in one full motion, the Student Senate ignored the very Constitution it swears an oath to uphold and blatantly violated Senator Pippen’s due process rights as a member of that body.

As it stands, Senate Resolution 49.26 “Stating the sentiments of the Student Senate regarding the *impeachment* of Senator Matt Pippen,” is just that, the impeachment of Matt Pippen, not his removal. We conclude that Senator Pippen currently stands impeached. However, the process employed to effectuate his removal is unconstitutional. Senator Pippen is to be immediately reinstated as a dually elected member of the 49<sup>th</sup> Session of the Student Senate of the Texas Tech Student Government Association. Furthermore, because Senator Pippen currently stands impeached not removed, he is entitled, per the Rules of the Senate, to any previous positions held prior to his unlawful removal. The Temporary Restraining Order issued by this Court on November 21, 2013, and set to expire on February 1, 2014, is hereby lifted.

A full opinion of the Court is to follow. It is so ordered.

URYASZ, C.J., delivered the Memorandum Opinion of the Court, in which, ROBERTSON, BRANCH, ECHOLS, and SCRIVNER, JJ., joined. MONTEMAYOR, J., dissents. DIVEL, J., took no part in the consideration or decision of this case.

/s/\_\_\_Michael Uryasz\_\_\_\_\_,  
Hon. Michael Uryasz, *Chief Justice*

/s/\_\_\_Andrew Robertson\_\_\_\_\_,  
Hon. Andrew Robertson, *Associate Justice*

/s/\_\_\_Riley Branch\_\_\_\_\_,  
Hon. Riley Branch, *Associate Justice*

/s/\_\_\_William Echols\_\_\_\_\_,  
Hon. William Echols, *Associate Justice*

/s/\_\_\_Khaki Scrivner\_\_\_\_\_,  
Hon. Khaki Scrivner, *Associate Justice*