

SUMMER TERM, 2012

OPINION OF THE COURT

NOTICE: The following document represents an 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

ALSTON *v.* STUDENT GOVERNMENT ASSOCIATION

Decided July 30, 2012

By Unanimous Decision

ON PETITION FOR DECLARATORY JUDGMENT
ON THE CONSTITUTIONALITY OF AN AMENDMENT TO THE CONSTITUTION,
PASSED MARCH 2, 2011.

Petitioner in the present case seeks consent to the constitutional validity of the office of Vice President for Graduate Affairs. This office was abolished by the introduction of an amendment, through Senate Concurrent Resolution 46.04 before the Student Senate on February 24, 2011, the Senate passing the bill that same night. The amendment was passed by the student body in a referendum election, March 2, 2011. Because of questions of propriety, respecting the proposal and adoption process of the amendment in question, Petitioner seeks clarification and final judgment on this question in this Court. Petitioner also seeks judgment on whether his appointment to this office can take place “as soon as possible.”

Discussion

The decision before this Court requires dividing the question into two parts: 1) Does the office of Vice President of Graduate Affairs currently exist under the Constitution of the Student Government Association of Texas Tech University (hereinafter referred to as the “Constitution”), and 2) If the office does exist, does the Student Body President (hereinafter referred to as the SBP) have the right under the Constitution to make an appointment to the office of the Vice President of Graduate Affairs “as soon as possible”?

In answering these proposed questions, the court arrives at a simple conclusion. The Court feels the Constitutional referendum approved by the student body on March 2, 2011, was not passed in full accordance with the Student Government Association Constitution. The referendum’s passage is declared null and void, as the proposal clause

for amendments in Art. 5, § 1 of the Constitution was clearly violated. That clause declares, that all amendments, “shall be published in their entirety at least twice in the student newspaper before their submission to the Student Government Association.” The Student Government Association is understood to be, under the parameters laid out by this Constitution, all the students of this University and concurrently, a decision to amend their Constitution, must, ultimately be made by the students. The Constitution requires that those amendments proposed must be submitted for review, in the form of notification through public, student-controlled media, for the public perusal and consideration. As Article 6 establishes this Constitution as the “student supreme law,” any violation of its precepts—whether unintended or not—cannot stand. Violations committed in ignorance of the precepts of this Constitution cannot stand as an adequate defense of any transgressions committed upon the supreme law of the students.

In regards to the SBP’s request that he be allowed to make an appointment to the Office of Vice President for Graduate affairs “as soon as possible,” insofar as the Constitution does not speak at all on the matter of presidential appointments during Senate recesses, we find no provision prohibiting the SBP from making said appointment at any time as he so chooses.

It is so ordered.

ROLLO, JJ., delivered the opinion of the Court, in which, WILLIAMS, C. J., URYASZ, SCIOLI, AND HABER, JJ., joined. MEYER and MONTEMAYOR, absent.



Hon. Stuart Williams, *Chief Justice*

/s/

Hon. Keith Scioli, *Associate Justice*



Hon. Ralston L. Rollo, *Senior Associate Justice*



Hon. Zachary Haber, *Associate Justice*



Hon. Michael Uryasz, *Associate Justice*