S2019-R8 – The Separation of Powers

WHEREAS, the following Supreme Court decision was delivered at 9 PM, April 2, 2019, two days into the current Election period: “From the ticket, one individual must be present in the UNT SGA Office to conduct office hours from the START of their term beginning officially on June 1st as stated in the SGA Constitution (Article 5, Section 3).”

WHEREAS, Article V, Section 3 of the Student Constitution reads:
“A) The President and Vice President shall be popularly elected as a team by a majority of all voting students during the Spring semester, according to the rules established in the Student Government Association Bylaws.
B) Any candidates for President or Vice President must meet eligibility requirements as defined by this constitution.
C) The President and Vice President shall serve a concurrent term of two Summer Semester and two long semesters, the Fall and Spring of one academic year.
D) The President and Vice President shall officially assume office on June 1st following their election.”

WHEREAS, the Student Constitution (Article V, Section 6, Subsection A) empowers only the Senate to establish Supreme Court procedure through the Bylaws.

WHEREAS, petitioning the Supreme Court to require the Student Body President and Vice-President to serve office hours from the start of their term violates the Student Constitution’s separation of powers in the following ways:

1. Making a decision without any dispute when the Supreme Court is only given “binding original jurisdiction over disputes arising over this Constitution” via the Student Constitution (Article VI, Section 5). With no concrete dispute addressed in Case #4, the Supreme Court has no jurisdiction.

2. Imposing additional duties on the President (Article V, Section 5, Subsection K) or Vice-President (Article V, Section 7,) that are not stated in the Student Constitution when the Student Constitution gives the Senate and President alone the power to establish additional Presidential and Vice-President.
3. Imposing additional duties on the Vice-President not outlined in the Student Constitution when the Student Constitution gives (Article V, Section 7) gives the Student Body President alone the power to assign additional duties to the Vice-President.

4. Imposing additional duties on the President and Vice-President when the Student Constitution (Article IV, Section 8, Subsection H) states that the “Student Senate shall have the power and duty to perform any other actions as may be deemed necessary and proper but not explicitly provided for in this document of the Student Government Association Bylaws.”

WHEREAS, Case #4 for the 2018-2019 academic year violated the separation of powers detailed in the Student Constitution by requiring that Presidents and Vice-Presidents to “conduct office hours from the START of their term,”

LET IT BE RESOLVED THAT the Student Senate affirms the Student Senate’s and the President’s shared power to establish new Presidential duties as established by the Student Constitution (Article V, Section 5, Subsection K) and regards any attempt to impose additional Presidential duties by petitioning the Supreme Court to be plausible grounds for declaring a mistrial.

LET IT BE FURTHER RESOLVED, the Student Senate affirms the President’s sole jurisdiction over additional duties for the Vice President as outlined in the Student Constitution (Article V, Section 6, Subsection A) and regards any attempt to impose additional Vice-Presidential duties by petitioning the Supreme Court to be a plausible cause for declaring a mistrial.

LET IT BE FURTHER RESOLVED, the Student Senate affirms our sole power as outlined in the Constitution (Article IV, Section 8, Subsection H) to take actions not explicitly stated in the Constitution that are necessary to uphold it. The Student Senate regards an attempt to petition the Supreme Court to take necessary and proper actions not outlined in the Student Constitution as plausible grounds for declaring a mistrial.

LET IT BE FURTHER RESOLVED, a copy of this resolution be sent to the Chief Justice of the Student Body Supreme Court, all Student Body President/Vice-Presidential candidates, and the Election Board.

Respectfully Submitted,
Senator Shane Warren
College of Liberal Arts and Social Sciences
Cassidy Wray
UNT Student and Moot Court Executive

Angie Whistler
UNT Student and Moot Court National Competitor

In Witness thereof, I hereby certify the Student Senate of the University of North Texas Student Government Association has approved this document and is referred to the office of the President.

[Signature]
Speaker of the Senate

Presidential Action:
☐ Vetoed
☐ Approved

[Signature]
President of the Student Government Association

Date

[Signature]
Vice President of Student Affairs

Date