

Minutes from the Supreme Court | September 28th, 2023

Regular Meeting

The Supreme Court of the Student Government Association of Tennessee Tech met at 7:08pm on September 28th, 2023, in the Center for Student Engagement Conference room. Chief Justice Bryson Lee was present and presiding with Attorney General Tidwell as Secretary of the Supreme Court. Attorney General Tidwell took the roll, and a quorum was established. As the previous meeting's minutes had been provided in advance to all members, Chief Justice Lee considered them read without objection. The previous meeting's minutes stand approved. The agenda attached as Appendix A was adopted as the orders of the day.

The following members of the Supreme Court were present:

Title	Name	Present/Absent
Chief Justice	Mr. Bryson Lee	Present
Associate Chief Justice	Mr. Dylan Hazard	Absent
Associate Justice	Mr. Jacob Dean	Absent
Associate Justice	Ms. Lela Gracy	Present
Associate Justice	Mr. Grady Hicks	Present
Associate Justice	Mr. Chandler LeMay	Present
Associate Justice	Ms. Cailey Martin	Absent
Associate Justice	Ms. Jasmine Montgomery	Present
Associate Justice	Mr. Cam Williams	Present
Alternate Associate Justice	Mr. Blake Garrett	Absent
Alternate Associate Justice	Ms. Angel Magpayo	Absent

Others also present:

Mr. Eli Tidwell – Attorney General of the Student Government Association

Mr. Tym Brandel – Senator for the College of Graduate Studies

Chief Justice Lee **MOVED** to fix the time to adjourn to be at 8:00pm. Seconded. There was no debate. The motion was **ADOPTED** with **6 AYES** and **0 NAYS** via a show of hands.

Chief Justice Lee **MOVED** to create a special order to hear from guest speaker Senator Brandel no later than 7:45pm. After some debate, the motion was **ADOPTED** with **6 AYES** and **0 NAYS** via a show of hands.

In accordance with the orders of the day, the Court began to again consider Case No. 1. Justice Gracy **MOVED** to adopt the majority opinion as written by Chief Justice Lee. After debate and amendment, the majority opinion was

ADOPTED as the Opinion of the Supreme Court after a roll call vote with **6 AYES** and **0 NAYS**. The full opinion of the Court is attached as Appendix B.

Chief Justice Lee opened the floor for announcements before Senator Brandel's presentation. Attorney General Tidwell made announcements. Chief Justice Lee made announcements.

Chief Justice Lee invited Senator Brandel into the room and welcomed him to the Supreme Court. Senator Brandel gave a presentation on a bill that would be considered at the October 2nd, 2023, Senate meeting. Senator Brandel explained the bill and how the bill would impact the operations of the Court. The bill is attached as Appendix C.

In accordance with the motion to fix the time to adjourn adopted at the start of the meeting, Chief Justice Lee promptly declared the Supreme Court **ADJOURNED** until October 12th, 2023, after the adjournment of the Student Citation Appeals Committee without objection at 8:00pm.

Respectfully submitted,



Attorney General, Eli Tidwell
(Secretary of the Supreme Court)

Approved
10/12/23


I sign and certify that these minutes have been properly approved by the Supreme Court of the Student Government Association on 10-12-23.



Chief Justice, Bryson Lee

APPENDIX A

The Agenda

Agenda of the Supreme Court | September 28th, 2023

3rd Regular Meeting

Time: Immediately following the adjournment of the Student Citation Appeals Committee

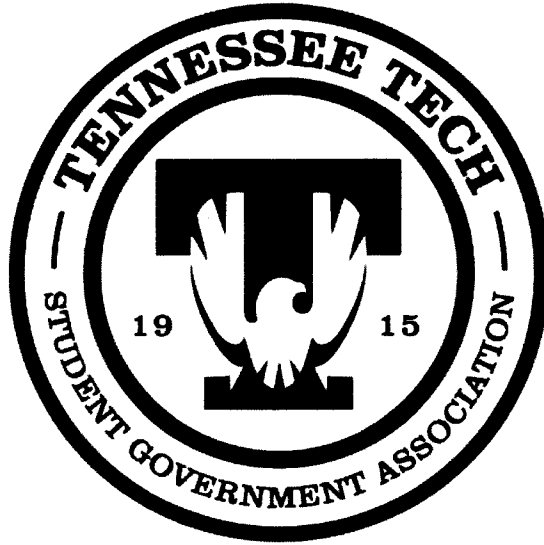
Location: Center for Student Engagement Conference Room

Dress code: Casual

- I. Call to Order
- II. Roll Call
- III. Reading and Approval of Previous Minutes
- IV. Approval of Agenda
- V. Old Business
 - a. Case No. 1
 - i. Reading of majority opinion
 - ii. Reading of memorandum
 - iii. Final approval
 - iv. Publication of Majority and dissenting opinions
- VI. New Business
 - a. Guest – Senator Tym Brandel
 - i. Judicial reform bill
 - ii. Constitutional committee meeting
- VII. Announcements
 - a. Headshots
 - i. October 2nd @6:15pm in the MPR
- VIII. Adjournment
 - a. Next meeting on October 12th

APPENDIX B

Opinion of the Court



OFFICIAL OPINION
OF
THE SUPREME COURT

September 21, 2023

THE OPINION ON SUPREME COURT JUSTICE TERMS

CASE NO. 1

2023 – 2024 SCOSGA

CASE NO. 1

MAJORITY OPINION OF THE COURT

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

STUDENT SUPREME COURT OF TENNESSEE TECH UNIVERSITY

Decided September 21st, 2023

Recommendations decided September 28th, 2023

Majority, Concurring, and Dissenting Opinions issued September 28th, 2023

By 6-0 Decision

Facts

Student Body President, Chance Hale, referred a court case to the Supreme Court on the September 14th meeting. The following questions were asked:

1. What is the length of the term of office for Supreme Court Justices?
2. Should Justices term not end at the swearing in of the next Executive Council, do the Chief Justice and Associate Chief Justice remain their titles every year?

The following sections of the constitution, as posted on the SGA website as of September 14th, 2023, were used in issuing the opinion listed below:

1. VI.9 : All justices of the Supreme Court shall serve for a period of one (1) year and may not serve for more than four (4) years in succession.
2. VI.6.D : The Chief Justice and the Associate Chief Justice shall be of at least junior classification beginning in the fall semester of their selection and shall be affirmed by a two-thirds (2/3) vote of the total membership of the SGA Supreme Court.
3. VI.4.A : The SGA Supreme Court shall have the following members, all of whom must be approved by a simple supermajority of the voting membership of the Senate after selection by the Judiciary Selection Committee: 1. Chief Justice 2. Associate Chief Justice 3. Seven Associate Justices 4. Two (2) Alternate Associate Justice that only vote in the absence of an Associate Justice
4. VI.10 : Vacancies on the Supreme Court shall be filled within thirty (30) days by the Judiciary Selection Committee.

Opinion

Pertaining to question 1 submitted by President Hale, the Court agrees the length of office is one year, beginning the day the oath of office is taken and ending one calendar year later [VI.9]. The Court recommends the Judicial Selection Committee be aware of when each justice was sworn in and be ready to replace or re-appoint a Justice at the end of their one-year term. If a Justice is graduating or is not a full-time student, they must vacate their position and the Judicial selection committee shall have 30 days to replace the Justice [VI.10]. In the event a Justice graduates or is no longer a full-time student, they shall resign or go through the impeachment process.

The Court recognizes that the summer semester typically makes many SGA members ineligible for office; they are no longer full-time students. The Court believes it is imperative for the continued operations of the SGA that this section be looked over, therefore, the court shall ignore the past transgressions of this constitutional clause and recommend the Senate fully remedy this conflict as further described in this Opinion.

Pertaining to question 2 submitted by President Hale, Justice's terms do not end at the swearing in of an executive council. Justice's terms run a full calendar year from the day he/she took office [VI.9]. Chief Justice and Associate Chief Justice do not keep their title after their one-year term of office. The Chief Justice and Associate Chief Justice must be nominated by the Judicial Selection Committee, confirmed by a supermajority vote of the Senate [VI.4.A], and confirmed a two-thirds (2/3) vote of the total membership of the SGA Supreme Court [VI.6.D].

Recommendations

1. The Court recommends legislation that the Senate remove the one-year limitation in VI.9. The Court believes the original authors of the Constitution meant for the Court to function continuously year-after-year and throughout summer semesters. We believe this is why the four-year maximum term was put in place as referenced in VI.9.
2. The Court recommends the Senate pass legislation to address the term "full-time student." This language, throughout the constitution, would imply that over the summer semester (while many members are not full-time students) SGA members would have to resign or face impeachment charges. If this had been upheld in the past, the majority of all SGA members would be ineligible to hold their current position.
3. The Court recommends passage of legislation to allow another member of the SGA to read the oath of office at the swearing-in of the Chief Justice.
4. The court recommends the Judicial Selection Committee be allowed to meet before a Justice's term of office ends, to either re-appoint the position, or select a new Justice. This would ensure the Court remains operational.
5. The Court recommends a new process for appointing Justices as follows: The Judicial selection committee nominates eleven (11) Justices. The Senate shall then vote to confirm all eleven (11) Justices. The newly appointed Justices shall then select from their membership a Chief Justice, Associate Chief Justice, seven (7) Associate Justices, and two (2) Alternate Associate Justices.

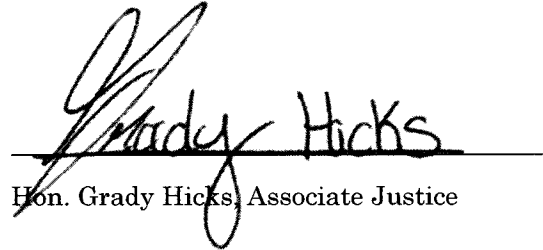
This is the Opinion of the Court. It is so ordered that the Secretary of the Supreme Court distribute this Opinion to the entirety of the Student Government Association.

Chief Justice Lee delivered the Opinion of the court, in which Justice Lela Gracy, Justice Chandler LeMay, Justice Jasmine Montgomery, Justice Grady Hicks and Justice Cam Williams joined.

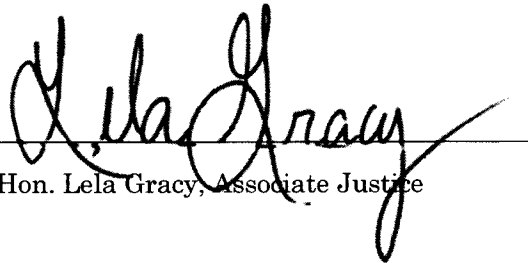
Associate Chief Justice Dylan Hazard, Justice Jacob Dean, Justice Cailey Martin, Alternate Justice Blake Garrett, and Alternate Justice Angelica Magpayo were absent.



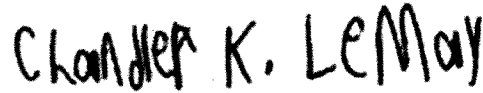
Hon. Bryson Lee, Chief Justice



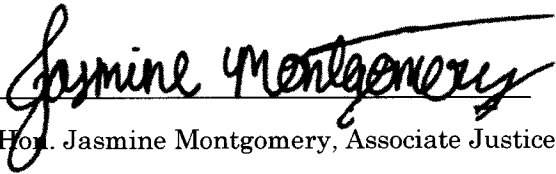
Hon. Grady Hicks, Associate Justice



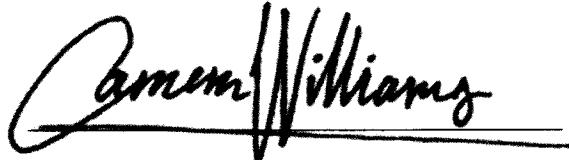
Hon. Lela Gracy, Associate Justice



Hon. Chandler LeMay, Associate Justice



Hon. Jasmine Montgomery, Associate Justice



Hon. Cam Williams, Associate Justice

APPENDIX C

Senator Brandel's Bill

Student Government Association
Tennessee Technological University

SGA Bill F23-X-###

An Act to Empower the SGA Supreme Court by Allowing It to Hear Cases Brought by All Members of the SGA and Announce Its Own Decisions

Whereas, the SGA Supreme Court is currently restricted in its function under the current constitution; only the SGA President can refer cases to the Supreme Court and hear its final decision; and

Whereas, this has created a secretive operation of the Supreme Court when it should be one of the most transparent bodies within our government. Under the current system, it would be easy for a sitting president to ask the Court for its decision on a constitutional question without any notice given to other Executive or Senate officers, which has happened in the past; and

Whereas, the current secretive nature of Supreme Court decisions also allows any President to hide the result of a case even if the case is public, as they are the sole individual who the court reports its decision to; and

Whereas, to eliminate this secretive method of operation, discourage potential abuses of power, and increase the involvement of the SGA Supreme Court, we must amend the Constitution to allow for any SGA member to bring cases to the court and for these cases and decisions to be announced to the Senate.

**NOW THEREFORE,
BE IT ENACTED BY THE STUDENT GOVERNMENT ASSOCIATION OF TENNESSEE
TECHNOLOGICAL UNIVERSITY THAT**

Section 1: This bill shall be known as the "Judicial Reform Act of 2023".

Section 2: In ARTICLE VI, Section 1, Subsection B of the SGA Constitution, add the following language:

"Any member of the Legislative Branch may refer a case to the Supreme Court with a petition containing the signatures of 15% or more of the filled membership of the Senate. To render an opinion on a part of the SGA Constitution. Any member of the Executive Branch may refer a case to the Court without a petition."

Section 3: In ARTICLE VI, Section 2, Subsection A, add a new Clause 2 with the following language and renumber following parts logically:

"Render decisions on all cases referred to the Court by members of the Student Government Association stated in Section 1 Subsection B of this Article, and that have been chosen for hearing by the Supreme Court."

Section 4: In ARTICLE VI, Section 2, replace the existing Subsection B with the following language:

"B. Powers of the SGA Supreme Court:

1. Consider cases by evaluating referrals that have happened since the previous Supreme Court meeting and approving its selection by one-third (1/3) vote.

1.1. The Supreme Court may keep case details private from the rest of SGA with a two-thirds (2/3) vote of the Supreme Court and approval from the SGA Advisor.

2. Once a case(s) is/are chosen, the Chief Justice, or their designee, will announce the cases that are being considered at the next Senate meeting.

2.1. Cases that have had information withheld must still be announced that a case has been selected by the Supreme Court; however, the disclosure of any other details may be released at the discretion of the Supreme Court.

3. Issue opinions regarding the proper interpretation of the governing documents of the Student Government Association after referral and selection.

4. Announce all decisions by the Court to the SGA Senate at their next meeting after a decision has been reached.

5. Designate a secretary to keep record of minutes and decisions, which shall be submitted to the SGA Secretary.

6. Hear appeals from the Senate regarding the constitutionality of legislation.

7. Present an opinion to the University President regarding Tennessee Tech policy, or extended departmental policy that is vague, ambiguous, and/or contrary to state or federal law and make requests for clarification or remediation."

Section 5: This Bill shall take effect immediately following passage by the Student Government Association, the welfare of the students requiring it.

Respectfully Submitted By:
Tymothy J. Brandel
Senator, College of Graduate Studies

Co-sponsor(s):
Harrison Simpson
Senator, College of Engineering

Mason Henderson
Senator, Honors Programs