

**SUPREME COURT OF THE
STUDENT GOVERNMENT OF THE
UNIVERSITY OF HOUSTON**

Background:

Attorney General Jady Winsett has submitted a complaint to the University of Houston Student Government Association Supreme Court on Wednesday, May 3rd, 2023, in regard to the Special Senate Meetings which took place on November 13, 2022, and March 27, 2023, and the Supreme Court Justice confirmations that occurred on said Special Senate Meeting on March 27, 2023. The Attorney General presents the following complaint by addressing the violation of proper procedures in the scheduling of said meetings, as dictated by both the Student Government Association Constitution and Bylaws, by both the then sitting Executive and Legislative branches of the Student Government Association. In accordance with the SGA Bylaws, the Attorney General has the authority to enforce the law, defend the interests of the Student Government Association and ensure the fair and impartial administration of the Constitution and Bylaws of the Student Government Association. These responsibilities are found in Title IV, Article 1, Section 1, Clause 1 of said SGA Bylaws. Attorney General Winsett argues that the Special Senate Meetings referred to above were not called correctly. The Attorney General calls upon Article 1, Section 4, Clause 4 of the Bylaws which state that Special Senate Meetings must be called either by the President, or a majority vote of the Senate. Based on the evidence presented, the Attorney General argues that the designation of duties by the President, to the Speaker of the Senate, to call for the Special Senate Meeting is a direct violation of the following articles in the SGA

Constitution: Article 4, Section 4.08 Clause 1 and Article 3, Section 3.06-3.07.

Questions Before the Court:

1. In accordance with the evidence presented, have the Executive and Legislative Branches of the Student Government Association failed to properly call for the scheduling of the Special Senate Meetings, in accordance with the explicitly granted powers found in the SGA Constitution?
2. If said Special Senate Meetings have been erroneously called, does the Attorney General have the power to remove the Supreme Court Justices who were confirmed by the Senate on the Special Senate Meeting on March 27, 2023?

Majority Opinion, written by Justice Hernandez:

The University of Houston Student Government Association Supreme Court has reached a majority opinion on both questions presented to the court by the Attorney General, in accordance with the provisions found in both the SGA Bylaws and Constitution as follows:

1. The SGA Supreme Court agrees with the complaint presented by the Attorney General and finds that the Executive and Legislative branches have violated their explicit powers granted by the SGA Constitution and Bylaws and have erroneously called for the Special Senate Meetings which took place on November 13, 2022, and March 27, 2023. The Court would like to place delicate emphasis on the Special Senate Meeting called on March 27, 2023.

The Court finds that the President failed to properly notice the members of the Senate and the public in calling for the Special Senate Meeting. We look to Title 1, Article 4, Section 4 Clauses 1-3 for our decision, which states the following:

a. Title 1, Section 4: Special Meeting of the Senate

- i. Clause 1: The President will give at least twenty-four (24) hours' notice to the members of the Senate and to the public of such meetings.
- ii. Clause 2: The order of business for all such special meetings will be determined by the President and matters for consideration limited to those specified by the President.
- iii. Clause 3: Special meetings may also be called by a majority vote of the Senate. In such a case, the agenda will be the same as for a regular meeting.

We find that the President has failed to provide the 24-hour notice which is a necessary requirement for the scheduling of these Special Senate Meetings. The Court is aware of the evidence presented by President Martin on an emailed correspondence shared on May 3rd, 2023. President Martin discloses that he used his executive power to move the regularly scheduled bi-weekly meeting a day early, so it would not conflict with the SGA Banquet, which was scheduled for Wednesday, March 29, 2023. President Martin states that he then instructed Speaker of the Senate Azizi to send out an email via listserv with the agenda. This matches the evidence presented, as we have access to both the listserv email and SGA Senate GroupMe calling for the Special Senate Meeting for March 28, sent out on March 27, 2023.

We respectfully disagree with the arguments presented by both President Martin and Speaker Azizi, as the SGA Bylaws are very clear on the conditions and requirements for the calling of a Special Senate Meeting. The President is unable to delegate his executive powers to the Speaker of the Senate, the President had to either 1: Provide notice of the Special Senate Meeting to ALL members of the Senate, not just the Speaker or 2: Called for by a majority vote by the Senate. There is no middle ground here, and no argument for implied powers can be brought forward as the SGA Constitution is very clear on the assignment of powers across the branches. We look to **Article 3, Section 3.06** of the SGA Constitution which states the following:

- a. In no way may the Senate, Court, or Executive Branch grant or be granted temporary powers which are not already defined by the Student Government Association Constitution, Bylaws, or Election Code.

The SGA President is unable to delegate his executive powers to the Speaker of the Senate, and therefore the meeting called on March 27, 2023, was therefore called on erroneously. We understand that the reason the meeting was called in the first place was to accommodate the SGA Banquet on Wednesday, March 29th, 2023, but we find that there was ample time to properly schedule the Senate Meeting, as the scheduled date for the banquet was information that all members of SGA days more than 7 days prior to the scheduled Wednesday meeting.

The Court agrees with the findings presented by the Attorney General Winsett and disagree with the arguments presented by both President Martin and Speaker of the Senate Azizi. The Attorney

General can proceed with this decision in accordance with the powers granted by both the SGA Constitution and SGA Bylaws.

2. Based on the decision above, we look to the confirmations of the Supreme Court Justices on March 28, 2023, by the creation of the Special Senate Meeting on March 27, 2023. Although the court agrees with the Attorney General Winsett on the erroneous calling of the Special Senate Meeting, we reached through overwhelming majority that the confirmations of Justice Foret, Justice Garrett, Justice Medrano, and Justice Garcia must stand. We look towards the language found in Article 4, Section 6.02, Clauses 1-3 for the appointment and confirmation of Supreme Court Justices:

a. Section 6.02 Vacancies

- i. Clause 1: In the event of a vacancy, the Justices and/or alternates of the Supreme Court will be appointed by the President with the advice and consent of three-fourths (3/4ths) of the Senate present and voting.
- ii. Clause 2: The President will appoint, with the advice and consent of three-fourths (3/4ths) of the Senate present and voting, a Chief Justice from the membership of the Supreme Court.
- iii. Clause 3: Should a vacancy in the court last longer than 10 business days, the Chief Justice, or the most senior justice (should the Chief Justice position be vacant), will have the right to appoint members of the Supreme Court, with the advice and consent of three-fourths (3/4ths) of the Senators present and voting.

The Court argues that although yes, the Special Senate Meeting was called for erroneously, the appointment of the Justices

followed proper procedure. We find a lack of evidence against the possibility that the majority vote by the Senate was erroneous at the time of confirmation. The Court is unable to assume that if the meeting was held either on March 27, or March 28, would create an environment that could alter, change, or influence the 3/4ths consent/majority vote by the Senate and confirmation of the Justices listed above.

The Court continues by expressing that Supreme Court Justices cannot be removed by the Attorney General, regardless of the possibility that other factors that surround the appointment were erroneous or improperly implemented in the first place. We look to the membership and removal Supreme Court Justices found in both the SGA Constitution and SGA bylaws for our opinion:

A. Article 6, Section 6.06

- a. Members of the Supreme Court will continue to hold office until such time as they discontinue enrollment as students at the University of Houston or are no longer in good academic or disciplinary standing with the University of Houston.

B. Title 5, Article 2, Section 1, Clauses 1-4:

- a. Clause 1: The members of the Student Government Association Supreme Court will be those appointed according to the Student Government Association Constitution and the Student Government Association Bylaws
- b. Clause 2: Members of the Court will assume their office immediately following their appointment process, as defined by the Bylaws and Constitution.

- c. Clause 3: Members of the Supreme Court will be in good academic and disciplinary standing with the University of Houston.
- d. Clause 4: Justices and officers of the Court serve until they: resign, are no longer a student at the University of Houston, or are no longer in good academic or disciplinary standing with the University or are dismissed due to failure to comply with the attendance policy.

C. Title 5, Article 3, Clause 2:

- a. No official of the Supreme Court may be removed during their term of office except for cause after a three-fourths (3/4ths) vote of the entire Senate, pursuant to the Student Government Constitution. “Cause” will include the conviction of an official of a felony; disciplinary action against the official which tends to jeopardize the integrity of the court; and/or consistent failure of the official to properly perform the duties of their office.

Based on the conditions provided to the Student Government Association by both the SGA Constitution and SGA Bylaws, we find no violation committed by any of the Justices confirmed on the Special Senate Meeting that would require their removal from their position. Now, the Court emphasizes their disdain on the previous administration for their erroneous use of executive powers to push forward a Special Senate Meeting, bypassing the delegation of powers found in both the SGA Constitution and SGA Bylaws. If the current SGA Executive and Legislative bodies see this violation committed as enough evidence against the confirmation of these Supreme Court Justices, we call for them to

use their delegated powers found in both the SGA Constitution and SGA Bylaws to proceed as such. This is not a decision that the Supreme Court is able to make, and we continue to encourage all members of SGA to uphold the values and rules found in our bodies of law.

The Court finds that the Supreme Court Justices cannot be removed by the Attorney General, as their appointment followed the proper procedures found in both the SGA Constitution and SGA Bylaws. The erroneous calling of the Special Senate Meeting on March 27, 2023 does not discredit or erase the appointment of the Justices by the majority vote by the Senate. If the current administration disagrees with our opinion, we encourage them use their delegated powers granted by the Constitution and Bylaws to proceed with the removal of any Supreme Court Justices who may jeopardize the integrity of the court and the Student Government Association as a whole.

The appointment of Supreme Court Justices Foret, Medrano, Garcia, and Garrett stand.

It is so ordered.