

IN THE STUDENT JUDICIARY
FOR THE UNIVERSITY OF ALABAMA

No. 22-008

SARAH SHIELD, GARRETT BURNETT;
STUDENT/S

Complainant,

versus

TARYN GEIGER;
SECRETARY OF THE SENATE, STUDENT GOVERNMENT ASSOCIATION

CJ PEARSON;
SPEAKER OF THE SENATE, STUDENT GOVERNMENT ASSOCIATION

Defendant,

Appeal for Judicial Review

OPINION

CHIEF JUSTICE THOME delivered the opinion of the Court which was joined in full by the Panel of Justices present on the case.

I

In their original appeal, the Complainants assert that the Defendants of Judicial Appeal 22-008 are the Speaker of the Senate, CJ Pearson, and the Secretary of the Senate, Taryn Geiger. However, as Judicial Appeal 22-008 pertains to the posting of a docket that “was not representative of what was covered in the meeting” the naming of these two individuals as Defendants in Judicial Appeal 22-008 is inherently inaccurate. According to the governing documents of the Student Government Association, neither the duties of the Speaker of the Senate nor the Secretary of the Senate outline responsibility for ensuring that a docket is posted to the Student Government Association website.

Although this has nothing to do with whether a docket *should* be posted prior to meetings, the Court found that the Defendants cannot be held accountable for duties and responsibilities that exist outside of their expressly stated purview.

II

In their initial appeal, the Complainants cite the Senate meeting that occurred on August 25th, 2022, as taking place with a docket that held insufficient information pursuant to the scope of legislation that was passed during said meeting. In making this assertion, the Complainants cite Act A-03-21, which was passed by the Senate on October 14th, 2021, and states that:

“Association will post the Senate docket onto the Student Government Association Website and other platforms deemed appropriate by the SGA Communications Director and Webmaster, prior to all Senate meetings, providing reasonable notice.”

Although credence should be given to the Complainants for their repeated efforts to ensure that members of the Student Government Association are working in the best interest of the student body, the Defendants cannot be held to the verbiage passed by the Senate in Act A-03-21 because the Act itself is categorically unconstitutional. According to Article 3 Section 8, Subsection A of the Constitution of the University of Alabama’s Student Government Association:

“1. Acts of Senate: Acts which authorize or mandate the Executive Branch to begin a new SGA program, project, or initiative that requires SGA budget allocations. All acts of Senate are subject to presential veto. . .”

Based on this Constitutional definition, an Act passed by the Student Government Association should pertain to matters requiring some sort of monetary allocation. Accordingly, if the Student Government Association Senate desires to pass legislation regarding the posting of the docket prior to Senate meetings, that legislation, per the definition(s) in the Constitution, should not be an Act. Because Act A-03-21 is inherently unconstitutional, the Court finds that any attempt by the Complainants to have the proceedings of the Senate meeting that occurred on August 25th, 2022, nullified based on that Act would also be unconstitutional.

ORDERS

IT IS HEREBY ORDERED: That should the Student Government Association wish to make the regular posting of a docket prior to each meeting of the Senate the standard, they do so in a way that clearly enumerates whose responsibility it is to fulfill such actions.

IT IS HEREBY ORDERED: That if the Student Government Association desires to act with transparency in mind and pass legislation that pertains to the regular posting of a docket prior to meetings of the Senate, they do so with the correct type of legislation pursuant to the definitions present in the Constitution.

IT IS HEREBY ORDERED: That Act A-03-21, passed by the Student Government Association Senate on October 14th, 2021, be nullified, as it is unconstitutional due to criteria previously mentioned in the Opinion above and outlined in the Student Government Association's governing documents.

It is so ordered,

A handwritten signature in black ink that reads "Caleb Thome". The signature is written in a cursive style with a large, looping "C" and "T".

Caleb Thome

Chief Justice, Student Government Association