

OFFICIAL OPINION
OF
THE SUPREME COURT

November 30th, 2023

THE OPINION ON PRESIDENTIAL DUTIES PERTAINING TO THE
EXECUTIVE CABINET

CASE NO. 2

2023 – 2024 SCOSGA
CASE NO. 2
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 November 16th, 2023

Recommendations decided November 16th, 2023

Majority, Concurring, and Dissenting Opinions issued November 30th, 2023

By 7 - 1 Decision

Facts

Chief of Staff Braxton Westbrook, Secretary of Planning, Initiatives, and Events Matea Trusty, and Senator Tymothy Brandel asked the following queries to the Supreme Court on the November 14th meeting.

1. Can the SGA President refuse to fill a Cabinet Position named in the SGA Constitution (i.e., the Chief of Staff, the Secretary of State, the Public Relations Director, and the TISL Advisor)?
2. Does the Student Body President have the right to remove or dismiss a cabinet member with or without due cause? If so, can that decision be appealed.

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

1. IV.1.B.2 : Appoint all officers of the Executive Branch, including members of the Executive Cabinet, administrative assistants, and other personnel.
2. IV.2 : Executive Cabinet
3. IV.6.B : The term of office for members of the Executive Cabinet shall begin after they are confirmed by the Senate and shall end following the swearing in of the next Executive Council.
4. VI.10 : Vacancies on the Supreme Court shall be filled within thirty (30) days by the Judiciary Selection Committee.
5. IX.3.A : Any elected or appointed officer that has deviated from the qualifications for the office held or neglected their duties in office as described by the Constitution, misused their power or position for personal gain, or otherwise deviated from the professional ethics and standards of the SGA, may be impeached and if found responsible, removed from office.

Opinion

In the matter concerning Query No. 1, it is hereby stated that it is incumbent upon the President of the Student Government Association to appoint individuals to the four specified cabinet positions, as listed in IV.2 (i.e., the Chief of Staff, the Secretary of State, the Public Relations Director, and the TISL Advisor). These appointments are mandated not only in title but also in the fulfillment of the roles and responsibilities of that position. This obligation underscores the necessity for these positions to be occupied in both name and function, ensuring adherence to the constitution.

In the matter concerning Query No. 2, it is hereby stated that any officer, whether appointed or elected, shall not be subject to removal or dismissal from their respective office merely at the president's discretion. Such officers are entitled to the due process of impeachment proceedings, ensuring that their removal, if warranted, is conducted in a manner consistent with the Constitution (IX.3.A).

Recommendations

Seeing that there is no time limit as stated in the Constitution to nominate cabinet members, the Court suggests the President nominate members within 30 days, similar to judicial appointments (VI.10), failure to do so would violate the Presidents' stated duties (IV.1.B.2).

Decision

Associate Chief Justice Dylan Hazard delivered the Opinion of the court, in which Chief Justice Lee, Justice Lela Gracy, Justice Chandler LeMay, Justice Grady Hicks, Justice Cam Williams, and Justice Cailey Martin joined.

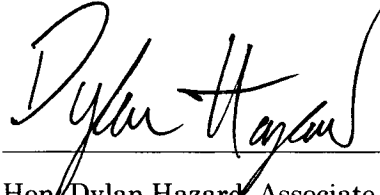
Justice Jasmine Montgomery agreed with the court in part, agreeing with query No. 1 and disagreeing with query No. 2.

Justice Jacob Dean, Alternate Justice Blake Garrett, and Alternate Justice Angelica Magpayo were absent.


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.



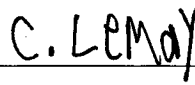
Hon. Bryson Lee, Chief Justice



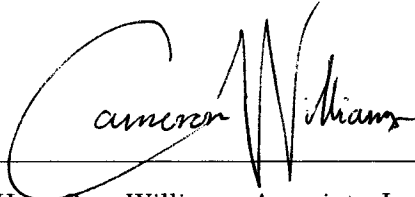
Hon. Dylan Hazard, Associate Chief Justice




Hon. Lela Gracy, Associate Justice




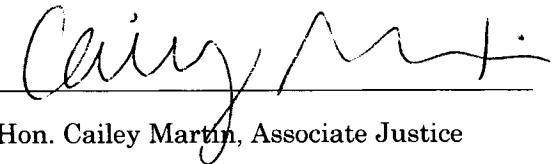
Hon. Chandler LeMay, Associate Justice



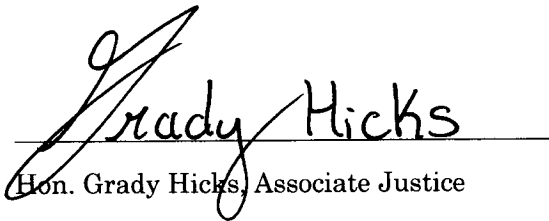
Hon. Cam Williams, Associate Justice


Hon. Jasmine Montgomery, Associate Justice

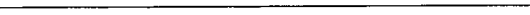

Hon. Jacob Dean, Associate Justice




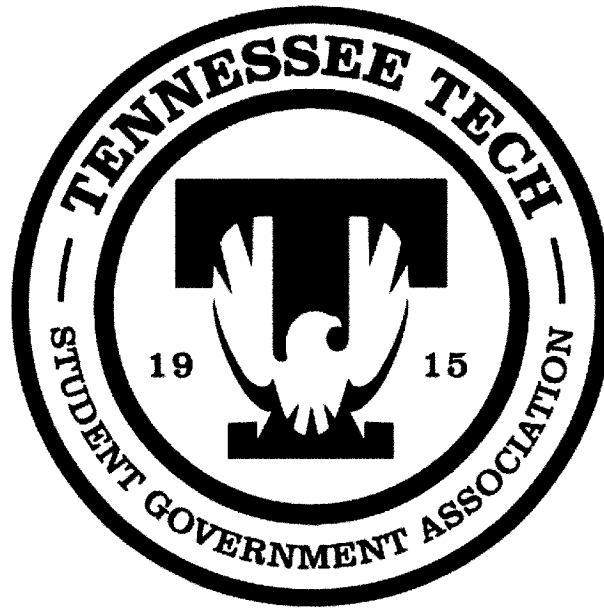
Hon. Cailey Martin, Associate Justice



Hon. Grady Hicks, Associate Justice


Hon. Angelica Magpayo, Alternate Justice


Hon. Blake Garrett, Alternate Justice



DISSENTING OPINION
OF
THE SUPREME COURT

November 30th, 2023

THE DISSENTING OPINION ON PRESIDENTIAL DUTIES PERTAINING TO
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Dissenting Opinion

While I agree with the opinion to query No. 1, there are things that I do not agree with in opinion No. 2. While I do believe no one should be dismissed just because the president has that power, I do not think going through the entire impeachment process for an advisory board is necessary. As stated in article IV, section 2, part F, "1. Assist and support the President in the fulfillment of their role, as requested by the President. 2. Propose possible topics of interest for legislation to the Senate." The cabinet's first duty is to assist and support the president whereas the second duty is to propose possible topics to the senate.

In article IV, section 2, part A states that the Cabinet is an advisory body appointed by the President and confirmed by the senate. Since the cabinet is an advisory body and has no voting power then I believe the president should be able to dismiss people. The cabinet is not elected by the student body and are appointed by the president and confirmed by the senate. If the senate wanted to disagree with a candidate, then they should disagree before that cabinet member is sworn in.

While I agree that the president should not dismiss his cabinet just because they want to, the president should still be able to dismiss cabinet members that are not doing their job. To me the cabinet position seems like an honor to have since the president selected them by name to be a part of the cabinet. I think the president should be able to dismiss their cabinet members that they selected without having to go through impeachment hearings. The president then can explain to them why they are being dismissed.

I respectfully dissent,


Hon. Jasmine Montgomery, Associate Justice