



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 Justices' 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.

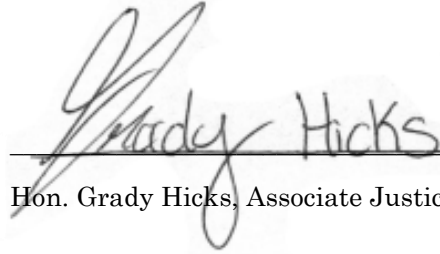
This is the Opinion of the Court. It is so ordered that the Secretary of the Supreme Court distribute this Opinion to the entirety of the Student Government Association.

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.

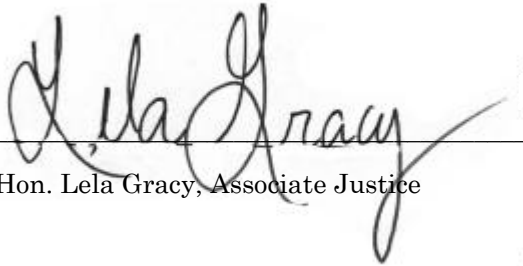
Associate Chief Justice Dylan Hazard, Justice Jacob Dean, Justice Cailey Martin, Alternate Justice Blake Garrett, and Alternate Justice Angelica Magpayo were absent.



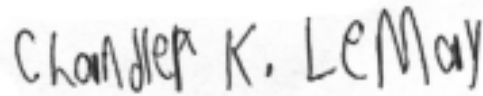
Hon. Bryson Lee, Chief Justice



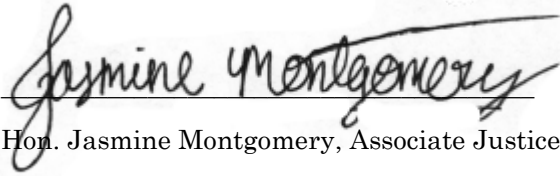
Hon. Grady Hicks, Associate Justice



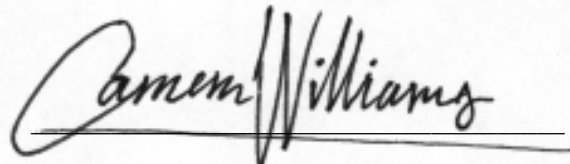
Hon. Lela Gracy, Associate Justice



Hon. Chandler LeMay, Associate Justice



Hon. Jasmine Montgomery, Associate Justice



Hon. Cam Williams, Associate Justice