



# The Student Senate

## Texas A&M University

S.B. 64-45

The Student Senate  
64<sup>th</sup> Session  
Texas A&M University

Introduced By: Senator Cody T. Vasut, Off-Campus

Action Taken Passed  
November 16, 2011

Certified By: Tanner Wilson  
Tanner Wilson  
Speaker of the Senate

Duly Approved: Jeff Pickering '12  
Jeff Pickering 11-23-11  
Student Body President

### The Executive Branch, Judicial Branch, and Governance Council Status Quo Act *Special Designation: Act of the Senate*

*"An act establishing statutes necessary for carrying into execution the duties and powers of the Student Body President, the Judicial Court, and the Governance Council as established by the amended Constitution."*

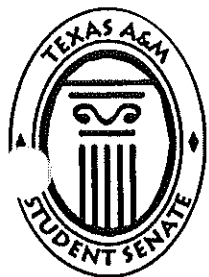
**Whereas(1):** It is necessary to enact basic statutes to provide for the duties and powers of the various branches of the Student Government Association as called for by the recently passed constitutional amendment (S.B. 64-30); and,

**Whereas(2):** These basic statutes should provide for maximum flexibility of the branches in line with the current practices of these branches; and,

**Whereas(3):** The Student Senate will be authorized to enact these statutes effective March 1st, 2012 by the amended language of Article III Section III Sub-Section (a).

Therefore  
Let it be

**Enacted(1):** That the provisions of this Act shall not take effect until February 20th, 2012; and,



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Let it be  
Further

Enacted(2): That Title V Sub-Title 1 (“The Executive Branch”) of the Student Government Association Code is amended to read as follows:

## SUBTITLE 1 – THE EXECUTIVE BRANCH

\* \* \*

### CHAPTER 102 – THE STUDENT BODY PRESIDENT

*Created by S.B. 64-XX*

*Revised Month Day, Year*

### ARTICLE I. GENERAL RULE MAKING AUTHORITY

SECTION I. The Student Body President is hereby authorized to enact any rule or procedure necessary for carrying into execution any duty or power vested in the Executive Branch under the statutes or the Constitution, including any rule or procedure necessary for conducting the affairs of the Executive Branch.

- (a) This general rule making authority shall be construed broadly by the Judicial Court.
- (b) All such rules and procedures, however, shall not conflict with the Constitution or with any statute enacted by the Student Senate.
- (c) All such rules and procedures shall also be enacted by the Student Body President through a signed executive order.
  - (1) The initials of the Student Body President shall be present on each page of the order which do not bear his or her signature. The date of the executive order shall also be present on the page that contains the Student Body President’s signature.
  - (2) Executive orders shall be numbered according to the session of the Student Senate during which they are signed and shall bear an increasing numerical designation restarting at the beginning of each session of the Student Senate (e.g., E.O. 64-01, E.O. 64-02, E.O. 64-03, etc...).



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Tanner Wilson  
Speaker of the Senate

**SECTION II.** CROSS REFERENCE. All executive orders shall be provided to the Archives of the Student Senate pursuant to the provisions of the SGA Records Act (Title V Chapter 801).

### **ARTICLE II. ASSIGNABILITY OF POWERS AND DELEGATION OF DUTIES**

**SECTION I.** Unless expressly denied by the particular statute enacted by the Student Senate, any additional duty or power vested in the Student Body President by a particular statute enacted by the Student Senate shall be freely assignable and delegable by the Student Body President to any member of his or her executive cabinet.

### **ARTICLE III. ADDITIONAL DUTIES AND POWERS**

**SECTION I.** The Student Body President is hereby vested the following additional duties and powers, in addition to any duties or powers vested in the Student Body President by any other statute enacted by the Student Senate or the Constitution:

- (a) PROSECUTORIAL POWER. The Student Body President shall have power to sue on behalf of the student body in the Judicial Court to: enforce any statute, rule or procedure, or executive agreement; to challenge the constitutionality of the same; or to challenge that the same as contrary to any other later enacted statute, rule or procedure, or executive agreement, whichever is applicable.

### **ARTICLE IV. NON-BINDING PROCLAMATIONS OF OPINION**

**SECTION I.** All non-binding proclamations of the opinion of the Student Body President shall be made by signed executive order pursuant to the same provisions governing the signing, initialing, and numbering of executive orders contained in Article I above.

**SECTION III.** CROSS REFERENCE. All executive orders proclaiming the non-binding opinion of the Student Body President shall be provided to the Archives of the Student Senate, as if they were an executive order establishing rules or procedures in the Executive Branch By-Laws, pursuant to the SGA Records Act (Title V Chapter 801).

### **ARTICLE V. REMOVAL OF COMMITTEE CHAIRS, COMMISSIONERS, OR OTHER EXECUTIVE OFFICERS**



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**SECTION I.** Unless otherwise provided for by the statutes or the Constitution, the Student Body President may remove any committee chair, commissioner, or other executive office-holder for cause according to an established removal process provided for in the Executive Branch By-Laws.

## **CHAPTER 103 – THE EXECUTIVE CABINET**

*Created by S.B. 64-XX*

*Revised Month Day, Year*

### **ARTICLE I. ORGANIZATION**

**SECTION I.** Pursuant to the Constitution, the organization/titles of the executive cabinet shall be solely at the discretion of the Student Body President without any limit.

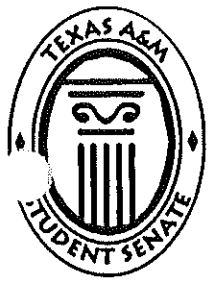
### **ARTICLE II. ABSENCE OF A CABINET MEMBER**

**SECTION I.** Should any statute vest any duty or power in a member of the executive cabinet, the Student Body President may freely assign or delegate that duty or power to another member of the executive cabinet or himself/herself. Such a re-designation; however, shall be accompanied either by a signed executive order amending the Executive Branch By-Laws or by a written letter sent to the Speaker of the Senate and the Rules and Regulations Chair informing the individuals of the re-designation.

### **ARTICLE III. MEETINGS OF THE EXECUTIVE CABINET**

**SECTION I.** The Student Body President shall provide for the organization and holding of any meeting of the executive cabinet at his or her discretion. All meetings of the executive cabinet, however, shall be open to the student body, unless the Student Body President calls the executive cabinet into executive session to consider personnel decisions or any other decision authorized by statute or the Constitution to be held in executive session. The result of any decision made in executive session shall be announced publicly.

### **ARTICLE IV. CABINET LEVEL COMMITTEES/TEAMS/TASK FORCES**



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**SECTION I.** QUASI-CABINET MEMBERS/COMMITTEES OR TEAMS. Any student assisting a member of the executive cabinet with exercising his or her duties and powers (e.g., by serving as a member of a cabinet member's committee or team) shall not be considered a member of the executive cabinet. Such student's shall be appointed by the member of the executive cabinet or the Student Body President and shall serve at the pleasure of the member of the executive cabinet or the Student Body President.

- (a) However, should the student be directly assigned any duty or power of the Student Body President, the student shall be considered a member of the executive cabinet, and must be confirmed by the Student Senate pursuant to the Constitution.
- (b) No Student Senator or Justice of the Judicial Court may occupy any office under this Section.

**SECTION II.** ADVISORY TASK FORCES. The Student Body President may create any task force necessary to advise him or her on pending legislation or student issues. Such task forces shall only be advisory in function, and shall not exercise any duty or power of the Student Body President.

- (a) Members of Student Body President task forces may be Student Senators and Justices of the Judicial Court; further, members of Student Body President task forces do not require confirmation of the Student Senate.

Let it be  
Further

Enacted(3): That Title V Sub-Title 3 ("The Judicial Branch") of the Student Government Association Code is amended to read as follows:

## **SUBTITLE 3 – THE JUDICIAL BRANCH**

\* \* \*

## **CHAPTER 301 – THE JUDICIAL COURT**

*Created by S.B. 64-XX*

*Revised Month Day, Year*

## **ARTICLE I. GENERAL RULE MAKING AUTHORITY**

**SECTION I.** The Justices of the Judicial Court are hereby authorized to enact any rule



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or procedure necessary for carrying into execution any duty or power vested in the Judicial Branch under the statutes or the Constitution, including any rule or procedure necessary for conducting the affairs of the Judicial Branch.

- (a) This general rule making authority shall be construed broadly by the Judicial Court.
- (b) All such rules and procedures, however, shall not conflict with the Constitution or with any statute enacted by the Student Senate.
- (c) All such rules and procedures shall also be enacted by the Justices of the Judicial Court through a signed judicial order clearly indicating that two-thirds (2/3) of the Justices of the Judicial Court adopted and signed the rule or procedure at an announced meeting.
  - (1) The initials of the Chief Justice shall be present on each page of the order which do not bear the justice's signatures. The date of the judicial order shall also be present on the page that contains the justice's signatures.
  - (2) Judicial orders shall be numbered according to the session of the Student Senate during which they are signed and shall bear an increasing numerical designation restarting at the beginning of each session of the Student Senate (e.g., J.O. 64-01, J.O. 64-02, J.O. 64-03, etc...).

**SECTION II.** CROSS REFERENCE. All judicial orders shall be provided to the Archives of the Student Senate pursuant to the provisions of the SGA Records Act (Title V Chapter 801).

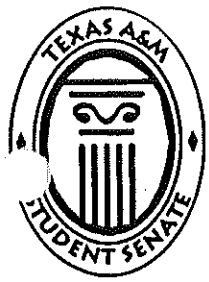
## **ARTICLE II. ASSIGNABILITY OF POWERS AND DELEGATION OF DUTIES**

**SECTION I.** Unless expressly denied by the particular statute enacted by the Student Senate, any additional duty or power vested in the Chief Justice by a particular statute enacted by the Student Senate shall be freely assignable and delegable by the Chief Justice to any Justice of the Judicial Court.

### **CHAPTER 302 – THE JUDGE ADVOCATE GENERAL COMMISSION**

*Created by S.B. 64-XX*

*Revised Month Day, Year*



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## ARTICLE I. THE JUDGE ADVOCATE GENERAL COMMISSION

SECTION I. There is established a judicial commission known as the “Judge Advocate General Commission” within the Judicial Branch of the Student Government Association.

SECTION II. Mission statement.

- (a) The Judge Advocate General Commission exists to advise and assist plaintiffs and defendants before the Judicial Court, and the Justices of the Judicial Court as requested.

SECTION III. Membership.

- (a) The Judge Advocate General Commission shall be composed of as many Judge Advocate Generals from among the student body as deemed necessary by the Chief Justice. No Judge Advocate General, however, may be a Student Senator, Justice of the Judicial Court, member of the executive cabinet, or the Student Body President.
- (b) All Judge Advocate Generals shall be appointed by the Chief Justice. The term for all Judge Advocate Generals shall be for as long as the corresponding session of the Student Senate.
- (c) The Chief Justice shall appoint one Judge Advocate General to serve as Chief Judge Advocate General. The Chief Judge Advocate General shall oversee the operations of the Judge Advocate General Commission.
- (d) Any Judge Advocate General may be removed by the Chief Justice for cause, provided however, that should any Judge Advocate General be actively representing a party before the Judicial Court, that Judge Advocate General may only be removed by a two-thirds (2/3) vote of the Justices of the Judicial Court present and voting at an announced hearing.
- (1) Any Judge Advocate General removed by the Judicial Court may continue to advise and assist any party before the Judicial Court at the discretion of the party, provided that the former Judge Advocate General comply with all other rules and procedures in the Judicial Branch By-Laws governing the conduct of counsel.

SECTION IV. Duties and Powers.

- (a) The members of the Judge Advocate General Commission shall provide appropriate counsel to any plaintiff or defendant before the judicial court that they are appointed to represent by the Chief Justice. Such appointment may only occur if requested by a party before the Judicial Court. Any party who requests



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assistance from a member of the Judge Advocate General Commission may terminate that assistance at any time and for any reason.

- (b) The members of the Judge Advocate General Commission shall have further duties and powers as provided for in the Judicial Branch By-Laws or the statutes.

## CHAPTER 303 – RULES OF PROCEDURE

*Created by S.B. 64-XX*

*Revised Month Day, Year*

### ARTICLE I. RULES OF PROCEDURE FOR CASES

SECTION I. The Justices of the Judicial Court shall establish standing rules of procedure in the Judicial Branch By-Laws for all cases heard by the Judicial Court.

SECTION II. Such Rules of Procedure shall be clearly delineated in the Judicial Branch By-Laws and shall, at minimum, cover the following subject matters:

- (a) The initiation of a complaint with the Judicial Court.
- (b) The method for providing notice to the plaintiff and the defendant of the complaint.
- (c) The process for conducting pre-trial discovery, if deemed feasible by the Justices of the Judicial Court.
- (d) The process for conducting any pre-trial hearings or motions to dismiss a case.
- (e) The process for conducting the trial in accordance with the protections of the Constitution provided to students.
- (f) The process for conducting any post-trial hearings or motions for rehearings.

SECTION III. Nothing in this Article shall be construed as to regulate the deliberations of the Judicial Court.

## CHAPTER 304 – RULES OF EVIDENCE

*Created by S.B. 64-XX*

*Revised Month Day, Year*

### ARTICLE I. RULES OF EVIDENCE FOR CASES

SECTION I. The Justices of the Judicial Court shall establish standing Rules of





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Evidence in the Judicial Branch By-Laws for all cases heard by the Judicial Court.

**SECTION II.** Such Rules of Evidence shall be clearly delineated in the Judicial Branch By-Laws and shall, at minimum, cover the following subject matters:

- (a) The admissibility of evidence in a case before the Judicial Court, including definitions and rules covering the authentication, relevancy, and competency of the same.
- (b) The exclusion of evidence acquired illegally or in violation of the Aggie Honor Code, to be determined at the discretion of the Justices of the Judicial Court.
- (c) The presentation of evidence during the course of a trial or other hearing.

**SECTION III.** Nothing in this Article shall be construed as to regulate the deliberations of the Judicial Court.

## **CHAPTER 305 – WRITS AND ORDERS**

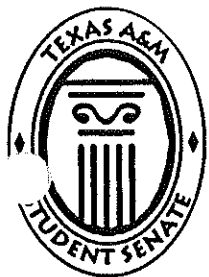
*Created by S.B. 64-XX*

*Revised Month Day, Year*

### **ARTICLE I. WRITS**

**SECTION I.** TEMPORARY WRIT OF INJUNCTION. The Judicial Court may issue a writ of injunction to forbid those named in the writ, or his or her agents, from doing, threatening, or attempting to continue an act which is in violation of: any rule or procedure under the Constitution or under the statutes; any statute; or the Constitution.

- (a) A writ of injunction may only be issued after a related case is filed with the Judicial Court, and only after an announced hearing.
- (b) The writ may be requested by a moving party or by the Judicial Court on its own motion. The non-movant, however, shall be notified at least twenty-four (24) hours in advance of any hearing considering a writ of injunction.
- (c) A writ of injunction may only be issued if the Justices of the Judicial Court find that the movant, or the party who will benefit from the injunction, is reasonably likely to succeed on the merits of the case. Further, a writ of injunction may only be issued if the movant, or the party who will benefit from the injunction, has no other redress to avoid immediate harm.
- (d) A writ of injunction may only issue for a period not to exceed thirty (30) days.



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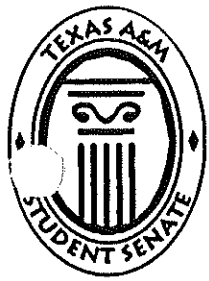
**SECTION II.** WRIT OF MANDAMUS. The Judicial Court may issue a writ of mandamus to command any member of the Student Government Association to comply with any order of the Judicial Court; any rule or procedure under the Constitution or under the statutes; any statute; or the Constitution.

- (a) A writ of mandamus may only be issued after a related case is filed with the Judicial Court, and only after an announced hearing.
- (b) The writ may be requested by a moving party or by the Judicial Court on its own motion. The non-movant, however, shall be notified at least three (3) days in advance of any hearing considering a writ of mandamus.
- (c) Any member of the Student Government Association who is found to have not complied with a writ of mandamus may be fined by the Judicial Court or may be removed from his or her office after receiving at least two (2) separate fines for the same offense. The fine shall not exceed ten dollars (\$10.00) for non-compliance with any single writ of mandamus. Further no member of the Student Government Association may be fined any more than twenty dollars (\$20.00) during any session of the Student Senate for failure to comply with any writ(s) of mandamus. All fines under this Section shall be remitted to the Student Senate for later appropriation.
  - (1) No fine or removal may be considered or ordered by the Judicial Court except upon three (3) days notice and a hearing.
  - (2) No Student Senator, Justice of the Judicial Court, member of the executive cabinet, or the Student Body President may be removed by the Judicial Court for failing to comply with a writ of mandamus. However, the Judicial Court may fine any such individual or refer the individual to the Student Senate for impeachment or for removal by the Student Body President, whichever is applicable.
  - (3) No student shall be eligible to file to run for any office whose election is conducted by the Election Commission under the statutes who has failed to pay a fine incurred for failure to abide by a writ of mandamus.

**SECTION III.** All writs shall issue only by a majority vote of the Justices of the Judicial Court hearing the motion for a writ to be issued, and only through a signed judicial order.

## ARTICLE II. ORDERS

**SECTION I.** EXECUTION OF JUDICIAL ORDERS. All judicial orders shall be executed and enforced in good faith by the Student Body President.



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Tanner Wilson  
Speaker of the Senate

Let it be  
Further

Enacted(4): That Title V Chapter 402 of the Student Government Association Code is added to read as follows:

## CHAPTER 402 – THE GOVERNANCE COUNCIL

*Created by S.B. 64-XX*

*Revised Month Day, Year*

### ARTICLE I. GENERAL RULE MAKING AUTHORITY

SECTION I. The Governance Council is hereby authorized to enact any rule or procedure necessary for carrying into execution any duty or power vested in the Governance Council under the statutes or the Constitution, including any rule or procedure necessary for conducting the affairs of the Governance Council.

- (a) This general rule making authority shall be construed broadly by the Judicial Court.
- (b) All such rules and procedures, however, shall not conflict with the Constitution or with any statute enacted by the Student Senate.
- (c) All such rules and procedures shall also be enacted by the voting members of the Governance Council through a signed council order clearly indicating that two-thirds (2/3) of the Governance Council adopted and signed the rule or procedure at an announced meeting.
  - (1) The initials of the Student Body President shall be present on each page of the order which do not bear the voting governance council member's signatures. The date of the council order shall also be present on the page that contains the voting governance council member's signatures.
  - (2) Council orders shall be numbered according to the session of the Student Senate during which they are signed and shall bear an increasing numerical designation restarting at the beginning of each session of the Student Senate (e.g., C.O. 64-01, C.O. 64-02, C.O. 64-03, etc...).

SECTION II. CROSS REFERENCE. All council orders shall be provided to the Archives of the Student Senate pursuant to the provisions of the SGA Records Act (Title V Chapter 801).