

Review Board Petition: SA Election Requirement

Petitioners: Sen. Will Coggin; Alan Kennedy-Shaffer
Respondents: SBA; others

Summary: Petitioners challenge the SBA's appointment of Student Assembly senator(s) in violation of the Student Assembly Constitution, which states that the SA Senate "shall be composed of members chosen in election every year by the students of the College."

Discussion: [Redacted] The question facing the Review Board is whether the Student Assembly Constitution excludes the six senators from the graduate schools from the explicit Senate election requirement.

Petitioners argue that granting an exception to the Constitutional requirement that all members of the Senate be chosen in election would be inconsistent with the letter and spirit of the Student Assembly Constitution and Code.

While Respondents may argue that Article V, Section 3.4

of the Constitution permits the Graduate Council to decide the manner in which the various graduate school choose their senators, Article I, Section 1.2 indicates otherwise, guaranteeing graduate representation while restricting the Graduate Council's ability to undermine the election requirement. The apportionment clause grants the Graduate Council the right to decide how many senators each graduate program may send to the Student Assembly while leaving intact the democratic principle that senators must be elected.

Article I, Section 1.2, which appears before Article V, Section 3.4 in the Constitution, reflects the democratic spirit of the Constitution by explicitly requiring annual elections in order to prevent the type of patronage that currently taints the appointment process.

The Graduate Council and the Student Bar Association have the right, pursuant to Article I, Section 5.2 of the Student Assembly Constitution, to elect

their own officers, representatives, and council members "as they see fit" and to implement policies "on matters that are internal to the Graduate Schools. Legislation from the Graduate Council may not be inconsistent with that passed by the Senate."

Article IV, Section 1.1 of the Student Assembly Constitution, which states that the "The Constitution of the Student Assembly shall be the supreme law of the Assembly and those under its jurisdiction," takes precedence over any inconsistent regulations propagated by the Grad Council or the SBA.

In this case, Petitioners challenge the SBA's appointment of Student Assembly senators in violation of the SA Constitution, which states that the SA Senate "shall be composed of members chosen in election every year by the students of the College."

Because the letter and spirit of the Student Assembly Constitution and Code favor the interpretation that all senators must be elected, including senators from the graduate schools, Petitioners ask the

Review Board to direct the Senate not to seat any unelected, graduate senators. Petitioners also ask the Review Board to direct the Student Bar Association to immediately recall any appointed senators and to hold annual Student Assembly Senate elections in accordance with Article I, Section 1.2 of the Student Assembly Constitution and §2.1-2.1 of the Student Assembly Code.

The SA stands as the umbrella organization for all other student governments at the College of William & Mary and would lose its ability to speak for all students if the election requirement were not enforced in this case. All students, including law students, have a recognized right to elect representatives to the Student Assembly that must not be infringed.

This is a true and accurate copy of Coggin's and Kennedy-Shaffer's petition to the Student Assembly Review Board, which has scheduled oral hearings.

THE CONSTITUTION of the STUDENT ASSEMBLY of the COLLEGE OF WILLIAM AND MARY IN VIRGINIA

Ratified January 20 2003

ARTICLE I: LEGISLATIVE BRANCH

Section I: Creation of the Senate

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II. The Senate shall be composed of members chosen in election every year by the students of the College. There shall be sixteen Undergraduate Senators. Chosen, four per Class, by the members of that Social Class. There shall be six Senators from the Graduate Schools, apportioned among the Schools as the

Graduate Council shall designate, provided every School is represented by at least one Senator.

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Section V: Creation of the Class and School Officers

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II. Each Graduate School shall elect a President, Vice President, Treasurer, Secretary and other such representatives and council members as they see fit. These School Officers, when in meeting, shall be known as the Graduate Council. This Council shall have legislative authority

only on matters that are internal to the Graduate Schools. Legislation from the Graduate Council may not be inconsistent with that passed by the Senate. Subsequent legislation passed by the Senate may supersede that of the Graduate Council.

ARTICLE IV: NON-SPECIFIC REQUIREMENTS

Section I: Authority and Supremacy

I. The Constitution of the Student Assembly shall be the supreme law of the Assembly and those

under its jurisdiction.

ARTICLE V: ELECTIONS

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Section III: Senatorial, Class and School Officer Elections

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IV. Graduate Senators shall be sent, and Graduate School Officers chosen, as the Graduate Council shall designate, provided that Senators and Officers are selected no later than the last Tuesday of the following September.

THE CODE of the STUDENT ASSEMBLY of the COLLEGE OF WILLIAM & MARY IN VIRGINIA

TITLE 2: THE LEGISLATIVE BRANCH

Chapter 1: The Bylaws of the Senate

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 §2.1-2 Membership

§2.1-2.1 Election
 The members of the Senate shall be elected according to the guidelines created by the Elections Committee. The composition shall be in accordance with the structure indicated by Article I; Section I; Clause II of the Con-

stitution of the Student Assembly. (09 Apr 2003, SB 310-005)

§2.1-2.2 Attendance

1. Each Senator is allowed three absences per semester.

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 (09 Apr 2003, SB 310-005)

