

**ADVISORY OPINION 2015-1**  
**ON THE CONSTITUTIONALITY OF SGA**  
**STATUTE 908.2(B)(3)**

*C.J. Cox for the Court*

Pursuant to the Student Government Association Constitution any senator may request the Supreme Court to issue an advisory opinion regarding how a Student Government Statute applies to students. SGA Const. §. 3(c)(5). On September 22<sup>nd</sup>, 2015, Senator Justin Ravelo requested an advisory opinion regarding the constitutionality of allowing the Office of Governmental Affairs' (OGA) Board of Directors statutory ability to remove the Director by 2/3rds vote. SGA Stat. 908.2(B)(3). The Court advises that Student Government Statute 908.2(B)(3) allowing the OGA board to remove the Director is likely unconstitutional. Before explaining the Court's reasoning, it is important to note that this advisory opinion does not invalidate the statute, the Court may only invalidate a statute as unconstitutional if there is a case which puts the issue before the Court. That being said the Court would recommend the Student Senate to amend the statute specifying that the board may recommend removal to the Student Body President.

**REASONING**

In reaching its decision, the Court primarily looked to other portions of SGA statutes to interpret the appropriate process for removal. First, the Court looked at SGA Stat. 900.4(H), which states "[a]ll bureau Directors and Assistant Directors may be dismissed at the discretion of the Student Body President or be impeached by

the Senate pursuant to the Student Body Constitution." Section 900 of Student Government Statutes is the main area detailing the Student Government Bureaus. Absent any specific indication that OGA was meant to be treated differently, the Court feels that this definition should carry the day.

Further, since the Student Body President appoints the OGA director, this official is serving at the pleasure of the Student Body President. Thus, it should be the decision of that office whether or not to retain the individual as OGA director. This protects the individual in the OGA director position as well as holds the Student Body President accountable for their appointments.

**CONCLUSION**

The Supreme Court reserves ruling on the constitutionality of this statute without a case requiring a decision before the Court. However, the Court will opine that the Student Government Senate should look into amending this statute to comply with Section 900, SGA Statutes.