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*Kyle Womack V. Chair Thornburg*  
(Plaintiff) (Defendant)

October 14, 2010

## SUMMARY

Kyle Womack applied for probationary status with the Student Senate on September 1<sup>st</sup>. On September 6<sup>th</sup> Rules and Regulations committee chair Rachel Thornburg denied his request for probation. Womack filed an appeal with Judicial Court to overturn the Chair's decision.

## JURISDICTION

As the ultimate interpreter of the SGA Constitution and branch by-laws under Article IV, Section III, (d) and (g), Judicial Court has jurisdiction to make the final decision in this case.

## DECISION

The request for probation was out of order because Kyle Womack was removed from Student Senate when Student Activities deemed him ineligible to participate in student organizations. Womack was not eligible for the probation he requested as described under Article IV Section I sub (a) sub sub (1). Therefore, the denial of the request for probation was correct, despite confusion about the circumstances surrounding it.

This hearing raised questions about the constitutionality of the Senate eligibility notification process and reinstatement process. Although it is a constitutionally prescribed power of the Senate to establish rules for internal functions, the current process conflicts with the SGA Constitution's vision and purpose to promote student involvement, promote the general welfare of the student body, and serve the interests of students.

Therefore, the Court issues a Writ of Mandamus ordering the Student Senate to reform their internal procedures governing eligibility notification and appeals. The Senate by-laws must be amended to include the following guidelines:

1. Senators who are deemed ineligible for any reason must be notified within five business days after the student leader responsible for eligibility notifications has received the list of ineligible Senators.

2. As part of the ineligibility notification, the Senate must clearly communicate a member's right to appeal the Student Activities decision and the process by which a member may appeal their membership within Senate (e.g. temporary probation).
3. If any Senator appeals the Student Activities decision or initiates an internal appeal, their seat may not be listed as vacant or otherwise taken from them until the appeals process is completed.

These changes must be implemented no later than December 1<sup>st</sup>, 2010.



David Glasheen  
Chief Justice  
Judicial Court  
Texas A&M University

10/14/2010

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Date