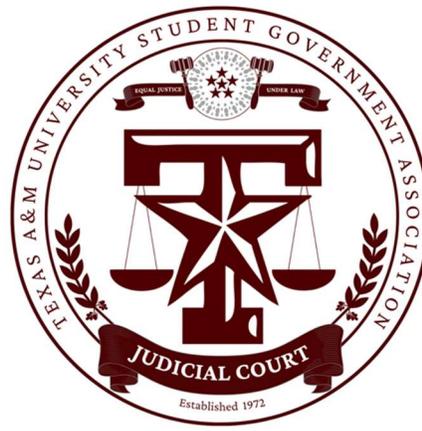


Chief Justice: Claire Leffingwell

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www.jcourt.tamu.edu



THE JUDICIAL COURT OF TEXAS A&M

Petition for Writ of Certiorari

Petitioner Information

Name: Sawyer Bagley

Email: [REDACTED]

Phone: [REDACTED]

UIN: [REDACTED]

Filing Against

Name: Ava Blackburn, Eli Purtell, Corbitt
Armstrong

Organization: SGA Student Senate

Position: Speaker, Speaker Pro-Tempore, Rules &
Regulations Chair

Statement of Relevant Facts

Throughout the entirety of the 77th session of the Student Senate, there has been a blatant disregard for the proper process of the S.G.A.C. & the SGA Constitution.

With regards to legislation passed, there are a total of 25 resolutions, 5 bills, & 7 acts which have been passed through the Senate, according to the official Senate website, senate.tamu.edu. However, on the official website, 11 resolutions, 2 bills, & 5 acts are unavailable to both personal & TAMU school emails. This is a blatant disregard for the requirements when it comes to transparency and the rights of the student body. Furthermore, there is no publication of any legislation that has been passed in the Spring 2025 semester.

Furthermore, regarding transparency, out of the 17+ general meetings that have occurred for the 77th session, only two are available from the Senate Website (one occurring in September & October of 2024). The most recent of the 77th session's recording on the Senate Facebook page is dated 46 weeks ago, from the time this petition was filed. This is a blatant disregard of the requirements dedicated to transparency of the Senate as well as ensuring the rights of the Student Body.

Another area where there is clear corruption of documents is the attendance records made available on the official Senate website, where there are, if the counting by the Petitioner was proper, 49 individuals on the Senate Attendance list that had more total absences than the combined amount of the excused & unexcused together. This is

49 Senators whose attendance for the session has been improperly recorded, showing a clear lack of accountability & proper execution of duty by both the Speaker Pro-Tempore as well as the Speaker of the Senate, whose job it is to hold every other chair accountable as the Chief Student Leader of the Student Senate. Furthermore, of these 49 senators, ten have 11 or more total absences & six more Senators who have 6 or more unexcused absences but less than 11 total. Meaning, 16 Senators should have been removed from the position according to the faulty attendance records. There is no indication any of the said senators have been removed. The Petitioner is worried some may have been though undeservedly due to how corrupt the document is. Moreover, there is zero recordings of committee attendance, thereby preventing any accountability of any committee, much less transparency on attendance.

The next issue to arise is the outdated Constitution as well as the outdated SGAC. The former was last updated in the 76th session, in January of 2024. The latter document has most recently been updated on the SGA official website, sga.tamu.edu, with the Code from December of 2024. In this document, there is a distinct lack of a signature from the Rules & Regulations Chair. Moreover, no update has been made more recently. Combining this with the issue of no student being able to access live recordings, legislation, and even more egregious, the Senate website, under governing documents, denies access to the SGA Code. Note that the 76th session documents can be accessed and are also outdated. There is clear neglect, abuse of power, and a total lack of both transparency & accountability within the Student Senate, and especially its leadership.

Another imperative problem that the Senate Leadership has allowed to occur is passing legislation that in part, enacts unrelated code changes as well as establishing powers/authority/roles that the Student Senate is unable to do nor has the jurisdiction to do so. The main one is adding the finance chair & the Student Body Vice President to sit on the Student Affairs Fee Advisory Board. This is both circumventing the natural appointment of an individual to a committee position as well as neglecting the actual SAFAB appointment process. The SGA Senate has no authority to arbitrarily go around the process for this board. According to the official SAFAB website, *SAFAB is made up of nine students that are interviewed and chosen by the Student Body President, Speaker of the Student Senate, Graduate and Professional Student Government President, and the Student Affairs Fee Advisory Board (SAFAB) Chair.* Through **the Elections Refinement Act**, the Student Senate changed portions of the Code that were completely unrelated to the whereas clauses as well as totally unrelated to elections. This is a clear abuse of power, which the Senate does not have, and is the fault of both the Speaker as well as the Rules & Regulations Chair to allow unrelated changes to the code within this Act as well as unconstitutional overreach into an established appointment process. Furthermore, said Act is unavailable to both members of SGA as well as the Student Body, combined with no live recordings of the general meetings, invalid SGA code (of which is unavailable on the SGA Website), the corruption of the Code & process, as well as unconstitutional actions taken by the Senate & its leadership is evident once again. The Petition would also make a note that committee evaluation processes were changed under the election refinements, where there is no link between the two pieces of code.

To further clarify some details, the Senate website is severely outdated on multiple tabs, documents have not been properly recorded & uploaded, the majority of Code changes in the Fall are unavailable to the public, no legislation from the Spring has been made available, no meeting minutes are available, the Facebook page is severely outdated in both posts & recordings of general meetings, the SGA Code is inaccessible on the official Senate website, 49 Senator Attendance Records are falsified and/or doctored, the available Code is invalid due to lack of R&R chair's signature, unconstitutional overreach, processes, & legislation have been allowed under the current Student Senate leadership. As of the filing of this petition, the vast majority of general meetings are not recorded either in documentation or video/audio files that are available & accessible to the public.

Another issue is the Senate passed the Student Fee Review Bill in which they *ask* the Student Body President to create an ad hoc committee & to also appoint the Finance Chair as a member of this committee. This is unconstitutional in two ways: only the Senate can create committees, and the only members of an executive branch committee can be a member of the executive branch. By having the Finance Chair as a member of this committee, the Chair is now acting in both the Legislative & Executive branch. Not only is this a breach of the Constitution and Separation of powers, but a clear conflict of interest between the two branches. Moreover, no matter how much the senate *asks* the executive branch to make a committee, there is no authority or power for the SBP to create any

committee. To do so would infringe upon the Senate's granted authority. The only power given in relation to a committee is to appoint members to an executive committee.

Applicable Statute(s)

Title I. Chapter 001. Article V SECTION I.

Title II Article II SECTION IV(c)(ii)

Title II. Article III Section III.

Article IV Section III (c)(1)

Article X. SECTION IV

Article XI. Governing Documents

Title III.

Article III. Section III(c)(2)

(3) Rules & Regulations Chair (iv)

(9) Finance Chair (vi)

Article VIII SECTION X. Transparency

Article IX SECTION IX. Constituent Communications.

Title II, Article II, Section III(e)

EXEC Bylaws

Article II SECTION II

How the statute(s) is / are applicable

Title I. Chapter 001. Article V SECTION I.

The Rules and Regulations Chair of the Student Senate is hereby vested the duty to enact the provisions of this Chapter, including codifying the S.G.A.C. in compliance with this Chapter. The Rules and Regulations Chair shall update this Code to reflect all reported changes within one (1) calendar month.

This has not been done nor has the Chair signed & validated the most recent & available SGA Code.

Title II Article II SECTION IV(c)(ii)

The SBVP is unable to be appointed to this position as the Student Senate is actively infringing upon the interview & appointment process. Nowhere else do we see arbitrary appointments into a committee that actively circumvent existing procedure & consent from said organization.

Title II. Article III Section III. (d) *Creating, organizing, and removing executive committees, commissions, and other executive offices; legislative branch commissions; and judicial branch committees, commissions, and other judicial branch offices by statute.* This clearly outlines that the Executive branch is unable to create or remove a committee/commission nor is the Senate able to transfer this power over. Furthermore, there is no mention anywhere in the code or this section that defines or uses the terminology, *ad hoc committee*.

Article IV Section III (c)(1) The oath of office shall be as follows: "I (state your name) do solemnly swear (or affirm) to faithfully execute to the best of my ability the duties of the office of (state your office) for the Texas A&M University Student Government Association; to uphold the honor of the same; at all times to protect the welfare of the student body; and to promote good relations between the students and those concerned with the university; so help me God under penalty of perjury." This is the oath available in the SGA Constitution, and every officer & member that is sworn in is to be beholden to it.

Article X. SECTION IV. *The student body's right to fair process of law. (a) The liberty, rights, and privileges of any student shall not be deprived except by fair process of law. Each student shall have equal protection of the statutes, but such equal protection of groupings of students shall only be deemed unconstitutional if arbitrary and capricious.* This outlines the expectation & recognition of the Student's Rights & especially the right to fair process of law. This has been violated each step of the way by the student senate, in so far as no recordings of meetings, meeting minutes, agendas, much of the legislation passed, etc being made available to the Student Body. The process of legislation being passed & subsequently made accessible has been unconstitutional since May of 2024.

Article XI. Governing Documents

The governing documents on the Senate website are greatly outdated and/or unavailable to the public to view or access. This is a breach of transparency, oaths sworn, and fair process of the law. Moreover, either the Rules & Regulations Chair has failed to update the SGA Constitution or the Speaker Pro-Tempore has failed to upload the updated documents to the senate website.

Title III.

Article III. Section III(c)(2)

(x) Ensure the Senate website and Student Senate Archives is updated after each meeting of the senate body with all relevant material, including but not limited to: names and contact information for all active senators, caucuses, passed and failed legislation, and meeting minutes.

(xi) Be responsible for all records that are considered part of the Student Senate Archives.

(xiii) Maintain and keep up to date Senate Social Media Channels

The Speaker Pro-Temp has failed to ensure relevant material be made available on the Senate website, to maintain all Social Media Channels, etc.

(3) Rules & Regulations Chair (iv)

(9) Finance Chair (vi)

Article VIII SECTION X. Transparency *(a) All Student Senate meetings—except when in executive session— shall be held in a location open and accessible to the public (b) All Student Senate meetings—except for when in executive session—shall be video recorded and broadcast live whenever possible. A video recording of all meetings shall be made available to the public online. (c) All Student Senate meetings shall have their minutes recorded—except when in executive session.*

The Speaker Pro-Temp is in gross violation of this responsibility, as is the Speaker for not holding the Pro-Temp accountable. There is a distinct lack of recordings for attendance, meeting minutes, & especially recordings of the general meetings, all of which are outlined here. This is a requirement for all meetings, and given no excuse or reasoning has been publicly stated, the fair process of law has been breached & these meetings are in direct violation of the SGA Code & the executors of this section are in direct violation of their oaths and/or duties.

Illegal Assignment of individuals to the Student Affairs Fee Advisory Board

There is a distinct lack of authority given anywhere for the Student Senate to appoint a member of SGA to a non-SGA organization. SAFAB is not a committee or organization created by the Student Senate and is not codified in any manner. This is clear overreach of authority of both Senate & SGA power/oversight and a gross disrespect to SAFAB & unconstitutional, unjust, etc. The Petitioner holds the Speaker & Rules and Regulations Chair responsible as both are responsible to ensure proper legislation is passed & no overreach occurs. Given the legislation that does this & more, was introduced by the R&R chair, there is a clear corruption of the fair process of law and direct neglect of the Chairs's duty to both the Senate, SGA, and student body.

Article IX SECTION IX. Constituent Communications.

(a) The Student Senate shall maintain an official web site.

(1) All legislation, agendas, minutes, notices of vacancy, notices of election, and other official communications shall be posted or linked to.

(2) The contact information of every Senator shall be listed on the

web site

(3) It may be maintained with or without university resources, according to the wishes of the officer team.

(4) Officers shall serve as moderators. The Internal Affairs Committee shall delegate the responsibility of establishing and maintaining the website as it sees fit.

(b) The Senate shall maintain a Facebook page.

(1) All legislation, agendas, minutes, notices of vacancy, notices of election, and other official communications shall be posted or linked to.

(2) The Senate Officers will serve as “admins” of the group, and every Senator must be a member.

(3) Senators shall encourage other Student Government organizations and their constituents to join the group.

(4) The Constituency Affairs Officer shall be responsible for establishing maintaining the Facebook page in each session.

The Student Senate, and especially its leadership, has been found to be in gross neglect of duties & responsibilities when it comes to communication with the Student Body. The website has not been maintained, updated with **required** items, nor has the same been done for the Facebook page. The Senate, and more specifically its officers, are required to maintain such platforms of communication and have been found to be in total dereliction of responsibility.

EXEC Bylaws

Article II SECTION II

This further clarifies the authority of the Executive Branch & the lack of authority to create/remove committees or commissions nor to appoint the SBVP to SAFAB.

Desired Result

We contend that the Student Senate, and especially the Speaker and Speaker Pro-Tempore, is and has been in egregious violation of the SGA Code & its/their duties for nearly an entire year. Compound this with no access to any legislation, using either personal emails or TAMU emails, it is evident the Student Senate & its leaders are either grossly incompetent in their duties or intentionally obscuring details and happenings. The evidence is sufficient to deem the actions & decisions of the 77th session to be corrupt, either deliberately by its leaders, its whole, or due to the ignorance of all involved.

Because ignorance of regulations, duties, and statutes is no excuse for unconstitutional behavior, We ask the Court to evaluate the validity of any and all actions of the Student Senate’s 77th session from the first instance of negligence. To not have most bills and acts available and no available recordings, sans two general meetings, the legislation & actions that the Senate has passed, debated, or made is now called into question. For example, the overhaul of the Election Regulations passed in the end of the 2024 Fall semester were not available for any student and/or candidate to view and understand the explicit changes to the Regulations. Furthermore, neither am I, a member of the Judicial Court able to access any said legislation. How is any party, apart from the Student Senate, to know if something unconstitutional has been done or passed if no one is able to view said legislation or actions.

Therefore, I ask the Judicial Court to evaluate the validity of the Senate’s Action according to the SGA Code, and should the Senate be found lacking, I ask the Court to fulfill the following items: A writ of mandamus for each Senator found to be in violation of their oath-sworn duties, a writ of injunction be issued on the Student Senate until such a time all valid offenses be remedied, a judicial order condemning the offenses committed by the Student Senate with each offense being stipulated, and should no remedy be found (as the Court determines to be a sufficient remedy), any and all legislation passed by the Student Senate that does not have the transparency that is required under the SGAC be deemed unconstitutional due to the unconstitutional process in which they were passed. I further ask the Court, should their offenses be great enough, stipulate which Senators now have grounds to be impeached.

While the respondents may argue this to be extreme, I remind the Court that the SGA is to be held to the highest standard when it comes to literacy of the Code, and should any member be found to be in a substantial and/or outstanding violation of the Student Government Association's Code, this is grounds for impeachment and removal of their office. Moreover, as the Court has found & stated in every related case, actions and/or processes that have been found to be in violation of the code are to be considered null and void. Should it be found that the Student Senate has either passed unconstitutional legislation or passed legislation in an unconstitutional way they have violated their duties and/or the Code, all such legislation must be deemed unconstitutional and thereby null & void. This sets the proper, just, and sensible standard that the SGA is committed to transparency, fair process of the law, and dedicated to protecting the Student's Rights & upholding our sworn oaths & responsibilities.

I also contend that the deadline to make legislation or recordings available has passed as the 77th session is nearly over and should a case have been filed any later regarding the constitutionality of any legislation or the improper process of the law, no one in the 77th session could have been held responsible. Because so much time has passed & this unconstitutional behavior is consistent and frequent, the Petitioner requests the Court deem all legislation from the Fall semester that has been found to be unavailable at the filing of this case be deemed null & void. Furthermore, it is unreasonable for the respondents to argue that there ought to be no time limit on how late legislation is made available. Because there has been no official statement nor reasoning provided by the Student Senate on why they have been unable to provide the required transparency outlined in the SGAC.

Additionally, any legislation to have passed & apply a change to the SGAC a month prior to this appeal should automatically call into question the Rules & Regulations Chair, as no update has been made, that is discernible, since December 23rd, 2024. Please note that the Code submitted in its original PDF format, available from sga.tamu.edu, has this date in the file as well as the title. It is evident that the code publicly available has yet to be updated, thus the Rules and Regulations Chair of the Student Senate can confidently be determined to be in violation of their oath & responsibilities of their office. Should the respondent desire to call into question the validity of the evidence and/or time stamp, the Petition is able to provide such information, either in the screenshot itself or file information. However, should such concerns arise, a pre-trial hearing should be called for, and determined necessary by the Judicial Court before the burden of proof is on the Petitioner, greater than what has already been provided. Furthermore, regarding the rules and regulations chair, there is a distinct lack of signature to verify the SGAC as well as a clear indication of a possible outdated code.

Should the Student Senate have passed any legislation between December 23rd and a month prior to the date & time this petition was received, each legislation that would affect the Code is a separate and independent count of neglect/derelection of duties & responsibilities committed by the Rules & Regulations Chair. So, it can be confidently determined that the publicly available SGA Code, as of the time this petition was submitted, the R&R Chair is already in violation of their duties. Add onto this the prior stipulation mentioned. Should a substantial number of violations occur, as deemed appropriate by the Judicial Court, I ask the Court to either issue a Writ of Mandamus & grounds for impeachment, a warning, or should enough evidence be found & determined that the Chair has substantially neglected their duties & responsibilities according to the SGA Code, I call upon the Judicial Court to remove them of their office. Furthermore, should any senator be found to have substantially neglected their oaths and/or duties, I plead the Court to remove them from their office, as allowed by the SGA Constitution. This constitution's most recent & available file is located on the SGA website and said revision occurred in January 2024.

The Judicial Court is given power to remove an individual from their office, should such individual be found to have been in great violation of the Constitution, their Oaths, and/or the Code. I remind the Court that the standard of proof should be the highest and that nowhere is the Petitioner given the burden of proof for intent. All that is necessary for the Petitioner to prove is a substantial or gross violation of one's role, oath, or Constitution.

Ultimately, the Petitioner request the Judicial Court to view every case of neglect, dereliction of duty, unconstitutional processes and/or legislation, and to determine proper sentences for the individuals involved, the referendum on the Student Senate, and to declare null & void any and all legislation found to be unconstitutional in wording or in the manner in which it was passed through the legislature. It is the responsibility of the Court to ensure the fair process of the law has occurred, to protect & ensure the rights of the Student Body, to determine if an

individual is in violation of their oath of office, and the proper outcomes be determined and upheld. The Petitioner submits itself to the Judicial Court and accepts the rulings as the final say on the matters at hand.

By signing this document, I hereby certify that all written statements herein are true and correct. I further acknowledge that the submission of false statements is a violation of the Aggie honor code.

Digital Signature: Sawyer Wright Bagley

Date: 03/14/2025