

Appendix

Appendix I – Bill Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

S.B. 2013-2014.01 (Code# assigned by Vice President or Clerk)

A Bill –

To be Entitled a "(title) Act", relating to (brief, concise description of the bill)

1 **WHEREAS:** Opening Statement of the status quo or problem; and

2 **WHEREAS:** Detailed clarification of the problem; and

3 **WHEREAS:** Supporting evidence of the above statements; and

4 **WHEREAS:** Introduction to possible solution; therefore

5 **BE IT ENACTED:** Describe the action you'd like taken:

6 **Article I – Sample Legislation**

7 §1 **SUBTITLE.** Bill should be organized in such a way that they can be
8 easily codified by the Supreme Court Chief Justice.

9 (a) Be sure to follow the format.

10 (b) If you don't then the bill could be considered invalid.

11 **BE IT FURTHER ENACTED:** This legislation be forwarded to the
12 Student Body President for action.

13

14

Appendix II – Simple Resolution Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

S.S.R. 2013-2014.01 (Code# assigned by Vice President or Clerk)

A Simple Resolution -

Relating to (brief, concise description of the resolutions intent)

1	RESOLVED,	For outstanding service we dedicate this
2		day in honor of you; and
3	BE IT FURTHER RESOLVED,	This legislation be forwarded to the
4		Student Body President for action.

Appendix III – Resolution Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

S.R. 2013-2014.01 (Code# assigned by Vice President or Clerk)

A Resolution -

To be known as "A Resolution (affirmative, negative or declarative statement)", relating to (brief, concise description of the resolutions intent)

WHEREAS: The Student Government of Texas State University, on behalf
of the student body of Texas State would like to address;
and

WHEREAS: Opening Statement of the status quo or problem; and

WHEREAS: Detailed clarification of the problem; and

WHEREAS: Supporting evidence of the above statements; and

WHEREAS: Introduction to possible solution; therefore

BE IT RESOLVED: Express the opinion or make a declaration on behalf of
the students; and

BE IT FURTHER RESOLVED: This legislation be forwarded to the
Student Body President for action.

Appendix IV – Court Decision Template
SUPREME COURT OF STUDENT GOVERNMENT
AT TEXAS STATE UNIVERSITY

Syllabus

Petitioner: Hunter Schuler

#AO 01-01.

Heard September 19, 2014 – Decided September 19, 2014

Petition for an Advisory Opinion was brought by Supreme Court Chief Justice, Hunter Schuler concerning the nature of required events and how it relates to absences resulting in impeachment.

The primary question before the Court was for guidance as to whether or not the petitioner should proceed with impeachment proceedings against a Senator who had acquired two absences, one of which was due to not attending a required event.

Attendance was taken at this required event twice. The secondary question asked of the Court was to identify specifically if the event, which occurred over a two day period is to be counted once, twice or not at all.

Advisory Opinion

In relation to the first request by the petitioner to guide him on whether or not to proceed with impeachment; the Supreme Court has decided that whether or not to proceed with impeachment is a question only the Senate can answer. Guidance for the impeachment process can be found in throughout Article VII of the Student Government Constitution, Article III(10)(d), is clear that all procedures for impeachment are to originate in the Senate. Further Article VII(2)(b) states that trials of impeachment are to be conducted in the Senate.

It is the majority opinion of this Court that the matter before us on if the petitioner should proceed is a question only the Senate can decide.

On the secondary question related to process, which the Court is prepared to answer, we hope the petitioner will find the answers in our clarification of the process. The Court reviewed all relevant sections of the Student Government Code and is prepared to lay out a clearer understanding so that members and officers of Student Government may be sure to follow required event processes.

The Membership Standards Act under S.G.C. IX. §104.1(3) states that the President may declare any two events sponsored by any component of Student Government as required events. It further goes on to say that failure to attend shall count in the same way as absence to a required meeting.

There are a few areas that are not explicit in this section of the S.G.C., first the “instrument” by which the President makes such a requirement and the definition of a “required meeting” and the exact terms and reasonable limitations of the required event.

It is the opinion of this Court that the “instrument” for making required meeting declaration is provided for under S.G.C. IV. §200.1(2) under executive orders. This power is implied in the Constitution Article 5, Section 3, which grants the President “all executive powers”. These

powers are broadly interpreted by the Court to grant the President the power to issue Executive Orders as the instrument of executing the powers granted to him or her by the S.G.C. and constitution. So long as the constitution and statute grant the President the authority he or she may issue an Executive Order on those subjects.

In relation to consecutive days of required event, it is the opinion of the Court that S.G.C. IX. §104.3 grants the President the power to declare an event required. This shall include events which span over a reasonable consecutive set of days but not necessarily a continuous period. The Court defines this reasonable limitation as being over the course of two consecutive days, which does not exceed a reasonable period of time, the Court defines this as 30 total hours.

In relation to attendance, it is the opinion of the Court that S.G.C. IX. §104.3(4)(b) establishes that in order to be given an excused absence to a required event the absence must meet the standards found in the components *Standing Rules*, in this instance those acceptable absences can be found under S.G.C. VI. §200.7(3).

It is the opinion of this Court that so long as attendance is taken either through roll call, sign in or other accountable form then attendance will have been considered taken and that failure to attend the event for the entire specified period shall constitute an absence. It is granted and accepted by the Court that if a required event goes on for the maximum reasonable period then attendance should be taken at least twice, especially for events that require members to reconvene at different times or different days.

Regarding if missing a required event is cause for impeachment. It is the opinion of Court that an absence from a legally executed, required event coupled with an absence from a "required meeting" or another required event is cause for impeachment. In effect missing a required event is the same as missing a Senate or House meeting. S.G.C. IX. §104.3 provides that absences from required events are to be dealt with in the same way as absences to a required meeting. In accordance with S.G.C.

VI. §200.7(1) absences from two “meetings” constitute cause for removal. Absences from a required meeting shall be recorded on the official roll of attendance for the component of Student Government that the required event applies to.

Summary

In summary, the process for the proper execution of a required event and all related attendance policies is as follows.

The President must first issue an Executive Order or other instrument of a written nature, executing his or her powers under S.G.C. IX. §104.3. The order will specify the date and those who are to be affected as well as any special provisions. The President or other officer shall inform all those who the order applies to of the event details, including at least the date but preferably the time, and location within the required notification deadline outlined of 30 days as required by S.G.C. IX. §104.3(a). Excused absences should be cataloged in accordance with the components *Standing Rules*. Attendance shall be taken at the event, a maximum of two times during an event which occur over the granted period 2 day, 30 hour period. Absences at any of these attendance points shall constitute absence to the event generally unless an excused absence is registered. If a person is absent from a required event it shall be recorded in the official roll of the component and count toward any cause for impeachment for missing meetings under the components absence policy.

It is so ordered

Appendix V – Complaint Template

Complainant(s)

COMPLAINT DOCUMENT

A Complaint to the Supreme Court of the Texas State University Student Government

TO THE JUSTICES OF THE SUPREME COURT:

This is a complaint in which the Supreme Court has original and exclusive jurisdiction in accordance with Article V, Section 2 of the Texas State University Student Government Constitution.

Statement of Complaint :*(Begin typing your statement here; refer to S.G.C.: VII, §100.3 for questions and/or concerns regarding complaints. This must be filed with the Clerk at ____ .)*

PURSUANT: to S.G.C.. VII, §100.3 this Complaint has been filed with the Supreme Court Clerk on the issue of the prohibition of association of candidates for elective office.


STANDING; this complaint is filed in reference to S.G.C.. III, §105.5, Prohibited Association.

CAUSE OF ACTION; the Election Board ruled via its Operation Memorandum on 22, October 2013 that the prohibition of association extends so far as to include the sharing of ideas.

REQUEST FOR RELIEF; I am requesting that the Supreme Court review the Election Code §105.5 and determine if the Election Board is empowered to make such a decision under S.G.C. III. §105.5.


Relief Requested: It is the opinion of the complainant that the Election Board's interpretation of S.G.C. III. §105.5 is beyond that of the text's intent. That the section makes no direct mention of "ideas" as being excluded under the association prohibition.

Appendix VI - Brief Template



Complainant/Appellant

Vs.



Respondent

INTRODUCTION

The attached brief is an outline for the Supreme Court's records in the case of Willms v. DeSalvo concerning a sanction applied by the Election Board on March 26, 2014. An appeal was issued to the Dean of Students concerning the sanction, which was remanded to the Supreme Court per the Memorandum of Understanding between the Election Board and Supreme Court dated October 14, 2013.

The respondent has provided the Supreme Court with all relevant evidence, testimony, and case documents referenced in the appeal before the court. The court has decided to here only the question related to the Election Board's authority to reclassify violations of the Election Code.

I am willing and able to answer questions before the Supreme Court should they wish to embrace the topic of the specific sanction. During testimony I will demonstrate to the court that:

1. The Election Board did not find Mr. John Willms had committed an act of vandalism; rather that he violated the Student Code of Conduct section 2.02(Q).
2. The Election Board acted within the confines of its powers as outlined in the Associated Student Government Constitution and Election Code.

ELECTION BOARD HEARING DESALVO V. WILLMS

Mr. Cody DeSalvo, the complainant in the original case, has waived his privilege of confidentiality related to his original violation filing against the appellant.

The Election Board received a Violation Complaint Form via its only documentation system on March 24, 2013 from Mr. DeSalvo, he claimed to have seen what he described as "an act of vandalism" and that he believed it was "not only a violation of the Code of Laws Article IV, Section 1 but also the Student Code of Conduct." Photographic evidence of the violation was received shortly after the violation report form was submitted.

There are a few issues resulting from this filing. The first is that the Code of Laws has never been proven to be under the purview of the Election Board, and an "act of vandalism" is not defined in the Student Code of Conduct. However the context of the complaint and the pictures received by the Election Board substantiated that a violation could have occurred, therefore a hearing date was set.

As a result Mr. DeSalvo presented to the Election Board a brief, outlining the specific areas of the Election Code and Student Code of Conduct that he thought Mr. Willms had violated. In addition, Mr. DeSalvo requested the Election Board reclassify the violation at Alkek to a class A offense. He proposed that the accused actions at Alkek exceeded a simple posting violation.

Upon reviewing this brief the Election Board embraced the three charges presented at the hearing, that the accused violated Article IV, Section 1 of the Election Code three times, once by not getting permission before posting, the second for not posting in an authorized area, and the third by taping a large flyer on the pillars of Alkek Library.

The central issue of confusion relating to the Election Board's Orders is a result of Mr. DeSalvo's accidental mischaracterization of the violation as vandalism. Mr. DeSalvo provided clarification via the briefing and testimony to the Election Board.

The Election Board Order issued on March 26, 2014 made no mention of Mr. DeSalvo's usage of vandalism in his report form and the Election Board strictly decided on the issues presented during the hearing including the Code of Conduct violation. The Election Board found the accused guilty of that violation and granted Mr. DeSalvo's request to upgrade the level of violation to a Class given the accused violation of the Code of Conduct.

ELECTION BOARD AUTHORITY

I have provided the Supreme Court with all relevant evidence, testimony, and case documents referenced in the appeal before the court.

Therefore, we will focus on the Election Boards authority to reclassify offenses upon request and demonstrate where the Election Board is granted the authority to issue sanctions based on violations of University policy, including the Code of Conduct.

The Election Code, Article II, Section 2 provides the Election Board broad powers whenever situations arise that are not embraced by the text of the document. In addition, the Memorandum of Understanding outlines that the Election Board has authority over:

Violations of the Student Code of Conduct, in this case, directly related to a candidate for office. It is through this power that the Commission was able to enforce the Student Code of Conduct on the accused. The Commission exercised its rights under the Memorandum of Understanding and Article II, Section 2 of the Election Code.

The Election Code grants the Commission other broad powers in reference to its ability to discipline candidates who violate the Election Code, found under Article II, Section 2:

"The Election Board shall have the power to enforce any and all provisions in this document by any disciplinary action it deems appropriate and reasonable"

These provisions provides a framework which allows the Election Board to deal with disciplinary issues and grant sanctions outside the scope of the Election Code.

The Election Board was presented with a request; elevate the sanction beyond that of the established guidelines because of its potentially more egregious nature. Executing the power it has to make decisions whenever a situation is not embraced by the Election Code, the Commission granted the request.

The Commission then exercised its right under Article II, Section 2 to elevate what may have normally been a class C offense to a Class A offense, having found that the accused had violated section 2.02(Q) of

the Student Code of Conduct, an offense which would be cause for impeachment by any sitting officer of the Associated Student Government.

Through this framework I have demonstrated a procedural system which allows the Election Board to take the course of action it chose to pursue.

CONCLUSION

It is important that the court understand that the Election Board did not find Mr. Willms had committed vandalism. The Election Board used the powers it has per the Election Code, Constitution and Memorandum of Understanding to apply a sanction for violating the Student Code of Conduct section 2.02(Q) for defacing, damaging or misusing University property. We encourage the court to reinstate the Commission's order within 24 hours, as the elections will conclude on April 3, 2014.

Attachments:

Violation Reporting form

Election Board Hearing Notice

Brief for DeSalvo v. Willms from DeSalvo to Election Board

Photographic documentation of defacement and misuse

Election Board Order

Appendix VII- Injunction Request Template

Official Use Only:

Regards to Docket 13 -

Date: _____

INJUNCTION REQUEST TEMPLATE

AN INJUNCTION PETITION TO THE SUPREME COURT OF
THE TEXAS STATE UNIVERSITY

Prepared By: _____

(Parties Involved)

Complainant(s)

Vs.

Person(s) and/or Subject(s) of Investigation

(Begin Your Brief Here: A brief is submitted to lay out the argument for various petitions and motions before the Court, list the materials the party plans to present to the court, and to provide the justices with reasons to rule in favor of the party represented by the brief writer. Refer to S.G.C.: VII, §100.7)

Appendix VIII – Election Board Hearing Notice

**Texas State University
Student Government
Election Board**

HEARING NOTICE

TO: (name)
(name)

FROM: (name), Election Board Chair

SUB: Election Code Violation (Case number/month.year) (exp: EB 1/12.2012)

DATE: (date)

The Election Board received a claim that your campaign has violated election rules as established in the Student Government Election Code, University Policy and Procedures or other election regulations. The specific complaint is as follows;

That on or about March 3rd 2012 the (cite defendants) violated Article III, Section 1(F) of the Election Code, which stipulates that no candidate or those associated with candidates shall vandalize the campaign material of other candidates; that the campaign did violate the above by removing approximately 12 signs between the hour of 11:00 am and 1:00 pm.

The Board shall convene on March 26th at 7:30 pm in the LBJ Student Center Directors Conference Room to discuss this claim and decide the proper course of action.

All meetings of the Election Board are open to the public and recorded. These records are available upon request.

Please accept this as notification of the above complaint.

Thank you,
(name)

Election Board Chairman

Appendix IX – Election Board Order

Texas State University

**Student Government
Election Board**

BOARD ORDER

TO: (Name)
(Name)

RE: Election Code Violation (Case number/month.year) (exp: EB 1/12.2012)

DATE: (date)

A hearing before the Election Board of the Student Government on March 26th, 2012 was held concerning the matter of two (2) separate violations of election rules and regulations by (cite defendants) and associated parties, hereafter known as ‘the accused.’ The accused were charged with:

- 1) Using University funded facilities to advance a campaign for office.
- 2) Vandalizing the campaign material of other candidates.

Based on the testimony and evidence submitted by the accused, the violation reports and evidence provided by the plaintiff(s) along with independent interview and investigation by the Board of relevant University student employees and staff the Board finds and concludes:

- 1) That, per an interview with San Jacinto hall staff, all of the common areas (meeting rooms, living room, courtyard, etc.) are accessible to all students with permission of the Residence Director or if accompanied by a resident of the hall. Therefore the Board finds the accused not guilty of the first charge.
 - a. Upon investigating the Board did find that the accused did not have permission to use the San Jacinto courtyard space. The accused were not accompanied by a resident nor had the accused receive permission from the Residence Director to use the space. Therefore the Board finds the accused guilty on a modified charged of violating Residence Life policy as described by the Residence Director and the Residence Life handbook.
- 2) That upon reviewing policy and procedure with representatives from the office of Student Involvement at the LBJ Student Center it was determined by Office of Student Involvement at The LBJ Student Center that because the LBJ Amphitheater is classified as a reserved space. The signs placed in the amphitheater were deemed as improperly posted between the hours of 11:00 am and 1:00 pm on March 21st. All signs were removed from the space during this time by the accused. Office of Student Involvement at The LBJ Student Center is responsible for deciding what constitutes proper and improper posting. Per the Election Code Article III, Section 1(F) all signs improperly posted cannot be subject to vandalism as defined within the code.
 - a. The Board has expressed to Office of Student Involvement at the LBJ Student Center that it can be seen as improper to approve one set of candidates to remove another set of candidate’s signage and Office of Student Involvement at the LBJ Student Center has agreed to no longer permit such action.

- b. Office of Student Involvement at the LBJ Student Center is in the process of establishing policy prohibiting any form of posting in the LBJ Amphitheater.

Based on the findings above:

- 1) Understanding that the relationship with Residence Life during the Student Government Election cycle can be extremely straining. Given very strict rules concerning campaign activities within Residence Halls and a historical record of abuse by Student Government candidates in relation to Residence Halls, the Election Board orders the following:
 - a. That the accused and all associated persons are hereby prohibited from any form of Residence Hall campaigning, furthermore they shall not use Residence Halls, from this point forward, for any purpose during the course of this election whatsoever.
 - b. That the accused shall remove all posts and usages of the campaign video featuring the interior of San Jacinto Hall and shall be prohibited from using said video under any circumstances.
 - c. That the accused shall be fined \$150. This sum shall not be paid to any organization or entity but shall instead be counted as an expense by the campaign on their financial records.
- 2) Posting within the LBJ Amphitheater shall be prohibited from this point forward by all candidates.

IT IS SO ORDERED.

Certified by _____ (Signature) _____, Election Board Chair

On this the (day of Month) of (month) in the year (Year)

Appendix X – Advisory Request

ADVISORY OPINION REQUEST

TO: The Supreme Court

FROM:

DATE:

QUESTION;

Article II, Section 2(b) states: “...*The term of a Senator shall be one year from their installation by the President or until the Senator's successors are installed.*”

How does the court interpret the year length of a Senator's term in the instance he is appointed in the spring by the Student Government President? Furthermore, how does the court interpret the required qualifications in the instance a Senator runs to extend his term seeing he has no successor as outlined in the Senate Standing Rules, Article II, Section 2(b)?

Appendix XI – Financial Disclosure

Name:

-

STEP 1: Check type of report

- ☐ General Election
☐ Run-Off Election

General Instructions:

- This form must be TYPED!
- Please write a short description of each line item on your receipt.
- General Election and Runoff: Submit actual receipts or bank statement
- Submit expense report in a 8 1/2 X11 manila envelope

Due Dates:

Turn report into the Dean of Students Office in LBJ 5-9.1 by April 9th at 9:00 am.

STEP 2: Complete each section

SECTION A: Purchases made

Receipt Number: Submit your receipts in sequential order and number them according to the order they are listed in Section A. Write the receipt number on the physical receipt. If you submit a bank statement please number the expenses on the bank statement in sequential order according to how they are listed in Section A.

Name of Vendor: Write the name of the store from where you made the purchase.

Total on Receipt: **Write the total that appears on the receipt** (including taxes).

SECTION B: Material donations

Description of Item: Write a description of the donated item. Donations include any and all material used for the purpose of campaigning which did not cost you or your campaigning any money.

Receipt or Statement: Please provide, if possible, a receipt of cost or a statement from the donor with an estimated cost. If this is not possible an estimate without receipt or statement verification will be accepted.

Cost/Unit: Write the estimated cost of the donated item based on fair market value.

SECTION C: Fines

Date: Record date the fine occurred

Violation: Briefly explain the reason for the fine

Fine Amount: Record the cost of the violation.

****All fines are considered an expense. Please budget accordingly.**

STEP 3: Compare amount spent to budget cap as established in the Election Code

Office Sought

Budget for Office:

\$

Total of Sections A, B and C:

\$

0.00

STEP 4:

I, the candidate, assume responsibility for this campaign finance report. I understand that failure to adhere to campaign rules can result in penalties ranging from fines to disqualification.

Signature of Candidate

SECTION A

Receipt #	Name of Vendor on Receipt	Total on Receipt
1		
2		
3		
4		
5		
6		
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34		
35		
36		
37		
38		
39		
40		
Total of all receipts in Section A		\$ -

SECTION B

Description of Item	Total
	\$ -
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-

Total of all items in Section B

\$ -

SECTION C

Date	Violation	Fine Amount

Total of all fines in Section C

\$	-
----	---

Appendix XII – Sample Court Agenda

STUDENT GOVERNMENT

SUPREME COURT

HEARING OF:

(Complainant/Appellant) V. (Respondent)

- | | | |
|-------|------------------------|------------|
| I. | Call to Order | |
| II. | Approval of Agenda | |
| III. | Introductory Motions | |
| | A) Appellant | |
| | B) Respondent | |
| IV. | Opening Statements | |
| | A) Appellant | 3 minutes |
| | B) Respondent | 3 minutes |
| V. | Introductory Arguments | |
| | A) Appellant | 5 minutes |
| | B) Respondent | 5 minutes |
| | C) Court Questions | |
| VI. | Recess | 15 minutes |
| VII. | Closing Arguments | |
| | A) Appellant | 5 minutes |
| | B) Respondent | 5 minutes |
| | C) Court Questions | |
| VIII. | Closing Statements | |
| | A) Appellant | 3 minutes |
| | B) Respondent | 3 minutes |
| IX. | Adjourn | |

Appendix XIII – Court Injunction Order

**TEXAS STATE UNIVERSITY
STUDENT GOVERNMENT
SUPREME COURT**

Case Number: 04-3

Filed: 03/28/2014

Petitioner: Philip Wiseman

Respondent: The Rules and Standards Chair

Order Granting Preliminary Injunction

Issued 03/29/2014

Let it be ordered that:

The officers and agents of Student Government are hereby order to stop enforcing, applying, or giving effect to Article III, §105.5 of the Standing Rules as amended by the Senate on March 28, 2014 by operation of SB 2014-2015/1.

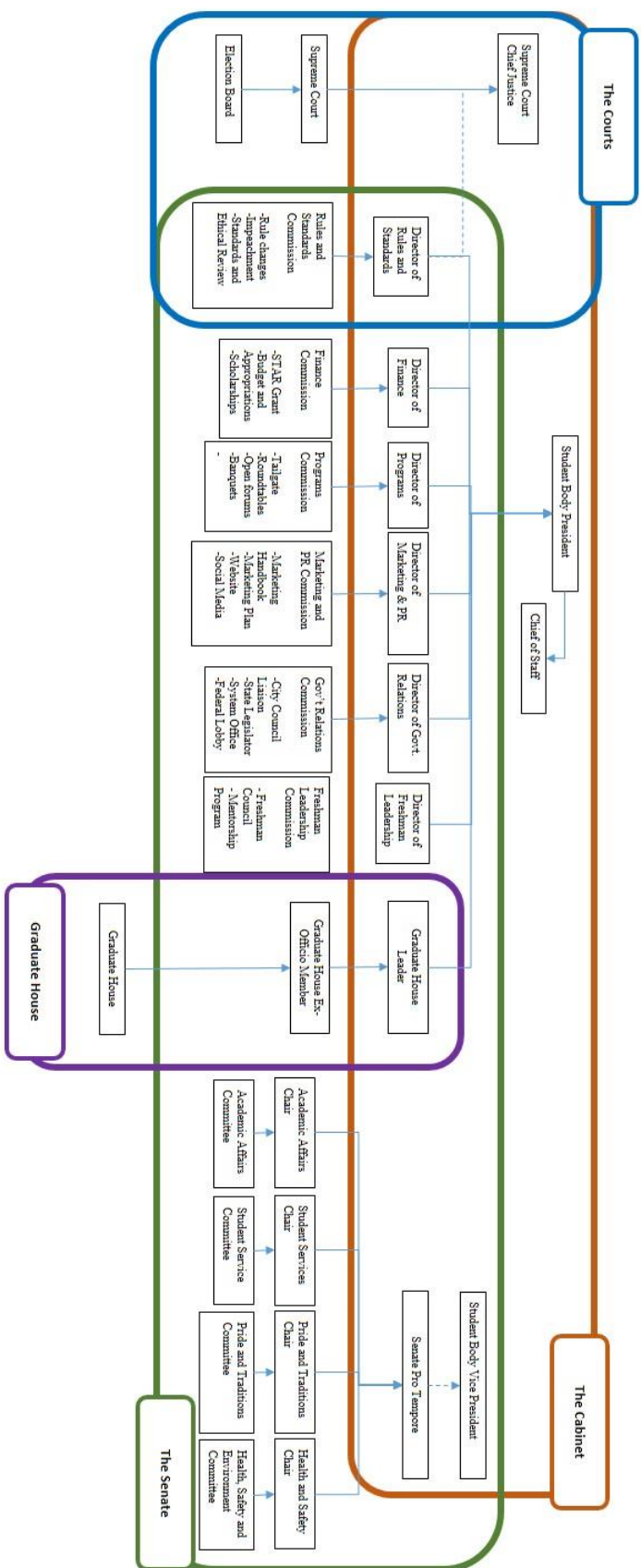
This injunction shall remain effective until the conclusion of the pending matter, in case number 04-3, or until further notice is issued by the Court.

The Court denies the respondent's request to stop the disbursement of officer stipends. Disbursement, while this order is effective, shall proceed as provided for in the currently effective Student Government budget.

Provisions in the Budget relating to stipends were drafted pursuant to Article VIII § 6 of the Bylaws of the Student Government, which is currently effective and enforceable.

...It is so ORDERED

Appendix XIV – Organizational Chart



Appendix XV – Senate Agenda



Student Government
Texas State University

LBJ Student Center | Room 4-16.1 – 7:00 PM
First Session – August 25th, 2014
Second Meeting

Student Government Senate Agenda

- I. Call to Order
- II. National Anthem
- III. Pledge of Allegiance
- IV. Roll Call
- V. Orders of the Day
- VI. Approval of Minutes
- VII. Guest Speakers
- VIII. Public Forum
- IX. Chief of Staff's Report
- X. Vice President's Report
- XI. Cabinet Reports
- XII. President's Reports
- XIII. Old Business
- XIV. New Business
- XV. Adjournment

Appendix XVI – Articles of Impeachment

[REDACTED]
[REDACTED]
[REDACTED]

Article of Impeachment

Convicting [REDACTED], Senator of Student Government for violations of the Student Government Code.

Whereas, [REDACTED], Senator of Student Government is impeached for violation of the Student Government Code, and

Whereas, The following Article of Impeachment are granted by the Review Commission to be conducted under trial in the Senate:

Article I

[REDACTED], Senator, has violated the Student Government Code Title VI, Chapter 200, Article VII, Section 1 by missing three (3) Senate meetings.

The first offense occurred during the first Senate meeting on September 25th, 2014 the second on October 15th, 2014 and third on October 22nd, 2014.

[REDACTED] exceeded the two permitted absences and did not submit relevant and acceptable documentation to be granted excused absences, therefore

Resolved, That [REDACTED], by such conduct warrants removal from office and disqualification from holding office ever again.