

Spring Term, 2016

## Opinion of the Court

NOTICE: The following document represents the official Opinion of the Baylor University Student Court, and constitutes a binding decision on all parties concerned within the jurisdiction of the Court.

# BAYLOR UNIVERSITY STUDENT COURT

## HARDY *v.* BAYLOR UNIVERSITY STUDENT GOVERNMENT

Argued and Decided April 5, 2016

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Justices joining the Majority (5) – Justices joining the dissent (0)

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CHIEF JUSTICE STEVENS delivered an opinion, in which JUSTICE WESTON, JUSTICE COURTRIGHT, JUSTICE CHANS, and JUSTICE SHEETS join.

At the time set for the beginning of Hearing in the matter of *Hardy v Student Government (Revised)*, the facts of the case stood thusly: the Student Body President drafted a piece of legislation which came to be designated “SR 63-16”. The Student Senate Bylaws in place at the time “SR 63-16” was submitted required the accompaniment of a Student Senator as a bill sponsor to any piece of Student Legislation. “SR 63-16” did not list a Senate Sponsor. As Student Senate Bylaws are both subordinate and subject to the Constitution, the Court held jurisdiction pursuant to Art. IV, § 5, par 2(a).

The question raised by this case which this Court finds most compelling is this: did “SR 63-16” violate the requirements of the Student Senate Bylaws in place at the time it was introduced?

Before this Court can answer the above question, it is necessary to address certain issues arising as a result of the ratification of a new Student Body Constitution

following the introduction of “SR 63-16”, yet prior to the filing of *Hardy v Student Government (Revised)*. Chief among these is the determination that the rules for implementation contained within the Constitution and the Bylaws which are in place *at the time a piece of legislation is implemented*. While the substance of any piece of legislation must conform to the most current Baylor University Student Body Constitution, challenges to the implementation of a piece of legislation can only arise under the regulations which hold authority during the time of its introduction.

## I

In answer to the question above, this Court finds that “SR 63-16” *does* violate the Senate Bylaws which were in place at the time that it was introduced. The Senate Bylaws, which are subject to and given authority by the Baylor University Student Body Constitution, required the presence of a Student Senator as a sponsor with the introduction of any piece of legislation. When it was introduced for First Reading, “SR 63-16” indicated a location where Student Senate Sponsors were to be listed; however, the name of a Student Senator as a sponsor did not appear therein. As the author of “SR 63-16” did not appear in hearing to present an alternate interpretation, this Court can only conclude that the provision for a sponsor indicated the author’s awareness of the requirement for a sponsor and that the lack of a named sponsor indicated that no such sponsor existed. This Court finds that the implementation of “SR 63-16” is in conflict with the Senate Bylaws, and by extension, the Constitution in place at the time of its introduction. As a single Constitutional conflict is sufficient to nullify a piece of legislation, no deliberation of further issues in the matter of *Hardy v Student Government (Revised)* is required.

In summary, this Court finds in favor of the **Plaintiff** in the matter of *Hardy v Student Government (Revised)*. Pursuant to the decision of this Court above that “SR 63-16” is in conflict with the Baylor Student Body Constitution, “SR 63-16” is rendered null by the

Constitution itself. In accordance with the Demand for Relief contained in the Complaint, the author of “SR 63-16” will receive an email from the Court explaining the ruling and the reasoning of that Court. This will be done to officially ensure that the bill’s author will be informed of the opinion of the Court.

*It is so ordered.*