

University of Wisconsin - Green Bay

Student Government Association Student Court

**On Segregated University Fee Allocation Committee
“Constitutional Authority”**

PETITION FOR WRIT OF CERTIORARI

April 20, 2008

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To the Chief Justice and Associate Justices of the University of Wisconsin - Green Bay Student Court

Complaint Brief

In the case of Segregated University Fee Committee's alleged

constitutional authority to determine Student Government Association's honorariums after official approval of the current operating budget:

The disapproval of Student Government Association's honorariums is inconsistent with the SGA Constitution and executive by laws for the following reasons:

Authority: SGA Constitution, Article 2 Section 3 (1).

1. Segregated University Fee Committee (SUFAC) is an executive branch committee comprised of both Chair and Vice-Chairpersons—appointed by the SGA President and confirmed by the Senate. Thus, the Chair and Vice chairpersons are subject to the direction of the executive branch. Article 2 Section 3 (1) states that, "The President shares responsibilities with the Vice-President for nomination, supervision, and/or removal of Secretaries." Although the Secretaries of SUFAC are not subject to removal by the President, the Secretary remains subject to presidential will as a member of the executive branch.

Authority: SGA Constitution, Article 2 Section 1 (8)

2. The SGA President and Vice-President are responsible for the review, compilation, and submission of an operating budget for SGA each year, composed of the Senate, Student Court, and Executive budget requests, for the presentation to SUFAC annually. For the current year of 2007-2008, the operating

budget, which includes salaries, was passed by a previous administration. This administration, in good faith, did not appoint presumably filled positions under the current operating budget. Thus, it is logically the authority of the President and Vice-President under Article 2 Section 1 (8), to reallocate unused SGA salaries to provide honorariums to SGA members while keeping within the original allocation.

Authority: SGA Constitution, Article 1 Section 3 (10)

3. As specified under Article 1, Section 3 (10), SUFAC shall have the responsibility to "...hold annual public hearings regarding the allocable university budgets, and shall approve or disapprove requested items in such budgets. The committee shall have responsibility for allocating any remaining fee monies whose distribution is requested during each fiscal year." It is unclear whether this provision allows SUFAC to review SGA honorariums as determined by the President and Vice-President. Moreover, it is unclear whether SUFAC has the authority to change honorariums without the President and Vice-President's approval. Additionally, it is unclear whether the President and Vice-President are required to seek SUFAC approval of SGA honorariums when the current salary budget has been approved and reallocation of said funds is not for other purposes.

Issues

As such, the two issues respectfully submitted for consideration by the Student Court are:

1. In light of Article 2 Section 3 (1), Article 2 Section 1 (8) and Article 1 Section 3 (10) of the Constitution, must the SGA President and Vice-President seek SUFAC approval or SGA honorariums?

2. In light of no clear legislative language or precedent, does SUFAC possess the authority to change SGA honorariums without the approval of the SGA President and Vice President?

Pray for Relief

Student Court of the University of Wisconsin - Green Bay is solicited to set a precedent regarding the constitutional authority of SUFAC in reviewing and determining SGA honorariums, and, if necessary, make recommendations for a constitutional amendment to the SGA legislative branch for proper governance.

Given the time period that the SGA President has to evaluate and submit honorariums to the Dean of Students, it is urged that the Student Court consider this complaint as expedient as possible so that honorariums may accurately reflect members' performance this Spring semester.

Submitted to the Student Court of the University of Wisconsin - Green Bay on behalf of the Student Government Association President, the Twentieth of April, Two Thousand and Eight.