



Student Government
University of North Texas

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Supreme Court of the Student Government Association

IN THE MATTER OF THE IMPLICATIONS OF
REFERENDUM SPRING 2015-1

ON PETITION FOR A RULING ON THE MEANING
AND SCOPE OF THE PHRASE “THE STUDENT BODY”

Case No. 2.
Heard March 21, 2016. Decided March 22, 2016

Before CHIEF JUSTICE ANDERSON, AND JUSTICES ANDREWS,
SUAREZ, BENSTOWE, AND WESTBROOK.



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CHIEF JUSTICE ANDERSON delivered the opinion for a unanimous Court.

Last semester, the student body voted on Referendum Spring 2015-1 (hereinafter, “the Referendum”). This referendum asked whether the Student Government Association (SGA) should “serve as the governing body for all undergraduate students and Graduate Student Council serve as the governing body for all graduate students[.]” The referendum was approved and inserted, what we will refer to here as, the “referendum clause” into the preamble to the SGA Constitution, and reads “The Student Government Association at the University of North Texas is the official governing body for all undergraduate students.”

The Senate and Student Body President have inquired as to whether, going forward, the phrase “the Student Body” in the Constitution retains its pre-referendum meaning (i.e., the *entire* student body, both graduate and undergraduate), or whether the insertion of the referendum clause alters the scope of that phrase.

For reasons set out below, we hold that the referendum clause limits the scope of the phrase “the Student Body” in the Constitution and By-Laws to the undergraduate Student Body.

I

A

The fact that the referendum clause is placed in the preamble is important. Preambles generally serve the purpose of detailing *why* a Constitution exists in the first



place. Preambles, thus, act as a means by which the intent of the Senate and the People can be discerned.

Based on the text, the underlying purpose of the Referendum was to create a definite split between the SGA and Graduate Student Council (GSC). The people voted, and the people decided that such a split was warranted, and that insertion of the referendum clause was consistent with the other provisions of the SGA Constitution. Accordingly, we must interpret the SGA Constitution in such a way so as to avoid absurd conclusions, and to rectify any perceived tension between Constitutional provisions.

B

Both the intent and the text of the Referendum lead the Court to conclude that the referendum clause fundamentally altered the meaning and scope of the phrase “the Student Body,” and thus to whom the enumerated Constitutional provisions extended. The SGA deals with matters exclusive to the undergraduate student body, while the GSC handles matters exclusive to the graduate student body. For purposes of the SGA Constitution, the phrase “the Student Body” refers to the *undergraduate* student body.

II

To ensure that our interpretation is consistent with the SGA Constitution, we explore several provisions in detail.

A

Article I, sec. 1(A) reads “[t]he organization of the Student Body as a whole at the University of North Texas



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Denton campus shall be known as the Student Government Association.” If “the Student Body” referred to anything other than the undergraduate Student Body, this provision would be in conflict with the preamble, because the qualifying phrase “as a whole” would expand the scope of the preamble to encompass governing matters not pertaining exclusively to the undergraduate Student Body. Indeed, it would make little sense to lay out in the preamble that the SGA is the “*official* governing body for all undergraduate students” if the people that comprise that body are not undergraduate students—the students most directly and materially affected by the actions of the SGA.

B

Article I, sec. 2(C) makes that clear by indicating that “[t]he Student Government Association shall provide a legislative body that is *representative of the Student Body*.” It would be a strained reading of the Constitution to suggest that an individual, who is not part of the undergraduate Student Body, is somehow “representative” of the undergraduate Student Body. A non-undergraduate student, therefore, would not be representative in an organization of, for, and by the *undergraduate* student body. To conclude otherwise would functionally facilitate the creation of an Ivory Tower, whereby those not subject to the authority of the SGA could make rules and regulations that do not apply to them.

To be sure, that does not mean a non-undergraduate individual is wholly proscribed from being involved with the SGA. For example, Article IV, sec. 2(D) provides a



number of non-voting delegations for several on-campus organizations.¹

C

As previously demonstrated in our decision in *Ex Parte Lachlann*, No. 1 (2016), the impact of the referendum clause is one of exclusivity. The Referendum clearly established two separate governing bodies, and, thus, two separate entities to which students of different classifications can petition for their grievances to be heard. Accordingly, undergraduate students must appeal to their proper governing body—the SGA; and graduate students must appeal to their proper governing body—the GSC.

III

No other procedure is more democratic, or more exciting, than a referendum. Each person is allowed to express him or herself without having to appeal to an elected representative, who may or may not fully represent the interests of *all* his or her constituents. As the principles of democracy, and the history and tradition of our nation and university teach, some decisions are better left to the People.

As a Court we must take a neutral position, led not into temptation by personal desire, but instead led by sound reason, proper judgment, and in this case, the will of the People. We do not make the law, the People do. Our only job is to say what the law is, and to rectify perceived ten-

¹ “Non-voting delegations to the Student Senate with otherwise full procedural rights shall be accepted from the following organizations: Eagle’s Nest, the Residence Hall Association, the Graduate Student Council, the Faculty Senate, the Staff Council, the Freshmen Interns, and the office of the University of North Texas President.”



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sions in that law. Here, the People decided that creating two separate governing student bodies would, among other things, better serve their interests in self-government. Whether such a decision will, in fact, serve those interests is not for this Court to decide. We express no opinion with respect to the benefits or disadvantages of the Referendum.

In sum, this Court concludes that the approval of Referendum Spring 2015-1, and the subsequent insertion of the referendum clause into the preamble to the SGA Constitution, requires the phrase “the Student Body” to be interpreted to apply exclusively to the undergraduate Student Body.

It is so ordered.