



The Writ of Constitutional Review Form
Student Senate Rules Committee

Est. 1967

Booth v. McCoy-Milbourne

THURSDAY JANUARY 24TH, 2019

Appalachian Hall Room 085
5:30 P.M.

Presiding: Acting Chairman Gregory Thomas Steckbeck

Case Number 052-0002

Complainants:

Margaret Booth; Connor Schlaline, General Senator

Date and time the complaint was filed:

January 16, 2019 6:25 PM EST

Respondent:

Student Body President DeJon McCoy-Milbourne

The offense as alleged by the complainant:

DeJon Milbourne has failed to meet his Constitutional responsibility to “[p]resent a progress report to the Student Senate on each piece of legislation enacted by the said body within five (5) regular Senate meetings of the date the particular piece of legislation is passed” (ASU-SGA Constitution Article IV, Section 2, Letter C, Number 8) regarding SB051-039, SB052-015, and SB052-016.

Regarding President Milbourne’s responsibility to report regarding SB051-039, presidential reports on legislation are cited as the responsibility of the ASU-SGA President in the Constitution, not the ASU-SGA president “of the time”. Thus, President Milbourne inherited his responsibility to give a report regarding SB051-039 from Former President Anderson Clayton. This is exemplified in the precedent set forth by executive member confirmation acts, such as SB051-045, SB051-046, SB051-047, SB051-048, SB051-051, and SB051-053, all of which were implemented by President Milbourne in the 52nd session.



The evidence for this is the lack of reports in the following Senate meeting minutes:

Bill(s)	Minutes of Meeting Dates
SB051-039	04/24/2018, 9/11/18, 9/25/18, 10/2/18, 10/9/18
SB052-015, SB052-16	10/16/18, 10/23/18, 10/30/18, 11/6/18, 11/27/18

While other passed bills that have not received a presidential progress report exist, only some bills are included here. The meeting minutes cited as evidence can be found online, in the Senate google drive or at sga.appstate.edu

Constitutional articles, sections, subsections, etc. that are allegedly being violated:

ASU-SGA Constitution, Article IV, Section 2, Letter C, Number 8 which reads as follows:

“The President shall have the power and duty to present a progress report to the Student Senate on each piece of legislation enacted by the said body within five (5) regular Senate meetings of the date the particular piece of legislation is passed.”

The formal rationale of the Senate Rules Committee, 52nd session:

The Senate Rules Committee provided the complainants (*Margo Booth and Senator Schlaline*) an opportunity to present the case being brought against the respondent (*President Milbourne*). In the opening statement of the respondent, president Milbourne admitted violation of Article IV, Section 2, Letter C, Number 8 of the Appalachian State University Student Government Association Constitution, the “*progress report*” clause. The findings of the Senate Rules Committee supported the respondent’s claim, that President Milbourne had not thus far given a progress report on any passed legislation during his time serving as Student Body President and Chief Executive of the Appalachian State University Student Government Association.

During his opening statement, after admitting violation of the “*progress report*” clause, respondent President McCoy-Milbourne presented a separate argument which answered to the complainants’ citation of SB 051-039, The Library Hour Extension Act, as evidence for the writ at hand. President Milbourne argued that, since the bill was passed in the previous session for which he did not serve as Chief Executive to the Student Government Association of Appalachian State University, it was not President Milbourne’s responsibility to report on the passed resolution to the Senate.



The Senate Rules Committee found this argument to be a false interpretation of the “progress report” clause, and presented and subsequently voted unanimously to require the public Senate recitation of the following official verdict:

“It is the opinion of the Rules committee of the 52nd session that the respondent (*Student Body President DeJon McCoy-Milbourne*) is in violation of Article IV, Section 2, letter C, subsection 8 of the ASU-SGA Constitution. The Rules Committee sees the saliency of the case as a Basic Rule Violation and the intent of the case to be unintentional. The cause of the unintentional violation is found to be a misinterpretation of the ASU-SGA Constitution. The Rules Committee officially interprets the spirit of the mentioned clause to express that it is the Constitutional Responsibility of the Student Body President to provide a progress report on passed legislation within five regular senate meetings, as is constitutionally required, regardless of the session and administration under which the specific legislation was passed. Furthermore, and for literal clarification, the position of President lies within the Executive Branch and its duties lie to whomsoever holds the position regardless of any change in administration.

The rules committee officially recommends, for the ease of future administrative transitionary periods, that the Executive Branch of the Appalachian State University Student Government Association enumerate an official policy that would organize the process of transitioning passed legislation and communicate any necessary steps for implementation, for which it is the duty of the serving Student Body President to take.”

In accordance with the Rules Committee Bylaws, all complaints shall be filed with the Rules Committee Chairman (*for the 52nd Session*; steckbeckgt@appstate.edu)

If the complaint involves the chairman, the complaint must be submitted to the Ranking Member (steckbeckgt@appstate.edu). If the Ranking Member and Chair are involved then complaints should be filed with those in the line of succession under the Ranking member, Parliamentarian, Administrative Assistant, or the Ethics and Compliance Officer.