



Court Order 2324-002

Order in the Matter of: Rescind Court Order 2324-001

Description of Court Order

Petition Numbers:

2324-001 and 2324-002

Petition 2324-001 Filed: Wednesday, November 01, 2023

Petition 2324-002 Filed: Thursday, November 02, 2023

Order Handed Down: Thursday, November 09, 2023

Court Action:

In the matter of Petition 2324-001 and Petition 2324-002, the Butler University Student Body Supreme Court hereby rescinds Court-Order 2324-001 due to it being unconstitutional. Despite this error, the Senate Speaker has also notified the Chief Justice of a proposed amendment to the SGA General Bylaws that addresses the concerns presented in the Petitions which would have been sufficient to close the investigation. Additionally, the Court has found no University policy which prohibits the purchasing of medicine, so the temporary injunction of SR2324-034 would have been rescinded as well. In the future, the Court will take more care to ensure that its actions are appropriate.

Reasoning:

While the Court does have the power to open investigations into areas of concern, it does not have the ability to order the Speaker of the Senate and the Appropriations Committee to create an amendment to the SGA General Bylaws. This is a violation of Article 1 Section 2 of the SGA Constitution which states that “no branch shall unduly infringe on the operations or authority of the other respective branches.” The Court should have instead recommended that they look into the issues presented in the

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petitions. Even though the Court does have the power to injunct resolutions to ensure their compliance with University policy, the temporary injunction of SR2324-034 should not have been enacted before the President's signature or veto. This is in violation of Article IV Section 11 of the SGA Constitution which states "The Executive Branch must send any legislation not vetoed to the Student Government Association Supreme Court for the process of judicial review within five school days of that legislation taking effect."

Justices:

All Justices concur.

It is so ordered.

