Executive Order 328-002 of November 20, 2020

Extension of the Review Board Appeals Process

WHEREAS, the COVID-19 pandemic has disrupted normal student life and events, preventing recognized student organizations to conduct their normal programming due to social distancing guidelines in place and different timelines;

WHEREAS, this disruption has expedited the academic calendar of William & Mary, compelling the Student Assembly to alter many of its practices within all three branches in order to conform to the new calendar;

WHEREAS, also due to this disruption, the standard operating procedure for appeals to the Review Board has fallen upon finals, which is already naturally a time of heightened stress and anxiety;

WHEREAS, it is a vested interest of the Student Assembly to permit flexibility where possible in order to better maintain important constitutional requirements of the Student Assembly and its membership;

WHEREAS, the current predicament to be appealed by the appellants and delivered to the Review Board of the Student Assembly has to do with constitutional compliance and has the ability to fundamentally change important standard operating procedures within the Student Assembly;

WHEREAS, important matters of constitutional compliance demand more time and discussions amongst all vested parties, as the arguments by these parties and decision later rendered by the Review Board can dramatically alter the standard operating procedure for the Student Assembly.

NOW, THEREFORE, by virtue of the authority invested in me as President of the Student Assembly of William & Mary, and by Clause V of Senate Resolution 327-003 that authorizes “the President of the Student Assembly and the Chair of the Senate of both the 327th and the 328th Student Assemblies to make necessary changes to the Student Assemblies’ standing operating procedure as needed, even if those changes violate the Code or Constitution, to meet the needs of the global pandemic”, it is hereby ordered as follows:

Section 1. Purpose. The Student Assembly has altered several of its standard operating procedures throughout the pandemic to allow flexibility for members while maintaining integral constitutional matters of compliance, such as attendance, deadlines, and various other important protocols. SB 328-004 VIMS Liaison Act was another instance of permitting flexibility, but for a longer period of time. For the past several years, the Senate of the Student
Assembly has struggled with meeting representation requirements, specifically with graduate programs, as their lives and respective programs make it incredibly difficult to be present and comply to the Senate’s attendance standards. The representatives for the Virginia Institute of Marine Sciences fall under this category and members of the Senate engaged with them to find an outcome suitable to match representation and fairness, which established a liaison role for the VIMS representatives. The language in the amendment passed reflects this dialogue, as subclause 3a states that VIMS can request full reinstatement of their senator seat and voting status at any given time.

Review Board Case 328-001 repealed this amendment, citing procedural concerns regarding to representation during these important discussions. Senators approached the Executive Team regarding this decision with immense concern for their constitutional power to amend the Constitution of the Student Assembly, as the Review Board’s decision renders language within the Constitution, of which the Senate and Graduate Council passed, as unconstitutional.

As it stands, the current Review Board Appeals Process only permits an appeal if new facts are found germane to the case, which must be initiated within 7 days of their discovery with a 72-hour period for both parties to respond to the Chair of the Review Board. Under normal circumstances, this timeline would be suitable and diligent; however, due to the expedited academic calendar, this time period conflicts heavily with finals, putting additionally and unnecessary stress on any party who would like to submit an appeal. The standard operating procedure, as it stands, does not allow the flexibility due in response to the ongoing COVID-19 pandemic.

Furthermore, inherent to this case is a question of procedure, but also a question of constitutionality in regard to the ability of the Senate of the Student Assembly to make amendments to the Constitution of the Student Assembly. This current decision of the Review Board, and any decision it makes regarding any Appeal that may be delivered, has the potential to drastically change the processes of the Senate, even calling into question important legislation passed by the body. This case also brings into question the scope of decisions rendered by the Review Board, as their decision could grant more power to the justices in determining future amendments to the Constitution, whose authorship is usually at the discretion of the Senate alone.

Therefore, to support the student body as best as we can and to solve the current constitutional calamity, the Review Board Appeals Process should be temporarily extended for Review Board Case 328-001. The details surrounding this extension are in the consequent paragraphs below.
Sec. 2. Extension of the Review Board Appeals Process. Immediately following the release of this order, the Student Assembly will permit the extension of the Review Board Appeals Process for any appeals submitted in response to Review Board Case 328-001, which decrees a ruling on SB 328-004 the VIMS Liaison Act, an amendment to the Constitution of the Student Assembly.

This extension will reopen the Appeals window for this case, which had closed Friday, November 13, 2020. Appellants will be allowed to appeal the decision rendered by the Review Board regarding Review Board Case 328-001 until January 15, 2021. The Review Board must convene to deliberate this case no later than Wednesday, January 20, 2021.

This extension will only be applicable to any appeals relevant to Review Board Case 328-001, as deemed by myself and the Chair of the Senate Meghana Boojala.

Sec. 3. Acknowledgement of Unprecedented Actions and Emergency Powers. As the power to alter the standard operating procedures ultimately resides within the Senate of the Student Assembly, this Executive Order and any that refer to the standard operating procedures of the Student Assembly’s judicial process will require additional signage by the Chair of the Senate and consultation with the vested parties in the manner. I wholeheartedly acknowledge the importance of maintaining the integrity of separate branches of government and only extend flexibility to this timeline, as it is germane to the overarching spirit of fairness, accountability, and representation. All the time, but especially during this pandemic, we must consider those factors ahead of all else and all times.

This Executive Order will take effect immediately and will last through the extended Review Board Appeals Process, unless I or the Chair of the Senate deem otherwise.

Anthony M. Joseph
President of the Student Assembly

Meghana R. Boojala
Chair of the Senate