

FALL TERM, 2021

Order of the Court

STUDENT COURT OF THE GEORGE WASHINGTON UNIVERSITY

No. SC-21-003

FITZGERALD, ET AL. v. CARPENTER, ET AL.

PRELIMINARY DECISION ORDER

Before: TSAI, Chief Justice; and
SALAZAR, RAZA, LAM, NOREDIN, and EAGER, Associate Judges

Issued & Filed October 10, 2021

ORDER

TSAI, Chief Justice, for the full Court:

After deliberation among all six members of the Court present at the October 10, 2021, full hearings for case no. SC-21-003, and in compliance with Rule 29 of the Rules of Procedure, it is ORDERED that:

1. Pursuant to Rule 29(1) of the Rules of Procedure, the case is declared submitted.
2. As the timing and nature of the case, along with the expected date for final judgment to be delivered, requires preliminary announcement of a decision with immediate remedies, the Court announces the following preliminary decision:
 - a. With the unanimous concurrence of all six members of the Court—
 - i. The **preliminary injunction**, issued in the [order regarding initial consideration dated September 26, 2021](#), **is dissolved**.
 - ii. The Special Elections Committee is authorized to hold the fall referendum in a manner consistent with the following preliminary decision and any subsequent order or judgment of the Court.
 - b. On the merits, THE COURT—
 - i. **Unanimously finds SSR-F21-01**, *First-Year Senators Amendment Act* (enacted September 13, 2021), which proposes an amendment to the

FALL TERM, 2021
FITZGERALD v. CARPENTER (SC-21-003)
Order of the Court

Student Association Constitution to bifurcate existing school-degree constituencies to provide for first-year representation in the Student Association Senate, **to be inconsistent with the Student Association Charter and The George Washington University Guide to Student Rights and Responsibilities, and declares SSR-F21-01 invalid for all purposes;**

1. Accordingly, the referendum question proposed in SSR-F21-01 shall *not* be submitted to the student body in any future referendum;

ii. **By five votes to one, invalidates Section 3(b) of SSR-F21-02, *The Proportional Representation Act*** (enacted September 13, 2021);

IN FAVOR: Chief Justice TSAI; and Associate Justices SALAZAR, RAZA, LAM, and NOREDIN;

AGAINST: Associate Justice EAGER;

Associate Justice EAGER would invalidate the entirety of SSR-F21-02;

1. Accordingly, the referendum question proposed in SSR-F21-02 shall be submitted to the student body in any future referendum;

iii. **Unanimously invalidates the entirety of SB-F21-04, *Fall Senate Elections Act*** (enacted September 13, 2021; vetoed September 22, 2021; veto overridden October 4, 2021).

3. Pursuant to Rule 29(3)(c) of the Rules of Procedure, absent a future order of the Court to the contrary, the final judgment for the present case shall be delivered at a public sitting of the Court within two weeks of the date of issuance of this preliminary decision.
4. The Court will issue an order scheduling the date for the public sitting of the Court where the final judgment shall be read. Parties are advised to attend the public sitting; pursuant to Rule 35 of the Rules of Procedure, the decision of the Court on each question in the final judgment shall be read, followed by a brief summary of the reasoning for each decision, at the public sitting. The final judgment shall become binding on the parties on the day of the public sitting.
5. The CHIEF JUSTICE shall schedule as many closed meetings of the Court necessary for discharging the Court's duties under Title IV of the Rules of Procedure and producing the final judgment for the case.