

STUDENT ASSOCIATION JUDICIAL COUNCIL

Opinion No. 1- S2026

*THE OFFICIAL AND PERTINENT OPINION OF THE MISSISSIPPI STATE UNIVERSITY
STUDENT ASSOCIATION JUDICIAL COUNCIL REGARDING THE QUESTION OF
CONSTITUTIONAL AUTHORITY IN THE ACTIONS OR INACTIONS OF PRESIDENTIAL
APPOINTMENTS TO THE ROLE OF DIRECTOR OF SERVICE AND THE EXPANSION OF
DUTIES THEREIN.*

[February 26, 2026]

Hearing No. 1-S.2026

Argued February 24, 2026-Decided February 24, 2026

CHIEF JUSTICE WILLIAMS delivered the unanimous decision of the Council. In accordance with precedent established by prior Judicial Council practice, those members who declined to take a definitive position on the constitutional question before us have been formally recused. Their abstentions are therefore not included in the final tally of the Council's decision, which reflects only the votes of those members reaching a considered judgment on the matter.

Ruling

*In the question of constitutional authority in the actions or inactions of Presidential appointments to the role of Director of Service and the subsequent question of the expansion of duties in said role by the Student Association President, specific to **MSU SA Const. art. II, § 2-F; art. II, § 2-G; art. II, § 6-D; art. III, § 1-B; and MSU SA Bylaws art. II, § 1-A(6) and art. II, § 7** it is the unanimous opinion, and thus the prevailing opinion, of the Mississippi State University Student Association Judicial Council that the office of Director of Service is a duly established Executive Council position created pursuant to the Bylaws and recognized by the Constitution, and therefore may not be abolished, nullified, or rendered functionally inoperative through executive inaction alone.*

The Judicial Council finds that while the Student Association President retains authority to appoint and remove individuals to and from Executive Council positions pursuant to MSU SA Const. art. II, § 2-G and § 6-B, the President does not possess unilateral authority to eliminate or permanently decline to fill an office that has been lawfully established through legislative enactment. Structural alteration or abolition of such office requires legislative action by the Student Association Senate consistent with MSU SA Const. art. III, § 1-B.

Accordingly, The Mississippi State University Student Association Judicial Council rules that any permanent refusal to appoint a Director of Service, absent legislative repeal or constitutional amendment, would constitute a violation of the Mississippi State University Student Association Constitution. *With respect to the second question presented, the Council finds that the duties of the Director of Service are codified in MSU SA Bylaws art. II, § 7 and therefore carry the force and effect of law. These duties define the scope, function, and operational expectations of the office. Because they are enacted through the legislative authority of the SA Senate, they may not be substantively amended, expanded, or redefined without passing through the proper legislative procedure.*

While MSU SA Const. art. II, § 2-F grants the President authority to create, remove, and alter Cabinet and Subcabinet duties and positions with the concurrence of a majority of the SA Senate vote, this authority must be interpreted in harmony with MSU SA Const. art. III, § 1-B, which vests legislative authority over the organization and operations of the Student Association in the SA Senate. The Council therefore draws a constitutional distinction between:

- A. Administrative delegation, and*
- B. Structural or codified alterations of office*

The President may, in the ordinary course of executive administration and with the concurrence of a majority of the SA Senate vote where required, assign supplementary tasks, temporary responsibilities, or project-based functions to the Director of Service, provided such assignments do not conflict with or effectively rewrite the duties codified in MSU SA Bylaws art. II, § 7.

However, where an expansion of duties:

- A. Materially alters the defined role of the office,*
- B. Imposes ongoing obligations not contemplated by the Bylaws,*
- C. Restructures reporting authority or functional scope, or*
- D. Effectively creates a new executive function under the title of Director of Service,*

*such action constitutes a structural modification of the office and therefore requires formal amendment of the MSU SA Bylaws in accordance with constitutional procedure. The President may not, through executive directive alone, redefine the essential character of the Director of Service position. To do so would impermissibly encroach upon the legislative authority of the SA Senate. **By reason thereof, the Council holds that the Student Association President may propose or temporarily assign additional duties to the Director of Service with the concurrence of a majority of the SA Senate vote; however, any permanent, material, or structural alteration to the codified duties of that office must be enacted through amendment of the MSU SA Bylaws.***

It must be emphasized that the Judicial Council will not and cannot pass judgment on the administrative strategy or policy considerations underlying any decision to appoint, delay appointment, or modify the functional responsibilities of the Director of Service. Specific to this matter, the Council's role is limited solely to questions of constitutional authority and structural compliance. Matters of policy discretion remain within the purview of the Executive and

Legislative Branches as enumerated in the Mississippi State University Student Association Constitution.

*The Council further recognizes an apparent inconsistency in the current holdings of the Mississippi State University Student Association Constitution and Bylaws, as MSU SA Const. art. II, § 6-D, which provides that all appointed members of the SA Executive Council are members of Cabinet, and MSU SA Bylaws art. II, § 8-C, which describes Executive Council members as advisory members of Cabinet, exist as contradictory clauses. In the nature of their current existence, the clauses challenge any clear understanding of Presidential authority over Executive Council members. Pursuant to the Supremacy Clause contained in MSU SA Bylaws art. V, § 1, the Constitution remains the supreme governing authority of the Student Association. **In light of the foregoing, Executive Council members are, under the current governing documents, full members of the Cabinet unless and until the Constitution is amended.** Should pending or future constitutional amendments redefine the structural relationship between the Executive Council and the Cabinet, the allocation of authority addressed in this opinion stands to be materially affected. Until such amendment is duly ratified, the present constitutional framework governs.*

Pursuant to the judicial authority vested in this body under MSU SA Const. art. IV, § 3-D, the Council hereby finds that the Student Association President may not abolish or permanently decline to fill the office of Director of Service absent legislative repeal or constitutional amendment; that the Student Association President may assign supplementary or temporary responsibilities with Senate concurrence, but permanent or structural alterations to the office's codified duties require amendment of the MSU SA Bylaws; and that Executive Council members are, under the present Constitution, members of the Cabinet. It shall be true that the reasoning set forth herein applies with equal force to the office of Director of Service as to any other

Executive Council position established by the MSU Student Association Constitution or Bylaws, as the constitutional structure governing appointment, removal, and modification of executive offices is not office-specific but universally binding upon all Executive Council roles.

The Council recognizes that the resolution of this issue is procedural and administrative in nature and may be accomplished without prejudice to any Student Association member.

The Mississippi State University Student Association Judicial Council hereby orders that all relevant parties comply with the constitutional and bylaw provisions governing Executive Council appointments, including the offices of Director of Service and all other Executive Council positions, and that the issue may be rectified, in simplicity, through the creation and dissemination of a Director of Service application and the subsequent appointment of a qualified individual by the President-elect in accordance with MSU SA Const. art. II, § 2-G and MSU SA Bylaws art. II, § 7. Any action inconsistent with these orders shall be deemed UNCONSTITUTIONAL in nature.

It is so ordered.