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AUDITORIAL MEMORANDUM

Date: 6/24/2017

Re: Ethics Board v. Senior Leadership Team

ISSUES

- Whether the Executive Branch of Temple Student Government has the Constitutional authority to proscribe the Ethics Board from opening a Twitter account on behalf of itself

I. STATEMENT OF FACTS

On June 24, 2017, Parliamentarian Jacob Kurtz sent a memo to the elected members of the Senior Leadership Team on behalf of the Ethics Board, with unanimous consent, outlining the Ethics Board's request for permission from the Executive Branch to open a Twitter account. In this request, Parliamentarian Kurtz noted that this account would be used mostly by the Auditor General and Elections Commissioner for the purpose of announcing decisions made by the two offices without the potential for outside interference, which could result in the dissemination of misinformation to the student body as has occurred in the past. He also stated that if deemed necessary, it might be used by the Parliamentarian as well. In regards to management of the page, he said that all tweets would be screened by the the three offices of the Ethics Board in addition to the Communications Director.

The same day, the request was denied via an email sent to the Ethics Board by President Tyrell Mann-Barnes. In it, he stated that the Senior Leadership Team had agreed upon the decision because, "All decisions that the Ethics Board makes are on the behalf of Temple Student Government and should be publicized through the official TSG twitter account," in an effort to remain "a united front." It is due to these events that the first Auditorial Memorandum

the first Ethics Board ensues.

II. CONSTITUTIONAL ANALYSIS

A.

According to the Temple Student Government Constitution, “The duties of the Auditor General shall include, but shall not be limited to: Acting as the internal monitor of the organization” and “maintaining, enforcing and interpreting the Temple Student Government Constitution and Bylaws” TSG III, ii. Supplementing that rule, the Ethics Board By-laws state, “The power of judicial review rests in the Ethics Board, as denotatively granted by the Temple Student Government Constitution,” and that “The Auditor General must ensure the constitutional validity of the Executives’ actions” JL, i. It is pursuant to these governing rules that in order to limit conflict surrounding this case and that may arise in future cases, this precedential evaluation, which is Constitutionally and statutorily authorized, must occur.

B.

The Constitution of Temple Student Government clearly grants the Executive Branch the role of chief in dealing with public communications on behalf of Temple Student Government. Of this fact, we are not lacking in proof, as the highest ranking document clearly reads, “The Executive Branch shall serve as the point of contact for all external communications of TSG” TSG III, iii. Additionally, it holds that the President of Temple Student Government must act “as the face of Temple Student Government...externally” TSG III, ii. With this unambiguous evidence, there is no doubt that the holder of principal authority with respect to external communications of Temple Student Government is the Executive Branch. The question to be answered then, is the extent of this Constitutional authority, specifically in regards to social

media. For this, I stay with the Constitution but turn to the enumerated roles of the Communications Director. Of that office, the document states “The duties of the Communications Director shall include, but shall not be limited to:...Overseeing all media relations, and; Managing all outreach efforts including social media and The Temple Student Government website” TSG III, ii. While the duty of “overseeing” and “managing” social media is obviously of the powers granted to the Executive Branch, social media, although implicitly rather than explicitly, does arise elsewhere, in relation to the other branches of government.

The Temple Student Government Constitution rules that “The Parliament shall have the power and responsibility to:...Create a forum for student concerns” TSG II, iii. What is left undefined here is the platform that Parliament is allowed to use to achieve the goal of creating a “forum for student concerns.” Because of this, it must be left to Parliament to decide what particular platform they wish to use—which may include social media. Turning to the Ethics Board, the Ethics Board By-laws rules that,


“Where the actions of the Executives are contradictory, in relation to the Constitution, by-laws, or other enforceable regulation, the Auditor General must, upon using reck in consideration of relevant facts, and composing a public memorandum expressing clear reasoning, overturn such unconstitutional actions, with the advice of the Parliamentarian and Elections Commissioner” J I, ii.

This rule also clearly necessitates the use of some public platform, again potentially social media, in order to achieve successful adherence. To reconcile the principal authority of the Executive Branch over external communications of Temple Student Government with the needs of the other two branches to adhere to the Constitutional and statutory rules set forth, as Auditor General I must place limits on the relevant powers of all three branches with this Auditorial Memorandum. In performing the task, the explicit powers granted by the two non-contradictory

documents must be maintained; specifically, the authority of the Executive Branch to “oversee” and “manage” external communications on behalf of Temple Student Government, including social media interactions, must be preserved while disallowing this power to improperly stifle the Constitutionally and statutorily mandated actions of Parliament and the Ethics Board. In light of this goal, the Executive Branch has the right to screen public announcements on behalf of Temple Student Government and may advise and determine the suitability of particular routes of publication for these announcements or creation of student feedback forums—subject to judicial review on a case-by-case basis. What the Executive Branch may not do is stifle the use of popular social media and other efficient platforms by either Parliament or the Ethics Board, as this effectively minimizes transparency, makes Constitutional adherence impossible, and further, it would be an act of overreach that would do away with governmental balance.

III. CONCLUSION

For the foregoing reasons, the Senior Leadership Team’s decision to deny the request of the Ethics Board to open a Twitter account is upheld because the Executive Branch has the authority to manage outreach efforts, but not the authority to stifle public speech of coequal branches. Specifically, the Executive Branch must allow the public issuance of Auditorial Memoranda and decisions regarding elections by the Ethics Board and the creation of student feedback forums by Parliament.



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