



TEXAS A&M UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION
JUDICIAL COURT

Kyle Womack V. Speaker Pro-Temp Bowen
(Plaintiff) (Defendant)

November 15, 2010

SUMMARY

Due to numerous procedural failings with the Senate vacancy process beginning October 20th, the results must be voided. To fill the seats originally vacant at the beginning of the October 20th vacancy process, a new process must be completed with the same applicants, in full compliance with the Senate by-laws.

DECISION

Speaker Pro-Temp Bowen failed to follow the Senate by-laws outlined in Article IX Section II sub-points (d), (e) and (g).

Insufficient evidence was presented to suggest that a standing vacancy committee was created at the beginning of the Fall 2010 semester to evaluate vacancy applications, per sub-point (d). Because there was not a standing vacancy committee to review the applications, the requirements of sub-point (e) were not met. Furthermore, interviews were not granted by the standing vacancy committee, nor any one who participated in the evaluation of the applications. Instead, interviews were granted by Scott Bowen in consultation with Senate advisor Sarah Edwards. This conflict with the intent of sub-point (e), that interviews will be granted by the standing vacancy committee.

Article III, Section IX reads, "The Officers of the Senate shall consist of..." and continues to list the Speaker of the Senate, Speaker Pro-Tempore and chairs for Academic Affairs, External Affairs, Rules and Regulations, Student Services, Constituency Affairs. This excludes the other positions traditionally considered by the Senate officers, as Ex-Officio officers and the Appropriations Chair are defined in separate sections. Consequently, neither the Appropriations Chair nor the Executive Director of Operations may conduct interviews or vote in the recommendation to the Senate for candidates to fill vacancies. While both the Appropriations Chair and the EDO are hard-working leaders of the Senate, unfortunately they do not fit the definition of a Senate "Officer" for the purposes of this process. Sub-point (g) requires that at least three Senate Officers interview each candidate. This requirement was not met in all the interviews, with some applicants going on to receive a seat after being interviewed by two or less Senate Officers.

Therefore, the individuals who were instated as a result of this process must be removed, pending a new vacancy application process. The process must be repeated and follow precisely the requirements outlined in the Senate by-laws. This process shall be repeated with the same individuals who originally submitted applications by the October 27th deadline, and need not be opened as a new vacancy process.

RECOMMENDATIONS

These are non-binding recommendations based on the Court's examination of the events, and could serve as a helpful guideline to avoid future misunderstandings over the vacancy application process.

As a reminder, sub-point (h) states that any applicant who can qualify for more than one caucus should indicate a preference. This should be done regularly, e.g., on the initial application, during interviews, etc.

The Senate has the power to establish their own vacancy process, and can modify it at any point to match a traditional or desired process through the standard two thirds by-law revision.

To avoid future allegations of ethical misconduct, a clear standard of ethics could be helpful for those participating in the vacancy process. For example, individuals with personal connections to applicants could recuse themselves from the process.

The use of a standard rubric for application and interview evaluation could also improve transparency and make the numerical evaluations more meaningful.

Finally, clearly defining the composition of the standing vacancy committee could reduce future questions as to the legal foundation for vacancy decisions.

Texas A&M University

Judicial Court



David Glasheen, Chief Justice

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William Ortiz

John M. Ortiz '14

Manuella Serrano
Secretary of the Court

David Smith

John A. Hill

November 15th, 2010



Judicial Court