



Spring Term 2014

JUDICIAL COURT OF TEXAS A&M

Senator Wood & Chair Fields v. Chair Cheshire

No. | 66-09

Oral Arguments: April 14th, 2014

Decided: April 15th, 2014

Syllabus

The plaintiffs filed an appeal alleging that the defendant failed to meet the duties of his position as Chair of the Senate Finance Committee. The plaintiffs were seeking funds to be used for an annual banquet honoring the University's custodians. The defendant was accused of not responding regularly to e-mails from the plaintiffs attempting to set a hearing time and was not present once a meeting was scheduled.

Opinion

(Delivered by Justices: Whitley, Cooper, Halbert, Smith, Schneider, Estrada)

The Court finds that Finance Chair Cheshire failed to uphold the duties of his office by failing to comply with the following provisions:

Article 9 Section 6 subsection (a), of the Student Senate by-laws:

"APPROPRIATION HEARINGS. The Finance Committee shall conduct hearings to consider any funding request, the Student Government Association budget, or appropriations bills or statutes referred to the Finance Committee at the time scheduled by the Finance Chair."

Chapter 501 "THE SGA ALLOCATION REGULATIONS ACT" Article I, Section I, of the Code:

"The Senate intends this act to set forward regulations for the proper use of Student Services fees as appropriated by the Student Senate and to provide for a continuous, fair, ethical, and accountable process for the presentation of budgets, use of appropriated funds, reporting of SGA finances, and encumbrance of un-spent appropriated funds."

For the first provision the Finance Chair failed to hold a hearing for Fish Aides. The language of this provision obligates the Finance Chair to hold a hearing for all finance requests, and he has failed to do so in this instance. For the second provision, the language stipulates that the chair must operate in a "fair, ethical and accountable" manner, which he has not done. As such the Court rules in favor of the plaintiff.

The Court's ability to issue a writ of mandamus was brought into question (specifically in compelling the Student Senate or its designees to hold a finance hearing, or even to bring the bill to the floor of the Student Senate). The Court maintains the right to issue such writs, however it felt that an order of this nature would only lead to further noncompliance with the SGA Code. This noncompliance would manifest itself in the form of quorum issues in the Finance Committee, and possibly going around the committee process as a whole.

If the appeal had been filed with the Court at an earlier date, compensatory actions could have been taken to redress the violations committed by the Finance Chair. While the Court rules in favor of the appellant, time constraints with the current Student Senate prohibit compensatory actions, taken if the appeal had been submitted earlier.

The Court has grave concerns with the actions taken by the Finance Chair. The Finance Chair operated in a manner that was not only inconsistent and unfair, but also unethical. These actions are unbecoming of a senator much less an officer of the Senate body. These actions subvert the democratic processes that are enshrined in the values of the Texas A&M University Student Government Association.





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Signatures

Certified by: Julian Whitley – Chief Justice

Brenton Cooper
Brenton Cooper – Vice Chief Justice

Parker Reed
Parker Reed – Associate Justice - Recused

Cameron Halbert
Cameron Halbert – Associate Justice

Shannon Smith
Shannon Smith – Associate Justice

Sergio Estrada
Sergio Estrada – Associate Justice

Alice Schneider
Alice Schneider – Associate Justice

Stephen Kiec
Stephen Kiec – Associate Justice – Not Present

Vacant
Vacant – Associate Justice