

**THE JUDICIAL BRANCH OF THE STUDENT  
GOVERNMENT ASSOCIATION OF THE  
UNIVERSITY OF TENNESSEE, KNOXVILLE**

Case No. 2016-3

THE UNDERGRADUATE STUDENT SENATE EXECUTIVE COMMITTEE  
v. SENATOR TIM LIVINGSTON

Argued 29 March 2016 - Decided 29 March 2016

**I**

This case was brought before the Judicial Branch of the Student Government Association by the SGA Senate Executive Committee regarding the truancy of Senator Tim Livingston. The Senate Exec's records maintained that Senator Livingston had five unexcused absences and was therefore ineligible to have his name on the ballot for the upcoming SGA election. Senator Livingston contested this stating that he had not acquired more than one unexcused absence.

**II**

Representatives from the Senate Executive Committee presented evidence detailing that Senator Livingston was either absent or failed to participate in the roll on the dates of 8 September 2015, 13 October 2015, 8 December 2015, 26 January 2016, and 2 February 2016. They also presented the Judicial Branch with the SGA Undergraduate Senate Bylaws that were approved on 15 January 2016 in addition to the revised bylaws that were enacted on 24 March 2016. Both sets of bylaws state that SGA senators will not remain in good standing with the Undergraduate Student Senate if they acquire more than three unexcused absences. Evidence was also presented on behalf of the Undergraduate Student Senate Executive Committee to show that incoming senators are made aware of this fact when they are sworn into office.

**III**

The Defendant, Senator Livingston, failed to present any evidence on his behalf that would otherwise prove that he had been in attendance and dismiss the claims of the Plaintiff. While Senator Livingston's love for his university is unquestioned, the Judicial Branch acknowledges that passion does not serve as an excuse for inaction. Senator Livingston's lack of supporting evidence undermined his argument that he had been in attendance at the majority of the senate meetings in question.

## Opinion of the Court

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The Court rules in favor of the plaintiff and finds that Senator Tim Livingston is truant and in violation of his oath of office. Thus, Senator Livingston is ineligible to run for office in the upcoming SGA election. It is important to note, however, that Senator Livingston, as would any Senator in this situation, is not precluded from serving in the Student Government Association in non-elected roles.

*It is so ordered.*

CROSS, C.J. delivered the opinion of the Court in which RODDY, MARSHALL, NIEHAUS, CLEVELAND and WHITE joined.