

Opinion of the Court

THE JUDICIAL BRANCH OF THE STUDENT GOVERNMENT ASSOCIATION OF THE UNIVERSITY OF TENNESSEE-KNOXVILLE

Case Number: 2019-01

SGA UNDERGRADUATE SENATE, PLAINTIFF V. MR. DAVIS CROCKER,
DEFENDANT

Decided via Summary Judgment on 27 January 2019

On Tuesday, January 22, the SGA Senate Chair, following Article III, Section 5 of the Bylaws of the Student Senate filed an automatic complaint against the Senator from the Haslam College of Business, Mr. Davis Crocker. Per the complaint, Mr. Davis Crocker missed meetings on August 28, 2019; September 25, 2019; and November 28, 2019.

On January 30, 2019, the Court discussed the case via conference call with Justices COOK, DAVIS, and PAWLACZYK in attendance. The court discussed the Senate's attendance policy, including the distinction between "excused" and "unexcused" absences. Considering this, the Court concluded Mr. Crocker had violated Senate Attendance Policies as laid out in the Undergraduate Senate Bylaws, but then had to decide upon appropriate sanctions.

Since Mr. Crocker had only missed three sessions (not in succession), the court considered the following actions: 1) a written warning detailing any future unexcused absence would result in dismissal from the Senate. 2) suspension from the SGA Undergraduate Senate pending a formal hearing in which Mr. Crocker could explain his absences to the Court. During discussion PAWLACZYK noted a conversation with the SGA Undergraduate Senate Chair, in which the Chair mentioned Mr. Crocker had a previous excused absence as well. Not holding this against Mr. Crocker, but the Court acknowledged that Mr. Crocker followed proper procedure once before, so he must have been aware of it at one time. Moreover, the Court discussed the use of proxies in the event a Senator cannot attend a session and their mitigating effect on the Senate's attendance policies. In determining the most appropriate sanction, the Court maintains the belief that a Senator's attendance is of great importance in maintaining quorum, but more importantly to uphold and bolster the integrity of the SGA Undergraduate Senate.

THEREFORE, the Court has ruled, effective immediately, Mr. Crocker's status in the SGA Undergraduate Student Senate as suspended and privileges to run for, or be selected to,

competitive positions within the Student Government Association hence revoked for one year. Note, however, the Court grants **Mr. Crocker seven days from the date of service (31 January 2019) to request an appeal against the Courts decision**, at such time the Senator will be welcomed to submit any documents which may alter the Court's opinion. Failure to submit will result in Mr. Crocker's expulsion from the Senate and continued forfeiture of his rights to seek future positions in the next year.

It is so ordered.

COOK, DAVIS, MARSH and PAWLACZYK delivered the opinion of the court.