

Opinion of the Court

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

*Case Number: 2019-02*

SGA FIRST-YEAR COUNCIL, PLAINTIFF V. MR. CRAIG OLIVER JR, DEFENDANT

**Decided via Summary Judgment on 27 January 2019**

On Thursday, January 24, the SGA Undergraduate Vice President, citing Article I, Section 3 of the Bylaws of First Year Council filed a request to review the membership of First Year Council Member Craig Oliver Jr. Per the complaint, Mr. Oliver missed meetings on 25 October 2018; 1 November 2018; 8 November 2018; and 17 January 2019.

On January 27, 2019, the Court discussed the case via conference call with Justices COOK, DAVIS, and PAWLACZYK in attendance. The court recognized their opinion was not necessary in the decision, as Article 1, Section 2.3.8 of the First-Year Council Bylaws details violation of these bylaws laid out Article 1, Section 2.3 will result in immediate expulsion from the Council. And while these Bylaws address the Court’s authority to preside over any appeals a Member may wish to file against such actions of the Bylaws, they do not direct initial expulsion to the Court. Nevertheless, Article VIII, Section 1 of the SGA Constitution clearly grants jurisdiction to the Court to decide and enforce the policies “within all branches.”

Article 1, Section 3 of the First-Year Council’s Bylaws specifies its attendance policy in no uncertain terms. Furthermore, the Bylaws grant ample procedures and opportunities to excuse or lighten the impact any member’s nonattendance may have against such Bylaws. Yet, on all four occasions addressed in the complaint, Mr. Oliver did not seek such reliefs—so far as the Court was made aware. In light of this, the Court unanimously concluded Mr. Oliver violated the Council’s attendance policies and took no such action to mitigate these absences. Article 1, Section 3 of the First Year-Council Bylaws details processes to do so, either by submitting a valid reason to the First-Year Council Secretary to excuse the absence or in finding a proxy for the meeting. The court then had to determine appropriate sanctions against Mr. Oliver.

The Court discussed the severity of Mr. Oliver unexcused absences, highlighting the succession in which they took place—three in continuous succession and then once more to start the semester. Mr. Oliver could have sought such relief as detailed previously yet failed to do so consistently. Such absenteeism surely leaves the Member out of touch with the Council’s dealings, and thus, an ineffective member. The Court maintains the Council’s importance to the

University's first-year community and recognizes the impact this Council can have on the SGA's overall impression to these students throughout their time at the University of Tennessee. But Ineffective membership leaves a wrong and improper impression of the Student Government Association as a whole.

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THEREFORE, the Court ruled Mr. Oliver's membership in the SGA First-Year immediately revoked and privileges to run for, or be selected to, competitive positions within the Student Government Association hence suspended for one year. Nevertheless, the Court cites Article III, Section 6.b.i of the First-Year Council Bylaws when saying **Mr. Oliver will have seven days from the date of service (31 January 2019) to request a formal hearing, appealing the Court's decision.** At such time, the Court will welcome Mr. Oliver to submit any documents which may alter the Court's conclusions. Failure to file in such time will forfeit Mr. Oliver's right to contest the Court's ruling.

*It is so ordered.*

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