



ALL-CAMPUS JUDICIAL COUNCIL

John C. Oakford
Chief Justice

Wilson Commons
Ruth Merrill Center
PO Box 270443
Rochester, NY 14627
585.275.4085
john.oakford@rochester.edu

CHIZOBA UMESI v. STUDENTS' ASSOCIATION SENATE

[Argued: January 29, 2010]

[Decided: January 29, 2010]

Chief Justice: John Oakford

Associate Chief Justice: Bradley Calder

Associate Justices: Lior Benjamin, Olivia Cohn, Siddhartha Das, Erin Dick, Tess Petersen, and Samantha Roblin

Petitioner: Chizoba Umesi

Respondent: Students' Association Senate, represented by the Speaker of the Senate, Kierstin Hughes

PER CURIAM

Syllabus

The All-Campus Judicial Council voted unanimously to uphold the impeachment and removal of the Petitioner, Chizoba Umesi, from the Students' Association (SA) Senate.

- (a) The SA Senate did not breach *Article V. Section 4* of the Students' Association Bylaws during the Petitioner's impeachment and subsequent removal.
- (b) The SA Senate attendance policy outlined in *Article V. Section 4A, Clause 4(a-b)* of the Students' Association Bylaws stipulates that absence from either Senate meetings or Committee meetings may be grounds for the removal of a Senator from Office.
- (c) The SA Senate and Steering Committee interpreted *Article V. Section 4A, Clause 4b* of the Students' Association Bylaws reasonably when it was decided that three unexcused absences constitutes "repeated absence."
- (d) When elected, it is the responsibility of a Senator to become knowledgeable of the Students' Association Constitution and Bylaws.
- (e) *Article II. Section 2D* of the Students' Association Bylaws clearly describes the fundamental responsibilities of SA Senators. The Petitioner did not fulfill these expectations.

Chief Justice Oakford delivered the Opinion of the Council.



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I.

On November 12, 2009 Speaker of the Senate Hughes was notified that the Petitioner had accumulated three unexcused absences from the Projects and Services Committee's weekly meetings. On November 15, 2009 Speaker Hughes and Projects and Services Co-Chairpersons Brill and Halpern notified the Steering Committee of the Petitioner's repeated absence from Projects and Services Committee meetings during the first three weeks of October 2009. Subsequently, the Steering Committee approved an agenda for the SA Senate meeting of November 16, 2009, which included a motion for the removal of the Petitioner from the SA Senate. At the November 16, 2009 SA Senate meeting, the SA Senate voted during executive session to remove the Petitioner from the SA Senate.

On January 13, 2010 Chizoba Umesi petitioned the All-Campus Judicial Council to appeal his impeachment and removal from the SA Senate, on the grounds that *Article V. Section 4* of the Students' Association Bylaws was breached during his impeachment. The Council accepted Umesi's petition and heard the case of *Chizoba Umesi v. SA Senate* on January 29, 2010.

II.

The Petitioner argued that his impeachment breached *Article V. Section 4* of Students' Association Bylaws because he was not immediately placed on the SA Senate agenda for removal following his second unexcused absence from the Projects and Services Committee weekly meeting. Moreover, because a motion to remove the Petitioner from the SA Senate was not made at the SA Senate meeting immediately following the Petitioner's second unexcused absence, the Petitioner argued that his misunderstanding of the SA Senate attendance policy was reinforced.

According to testimony submitted by Speaker Hughes and Chairperson Brill, Speaker Hughes was not notified of the Petitioner's absences until November 12, 2010. Upon receipt of this information, the Steering Committee included a motion to remove the Petitioner from the SA Senate in the agenda for the next SA Senate meeting; this meeting convened on November 16, 2009.

While there is no time stipulation pertaining to an initiation of impeachment process in *Article V. Section 4A, Clause 4b* of the Students' Association Bylaws, the Council believes the SA Senate acted in a timely manner and in accordance to *Article V. Section 4A. Clause 4b*. Moreover, the Council does not believe the Petitioner's misunderstanding of the Senate attendance policy constitutes an unjust removal.



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The Senate attendance policy is described in *Article V. Section 4A. Clause 4(a-b)* of the Students' Association Bylaws and the fundamental expectations of each Senator are described in *Article II Section 2D* of the Students' Association Bylaws. In the opinion of the Council, it is the responsibility of each Senator to become knowledgeable of the Students' Association Constitution and Bylaws upon their election to Office. Thus, it is not the onus of the Speaker of the Senate to convey Senate's attendance policy or the fundamental expectations of each Senator, as this information is detailed in the Students' Association Bylaws.

III.

The Petitioner accumulated three unexcused absences from Project and Services Committee meetings during the first three weeks in October 2009. Additionally, testimony from Speaker Hughes, Deputy Speaker Cohn, and Chairperson Brill, as well as SA Senate Minutes, evidence that the Petitioner was particularly unengaged during his tenure in the SA Senate. Thus, the Council believes the Petitioner did not satisfy the fundamental expectations of each Senator, as detailed in *Article II. Section 1D, Clause b* of the Students' Association Bylaws and that the SA Senate's decision to remove the Petitioner was just.

IV.

Article V. Section 4A, Clause 4b of the Students' Association Bylaws reads as follows:

"Repeated absence from Committee meetings, as determined by the Committee chairperson in consultation with the Steering Committee, is grounds for removal."

The Petitioner submitted testimony that he believes two unexcused absences reasonably constitutes "repeated absence", in the context of *Article V. Section 4A, Clause 4b* of the Students' Association Bylaws. The Petitioner accumulated three unexcused absences from his Committee meetings. Given the Petitioner's own interpretation of "repeated absence", the Council believes the SA Senate and Steering Committee employed a reasonable interpretation of *Article V. Section 4A, Clause 4b* in regard to the Petitioner's impeachment.

It is so ordered