

# STUDENT GOVERNMENT ASSOCIATION

SGA Bill No. SR6-98F

PASSED HOUSE OF REPRESENTATIVES:

Eric A. Swan  
Speaker of the House

10-5-98  
Date

PASSED SENATE:

Timothy K. Smith  
Speaker of the Senate

10-5-98  
Date

APPROVED: ✓

VETOED: \_\_\_\_\_

Jason Lunsan  
SGA President

10-7-98  
Date

APPROVED: \_\_\_\_\_

VETOED: ✓

\_\_\_\_\_  
Vice President for Student  
Affairs

\_\_\_\_\_  
Date

S.R.-6-98F

Sponsors: Ryan McGehee, Ed Sallo, and Jeremy Baker

Whereas: The current employment requirements for Assistant Dean of Judicial Affairs does not include a law degree despite serious legal obligations of the stated position.

Whereas: The stated position oversees disciplinary action and therefore possibly responsible for legal action against the university as a consequence

Whereas: To better protect the university from possible legal suits directly related to the Judicial branch of the SGA, an applicant whether permanent or interim should have a law degree to avoid possible mistakes and therefore legal action against the university

Therefore, be it enacted by the 61<sup>st</sup> Congress of the Student Government Association of Middle Tennessee State University that:

Section 1: Any person filling the position of Assistant Dean of Judicial Affairs, whether permanent or interim, will have a law degree.

Section 2: This requirement will become a permanent measure in the hiring of the stated position as soon as possible, the student welfare requiring it.

MEMORANDUM

To: Mr. Jason Lawson ✓  
Mr. Eric Spear  
Mr. Tim Smith

From: Robert C. LaLance, Jr. *RCL*  
Vice President for Student Affairs

Re: SGA Bill 5-98-F

Date: October 15, 1998

I have reviewed the referenced legislation and while I am sympathetic to the stated objectives of the sponsors, I do not feel that it would be appropriate for me to approve the bill in its current form, for the following reasons:

1. The subject matter of the proposed legislation would require a revision of our existing institutional rules. The Rules Committee is currently in the process of finalizing their recommendations for rules changes to be effective for the 1999-2000 academic year. It would be problematic, in my opinion, to get the legislation in a form that could be considered by the Rules Committee this year given their present schedule and deadlines for submission of proposed rules changes to the TBR.
2. Double jeopardy is a constitutional protection afforded by the Fifth Amendment in the context of criminal prosecutions. It is unclear how such a prohibition might apply in administrative proceedings.
3. Section (2) of the legislation provides that a student can be "retried" in the event it can be proven that the court was "illegally influenced." This terminology would need to be clarified in order to have any practical application. In addition, Section (2) could be interpreted as being inconsistent with Section (1).

4. It is my understanding that the impetus for the legislation arose from issues related to the Traffic Court. If that is the case, Section (3) is clearly inconsistent with our existing institutional rules (see the MTSU Student Handbook (1998-1999), at p. 55, *Judicial Bodies, Structure of Judicial System*, Section (2): "...The decision of the Student Traffic Court will be final in such cases.").

I would suggest that the sponsors arrange a meeting with Dr. Burke, Dr. Hays, Dr. Fitch and the Traffic Court advisor so that the concerns noted above might be addressed and the legislation be moved forward for timely consideration.

I commend the SGA and the sponsors for their initiative in addressing these concerns. Thank you for your efforts toward improving the quality of student life at MTSU.

cc: Dr. Tom Burke  
Dr. Gene Fitch  
Ms. Jennifer Sykora  
Mr. Aaron Tallent  
Mr. Brian Gillespe  
Mr. Matt Graves  
Ms. Amanda Griffin  
Mr. Jeremy Baker  
Ms. Erica Warren  
Mr. Leif Swanson  
Mr. Ed Salo