

JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF NEVADA

Sarsangi v. ASUN

Filed: 21 January 2022

Decided: 23 January 2022

Direct Judgement

Chief Justice Dionne Stanfill, Senior Associate Justice Madeline Marino, Associate Justice Kayla Snowden, and Associate Justice Zane Taylor, in the absence of Associate Justice Stormy Lewis, issue the following **unanimous decision** of the Judicial Council:

Attorney General Nour Sarsangi filed a charge sheet with the Judicial Council requested a direct judgement and interpretation of S.B. 89-09, *An Act to Amend the Statutes of the Associated Students to Clarify Retreat Expectations*, as well as further explanation of the Judicial Order issued on 20 January 2022 regarding the use of termination against ASUN officers.

Attorney General Sarsangi includes in her request that the Judicial Council interpret and “set precedence on who may enforce consequences of violations of this job duty over the branches of the Association.” Further, Attorney General Sarsangi requests clarification “as to what the next steps are regarding the halt on actions placed by the Judicial Council regarding speculating termination of employment of members not of the Executive branch, by members of the Executive branch.”

The Judicial Council is issuing a summary judgement on this matter at the belief that a hearing would not provide substance to the matter, being that this is only asking for interpretation of documents.

Interpretation of the Judicial Council

Regarding “who may enforce consequences of violations of this job duty per the branches of the Association”:

The enforcement of retreat expectations for members of the Executive Branch is to be laid out as follows:

- The Chief of Staff will submit a memo to the head of each Executive Department with the names of each officer in the department that did not attend retreat and was not previously excused in writing. The memo will not include presumption of violating any job duties, but will only include the names of those who did not attend the retreat, and therefore did not fulfill the responsibilities of their office per S.B. 89-09.
- Per SAS XXVIII.2801.6a, only the Head of the Department can choose to remove the officer in their department at their discretion. However, the Judicial Council strongly advises that charges of impeachment be filed to ensure due process in good faith, since S.B. 89-09 included “grounds for impeachment” in the wording of the bill.

- In the event that the officer in violation is a member of the President's Cabinet, the President holds the power of enforcement listed above, as if the President were a Head of an Executive Department. The President does not have the authority to remove officers appointed within Executive Departments (e.g. Assistant Directors, Commissioners, Programmers, etc.), as written in SAS XXVIII.2801.6a.1
- In the event that the officer in violation is the President or Vice President, the obligation to file impeachment charges ought to lie with the Chief of Staff, but it is advised that the Chief of Staff attempt to contact the President or Vice President to alleviate any communication discrepancies or anything else that would have lead to the President or Vice President not attending retreat, as charges of impeachment should be of last resort.

The enforcement of retreat expectations for members of the Legislative Branch (including the Speaker of the Senate) is to be laid out as follows:

- The Chief of Staff, having planned the retreat and knowing which officers were not in attendance, possesses the obligation to file a charge of impeachment against members of the Legislative Branch, given that there are no special provisions regarding the removal of Legislative members per SAS XXVIII.2801.5.
- In the spirit of good faith, the Judicial Council recommends that the Chief of Staff attempt to contact the officer in question to alleviate any communication discrepancies or anything else that would have lead to the officer not attending retreat, as charges of impeachment should be of last resort.

The enforcement of retreat expectations for members of the Judicial Council is to be laid out as follows:

- As it currently stands in the Statutes of the Associated Students, the Chief Justice has the power to remove any Associate Justice, per SAS XXVII.2801.7a. The Chief of Staff will submit a memo to the Chief Justice with the names of each Associate Justice not in attendance of retreat, and who was not previously excused in writing. The memo will not include presumption of violating any job duties, but will only include the names of those who did not attend the retreat, and therefore did not fulfill the responsibilities of their office per S.B. 89-09.
- The Chief Justice, as the Statutes of the Associated Students currently stands, may choose to remove the officer without filing charges of impeachment, however, the Judicial Council strongly suggests the Chief Justice file for impeachment to ensure due process in good faith.
- In the event that the officer in violation is the Chief Justice, the Chief of Staff has the obligation to file for impeachment and follow impeachment procedures laid out in SAS XXVIII.2801.7b, but it is advised that the Chief of Staff attempt to contact the Chief Justice to alleviate any communication discrepancies or anything else that would have lead to the Chief Justice not attending retreat, as charges of impeachment should be of last resort.

Although any officer within the Association has the ability to file charges of impeachment against any other officer, it is **strongly advised** that the Chief of Staff is the individual to file the charges of impeachment, only after consultation with the head of the respective department or branch. This is because the Chief of Staff has the power of planning and executing retreat per SAS II.201.3a.3 and possesses the record of attendance for retreat.

Regarding “clarification as to what the next steps are regarding the halt on actions placed by the Judicial Council regarding speculating termination of employment of members not of the Executive branch, by members of the Executive branch.”:

Immediately upon issuing this judgement, the grounds for enforcement of retreat expectations are to be followed as laid out above.

However, all officers who are presumed to be in violation of job duties for not completing the retreat Canvas Module with intent to supplement the Summer 2021 retreat, referenced in the Judicial Order of 20 January 2022, are NOT to be removed on these grounds.

The officers presumed to be in violation of not attending Summer 2021 retreat and subsequently failing to complete the Canvas Module reasonably believed they were excused from the Summer 2021 retreat, as their excuse may have been issued via word of mouth, email, etc.

Therefore, it is the judgement of the Judicial Council that S.B. 89-09, *An Act to Amend the Statutes of the Associated Students to Clarify Retreat Expectations*, was applied retroactively as the retreat Canvas Module was intended to be the equivalent of the Summer 2021 retreat, and the Summer 2021 retreat took place before the passage of S.B. 89-09 on 1 December 2021.

Dated: 23 January 2022

Signed:


Dionne Stanfill, Chief Justice


Madeline Marino, Senior Associate Justice


Kayla Snowden, Associate Justice



Zane Taylor, Associate Justice