



From: ASUN Judicial Council
To: Attorney General Jakob Schein
Date: 20 September 2022
Re: Schein v. ASUN (3) - Rejection

This serves as your notice that Schein v. ASUN (3) which is inquiring judicial interpretation for the role of the Senate Standing Committee on Oversight in regards to officer conduct has been **rejected**.

The council has decided to reject this case due to a lack of a specific question being posed, and also a lack of merit regarding the case. When reviewing the Senate Rules, Rule X(f) specifically states:

*“The Committee on Oversight shall be responsible for evaluating the nature of Senate absences, **reviewing personnel matters**, and conducting investigations regarding the impeachment of Governmental Officials, in accordance with the Senate punitive powers...**The Committee on Oversight, acting as the check on the Senate and the Executive Branch of ASUN, shall be responsible for reviewing, questioning and/or requiring updates from ASUN student officers and their respective departments**”*

In this case, the Senate Standing Committee on Oversight can be a public body for more collaborative punitive measures. This is also consistent with the ethical stance of the Judicial Council that charges should be last resort and Oversight can serve as a conversational body on some controversies. What that committee takes up in relation to conduct can be either from Judicial Council referral, or general choice of the Committee, advancing the case to Judicial Council if needed. Officers outside of the Senate body are in no way obligated to comply with requests for appearance from Oversight, unless it is related to the removal of officers. Should an officer continue to act in misconduct, then charges could be filed with the Judicial Council.

Any changes or specification to Senate procedure must be legislated and approved by the Senate. **The Judicial Council refuses to take any stance on this instance and interfere with the will of the Senate body unless specifically unconstitutional. Since there is no statute on this matter at all, the Council cannot interpret a law that doesn't exist. Therefore, it must be legislated.**

The Judicial Council will also not take a stance on the email sent by yourself to the ASUN Listserv regarding officer conduct throughout Welcome Week, as an email holds no legal weight. The Judicial Council advises all officers to consider other avenues (such as legislation) to address similar issues. The Council prefers not to legislate from the bench.

If any questions arise, please contact Chief Justice Zane Taylor at chiefjustice@asun.unr.edu