



Decision by the Judicial Review Board

Sunday April 25, 2010

On April 20th, 2010, this Board received a formal request for judicial interpretation of the Undergraduate Association Constitution by a member of the undergraduate student body.

Request from Vrajesh Modi, Senator from East Campus Dormitory:

1. Can a Senator utilize a proxy for only a part of a Senate meeting?
2. If a Senator has a conflict of interest in voting for Senate Officers or for Executive Nominations, can the Senator utilize a proxy to maintain representation?

Decision:

Our decision is as follows:

1. Yes, a Senator may utilize a proxy for only a part of a Senate meeting under the discretion of the Senate Speaker and as long as the Senator in question does not have a conflict of interest in regards to the actions presented to the proxy.
2. No, the Senator may not utilize a proxy in either case.

Explanation and Further Discussion:

Our ruling for the first question is in line with the proper usage of proxies. They should be called upon when a Senator cannot be present for a meeting so that the Senator's constituencies are represented. We see no reason to limit this to the full length of the meeting, but do maintain that as per Article 4.1.1 of the Senate Bylaws, the individual usage of a proxy is at the discretion of the Senate Speaker.

For the latter question of the tension between conflict of interest and representation of the constituency, we believe that this cannot be properly and justly resolved so as to maintain that Senator's power of choice - and correlative, the constituencies' right to be represented by their chosen representative - and the conflict of interest in question. If the Senator has a conflict of interest, then the proxy will by definition also have a conflict of interest.



Further, we would like to stress that the Speaker will enforce these rules. If the Speaker is not made sufficiently aware of a conflict of interest, which would hopefully be referenced by the Senator in question, we do not see any other plausible recourse.

Two important corollaries to this ruling are the following. First, no member of the incoming Executive Committee may vote for the incoming Senate Officers. Second, neither of the incoming UA Vice President nor the incoming UA President may vote for any of their own nominations.

*Cinjon Resnick '10, Chairman of the Judicial Review Board
Mitch Westwood '11, Member of the Judicial Review Board
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