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ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

To: Associated Students Judiciary

From: ARIAS, RONALD E.

Date: JAN 7, 72

The undersigned requests a review of the rights and duties pursuant to:
AUTHORITY IN DISMISSAL OF A.S. SENATORS FOR MORE THAN 3
UNEXCUSED ABSENCES.

Cause for request: CHAPTER I, CHAPTER II, AND SENATE WORKING RULES
CONCERNING AUTHORITY IN DISMISSAL OF A.S. SENATORS
FROM SENATE DUE TO MORE THAN (3) UNEXCUSED ABSENCES.

Briefly explain the substance of your issue: CHPT I MAKES NO
REFERENCE TO POWERS OF V.P. CONCERNING DISMISSALS - CHPT II
STATES DISCIPLINARY ACTIONS TO BE TAKEN "BY THE SENATE"
WORKING RULES STATE OTHER INFORMATION.
REQUEST CLARIFICATION CONCERNING POWERS
OF DISMISSAL

The undersigned does hereby request a judgment on the preceding issue.

Signed Ron E Arias

ASSOCIATED STUDENTS JUDICIARY
CALIFORNIA STATE COLLEGE LONG BEACH

DECLARATORY JUDGMENT

ADJUDICATED THIS 10th DAY OF FEBRUARY, 1972

PLAINTIFF: RON E. ARIAS

In this case the plaintiff asks for a review of the rights and duties pursuant to the authority of the Senate chairman in the dismissal of A.S. Senators for more than three unexcused absences.

The question in this case is: can a Senator be expelled from Senate membership by simple order of the Senate chairman?

Bylaws Chapter I, Article I, section 4 states:
"The Senate shall provide for its own rules and procedures."

Yet this section is not to be construed to mean that the Senate Working Rules and Procedures may conflict with procedures established by other sections of the A.S. Bylaws. In other words, the Senate Working Rules and Procedures are to be considered supplemental to the A.S. Bylaw statutes.

The question remains: can a Senator be removed from his elected office by simple order of the Senate chairman?

Senate Working Rules and Procedures would seem to indicate that such is the case, when it states in Section II, B:
"Three unexcused absences from regular session on the part of a Senator...shall result in automatic expulsion from the Senate by the chairman"
(note: underlining added for emphasis)

However, this rule is in direct conflict with A.S. Bylaws Chapter II,