

STUDENT GOVERNMENT ASSOCIATION

SGA Bill No. HB-1-98F

PASSED HOUSE OF REPRESENTATIVES:

Eric A. Spear
Speaker of the House

9-21-98
Date

PASSED SENATE:

Timothy K. Smith
Speaker of the Senate

9/9/98
Date

APPROVED:

VETOED:

Jason Lawson
SGA President

9-22-98
Date

APPROVED:

VETOED:

Robert L. LaLone
Vice President for Student
Affairs

9/24/98
Date

1 HB-1-98F

A bill creating the Off-Campus Transportation Commission.

Sponsors: Jerome Hruska, Aaron Tallent, Jennifer Sykora

Whereas: There is a very serious parking problem on the campus of Middle Tennessee State University, and

Whereas: The methods that have been used in the past to correct the issue have not proven very effective, and

Whereas: The students require immediate action to fix the problem, and

Whereas: The situation will only get worse until the problem is solved.

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

Section 1: Commission membership.

- A. The Off-Campus Transportation Commission shall consist of four members. A Chairman, and three other members.
 - 1. The Chairman is to be Jerome Hruska.
 - 2. The Student Government Attorney General, Jeffrey Jewell, will also serve on the committee.
 - 3. The two remaining members will be appointed by the chair.
- B. This Commission shall be subject to reauthorization to continue its existence past the date of September 1, 1999.

Section 2: Duties of the Off-Campus Transportation Commission.

- A. To research and develop a comprehensive parking plan to help solve the parking problem.

1. The plan shall involve the cooperation between students, faculty, administration, and Parking Services.
2. The plan shall involve the use of possible methods of off-campus transportation, and/or ways to reduce the number of vehicles that are driven to campus everyday.

B. The plan shall be developed with the utmost emergence, and presented to the students and administration.

Section 3: This bill shall go into effect immediately, September 7, 1998.

MEMORANDUM

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

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

Re: SGA Resolution 6-98-F

Date: October 15, 1998

I have reviewed the referenced legislation and understand the intent of the sponsors. For reasons that I will outline below, I do not believe that possession of a law degree should be included as a requirement for the position of Assistant Dean for Judicial Affairs and Mediation Services.

I would respectfully take issue with your concern to the effect that: "A law degree is imperative in the operation of the dean of judicial affairs." Several individuals have performed this function under a variety of titles over the years, and with one exception, none were attorneys or held a degree in law. All executed the duties associated with the office competently and with due regard for the procedural rights of students. As you may know, Dr. David Hays earned a law degree and was admitted to the bar during the time that he occupied the role of judicial officer for some nine years. I am aware through my conversations with him that he found his legal training useful at times, but not indispensable to fulfilling the requirements of the job.

Very few student judicial officers across the country are lawyers; most come from a background of graduate work in student development, student personnel services, or higher education administration. The trend in student judicial programs over the past ten to twelve years has been a movement away from complex and overly legalistic procedures and towards a less adversarial and more developmental process. While student input on this matter is welcomed, we reserve the right to exercise our professional prerogative in placing primary emphasis on training and experience in student development as requirements for the Assistant Dean's position. In any event, the position is presently advertised and a law degree will not be a requirement for the successful candidate.

Your concern for potential liability of the University as a result of actions of the Assistant Dean is not unfounded, but sufficient resources exist at the University to address issues that require the professional judgment of an attorney. Both Dr. Wendy Thompson and Dr. David Hays are available to consult in such circumstances. In addition, incumbents in the Assistant Dean's position have had and will continue to enjoy opportunities to participate in conferences, workshops, and other experiences to supplement and reinforce their knowledge of the basic legal concepts encountered in their day-to-day roles as judicial officers.

I feel compelled at this point to express my confidence in Dr. Gene Fitch and his performance as Assistant Dean. Dr. Fitch came to us from the University of Arkansas where he earned the Ed.D. degree in higher education. His dissertation dealt with judicial affairs issues, and was in fact recognized as the Dissertation of the Year by the Association of Student Judicial Officers. We considered him to be well-qualified by education and experience to be appointed to the Assistant Dean's position, and feel fortunate to have him on our staff. I am also comfortable with the assignment of Ms. Tonia Martin to handle minor rules infractions until a permanent successor to Dr. Fitch can be identified. Ms. Martin holds a graduate degree in student affairs administration from Syracuse University and has experience in dealing with student judicial matters.

Please let me know if you have additional questions or concerns with regard to this issue. Thank you for your efforts toward improving the quality of student life at MTSU.

cc: Dr. Tom Burke
Dr. Gene Fitch
Ms. Tonia Martin
Mr. Ryan McGehee
Mr. Ed Salo
Mr. Jeremy Baker