

University of Wisconsin – Green Bay

Student Government Association

Student Court

No. SC03032009(1)

ANDREI VARNEY vs. SGA EXECUTIVE RICKY STALEY
Re: Termination of Mr. Varney as Student Senate Executive Assistant

Argued: March 3, 2009
Opinion Released: April 1, 2009

PETITIONER:

Mr. Andrei Varney
Student Senate Executive Assistant
Represented by Mr. Varney and
Mr. Ryan F. Mach

RESPONDENT:

Mr. Ricky Staley
President, S.G.A.
Represented by Mr. Staley and
Mr. Kervin Blanke,
Vice President, S.G.A.

The petitioner seeks judgment on the propriety of the termination of the employment of Student Senate Executive Assistant Andrei Varney by President Ricky Staley, on December 8, 2008.

In this matter, three primary issues stand before the court. They are outlined as follows:

1. Does the responsibility to hire and supervise imply the ability to terminate an employee?
2. Does **Article VI** of the Bylaws of the University of Wisconsin-Green Bay Student Senate, which states that the speaker “***Shall be responsible for the hiring and supervision of the Student Senate Executive Assistant,***” imply the sole responsibility of the Speaker to terminate the employment of the Student Senate Executive Assistant?
3. Does President Staley, as chief executive officer of the SGA, have the authority to terminate the employment of the Student Senate Executive Assistant?

The court would like to categorically state that this opinion is focused on the authority of President Staley to terminate the employment of Senate Executive Assistant Varney and not on the communication of the decision to terminate Senate Executive Assistant Varney's employment by President Staley. Secondly, this opinion addresses the consistency of formal Student Government Association documents. This opinion also recognizes the important distinction between the *de facto* outcome (the termination of Senate Executive Assistant Varney's employment) and the *de jure* outcome (the intentional, proper outcome, based on clear constitutional authorities).

Court's Opinion

1. Does Speaker Cibula have the authority to terminate the employment of Senate Executive Assistant Varney, based on **Article VI** of the Bylaws of the University of Wisconsin-Green Bay Senate?

The court is of the opinion that the Speaker of the Student Senate has the authority to terminate the employment of the Student Senate Executive Assistant, based on Article VI of the Bylaws of the University of Wisconsin-Green Bay Senate. In light of this opinion, the court determined that the Speaker of the Student Senate has the authority to terminate the employment of the Student Senate Executive Assistant, consistent with the role of the position and the intended separation of powers between the branches of government.

2. Does Vice President Blanke have the authority to terminate the employment of Senate Executive Assistant Varney, based on **Article 2, Sec 1(7)** and **Article 1, Sec 2(7)** of the S.G.A Constitution?

The court is of the opinion that the Vice President of the S.G.A/Chairman of the Student Senate has the authority to terminate the employment of the S.G.A Senate Executive Assistant, based on Article 2, Sec 1(7) and Article 1, Sec 2(7) of the S.G.A Constitution. In light of this opinion, the court determined that the Vice President of the S.G.A/Chairman of the Student Senate has the authority to terminate the employment of the Student Senate Executive Assistant, consistent with the role of the position and the intended separation of powers between the branches of government.

3. Does President Staley have the authority to terminate the employment of Senate Executive Assistant Varney, based on **Article 2, Sec 1(8)** of the S.G.A Constitution?

The court rules that President Staley does not have the authority to terminate the employment of Senate Executive Assistant Varney. However, Vice President Blanke's involvement in the termination of Senate Executive Assistant Varney validates the termination, based on the constitutional powers vested in him as Chairman of the Student Senate. The court seeks to honor the constitutional intent to maintain a separation of powers between the Executive and Legislative branches, and a check and balance on the unfettered authority of the Executive branch. Therefore, the court determined that the President of the S.G.A does not have the authority to terminate the employment of the Student Senate Executive Assistant because of the constitutionally intended separation of powers.

Returning to the question of whether or not the termination of Senate Executive Assistant Varney was proper, the court is of the opinion that the termination of Senate Executive Assistant Varney was, indeed, proper, since it was unchallenged by Vice President Blanke and Speaker Cibula, both of whom, the court agrees, have the power to terminate Senate Executive Assistant Varney's employment. The court offers two observations in support of this conclusion:

- A.** The parties who have the unambiguous authority to terminate Senate Executive Assistant Varney's employment (Vice President Blanke and Speaker Cibula) did not object to the decision to terminate Senate Executive Assistant Varney when the decision was made in a collaborative meeting that included President Staley, Vice President Blanke, Dean Keihn and Assistant Dean Amenson-Hill, which implies their concurrence with President Staley's decision.
- B.** Speaker Cibula hired a new S.G.A Student Senate Executive Assistant after Senate Executive Assistant Varney's employment was terminated, which implies Speaker Cibula's concurrence with President Staley's decision.

Justices Voting in favor of this Judgment:

Chief Justice Schmidt

Associate Justice Czipinski

Associate Justice Dorgu

Associate Justice Haney

Associate Justice Noack

