

# **MacGregor House Judicial Committee**

Case 1: Parties: Mr. Atish Babu, resident vs. Mr. Aaron Adler, House President, and Mr. Andrew Montgomery, House Rooming

Assignments Chairperson

Case Overview: It has been alleged by Mr. Babu, in two official complaints, that Mssrs. Adler and Montgomery have willfully and deliberately violated the House Constitution and Bylaws, as the two documents pertain to the decrowding of freshmen from the Tower lounges. Specifically, the filed complaints assert that all freshmen must be decrowded, "before any other moves take place, including returning a previously decrowded freshman [to his or her original entry]", that any reinterpretation of housing policy for this term must be done with the explicit approval of the voting members of the House Committee (henceforth to be referred to as Housecomm), and, furthermore, that the President and Rooming Chair have been inconsistent in applying their own interpretation of the decrowding rules, as regards the decrowding of one freshman, Julie-Ann Lloyd, from B-Entry to J-Entry. These are the allegations leveled against Mr. Adler and Mr. Montgomery, as deemed by the Judicial Committee.

Decision: It is the judgment and opinion of the MacGregor House Judicial Committee that Mr. Aaron Adler and Mr. Andrew Montgomery are completely innocent of the charges made against them. In addition, the Committee finds that the two have acted, at all times, in full and complete accordance with the provisions of the House Constitution and Bylaws, as the documents relate to House decrowding policies.

Explanation: Article VII, Section 5 of the House Bylaws, those guidelines which are pertinent to decrowding, makes no provision for decrowding all freshmen before other moves take place. As the case is not explicitly labeled, it is the duty of the President, and the President alone, to interpret ambiguities, conflicts, or disagreements resulting from this lacuna in the written provisions of House government. This prerogative and jurisdiction of the President is explicitly outlined in Article III, Section 2 of the House Constitution. This interpretation of the President may be challenged by eight voting members of Housecomm, but, as of this writing, has not been.

With regard to the case of Julie-Ann Lloyd, the Committee has decided that no internal policy inconsistencies have been contrived by Aaron Adler or Andrew Montgomery. The following quotation from Aaron Adler and Andrew Montgomery is the statement of their decrowding policy:

" 'An effort will be made to return crowded freshmen to their original entry at the earliest possible time.' Our interpretation of the bylaws is that an eligible returnee is a person who has been decrowded from an entry in which he or she is considered a permanent member. In addition, we believe a person should only be returned to an entry if there are no additional permanent members of the entry still crowded within the entry.

Thus, Ben Walker, who is a permanent member of D Entry, as he indicated preference for it during In-House Rush, had preference over the SAE students who are temporary residents of D Entry, since they were assigned to MacGregor during an emergency situation. This distinction between permanent and transfer residents already exists in MacGregor, as transfer students are not guaranteed to remain within an entry at the end of the year and must submit preference sheets if they wish to be assigned a room. . .

Julie-Ann is not being allowed to remain in B Entry because there are still other permanent residents of B Entry yet to be decrowded. Once all permanent residents of B Entry have been decrowded, Julie-Ann would be eligible to move back to an open room in B Entry."

The above policy is found to be consistent with the House Constitution and Bylaws.

In sum, we have determined that Mr. Babu's complaints reflected more of a dissatisfaction with current policies and interpretations, rather than a finding of legal abuse by the accused parties.

Notes and Comments: The Judicial Committee recommends that the provisions related to decrowding be revised at the earliest convenience of Housecomm, so as to clarify the issue and avoid the controversy arising from their interpretation in the future. Furthermore, the Committee views with great consternation the ability of the President to interpret ambiguities within the written guidelines to formulate policy. Though we have been extremely fortunate this time in that we did not find any Presidential offenses, the ability of that executive officer to interpret the law essentially constitutes a conflict of interest and greatly disturbs the credibility of that office. We believe, that in the interest of institutional accountability, the authority to interpret the Constitution and Bylaws should be ascribed exclusively to the Judicial Committee. We recommend that the House Constitution be amended for this purpose.

Approved by a vote of 3-0 in favor.

Submitted to the MacGregor House Committee on March 1, 2000.

Ronojoy Chakrabarti, Judicial Committee Chairman and Author of the Present Opinion

Jennifer Eppig, Judicial Committee Member

Jennifer Shieh, Judicial Committee Member