



**To:** Danya Adams, Senator for the Class of 2021  
Gisselle Gladden, Comptroller of the Student Government

**Cc:** American University Student Government  
Alex Behle, Secretary of the Student Government

**From:** Brian Fu, Chair of the Judicial Board  
Alex Russo, Associate Member of the Judicial Board  
Eric Brock, Associate Member of the Judicial Board

**Subject:** Judicial Opinion 14.002

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On February 1<sup>st</sup>, 2019, Senator Danya Adams submitted an inquiry regarding the performance of Comptroller Gladden in nine different areas. A hearing took place on February 4<sup>th</sup>, 2019 where evidence was submitted, witnesses heard, and testimony delivered. After deliberation, the Judicial Board has come to a unanimous decision regarding the charges brought against Comptroller Gladden.

On the question of whether the Comptroller violated the Rules of Debate and Decorum by not reporting biweekly to the Undergraduate Senate, we find Comptroller Gladden in violation. The Board believes that the Rules of Debate and Decorum, in Article VII.i.2, are very clear in mandating a biweekly report from the executives, and we agree with the interpretation of the Complainant that a report from a member of the executive's cabinet does not satisfy this requirement.

On the question of whether the Comptroller violated the Rules of Debate and Decorum by not having herself or a cabinet member attend every Undergraduate Senate meeting, we find Comptroller Gladden in violation. The Rules of Debate in Decorum, in the same section as above, also mandates that either the executive or a member of their cabinet be available at every Senate meeting. There simply was not enough evidence to show that there was a member of the Comptroller's cabinet, or the Comptroller herself, had attended every meeting.

On the question of whether the Comptroller violated the Bylaws by neglecting to update the Budget Transparency page of the Student Government website, we find Comptroller Gladden in violation. The Bylaws, in Article III.1.vii, are clear in both requirement of duty and timeframe, in explaining what is to be done and how often. The Complainant was able to show that there

had been a significant amount of time that the website had not been updated. While the Comptroller was able to update the website in the interim of the inquiry being submitted and the hearing, this still does not excuse the fact that the website had gone for so long without the necessary updates.

On the question of whether the Comptroller violated the Bylaws by neglecting to publish monthly reports on the fiscal activities of Student Government, we find Comptroller Gladden in violation. The Bylaws, in Article III.1.v., we believe to be sufficiently clear in their mandate of a monthly fiscal report by the Comptroller as well as this report to be made public. There simply was no record anywhere of such reports, nor were there any records of these reports submitted in the evidence. While there was a compelling argument for the fact that the Comptroller would not necessarily receive financial information from relevant parties in time to publish a report, the Board still cannot ignore the mandate of the Governing Documents.

On the question of whether the Comptroller violated the Bylaws by failing to include spending by certain Student Government accounts on the Budget Transparency website, we find Comptroller Gladden in violation. The Bylaws, in Article III.1.vii., explicitly requires that the Budget Transparency page of the website include itemized individual expenses, not just total sums of money spent by each department. The evidence of the website submitted does show that this requirement was fulfilled in previous months, but not with the most recent update.

On the question of whether the Comptroller violated the Bylaws by declining to represent Student Government on certain university committees, we find Comptroller Gladden not in violation. The Board believes the Bylaws seem to contradict itself in this regard. On one hand the Bylaws in Article III.1.i. requires that the Comptroller represent the Student Government to the university when fiduciary affairs are involved. On the other hand, the Bylaws in Article I.1.iii. also give the authority to the President to appoint students to “any and all bodies on which the Student Government as a whole is represented.” This authority was properly exercised in the case of the university Budget Committee, with a representative of the Student Government being present via an appointment from the President. Therefore, we cannot fault the Comptroller for this contradictory situation.

On the question of whether the Comptroller violated the Bylaws by failing to submit a draft of the Ethical and Judicial Standards to the Undergraduate Senate, we find Comptroller Gladden not in violation. There is simply no requirement for the Comptroller to submit a draft of the Ethical and Judicial Standards to the Undergraduate Senate for approval. While the Complainant admitted that the question was supposed to reference the Employee Policy and Procedures Manual, which is required to be submitted to the Undergraduate Senate for approval by the Comptroller, the original question did not reference this, therefore the Board cannot hold the Comptroller in violation of a requirement that is not held to her.

On the question of whether the Comptroller violated the Bylaws by failing to keep organized records of Student Government spending, we find Comptroller Gladden not in violation. There simply was not enough evidence to suggest that the Comptroller had been grossly negligent in this area. The Bylaws also grant broad and wide authority for the

Comptroller to maintain financial records in any way she sees fit, therefore the Board cannot assess the execution of her duties when there is no specific requirements in the Governing Documents.

On the question of whether the Comptroller violated the Bylaws by failing to submit performance evaluations every month and reporting these to the Undergraduate Senate Finance Committee, we find Comptroller Gladden in violation. It is a clear requirement of the Office of the Comptroller to conduct performance evaluations and then deliver those evaluations to the Special Committee on Finance. There was no record of these performance evaluations having ever been made or delivered to the Finance Committee. While there was a legitimate argument that this requirement has historically never been done by Comptrollers, the Board cannot allow past practices of the office to supersede the Governing Documents' clear mandates, lest we set a dangerous precedent where officers may simply change the rules of their office and claim it to be precedent, even if it violates the Governing Documents.

In total, Comptroller Gladden was found to be in violation of six requirements of her office.

The sanctions ordered against Comptroller Gladden are as follows: Comptroller Gladden shall be suspended from her duties for a period of 14 days beginning on February 6<sup>th</sup>, 2019 at 12pm. This suspension will end on February 20<sup>th</sup>, 2019 at 12pm. In accordance with the Bylaws, Article XIII Section 4 subsection i, Comptroller Gladden's pay shall be modified in a manner amenable to Student Activities. The immediate successor of Comptroller Gladden, as determined in the structure of her cabinet, shall assume the duties of the Office of Comptroller for the period of the suspension. During the period of suspension, Comptroller Gladden may not execute any of the duties of her office, including, but not limited to, holding office hours, authorizing any financial obligation of the Student Government, or be involved in the adjudication of violations of the Ethical and Judicial Standards.

Comptroller Gladden's suspension shall end February 20<sup>th</sup>, 2019 at 12pm, at which point she shall enter a period of probation. While probation is not a listed sanction under the Judicial Register, the Register does permit the Board to authorize any sanction they deem fit so long as it does not permanently remove the member in Article III Section 4 subsection vii. During this period of probation, which shall last for 30 days until March 22<sup>nd</sup>, 2019 at 12pm, Comptroller Gladden may once again assume the duties of her office and may collect pay for time served outside of the period of suspension. As part of the probation Comptroller Gladden must do the following: send evidence to the Chair of the Judicial Board that she is rectifying the violations she was found responsible for, including updating the website properly and in the correct time frame, the publication of the monthly fiscal activities report (which must be submitted to the Board before March 1<sup>st</sup>, 2019, the required date of the publication as mandated in the Bylaws Article III, Section 1, subsection v.), evidence of her biweekly reports to the Senate, evidence of her attendance, or a member of her cabinet's attendance, at every Senate meeting during the period of probation, and the submission of performance evaluations conducted during the period

of probation (in this area it is also required that the Comptroller submit these evaluations to the Chair of the Special Committee on Finance.)

Should the Comptroller provide all the relevant evidence required under this Opinion in the time required, then her period of probation shall end on March 22<sup>nd</sup>, 2019 at 12pm and the matter of this case shall be considered closed. Should the Comptroller fail to provide the necessary documentation and evidence to the Judicial Board in the fashions outlined in the Opinion, then the Comptroller's probation shall still end on March 22<sup>nd</sup>, 2019, but the Judicial Board shall reconvene at that time to consider further sanction in terms of the violation of the probation.

It is so ordered on this 5th day of February, 2019

Signed,

A handwritten signature in cursive script that reads "Brian Fu".

**Brian Fu**

Chair of the Judicial Board

American University Student Government