

**JUDICIAL BOARD
OF THE UNIVERSITY PARK
UNDERGRADUATE ASSOCIATION**

| No. 20-01 |

**RE: THE REMOVAL OF RASHA ELWAKIL FROM THE
UNIVERSITY PARK UNDERGRADUATE ASSOCIATION**

UNDER REVIEW BY THE JUDICIAL BOARD

[July 23rd, 2025]

JOINT OPINION OF THE JUDICIAL BOARD (8-0).¹

On July 9th, 2025, the Judicial Board's attention was formally drawn to the removal of President Rasha Elwakil from her role in the University Park Undergraduate Association (UPUA) on April 23rd, 2025. This review was encouraged by the Assembly via *Resolution #02-20 Judicial Review for the Removal of the Former President of the 20th Assembly* due to the vacancy of all Judicial Board seats at the time of the removal – prescribing the duty to examine the decision for fairness, equity, adherence to the UPUA Constitution and Bylaws, and the legislative branch's integrity. Following a thorough analysis of witness testimony, corroborating evidence, and an application of these facts to the UPUA's governing documents, this opinion addresses the findings of our review.

The questions before the Judicial Board were twofold: first, whether a one week's notice (as stipulated in §6.6 of the *UPUA Bylaws & Operational Code*) was satisfied prior to the vote to remove former President Elwakil; and second, whether a removal proceeding of a member of the Executive Branch is allowed to occur in the absence of a Judicial Board (as stipulated in §11.3.1 cl. v. of the *UPUA Constitution*).

¹CHIEF JUSTICE STEACH, JUSTICE FETTERHOFF, JUSTICE FLORES, JUSTICE HUMPHREYS, JUSTICE KILGORE, JUSTICE MAC CORMAC, JUSTICE MATTIS, and JUSTICE MCGEADY joined this decision. JUSTICE YORK recused himself from the case due to previously having served as a legislative member during the 20th Assembly.

A

The UPUA Bylaws and Operational Code, specifically §6.6, establish strict procedural requirements for votes of expulsion or removal: *"Votes of expulsion, removal, or removing a title are their own line in the agenda as a subset of New Business and must be submitted to the Secretary before a General Meeting. The member, or liaison in question must be given one (1) week's notice."*

After corroborating witness testimony, the Judicial Board finds that the removal proceeding failed to adhere to the explicit requirements of §6.6. We interpret this clause as a strict prerequisite for all votes of expulsion or removal within the UPUA.

Specifically, we find that the language requires the member or liaison facing expulsion or removal to receive at least one week's notice that such a vote will appear as its own line item under New Business and has been submitted to the Secretary accordingly.

We view this clause as an inherent procedural right afforded to all UPUA members facing potential expulsion. It ensures not only that the member in question has sufficient time to prepare for a formal removal proceeding, but also that members of the General Assembly, the undergraduate student body, university administration, student organization leaders, and the UPUA's other community partners are properly informed of an official and imminent proceeding.

We interpret the intent of §6.6 to be precisely that: to safeguard transparency, fairness, and due process in all removal actions.

It was further established that no person is eligible to waive a bylaw, reinforcing the mandatory nature of these provisions. This is in response to the notion that President Elwakil "waived her right" to be notified as required by §6.6.

Our governing documents are ratified by the General Assembly each Assembly and contain strict, enforceable clauses adopted with deliberate intent. No member or group of members of the UPUA possesses the authority to waive any of the provisions set forth in our governing documents, as this would be overruling our organization's own legal

authority. It is the responsibility of the General Assembly to propose and approve amendments or policy changes to these governing documents, and the duty of the Judicial Board to interpret and strictly enforce the language as most recently ratified.

B

According to §11.3.1 cl. v. of the UPUA Constitution, *“For proceedings on Members of the Executive Branch, the highest ranking Member of the Judicial Board shall preside.”*

At the time of the April 23rd General Assembly, no members of the Judicial Board had been nominated, confirmed, or sworn in. The Judicial Board interprets this language strictly and finds that the absence of the Judicial Board’s highest-ranking member from presiding over a removal proceeding of an Executive Branch member constitutes a clear violation of the UPUA Constitution.

It is the responsibility of the Executive Branch to ensure that Judicial Board positions are promptly filled to prevent such constitutional lapses. Proceedings that require the presence of a specific officer, as dictated by the Constitution, cannot constitutionally occur if that officer has not been duly nominated, confirmed, and sworn in.

Additionally, the Judicial Board finds the role that the Vice President played in presiding over the removal to be a violation of procedural authority. Robert's Rules of Order Newly Revised (12th Edition) establishes foundational principles for fair and orderly deliberative assemblies, with paramount emphasis on the requirement for the impartiality of the presiding officer. Section 43:29 explicitly states that "the impartiality required of the chair in an assembly precludes his exercising these rights while he is presiding" when a matter directly implicates their personal interest. Furthermore, it is a fundamental tenet that a presiding officer should not participate in debate.

Evidence presented to the Judicial Board confirmed that during the removal proceeding against the President, the Vice President not only served as the presiding officer but also spoke briefly in discussion. This action, coupled with the unavoidable personal interest inherent in the Vice President's position (for example, the removal of the President

would result in the Vice President's immediate assumption of the presidency), constitutes a direct and undeniable compromise of the impartiality required of the chair. Such a conflict fundamentally undermines the fairness and legitimacy of the proceedings, violating the core principle articulated in Robert's Rules of Order Newly Revised (12th Edition).

This emphasis on impartiality is precisely why §11.3.1 cl. v. exists within the UPUA Constitution and is designed to have the highest ranking member of the UPUA's impartial judicial authority preside over Executive Branch removals.

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After a careful review of witness testimonies, the evidence provided, and the UPUA's governing documents, the Judicial Board has concluded that the removal proceeding against President Rasha Elwakil was conducted in violation of §6.6 of the UPUA *Bylaws and Operational Code* and §11.3.1 cl. v. of the *UPUA Constitution*.

Therefore, due to these significant and material constitutional and procedural violations, the Judicial Board finds the removal proceeding against the President to be null and void.

The Judicial Board hereby overturns the removal of President Rasha Elwakil from the University Park Undergraduate Association. This decision reflects the Board's commitment to upholding the integrity of the University Park Undergraduate Association's governing documents and procedural rules, as well as ensuring fairness and equity in all its actions.

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Course of Action

As a result of the Judicial Board's decision to strike the April 23rd General Assembly removal vote, Rasha Elwakil is reinstated as President of the UPUA, and Fletcher Port is reinstated as Vice President of the UPUA, effective immediately.

As both individuals were formally sworn into office during the April 16th General Assembly meeting, no further procedural action is necessary for this transition.

For clarity, the Judicial Board's ruling renders the outcome of the April 23rd removal proceeding null and void due to procedural violations of the *UPUA Constitution and Bylaws and Operational Code*. Accordingly, the original officers resume their positions with full authority, as though the removal vote had never occurred.

Additionally, the Judicial Board encourages collaboration with the General Assembly to draft and adopt a clear and comprehensive removal process within the UPUA's governing documents as soon as possible. Until such language is formally enacted, all votes concerning expulsion or removal must adhere strictly to the current provisions, as outlined in this opinion and the UPUA's governing documents.

It is so ordered.