



Judicial Board

Decision

In a unanimous 5-0 decision, the ASLMU Judicial Board finds that the ASLMU Senator's conduct did not meet sufficient grounds for the impeachment of ASLMU Senator for Diversity and Inclusion Stephanie Martinez. The Judicial Board therefore reverses the Senate's impeachment of Senator Martinez. The Judicial Board also levies sanctions upon Senator Martinez for her conduct.

Opinion

The ASLMU Senate, according to arguments presented by ASLMU Attorney General Leslie Sepulveda, impeached Senator Martinez for:

- A. Misrepresenting her relationship with the Coalition for Humane Immigrant Rights Los Angeles (CHIRLA) in the election for Senate.
- B. Comments harmful to the LMU LGBTQ+ community during her Senate impeachment hearing.

Attorney General Sepulveda noted that Senator Martinez's tweets, which have been widely discussed and commented on within the LMU community, are protected under the free speech established under the ASLMU Bylaws and Constitution. Senator Orozco, who brought the impeachment complaint against Senator Martinez in the Senate, also affirmed that the tweets are protected. The Judicial Board therefore did not, and could not, consider Senator Martinez's tweets as impeachable conduct when reviewing this case.

Regarding the Senate's first allegation, CHIRLA, the Senate did not provide sufficient evidence to prove that Senator Martinez misrepresented her relationship with the organization. Evidence presented by Senator Orozco was Senator Martinez's tweets regarding undocumented immigrants, implying that she used CHIRLA to misrepresent her political ideology related to undocumented immigrants. Yet this is not impeachable, as Senator Martinez did in fact have a relationship with CHIRLA. It is true that Senator Martinez did misrepresent her relationship with the organization, as she claimed to volunteer and only attended a retreat. While the Judicial Board does agree that it is problematic to exaggerate your relationship with an organization on

a resumé, it does not meet the, “Conduct that severely damages the integrity or authority of ASLMU or the office held by the individual in question (ASLMU Bylaws Article 8 Section 2 Subsection B Sub-Subsection D 3)” that Attorney General Sepulveda claims she violated. The key word in this section of the Bylaws is severe. While moderately exaggerating one’s work experience should be reprimanded, it is also a common occurrence, and does not rise to the standard of *severe* damage to the integrity of ASLMU or Senator Martinez’s office. Additionally, it does not seem that the Senate was aware of Senator Martinez’s exaggeration, and impeached her only on the inconsistency between CHIRLA and her tweets, which Senator Orozco and Attorney General Sepulveda stated are protected.

Regarding the Senate’s second allegation of anti-LGBTQ+ comments, the Judicial Board does agree with the Senate that Senator Martinez’s comments made during the impeachment hearing are disrespectful to the LGBTQ+ community, and should not be made by any ASLMU Senator, and especially a Senator for Diversity and Inclusion, who directly represents LGBTQ+ individuals. Additionally, Senator Martinez did not express regret for these comments during the judicial hearing, and further expressed a deep misunderstanding of her responsibilities, saying that holding the political belief that a minority group does not deserve equal rights is not impeachable under the Bylaws. The Judicial Board is deeply troubled by these remarks, but cannot uphold the impeachment for this reason under the Bylaws, as we may only consider the contents of the Senate trial in order to fulfill our responsibility to determine if the Senate hearing was conducted appropriately.

In the hearing, Senator Martinez expressed the opinion that teaching LGBTQ+ history in schools is “inappropriate” according to the values of the household in which she was raised, and stated that she still holds this belief. Yet she additionally asserts that she will put her political beliefs aside to serve the LGBTQ+ community. While it is possible that it is not the case that Senator Martinez will work to serve the LGBTQ+ community, Senator Orozco did not provide evidence of this in the Senate hearing. Refusing to serve the LGBTQ+ community would meet the standards of severely damaging ASLMU and Senator Martinez’s office, yet since no evidence has been provided, the Senate could not reasonably conclude that improper conduct exists. Attorney General Sepulveda explained that they consider Senator Martinez’s statements to meet the standards of “Conduct that severely damages the integrity or authority of ASLMU or the office held by the individual in question. (ASLMU Bylaws Article 8 Section 2 Subsection B Sub-Subsection D 3)” but no evidence was provided to explain how the statements constitute severe damage, and it would be difficult to do so during the hearing, as it would take time to understand the impacts of Senator Martinez’s statements.

Additionally, the Judicial Board concurs with Senator Martinez’s argument that consistent discussion of her tweets during the Senate hearing prejudiced the proceedings against her, obstructing her due process. Both the accusations of misrepresenting the relationship with CHIRLA and anti-LGBTQ comments arise because of tweets found on Senator Martinez’s feed. If Senator Orozco asserts that Senator Martinez’s tweets are considered protected speech, there was no alternative foundation to build the case. Attorney General Sepulveda did not argue that the Senate is allowed to use protected speech in order to begin an impeachment hearing where

they may find impeachable conduct, so this could not be considered in the question of due process.

Additionally, the Judicial Board is concerned that there is no document that explicitly states what alleged misconduct Senator Martinez was impeached for. Upon reviewing the Senate hearing, it does not appear to be abundantly clear to the Senators what Senator Martinez is accused of before they vote to impeach. While Senator Orozco and Attorney General Sepulveda explain that they do not see Senator Martinez's tweets as impeachable, it is not made clear if they consider anti-LGBTQ+ statements, without anti-LGBTQ actions, to be impeachable. If they consider Senator Martinez's tweets to be protected, the same logic applies to the statements made in the hearing, yet Senators may have believed the statements in the hearing to be impeachable.

There were also a number of arguments presented by Senator Orozco that Attorney General Sepulveda did not defend or discuss. Senator Orozco introduced witness statements asserting that they have lost confidence in Senator Martinez's ability to do her job yet cited not conduct other than Senator Martinez tweets as a reason students may have lost confidence in Senator Martinez. If Senator Orozco is operating on the presumption that Senator Martinez's tweets are protected speech, then they cannot be considered conduct that severely damages the authority of ASLMU or Senator Martinez's office. It is unclear to the Judicial Board if Senator Martinez's tweets were considered for impeachment in this context, as it does not appear that the specific conduct being considered was clarified for the Senate directly before the impeachment vote. The Judicial Board is aware that the Bylaws do not require a document outlining the conduct for which an ASLMU member is being impeached, yet the lack of clarity in this hearing demonstrates that one is necessary, and clouds due process for Senator Martinez. This was not a point of contention brought up by Senator Martinez, so was not included in the decision-making process, but remains an issue that should be addressed in the future.

The ASLMU Bylaws state the Judicial Board may overturn an impeachment by the Senate if:

- A. The alleged improper conduct does not qualify as grounds for impeachment.

and / or

- B. The due process of the impeached officer was violated in a manner that significantly prejudiced the proceedings against the Officer. (ASLMU Bylaws Article 8 Section 2 Subsection B Sub-Subsection 6)

For the reasons explained above, the Judicial Board has determined that there was insufficient evidence for the Senate to reasonably find that Senator Martinez has committed *impeachable* improper conduct as defined by the Bylaws. We also find that Senator Martinez's opposition have used what they state to be protected speech as a foundation to build arguments that Senator Martinez has committed impeachable conduct, violating her due process.

Sanctions

While the Judicial Board cannot uphold the impeachment under the current circumstances delivered by the Senate, we have identified numerous actions taken by Senator Martinez that place her ability to fulfill her role as Senator for Diversity and Inclusion into question. In the hearing, we found that:

- Senator Martinez has been chronically absent from her required weekly office hours, calling her ability to serve her constituency into question.
- Senator Martinez has not demonstrated remorse for any anti-LGBTQ+ or any anti-undocumented immigrant sentiments, or understanding of how they can potentially harm these communities.
- Senator Martinez severely misunderstands the Bylaws in relation to discrimination.
- Senator Martinez did somewhat misrepresent her relationship with CHIRLA.
- Senator Martinez has demonstrated no clear plans on how she will serve the LGBTQ+ or undocumented community in her role.

The Judicial Board is concerned by these findings, yet it is not our role to determine if Senator Martinez deserves impeachment, it is to determine if the Senate acted reasonably, and in this case, they did not. The above findings were also all uncovered within the Judicial hearing, therefore they cannot be considered in upholding the impeachment, as the Senate was unaware of this information when impeaching Senator Martinez. It is however, within the power of the Judicial Board to levy sanctions as a result of our findings. We therefore impose the following sanctions on Senator Martinez:

1. Senator Martinez must issue a public letter of apology for her comments during the Senate impeachment hearing that may have offended LGBTQ+ and undocumented students. The letter must also include an apology for misrepresenting her work experience with CHIRLA, as she in fact did not volunteer. This letter must be sent to the ASLMU Speaker of the Senate and the ASLMU President by Tuesday, November 10th, and then be read aloud at the subsequent Senate meeting. The ASLMU President, if he chooses to do so, may publish the letter on any of ASLMU's platforms.
2. Senator Martinez has until Tuesday, November 10th to resume her required office hours, and must message any and all student organizations for underrepresented groups to publicize her office hours that the ASLMU Speaker finds appropriate. Senator Martinez must notify the ASLMU Speaker of any future absences from her office hours, may not miss more than one scheduled office hour shift in a row except under extreme circumstances, and may not miss more than 25% of her office hour shifts in any month.
3. Senator Martinez has until Tuesday, November 10th to schedule a meeting the Director for LGBTQ+ student services and a meeting with the Director for Chicano/Latino student services. She must discuss her Senate goals with these LMU staff members, and with them generate a plan to serve the LGBTQ+ and undocumented student communities.

4. Senator Martinez has until Tuesday, November 24th to send the ASLMU Speaker a project proposal or research paper on how to serve either or both of these communities (minimum 1,000 words for either) to the ASLMU Speaker. If Senator Martinez chooses a project proposal, she must present it to the Senate in the subsequent meeting.

Failure to meet any of these sanctions by their stated deadlines qualifies as impeachable conduct, and the Senate would be permitted to hold a new impeachment vote.

The Judicial Board also recommends, but does **not** require, that Senator Orozco and Senator Martinez, any other parties involved in bringing the case against Senator Martinez, take part in a mediation session to discuss their differences, so that it would be possible to continue working together without excess tension. One possible group to seek out to facilitate this is the LMU Intercultural Facilitators.

Additional Comments

While the Judicial Board believes that the Senate did not consider sufficient evidence to come to a reasonable conclusion of impeachment and unduly prejudiced the Senate hearing against Senator Martinez, we also recognize that there is conduct from Senator Martinez that may be impeachable and the Senate did not consider. In her Senate impeachment hearing, Senator Martinez claimed that she would put her political beliefs aside to serve the LGBTQ+ community. Yet she has not been holding office hours, and by her own account in the Judicial hearing, is not currently doing anything else to serve the LGBTQ+ community. This could be interpreted as, “Egregious and/or intentional violations of official ASLMU or University, rules, policies, or procedures as they relate to the individual’s duties as a Senator. (ASLMU Bylaws Article 8 Section 2 Subsection B Sub-Subsection D 1)” This may therefore qualify for impeachment, as Senator Martinez is required to hold two scheduled office hours per week and is required to represent needs and issues related to sexual orientation (ASLMU Bylaws Article 6 Section 3 Subsection B Sub-Subsection b).

The Judicial Board also notes that it may not have been necessary to consider Senator Martinez’s tweets as free speech. The ASLMU Bylaws consider, “Conduct that violates the mission of ASLMU or the University (ASLMU Bylaws Article 8 Section 2 Subsection B Sub-Subsection D 2)” to be impeachable. If the complainant in the Senate chose to argue that certain tweets violate the mission of the university and therefore do not count as free political speech, the Judicial Board would have considered this argument in deliberations, and the Senate would have been allowed to consider the tweets when voting in favor of impeachment. For example, affirming that one “should be” a “concentration camp guard” may be considered to violate the mission of ASLMU and the University, even if it was said in jest. Political affiliation is protected, but this statement appears to go beyond conventional political affiliation.

In conclusion, the Judicial Board would like to reiterate that we are deeply troubled by many of our findings related to Senator Martinez’s conduct but are not permitted to uphold impeachment under the current circumstances established by the Senate hearing.