



2024 Elections Grievance 005 and 006

Written Opinion

Plaintiff(s): Tsang Ticket

Defendant(s): Boyden Ticket

Issue:

The basis of this controversy lies with the plaintiff, the Tsang Ticket, alleging that the defendant, the Boyden Ticket, violated the Elections Packet under General Violations stating that the disruption of University classes, organizations, or events with the intent to influence a campaign is strictly prohibited, as well as Initiating any campaign activities before the dates specified in Section (2) or any additional restrictions set by the Elections Board. The plaintiff asserts that the defendant violated both these policies by campaigning in classrooms only minutes before class was scheduled to begin, by joining various clubs as a means of campaigning, and by leveraging the position of Event Director to network and campaign with clubs and organizations prior to the posting day. The Court decided to hear this case because the alleged violations of the Elections Packet, in addition to the supporting evidence presented by the plaintiff met the criteria deeming the case necessary for a hearing.

Ruling of Supreme Court:

The presiding court has ruled unanimously that the issues presented in Grievances 005 and 006 have provided insufficient evidence of the defendant being “not in good standing.” The

Court ruled unanimously that the defendant was irresponsible for violating the “Class Presentation Clause,” the “Group Me Clause,” and the “Pre-Campaigning to Registered RSO’s Clause” under both Grievances 005 and 006. Chief Justice Januel Gomez-Colon and Associate Justices, Mitchell Kirkham, Audrey Glende, Avari Russell, and Gannett Fisk voted in the majority opinion.

Analysis and Reasoning of Opinion:

In the unanimous opinion, written by Associate Justice Gannett Fisk, the Court finds that the Boyden Ticket has not been found responsible for any violation of the Elections Packet. The primary reason for the ruling is based on the lack of evidence provided by the plaintiff who failed to prove beyond a reasonable doubt that any Elections Packet policies were violated by the defendant.

Concerning Grievance 005, the Court had some disagreement with defining “class disruption;” however, the Court believes that since Boyden did not actively interfere with scheduled class time, that he should not be found guilty of this violation. Despite some justices countering this claim, using the instance of Boyden being asked to leave the classroom by the professor as a standard of disruption, this concern was resolved by clarifying the definition of class to be the point at which class is scheduled to begin. There was no substantiated evidence that Boyden remained in the classroom past the official start time. The Court also finds the Boyden Ticket not at fault for disrupting RSO group chats as a means of campaigning since there are no regulations preventing anyone from joining university clubs or organizations. Based on this fact, the Court came to the consensus that no violations occurred with respect to Grievance 005.

In the matter of Grievance 006, the Court was in accord that any evidence of Boyden campaigning prior to posting day was unsubstantiated. Although Boyden may have been motivated to reach out to these organizations through ulterior motives, the Court found it unjust to issue sanctions for behavior that should be incentivized. There should not be pressure for candidates to stop acting upon their permitted roles in fear of breaking election guidelines. Boyden, as Associate Director of Campus Events Board, was allowed to run while retaining his position under RedBook and the Elections Packet. The Court concluded that while the rules may not be as concise as they should be, there is no clear evidence of wrongdoing, and it seems that this is simply the case of the Boyden Ticket utilizing superior campaigning strategies.

By addressing this case, the Court seeks to establish a precedent that ensures a fair and consistent approach to similar issues in the future. The Court emphasizes the importance of adhering to all applicable campaign rules and procedures to ensure that all members of a campaign are held accountable for their actions. This decision was not made lightly, and the Court has taken a thorough and nuanced approach in reaching this conclusion. By ensuring a fair and just application of the ASUU policies and procedures, the Court aims to foster a transparent and accountable election environment for all involved parties.

Recommendations:

The Court unanimously finds that the Boyden Ticket is not responsible for any of the alleged violations within the Elections Packet.

The Court hereby recommends the following areas as necessary considerations for future deliberation of the electoral process:

1. The Court recommends that the Elections Packet operationally defines the term “class disruption” to specify that any activity that takes place in the classroom before scheduled class time is an open space for free speech and campaigning.
2. Confirm that the definition of campaigning within the Elections Packet is synonymous with the definition expressed in the Red Book to avoid potential confusion among both candidates and the Court.
3. Ensure that current members of student government are not disincentivized from getting involved or strengthening community relationships with RSOs as long as these members operate within the confines of the Elections Packet and Red Book guidelines.