

Book of Court Decisions

The Student Court of Justice

Updated January 14, 2018

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KEY
Yellow = Election Code – Candidate Related
Green = Election Code – Non-Candidate Related
Cyan = Non-Election Code
Pink = Student Court Interpretations
Red = Student Organization Related

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KEY

- Yellow = Election Code Violations – Candidate Related
- Green = Election Code Violations – Non-Candidate Related
- Cyan = Non-Election Code Violations
- Pink = Student Court Interpretations
- Red = Student Organization Complaints

NDSU STUDENT GOVERNMENT

Student Court of Justice

Historical Summary of the Application of Corrective Measures

Election Code – Candidate Related

“Minor” Violations Penalties:

- No Punishment

General Violation Penalties:

- Injunction (and/or)
- Percentage Reduction in Votes (historically, this has ranged from a reduction of 0.5% ^[1] to 2.5% ^[2] of a candidate’s votes) (and/or)
- Monetary Fine (historically, this has ranged from \$10^[3] to \$25^{[4][5]})

Election Code – Non-Candidate Related

General Violation Penalties:

- No Punishment

Non-Election Code

Constitution Violation Penalties:

- Monetary Fine (one historical example ^[6] – \$10) (and/or)
- Reprimand

SG Code Violation Penalties:

- Injunction (and/or)
- Monetary Fine (one historical example ^[7] – \$20)

Student Organization Related

Student Organization Election Violation Penalties:

- Injunction (and/or)
- Oversight (must submit to scrutiny by the Student Court over a period of time; official business may be required to be submitted to the Court; elections may be run or supervised by the Court)

General Student Organization Wrongdoing Penalties:

- Injunction (and/or)
- Oversight (must submit to scrutiny by the Student Court over a period of time; official business may be required to be submitted to the Court; elections may be run or supervised by the Court)

References

- | | | |
|--------------|--------------|--------------|
| 1. SSC-07-12 | 4. SSC-11-11 | 7. SSC-04-12 |
| 2. SSC-01-15 | 5. SSC-12-11 | |
| 3. SSC-13-11 | 6. SSC-01-12 | |

NORTH DAKOTA STATE UNIVERISTY STUDENT COURT OF JUSTICE

Opinion of November 30th, 2005 Student Body Constitution Preamble

At the request of the 2005-2006 Constitutional and Code Review committee and with power given to the Court by the Student Body Constitution by Article IV, Section 3, Item A, "Final jurisdiction on Constitutional interpretation," the Student Court of Justice has expressed the following opinion as to the scope of the Constitution as laid out in the Preamble.

There was confusion as to the meaning of the Preamble. The problem stems from the phrases

"in order to promote the well-being of the student body, guarantee freedom to ourselves and to our successors, and to uphold impartiality and justice..."

There were two suggested ways in which to interpret this. First, is that the first phrase "in order to promote the well-being of the student body," hereafter referred to as Phrase 1, is defining a main singular goal with the phrases "guarantee freedom to ourselves and to our successors," hereafter referred to as Phrase 2, and "and to uphold impartiality and justice," hereafter referred to as Phrase 3, are sub-goals designed to better define Phrase 1. The second suggested way to interpret this section is to view Phrases 1, 2 and 3 as separate, broader goals for the Constitution to accomplish.

The Court has expressed that the Constitution should provide a broad range of goals to better serve the Student Body. In the opinion of the Court, outlining three separate goals would better objectify the purpose of the Constitution. To better clarify this idea, the Court recommends the insertion of "to" in front of "guarantee" in Phrase 2. Phrase 2 should then read "to guarantee freedom to ourselves and to our successors."

This vote was resolved by a 3-0 vote in the affirmative

Respectfully Submitted,

Zachary Duval, Chief Justice – Abstain
Caitlin Pandolfo, Associate Justice – Affirmative
Jamie Johnson, Associate Justice – Affirmative
Lindsey O'Brien, Associate Justice – Affirmative

Wednesday, April 9, 2008
North Dakota State University Student Court
Constitutional Interpretation of Article IV, Section 3 J.

As the North Dakota State University Student Court, it is our duty to have final interpretation of the Student Body Constitution. As such, we have come to a decision through a vote of 5-1 regarding the interpretation of Article IV, Section 3 J of the Constitution of the Student Body of North Dakota State University of Agriculture and Applied Science.

The aforementioned portion of the Constitution states: “Proper notice of a hearing must be given to all parties involved in a dispute which is to be heard by the Student Court of Justice. Such notice shall be written or via direct verbal contact. If the notice is received less than forty-eight (48) hours in advance of the hearing, either the petitioner or the respondent can request, and shall be granted, a postponement.”

The Court refers to the Student Body Election Code in all matters regarding the student body elections. Our predecessors have divided the Student Court’s responsibilities into constitutional issues and election issues, and the Student Body Election Code will be the final authority on election matters. Therefore, the complaint deadline of noon on Tuesday, April 8 stands.

Further, Section III, subsection 14 of the North Dakota State University Student Government Code states: “A notice and agenda for all meetings of the Student Court at which a case or cases are to be heard must be clearly posted in the Student Government office forty-eight (48) hours in advance of such a meeting. If additional cases are placed on the agenda, an amended agenda must be posted twenty-four (24) hours in advance of such a meeting and this will be considered the final agenda. No additional cases may be heard other than those posted on the agenda. *Regularly scheduled meetings at which no cases are to be heard and any Election Complaint Hearings are exempt from this provision.*”

This stands as the NDSU Student Court’s official interpretation and ruling.

Drew Espeseth
Chief Justice

Marissa Clarin
Associate Justice

Ryan Parsons
Associate Justice

Jared Marquardt
Associate Justice

Meghan McCloud
Associate Justice

Kevin Black
Assistant Justice

Kim Bruemmer
Advisor

North Dakota State University Student Court of Justice
Official Decision SSC-01-08

This writing shall serve as the official decision of the NDSU Student Court regarding the election complaint filed by president/vice president tickets and co-plaintiffs Brian Fier/Andrew Brown, Jonathan Foss/Greg Heller, and Ron Storhaug/Rachelle Hadland against president/vice president ticket and defendants Joe Heilman/Pramita Sen.

In the first of three parts of said complaint, regarding early campaigning through the production of a video by the Heilman/Sen campaign and a large number of supporters listed on the Heilman/Sen Web site at the time of its launch, the Student Court found Heilman/Sen not responsible. The Court came to a 2-1 decision that campaigning constitutes discussion of platform points. As there was no evidence to prove the Heilman/Sen campaign engaged in such discussion, the court was compelled to rule in favor of the defendants.

In the second part of said complaint, regarding the Heilman/Sen ticket being introduced at the International Student's Association (ISA) International Show and that introduction being defined as campaigning, and through the use of DJ equipment at a Heilman/Sen event, and compelling the Heilman/Sen campaign to budget the cost of both instances as campaign expenses, the Student Court found Heilman/Sen not responsible. The Court came to a 2-0-1 decision that the ISA event was not campaigning based on the earlier definition of campaigning as regarding platform discussion. In addition, each president/vice president ticket had the opportunity to be present at the ISA event should they have inquired. Also, the DJ equipment was personally owned by one of the defendants, and as such, has no need to be included in a campaign budget. Therefore, the court was compelled to rule in favor of the defendants.

In the third and final part of said complaint, regarding the three plaintiff president/vice president tickets being "tagged" in a campaign video for the Heilman/Sen campaign that was posted on YouTube, causing a misrepresentation of candidacy, the Student Court found Heilman/Sen not responsible. The Court came to a 2-1 decision that there was a lack of evidence that the three plaintiff campaigns were negatively affected by the action. As a result, the court was compelled to rule in favor of the defendants.

Respectfully submitted by the NDSU Student Court of Justice,

Drew Espeseth
Chief Justice

Marissa Clarin
Associate Justice

Jared Marquardt
Associate Justice

Ryan Parsons
Associate Justice

Meghan McCloud
Associate Justice

Kevin Black
Assistant Justice

Kim Bruemmer
Student Court Adviser

6 April, 2009

North Dakota State University Student Court of Justice
Official Decision SSC-02-09

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed on behalf of Jeb Lockwood against Chief Justice Drew Espeseth, Student Body President Joe Heilman, and Student Body Vice President Pramita Sen and their decision to change the Student Body Election dates.

NDSU's decision to cancel two weeks of class, which coincided with the two weeks of Student Body Election campaigning, severely impacted candidates' abilities and options to effectively advertise their candidacy and inform students of their platforms. In addition, the general student body would not have been well-informed if the Student Body Election would have taken place on the originally scheduled dates, which incidentally would have been the second and third days NDSU was back in session after a three-week hiatus.

While the Student Court acknowledges the decision-making process used was streamlined and executed under emergency circumstances, the Student Court believes the best process was used in this situation, allowing for additional campaigning so voters may make an informed decision. In the interest of time and in order to keep the election process fair, the And so the official decision is:

The NDSU Student Court of Justice has elected to hold a special election in accordance with section 414 of the Student Body Election Code. The Student Court has also decided to suspend Section 414 B of the Student Body Election Code in order to allow for additional campaigning. Finally, in response to concerns regarding financial expenditures for candidates, the Student Court has chosen to raise the spending limits for president/vice president candidates and senator candidates by 30% to account for re-printing posters and other campaign materials with correct election dates. The spending limits are now \$1,560 for president/vice president tickets and \$260 for senator candidates.

The Student Court would also like to emphasize the uniqueness of these circumstances. This decision does not set a precedent for normal election processes. This decision will be added to a comprehensive file detailing the 2009 Student Body Election and will be archived to allow future sessions of Student Government to refer to the information contained within. The Student Court is also planning to address such drastic circumstances through timely revisions of the NDSU Student Body Election Code.

Respectfully submitted by the NDSU Student Court of Justice,

Drew Espeseth
Chief Justice

Meghan McCloud
Associate Justice

Rachel Perschbacher
Associate Justice

Lana Rask
Associate Justice

Katie Gongoll
Associate Justice

Kim Bruemmer
Student Court Advisor

7 April, 2009

North Dakota State University Student Court of Justice
Official Decision SSC-03-09

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the Amber Altstadt/Andy Schlicksup campaign on behalf of Abram Jackson. The complaint alleged an email, with addresses obtained from a list of student organization leaders, was sent out as a form of early campaigning on Thursday, March 12, when campaigning officially began Monday, March 23.

The Altstadt/Schlicksup campaign stated the addresses were obtained from a public list found on the NDSU Blackboard Web site and the email was not a form of campaigning, but rather asking to set up meetings with the organizations during the weeks of campaigning.

The Student Court ruled in favor of the Altstadt/Schlicksup campaign based on the source of the email addresses and the content of the email itself. The addresses were obtained from a public list accessible by any candidate, and the email itself used 112 individually selected addresses rather than a prefabricated listserv or electronic list, which is prohibited under the 2009 NDSU Student Body Election Code. Additionally, the content of the message was not an example of campaigning, as it was asking only to set up times to meet, and those times would be scheduled within the specified campaign dates.

This has been an “unwritten rule” for some time, and the Student Court has made notes to add this specification to the next edition of the Student Body Election Code for further clarification.

Respectfully submitted by the NDSU Student Court of Justice,

Drew Espeseth
Chief Justice

Meghan McCloud
Associate Justice

Rachel Perschbacher
Associate Justice

Lana Rask
Associate Justice

Katie Gongoll
Associate Justice

Kim Bruemmer
Student Court Advisor

17 April, 2009

North Dakota State University Student Court of Justice
Official Decision SSC-04-09

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the Trisha McDonald/Kaleb Kalinowski campaign on behalf of Chris McEwen, the McDonald/Kalinowski campaign manager. The campaign was made aware of the alleged violation, remedied the situation, and chose to present the complaint to the Student Court themselves in an effort to minimize any possible sanctions.

After reviewing the complaint and weighing the severity of the alleged offense with the potential impact on voters and the campaign in general, the Student Court voted to dismiss the complaint and assign no penalties. While the Student Court is not setting a precedent of automatic forgiveness when a campaign brings its own violation to the attention of officials, the Student Court felt the severity and the action taken did not warrant penalties. The short time frame the campaign pictures were available to be viewed made it unlikely to have affected a substantial number of voters. In addition, the steps taken to prevent pictures from being viewable in the first place lends to the credibility of the campaign's actions.

The Student Court acknowledged the act – viewable campaign pictures and materials on Facebook prior to the official start of campaigning – to be a violation. However, the Student Court felt the action was not severe enough to warrant a punishment and therefore chose not to assign any penalties based on those circumstances.

Respectfully submitted by the NDSU Student Court of Justice,

Drew Espeseth
Chief Justice

Meghan McCloud
Associate Justice

Rachel Perschbacher
Associate Justice

Lana Rask
Associate Justice

Katie Gongoll
Associate Justice

Kim Bruemmer
Student Court Advisor

Official Opinion of the
North Dakota State University Student Court of Justice
In regards to Senate Bill 38-09, A Bill to Support a Smoking Ban

This writing shall serve as the official opinion of the NDSU Student Court of Justice regarding Senate Bill 38-09, a Bill to Support a Smoking Ban. The Student Court reviewed the piece of legislation at its regular meeting on Monday, April 20 in an effort to ensure the best procedure was followed and the most accurate representation of the NDSU student body could be obtained.

The Student Court, with a tie-breaking vote of 3-2, decided to uphold the validity of SB-38-09, although the Student Court expressed great concern over the process used to propose this legislation to a vote of the student body. While there were technically no procedural errors in this legislative process, the Student Court felt the act of introducing the legislation for the first time at the Student Senate meeting, suspending the rules to consider the bill read for a second time, amending the bill to include specific dates for a special election, and ultimately passing the bill – all while the senate maintained quorum by a slim margin of one to two senators – was unfair to the Student Senate and the student constituents and bordered on deceptive. With such a divisive issue at hand, the Student Court felt the greatest number of senators possible should have been involved, not the least.

In addition, the Student Court felt the title of “special election” would mislead the student body and could potentially cause a misrepresentation of the student body opinion. By voting in a “special election,” the Student Court felt students would be led to think they were changing the NDSU smoking policy, which they are not, at least not in the direct way a “special election” vote would imply. The Student Court is concerned if the smoking ban ballot measure were to pass, and students were to return to NDSU in the fall expecting smoking to cease on campus but to find nothing had changed, Student Government would be involved in a potential crisis situation that would be grossly unwarranted. Not only would Student Government be involved, but it would fall to the new Student Senate and the new executive commissioners and administration, a group of student leaders who did not generate nor approve the legislation but are forced to deal with its consequences.

Finally, the Student Court grappled with the actual definition of legislation and whether or not a bill asking for the student opinion on an issue could be seen as “enacting” anything and, therefore, eligible to put to a vote of the student body. The Student Court determined, however, that according to Article II, Section 3.F, the senate has the ability to propose a piece of legislation to a vote of the student body and “enact” to support the student opinion.

In conclusion, the Student Court felt the process followed in this instance was hasty and did not fit the importance of the issue. The potential harm to the credibility of Student Government was not worth rushing a piece of legislation through the process in order to determine a pseudo-vote of the Student Body in a confusing election. The Student Court was compelled to uphold SB-38-09 but urges the Student Senate to strongly consider the larger implications of this potential vote and consider trying this process of investigation and information collection through a different avenue.

Respectfully submitted by the NDSU Student Court of Justice,

Drew Espeseth
Chief Justice

Meghan McCloud
Associate Justice

Rachel Perschbacher
Associate Justice

Lana Rask
Associate Justice

Katie Gongoll
Associate Justice

Kim Bruemmer
Student Court Advisor

North Dakota State University Student Court of Justice
Official Decision SSC-01-10

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against President of the Senate Andy Schlicksup by Abram Jackson, senator for the College of Science and Math. The complaint alleged Schlicksup allowed for discussion to take place without a quorum of senators present at the April 18, 2010 Student Senate meeting. The complaint asserted that under section 2-01-01 of the Student Government Code, "A quorum of the Senate and all Senate committees for the purposes of enacting legislation shall consist of two-thirds of the eligible voting members," discussion within the Student Senate regarding legislation should be considered a part of "enacting legislation." As such, quorum-less discussion is not allowed under the Student Government Code and all business at the April 18, 2010 meeting should be declared invalid.

After reviewing the complaint and consulting the minutes and voting record of the April 18, 2010 Student Senate meeting, in addition to advice from the official parliamentarian of Student Government, the Student Court came to a decision. According to the parliamentarian, the presiding officer of an organization guided by Robert's Rules of Order has a fairly wide latitude to interpret the rules, including the use of quorum to conduct business or, in this case, for the purposes of "enacting legislation. President of the Senate Schlicksup, the presiding officer in this case, made his interpretation to allow discussion to take place without a quorum of senators present. While the Student Court feels this may have been an unorthodox decision, Schlicksup was within his powers as presiding officer. That decision was challenged in the meeting according to Robert's Rules of Order, a vote of the senators present was recorded, and a tie vote was registered. In accordance with his role of voting only in the case of a tie, President of the Senate Schlicksup voted to allow discussion to continue, and the meeting progressed. No official vote was held until the official two-thirds quorum of senators was present. In addition, a vote later in the meeting was postponed until a senator returned to the meeting after stepping out.

The Student Court rules that the votes were taken with a quorum of senators present and a quorum "for the purposes of enacting legislation" was followed. The Student Court encourages future presidents of the Senate to consider carefully the implications of allowing discussion to take place without a quorum of senators present, which could result in uninformed senators voting upon their arrival with no knowledge of the discussion which took place. To reiterate, the Student Court felt the process undertaken, particularly the vote of the present senators whether or not to continue discussion, was the correct process and sanctioned the discussion.

Respectfully submitted by the NDSU Student Court of Justice,

Drew Espeseth
Chief Justice

Lana Rask
Associate Justice

Katie Gongoll
Associate Justice

Rebekah Cohen
Associate Justice

Mike Paolini
Associate Justice

Kim Bruemmer
Student Court Advisor

North Dakota State University Student Court of Justice
Official Decision SSC-02-10

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the International Student Association committee and their advisor, Sara Johnson on behalf of Teluka Galhenage, a member of the International Student Association. The complaint alleged that Mr. Galhenage was unjustly removed from the International Student Association ballot because he was deemed ineligible to run for an officer position. The complaint asserted that under sections 4B and 5C of the International Student Association Constitution that, “Only students who have been a paid, active member of ISA for at least two consecutive academic semesters may be candidates for an official position.” “Nominees for all offices should be paid, active members for at least 2 consecutive semesters.” As such, Mr. Galhenage deems he was eligible to run for an office in the International Student Association officer election.

After hearing the complaint and reviewing the evidence and consulting the ISA constitution, the Student Court came to a decision. The Student Court finds that Mr. Galhenage was ineligible to be on the ballot based on the criteria found in 5C of the ISA constitution. The definition found under this section titled “Elections” carries more weight than the definition for what is an active member found under section 4B. This conclusion was also reached on the basis that a reasonable interpretation of the constitution would assert that the 2 consecutive semesters would be considered the 2 semesters prior to the election.

Seeing that there are inconsistencies in the ISA constitution that caused this issue to be brought forth, the ISA shall fix any and all inconsistencies especially in regards to having 5C match 4B. The Student Court rules that the members of the current administrations’ eligibility be checked according to 5C of the ISA constitution. Any current officer that is found to be ineligible must be immediately removed from office and a new election for that position will be held. The Student Court recommends defining in the ISA constitution the difference between a voting member and the difference between an active member. Also, the Student Court strongly recommends going over the constitution with the Chief Justice before submitting the constitution to the Congress of Student Organizations. The Student Court also recommends that an explanation of the difference between OIP programs and ISA programs and the weight that they carry towards membership be clearly defined. Also, the Student Court highly recommends that the election committee consist of members that are not running for office and that the ISA advisor must be present during this process. The Student Court suggests looking through past ISA constitutions to see how they handled matters of membership, elections, etc. To reiterate, the Student Court finds that Mr. Galhenage was ineligible to be on the ballot according to the ISA constitution and that the ISA must fix the inconsistencies within their constitution.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Drew Espeseth
Associate Justice

Katie Gongoll
Associate Justice

Rebekah Cohen
Associate Justice

Mike Paolini
Associate Justice

Kim Bruemmer
Student Court Advisor

North Dakota State University Student Court of Justice
Official Decision SSC-01-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the International Student Association Committee and the President on behalf of Tiroshen Rushenth Fonseka, a member of the International Student Association. The complaint alleged that nominees for the election were not announced before the final submission time, members who were not paid and active members were allowed to vote, due to the election postponement the candidates were allowed additional campaigning, that voting was not secret and not on actual ballot paper, some paid and active members were not allowed to vote, and finally that non-eligible candidates were allowed to run for the election.

After hearing the complaint, reviewing the evidence, and consulting the ISA constitution, the Student Court came to a decision. The Student Court finds that only two of the alleged violations hold any constitutional merit. These two alleged violations are that nominees for the election were not announced before the final submission time and that voting was not secret and not on ballot paper. In an unanimous decision, the Student Court finds that International Student Association Committee violated the ISA Constitution based on 5D which reads that, "nominees for office shall be made from the floor at the annual election meeting. Nominees shall be present at the election meeting in order for their nomination to be accepted". Due to the fact nominations could be submitted over email and not have to be present at the annual election meeting, the Student Court finds that this is a direct violation of the ISA constitution. 5G of the ISA constitution reads, "voting is secret, vote on ballot paper". In a 3-1 decision, the Student Court finds that voting was secret and that ballot paper refers not to just sheets of paper but any form of ballots including electronic ballots.

The Student Court imposes the following sanctions:

- i. A one year probationary period wherein an advisor must be present at all meetings which include but are not limited to meetings concerning any aspects of elections or meetings concerning the constitution. Part of this sanction also includes that the secretary must include the name of the advisor in the minutes taken at every meeting. Furthermore, the advisor must swipe their ID when attending meetings and/or events. At the end of the academic year (Spring Semester), the Student Court will reevaluate the International Student Associations sanctions.
- ii. The Student Court will oversee all elections that occur within the probation period.
- iii. Accurate and detailed records of attendance, dues, and activities must be kept for 7 years and stored with the advisor of the International Student Association.
- iv. An election code must be written into the ISA constitution. This election code must be modeled after the NDSU Student Body Election Code. The election code must include but is not limited to a statement regarding ethical campaigning and having no campaigning during the actual election. This updated constitution must be submitted to the Student Court no later than November 1, 2010.
- v. The International Student Association must use some form of parliamentary system to conduct any and all meetings. The choice of which parliamentary system to use is left up to the discretion of the International Student Association.

To reiterate, the Student Court found that the ISA Committee did violate the ISA constitution. The Student Court however, does not find that this violation had any impact on the outcome of the ISA election.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Katie Gongoll
Associate Justice

Mike Paolini
Associate Justice

James Kallod
Associate Justice

Tyler Leverington
Associate Justice

Kim Bruemmer
Student Court Advisor

Dissenting Opinion on SSC-01-11

In the case brought against the International Students Association (ISA) there was vote a taken to determine the court's opinion on if the ISA had violated section 5-G of its constitution which states "voting is secret, vote on ballot paper." The group was in agreement that voting was secret; however the basis of this dissenting opinion comes from interpretation of the statement that voting shall be done on ballot paper. The majority decision comes from the basis of interpreting the statement to mean that "ballot paper" means some official form of balloting, not necessarily on or exclusively on ballot paper.

The dissenting opinion comes from a more literal interpretation of section 5-G of the ISA's constitution. As mentioned above, the problem lies not within the secrecy of the vote, but the fact that in the dissenter's opinion it was not conducted on ballot paper, which was interpreted by the dissenter as meaning strictly paper ballots.

While the dissenter sees the practicality of online voting, he/she feels the constitution should be held strictly to its word, and would encourage the ISA to make a provision or change to its constitution to allow for online balloting in future elections without any reason for protest from ISA members.

23 February, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-02-11 and SSC-03-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against Presidential candidate Cam Knutson on behalf of Presidential candidate Leah Nygaard and Vice-Presidential candidate Lucas Brodeur. The complaint alleged that the 2011 Student Body Election Code was violated. Both violations were aimed at Section 410-1 and 410-11.

After hearing the complaints, reviewing the evidence, and consulting the 2011 Student Body Election Code, the Student Court of Justice came to a decision. For SSC-02-11, the Student Court of Justice unanimously found that no violation occurred as unforeseeable circumstances arose. For SSC-03-11, the Student Court of Justice unanimously found that a violation of sections 410-1 and 410-11 of the Student Body Election Code did occur.

While no sanctions will be given for the above violations, the Student Court of Justice would like to state that candidates are responsible for seeing that all members associated with their ticket are well versed in the rules and regulations of the 2011 Student Body Election Code.

To reiterate, the Student Court of Justice has found that for SSC-02-11 no violation had occurred but for SSC-03-11 that Presidential candidate Cam Knutson was found to be in violation of the 2011 Student Body Election Code.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Katie Gongoll
Associate Justice

Mike Paolini
Associate Justice

James Kallod
Associate Justice

Tyler Leverington
Associate Justice

Kim Bruemmer
Student Court Advisor

6 April, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-04-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the Leah Nygaard/Lucas Brodeur campaign on behalf of Leah Nygaard and Lucas Brodeur, Presidential and Vice Presidential candidates. The campaign was made aware of the alleged violation, remedied the situation, and chose to present the complaint to the Student Court themselves in an effort to minimize any possible sanctions.

After reviewing the complaint and weighing the severity of the alleged offense with the potential impact on voters and the campaign in general, the Student Court voted to dismiss the complaint and assign no penalties. While the Student Court is not setting a precedent of automatic forgiveness when a campaign brings its own violation to the attention of officials, the Student Court felt the severity and the action taken did not warrant penalties. The short time frame the sign was available to be viewed made it unlikely to have affected a substantial number of voters.

The Student Court acknowledged the act –placing a sign in front of the library– to be a violation. However, the Student Court felt the action was not severe enough to warrant a punishment and therefore chose not to assign any penalties based on those circumstances.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Mike Paolini
Associate Justice

Thomas Brown
Associate Justice

Neil Odum
Assistant Justice

Kim Bruemmer
Student Court Advisor

North Dakota State University Court of Justice
Dissent on SSC-04-11

It is my, Assistant Justice Neil Odum, opinion that the Nygaard/Brodeur campaign should not be in violation of 410 A(7) of the 2011 Student Body Election Code as this code is, as written, unclear about the area defined as “in front of the library”. As written, any candidate could not be clear about this undefined area and as such could understandably violate this code unintentionally and unknowingly. I feel it is necessary to more clearly define this area in the code to prevent a similar case being presented in future years.

Neil Odum
Assistant Justice

6 April, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-05-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the O’Gorman and Ahadzada campaign on behalf of the Nygaard and Brodeur campaign and the Knutson and Hauff campaign. The complaint alleged that 410 A) 18 of the 2011 NDSU Student Body Election code had been violated and therefore had subsequently constituted a violation of 4.8.3 of the Student Code of Behavior.

After hearing the case and reviewing the complaint, The Student Court found that the O’Gorman and Ahadzada campaign was not in violation of 410 A) 18 based on the fact that the article written in the *Spectrum* was an opinion article and it did not contain any directly false facts.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Mike Paolini
Associate Justice

Tyler Leverington
Associate Justice

Thomas Brown
Associate Justice

Neil Odum
Assistant Justice

Kim Bruemmer
Student Court Advisor

6 April, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-06-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the Nygaard and Brodeur campaign and Knutson and Hauff campaign on behalf of the O’Gorman and Ahadzada campaign. It is the Court’s view that section 410 A(18) in the 2011 Student Election Code, referring to section 4.8.3 in the Student Code of Behavior, has not been violated. The Court does not see intentional harm against the O’Gorman and Ahadzada campaign. This decision was reached because, while the article did contain opinion, it also contained information without context that made it difficult to differ between true and false facts. The evidence presented from both the plaintiff and defendant was not false. The differing evidence stemmed from the context in which the information was presented. Because there was no intention of harming the O’Gorman and Ahadzada campaign, either tangibly or non-tangibly, and the information presented was not false, the NDSU Student Court does not find the Nygaard and Brodeur campaign nor the Knutosn and Hauff campaign in violation of the Student Code of Behavior and as such does not find the Nygaard and Brodeur campaign nor the Knutson and Hauff campaign in violation of section 410 A(18) of the Student Election Code.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Mike Paolini
Associate Justice

Tyler Leverington
Associate Justice

Thomas Brown
Associate Justice

Neil Odum
Assistant Justice

Kim Bruemmer
Student Court Advisor

6 April, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-07-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against Senator Godfrey on behalf of the NDSU Student Court of Justice. The complaint alleged that 401 (A) 3 of the 2011 NDSU Student Body Election code had been violated and therefore had subsequently constituted a violation of 4.8.3 of the Student Code of Behavior.

After hearing the case and reviewing the complaint, The Student Court found that Senator Godfrey was not in violation of 410 (A) 3 based on the language in the 2011 Student Body Election Code being unclear. However, the Court strongly believes that there was intent to campaign inside the residence hall and violated section 410 (A) 3.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Katie Gongoll
Associate Justice

Mike Paolini
Associate Justice

Tyler Leverington
Associate Justice

Thomas Brown
Associate Justice

Kim Bruemmer
Student Court Advisor

6 April, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-08-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the Knutson/Hauff campaign on behalf of the NDSU Student Court of Justice. The complaint alleged that 410 A) 3 of the 2011 NDSU Student Body Election code had been violated and therefore had subsequently constituted a violation of 4.8.3 of the Student Code of Behavior.

After hearing the case and reviewing the complaint, The Student Court found that the Kuntson Hauff campaign was not in violation of 410 A) 3 based on the language in the 2011 Student Body Election Code being unclear. However, the Court strongly believes that there was intent to campaign inside the residence hall and violate section 410 A) 3.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Katie Gongoll
Associate Justice

Mike Paolini
Associate Justice

Tyler Leverington
Associate Justice

Neil Odum
Assistant Justice

Kim Bruemmer
Student Court Advisor

6 April, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-10-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the injunction filed against the O’Gorman/Ahadzada campaign. As all dates in the 2011 NDSU Student Body Election Code are to be strictly adhered to, the NDSU Student Court of Justice placed an injunction upon the O’Gorman/Ahadzada campaign for not turning their campaign team roster in on time. The NDSU Student Court of Justice unanimously decided the sanction for not turning in the official campaign team roster by the deadline was the placement of the injunction itself.

The O’Gorman/Ahadzada campaign violated their injunction and the NDSU Student Court of Justice voted unanimously to take 1% of the candidate’s total votes received away. The NDSU Student Court of Justice chose to take a minor percentage of votes away as the Court found a lack of intent for violating the injunction.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Mike Paolini
Associate Justice

Tyler Leverington
Associate Justice

Thomas Brown
Associate Justice

Neil Odum
Assistant Justice

Kim Bruemmer
Student Court Advisor

6 April, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-11-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the strike incurred against NDSU Student Government on behalf of the O’Gorman/Ahadzada campaign. As Memorial Union policies must be adhered to and are covered under the 2011 NDSU Student Body Election Code, the O’Gorman/Ahadzada campaign is found in violation of section 410 A(4) for not using their poster space and table tents. By not using these spaces, the Memorial Union officially filed a strike against NDSU Student Government.

The O’Gorman/Ahadzada campaign violated section 410 A(4) of the 2011 Student Body Election Code and the NDSU Student Court of Justice voted unanimously to impose a fine of \$25 to be taken off their candidate financial statement. The NDSU Student Court of Justice chose to impose a major fine for violating the Election Code and bringing about a strike against NDSU Student Government.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Katie Gongoll
Associate Justice

Mike Paolini
Associate Justice

Tyler Leverington
Associate Justice

Thomas Brown
Associate Justice

Kim Bruemmer
Student Court Advisor

6 April, 2011

North Dakota State University Student Court of Justice

Official Decision SSC-12-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the O’Gorman and Ahadzada campaign on behalf of the NDSU Student Court of Justice. The campaign failed to provide receipts of purchases where possible. The Court feels that this is a clear violation of article 411 (C) of the Student Body Election Code. As such, the Court has imposed a \$25 fine on the campaign’s financial limit.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Katie Gongoll
Associate Justice

Mike Paolini
Associate Justice

Tyler Leverington
Associate Justice

Thomas Brown
Associate Justice

Kim Bruemmer
Student Court Advisor

6 April, 2011

North Dakota State University Student Court of Justice

Official Decision SSC-13-11

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against Senator Dwivedy on behalf of the NDSU Student Court of Justice. The campaign failed to turn in a required financial statement by the time it was due as designated by article 401 of the Student Body Election Code. The Court feels that this is a clear violation of article 411 (C) of the Student Body Election Code. As such, the Court has imposed a \$10 fine on the Senator's campaign financial limit.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask

Chief Justice

Katie Gongoll

Associate Justice

Mike Paolini

Associate Justice

Tyler Leverington

Associate Justice

Thomas Brown

Associate Justice

Kim Bruemmer

Student Court Advisor

12 September, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-01-12

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against President Cam Knutson on behalf of Senator Michael Nagel. Senator Nagel alleged that President Knutson had violated the NDSU Student Body Constitution Article III, Section 4 (A) (2) by failing to, “see that the Constitution, Student Government Code, and Student Senate Legislation are faithfully executed”.

After hearing the case and much deliberation, the Student Court in a 3-1 decision finds that President Knutson was in violation of Article III, Section 4 (A) (2) by the omission of the Finance at-large members from the listserv emails regarding open spots which is a violation of 3-02-01.2 of the Student Government Code.

The Student Court imposes a fine of \$10.00 to be paid into the reserve fund. President Knutson has 14 (calendar) days in which to present the Chief Justice with the fine which will then be deposited into the reserve fund.

Failure to pay the fine within 14 (calendar) days will result in the fine being doubled for every 14 (calendar) days thereafter that the fine has not been paid.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Thomas Brown
Associate Justice

Neil Odum
Associate Justice

Janik Mahlen
Associate Justice

Stacy Affield
Assistant Justice

Kim Bruemmer
Student Court Advisor

14 September, 2011

Dissent

SSC-01-12

It is my opinion that the entire case of Nagel versus Knutson should have been dismissed as Senator Nagel should have not allowed the Finance At-large members to be accepted on the Senate floor if there had been a problem with the advertisement of positions. Therefore, I feel the verdict was not just and I wish to dissent.

Respectfully submitted,

Justice Brown

Thomas Brown

Associate Justice

12 September, 2011

North Dakota State University Student Court of Justice
Official Decision SSC-02-12

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against Executive Public Relations Commissioner Aimee Sugden on behalf of Senator Michael Nagel. Senator Nagel alleged that Commissioner Sugden violated Senate Bill-04-02 in terms of creating and marketing a new logo without the consent of the NDSU Student Senate.

After hearing the case and much deliberation, the Student Court unanimously finds that Commissioner Sugden did not violate Senate Bill-04-02 due to obscure guidelines regarding the use, approval, and/or authority of the Student Government logo.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Thomas Brown
Associate Justice

Neil Odum
Associate Justice

Janik Mahlen
Associate Justice

Stacy Affield
Assistant Justice

Kim Bruemmer
Student Court Advisor

North Dakota State University Student Court of Justice

Official Decision SSC-03-12

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the President of the Sri Lankan Student Association, Kishan Ravindran, on behalf of the Vice-President of the Sri Lankan Student Association, Shevonne Crusz. The complaint alleged that the amendments passed on September 23rd, 2011 were unconstitutional.

After hearing the complaint, reviewing the evidence, and consulting the SLSA constitution, the Student Court came to a decision. The Student Court finds unanimously that all three constitutional amendments were unconstitutional. These amendments were found unconstitutional due to the fact that they not only contradicted other parts of the original constitution, but in that they did not remove or replace the sections that they were intended to change.

The Student Court imposes the following sanctions:

- i. SLSA will be on probation until a reevaluation of the organization occurs at the end of the 2012 Spring Semester.
- ii. The Student Court will oversee all official business that is passed within the organization during the probationary period. Official business includes but is not limited to any type of voting. A Student Court member must be in attendance when any official voting takes place.
- iii. An agenda must be sent to the Chief Justice by no later than 8AM Friday morning. Only business that is on the agenda may be covered at that evenings meeting.
- iv. The SLSA constitution must be rewritten and evaluated by the Student Court. The rewritten constitution must be given to the Student Court no later than 10AM November 14th, 2011. Until the constitution has been approved by the Student Court the constitution on file will be enforced.
- v. The Student Court will oversee all elections that occur within the probationary period.
- vi. An advisor must be chosen and officially recognized by CSO no later than 5PM on May 4th, 2012.

Failure to follow these sanctions and/or a violation of these sanctions may result in the disbandment of the Sri Lanka Student Association.

To reiterate, the Student Court found that the three amendments passed on September 23, 2011 were unconstitutional.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Neil Odum
Associate Justice

Janik Mahlen
Associate Justice

Lucas Paper
Associate Justice

Michael Sokolik
Associate Justice

Kim Bruemmer
Student Court Advisor

27 March, 2012

North Dakota State University Student Court of Justice
Official Decision SSC-04-12

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against Governmental Relations and Intercollegiate Affairs (GRIA) Commissioner, Tyler Leverington on behalf of Senator Kuntz, Senator Nagel, and Senator Vining. The complaint alleged that Commissioner Leverington was in violation of 3-03-03.5 of the NDSU Student Government Code.

After hearing the complaint, reviewing the evidence, and consulting the NDSU Student Government Code, the Student Court in an unanimous decision finds that GRIA Commissioner Leverington is in violation of 3-03-03.5 of the NDSU Student Government Code.

The Student Court imposes the following sanctions:

1. In light of the fact that only one of the five absences was deemed unexcused, Commissioner Leverington must pay a \$20.00 fine which is to be paid from his own account into the reserve fund. Commissioner Leverington has 14 (calendar) days in which to present the Chief Justice with the fine which will then be deposited into the reserve fund.
Failure to pay the fine within 14 (calendar) days will result in the fine being doubled for every 14 (calendar) days thereafter that the fine has not been paid.
2. The GRIA Commission along with Commissioner Leverington must make a change to the current NDSU Student Government Code under section 3-03-03.5 to remedy future violations. This change must be approved by the Student Court and submitted to the Senate until met with approval by the Senate.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Neil Odum
Associate Justice

Stacy Affield
Associate Justice

Travis Myers
Associate Justice

John Evenocheck
Assistant Justice

Kim Bruemmer
Student Court Advisor

North Dakota State University Student Court of Justice
Official Decision SSC-05-12

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against Executive Finance Commissioner, Luke Brodeur, on behalf of Senator Brock Schmeling. The complaint alleged that Sections 2-04-01, 3-08-02, 4-02-02.1, and 03-01.1.1 of the NDSU Finance Commission Guidelines as well as Sections 3-02-02.5 and 7-02-05 of the NDSU Student Government Code were violated.

After hearing the complaint, reviewing the evidence, and consulting the Finance Commission Guidelines and the NDSU Student Government Code, the Student Court came to a decision. The Student Court has found unanimously that Finance Commissioner Brodeur was in violation of Sections 2-04-01 and 4-02-02.1 of the NDSU Finance Commission Guidelines, however, malicious intent was not found.

The Student Court imposes the following sanction:

1. Finance Commissioner Brodeur must make a change to the current NDSU Finance Commission Guidelines under section 4-02 to remedy future violations. This change must be approved by the Student Court and submitted to the Senate until met with approval by the Senate.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Neil Odum
Associate Justice

Stacy Affield
Associate Justice

Travis Myers
Associate Justice

John Evenocheck
Assistant Justice

Kim Bruemmer
Student Court Advisor

North Dakota State University Student Court of Justice
Official Decision SSC-06-12

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against the Michael Paolini/Sydney Hull campaign on behalf of Michael Paolini and Sydney Hull, Presidential and Vice Presidential candidates. The campaign was made aware of the alleged violation, remedied the situation, and chose to present the complaint to the Student Court themselves in an effort to minimize any possible sanctions.

After reviewing the complaint and weighing the severity of the alleged offense with the potential impact on voters and the campaign in general, the Student Court voted to dismiss the complaint and assign no penalties. While the Student Court is not setting a precedent of automatic forgiveness when a campaign brings its own violation to the attention of officials, the Student Court felt the severity and the action taken did not warrant penalties. The short time frame the QR codes were available to be viewed made it unlikely to have affected a substantial number of voters.

The Student Court acknowledged the act –placing QR codes in the restroom– to be a violation. However, the Student Court felt the action was not severe enough to warrant a punishment and therefore chose not to assign any penalties based on those circumstances.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Thomas Brown
Associate Justice

Neil Odum
Associate Justice

Stacy Affield
Associate Justice

Travis Myers
Associate Justice

Kim Bruemmer
Student Court Advisor

4 April, 2012

North Dakota State University Student Court of Justice
Official Decision SSC-07-12

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the injunction filed against the Brodeur/Beehler campaign. The Court found said ticket in violation of 411 A of the Student Body Election Code. The ticket was found to be \$7.31 over their budget.

The NDSU Student Court of Justice as per 411 B shall deduct .5% of their total votes.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Thomas Brown
Associate Justice

Stacy Affield
Associate Justice

Travis Myers
Associate Justice

John Evenocheck
Assistant Justice

6 April, 2011

North Dakota State University Student Court of Justice

Official Decision SSC-08-12

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the complaint filed against candidate William Ogdahl on behalf of the NDSU Student Court of Justice. The campaign failed to turn in a required financial statement by the time it was due as designated by article 401 of the Student Body Election Code. The Court feels that this is a clear violation of article 411 (C) of the Student Body Election Code. As such, the Court has imposed a \$15 fine on the candidate's campaign financial limit.

Respectfully submitted by the NDSU Student Court of Justice,

Lana Rask
Chief Justice

Thomas Brown
Associate Justice

Stacy Affield
Associate Justice

Travis Myers
Associate Justice

John Evenocheck
Assistant Justice

SSC-01-13

North Dakota State University Student Court of Justice

Official Decision on Ballot Measure Deadline

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the changing ballot. Due to extenuating circumstances, the two blizzards that prevented senate from meeting for two weeks in a row, the court has decided to extend the deadline to the Senate meeting on March 17th, 2013. The Court does have concerns with placing a specific amount on the ballot measure.

Respectfully submitted by the NDSU Student Court of Justice,

Dustin Mueller
Chief Justice

Stacey Affield
Associate Justice

John Evenocheck
Associate Justice

Michael Mann
Associate Justice

Mara Johnson
Associate Justice

NDSU

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SSC-02-13

Let it be resolved, it is the decision of the court with a 4-1-1 vote, that Ballot Measure SB-04-13 passes with a majority vote of the NDSU Student Body. This is in accordance with Article I Section 7 Subsection A of The Constitution of the Student Body of North Dakota State University of Agriculture and Applied Science which states "A majority vote in a student body election shall be required to approve a new student fee". This is taking into consideration that the Student Body Election Code, Section 405 Ballot Measures, does not outline the voting margins needed in order to pass a ballot measure. Taking also into consideration that SB-04-13 states that this Ballot Measure is an *increase* in the Health/Wellness mandatory fee rather than a *new* fee. Neither The Constitution nor The Code specifies the voting margin needed to increase an existing student fee. Article 1 Section 7 Subsection A of The Constitution is the closest reference to the voting margin needed to increase existing student fees. However, it is the recommendation of the Court that this section of The Constitution as well as the Student Body Election Code be evaluated during the coming semester.

Man Johnson

Stacy Arguel

Michael Munn

Robert Vallie

Bethany Kelley

[Signature]

[Signature]

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SSC-02-13
Dissent

In the matter of SB 04-13 I think it can be said this is a case of conflicts.

In terms of the majority opinion to this issue I can understand the logic of the provision referred to. The section referred to concerning a passing of new fees only requires a majority vote of the student body certainly is what is currently written in that area and it can be understandable referring to this provision in dealing with increasing existing fees. However there are inconsistencies in the procedures used to deal with getting ballot measures to a vote of the students. The student senate is required to pass a ballot measure by a two thirds majority vote in order to ensure the elected representatives of the student body feel that this is serious enough to be considered. Even within state law of North Dakota and even across the nation can require a sixty percent majority or even a two-thirds majority vote.

I would argue whether in a statewide ballot or within a student fee increase it requires that a two thirds vote not only based on what the state of North Dakota currently does but also the procedures of what the Student Senate does. Not only because it helps elected officials show the seriousness of the issue coming before their constituents but also ensuring that if the people agree it is making a change that affects the whole of a population for years to come. In the issues of student fees and especially increasing fees I would argue this is the case.

While this proposal is certainly one run through a student initiative and one to add services for the benefit of the population, I feel the idea that these services and fees (whether new or existing) are serious to require more than a simple majority in creating long term burdens to a population. It is for those reasons based on the lack of clear language for increasing current fees as well as the actions needed by the state of North Dakota to pass a ballot initiative and the implications long term in these precedents that I must dissent.

I would highly encourage and recommend that in future elections with future fee development (both new and increases) be changed in all appropriate documentation of student government and the student body be changed to reflect the need for a two-thirds majority to ensure consistency both within current language to bring ballot measures to the student body as well as consistency with state actions.

Robert Vallie

Robert Vallie
Associate Justice

SSC-03-13

North Dakota State University Student Court of Justice

Official Decision on Wording of Student Government Code Title 7

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding the wording of the Student Government Code, Title 7. After reading through Title 7 of the Code the Court decided that the wording pertained strictly to any excess that came from the budgeting of the current year. This would allow the Senate to use the excess as they want and does not tie it into just the Tier I's.

Respectfully submitted by the NDSU Student Court of Justice,

Dustin Mueller
Chief Justice

Stacy Affield
Associate Justice

John Evenocheck
Associate Justice

Lucas Paper
Associate Justice

Robert Vallie
Associate Justice

Dissent

In the matter concerning the distribution of funds under the provisions concerning the Student Activity Fee, I must disagree with the majority opinion.

Under the provisions of 7-01-02.1.1 and 7-01-02.1.2 these portions of the Student Government Code put in place protocols to take excess dollars and distribute them to those outlined as recipients of the Student Activity Fee as well as protocols for if there are no excess dollars for Tier One organizations. This would be a simple straight forward case if the wording matched the intent to which it was written and the unique nature of the dollars in question.

If the understanding of the intent of these provisions of code is correct they were installed in order to deal with a collection pool now known as the “secret fund” in order to stop its growth and to act as a quick fix until such a time that a more permanent solution could be found. If the intent was simply to stop this fund’s growth then the wording was not appropriate to meet that intent. One area I believe all members of the court agree with. But based on the situation the money in question appears to fall under these protocols and therefore must follow them.

While these dollars are certainly unique as a collection pool that appears to have acted as an additional reserve, I still stand by some of my previous comments. However in my mind in order for the additional dollars to be spent in the way proposed and to fit what the majority believes then it would require a very serious review of those dollars attached to the fund and figure out which dollars fit with which years they came into the fund. If that could be done then the point made is mute and the majority opinion holds. If such a distinction could not be found then I believe the protocols must be followed and these dollars must be considered part of the “excess” that must be distributed to the recipients of the Student Activity Fee based on the percentages.

Respectfully submitted,

Robert Vallie

Associate Justice

North Dakota State University Student Court of Justice

Official Decision SSC-03-14

This writing shall serve as the official decision of the NDSU Student Court of Justice regarding SB-11-14 and SR-13-14. SB-11-14, when placed under constitutional review, was found to be unconstitutional in accordance to what the powers the Student Senate has. The power to request money to be returned, that had already been budgeted out, was found to not be a power the senate had. However, SR-13-14 was found to be within constitutional bounds due to the senate's ability to "make recommendations concerning matters and issues pertaining to student life."

Respectfully submitted by the NDSU Student Court of Justice,

John Evenocheck
Chief Justice

Mathew Warsocki
Associate Justice

Brittney Kelley
Associate Justice

Aaron Weber
Associate Justice

Joshua Fergel
Associate Justice

Alexis Tschosik
Assistant Justice

North Dakota State University Student Court of Justice

Official Decision SSC-01-15

Eric McDaniel/Josh Fergel v. Robert Kringler/Aaron Weber

This writing will serve as the official decision of the NDSU Student Court regarding the complaint filed by President/Vice President ticket Eric McDaniel and Josh Fergel, against the campaign team of Robert Kringler and Aaron Weber. The complaint was in regards to the Robert/Aaron campaign's Facebook event "Vote Robert and Aaron for NDSU" and how it sent out a notification to potential voters after campaigning closed. The Court came to a 3-0-1 decision that, while no intent, malicious or otherwise may have occurred, potential voters were still contacted by the notification during a time when no campaigning was allowed. Therefore, the Court rules in favor of the Plaintiffs. A deduction of 2.5% of the votes cast for Robert and Aaron will occur after the tabulation of the votes.

Respectfully submitted by the NDSU Student Court,

Mathew Warsocki
Chief Justice

John Evenocheck
Associate Justice

Michael Mann
Associate Justice

Alexis Tschosik
Associate Justice

Thomas Fyffe
Associate Justice

North Dakota State University Student Court of Justice

Official Decision SSC-02-15

Robert Kringler/Aaron Weber v. Eric McDaniel/Josh Fergel

This writing will serve as the official decision of the NDSU Student Court regarding the complaint filed by President/Vice President ticket Robert Kringler and Aaron Weber, against the campaign team of Eric McDaniel and Josh Fergel. The complaint was in regards to Grant Maris and a video he posted to Snapchat of him burning a Robert/Aaron button. The Court came to a 3-0-1 decision that the Election code (Section 410, Subsection A, Number 12) was violated. However, as Grant was not a part of the Eric/Josh campaign team, their team will not be penalized. Furthermore, the complaint was turned in on April 9th; this is late as complaints regarding events before polls opened needed to be filed before April eighth. No penalties will be assessed on the defendants.

Respectfully submitted by the NDSU Student Court,

Mathew Warsocki
Chief Justice

John Evenocheck
Associate Justice

Michael Mann
Associate Justice

Alexis Tschosik
Associate Justice

Thomas Fyffe
Associate Justice

SSC-1-16

1/24/2016

On this day Jan. 24 of 2016, we the members of Student Court have decided on abstaining from changing the code but, are allowing Nick Evans to stay on the finance commission. By making this decision, we are not changing the Student Government code. The reasoning for allowing him to stay on the finance commission is due to extenuating circumstances and because of his experience he has had with the finance commission in the past. We are also formally requesting that the Executive Commissioner of Finance give a formal apology for breaking the code on Sunday Jan. 31 of 2016 at senate meeting.

Thomas Fyffe

Associate Justice

Courtney Karnopp

Associate Justice

Dustin Richard

Associate Justice

Jared Melville

Associate Justice

Anuj Teotia

Associate Justice

Court opinion SSC - 03- 16:

In regards to the complaint brought up on April 6, 2016 in by Tyler Losinski towards the ticket of Jacob Dailey and Mikayla Young, which was subsequently dropped by the plaintiff Tyler Losinski.

We the court have extensively discussed “grey areas” of the election code in regards to campaigning on social media. This issues has been discusses in past meeting and we strongly affirm all campaign teams to read the election code along with any emails, be it future or previous, that have been sent out regarding campaigning rules. We strongly believe that our decisions are cut and dry. In this situation it is easier to ask for permission rather than forgiveness. As a reminder, in regards to posts shared on social media, the only post allowed to be shared is the one on the Official Student Government Facebook and Twitter regarding neutral voting in the election. Please seek the courts advice regarding any “grey area” campaign teams may encounter.

Courtney Karnopp, Associate Justice

Jared Melville, Associate Justice

Thomas Fyffe, Associate Justice

Dustin Richard, Associate Justice

Lauren Algyer, Associate Justice

Thomas Fyffe v Elijah Gill

No. SSC-01-17, Argued April 6, 2017 – Decided April 6, 2017

Associate Justice Erica Skogen delivered the opinion of the Court.

The question presented by this case is whether there was sufficient and easily accessible information in regards to campaigning regulations. This case’s discussions focused on matters of informational availability and underlying intentions. The Court recognizes that Mr. Gill’s Facebook post did not violate the language presented in Section K and L of the NDSU 2017 Election Code. The closed discussion by members of the Court which advocated for no social media posts after campaigning season was not explicitly mentioned in any public Court records. The only way that a student would have access to this information would be to directly ask a Court member who was present during that discussion. The Court finds that requiring students to abide by this unwritten rule is unreasonable and contradictory to NDSU Student Government’s goal of transparency. The Court’s future intentions are to formally implement and enumerate the ‘No Social Media Posts after Campaign Season’ statute, but does not recognize this rule as of current. Mr. Gill’s social media actions did not violate the statutes of the current Election Code, therefore there is no cause for the Court to penalize his actions.

Jared Melville
Associate Justice

Erica Skogen
Associate Justice

Morgan Stirling
Associate Justice

Dustin Richard
Associate Justice

Alexander Pacella
Associate Justice

Erica Nitschke
Associate Justice

Kacy McCormick
Associate Justice

Thomas Fyffe v Mathew Warsocki

No. SSC-02-17, Argued April 6, 2017 – Decided April 6, 2017

On the day of April 6, 2017, in the case of Mathew vs. Student Court, the Justices of the Student Court voted and passed unanimously in favor of the Plaintiff, Mathew Warsocki and against the defendant, Thomas Fyffe. This decision was made based on the evidence presented to the Court and the admission of guilt by the defendant, Thomas Fyffe. As Thomas Fyffe had recognized he mishandled an official Complaint to the Student Court. As punishment, Thomas Fyffe is required to pay retribution by being the Personal Assistant of Mathew and Nick for 24 hours effective immediately following election announcements on 4/6/2017. This is justifiable as a decision, as Thomas realizes his mistake in mishandling Court documents and the Student Court takes all allegations seriously. This Opinion of Court was written by Kacy McCormick, Associate Justice of the Student Court.

Jared Melville
Associate Justice

Dustin Richard
Associate Justice

Erica Skogen
Associate Justice

Alexander Pacella
Associate Justice

Morgan Stirling
Associate Justice

Erica Nitschke
Associate Justice

Kacy McCormick
Associate Justice

*STUDENT COURT OF JUSTICE
NORTH DAKOTA STATE UNIVERISTY
20 April 2017*

No. SSC-01-18

Decision from the Student Court of Justice, North Dakota State University, the Honorable
Thomas Fyffe, Student Court Justice.

Per Curiam.

On April 20, 2017 the Student Court of Justice, in a unanimous decision, decided that article three, section three, paragraph a, subsection 5 shall be interpreted as the President has the authority to remove administrative assistants, secretaries, members of and the chairperson of the Executive Branch committees at any point in time following before and after approval by the Student Senate. The Student Court of Justice interpretation decision is based on the conclusion that this is the only location in the Student Body Constitution giving the President the authority to withdraw individuals, and there is no language located elsewhere in the document that places limitations on this specific power. While the Constitution states the Senate wields the authority to remove Student Government members, the President wields the authority to remove the aforementioned Student Government members in the subsection in question. The party subject to withdrawal has the right to appeal to the Student Court of Justice.

Jared Melville
Associate Justice

Erica Skogen
Associate Justice

Morgan Stirling
Associate Justice

Dustin Richard
Associate Justice

Alexander Pacella
Associate Justice

Erica Nitschke
Associate Justice

Kacy McCormick
Associate Justice

NDSU STUDENT GOVERNMENT

Student Court of Justice

Sunday, August 27, 2017

SSC-02-18

Interpretation

A question has been brought to the Student Court of Justice on the topic of Student Senator academic district requirements. Historically, it has been understood that Student Senators must file their applications according to the college in which they are enrolled.

The issue at hand is whether a Student Senator can transition from one (1) academic college to another within an academic year and continue to serve as a Student Senator of their original college. Some academic programs within the university may require students to undergo such a transition.

After reviewing the Student Body Constitution, the Student Government Code, and the Student Body Election Code, the Student Court of Justice finds that Student Senators, at all times, must be enrolled in the college of the students they seek to represent.

If a Student Senator transitions into a different academic college during an academic year, then the Student Senator can no longer serve as a representative of that college. The Student Senator will need to resign.

The Student Court views that the original framers of the Student Body Constitution, and the governing documents associated therein, intended for Student Senators to represent the students of the college in which they are enrolled.

This is evidenced by the following:

According to the Student Body Constitution, Article II, Section 2, Item A, "Senate candidates shall file by district with the Student Court and campaign as a candidate from that district."

According to v2018-1 of the Student Government Code, 2-02-03, "The Student Senate, by a majority vote, may fill an unfilled or vacated position by appointing any student from that district, as recommended by the Appointments Committee."

According to the 2017 Student Body Election Code, Section 402, which is in effect as of the writing of this Interpretation, "Each candidate must be a member of the district that he or she seeks to represent" and "Student Government will review each senator's district at the beginning of fall semester, and the Student Court

NDSU STUDENT GOVERNMENT

will remove any senator that does not reside in the district that said senator represents.”

The Student Court, recognizing that the governing documents of the Student Government are not explicitly clear on this matter, recommends to itself to consider clarifying this point during the Constitution and Code Review Committee, as well as when the Student Court prepares the 2018 Student Body Election Code.

If a student who is enrolled in a particular program requiring such a transition from one college to another, as described prior, wishes to apply to become a Student Senator then they are welcome to sit down at a meeting of the Student Court for a conversation on their unique situation.

The Student Court affirms this interpretation unanimously (4-0).

Respectfully submitted,

Jared M. Melville
Chief Justice

Morgan Stirling
Senior Associate Justice

Kacy McCormick
Senior Associate Justice

Alexander Pacella
Associate Justice

NDSU STUDENT GOVERNMENT

Student Court of Justice

Sunday, December 3, 2017

Injunction

SB-12-18

Injunction from the Student Court of Justice, North Dakota State University, the Honorable Cale Dunwoody, Associate Justice.

During the Fall 2017 semester, the Student Government Finance Code Review Committee routinely met to consider modifications to the Finance Code. The Finance Code Review Committee submitted their recommendations for amendments to the Finance Code in the form of SB-12-18. The Student Court finds SB-12-18 is in violation of Article IV, Section 3, Sub-Section E of the Student Body Constitution.

SB-12-18, if approved, would amend Section 3-02-01.5.5 of the Finance Code to read as follows:

3-02-01.5.5: The organization may appeal the dockage to the -Student ~~SenateCourt~~. During discussion of appeal, current fiscal year budget usage can be considered. With a ~~two-thirds (2/3)majority~~ vote by the Student ~~SenateCourt~~, the budget dockage can be adjusted in favor of the student organization, if the student organization gives a reasonable justification for lack of budget usage.

The Student Court of Justice finds this amendment unconstitutional, as it conflicts with Article IV, Section 3, Sub-Section E of the Student Body Constitution, which indicates the Student Court has “final and original jurisdiction in cases involving conflict pertaining to any recognized Student Organization.”

The Student Court believes the proposed amendment would call for Student Organizations to appeal their budget to the Student Senate, which is a subsidiary of Student Government. Student Government is a Student Organization. Therefore, the Student Body Constitution intends that such disputes must be filed to the Student Court.

The Student Court declares:

- The Student Senate shall not vote on or consider SB-12-18.

The Student Court recommends:

- The Finance Code Review Committee remove the proposed amendment changing the Student Court to the Student Senate as the party for appeals.
- The Finance Code Review Committee recognizes the Student Court as the entity for appeals in cases pertaining to budget disputes.
- Student Government committees reviewing governance should include representation from the Student Court. Representation from the Student Court on the Finance Code Review Committee would likely have prevented any violation to the Student Body Constitution from occurring.

The Student Court observes:

- One remedy to the issues necessitating this injunction would be to clarify in the Finance Code that a Student Organization may request for the Student Senate to adjust their budget without a formal appeal through the Student Court. This would be facilitated at a Student Senate meeting. If the Student Organization feels the dispute was not resolved or was unjustly handled, then the Student Organization may file a formal appeal through the Student Court. This indicates the Student Court of Justice still has final jurisdiction on the matter.

Respectfully submitted,

Cale Dunwoody
Associate Justice

Jared M. Melville
Chief Justice

Kacy McCormick
Senior Associate Justice

Quinn Garrick
Associate Justice

Jamie Motschenbacher
Associate Justice

Andrew Parsons
Assistant Justice