

MEMORANDUM CONCERNING THE REVERSAL OF AN SGA SUPREME COURT DECISION

Executive Board members affirming this decision:

Student Body President Alexander Sutton, Executive Administrator Natalie Martinez,
Senate President Kaily LaChapelle, Senate Floor Leader Karina Hernandez

Executive Board members dissenting:

Student Body Vice President Santana Way

This Executive Board hereby reverses the decision to disqualify and remove Daniel Salup-Cid from taking office, which was a decision rendered by the SGA Supreme Court on Wednesday, May 1, 2024. This Executive Board decision is handed down on Sunday, May 5, 2024.

Daniel Salup-Cid is no longer disqualified or removed. He will take office as a CASE Senator on Monday, May 6, 2024.

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Authority to make this decision

This decision was made by the Executive Board on appeal. Mr. Salup-Cid appealed the decision of the Supreme Court the morning of Thursday, May 2, 2024. This is in accordance with SGA Statutes 5006.15, which states that “Students may appeal the decision of the court to the Executive Board within two University Business Days on grounds of failure to comply with the Governing Documents. The Executive Board may choose to overturn the Judicial Ruling with a Simple Majority.”

The Executive Board has appellate jurisdiction over this Supreme Court decision. The decision was made by the Court upon the filing of a Writ of Removal. According to Section 5006 of the Statutes, students removed or censured by the Supreme Court may appeal the decision to the Executive Board. This applies only to cases on removal or censure, and not on appeal or interpretation. This Supreme Court decision was made upon the filing of a Writ of Removal, and not a Writ of Appeal. Therefore, the clause governing appeals in cases of removal or censure, applies. The Executive Board has jurisdiction.

There existed an uncertainty regarding whether these Executive Board proceedings should be held under the governing documents used for the 2023-2024 year, or whether to use the revised governing documents that will be used for the 2024-2025 year. Upon conferral with Interim Vice President for Student Affairs Dr. Charlie Andrews, it was advised that these proceedings should be held under the same set of governing documents that were used in the Supreme Court hearings, trial, and deliberations. Therefore, upon the advice of Interim Vice President for Student Affairs Dr. Charlie Andrews, these Executive Board proceedings were held under the governing documents used for the 2023-2024 year.

Context and background

This Supreme Court decision was made in the wake of an Elections Board decision. Those Elections Board proceedings took place in the following context.

On February 26th, 2024, the Elections Board heard a case against Daniel Salup-Cid and Kassandra Toussaint, both candidates for Senator in the Spring 2024 SGA elections, accusing both of them of violating the university posting policy. Both stated that they were unaware that the actions violating the policy had been taken. The Elections Board ruled that the violations were Tier 3 violations, and temporarily suspended both candidates from campaigning as punishment.

On April 19th, Attorney General Zachary Stangl filed a Writ of Removal against Daniel Salup-Cid. After informing all parties to the case of the proceedings and following proper procedure, the Supreme Court held a hearing, at which Stangl presented evidence that Salup-Cid was aware of the actions violating the university posting policy when he stated he was not aware. Stangl argued that Salup-Cid had lied to the Elections Board, an act of malfeasance. On May 1, the Supreme Court released a majority opinion holding that “the Court has both original and appellate jurisdiction” over the case, that “Salup-Cid knowingly provided false information to the Elections Board,” and that “Salup-Cid must be disqualified” under the Elections Code.

Reasoning of the Executive Board

During a hearing on May 5, 2024, the Executive Board voted with 4 in favor and 1 opposed to reverse the decision of the Supreme Court to remove and disqualify Daniel Salup-Cid. The reasoning expressed by the Executive Board members voting in the majority is described hereinafter.

Because this case was initiated by a Writ of Removal, the Executive Board retains appellate jurisdiction over this matter. Even though the opinion specified that the Supreme Court decided to *disqualify* Salup-Cid's candidacy, rather than *remove* Salup-Cid from office, the Supreme Court's decision was a de facto and de jure removal. It was a de facto removal by virtue of Salup-Cid not being able to take office on May 6th. It was a de jure removal by virtue of the Writ being filed as a Writ of Removal, and the proceeding hearings and trial being held under those statutes: the statutes governing trials for removal and censure. For these reasons, the Executive Board exercised its appellate jurisdiction provided for in 5006.15.

The Statutes specify in SGAS 5006.15 that a Supreme Court decision to remove or censure someone may be overturned "on grounds of failure to comply with the Governing Documents." The Executive Board chose to overturn the Supreme Court's decision because the Supreme Court did not comply with the governing documents on two separate matters.

The first reason that the Executive Board chose to overturn the Supreme Court's decision is that this removal did not fall under any of the four criteria listed in the Statutes as warranting a removal from office. SGAS 5007.2.4 states that "The only actions taken by a Student Government Official that could warrant removal from office are the following: Exceeding the number of permitted absences from required meetings as per Title IX of the Statutes, continuing refusal to complete required office hours as per Title IX of the Statutes, accepting or participating in a bribe, or conviction of a felony." Daniel Salup-Cid was not accused of committing any of these four actions. Therefore, the Supreme Court did not have grounds to remove Salup-Cid. The Supreme Court did not comply with the governing documents, and the decision was overturned.

The second reason that the Executive Board chose to overturn the Supreme Court's decision is that the Supreme Court did not have the authority to rule on an Elections Board decision. The Supreme Court's opinion specified that it was disqualifying Salup-Cid as a candidate, not removing Salup-Cid from office. However, in order to have the authority to disqualify a candidate, an appeal of an Elections Board decision needs to be filed to the Supreme Court. The Statutes specify in SGAS 6001.2.11 that "Either party may appeal to the Supreme Court within twenty-four hours of notification of the decision made by the Elections Board." Because this case was not filed as an appeal, and because this Writ was not filed within twenty-four hours of the Elections Board decision, the Supreme Court did not comply with the governing documents, and the decision was overturned.