

IN THE SUPREME COURT

Action No. 17-001

Kennith Echeverria;)
PLAINTIFF.)
)
versus)
)
Elizabeth Adkins,)
Undergraduate Student Body President;)
Sarah Leck,)
Chief of Staff, Undergraduate Executive Branch;)
Emily Blackburn,)
Co-Chair, Academic Affairs Committee;)
Tori Wentz,)
Co-Chair, Academic Affairs Committee;)
DEFENDANTS.)

OPINION

I. BACKGROUND

Plaintiff Kenneth Echeverria applied to be a member of the Academic Affairs Committee of the Undergraduate Executive Branch of Student Government. Plaintiff also serves as the Speaker Pro Tempore of the Undergraduate Student Senate. Defendants Elizabeth Adkins, Sarah Leck, Emily Blackburn, and Tori Wentz initially extended an offer to Plaintiff to join the committee, but later rescinded the offer.

Plaintiff contends his rights were violated when the offer to join the committee was rescinded. Defendants contend that Plaintiff is ineligible from serving on the committee due to I S.G.C. §105, which outlines dual-office prohibitions for members of UNC Student Government.

II. ANALYSIS

This case can be reduced to two critical questions:

- (1) Does I S.G.C. §105 prohibit Plaintiff from simultaneously serving as Speaker Pro Tempore of the Undergraduate Senate and a member of the Executive Branch's Academic Affairs Committee?
- (2) If not, does Plaintiff have a right under Student Supreme Law to be a member of the Academic Affairs Committee?

Concerning the first question, the Student Code is clear. I S.G.C. §105, while a poorly worded section of the Student Code, clearly outlines the positions that are exempt from the dual-office prohibition in I S.G.C. §105(B). Among these positions is “Executive Branch positions other than the President, Vice-President, Graduate & Professional Student Federation President, Treasurer, Secretary, Chief of Staff, Senior Advisor, and Director of State and External Relations.” Therefore, the Executive Branch position of member of the Academic Affairs Committee is an exempt position under I S.G.C. §105(A), and even though Plaintiff occupies one non-exempt position (Speaker Pro Tempore), he is allowed under this section to hold additional exempt positions.

Having resolved the matter of the first question, it is now necessary to consider whether Plaintiff has a right to be a member of the Academic Affairs Committee. Undergraduate Executive Branch committees are only lightly regulated under the Student Code. While other offices receive greater attention, with clear processes outlined for membership, the Code is silent on the membership of these committees. As such, these committees—and their membership—fall under the discretion of the Undergraduate Student Body President. There is no basis in law for a member of the Student Body to be entitled to serve on these committees, nor any basis in law for this Court to mandate membership on an Undergraduate Executive Branch committee.

III. ORDER

ACCORDINGLY,

Plaintiff’s request to be reinstated as a member of the Undergraduate Executive Branch’s Academic Affairs committee is hereby denied.

It is so ordered.

Done this 10th day of November, 2017, at TIME P.M.