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November 10, 2022

OFFICE OF THE CLERK
OF THE STUDENT
SUPREME COURT

IN THE SUPREME COURT

ACTION NO. 22-007

ANDREW GARY and DEAN PEARCE, in)
their official capacities of the CONNOR)
COMMUNITY GOVERNMENT)

Plaintiffs,)

v.)

MARY MILLER, in her official capacity,)
RESIDENCE HALL ASSOCIATION)
PRESIDENT , and RESIDENCE HALL)
ASSOCIATION EXECUTIVE BOARD)

Defendants.

**ANSWER TO FIRST
AMENDED COMPLAINT**

Part I.

Introduction of Facts

I.1. Background Information

1. On September 12th of 2022, the Plaintiff Dean Pearce filed suit against the Residence Hall Association (referred to “RHA” throughout) Executive Board and its members. Through a consolidation of cases, the Plaintiffs (“Dean Pearce” and “Andrew Gary”) seeks relief for a variety of complaints seen in “Plaintiff Pearce’s First Amended Complaint” filed on November 7th, 2022. The Defendant, RHA Executive Board, agrees with most of said facts throughout this case but disagrees with the interpretation by the Plaintiff. As shown in this answer, the Defendant will show the Plaintiff fails to meet their burden of proving substantive fact and interpretation for the Student Supreme Court (the “Court”) to provide the relief demanded. The Defendant now raises substantial proof of law to answer each complaint. See below for information regarding the RHA and its relevant powers/roles.

I.2. The Purpose/Background the RHA

- One of the three largest *student-run organizations* on campus.
- Membership includes all 9,500 students living in university recognized residence halls (including Granville Towers).
- Advocates on behalf of residents to Carolina Housing and to the University.
- Plans and hosts diverse social, educational, and philanthropic programs within the residence halls (through community government) and at the campus level (through the Programming Board).
- Provides community Enhancements in the residence halls, including pool tables, cleaning supplies, recreational items, etc.
- Structure includes the RHA Executive Board, the Board of Governors, consisting of the Community Governors from all 16 member communities, community government, and various standing committees, such as the Marketing Board, the Recognition Committee, and the Alumni Board.
- Representatives serve on various external campus committees, including the Housing Advisory Board, Dining Board, and the Board of Directors for the Student Union.
- Mission Statement: We commit to enriching and maintaining a comfortable and supportive living and learning community by representing residents’ concerns, offering diverse programming, and providing desirable residence hall enhancements.

I.3. Powers of the RHA Executive Board Members

To aid the court in understanding the powers of the RHA and relevant procedures, the Defendant defines certain aspects of the RHA Constitution and Bylaws below. Note that these definitions only include material relevant to the case at hand to prevent a mass amount of information to read. Each definition listed below can also be found in the RHA Constitution or Bylaws.

Per the RHA Constitution Article IV, the role of each position are as follows:

1. President:
 - a. To serve as the primary student representative of RHA
 - b. To serve as chief executive in all RHA business
 - c. To call and preside over meetings of the Board of Governors and the Executive Board
 - d. To create detailed agendas for all sessions of the Board of Governors and Executive Board
 - e. To appoint and direct the Executive Officers
 - f. To establish and direct committees of RHA as necessary
 - g. To serve as ex-officio member on all RHA committees
 - h. To serve as the RHA representative on external committees, or to appoint a representative in their stead
 - i. To learn the RHA Constitution in full
 - j. To maintain at least three office hours in the RHA office every week
2. Vice President:
 - a. To serve as appointed representative to committees in the President's stead
 - b. To oversee community governor elections
 - c. To oversee all community governor and community government training and development, including retreats, Fall and Spring training sessions, ongoing leadership development sessions, and transition
 - d. To ensure accountability of governors and community governments to their constitutional duties
 - e. To contact Community Directors to receive updates on governors, community governments, government meetings, and programming at least once per semester per community
 - f. To oversee the expenditure of the directors' fund in compliance with the President and Executive Treasurer
 - g. To coordinate team-building activities during meetings of the Board of Governors
 - h. To directly advise the Community Governors
 - i. To learn the RHA Constitution in full
 - j. To maintain at least two office hours in the RHA office every week
3. Executive Administrative Coordinator:
 - a. To maintain important records of official RHA business, including accurate accounts of meeting Minutes and all Legislation approved by the Board of Governors
 - b. To maintain copies of all significant documents
 - c. To provide guidance and resources for distributing information to Executive Officers, Community Governors, and RHA advisors

Per the RHA Constitution Article V, the Board of Governors is as follows:

1. Membership:
 - a. The Board of Governors shall consist of all Community Governors duly elected by their respective residents, and having been properly inaugurated in accordance with procedures set forth in the by-laws of the Board
 - b. The Board of Governors shall at no time consist of greater or fewer members than

- the number of residential communities recognized by Carolina Housing
2. Removal from Office:
 - a. Procedures to remove a Community Governor or by their Community shall be determined by the RHA at-large Constitution and Bylaws
 - b. A Community Governor may be removed through an Ethics Hearing conducted by the Executive Board, pending approval by the Board of Governors.

Per the RHA Bylaws Article V, Community Government powers are as follows:

1. Governing Structure:
 - a. Each Community shall elect a Governor in accordance with the election procedures set forth in Article III of the By-Laws. The Governor shall serve as Chief Executive of the Community Government, represent the residents of the Community on the Board of Governors, and preside over all matters of official business of the Community.
 - b. The Governor shall appoint members of the Community Government in accordance with the procedures set forth in the Community Constitution.

Per the Connor Community Constitution Article III, the Governor's role is as follows:

- a. To appoint each member of the Executive Board.
- b. To administer and enforce laws enacted by the Residence Hall Association.
- c. To call and preside at meetings of Connor Community Government and to break tie votes of the Executive Board.
- d. To, in the event of a vacancy in an Executive Board position, assume responsibilities of that position.
- e. To represent residents of Connor Community in dealings with the Residence Hall Association, Student Government, the faculty, the administration of the University of North Carolina at Chapel Hill, and any organizations as deemed necessary by the Executive Board.
- f. To assemble transition materials for the following Executive Board.
- g. To attend no less than one (1) meeting per semester with the RHA Vice President
- h. To learn the Connor Residential Community Constitution in full.

I.3. Ethics Hearings Procedures

Per the RHA Bylaws Article VII, the process of an RHA Ethics Hearing are as follows:

**Note – the definitions used below are ones relevant to this case*

1. Establishment:
 - a. In the event that of a violation of the ethical standards outlined in Article VII Section 6 be brought forth by any UNC faculty, staff, or student, the President and RHA Advisor will be notified and discuss further action. Based on their assessment of needs, they may call a special meeting of the Executive Board to hold an Ethics Hearing. The Ethics Hearing shall be called within two weeks of being deemed necessary. In the event that the President is the subject of ethical

inquiry, the RHA Advisor reserves the right to call an Ethics Hearing. In the event that any Executive Board member is the subject of or directly involved in the ethical complaint in question, the RHA Advisor will appoint another member of the Board of Governors to attend in their place. The RHA Advisor shall be present at the Ethics Hearing, but will not be a voting member. Once an Ethics Hearing is called, the accused shall not be present within any RHA spaces, events, or meetings, whether virtually or in- person, through the duration of the Ethics Hearing.

2. Procedures:

- a. Any RHA member, including, but not limited to, Executive Officers, Community Governors, Community Government members, and any external appointments, may be subject to an Ethics Hearing should the President and RHA Advisor deem it necessary
- b. If the RHA Advisor and RHA President find a reasonable basis to conclude that a violation of the Ethical Standards as outlined below may have occurred, they shall call an Ethics Hearing. Should an Ethics Hearing be called, the RHA member in question shall immediately be notified of all charges brought against them and shall be given the opportunity to defend themselves through written testimony under 20 pages. If it is determined through majority vote that a violation has indeed occurred, the Executive Board shall determine—again by majority vote—sanctions to be brought against the RHA member in question.

3. Sanctions:

If found in violation of an ethical standard, the Executive Board reserves the right to make any or all of the recommended sanctions below:

- a. Probation for a set duration to be determined by the Executive Board. Probation shall be defined as a period of supervision where the individual is able to continue in their RHA role as usual, however, is monitored to ensure improved behavior. Other sanctions may be outlined, should the individual not correct their behavior during this time.
- b. Suspension from offices or committee positions held for a set duration to be determined by the Executive Board. During suspension, the member shall not participate in any RHA spaces, events, or duties.
- c. Loss of access to office space, master flexes, any community resources provided as part of an RHA position, or any specific resources as stipulated by the Executive Board.
- d. In the case of Executive Officers or other paid members, the revocation of all or part of their stipend.
- e. Removal from office: If the Executive Board recommends that the RHA member in question be permanently removed from office, the removal must be approved by a two-thirds majority vote of the Board of Governors.
- f. Preclusion from holding any elected or appointed RHA office after the completion of the current term.
- g. Other sanctions deemed appropriate by the Executive Board consistent with the gravity of the offense.

Part II.

***Answer to Complaint 1: “Meet the
Governor Email”***

II.1. Answer

1. The Defendant refers to the Plaintiff's Exhibit 1 and 2 when referring to the "Meet the Governor Email". The Defendant will answer not liable due to 1) the specific RHA Constitutional guidelines that allow the Vice President to "oversee community governor elections" and Community Government processes. The Defendant argues that the Plaintiffs did not meet their burden to show 2) the Vice President cannot deny a Community Governor's request to extend the deadline or use an external application for Community Government positions per RHA Governing Documents. The Plaintiffs 3) do not cite where in the RHA Constitution a Community Governor is allowed to extend the deadlines or use an external application for Community Government positions. Therefore, no "powers, rights, privileges, benefits or immunities" were stripped of the Plaintiff. Finally, 4) the Plaintiff fails to show what authority the Court has to grant the requested relief.

II.2. Jurisdiction

1. The Defendant agrees that the Supreme Court holds jurisdiction as authorized under III J.C.S.G. §610 (A)(1) which states that the Jurisdiction of the Student Supreme Court shall "[e]xtend to questions of law arising under the Student Body Constitution, the laws enacted under its authority, the actions of... other independent agencies of Student Government..."
2. The Defendant agrees that Mary Miller served as the Vice President of the Residence Hall Association (RHA), at the time of the offense.
3. The Defendant agrees that the Residence Hall Association is established as an independent agency under I J.C.S.G. §121 (B)(8).
4. The Defendant disagrees that Mary Miller violated the governing documents of the RHA and the Plaintiff's rights therein. The Plaintiff does not state what specific aspect of the governing documents the Defendant violates, nor how this *violation* prohibits the Defendant from not allowing a Community Government application deadline extension or external application. The Plaintiff fails to meet their burden to prove that any violation took place without specifying which RHA Constitutional guideline was broken.
5. The Defendant agrees that it is a meaningful question of law as to if the RHA Vice President has the authority to limit the Community Governor's authority over the appointment of Community Government. However, the RHA Constitution per Article IV says the Vice President's role is "To ensure accountability of governors and community governments to their constitutional duties". The Defendant argues that this includes limiting the Community Governor's ability to extend the application deadline or create an external application for their Community Governments.

II.3. Standing

- a. The Defendant agrees that the Plaintiff has standing in this matter. However, the Defendant makes note that they did not reject communication of the Plaintiff. Per the Plaintiff's Exhibits 1 and 2, the RHA Vice President merely advised the Plaintiff they could not extend the application deadline or use an external application. No 'rejection of communication' took place since the Defendant never terminated the Plaintiff's communications with the Connor Community prior to the Ethics Hearing.

II.4. Necessary Defendants

1. The Defendant agrees that Mary Miller is a necessary defendant in this matter.

II.5. Plaintiff's Requested Relief

1. Illegality

- a. **Introduction:** Section I.5.1 of the Plaintiff's requested relief states that "unlimited authority to appoint members of the Connor Community Government is vested solely within the Community Governor, as per the RHA Bylaws, Constitution, and the Connor Community Constitution". The Plaintiff does not cite which specific article or law that gives this authority. It is not the job of the Defendant or the Court to find this information. Therefore, the Defendant argues the Plaintiffs did not meet their burden to prove how the Defendant violates the RHA Constitution and Bylaws.
- b. **Proof of Fact:** Nowhere in the RHA Constitution, Bylaws, or Connor Community Constitution does it state the Community Governor has "unlimited authority" to appoint members of the Community Government. Even if this was the case, this does not prove that the RHA Vice President acted outside of their duties by not allowing an application deadline extension or external application. The Vice President's role per Article IV Section 3 of the RHA Constitution gives authority to the Vice President to oversee Community Government logistics like deadlines and application processes. The Vice President's role per point 3 of Section 3 (RHA Constitution), states, "To oversee all community governor and community government training and development, including retreats, Fall and Spring training sessions, ongoing leadership development sessions, and transition". The Defendant argues that overseeing 'transition' of Community Governments includes the appointment process. Until the Plaintiffs prove that the Vice President is not given this authority, they are expected to follow the guidelines set forth by the RHA Constitution. As seen in the Plaintiff's Exhibit 2, the Plaintiff violates the Defendant's direction. The Plaintiffs can submit an appeal and amend the RHA Constitution or Bylaws if they are not in favor of this process. There are internal processes in place to address the Plaintiffs concerns if they deem change is necessary without going through the Court.
- c. **Proof of Fact:** The Plaintiff asserts there was an "illegal infringement upon their rights and duties as Connor Community Governor" in limiting the application deadline extension and external application requested. The Plaintiffs fail to explain how this is

an illegal infringement per the RHA Bylaws and Constitution. The Plaintiffs cannot simply name this is an illegal infringement, they must prove it. With no specific RHA constitutional guidelines being cited, the Court cannot determine if the Defendant acted outside of their legal duties. Limiting the application deadline and use of an external application is therefore not shown to be an illegal infringement. As shown throughout this answer and the RHA Constitution Article IV, the Vice President oversees Community Government transitions and Community Governors, therefore, Mary Miller never acted outside of her legal scope.

2. Material Harm

- a. The Plaintiffs argue that material harm is evident from a lack of applicants for Community Government positions. They state, “The barring of external applications prevented the Plaintiff from advertising directly to students”. The Plaintiff’s claim infers there was a lack of applications due to no external application. This claim is not supported by any evidence or substantive fact. How did the prevention of an external application lead to a “lack of quality applicants” or limit the ability to advertise to students? The Plaintiff’s claim is unsupported, irrelevant to the question at hand, and lacks any substantive fact. The Plaintiff repeatedly makes claims with no support or evidence to back it. The Defendant reminds the Court that in the previous order named “Order Denying Motion to Dismiss” (No. 22-0076) on November 3, 2022, the Court explicitly states, “Plaintiffs must also include a causal link to Defendants’ alleged actions”. There is no causal link from how denying an external application or deadline extension led to a lack of quality applicants or a smaller number of applicants. Therefore, no material harm is demonstrated by the Plaintiff.

II.6. Plaintiff’s Requested Demand for Judgement

1. The Plaintiff “seeks an injunction against the Vice President, and other members of the RHA, from further interference with the Community Government appointment process”. They do not state how the Court can grant this action which was asked of the Plaintiffs in the “Order Denying Motion to Dismiss” (No. 22-0076) on November 3, 2022. This order from the Court states, “Plaintiffs must include the relief sought and under what authority this Court may grant it”. Again, it is not the role of the Court to determine if they have this authority. Therefore, the Plaintiffs fail to meet their burden. Furthermore, if the Court can grant this demand, the RHA Constitution directly gives the Vice President the power to ‘interfere’ in the transition stage of Community Governments as shown in this answer. Therefore, any injunction against the Vice President to prevent them from ‘interference’ with the Community Government appointment process would be unlawful and contradict the RHA Constitution. If this is the demand the Plaintiff seeks, they are encouraged to amend the RHA Constitution.
2. The Defendant agrees to give the Connor Community Government reasonable time for all positions to be held. This was discussed in meeting with the Plaintiff on October 31, 2022. The Defendant is open to discussing what a reasonable time is with the Plaintiff.

Part III.

***Answer to Complaint 2: “Suspension
from Powers of Office”***

III.1. Answer

1. The Defendant refers to the Plaintiff's Exhibits 3 and 4 when referring to the suspension from office emails. The Defendant agrees with the facts listed in the section II.1 of the Plaintiff's complaint. To give provide background on the RHA Ethics Hearing process, see the RHA's Bylaws Article VII or the definitions listed above. The Defendant agrees that there was an illegal suspension of the Plaintiff's position as Connor Community Governor. However, this was rescinded, and the proper process took place thereafter. Throughout this complaint, the Plaintiffs fail to show what authority grants the Court the ability to grant the requested relief. Furthermore, the rights to suspend a Community Governor during an Ethics Hearing is given by the RHA Bylaws Article VII. These rights are held by the RHA Executive Board which includes the RHA President. The President communicated with the Defendant that they had been suspended as the RHA Executive Board's representative, not the sole decider. To say that this suspension was not a given authority of the President is false because it is the right of the Executive Board to suspend a person subject to an Ethics Hearing. The Defendant, therefore, pleads not liable.

III.2. Jurisdiction

1. The Defendant agrees that the Supreme Court holds jurisdiction to hear this case as authorized under III J.C.S.G. §610 (A)(1) which states that the Jurisdiction of the Student Supreme Court shall "[e]xtend to questions of law arising under the Student Body Constitution, the laws enacted under its authority, the actions of... other independent agencies of Student Government..."
2. The Defendant agrees Nate Worley was serving as the RHA President at the time of the offense.
3. The Defendant agrees that the Residence Hall Association is established as an independent agency under I J.C.S.G. §121 (B)(8).
4. The Defendant disagrees that Nate Worley violated the governing documents of the RHA Constitution and Bylaws. The Plaintiffs fail to cite which governing article or law was violated. It is not the role of the Court to determine what is violated per the RHA's governing documents, therefore, the Plaintiff's fail to meet their burden. How did the Defendant violate the governing documents? What rights of the Plaintiff were violated? The Defendant is unclear as to what rights and powers are being referred to.
5. The Defendant agrees that it is a meaningful question of law if the RHA President can suspend the powers of a Community Governor by calling an Ethics Hearing. However, the RHA Bylaws per Article VII Section 4 states the Executive Board can issue a "Suspension from offices or committee positions held for a set duration to be determined by the Executive Board. During suspension, the member shall not participate in any RHA spaces, events, or duties" at any time. While this article does not state the President specifically, it does not state the President cannot communicate this decision. There is no mention of a vote which, therefore, implies it is up to the discretion of the Executive

Board to allow who can suspend a Community Governor or how. Furthermore, the Plaintiff assumes the President was the only person to make this suspension which is false. How does the Plaintiff know it wasn't the decision of the RHA Executive Board? If the Plaintiffs disagree with said interpretation or would like to change this procedure to be more specific, they are encouraged to file for amendment of the RHA Bylaws.

III.3. Standing

1. The Defendant agrees that the Plaintiff has standing to be heard on this issue. However, the Plaintiff asserts their "powers, rights, privileges, benefits or immunities" were violated by the RHA President barring the Plaintiff's "actions pertaining to the office of the Community Government". The Plaintiff does not state how this sanction abridged their powers, rights, privileges, benefits or immunities. A sanction per the RHA Bylaws allows for a Community Governor to be suspended from office. Therefore, how did the Defendant act outside of the scope of the RHA's governing documents?

III.4. Necessary Defendants

1. The Defendant agrees that Nate Worley is a necessary defendant in this matter. However, it is assumed by the Plaintiff that Nate Worley acted alone which is false. The RHA Executive Board made the decision to suspend the Plaintiff per the RHA Bylaws Article VII. This was a unanimous vote among the Board of Governors as shown in the RHA's open minutes notes posted via their website.

III.5. Plaintiff's Requested Relief

1. The Plaintiff asserts an "abridgement of privileges" by the RHA President, citing Article IV of the RHA Constitution. The Plaintiff does not state how this is an abridgment of privileges. Again, the Defendant raises to question what is meant by the Plaintiffs. The Plaintiff asserts the injurious action was prohibiting the Plaintiff from the participation in "any action pertaining to the office of Connor Community Governor". This is a granted authority per the RHA Bylaws per Article VII Section 4 which allows for the "probation for a set duration" and "suspension from offices" of a Community Governor during an Ethics Hearing by the RHA Executive Board. The President was merely the communication person for the RHA Executive Board. The Plaintiff assumes information that is not true, like inferring that the President was the only decider of the Plaintiff's suspension. The Defendant encourages the Plaintiff to file for the RHA Bylaws to be amended if they disagree with this authority. The probation of the Plaintiff during the Ethics Hearing is completely legal as shown below.
2. The Ethics Hearing's procedures do allow for the person in question to be suspended from office and set to probation (bolded text below). See below what the RHA Bylaws say in Article VII:

*If found in violation of an ethical standard, the **Executive Board** reserves the right to make any or all of the recommended sanctions below:*

- a. **Probation for a set duration to be determined by the Executive Board.**
 Probation shall be defined as a period of supervision where the individual is able to continue in their RHA role as usual, however, is monitored to ensure improved behavior. Other sanctions may be outlined, should the individual not correct their behavior during this time.
 - b. **Suspension from offices or committee positions held for a set duration to be determined by the Executive Board. During suspension, the member shall not participate in any RHA spaces, events, or duties.**
 - c. Loss of access to office space, master flexes, any community resources provided as part of an RHA position, or any specific resources as stipulated by the Executive Board.
 - d. In the case of Executive Officers or other paid members, the revocation of all or part of their stipend.
 - e. **Removal from office:** If the Executive Board recommends that the RHA member in question be permanently removed from office, the removal must be approved by a two-thirds majority vote of the Board of Governors.
 - f. Preclusion from holding any elected or appointed RHA office after the completion of the current term.
 - g. **Other sanctions deemed appropriate by the Executive Board** consistent with the gravity of the offense.
3. The Plaintiffs state an abridgment of privileges and probation from the Plaintiffs “actions pertaining to the office of Connor Community Governor” is not “proscribed as part of Ethics Hearing procedure”. However, this is simply not true as shown above in the RHA Bylaws Article VII. Shown in bold above, the RHA Executive Board has the right to suspend the privileges of a Community Governor during an Ethics Hearing. To say this is not proscribed in RHA procedures is false. The Plaintiffs completely overshadow the RHA Bylaws in an attempt to mislead the Court.
4. Material Harm:
- a. The Plaintiff was deprived of their ability to continue the appointment process because they were subject to an Ethics Hearing. It is untrue that the Connor Community did not maintain representation during this absence as the RHA Executive Board stepped in until the conclusion of the Ethics Hearing.

III.6. Plaintiff’s Requested Demand for Judgement

- 1. The Plaintiff demands “all business of the RHA Board of Governors from September 13 to October 25, 2022 be annulled”. However, the Plaintiff does not state what authority the Court has to issue this demand. This is not a feasible demand as the Court cannot simply annul all business of the RHA in any timeframe. It is the Plaintiff’s burden to demonstrate

this authority to be granted which they have failed to do per the Court’s “Order Denying Motion to Dismiss” (No. 22-0076) on November 3, 2022. This order from the Court states, “Plaintiffs must include the relief sought and under what authority this Court may grant it”.

2. The Defendant agrees to give the Connor Community Government reasonable time for all positions to be held. This was discussed in meeting with the Plaintiff on October 31, 2022. The Defendant is open to discussing what a reasonable time is with the Plaintiff.

III.7. Governor-Elect Title Response

1. The Defendant argues the Plaintiffs discussion about the Governor-Elect Title in Section II.7 of the complaint is irrelevant to the matter at hand. This does not prove how the Plaintiff’s “powers, rights, privileges, benefits or immunities” were abridged by the Defendant. Nor does this discussion prove how the President of the RHA acted outside of their legal capacity.

III.8. Conclusion

1. The Defendant admits to illegally suspending the Plaintiff (see Plaintiff’s Exhibit 3) and rescinded that suspension. Mistakes happen and to that the Defendant apologizes. However, the action was corrected, and the Plaintiff was temporally suspended until the Ethics Hearing concluded. To ask for all business to be annulled during that process would not only be feasible, but would require the Court to have the authority to do so. The Plaintiff fails to demonstrate how the Court can grant this relief and would be a major policy decision that would potentially undermine justice. Allowing the Court to annul all business of the RHA during this timeframe is a clear abuse of power and would impact justice at all levels. Granting this relief would allow individuals to supersede organizations like the RHA because they do not get what they want by bringing their complaints to this Court. The Plaintiff has the opportunity to appeal the Ethics Hearing (which they did) and amended the RHA Constitution. Allowing Court intervention in this complaint would be unfair to other Community Governments and every 9,500 students under the RHA. It would supersede the other Community Government decisions in the requested timeframe and would harm students as RHA decisions affecting them have been made in that timeframe.
2. The Plaintiff asserts that their temporary ban of communication with their Governments is illegal. This should be a matter discussed within the RHA as the Bylaws give sanctioning powers. If the Plaintiff disagrees with this process, they are encouraged to amend RHA Governing Documents. The Defendant recognizes and appreciates the Court’s decision but believes this matter is internal to the RHA.

Part IV.

Answer to Complaint 3: “Failure to Administer Oath of Office”

IV.1. Answer

1. The Defendant acknowledges a contradiction in the RHA Bylaws per Article III. The Bylaws state Oath of Office starts on the “first Board of Governors meeting immediately following their election” in Section 3. However, Oath of Office starts “on the first Tuesday immediately following their election” in Section 4. The Defendant apologizes for the contradiction and will fix the Bylaws to say the first Board of Governors meeting as the proper time frame. The Bylaws display two different timelines due to differences in the past. This year, the RHA used the first Board of Governors meeting to give the Oath of Office. The Defendant acknowledges this is confusing and will rectify in a timely manner.
2. Furthermore, the Defendant pleads not liable as the Plaintiff did not state what authority allows the Court to grant the relief requested. Per the previous Court’s order named “Order Denying Motion to Dismiss” (No. 22-0076), the “Plaintiffs must include the relief sought and under what authority this Court may grant it”. Second, the Defendant acknowledges the Plaintiff’s argument that this complaint is moot if it, “only represents an active controversy if the Oath of Office is indeed required to exercise the powers of Community Governor”. Oath of Office is not required to exercise the rights of a Community Governor, so this complaint is moot, and the Defendant should be found not liable.

IV.2. Jurisdiction

1. The Defendant agrees the Supreme Court holds jurisdiction as authorized under III J.C.S.G. §610 (A)(1) which states that the Jurisdiction of the Student Supreme Court shall “[e]xtend to questions of law arising under the Student Body Constitution, the laws enacted under its authority, the actions of... other independent agencies of Student Government...”
2. The Defendant asserts the Oath of Office is not required to exercise the powers of the office of Community Governor.
3. The Defendant agrees Nate Worley at the time of the offense acted as President of the RHA and Mary Miller at the time of the offense acted as Vice President of the RHA.
4. The Defendant agrees the RHA is established as an independent agency under I J.C.S.G. §121 (B)(8).
5. The Defendant disagrees they “violated the governing documents (Bylaws and/or Constitution) of the RHA and thus the rights of the Plaintiffs contained therein”. The Plaintiff does not state how the Defendants violated the RHA Governing Documents or cite what specific article is violated.

IV.3. Standing

1. The Defendant disagrees that Nate Worley failed to administer the Oath of Office to Community Governors. The Oath of Office took place on the first Board of Governors

meeting as granted by the RHA Bylaws Article III. The Plaintiff was not administered the Oath of Office in this Board of Governors meeting because the Plaintiff was suspended as Community Governor during the Ethics Hearing and not allowed to attend. As the Plaintiff has been reinstated as Connor Community Governor, the Oath of Office is scheduled to be given to the Plaintiff.

2. The Defendant disagrees that Mary Miller “failed to notify the Plaintiffs that they were not acting in their full capacity as Governors”. The Plaintiff asserts this is necessary per the RHA Constitution Article IV (2), (3), and (4). In no place of the referenced Constitution, does it state the Vice President is required to notify Community Governors that they are not acting in their full capacity as Governors prior to the Oath of Office. Again, the Plaintiffs assert information with no discussion on how or what is being violated per Article IV (2), (3), and (4) of the RHA Constitution. The Plaintiff fails to meet their burden of providing a “causal link” of the action in question to the Defendants per the Court’s “Order Denying Motion to Dismiss” (No. 22-0076). Furthermore, it is not necessary to have been given the Oath of Office to assume the powers of a Community Governor once elected so no notice was necessary.

IV.4. Necessary Defendants

1. The Defendant agrees that Nate Worley is a necessary defendant in this matter. However, the Defendant did not fail to administer the Oath of Office as it was conducted in the first Board of Governors meeting.
2. The Plaintiff states, “To the Plaintiffs’ knowledge, the injurious omission of training was done by Mary Miller on her judgement alone in her capacity as RHA Vice President. Therefore, the Plaintiff names Nate Worley, in such capacity, as a necessary defendant.” The Defendant brings attention to this contradiction as two individuals are listed. The Defendant moves to strike this claim as it is unclear why Nate Worley would be a necessary defendant in this claim as Mary Miller acted as the RHA Vice President.
3. The Defendant agrees the RHA Board of Governors is a necessary defendant in this matter.

IV.5. Plaintiff’s Requested Relief

1. The Defendant recognizes the RHA Bylaws states “the duties and powers of newly elected governors shall commence on the first Tuesday immediately following their election, general or otherwise, and shall conclude at the termination of the Spring academic term”. The RHA Bylaws (Article III) also state, “The President shall administer the following oath to Governors-elect at the first Board of Governors meeting immediately following their election”. The Defendant notices the contradiction and will amend in a timely manner. The Defendant makes note that the RHA used the first Board of Governors meeting this year to give the Oath of Office and thus no illegalities took place.
2. The Oath of Office is not required for commencement of Community Governor powers once elected as Community Governor, so the complaint is moot. Furthermore, the Plaintiff

fails to include where it is required in the RHA Constitution specifically that the Vice President is obligated to notify Governors-elect of Pre-Oath-of-Office powers. The Plaintiff references RHA Constitution Article IV (2), (3), and (4) but does not demonstrate where this is stated in the referenced material.

3. **Material Harm:** The ability to assume the powers and duties of a Community Governor once elected is legal per the RHA Constitution. The RHA Governing Documents do not limit the assumption of power prior to the Oath of Office. Therefore, the material harm claimed by the Plaintiff is moot and not valid.

IV.6. Plaintiff’s Requested Demand for Judgment

1. The Plaintiffs request an “injunction against the current RHA President from holding any Ethics Hearings regarding to potential violations of law as a result of illegally claiming the powers of their office during this time”. The Plaintiffs fail to state how the Court can grant this action which was asked of the Plaintiffs in the “Order Denying Motion to Dismiss” (No. 22-0076) on November 3, 2022. The order from the Court states, “Plaintiffs must include the relief sought and under what authority this Court may grant it”. Therefore, the Plaintiffs fail to meet their burden.
2. The Plaintiffs demand “all actions taken by the Governors in the conduct of their appointment process prior to taking the Oath of Office be nullified”. Again, the Plaintiffs fail to state how the Court can grant this action which was asked of the Plaintiffs in the “Order Denying Motion to Dismiss” (No. 22-0076) on November 3, 2022. Even if the Court could grant this, the outcome would undermine justice. Community Governments have been in operation for approximately 60 Days. A demand to nullify all actions taken by Governors prior to their Oath of Office would cause harm to the 50+ student leaders who have been active in their roles and the over 9,000 residents they serve. The harm that this would cause current residents and those serving as a part of Community Government would not be justified. RHA is committed to adjusting their Bylaws to make it more clear that the Oath of Office is not required to begin work within the role.
3. The Plaintiff’s request to “issue precedent that the provision of III RHA Bylaws §4 overrides any requirement for an Oath of Office to be taken prior to the execution of powers of an elected Governor” is moot as the Oath of Office is not required to begin work within the role of a Community Governor. The RHA will amend the Constitution and Bylaws to reflect the Oath of Office takes place at the first Board of Governors meeting after election.

IV.7. Conclusion

1. The Plaintiffs state “this part of the Complaint only represents an active controversy if the Oath of Office is indeed required to exercise the powers of Community Governor”. Confirmation by the RHA President and Advisor state that Oath of Office is not required to exercise the powers of a Community Governor. This is supported by the RHA Constitution and Bylaws which does not limit the authorities of Community Governors prior to the Oath of Office. The RHA, in accordance with the Court, is committed to

updating the RHA Governing Documents to reflect this. Since the Oath of Office is not required prior to the Oath of Office to exercise Community Governor powers, the Defendant, in agreement with the Plaintiff, deems this complaint moot. In addition to rectifying Governor powers prior to the Oath of Office, the RHA is committed to updating the timeline for the Oath of Office to take place and apologizes for any confusion this may have brought.

Part V.

***Answer to Complaint 4: “Open
Meetings Law Violations”***

V.1. Answer

1. The Defendant moves to strike this complaint as the Court explicitly said in their last order titled “Order Denying Motion to Dismiss” on November 3, 2022 that Plaintiff’s “may not reference the original complaint(s)”. This violates the Court’s order and should therefore be dropped.

V.2. Jurisdiction

1. The Defendant agrees that the Supreme Court holds jurisdiction as authorized under III J.C.S.G. §610 (A)(1) which states that the Jurisdiction of the Student Supreme Court shall “[e]xtend to questions of law arising under the Student Body Constitution, the laws enacted under its authority, the actions of... other independent agencies of Student Government...”
2. The Defendant agrees that the Residence Hall Association is established as an independent agency under I J.C.S.G. §121 (B)(8).

V.3. Standing

1. The Defendant agrees the Plaintiffs, Dean Pearce and Andrew Gary, have standing in this matter.

V.4. Necessary Defendants

1. The Defendant claims that the Plaintiffs omitted the necessary Defendants pursuant to III J.C.S.G §716(B)(5). The Plaintiff may not simply name the organization, RHA, as a Defendant, but should have named officers involved in the alleged action, as stated in III J.C.S.G §716(B)(5).

V.5. Plaintiff’s Requested Relief

1. The Plaintiffs claim the RHA fail to “comply with North Carolina’s Open Meetings Law”. The RHA has consulted with Student Life & Leadership who has consulted with University Counsel and have been affirmed that RHA is not subjected to Article 33C of Chapter 143 of the North Carolina General Statues. The RHA honor the purpose of the meeting laws, however. Therefore, the RHA’s Board of Governor’s (“BOG”) meeting is open to the public and RHA shares both BOG and Executive Board meeting minutes on their website.

V.6. Plaintiff’s Requested Demand for Judgement

1. The Plaintiffs “request declaratory action rending all actions taken by the Executive Board of the RHA or its component members during meetings which violated open meetings law void”. As shown above, the RHA is not subject to North Carolina Open Meetings Law. Furthermore, in the North Carolina General Statutes § 143-318.10 (C) of Chapter 33C,

“Public body does not include a meeting solely among the professional staff of a public body” which includes the RHA Executive Board meetings. Therefore, the RHA Executive Board as a professional staff of the RHA is exempt from open meeting laws. The RHA Advisor acts as an independent monitor of the RHA’s meeting minutes by reviewing and uploading them to their website. Though student organizations are not included under open meeting laws, the RHA still posts public meeting minutes. Therefore, the Plaintiff’s claim that the RHA fails to comply with North Carolina’s open meeting laws is moot and invalid.

Respectfully Submitted,

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