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OF THE STUDENT  
SUPREME COURT

IN THE SUPREME COURT

ACTION NO. 22-007

DEAN PEARCE, CONNOR COMMUNITY  
GOVERNOR;  
CONNOR COMMUNITY GOVERNMENT;  
ANDREW GARY

PLAINTIFFS

v.

MARY MILLER, RESIDENCE HALL  
ASSOCIATION PRESIDENT, FORMER  
RESIDENCE HALL ASSOCIATION VICE  
PRESIDENT;  
NATE WORLEY, FORMER RESIDENCE  
HALL ASSOCIATION PRESIDENT;  
MEMBERS OF THE RESIDENCE HALL  
ASSOCIATION BOARD OF GOVERNORS;  
RESIDENCE HALL ASSOCIATION  
EXECUTIVE BOARD;

DEFENDANTS

AMENDED COMPLAINT

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**Part I.**

***Meet the Governor E-Mail***

## **I.1. Background Information**

1. On September 8th, 2022 the Defendant Mary Miller rejected (Plaintiff's Exhibit 1) the Plaintiff's draft of their "Meet the Governor Email" (Plaintiff's Exhibit 2), introducing themselves to their constituency and clarifying procedures for applications for Community Government appointed positions, citing that "[she] cannot send external applications or extend the deadline" of applications for the Connor Community Government.

## **I.2. Jurisdiction**

1. 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. Mary Miller served as the Vice President of the Residence Hall Association (RHA), at the time of the offense.
3. The Residence Hall Association is established as an independent agency under I J. C.S.G. §121 (B)(8).
4. The Plaintiff alleges that the Defendant, Mary Miller, violated the governing documents (Bylaws and/or Constitution) of the RHA and the Plaintiff's rights contained therein.
5. It is a meaningful question of law the degree to, if at all, the RHA Vice President has the authority to limit the Community Governor's authority over the appointment of Community Government.

## **I.3. Standing**

1. The Plaintiff asserts that they have the power to contact their constituency as part of conducting the appointment process. Thus, a rejection of such a communication abridges the "powers, rights, privileges, benefits or immunities" of their position as Connor Community Governor, granting standing as required by R. 21(a).

## **I.4. Necessary Defendants**

1. To the Plaintiff's knowledge, the injurious action was done by Mary Miller on her judgment alone in her capacity as RHA Vice President. Therefore, the Plaintiff names Mary Miller, in such capacity, as a necessary defendant.

## **I.5. Relief**

### **I.5.1. Illegality**

1. The Plaintiff asserts 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.

2. Therefore, the Plaintiff asserts that the refusal to promulgate their "Meet the Governor Email", on the basis of contents relating to such appointment process (See Plaintiff's Exhibit 1), constitutes an illegal infringement upon their rights and duties as Connor Community Governor to conduct this process.

### **I.5.2. Material Harm**

1. The Plaintiff asserts material harm via a lack of applicants for Community Government positions.
2. The barring of "external applications" prevented the Plaintiff from advertising directly to students.
3. This led to a lack of quality applicants for some positions.
4. Notably, a complete lack of applicants for the position of Social Justice Advocate.

### **I.6. Demand for Judgement**

1. The Plaintiff's ability to appoint members of the Community Government was unlawfully restricted by this injurious action. Therefore:
  - a) The Plaintiff seeks an injunction against the Vice President, and other members of the RHA, from further interference with the Community Government appointment process.
  - b) The Plaintiff seeks a court order that fully equivalent events to the RHA Community Government officer trainings (which have already occurred) be held for the Connor Community Government, at such a time as to give reasonable time for the Connor Community Government to be appointed.

**Part II.**

**Suspension from Powers of Office**

## **II.1. Background Information**

1. On September 13, 2022, the RHA Executive Board illegally suspended Plaintiff Dean Pearce from their position as Community Governor. (Plaintiff's Exhibit 3)

This fact is largely immaterial to this matter, but provided for reference.

2. On September 13, 2022, Former RHA President Nate Worley notified Dean Pearce that this suspension was illegal, and formally rescinded it. (Plaintiff's Exhibit 4)
3. On September 13th, 2022 the Defendant notified the Plaintiff that an Ethics Hearing would be called against them per the RHA Bylaws. In this notice, the Defendant prohibited the Plaintiff from participation in "any actions pertaining to the office of Connor Community Governor" until the conclusion of the Ethics Hearing. (Plaintiff's Exhibit 4)

This is the injurious action giving rise to this Complaint.

4. On September 20, 2022, the final judgement of the Ethics Hearing of the RHA Executive Board was entered, and chose to expel Plaintiff Dean Pearce from office and bar them from holding future RHA office.
5. On October 25, 2022, such judgement was overturned by Carolina Housing Executive Director, Allan Blattner, reinstating Dean Pearce to the office of Connor Community Governor.

## **II.2. Jurisdiction**

1. 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. Nate Worley was serving as as President of the Residence Hall Association (RHA) at the time of the offense.
3. The Residence Hall Association (RHA) is established as an independent agency under I J. C.S.G. §121 (B)(8).
4. The Plaintiff asserts that Nate Worley violated the governing documents (Bylaws and/or Constitution) of the RHA the Plaintiff's rights contained therein.
5. It is a meaningful question of law if the RHA President has the ability to suspend the powers of a Community Governor by calling an Ethics Hearing.

## **II.3. Standing**

1. Nate Worley, acting in his capacity as RHA President, barred the Plaintiff Dean Pearce from exercising "any actions pertaining to the office of the Community Governor", and thus abridged the "powers, rights, privileges, benefits or immunities" of their position as Connor Community Governor.

## **II.4. Necessary Defendants**

1. To the Plaintiff's knowledge, the injurious action was done by Nate Worley on his judgment alone in his capacity as RHA President. Therefore, the Plaintiff names Nate Worley, in his former capacity, as a necessary defendant.

## **II.5. Relief**

### **II.5.1. Illegality**

1. The Plaintiff asserts that the capability for such an abridgement of privileges is not granted to the President (See IV RHA Constitution §2).
2. Nor is it proscribed as part of Ethics Hearing procedure (See VII RHA Bylaws).

### **II.5.2. Material Harm**

1. The Plaintiff was deprived of their ability to name a proxy to meetings of the RHA Board of Governors (I RHA Bylaws §5(B))
2. The Plaintiff was deprived of their ability to continue the appointment process of members of the Connor Community Government.
3. Moreover, the Plaintiff was deprived of their ability to formally appoint any members of the Connor Community Government.
4. As a result, the Plaintiff was unable to appoint their Lieutenant Governor, to serve on the RHA Board of Governors in their absence, leaving the Connor Community with no representation from September 20 to October 25, 2022.

## **II.6. Demand for Judgement**

1. The Plaintiff demands that:
  - a) All business of the RHA Board of Governors from September 13 to October 25, 2022 be annulled. (II.5.2 1,4)
  - b) Fully equivalent events to the RHA Community Government officer trainings (which have already occurred) be held for the Connor Community Government, at such a time as to give reasonable time for the Connor Community Government to be appointed. (II.5.2 2,3)

## **II.7. Governor-elect title**

### **II.7.1. Analysis of Governing Documents**

#### **II.7.1.1. Correct title was not Governor-elect**

1. The Plaintiff contests the notion that Dean Pearce's proper title prior to the administration of the Oath of Office was Governor-elect. VII RHA Constitution §1(A) devolves all regulations of the inauguration of Governors to the RHA Bylaws.



2. The Bylaws, however, makes no substantive mention of the existence of a position of Governor-elect. While mentioned in III RHA Bylaws §3, how one becomes a Governor-elect is not stated, and thus confers no substantive meaning.

#### **II.7.1.2. Irrelevancy of Governor-elect title**

1. Regardless, the Plaintiff asserts that the question of an *elect* title is irrelevant to the question of whether they possessed the powers of the Community Governor.
  - a) See III RHA Bylaws §4 "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.", which makes no reference to an Oath of Office.
  - b) See III RHA Bylaws §3, which governs the Oath of Office, but makes no statement of it being necessary for an elected Governor to exercise the powers and duties of their position.

#### **II.7.2. Actions of RHA Exec. Board show that they considered the Governors to be acting in their full capacity**

1. As can be seen in Plaintiff's Exhibits 5,6,7 no mention of any "elect" status was made.
2. Community Governors were encouraged to identify themselves as "Governor" in their "Meet the Governor e-mail" (Plaintiff's Exhibit 1).
3. Plaintiff's Exhibit 8 confirms that Governors were expected to have a final roster of their Community Government appointees by September 17th, four (4) days after they took the Oath of Office.
4. Plaintiff's Exhibits 6,7 prove that Governor's were provided the roster of applications for their Community Government appointments up to two (2) weeks prior to their taking of the Oath of Office.
5. The obvious impossibility of interviewing all appointees in four days (paragraph 3) proves that the RHA Exec. Board considered the Governors to have power to conduct the appointment process prior to taking the Oath of Office.

**Part III.**

**Failure to Administer Oath of  
Office**

### **III.1. Background Information**

1. VII RHA Constitution §1(A) devolves all regulations of the inauguration of Governors to the RHA Bylaws.
2. III RHA Bylaws §4 requires that "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."
3. The RHA President has the responsibility to administer the Oath of Office (III RHA Bylaws §3)
4. The RHA President has the responsibility to call meetings of the RHA Board of Governors (IV RHA Constitution §2(A)(3))
5. The Plaintiff Dean Pearce was elected to the office of Community Governor on August 25, 2022 (Plaintiff's Exhibit 5)
6. The Oath of Office was administered to Community Governors on September 14, 2022 (Plaintiff's Exhibit 8)
7. September 14, 2022 is later than the "first Tuesday immediately following their election, general or otherwise" as required by III RHA Bylaws §4
8. At no point were the Governors notified of their elect status, or that they did not have the ability to exercise the powers of their office. (See II.7.2)
9. It is the responsibility of the RHA Vice President to "oversee community governor elections" (IV RHA Constitution §3(2)) to "oversee all community governor ... training and development ... and transition" (IV RHA Constitution §3(3)) and to "ensure accountability of governors ... to their constitutional duties." (IV RHA Constitution §3(4))
10. If the Governors did not have the ability to exercise the powers of their office, then a number of actions of the Governors conducted in the furtherance of the Community Government appointment process would have been done illegally.

### **III.2. Jurisdiction**

1. 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..." The Plaintiff alleges that the Defendant, Nate Worley, at the time serving as President of the Residence Hall Association (RHA), and Mary Miller, at the time serving as Vice President of the RHA, which is established as an independent agency under I J. C.S.G. §121 (B)(8), at the time of the offense, violated the governing documents (Bylaws and/or Constitution) of the RHA and thus the rights of the Plaintiffs contained therein.
2. It is a meaningful question of law whether or not the Oath of Office is required to exercise the powers of the office of Community Governor.

### **III.3. Standing**

1. Nate Worley, acting in his capacity as RHA President, failed to administer upon the Plaintiffs the Oath of Office, which may be necessary to exercise the powers of their office, within the timeline required by III RHA Bylaws §4. This abridged the “powers, rights, privileges, benefits or immunities” of the Governors’, granting standing as per R. 21(a)
2. Mary Miller, acting in her capacity as RHA Vice President, failed to notify the Plaintiffs that they were not acting in their full capacity as Governors, despite her responsibility to do so as RHA Vice President (IV RHA Constitution (2),(3),(4)). This abridged the “powers, rights, privileges, benefits or immunities” of the Governors’, granting standing as per R. 21(a)

### **III.4. Necessary Defendants**

1. To the Plaintiffs’ knowledge, the injurious failure to administer the Oath of Office was done by Nate Worley on his judgement alone in his capacity as RHA President. Therefore, the Plaintiff names Nate Worley, in such capacity, as a necessary defendant.
2. 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.
3. If the Court grants the relief the Plaintiffs’ requests to annul actions of Community Governors, it would affect the “rights, privileges, benefits, or immunities” of the same. Therefore, per R. 28(a), the Plaintiff has named the members of the RHA Board of Governors.

### **III.5. Relief**

#### **III.5.1. Illegality**

1. III RHA Bylaws §4 requires that “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.”
2. If the Oath of Office is required for the commencement of such powers, then the RHA Vice President would be obligated to notify the Governors-elect of such. (Per IV RHA Constitution (2),(3),(4))

#### **III.5.2. Material Harm**

1. These omissions caused the Governors-elect to begin to exercise their duties before they had the capacity to do so, rendering such actions illegal.

### **III.6. Demand for Judgement**

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.
2. The Plaintiffs request that all actions taken by the Governors in the conduct of their appointment process prior to taking the Oath of Office be nullified.
3. Alternatively, the Plaintiffs request that the Court 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.

### **III.7. Mootness**

The Plaintiffs recognize that 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.

## **Part IV.**

# **Open Meetings Law Violations**

Unmodified in content from 22-005 Complaint.

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I do affirm that I have read in full the foregoing Complaint and that the allegations contained therein are true to the best of my knowledge and belief.

*Filed this the 7th day of November,  
2022, at 11:52 <sup>pm</sup>*