

***IN THE STUDENT COURT OF  
THE GEORGE WASHINGTON UNIVERSITY***

**COMPLAINT**

The Office of the Legislator General	)	
	)	
	)	Plaintiff(s)
	)	
v.	)	
The Student Association Senate	)	
	)	Defendant(s)
	)	

FILED ON THIS 22nd DAY OF March, 2022.

**I. PARTIES**

**A. PLAINTIFFS.** Please list the full name, email address, and preferred telephone number of each plaintiff, with the **primary plaintiff listed first**. If there are more than four named plaintiffs, please generate as many additional rows as needed or attach to this complaint a separate document containing the full names, email addresses, and preferred telephone numbers of additional plaintiffs.

<u>PRIMARY PLAINTIFF</u>	<u>PLAINTIFF</u>
Name: LG Holden Fitzgerald	Name: ALG Juan Carlos Mora
Email Address: hjfitzgerald@law.gwu.edu	Email Address: jcmora@gwu.edu
Telephone Number: 620.655.9131	Telephone Number: 707.999.6367

<p><u>PLAINTIFF</u></p> <p>Name: ALG Andrew Harding</p> <hr/> <p>Email Address: andrewjharding1@gwu.edu</p> <hr/> <p>Telephone Number: 936.446.0205</p> <hr/>	<p><u>PLAINTIFF</u></p> <p>Name:</p> <hr/> <p>Email Address:</p> <hr/> <p>Telephone Number:</p> <hr/>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

**B. REPRESENTATIVES FOR THE PLAINTIFFS.** If the plaintiffs choose to have representatives prepare this complaint or present their case to the Court, please list the full name, email address, and preferred telephone number for each representative, with the **primary representative listed first.**

<p><u>PRIMARY REPRESENTATIVE</u></p> <p>Name: ALG Juan Carlos Mora</p> <hr/> <p>Email Address: jcmora@gwu.edu</p> <hr/> <p>Telephone Number: 707.999.6367</p> <hr/>	<p><u>PLAINTIFFS' REPRESENTATIVE</u></p> <p>Name: LG Holden Fitzgerald</p> <hr/> <p>Email Address: hjfitzgerald@law.gwu.edu</p> <hr/> <p>Telephone Number: 620.655.9131</p> <hr/>
<p><u>PLAINTIFFS' REPRESENTATIVE</u></p> <p>Name: ALG Andrew Harding</p> <hr/> <p>Email Address: andrewjharding1@gwu.edu</p> <hr/> <p>Telephone Number: 936.446.0205</p> <hr/>	<p><u>PLAINTIFFS' REPRESENTATIVE</u></p> <p>Name:</p> <hr/> <p>Email Address:</p> <hr/> <p>Telephone Number:</p> <hr/>

**C. DEFENDANTS.** Please list the full name and known email address for each defendant, with the **primary defendant listed first.** If there are more than four named defendants,

please generate as many additional rows as needed or attach to this complaint a separate document containing the full names and known email addresses of additional defendants.

<p><u>PRIMARY DEFENDANT</u></p> <p>Name: Sen. Yan Xu (ESIA-U)</p> <hr/> <p>Email Address: yan_xu@gwu.edu</p> <hr/>	<p><u>DEFENDANT</u></p> <p>Name: VP Kate Carpenter</p> <hr/> <p>Email Address: gwvpcarpenter@gmai.com</p> <hr/>
<p><u>DEFENDANT</u></p> <p>Name: _____</p> <hr/> <p>Email Address: _____</p> <hr/>	<p><u>DEFENDANT</u></p> <p>Name: _____</p> <hr/> <p>Email Address: _____</p> <hr/>

## II. JURISDICTION

The Student Court, as governed by the Constitution of The George Washington University Student Association, is limited in the types of cases it can hear. Please indicate the appropriate type of case the plaintiffs are bringing against the defendants: (**check one**)

  X   This is a case challenging the **constitutionality of any action or deliberate inaction by the Student Association**, its respective parts, or any other subordinate body subject to the jurisdiction of the Student Association Constitution (Article XII, Section 4(a)(1) of the Constitution).

       This is a case **appealing a decision of the Joint Elections Commission in a Student Association election** (Article XII, Section 4(a)(2) of the Constitution). By checking this option, the plaintiffs **certify that a NOTICE OF APPEAL has been served** on the Joint Elections Commission by email (Rule 42).

       This is a case **appealing a decision of the Joint Elections Commission in a Program Board election** that is permitted by the Program Board's constitution (Article XII, Section 4(a)(3) of the Constitution). By checking this option, the plaintiffs **certify that a NOTICE OF APPEAL has been served** on the Joint Elections Commission by email (Rule 42).

       This is a case **alleging a funding dispute among or between registered student organizations receiving Student Association monies** (Article XII, Section 4(a)(5) of the Constitution).

\_\_\_\_\_ This is a case that is **none of the above**, and by checking this option, the plaintiffs **declare their submission to the jurisdiction** of the Student Court **and agreement to be bound by the judgments** of the Student Court (Article XII, Section 4(a)(4) of the Constitution).

### III. ELIGIBILITY OF PLAINTIFFS

The Student Court, as governed by the Constitution of The George Washington University Student Association, is also limited by which parties can bring cases before the Court. Please indicate the appropriate descriptions of the plaintiffs to the case: **(check all that apply)**

\_\_\_\_\_ The plaintiffs are **Student Association Senators or Executive Officers challenging the constitutionality** of any action or inaction on the part of any Student Association Executive Officer, a majority of the Senate, any Senate Chair, the Joint Elections Commission, or any other subordinate body under the jurisdiction of the Constitution (Article XII, Section 4(a)(1) of the Constitution).

\_\_\_\_\_ The plaintiffs are **enrolled students of The George Washington University challenging the constitutionality** of any action or inaction on the part of any Student Association Executive Officer, a majority of the Senate, any Senate Chair, the Joint Elections Commission, or any other subordinate body under the jurisdiction of the Constitution. (Article XII, Section 4(a)(1) of the Constitution).

\_\_\_\_\_ The plaintiffs are **individuals appealing their elimination or exclusion** by the Joint Elections Commission from a Student Association election (Article XII, Section 4(a)(2) of the Constitution).

\_\_\_\_\_ The plaintiffs are **individuals appealing fines levied** by the Joint Elections Commission for infractions committed by plaintiffs in a Student Association election (Article XII, Section 4(a)(2) of the Constitution).

\_\_\_\_\_ The plaintiffs are **individuals appealing their elimination or exclusion** by the Joint Elections Commission from a Program Board election (Article XII, Section 4(a)(3) of the Constitution).

\_\_\_\_\_ The plaintiffs are **individuals appealing fines levied** by the Joint Elections Commission for infractions committed by plaintiffs in a Program Board election (Article XII, Section 4(a)(3) of the Constitution).

\_\_\_\_\_ The plaintiffs are **individuals appealing other decisions** of the Joint Elections Commission in a Program Board election, as permitted by the Program Board's constitution and regulations (Article XII, Section 4(a)(3) of the Constitution).

\_\_\_\_\_ The plaintiffs are **individuals or groups challenging the constitutionality of a funding decision** of an auxiliary or secondary funding body established by the Student Association (Article XII, Section 4(a)(5) of the Constitution).

\_\_\_\_\_ The plaintiffs are **individuals or groups challenging the constitutionality of a funding decision** of the Student Association Senate (Article XII, Section 4(a)(5) of the Constitution).

\_\_\_\_\_ The plaintiffs are **individuals or groups bringing a case or controversy not otherwise specifically provided for in the Constitution** and seek to invoke the Student Court’s jurisdiction over the case or controversy. **The Student Court will determine if all other parties involved submit to the jurisdiction of the Student Court** and agree to be bound by the judgments of the Student Court before proceeding any further with adjudicating the case or controversy (Article XII, Section 4(a)(4) of the Constitution).

## **IV. STATEMENT OF DISPUTE, FACTS, & RELIEF**

The plaintiffs shall attach to this complaint a document that contains three parts, with the following headers, all of which shall comply with the following instructions and be concise and succinct:

### **A. STATEMENT OF THE DISPUTE**

The statement of the dispute shall be an overall summary of the issues or questions contained in the dispute that need to be decided or answered by the Student Court. The issues or questions can be presented in narrative form, or in bulleted or numbered list; but it generally should not be longer than a paragraph or half a page with double-spaced 12-point Times New Roman (or other easily readable serif font).

### **B. STATEMENT OF FACTS**

The statement of facts shall be a series of numbered paragraphs, with each paragraph containing a relevant fact. The statement of facts may be in general terms, but must constitute sufficient information for the Student Court to discern the nature of the dispute and the issues or questions contained in the dispute that need to be decided or answered by the Student Court.

As such, the statement of facts should contain:

- The names of each and every party (plaintiffs and defendants) to the dispute, which should be the same as the parties named section I of this complaint;
- The role or relationship between each and every party and the dispute;
- The relevant dates to the dispute;
- The nature of the injury or harm suffered by the plaintiffs;
- Each and every injury and harm suffered by the plaintiffs;
- A numbered, paragraph-by-paragraph, concise SUMMARY of the facts surrounding the actions of each and every party with respect to the injury or harm suffered by the plaintiffs in the dispute.

### **C. STATEMENT OF RELIEF**

The statement of relief shall lay out what the plaintiffs seek from the Student Court to address the injury or harm they have suffered in the dispute. Any remedy or relief must be stated specifically enough such that the Student Court can identify which parties must be ordered to comply, what particular actions they need to carry out, and how each and every action addresses the injury or harm suffered by the plaintiffs.

The statement of relief should start with the following clause, appropriately modified for the number of plaintiffs and subject-verb agreement, followed by numbered paragraphs for each specific relief sought: “WHEREAS, the defendants have violated the rights of the plaintiffs and caused substantial injustice to the

plaintiffs, the plaintiffs demand judgment against the defendants, and respectfully request that the Court grant such relief.”

Please note that immediate temporary relief (*i.e.*, the Court should issue preliminary measures before hearings and final judgment, per Rule 15), if desired by the plaintiffs, should be indicated separately with a request for preliminary equitable relief (Section VI of this complaint, below). Relief specified in the statement of relief under this section should be final and lasting post-final judgment relief.

## V. REQUEST FOR EXPEDITED REVIEW

Leave this section blank if regular Student Court procedures are to be used in this case. If the plaintiffs desire expedited review of this case, the primary plaintiff or representative shall **initial the space below and attach a separate written explanation to this complaint** on why expedited review should be granted. Requesting expedited review does not guarantee the Court will grant such review. The procedures for expedited review, including the Court’s considerations, are governed by Rule 37 of the Student Court Rules of Procedure.

\_\_\_\_\_ The plaintiffs believe this case should be granted expedited review, and have attached a separate written explanation stating why expedited review is necessary. The plaintiffs declare that they have read Rule 37, and agree to be bound by the Court’s decision in granting or denying expedited review.

## VI. REQUEST FOR PRELIMINARY EQUITABLE RELIEF

Leave this section blank if no preliminary equitable relief is desired. If the plaintiffs believe that the Student Court should issue any form of relief prior to the final resolution of the case, such as preliminary injunctions, stays, and restraining orders, the primary plaintiff or representative shall **initial the space below and attach a separate written statement** requesting preliminary equitable relief. The statement must describe the injury or harm suffered by the plaintiffs, the specific preliminary relief sought, and why the Court should issue relief pending a final decision. The procedures for preliminary equitable relief are governed by Rule 15 of the Student Court Rules of Procedure.

\_\_\_\_\_ The plaintiffs believe the Court should grant preliminary equitable relief, and have attached a separate written explanation stating the specific preliminary relief sought and why such relief is necessary. The plaintiffs declare that they have read Rule 15, and agree to be bound by the Court’s decisions in granting or denying preliminary equitable relief.

**VII. REQUEST FOR CLOSED HEARINGS**

Leave this section blank if closed hearings are not desired. Pursuant to Article 37(2) of the Student Court Bylaws, all hearings involving oral participation of the parties are open to the public. If the plaintiffs believe that the Student Court should close all hearings related to this case from public attendance, the primary plaintiff or representative shall **initial the space below and attach a separate written statement** explaining why hearings should be closed. Requesting closed hearings does not guarantee the Court will grant closed hearings.

\_\_\_\_\_ The plaintiffs believe the Court should close all hearings related to this case from public attendance, and have attached a separate written explanation stating why closed hearings are necessary. The plaintiffs declare that they have read Article 37, and agree to be bound by the Court’s decision in granting or denying closed hearings.

**VIII. ACKNOWLEDGEMENT OF REPRESENTATION**

**If the plaintiffs have elected to have representatives** to prepare this complaint or present this case before the Court, the primary representative as indicated in section I(B) of this complaint shall sign below, acknowledging on behalf of themselves and all other plaintiffs’ representatives that:

- they take up the role of representative for the plaintiffs freely;
- they will faithfully present the plaintiffs’ case to the best of their ability; and
- they will conduct themselves in accordance with the general principles listed in Rule 46.

Signature of Primary Representative:           *Juan Carlos Mora*          

**If the plaintiffs have not elected to have representatives** to prepare this complaint or present this case before the Court, the primary plaintiff as indicated in section I(A) of this complaint shall sign below, acknowledging on behalf of themselves and all other plaintiffs that they will conduct themselves in accordance with the general principles listed in Rule 46, they enjoy the right to advice and representation under Article 38 of the Student Court Bylaws, and if they desire representation, they shall let the Court know as soon as possible.

Signature of Primary Plaintiff:           Holden Fitzgerald

## IX. CERTIFICATION SIGNATURE

**By signing this complaint below, the primary plaintiff or the primary representative, on behalf of all plaintiffs:**

- Certifies that all allegations made in this complaint, including in the statement of the dispute, statement of facts, statement of relief, and any other separate documents or requests attached to this complaint, are true;
- Acknowledges that any misrepresentations with respect to the facts is grounds for immediate dismissal of this case and may incur disciplinary action under Section VII(D) of the University Code of Student Conduct;
- Acknowledges that any and all case proceedings shall be governed by the Student Court Bylaws and Student Court Rules of Procedure, including the general motions practice of Rule 7 and the principles for conduct under Title VI of the Rules of Procedure;
- Acknowledges their right to advice and counsel pursuant to Article 38 of the Student Court Bylaws; and
- Declares their submission to the jurisdiction of the Student Court and agreement to be bound by the decisions and judgment of the Student Court.

Signature:

Juan Carlos Mora

Date: 03-22-2022

Printed Name:

Juan Carlos Mora

Primary (circle one)

**PLAINTIFF**

/

REPRESENTATIVE

**Please ensure all parts of this complaint are completely and properly filled out, and all required separate statements and explanations are attached to this document. Failure to do so may result in summary dismissal by the Student Court.** All separate statements and explanations should be in 12-point Times New Roman (or other easily readable serif font, see Rule 22(b) for other acceptable fonts) and double-spaced, preferably with the plaintiff's name indicated in the header.



**OFFICE OF THE LEGISLATOR GENERAL  
WASHINGTON, D.C. 20052**

**FEBRUARY 21, 2022**

**MEMORANDUM FOR: THE STUDENT COURT**  
**FROM: OFFICE OF THE LEGISLATOR GENERAL**  
**SUBJECT: STATEMENTS OF DISPUTE, FACTS, AND RELIEF**

---

**STATEMENT OF THE DISPUTE**

On Monday, February 28, 2022, the Student Association Senate (hereinafter “Senate”)—further identified in this case as Senate Financial Services and Allocations Committee Chair Yan Xu (ESIA-U), who sponsored the legislation in question—passed a measure that amends the Student Association Bylaws. The Office of the Legislator General (hereinafter “OLG”) contends that sanction provisions of SB-F22-03 (hereinafter “Act”) violates the Student Association Constitution for two reasons: (1) no constitutional process exists for considering and reconsidering sanctions imposed against Registered Student Organizations (hereinafter “RSO”); and (2) the executive function of enforcement is delegated to a Senate committee. Our complaint asks the court to determine whether the Act violates the right of RSOs to due process<sup>1</sup>, the principles of separation of powers<sup>2</sup>, and the principle of anti-aggrandizement.<sup>3</sup> The OLG holds that because sanctions provisions of the Act are violative of Student Association governing documents, they must be invalidated by the Student Court.

The Act empowers the Senate Committee on Financial Services and Allocation (hereinafter “Committee”) with the ability to unilaterally excise sanctions against RSOs, after the Committee has issued initial allocations for the fiscal term. The Committee has, in effect, aggrandized itself, as a legislative sub-entity, lacking the will of the entire Senate in imposing sanctions, with enforcement powers reserved for the executive branch. Although the Committee established a process for allocation appeals, no such process exists for RSOs that have been sanctioned by the Committee. Thus, despite admitting to their jurisdiction over RSOs, the Committee denied the right of student association members to due process.

---

<sup>1</sup> S.A. Const. art. IV § 2(a)

<sup>2</sup> S.A. Const. art. IX

<sup>3</sup> *Corsi v. Student Association*, SC-19-003, slip op. at pp. 4 and 7 (Mar. 29, 2020)

## STATEMENT OF FACTS

### A. LEGISLATIVE HISTORY

1. Committee Chair Yan Xu (ESIA-U) sponsored and introduced the Act to “promulgate the Code of Financial Policies, to amend the Student Association Financial Bylaws and for other purposes.”
2. The Senate Committees on Government and Nominations and Financial Services and Allocations agreed to the Act by unanimous consent.
3. On February 28, 2022, the Senate passed the Act unanimously and was signed into law by President Brandon Hill.
4. Although the Act strikes most of SB-F21-10, it maintains that Section 511 of SB-F21-10 shall govern for the 2022 Fiscal Year.<sup>4</sup>

### B. DUE PROCESS

1. By preserving Section 511, the Act grants the Committee unilateral authority to sanction RSOs that violate the Committee’s policies. Importantly, sanctions are not imposed by the Full Senate.<sup>5</sup>
2. Although the Act creates an appeal process for substantive financial decisions by the Committee, it provides no such process for sanctions imposed by the Committee.
3. The Student Association Constitution guarantees all members of the Student Association due process in the construction and implementation of the provisions of the Constitution and the Bylaws.<sup>6</sup>
4. As members of the Student Association by virtue of their registration, receipt of funds, and explicit rights granted by the Student Association Constitution, RSOs are entitled to due process.
5. However, in unilaterally excising sanctions without any formal process or the consent of the Senate as a whole, the Act abrogates the rights of RSOs to due process.

### C. SEPARATION OF POWERS AND ANTI-AGGRANDIZEMENT

1. By preserving Section 511, the Act grants the Committee unilateral authority to excise fines and sanctions against RSOs that violate the Bylaws, Committee Standing Rules, or Committee Policies.<sup>7</sup>

---

<sup>4</sup> [Financial Reform Act](#), SB-S22-10 § 2(d)(3)

<sup>5</sup> [Financial Reorganization Act](#), SB-F21-10 § 3(a) (Fall 2021); an Amendment in the Nature of a Substitution, proposed as S.A. Bylaws Part V § 511.

<sup>6</sup> S.A. Const. art. IV § 2(1).

<sup>7</sup> [Financial Reorganization Act](#), SB-F21-10 § 3(a) (Fall 2021); an Amendment in the Nature of a Substitution, proposed as S.A. Bylaws Part V § 511(a)

2. The executive powers of the Student Association are *solely* vested by the Student Association Constitution within the Executive Branch.<sup>8</sup> The role of the executive is that of an implementer,<sup>9</sup> investigator, and prosecutor of violations of the Student Association Constitution *and* Bylaws.<sup>10</sup> These powers are formally separated from those of the legislative.
3. Although the term “sanction” is not explicitly defined by the governing documents, it is understood as a “threatened penalty for disobeying a law or rule.”
4. The sanctioning authorized by the Act manifests as investigating whether an RSO has violated the Committee’s Bylaw policies, prosecuting the RSO for violating the Committee’s Bylaw policies, and unilaterally adjudicating the facts of the case against the Committee’s Bylaw policies.
5. It may be the case that any question can be settled by the legislature,<sup>11</sup> but it does not follow that, in practice, every question is or ought to be settled by the legislature. For example, although it is within the scope of the legislature to examine its policies and amend the Student Association Constitution, formally enforcing or implementing them is a uniquely executive function.
6. The Student Court has previously decided, in application of the separation of powers and nondelegation doctrines, that the powers of each branch may not be assumed by another branch. Although the executive has not explicitly delegated its enforcement functions to the legislative branch, the Student Court also ruled against the legislature’s self-aggrandizing legislation.<sup>12</sup>
7. Therefore, the Committee has aggrandized itself with the executive function of enforcement through sanctioning and judicial function of final judgment, and this is prohibited by the Student Association Constitution and its precedent.

---

<sup>8</sup> S.A. Const. art. IX § (b).

<sup>9</sup> *Corsi v. Student Association*, SC-19-003, slip op. at p. 7 (Mar. 29, 2020) (“the role of the Executive [is that of] an implementer”); See also S.A. Const. art. XI § 2(1).

<sup>10</sup> S.A. Const. art. XI (4)(1); See also *Fitzgerald v. Carpenter*, SC-21-003, slip op. at p. 7 (Oct. 28, 2021) (“We hold that the Legislator General is meant to investigate and prosecute”).

<sup>11</sup> S.A. Const. X §§ 4(12-13).

<sup>12</sup> *Corsi v. Student Association*, SC-19-003, slip op. at p. 7 (Mar. 29, 2020) (“this court cannot accept the Legislature’s self-aggrandization”).

**STATEMENT OF RELIEF**

Given the foregoing reasons, the OLG respectfully requests that the Student Court invalidate Section 2(d)(3) of the SB-S22-03, the Financial Reform Act. If the Committee is found to have issued any sanctions against any RSOs, we request that the Student Court reverse them immediately. Finally, we request that the Student Court clarify that the legitimate enforcement of Student Association financial bylaws sits squarely, and with sufficient due process, within the mandate of the Student Association Treasurer

SIGNED,

**JUAN CARLOS MORA**

OFFICE OF THE LEGISLATOR GENERAL  
ASSISTANT LEGISLATOR GENERAL

JCMORA@GWU.EDU | 707.999.6367

**JUAN CARLOS MORA**  
**ASSISTANT LEGISLATOR**  
**GENERAL**

**HOLDEN FITZGERALD**  
**LEGISLATOR GENERAL**

**ANDREW HARDING**  
**ASSISTANT LEGISLATOR**  
**GENERAL**