

IN THE STUDENT JUDICIARY  
OF THE UNIVERSITY OF ALABAMA

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No. 17-002

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NAME: Jared Wyatt

TITLE/POSITION: President, Sigma Phi Epsilon

Complainant,

versus

NAME: Mollie Gillis

TITLE/POSITION: Vice President for Student Affairs

Defendant.

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Appeal for Judicial Review

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OPINION

COUNSELOR TO THE CHIEF JUSTICE MILLER delivered the opinion of the Court, which was joined in full by the six justices of the judicial review panel.

I

On Monday, August 28<sup>th</sup> at 4:20 PM the Board of Governors released the results of the Student Organization Seating (SOS) application process by electronic mail to the representatives of all applicant organizations. On Wednesday, August 30<sup>th</sup> at 10:11 AM Jared Wyatt, in his capacity as President of Sigma Phi Epsilon, formally lodged an appeal with Chief Justice Bowers of the Student Judiciary challenging the final seating assignment produced by the Board of

Governors, and seeking remedy in the form of a restructured SOS assignment. The proper defendant was determined to be Vice President for Student Affairs Mollie Gillis given the role of her office in overseeing SOS. After issuing preliminary instructions to the parties to the appeal, Chief Justice Bowers recused herself given membership in an organization whose SOS assignment could be affected in the event that the complainant prevailed and his requested remedy were granted. Thereafter, Counselor to the Chief Justice Miller assumed the role of non-voting chair of the judicial review panel. The defendant declined to submit a written brief to the Court.

## II

The SOS application, assignment, and appeal process is governed by the Student Government Association Code of Laws, Title VIII, Chapters 1300-1305. In order for the complainant to prevail, a preponderance of the evidence furnished by the parties and reviewed by the judicial review panel must indicate that;

1. the Board of Governors committed a violation or violations of the Code of Laws in its assignment of seating to Sigma Phi Epsilon, and;
2. that the violation or violations adversely impacted the SOS assignment received by Sigma Phi Epsilon.

According to Title VIII, Chapter 1302 of the Code of Laws, the Board of Governors is required to evaluate organizations applying to participate in SOS by scoring their applications on a scale of zero to 200. Of the possible 200 points, 100 points (50% of the total) are assigned on the basis of the Grade Point Average (GPA) of a number of its members, in proportion with the total number of seats for which the organization is applying. Of the remaining points, 60 (30%

of the total) are assigned on the basis of scored presentations conducted before the Board of Governors by representatives of applicant organizations. The remaining 40 points (20% of the total) are assigned on the basis of scored, written applications submitted to the Board of Governors by representatives of applicant organizations. Both the presentation and the written application are scored on the extent to which they demonstrate an applicant organization's positive attributes, including but not limited to diversity, extracurricular involvement, educational programming, and community service.

### III

The first argument offered to the Court by the complainant regards the use of member GPA in scoring applicant organizations. The complainant has contended that the process offers an unjust advantage to applicant organizations with a larger overall student membership.

The judicial review panel found no evidence of a violation of the relevant Chapter of the Code of Laws in the Board of Governors' scoring of Sigma Phi Epsilon's application on the basis of its GPA. It is necessary to establish that it is neither the prerogative nor the wish of this panel to offer its opinion on the efficacy of laws passed and enforced by the legislative and executive branches of the Student Government Association. Ultimately, the judicial review panel determined that the argument offered by the complainant regarding organizational GPA represents a criticism of the relevant Chapter of the Code of Laws, rather than an allegation of a violation thereof.

The second argument offered to the Court by the complainant was that the Board of Governors did not sufficiently consider diversity in its SOS assignment. The complainant cited the membership in the Alabama Panhellenic Association of three organizations which received front-row seating. In addressing this argument, the judicial review panel noted that, as per the

Code of Laws, the Board of Governors considered the diversity of individual applicant organizations and not that of the SOS bloc as a whole. Furthermore, the judicial review panel did not find the seating of three Alabama Panhellenic Association-affiliated organizations in the front row inherently inconsistent with the obligation for the Board of Governors to consider diversity.

The third and final main argument offered by the complainant was that the Board of Governors serving during the 2016 football season had assigned Sigma Phi Epsilon seating in the front row of the stadium. The complainant contends that the decision of the current Board of Governors to assign Sigma Phi Epsilon seating several rows behind their previous position demonstrates impropriety on the part of the Board of Governors.

#### IV

After considering all available information and the arguments of the complainant in their totality, the judicial review panel has found the evidence insufficient to indicate that the Board of Governors violated the Code of Laws in its SOS assignment to Sigma Phi Epsilon.

In keeping with this finding, the judicial review panel DENIES the appeal of the complainant.