



JUDICIAL COUNCIL *of* ASUCR

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Ramirez & Matamoros V. Orange Party

The ASUCR Judicial Council has reviewed the case submitted by Ramirez and Matamoros against the Orange Party and, in a decision of 5-0-0, has ruled in favor of the Petitioner.

In this case, attention was brought to the fact that the Orange Party was in possession of contact information that was created from the Students of Color conference. This list was created with ASUCR resources and contained the names, phone numbers, and other contact information of several hundred students.

The Petitioner claims that the Orange Party used this information in order to campaign and convince students to support their party, an act which would be in violation of the ASUCR Election Code Part 4, Item 5, Section A, 1: "No candidate, whether an incumbent or challenger, party, pro-group, con-group, or anyone with approximate relation to them shall be permitted to use any ASUCR equipment, computer, offices or space, supplies, materials or anything else owned, operated, run, managed, or under the purview of ASUCR for campaign purposes."

Considering the amount of information on the list and the effect that it could have had on a campaign if used, a party could be subject to dismissal if the Petitioner could prove that the list was used to that extent. During the trial, however, when asked if there was any evidence that suggested that the Respondents actually used any of the information on the list, the Petitioner said they had no proof or evidence that the list was used. It would be unreasonable to dismiss an entire party based on a claim with no evidence.

That being said, the Judicial Council finds that there are still unanswered questions when it comes to the fact that the Respondent was still in possession of the list at that point. The Respondent shouldn't have been in possession of the list in the first place and there is no reason for the Respondent to have had it at all once they realized that they had it. This fact makes it difficult to assume that there was absolutely no wrongdoing on the Respondent's end.

After reviewing all of the evidence and the facts of the case, the Judicial Council finds that the actions of the Respondent, being in possession of a list of contact information created with ASUCR resources, does constitute a “misuse of ASUCR resources” and is in violation of the ASUCR Election Code Part 4, Item 5, Section A, 1. But in light of the lack of evidence that shows the extent to which the list was used, the Judicial Council does not order the dismissal of the party, but instead orders that three strikes be given to the Respondent.

GBUJAMA, J. I concur with this opinion, but have a brief comment to make about the Judicial Council’s jurisdiction.

During the trial, several claims were made that the actions of the Respondent were in violation of FERPA and cited this potential violation as a reason for dismissal as a party. FERPA is a federal law that protects a student’s educational privacy rights. The ASUCR Judicial Rules of Procedure Section 13 gives the power to the Judicial Council to hear and adjudicate:

- A. All cases that arise under the ASUCR Constitution.
- B. All questions of interpretation of the ASUCR Constitution.
- C. All cases involving members of ASUCR.
- D. Any claims of violations of the ASUCR Constitution or Bylaws. ,

Section 13 doesn’t give the Judicial Council the ability to make decisions based on federal law. Because FERPA is a federal law, it is my opinion that it would be unconstitutional for the Judicial Council to make a decision based on a law outside of the Council’s jurisdiction. If there truly is concern about a possible FERPA violation, it would be more appropriate for the issue to be brought to Student Conduct.