

**Rice University Court Abstract
RPC President Eligibility Hearing
February 19th, 2020**

Voting Members (9): Sam Morimoto (Chair), Sarah Rosenthal (Vice-Chair), Gabriella Hazan (Secretary), Ryan Emelle (Jones), Jake Joseph (Lovett), Clara Kraebber (Sid Richardson), Julia Huang (Martel), Hayden Mast (McMurtry), Paige Russell (NSR)

I. Inquiry: The University Court shall hear a Question of Interpretation regarding Will Ledig's eligibility to run for RPC President that has been referred by the SA Senate for resolution.

II. Nature of the Inquiry: Will Ledig was ruled ineligible to run for RPC President by the SA Elections Committee on February 17th, 2020. The Election Committee determined that Ledig did not meet the requirement in the RPC Constitution requiring candidates for RPC President to have served as a member of RPC for at least one semester. Ledig appealed the decision to University Court. Ledig argues that his service as Hanszen College Beer Bike Coordinator satisfies the constitutional requirement for involvement with RPC.

III. Evidence Reviewed:

- Testimony
- Written Statement by Victor Nguyen
- RPC Rosters from 2017-2018, 2018-2019, 2019-2020
- SA Constitution and Bylaws
- RPC Constitution and Bylaws
- SA Elections Packet
- Email Chain between RPC and SA Elections Committee
- Email Chain between Will Ledig and Libby Atkins
- RPC Email Challenging Eligibility
- RPC Rep Election Results for Hanszen College
- Thresher Articles

IV. Testimony Heard: The Court heard testimony from Irene Chu, Ryan Morgado, Divya Jain, Eddie Tang, Will Ledig, Grace Wickerson, and Josh Bockner before deliberating.

Irene Chu

Chu testified that the SA Bylaws 6.b.iv requires that candidates for blanket tax organization leadership roles are required to meet both SA and Organizational regulations. Under RPC regulations, a candidate can only be on the ballot for RPC President after having served at least

one full semester on the Council. The Council consists of the Executive Officers, College Representatives, Committee Co-Chairs, and Committee Members. A.3.iii.n of the RPC Constitution requires that all members of the aforementioned positions must attend each regular meeting. As Will Ledig neither attended said meetings, nor held an officially recognized position within RPC, he does not fulfill the necessary qualification for even general membership and thus cannot be eligible to run for RPC President. The vague language in the SA Elections Packet does not supersede the authority of the RPC Constitution and cannot be used to justify an argument of eligibility.

Chu noted the significant differences in roles and responsibilities between college-specific Beer Bike Coordinators and campus-wide Beer Bike Coordinators. College-specific Beer Bike Coordinators handle the event in the context of their unique residential college and its residents, whereas campus-wide Coordinators have broader responsibilities to handle the event for all of Rice University. The RPC Constitution designates campus-wide Coordinators as Committee Chairs, thus ruling them eligible to run for RPC President. There is no mention of college-specific Coordinators being considered members of RPC in general.

All RPC members must attend internal meetings with both other RPC members and committees, as well as staff advisors. College-specific coordinators are neither invited to nor expected to attend these meetings. Ledig never attended one of these meetings. In order to understand the structure of the organization and how events are run internally, it is important for RPC President candidates to have attended these meetings. Chu testified that Ledig had never gone through the standard committee application process with RPC. She also indicated that there were many possible approval processes that would follow the guidelines of the Constitution.

Ryan Morgado

Morgado stated that the RPC IVP compiles lists of active RPC members. Ledig never appeared on these lists during his time at Rice. There has not been a change in the qualifications of membership during his approximately four years serving as RPC staff advisor. RPC provides channels of communication between campus-wide Coordinators and college-specific Coordinators regarding fines and other regulations on activities such as the parade and water balloon fight. Events with alcohol, such as college events managed by college-specific Coordinators, deal more with the Office of Student Activities when submitting risk management plans and other items.

Divya Jain

Jain testified that her role as DCR (Director of College Relations) required her to interact with the student body and maximize responsiveness to opinions and concerns. She works closely with the college RPC representatives, who are selected by each college to promote RPC events. Ledig did not hold a college representative position. College representatives have one on one meetings with Jain, however Jain has no interaction with college Beer Bike coordinators. Beer Bike college coordinators only interact with the Beer Bike RPC committee and Social Vice President, but do not interact with the rest of the RPC executive board. Eight specific committees operate within RPC. To become a member of the committee, one must complete an application and then be selected by the chairs of the committee.

Eddie Tang

Tang informed the court that his roles and responsibilities as Baker College Beer Bike coordinator were significantly different than as campus wide Beer Bike coordinator. As campus wide coordinator his responsibilities included communicating with REMS, RUPD, and other Rice wide organizations, as well as meeting weekly with Ryan Morgado. In contrast, as Baker College Beer Bike coordinator, he communicated with the campus wide coordinators, did not attend RPC general body meetings, and did not consider himself part of RPC.

Will Ledig

Ledig began by asking the court to critically examine RPC's interpretation of their constitution on the basis of conflict of interest, per Article E, Section 3 of the RPC constitution.

Ledig noted that the main point of contention with the RPC Constitution arose under A.3.e. He claims that his service as Hanszen Beer Bike Coordinator qualifies him as a member of RPC, thus satisfying the one semester requirement. Nowhere in the RPC Constitution is a direct definition of "membership" found, unlike all other Blanket Tax Organizations and College Constitutions. A.3.a of the RPC Constitution does not define "member", but is rather a decomposition of select RPC positions, one of which is committee member. As a Hanszen Beer Bike Coordinator, Ledig argues he fulfilled the requirements under the bylaws to satisfy the role of an RPC committee member. Ledig also pointed out that should the Court determine the definition of "member" to be unsatisfactory in the RPC Constitution, University Court Constitution Article XVII, Section 3 grants the Court the ability to make that determination in its deliberations.

Ledig argued that a better definition of RPC member, in the absence of a formal definition, should be any individual who works with RPC in a regular and efficient basis. The purpose of the RPC is to enhance the quality of life of the Rice Community, which Ledig argues he has done through his role planning events such as the Color Powder War. Per A.3.n of the RPC Constitution, members are required to attend regular meetings. Ledig argued that this requirement can be fulfilled through the regular attendance of college-specific Beer Bike Coordinator meetings with RPC. Ledig also claimed to have had frequent interactions with RPC committee chairs in his role as Beer Bike Coordinator.

Ledig testified that he was never selected by a committee chair or approved by the executive council. However, he believes he is a committee member of RPC due to the lack of a clear definition of member and the fact that he fulfilled the obligations and responsibilities of a committee member. Ledig cited his meetings with RPC during the Fall 2018 semester and continued interaction with RPC through Beer Bike as the completion of the one semester requirement as a member to run for RPC President. He also argued that the definition of "approval by executive council" in A.3.h of the RPC Constitution is ambiguous and therefore subject to the interpretation of the Court. Ledig reminded the Court that he had been initially approved to run for the RPC President position by the SA Election Committee and the Senate.

Grace Wickerson

Wickerson testified that the SA Election handbook is not the final authority on the eligibility of candidates and that all candidates of blanket tax organizations are subject to the rules and regulations of their own Constitution. Wickerson provided the timeline of the interactions between Ledig, the SA Director of Elections, RPC, and the SA Senate. She noted that Will has gone through all the necessary steps to contest his eligibility before the University Court.

Josh Bochner

Bochner argued the importance of broader ballot access and asked the Court to consider the implications of keeping Ledig on the ballot for voters to decide. He cited the complexity of the SA and UCourt bylaws to demonstrate the value in allowing outside candidates to continue on the ballot despite minor inconsistencies. Bochner shared instances in Houston where candidates were allowed to remain on the ballot under complex circumstances.

V. Deliberations:

The Court began with a discussion of Ledig's argument that the testifying members of RPC had a conflict of interest. Members were split as to the value of this argument, since Ledig's direct opposition in the contested election was not present, and neither RPC nor Ledig referenced Ledig's campaign positions.

The Court determined Ledig was factually accurate in his reporting of the extent of interaction between college Beer Bike coordinators and RPC.

Members of the Court were split on whether there was room for interpretation of Article A, Section 3 of the RPC Constitution titled "Membership." The members noted the section defined the roles and expectations of members of the council, however, in defining committee member, the language surrounding the definition of "regular meetings" is vague and the process of undergoing review and selection by committee chairs is fluid. Ledig's role as Hanszen College Beer Bike Coordinator could fulfill both the membership and selection criteria necessary for RPC President eligibility.

The Court then discussed the spirit of RPC membership. Members raised the argument that college Beer Bike coordinators fulfill the broad responsibilities of RPC college representatives as described in Jain's testimony and the RPC Constitution. A majority of the Court concluded the college Beer Bike coordinators attend regular meetings and have the responsibility of coordinating with campus staff. The combination of these arguments led to the decision that Ledig fulfilled the spirit of an RPC member. A member presented the argument that in testimony Ledig stated he did not associate as being a member of RPC while serving as Hanszen Beer Bike coordinator, however a majority concluded an individual can fulfill the roles of membership without intending to do so at the onset of their duties.

Members again raised the issue of Ledig's lack of attendance at RPC general meetings, however a majority agreed the vagueness of the constitution does not specify that members must attend specifically the RPC general meetings. Through Ledig's role as college Beer Bike coordinator, he attended regular Beer Bike related meetings with RPC.

The Court then considered the validity of distilling RPC to solely Beer Bike, as Ledig was only involved with RPC through Beer Bike. The majority concluded that other members of RPC were also only exposed to the organization through the singular event, as well as the fact that RPC promotes Beer Bike as their most popular event. The claim was then made that Ledig did not put up a front of understanding the entire structure of RPC, and it is not the Court's but rather the voter's responsibility to judge his experience.

Members raised the case that RPC membership should be defined by duties completed rather than spirit. However, the majority of the court decided the RPC Constitution did not delineate duties of membership specifically, therefore one must judge the spirit of the responsibilities the individual had. The essence of the responsibilities the individual held and whether these responsibilities fulfilled the duties of RPC member are what the majority of the Court concluded to define membership as because it is impossible to give a strict interpretation of the RPC Constitution due to its vagueness. The membership criteria were determined to be ambiguous since A.3.h was not clear of how committee members are selected. Members noted that, based on the RPC College Representative position, College Beer Bike coordinators fulfill many roles of an average RPC member. A majority of the Court concluded the decision of Ledig's fitness for RPC President should be given to the Student Association voters.

Vote #1: Is Will Ledig eligible to run for RPC President?

Yes: 6 vs. No: 3

Dissenting Opinion

RPC Constitution Article A, Section 3 states that membership in RPC is restricted to Executive Officers, College Representatives, Committee Co-Chairs, and committee members, based on a combination of subsections *a* and *e*. Will Ledig argues that he should be considered an RPC committee member due to his work as a Hanszen Beer Bike Coordinator. However, Ledig did not meet the requirements laid out in A.3.h for the selection of committee members. He did not complete an application with RPC, was not selected by any committee chair, and was not approved by the executive council. He also does not appear on any internal documentation of RPC members. The RPC selection criteria clearly indicate that Ledig cannot be considered a committee member, or member in general, of RPC. Ledig claims to have fulfilled the responsibilities of a committee member as well, but A.3.1 provides additional responsibilities of RPC members that Ledig did not complete. In its decision, the Court has prioritized certain aspects of the RPC Constitution while ignoring others, both in the selection process of members and the declaration

of their obligations. Ledig should not be allowed to pick and choose which constitutional requirements to fulfill in order to justify a belief that he is a member of RPC.

The election regulations in the RPC Constitution provide a standardized distinction between eligible and ineligible candidates. In this case, Will Ledig did not fulfill many fundamental requirements of RPC membership and should not be eligible to run for RPC President. Replacing the constitutionally prescribed duties and responsibilities of RPC members with the Court's own concept of the spirit of RPC oversteps the Court's mandate to interpret, rather than rewrite, the RPC Constitution.

VI. Decision:

The University Court thus finds Will Ledig eligible to run for RPC President.

Total time of testimony and deliberations: 3 hours, 15 minutes

Respectfully submitted,
Gabriella Hazan
University Court Secretary