

AI 15-02

Katrina Hurley, Student Association President v. Maria Evtodieva, Vice Chair of Programming for CAB

Opinion of the Court

Clark, CJ – Trefilova, Schmit, Sullivan, Straub, JJ

Findings of Fact:

The facts in this case are not clear, let alone convincing. What this Court found clear is that Vice Chair Evtodieva was absent from five meetings. We are also convinced that three of these are excused. After that, there was evidence presented that Vice Chair Evtodieva did not update the TV screen, that she was not in charge of updating the TV screen, and somewhere, there is a paper that includes her job description, which no one seemed to recall or did not testify as to the contents of this paper.

Findings of Law:

President Hurley first asserts that Ms. Evtodieva failed to meet the attendance policy, which is laid out in § 3 of the CAB bylaws. This sections states: “Clubs that have missed [three or four] unexcused absence throughout the year shall be ... notified of how many absences they have, along with future consequences.” There is nothing in this bylaw that hints that the intent of this bylaw is to be extended to the Executive Board. In fact, the bylaw goes on to discuss the defunding of a club should they not adhere to the attendance policy, even a removal of the club representative would assist the argument. There is no indication that the bylaw was to be extended to the CAB Executive Board and we decline to do so.

The argument was also made to incorporate the Senate Attendance bylaw to Campus Activity Board. We reviewed the rest of Senate’s bylaws and found no other policies that would seem rational to apply to CAB and therefore, do not see the distinction.

Next, we address President Hurley’s allegation that Vice Chair Evtodieva did not perform her functions prescribed under § 9 of the CAB bylaws. This sections reads as follows:

The Vice Chair of Relations shall maintain public relations with Chadron State College departments and the community.

The Vice Chair of relations shall frequently update the CAB social networking sites and promote CAB events.

This job description is vague and leaves great leeway for interpretation. In an attempt to allow Senate of oversee their committees, this Court will show deference to Senate and the executives with regards to the leeway given in actual “duties” of this position. The test we adopted is the promotion a reasonable person would do to advertise an event of the same sized. We do not

believe that this bylaw is the only source of duties for this position, it was, however, the only one that was clearly established to this Court, it is therefore, the job description that we use.

President Hurley alleges several different incidents in which the Vice Chair Evtodieva has not done her job, including, summarized and restated, that Ms. Evtodieva had (1) not prepared the “slide show” for a TV in the student center, (2) hung up minimal signs for Free Movie and Free Bowling. Though these allegations, if proven, *may* have been a violation and therefore grounds for impeachment, we do not reach that conclusion. This Court requires that clear and convincing evidence be produced in all impeachment proceedings. Cons. Ct. R. § 6-201. This burden of proof was not met on any of the allegations and therefore we dismiss the allegations.

Given the findings of law regarding the attendance and lack of evidence provided regarding the duties and the dereliction of said duties, we have no choice but to find in favor of Vice Chair Evtodieva. The Articles of Impeachment are dismissed and barred from rehearing on the same affairs discussed in this opinion.

IT IS SO ORDERED
November 23, 2015