

**APPEAL OF SGA GENERAL COUNSEL'S OCTOBER 5<sup>TH</sup>,  
2017 RULING BY DAVID MONLUX TO SUPERIOR COURT**

**APPEAL WRITTING STARTED ON: October 6<sup>th</sup>, 2017 at 9 A.M.**

**APPEAL FINISHED ON: October 7, 2017 at 3:02 A.M.**

**APPEAL SUBMITTED ON: October 7<sup>th</sup>, 2017 at 3:45 A.M. due to the  
tight and unreasonable timeline imposed by the Regents for picking  
students to be on the Search Committee for President Boren's  
Replacement + Moved up Timeline by the Court mid prep time.**

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# PEOPLE CENTRAL TO THE CASE

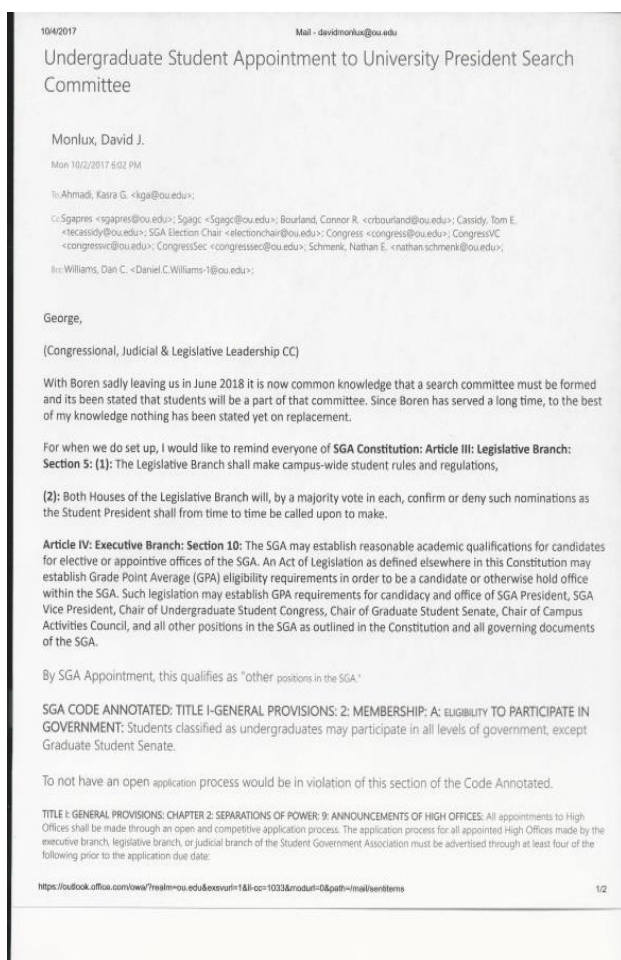
- 1: The University of Oklahoma Board of Regents (Setting the timeline)
- 2: Regents Chair Clayton Bennett (Informing President Baker of the timeline)
- 3: University of Oklahoma Board of Regents Contact Chris Purcell
- 4: University of Oklahoma President David Boren for Retiring
- 5: SGA Student Body President JD Baker (Person in charge of the appointees/nominees)
- 6: SGA Student Body Vice President Cameron Burleson (An appointee/nominee named in bill #980907)
- 7: SGA Undergraduate Student Chair Kaylee Rains-Saucedo (An appointee/nominee named in bill #980907)
- 8: SGA Graduate Student Senate Chair Carrie Pavlowsky (An appointee/nominee named in bill #980907)
- 9: Mackenzie Copen, Student Bar Association President (An appointee/nominee named in bill #980907)
- 10: SGA Student Advisor Kasra George Ahmadi (Advisor who advised President Baker and Legislative Leadership on the Process)
- 11: Office of SGA General Counsel (Received initial jurisdiction of challenge and issued initial ruling)
- 12: All the Students who wanted to apply for the position (but due to the unreasonable timeline set by the Regents, lack of applications/interviews, rejection/refusal to reply to settlement offer and refusal of negotiation by the challenged parties early on in the process until after a legal challenge had been officially filed with deadline passing) that never got a chance.

# TIMELINE OF EVENTS

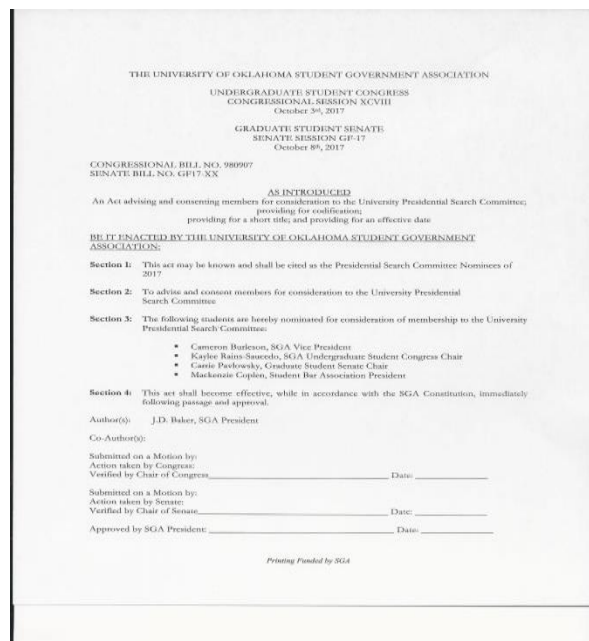
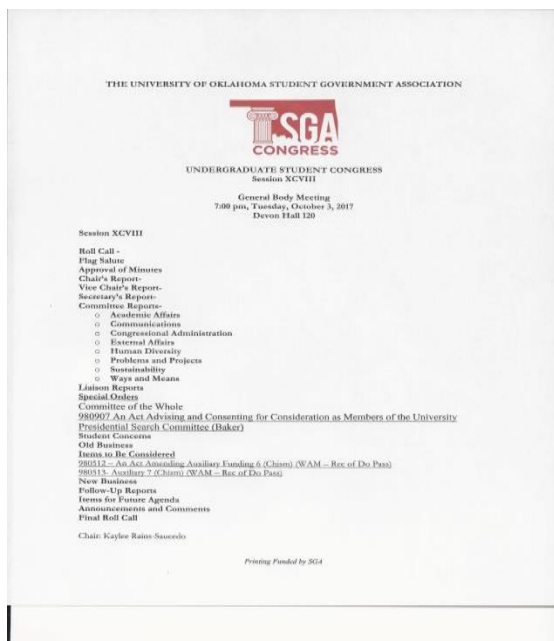
**Monday October 2<sup>nd</sup>, 2017:** Regents Chairman Clayton Bennett sends a letter to Student Body President JD Baker after the Regents meetings, stating “SGA has until October 9<sup>th</sup>, 2017 to present him with a list of 4 students to be on the Replacement Search Committee of Boren OR students lose their seat with zero student voices.”

President Baker consults with the SGA Advisor Ahmadi. They decide to have President Baker name 4 students and put before Committee of the whole.

**Monday October 2<sup>nd</sup>, 2017:** Monlux hears rumors of selection process beginning. He sends an email to SGA Advisor Ahmadi, Executive Leadership, Legislative Leadership and Judicial Leadership reminding everyone of the process. No response is given that day.



**Tuesday October 3<sup>rd</sup>, 2017:** In the morning, Monlux checks the agenda on the website for that night and learns that appointments have already been made. To his shock, four people have already been selected and our set for a confirmation vote that night.



**Afternoon: Tuesday October 3<sup>rd</sup>, 2017: Sometime BETWEEN 1-2 P.M. in the Basement of the Conoco (SGA Student Offices):** Monlux attempts to talk to the candidates for nomination which he is only able to find one. Rep Rains-Saucedo informs Monlux that she cannot talk about or comment about her nomination and suggest Monlux drop his inquiry. He then leaves the SGA Office.

**Tuesday October 3<sup>rd</sup>, 2017: 3:47 P.M.** David Monlux sends SGA General Council a challenge of Legislation 980907 challenging 4 different points of procedural legality on the Bill.

10/4/2017 Mail - davidmonlux@ou.edu  
Challenging Multiple Points of Procedural Legality of Congressional Bill NO 980907 on the Agenda Tonight October 3rd, 2017 & Schedule for Senate Agenda on October 8th for the Purpose of Appointing Students to the University President Search Committee

Monlux, David J.  
Tue 10/3/2017 3:47 PM

to:sga@ou.edu  
cc:Congress <congress@ou.edu>; Congresses <congresses@ou.edu>; Congress/VC <congressvc@ou.edu>; Sgacnet <sgacnet@ou.edu>; Ahmad, King G. <kingg@ou.edu>; Bradford, Connor R. <bradford@ou.edu>; Sofarside, Nathan E. <sofarside@ou.edu>; SGA Student Chair <sgastudentchair@ou.edu>; Casady, Tom E. <casady@ou.edu>; Mackala, Jake M. <jmack@ou.edu>; Pawlosky, Carrie E. <cpawlosky@ou.edu>

cc:Williams, Dan C. <dwilliams@ou.edu>; Wain, David E. <dwain@ou.edu>; Watkins, Christopher M. <cwatkins@ou.edu>; Ernst, Hunter S. <hsernst@ou.edu>; Reid, Austin M. <areid@ou.edu>; Layne, Alexander R. <alayne@ou.edu>; Rains, Mackenzie <mrains@ou.edu>; Rovers, Navelly R. <nrovers@ou.edu>

Dear General Council,

(Congressional Leadership, Executive Leadership & Judicial Leadership CC as official receipt of record)

Since my email yesterday to George which you were CC in, I have learned of Congressional Bill NO 980907 scheduled to be heard in the Undergraduate Student Congress tonight for the purpose of appointing students to the University of Oklahoma Presidential Search Committee. I take multiple issues with how this bill was handed and the process of search conducted.

**FIRST ISSUE OF CHALLENGE:** The way nominations were done in violation of the Code Annotated:  
**TITLE I: GENERAL PROVISIONS: CHAPTER 2: SEPARATIONS OF POWER: 9: ANNOUNCEMENTS OF HIGH OFFICES:** All appointments to High Offices shall be made through an open and competitive application process. The application process for all appointed High Offices made by the executive branch, legislative branch, or judicial branch of the Student Government Association must be advertised through at least four of the following prior to the application due date:

- with at least one announcement of all vacancies by the Undergraduate Student Congress Chair, Graduate Student Senate Chair, Campus Activities Council Chair, and the SGA President during their general meetings;
- Widespread publication of all vacancies through sufficiently chalking in well-trafficked areas of campus;
- Placement of posters throughout campus;
- at least one (1) student-wide email;
- in the student newspaper for at least two (2) consecutive days;
- an announcement placed on the home page of the SGA website;
- creating of an event within an SGA social media site at least seven (7) days prior to the application due date;

In regards to a, I'm still reviewing the minutes.  
In regards to b, I've not seen a single chalking on campus advertising this. Should this be false please send me a copy of the chalking approval form and pictures of the chalking that are time stamped prior to today.  
<https://book.ou.edu/online/2016/09/09/158-com-10236.html?lg&st=1608000000> 1/3

10/4/2017 Mail - davidmonlux@ou.edu

In regards to c, I have not seen a single poster.  
In regards to d, I have not seen a specific email advertising for the selection of the Committee. I have seen advertisements for election chair, SGA President & Legislative Office. However NONE what so ever for the Presidential Search Committee.  
In regards to e, I have seen zero announcements in the daily announcing the process OR applications available. If I've missed it, please send me a copy and link of those articles.  
In regards to f, I have seen nothing on the website about this position of being appointed to the Presidential Search Committee.  
In regards to g, I have looked through SGA Social media and see no reference for applications/interviews of the position.

Based off this section alone, I ask the bill be pulled and a competitive application process be made open for students to apply for the Student position on the University of Oklahoma Presidential Search Committee since a position like this is of the highest honor and is authored by JD Baker. In addition to the best of my knowledge it has failed to meet the min of 4 test under this provision.

**SECOND ISSUE OF CHALLENGE:** This is indeed an executive position.  
**Article IV: EXECUTIVE BRANCH: SECTION 7: Any SGA officer that is elected in a SGA sponsored election and/or receives a SGA stipend and is not otherwise designated as a member of the Legislative, Judicial or Programming Branch, shall be considered a member of the Executive Branch.**

**Code Annotated Title I: General Provisions: Chapter 1: Definitions: Absence of Rule Procedures:** In the absence of specific rules of procedure, those which have stood the test of time are the appropriate ones to guide in deciding the proper way to handle a particular situation. In the absence of established rules of procedure, the foremost authority, Robert's Rules of Order Newly Revised, offers appropriate guidance.

Looking at page 210 of the University of Oklahoma Regents Policy Manual 4) No SGA funds may be utilized in funding the Student Traffic Court. Since the Student Traffic Court operates as an administrative arm of the University, it should be separately funded (taken from: <https://www.ou.edu/regents/CourtsandPolicyManual.pdf>) combined with the Student Traffic Court never actually being named in auxiliary funding or legislation for funds) combines the tradition of Executive Appointment to the Judicial Branch which means while the code annotated does allow for a stipend, it doesn't actually come from SGA since parking services thru payroll pays the parking court justices. Combined with an absence of the rules of procedures in SGA for placement of Students to a Presidential Search Committee, I hereby believe based off what I have legally read that a competitive application process does apply to this position) under **TITLE I: GENERAL PROVISIONS: CHAPTER 2: SEPARATIONS OF POWER: 9: ANNOUNCEMENTS OF HIGH OFFICES:** of the Code Annotated of rule procedures to a high office. In addition from the General Council Opinion earlier this year for the creation of the Parking Judicial Code of Ethics, ruling the Parking Board as an inferior Court and not high office, traditional absence of rules, even if being on the University President Selection Committee is not considered High Office, based off selectors of past judges, I would say it falls under tradition of a competitive application process. Regardless since its not defined and an executive appointment, this would be an executive position.

**THIRD ISSUE OF CHALLENGE PENDING IF BEING ON THE COMMITTEE IS CONSIDERED HIGH POSITION OR NOT:** the appointment of Kaylee Bates-Saucedo & Carrie Pawlosky.  
<https://book.ou.edu/online/2016/09/09/158-com-10236.html?lg&st=1608000000> 2/3

1942017  
 Mail - davidmonlux@ou.edu

**SGA CONSTITUTION: ARTICLE III: LEGISLATIVE BRANCH: SECTION 6:** No Congress member or Senator shall serve simultaneously in any high executive or judicial office of the SGA.

**SGA CODE ANNOTATED: TITLE I: GENERAL PROVISIONS: SEPARATION OF POWERS: 7: CONCURRENT SERVICE IN HIGH OFFICE:** No person serving in the legislative or executive branches shall simultaneously serve in a high office of any branch other than the one in which they serve.

a. High Offices of the Legislative Branch The high legislative offices of the SGA shall be as follows: Chair of Undergraduate Student Congress; Vice Chair of Undergraduate Student Congress; Secretary of Undergraduate Student Senate; Vice Chair of Graduate Student Senate; and Secretary of Graduate Student Senate.

This would be serving in two different high offices at the same time. I have no objection to Cameron Burleson since VP Burleson is a member of the Executive. I also have zero objection with Mackenzie Coplen because the Student Bar Association has its own set of rules separate from the Code Annotated and SGA Constitution and I'm not familiar with the Student Bar Association internal rules. Should rulings and other laws contradict this not being a high office despite the high honor associated with it, then I would withdraw this particular objection, but let the Constitution and Code Annotated stand as a reminder along with my other objections made.

**FOURTH ISSUE OF CHALLENGE: SGA CODE ANNOTATED: TITLE I-GENERAL PROVISIONS: 2: MEMBERSHIP: A: ELIGIBILITY TO PARTICIPATE IN GOVERNMENT:** Students classified as undergraduates may participate in all levels of government, except Graduate Student Senate.

For students wanting to participate on the University of Oklahoma Presidential Search Committee, the complete lack of the open process has denied them this right.

**IN CONCLUSION: I hereby ask General Council to make an official ruling on these challenges. Should the bill and process be upheld OR passed tonight, this serves as official notice that I will file a challenge in Superior Court before Friday of this week.**

To avoid any rumors, I have zero interest at this time in being on the Search Committee, but I do want the process to be open, transparent and available for all students to apply so we can get the best possible candidates on the Committee through a fair and open process instead of a process done behind closed doors as this has the appearance of so far.

David Monlux  
 Concerned Student  
 davidmonlux@ou.edu

1942017  
 Mail - davidmonlux@ou.edu

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At 4:17 P.M. Monlux presents himself to the office of General Counsel to explain the measure and ask for an emergency ruling on the legislation.

At 5:28 P.M. still in the Office of General Counsel, SGA Student Advisor Ahmadi replies to the email of Monlux sent Monday October 2<sup>nd</sup>, 2017 informing both General Counsel and Monlux about the letter sent on October 2<sup>nd</sup>, 2017 from Clayton Bennett of the State Regents and acknowledges he told President Baker to skip the application process by picking people under advise and consent option.

1942017  
 Mail - davidmonlux@ou.edu

**Re: Undergraduate Student Appointment to University President Search Committee**

Ahmadi, Kasra G.  
 Tue 10/3/2017 3:28 PM

To: Monlux, David E. <davidmonlux@ou.edu>;  
 Sgagris, Sgagris <sgagris@ou.edu>; Sgagr, Sgagr <Sgagr@ou.edu>; Bourland, Connor R. <rbourland@ou.edu>; Cassidy, Tom E. <tcassidy@ou.edu>; SGA Election Chair <electionchair@ou.edu>; Congress <congress@ou.edu>; CongressVC <congressvc@ou.edu>; CongressSec <congresssec@ou.edu>; Schenck, Nathan E. <nathan.schenck@ou.edu>

David,

Thank you for sharing your opinion on this very important topic, and for clarifying your points with supporting materials.

I have personally spoken with J.D. regarding the nominations being made at this evening's Congress meeting.

After the Regents meeting on October 3, 2017, Chairman Clayton Bennett sent a letter outlining a request for four (Norman campus) student nominations to be submitted by Monday, October 5<sup>th</sup>. Of the nominations, the Regents will select one undergraduate and one graduate student to serve on the Presidential Search Committee.

As SGA President, J.D. is faced with a one-week timeline to either:

- 1.) safely appoint nominees as he does other campus committees and task forces or
- 2.) appoint nominees, with advice and consent of both legislative bodies.

J.D. decided (and I agreed) the most transparent and expedient course of action was Option 2.

If SGA fails to provide names to the Regents, it essentially forfeits its position to select its own nominees. Therefore, J.D. is nominating elected student government leaders through the advice and consent process to ensure student representation on the committee.

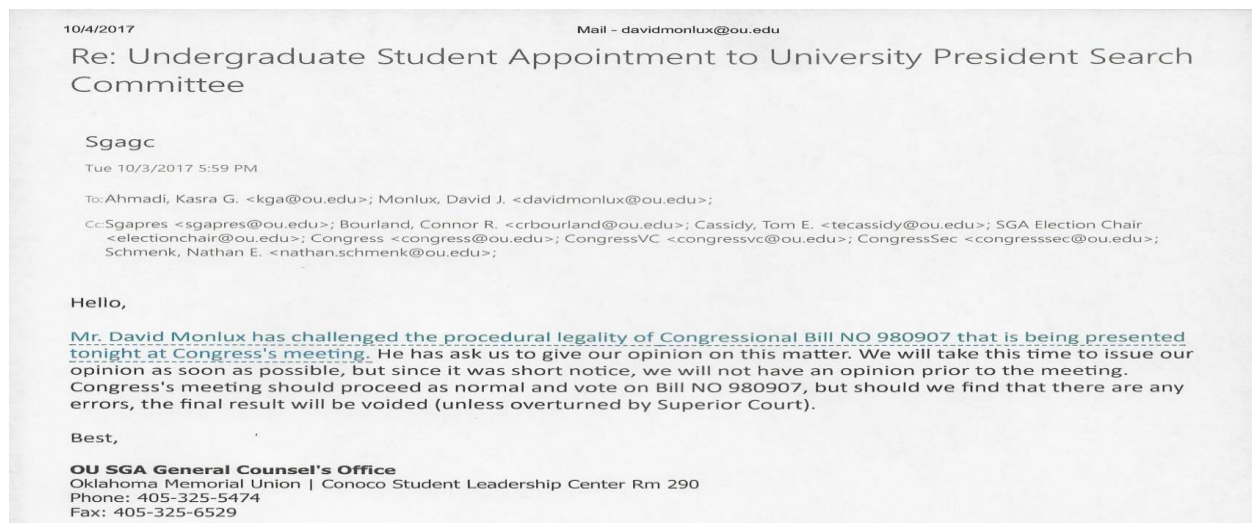
**E. George Ahmadi**  
 Assistant Director/DU SafeSide  
 Student Government Advisor  
 Office of the Vice President for Student Affairs  
 University of Oklahoma  
 kga@ou.edu



At 5:50 P.M. Monlux goes down to the SGA Office to talk to SGA Advisor Ahmadi. During the conversation, Monlux is allowed to look at an eyes only copy of the letter but isn't allowed to take it outside the office, take a picture of the letter or make a copy.

At 5:56 P.M. Monlux leaves the SGA Offices for his Tuesday evening class which won't let out until 9 that night.

At 5:59 P.M. General Counsel sends out an email stating the vote on Congressional Bill 980907 would be allowed to go through, however after a deep detailed review, if 1 point in the process was out of line or skipped procedurally it would be overturned nullifying the effect unless a challenge to overturn in Superior was made.

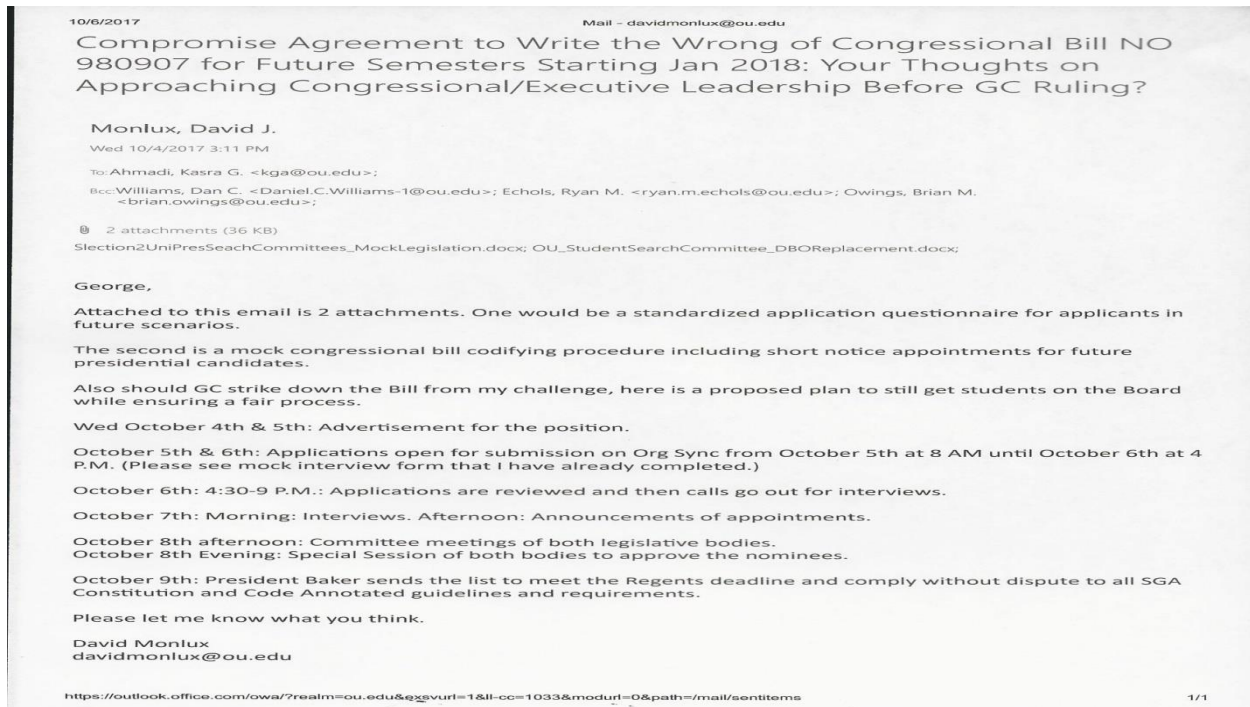


7:00 P.M. Monlux is in class, while the meeting takes place.

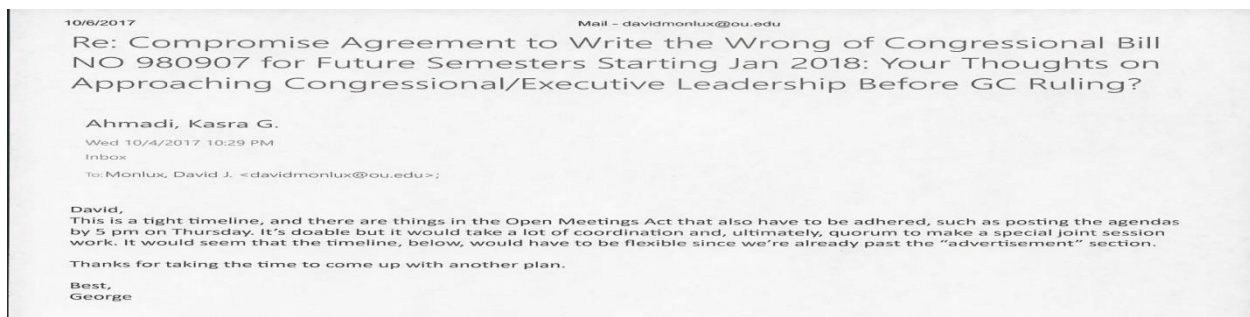
9:00 P.M. Monlux gets out of class and reads the Daily Article coverage that the bill unanimously passes, but that Rep Williams made a speech criticizing the process. "SGA is not a rubber stamp."

11:00 P.M. Monlux arrives home and starts drafting mock legislation and an application for future situations.

**Wednesday October 4<sup>th</sup>, 2017: 3: 11 P.M.** David Monlux sends a comprise proposal to SGA Advisor Ahmadi.

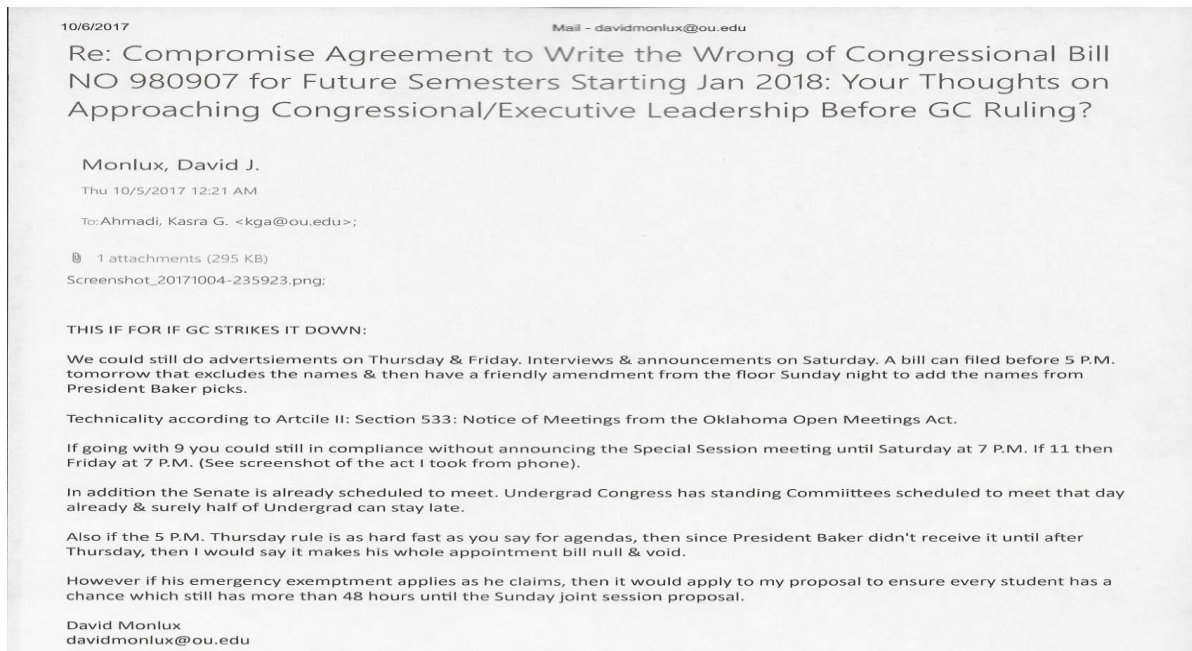


**Wednesday October 4<sup>th</sup>, 2017: 10:29 P.M.** SGA Advisor Ahmadi replies to the email stating that the 5 P.M. Thursday deadline would be near impossible to make under this proposal and appreciates the efforts.

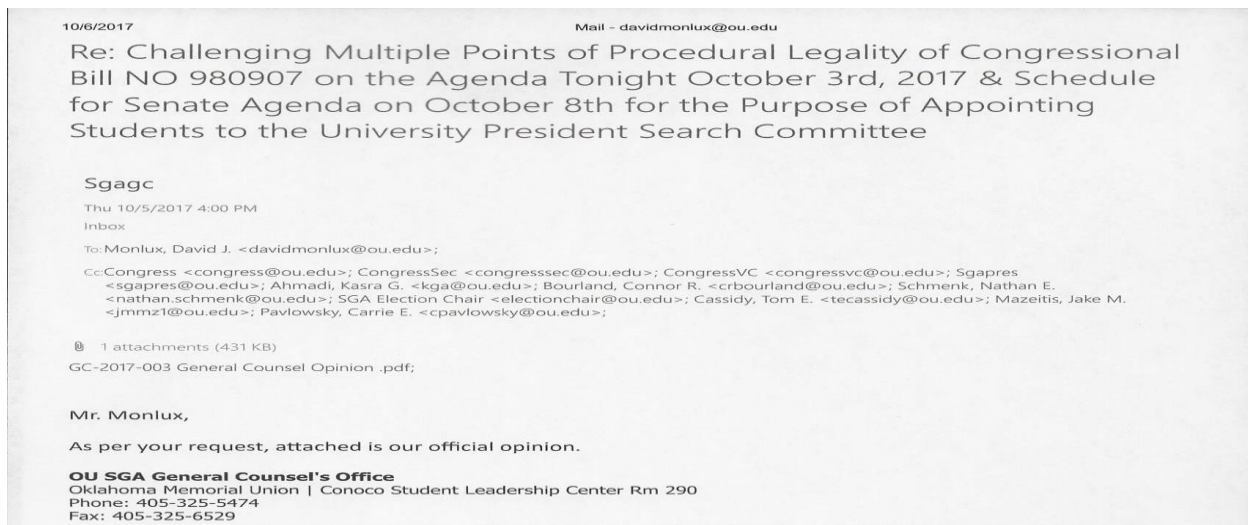


**Thursday October 5<sup>th</sup>, 2017: 12:21 A.M.** Monlux replies stating that it can be done on the time line proposed and questions why the 5 P.M. deadline of the Thursday before wasn't applied to Legislation or announced under items for future agenda? In addition if the emergency waiver procedure applies for the 5 P.M. deadline on the previous 24 hour advise and consent session, why would it not apply for opening up application and interviews in an emergency fashion an attempt to make the process more fair and open while providing opportunity to students?





**Thursday October 5<sup>th</sup>, 2017: 4 P.M. General Council sends out the Ruling.**



**Thursday October 5<sup>th</sup>, 2017: 6:28 P.M. Monlux sends out a reply stating that he intends to appeal and that all options are on the table while shortening his time line proposal to still have an open and fair process.**

10/6/2017 Mail - davidmonlux@ou.edu

Re: Challenging Multiple Points of Procedural Legality of Congressional Bill NO 980907 on the Agenda Tonight October 3rd, 2017 & Schedule for Senate Agenda on October 8th for the Purpose of Appointing Students to the University President Search Committee

Monlux, David J.  
Thu 10/5/2017 6:28 PM

To: Sgaagc <Sgaagc@ou.edu>;  
Congress <congress@ou.edu>; CongressSec <congresssec@ou.edu>; CongressVC <congressvc@ou.edu>; Sgaires <sgaires@ou.edu>; Ahmad, Kasra G. <kgah@ou.edu>; Bourland, Connor R. <cbourland@ou.edu>; Schmenk, Nathan E. <nathan.schmenk@ou.edu>; SGA Election Chair <electionchair@ou.edu>; Cassidy, Tom E. <tcassidy@ou.edu>; Mozerts, Jake M. <jmm1@ou.edu>; Pavlovedy, Carrie L. <cpavlovedy@ou.edu>; Williams, Dan E. <danielc.williams@ou.edu>; Owens, Brian M. <brian.owens@ou.edu>; Layne, Alexander R. <Alexander.R.Layne@ou.edu>; Pham, Daniel X. <daniel.x.pham@ou.edu>; Mee, Emily D. <emilymee@ou.edu>;  
Echols, Ryan M. <ryan.m.echols@ou.edu>; Nick Hazelrigg <hazelrigg@gmail.com>; Rowlett, Melody R. <melodyrowlett@ou.edu>; Saribova, Christopher M. <cmartorou@ou.edu>; Reyes, Victor R. <vreyes@ou.edu>; Purcell, Chris A. <repentspurcell@ou.edu>;

3 attachments (467 KB)  
GC-2017-003 General Counsel Opinion.pdf; OU\_StudentSearchCommittee\_DBOReplacement.docx; Selection2UniPresSearchCommittees\_MockLegislation.docx

REPLY ALL + ADDITIONAL SGA REPS ADDED

First I want to thank general council for making a quick ruling on this issue.

In response to the Opinion issued by General Council at 4 P.M. today, (which I strongly disagree with parts of) my intention of the challenge was to challenge the process as a protest over the short notice and lack of transparency publicized/information provided to the Student Body at large for selecting students to serve on the Board of Regents Search Committee for Boren's Replacement by treating SGA as a Rubber Stamp (Referring to Rep Williams Speech from the floor) from the Decision issued disrespecting our normal appointment/nomination process for high honors such as these with over 20,000 students on campus.

This email shall serve as intent that I'm looking at all options from:

- 1: Appeal to Superior Court (would Superior Court please give a time table for acceptance of an appeal and scope of which they will allow)
- 2: To letting this go.
- 3: To moving on legislation for future scenarios to avoid this conflict in the future.
- 4: To hiring an attorney to move for an injunction in State District Court against the Regents of which after looking at State Law, I might (still in the process of verifying) have a case to forcefully push back the unreasonable October 9th, 2017 deadline time table set by the Regents before the October 16th, 2017 meeting.

<https://outlook.office.com/mail/?realms=ou.edu&asvurl=1&icr=1033&modurl=0&path=mailto:senators> 1/5

10/6/2017 Mail - davidmonlux@ou.edu

5: Along with other legal and political options currently being considered.

With this in mind, for me to drop all consideration of the proposed options including appeal to superior/state district court action, I WOULD PROPOSE A SETTLEMENT AGREEMENT that would honor due process, meet the unreasonable timeline set by the Regents and make this a competitive application process which has been lacking so far from President Baker picking 4 candidates without interviews in under 24 hours and then holding a committee meeting on the floor of the Undergraduate Student Congress instead of a normal committee while no applications went out to students. MY SETTLEMENT WOULD BE AS FOLLOWS:

- 1: Create a bill to what President Baker initially wrote, except leave the names blank on section 3.
- 2: From Friday at 8 A.M. (OR Earlier if you wish) until Saturday at Noon, open up an application on Org Sync. (A Mock Application form is attached: Word: OU\_StudentSearchCommittee\_DBOReplacement. Feel free to edit it, since I wrote it really fast under pressure)
- 3: Starting tonight put advertisements out in the Daily, SGA Social Media, SGA Website and post flyers on doors OR chalk pending the rain.
- 4: Saturday afternoon have the Executive Branch from 1-4 P.M. review the applications and pick candidates for interviews.
- 5: From 6-9 P.M. have the Executive hold interviews. At 10 P.M. have the Executive pick the candidates.
- 6: On Sunday have normal Committee meetings.
- 7: On Sunday when Senate meets, hold a special joint session for final confirmation with a friendly amendment to add the names of President Bakers picks and have President Baker send the list immediately afterwards to the Regents.

Under this option the same emergency protocol that was used for President Baker's legislation since it was not mentioned before Thursday September 28th, 2017 at 5 P.M. deadline for the Tuesday October 3rd, 2017 General Meeting, would be used for this proposed procedure of appointment with an open application process seeing as it is now past 5 P.M. today on Thursday for the upcoming weeks meetings.

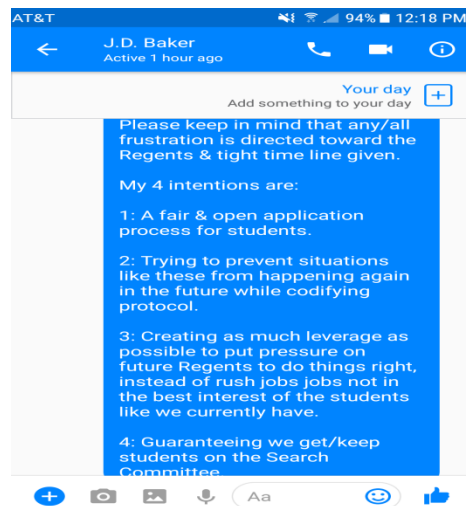
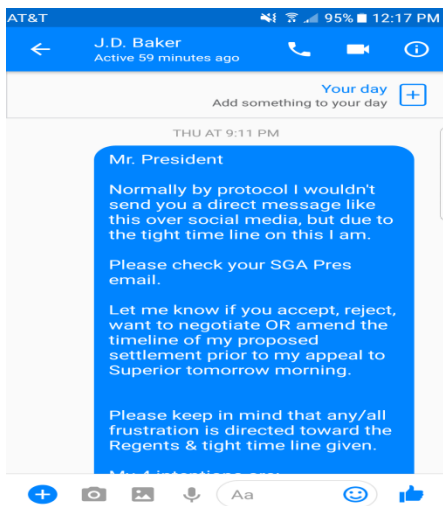
In addition since this specific issue picking students to be on the Regents, isn't specifically (although arguments for vague references can be made) codified in the Code Annotated for Presidential Search Committee Replacements, I have written mock sample legislation also attached to this email that any member may pick up on/use to bring forward at a future meeting under the normal and regular legislative process. (Word: Selection2UniPresSearchCommittees\_MockLegislation)

Unless the settlement is accepted and implemented, I am hereby officially petitioning Superior to appeal the Decision of General Council and ask for a time line (From said date/time to said date/time) of when Superior would be willing to officially take my appeal over challenging the procedural legality of the legislation of which I will have supporting documentation ready to go for both jurisdiction of the court and remedies it is able to grant under these situations/challenges/circumstances.

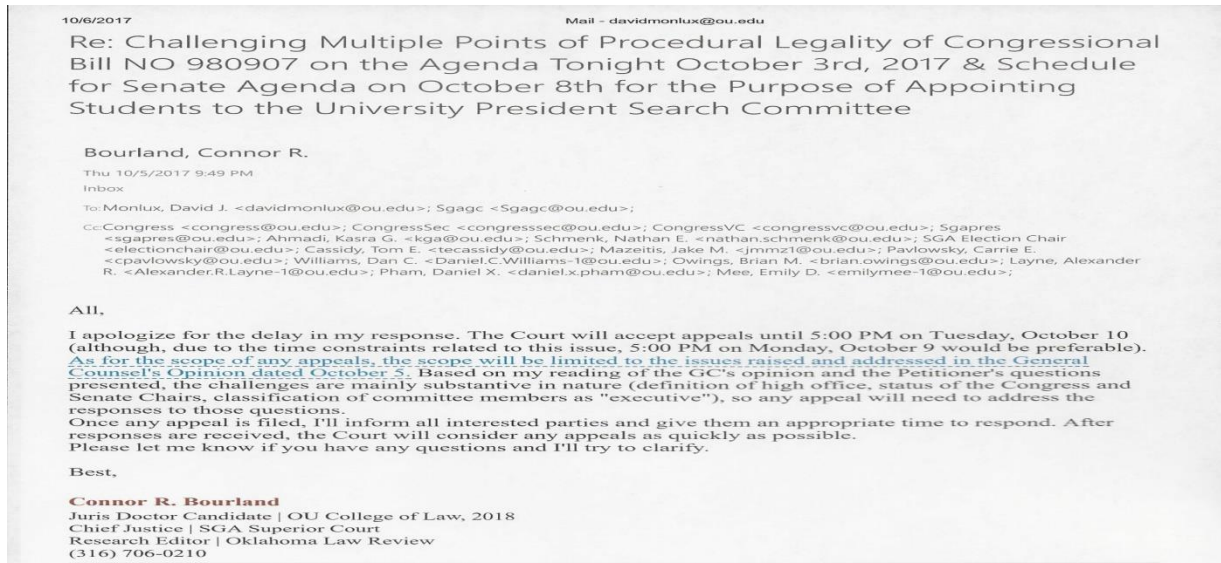
David Monlux  
Concerned Student  
davidmonlux@ou.edu

<https://outlook.office.com/mail/?realms=ou.edu&asvurl=1&icr=1033&modurl=0&path=mailto:senators> 2/5

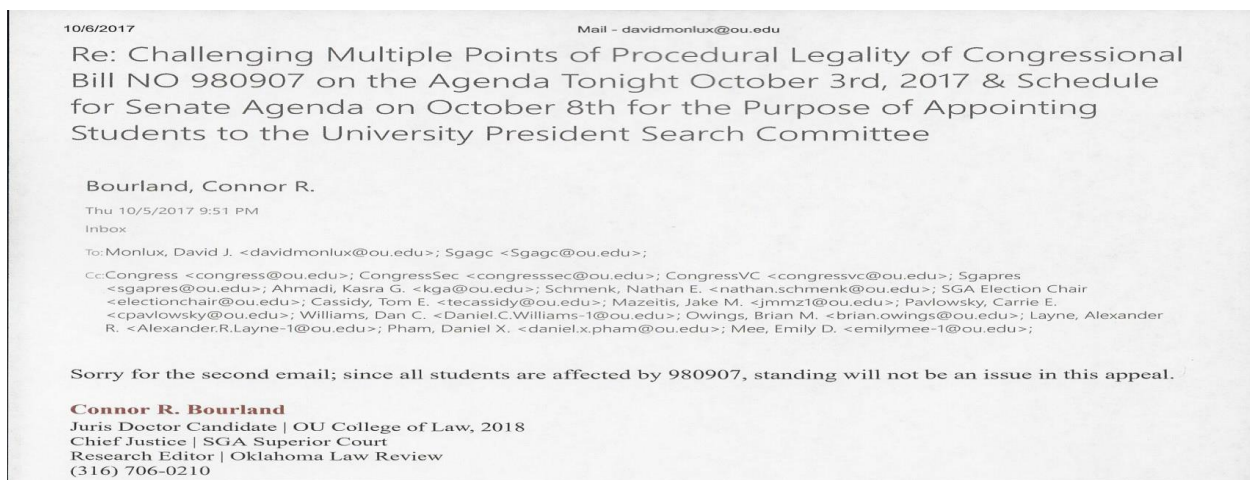
**Thursday October 5<sup>th</sup>, 2017 at 9:11 P.M. Monlux sends a FB Message to President Baker encouraging President Baker to look at the intent of appeal and consider the settlement offer.**



**Thursday October 5<sup>th</sup>, 2017: 9:49 P.M. Chief Justice Bourland announces that the court will accept appeals until Tuesday October 10<sup>th</sup>, 2017 at 5 P.M. stating the scope is limited to only issues raised in GC Opinions issued on October 5<sup>th</sup>, 2017.**



**Thursday October 5<sup>th</sup>, 2017: 9:51 P.M.** Chief Justice Bourland sends out a second email stating that all students are affected by this decision and states that all students have standing to bring suit before the Court on this matter.



**Thursday October 5<sup>th</sup>, 2017: 11:02 P.M.** VP Burlinson sends out an email to Monlux requesting a meeting and trying to explain the appointment process while wanting to understand the motivations of for challenging this.



10/6/2017

Mail - davidmonlux@ou.edu

## Meeting

Burleson, Cameron R.

Thu 10/5/2017 11:02 PM

To: Monlux, David J. <davidmonlux@ou.edu>;

Hello Mr. Monlux,

My name is Cameron Burleson and I am the Student Government Association Vice-President. I have read your emails concerning the Committee Nominee selection process and I would like to speak with you about it all. I have no control or say concerning the process I was nominated with, but if chosen to serve on the committee then I intend to represent my fellow students with my upmost capabilities and I intend to do that by speaking with as many students as I can about what they would like to see from their representatives. I have already scheduled to speak with a wide array of students in order to make sure if I am chosen to be on the search committee, that I am effectively representing their thoughts and concerns. I would love to speak with you as well. This is a responsibility and an honor that I do not take lightly, and I do NOT view this as an opportunity for self gain, but instead, as an opportunity for our student body at large to have a rare voice in a very important process. Please let me know if you can speak tomorrow. I should be free after 5.

Best Wishes,

***Cameron Burleson***

**University of Oklahoma SGA Vice-President**  
Political Science Pre-Law

**Friday October 6<sup>th</sup>, 2017: 12:45 A.M.** Monlux responds to VP Burleson thanking the VP for reaching out, explains the motivation behind the suit/challenge and would be more than happy to meet with VP Burleson.

10/6/2017

Mail - davidmonlux@ou.edu

Re: Meeting

Monlux, David J.

Fri 10/6/2017 12:45 AM

Sent Items

To: Burleson, Cameron R. <cameronrburleson@ou.edu>;

2 attachments (36 KB)

OU\_StudentSearchCommittee\_DBOReplacement.docx; Slection2UniPresSearchCommittees\_MockLegislation.docx

VP Burleson,

I first and foremost want to Thank You for your email and reaching out to me over this. (please see point 5 at the bottom to answer the question of your meeting time, however points 2-4 will give you greater insight as to my motivation and explain the attachments)

**2:** In regards to my objections, nothing is intended as attacks or questioning of credentials to serve in the position of any of the 4 individuals named including yourself.

**3:** My objections are over the selection process itself. My reasons for raising these objections the way I have, are as follows: **A:** Believing in and trying to ensure a fair and open application process for the students while attempting to let the record reflect after students didn't get a chance to apply, that challenges within the system do exist and to air the grievances of all students questioning the process that has unfolded since October 1st, 2017.

**B:** Trying to prevent situations like this in the future, while trying to codify (which is part of my rough draft/mock bill proposal) for future situations like this. (Selection2UniPresSearchCommittees\_MockLegislation).

**C:** Creating as much legal leverage pressure on the State Regents as possible to do things right in the future to avoid rush jobs and set fairer rules for the students while having an official selection process in place.

**D:** Guaranteeing we get/keep students on the Search Committee.

**4:** In my last email to Superior Court before they granted me the right to file an appeal on Tuesday October 10th, 2017 at 5 P.M. I did offer a settlement of which under that you would still be able to apply for the position. (I personally have no interest in the position knowing full well the time commitment it will take combined with everything else still on my schedule.) That settlement still stands if George & President Baker are still interested along with Legislative Leadership (I ask that at least consideration and an answer be given to it. Also I'm flexible on negotiation for the Org Sync Timeline, so applications can be viewed in the morning, interviews in the afternoon and appointments made in the early evening instead of the night.): **A:** Create a bill to what President Baker initially wrote, except leave the names blank on section 3.

10/6/2017 Mail - davidmonlux@ou.edu

**B:** From Friday at 8 A.M. until Saturday at Noon/Friday at 11:59 P.M., open up an application on Org Sync. (A Mock Application form is attached: Word: OU\_StudentSearchCommittee\_DBORReplacement. Feel free to edit it, since I wrote it really fast under pressure)

**C:** Starting tonight put advertisements out in the Daily, SGA Social Media, SGA Website and post flyers on doors OR chalk pending the rain along with a mass email blast 3 separate times on Friday.

**D:** Saturday afternoon have the Executive Branch from 1-4 P.M. review the applications and pick candidates for interviews.

**E:** From 6-9 P.M. have the Executive hold interviews. At 10 P.M. have the Executive pick the candidates.

**F:** On Sunday have normal Committee meetings.

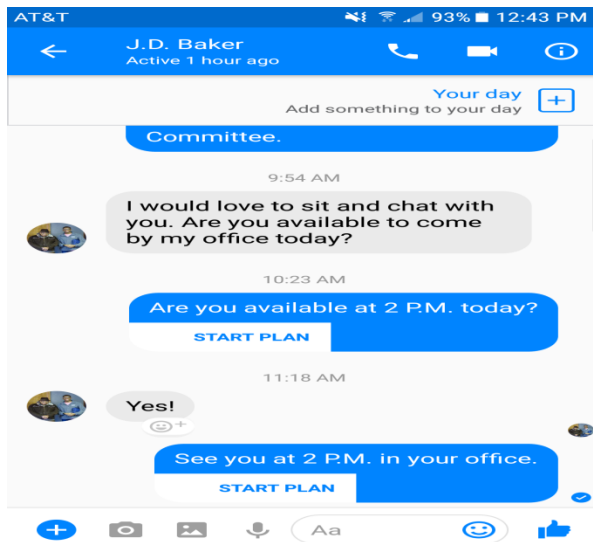
**G:** On Sunday when Senate meets, hold a special joint session for final confirmation with a friendly amendment to add the names of President Bakers picks and have President Baker send the list immediately afterwards to the Regents.

If accepted and implemented by the end of Sunday, I'm prepared to file a motion on Monday morning stating that I drop my claim and challenge. If not or if its flat out rejected, I will continue full steam ahead with my legal challenge for the purpose of clarifying things legally in the future over future situations like this while advocating for the voices that didn't even get a chance in the process.

**S:** I would consider it an honor and a privilege to meet with you at your request tomorrow evening. When you say after 5, does that mean early evening like 5:30-7 range OR does that mean sometime between 8 & 11? I assume you would want the meeting to be on campus, but I'm open to other venues as well?

David Monlux  
davidmonlux@ou.edu

**Friday October 6<sup>th</sup>, 2017 at 9:54 A.M.** President Baker replies to the FB message of Monlux and ask if he can come by the SGA Offices today?



**Friday October 6<sup>th</sup>, 2017 at 10:09 A.M.** Justice Bourland notifies Monlux that his timeline is about to be cut from 106 hours to prepare to just 38 hours with 12 of those hours already having past severely damaging time to prepare the case by David Monlux.

10/6/2017 Mail - davidmonlux@ou.edu

Re: Challenging Multiple Points of Procedural Legality of Congressional Bill NO 980907 on the Agenda Tonight October 3rd, 2017 & Schedule for Senate Agenda on October 8th for the Purpose of Appointing Students to the University President Search Committee

Bourland, Connor R.  
Fri 10/6/2017 10:09 AM  
To: Monlux, David J. <davidmonlux@ou.edu>

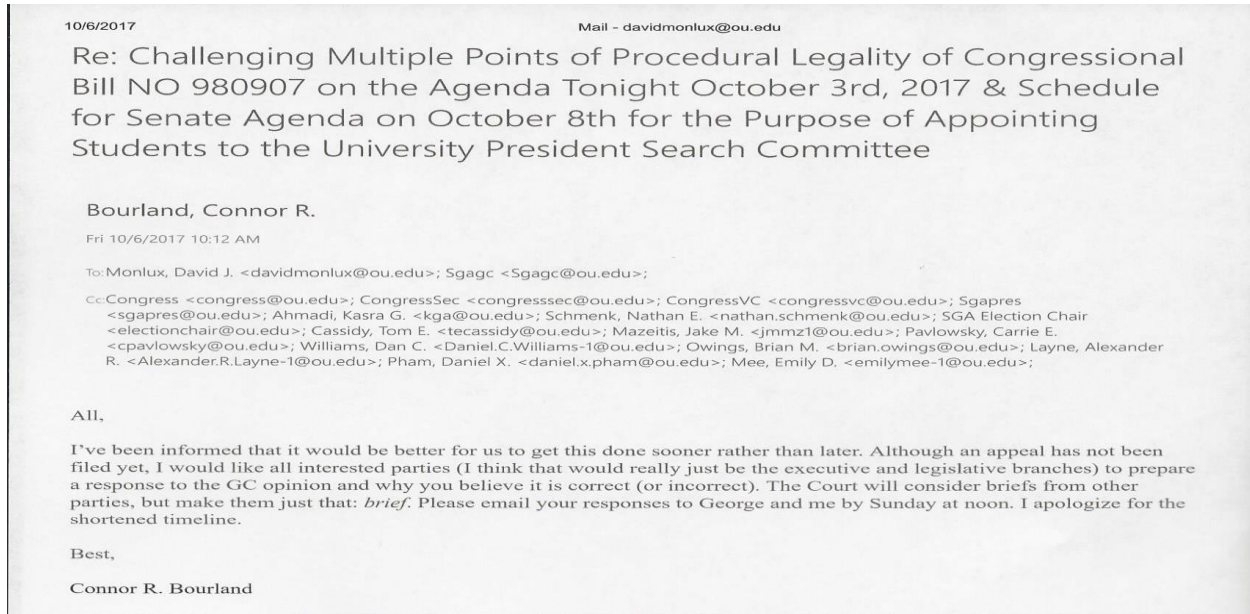
David,

I've been informed that we would like this done sooner rather than later. If you *can* submit your appeal by tonight or sometime tomorrow, that would be excellent.

Connor R. Bourland

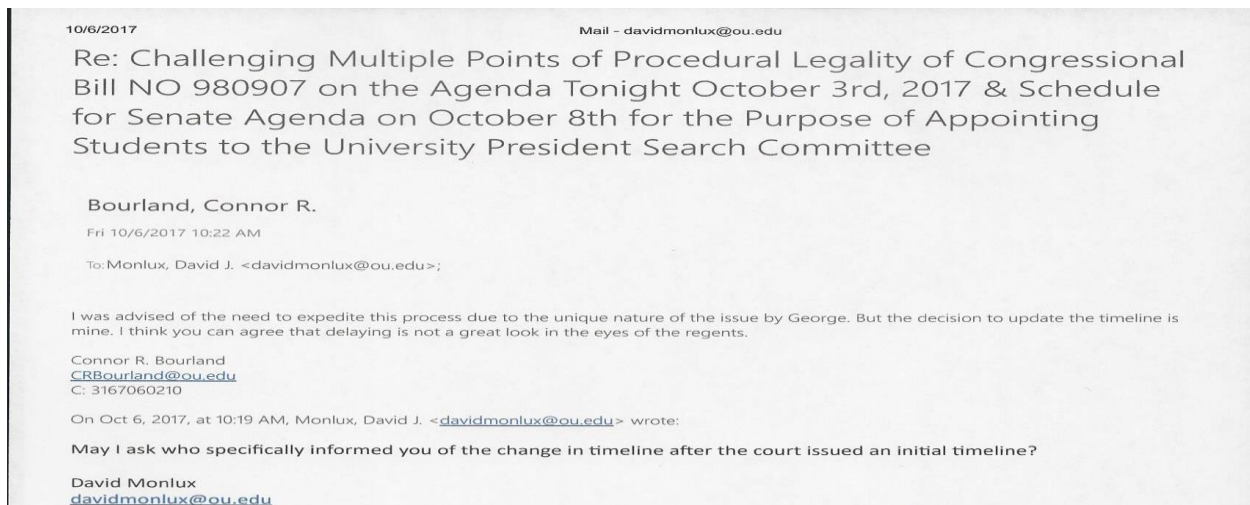


**Friday October 6<sup>th</sup>, 2017 at 10:12 A.M.** Justice Bourland sends out official notice in contradiction to his official order from the night of October 5<sup>th</sup>, 2017 speeding up the timeline for appeal.

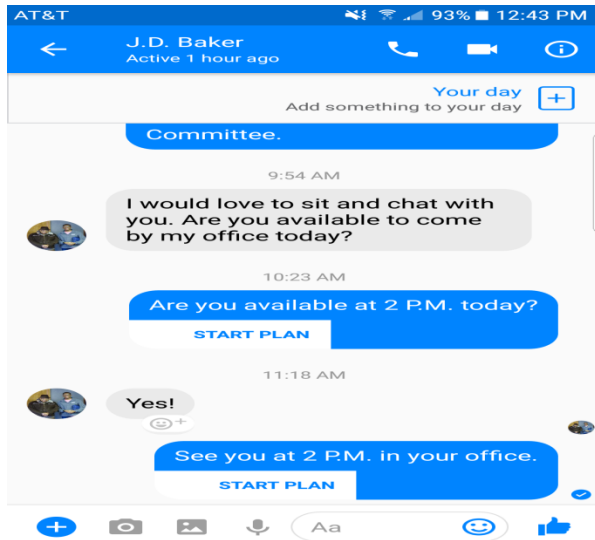


**Friday October 6<sup>th</sup>, 2017 at 10:19 A.M.** Monlux sends an email to Chief Justice Bourland asking who is responsible for the change that has the power to change decisions issued of the highest student court on Campus.

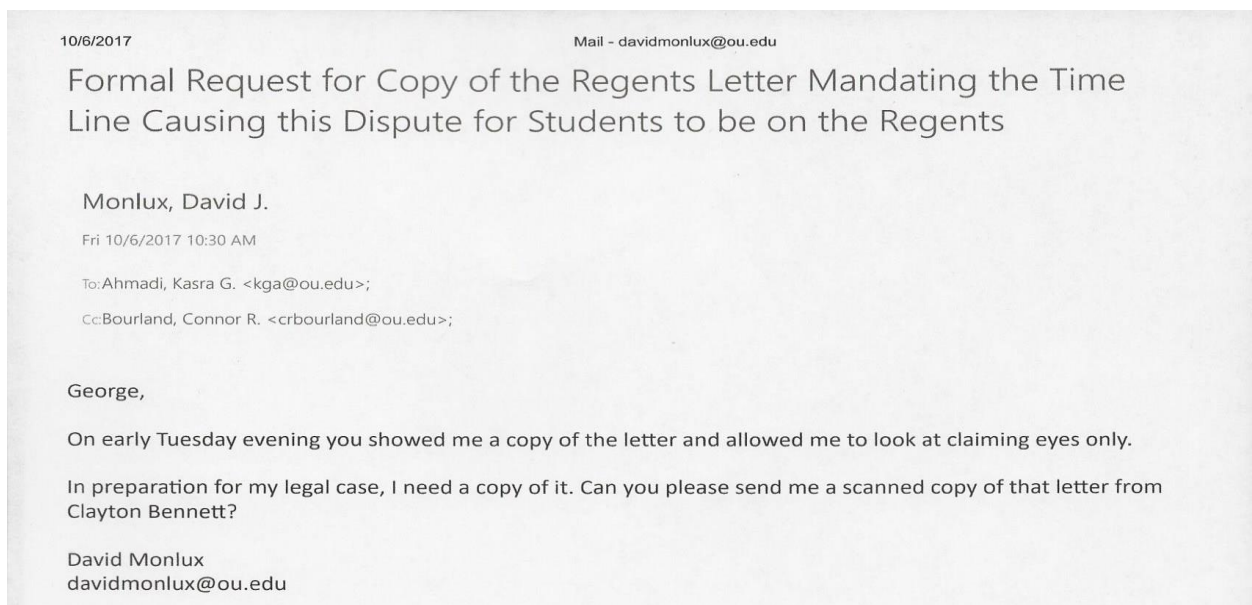
**Friday October 6<sup>th</sup>, 2017 at 10:22 A.M.** Chief Justice Bourland responds that it was advised to him by SGA Advisor George, but claims the decision to change the opinion was his alone.



**Friday October 6<sup>th</sup>, 2017 at 10:23 A.M.** Monlux ask if President Baker can meet with him at 2 P.M. that day.



**Friday October 6<sup>th</sup>, 2017 at 10:30 A.M.** Monlux sends SGA Advisor Ahmadi a request asking for the letter sent by the Regents dictating the timeline.



**Friday October 6<sup>th</sup>, 2017 at 11:18 A.M.** President Baker replies yes to the 2 P.M. Meeting request of David Monlux who then confirms.



**Friday October 6<sup>th</sup>, 2017 at 1:20 P.M.** Monlux leaves his South OKC residence for the Norman Campus to meet with University President JD Baker.

**Friday October 6<sup>th</sup>, 2017 at 2:15 P.M.** Monlux meets with President Baker in his office. Initially Monlux wanted to have the witnesses of Rep Williams and Rep Owings. President Baker refused and insisted on a 1 on 1 meeting in Bakers office without witnesses. No consent to recordings was made by either party, however this is a written summary from memory about the conversation.

**Friday October 6<sup>th</sup>, 2017 at 2:30 P.M.** David Monlux leaves the office of President Baker and this is a summary of the conversation that took place.

**Baker:** I understand your concern, but I want to make sure we get students on the Board.

**Monlux:** I'm for due process and want to pursue this to fight for the rights of students that have been denied.

**Baker:** Students will lose their voice entirely if we don't have students on the Board.

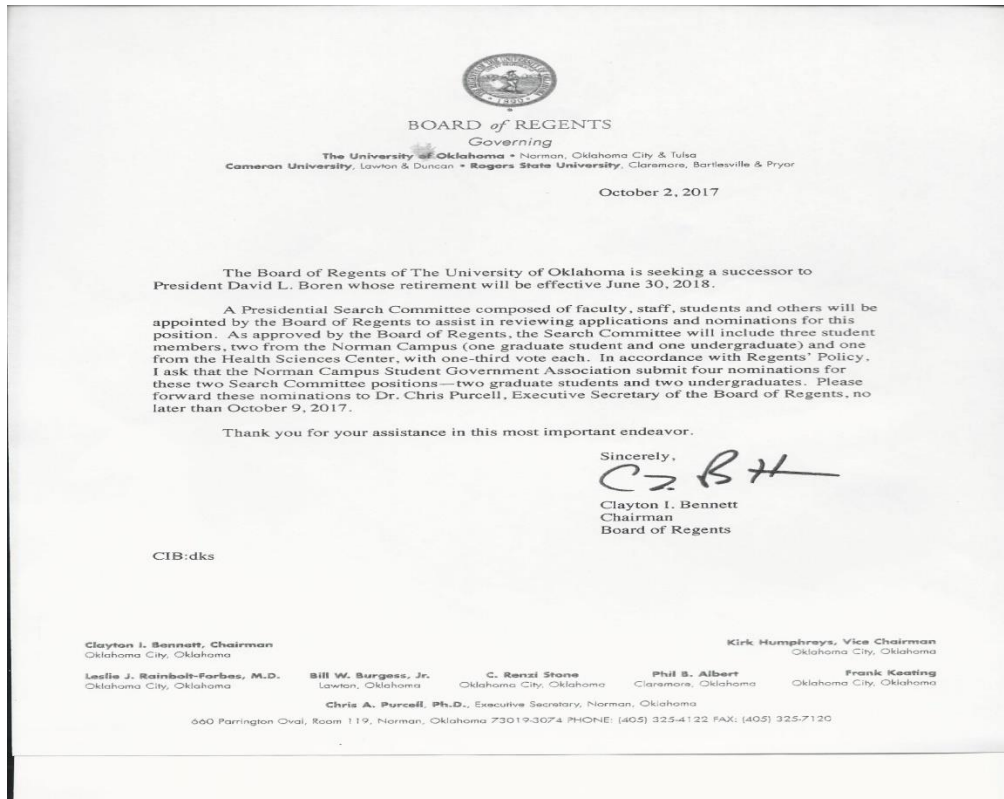
**Monlux:** Many students have already lost their rights by not even being given a chance to apply. If you were to put an application on Org Sync right now and keep it open until 11:59 P.M. tonight, start publicizing this and then hold interviews and selection all day Saturday while sending an identical bill under the emergency clause you used to skirt the normal committee process, section 3 could be left blank and then since Undergraduate Congress already has committee meeting scheduled Sunday afternoon & Grad Senate already meets on Sunday, you can hold a joint session.

**Baker:** I can't give interviews on Saturday because a friend of mine has a wedding.

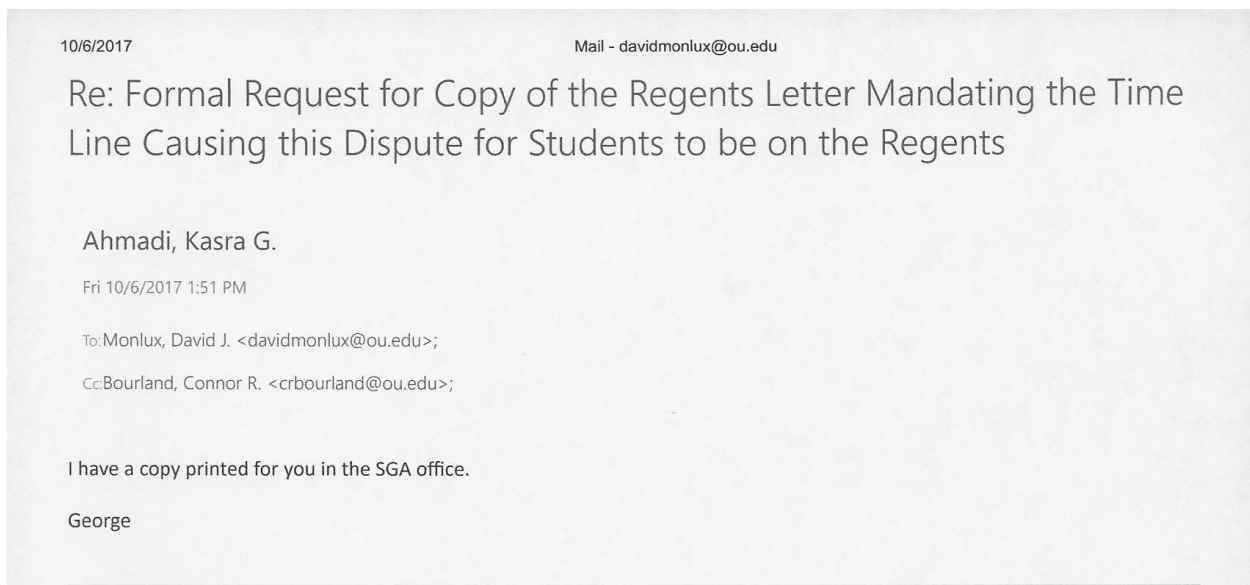
**Monlux:** The role for appointments only says Executive OR their designee. You could technically delegate a task to a member of your cabinet.

**Baker:** Monlux if I do that, there is a chance Senate won't make quorum and I'm already leaving my friend's wedding celebration early.

During the meeting, President Baker presented Monlux with a copy of the letter he had been trying to obtain a physical copy of since Tuesday, October 3<sup>rd</sup>, 2017 at 5:50 P.M. In the end an agreement couldn't be reached and Monlux continues ahead with his legal challenge while President Baker goes forward with his nominees.



**Friday October 6<sup>th</sup>, 2017: 4:50 P.M.** Monlux is back at his south OKC residence. He then checks his university email and sees that he missed two emails from SGA Advisor Ahmadi at 1:51 P.M. & 2:50 P.M. stating the letter is ready for pick up and apologizes for missing him, while now being open to questions.



10/6/2017

Mail - davidmonlux@ou.edu

Re: Formal Request for Copy of the Regents Letter Mandating the Time Line Causing this Dispute for Students to be on the Regents

Ahmadi, Kasra G.

Fri 10/6/2017 2:50 PM

To: Monlux, David J. <davidmonlux@ou.edu>;

David, sorry I missed you when you were here. It's been a busy day with visitors. If you need to chat or have questions, please don't hesitate to contact me.

**K. George Ahmadi**  
*Assistant Director/OU SafeRide*  
*Student Government Advisor*  
*Office of the Vice President for Student Affairs*  
*University of Oklahoma*  
kga@ou.edu

**Friday October 6<sup>th</sup>, 2017 at 5:18 P.M.** Monlux ends timeline of events and begins work on the appeal.



## **TEXT OF ORIGINAL CHALLENGE SUBMITTED TO GENERAL COUNCIL ON TUESDAY OCTOBER 3<sup>RD</sup>, 2017**

Dear General Council,

(Congressional Leadership, Executive Leadership & Judicial Leadership CC as official receipt of record)

Since my email yesterday to George which you were CC in, I have learned of Congressional Bill NO 980907 scheduled to be heard in the Undergraduate Student Congress tonight for the purpose of appointing students to the University of Oklahoma Presidential Search Committee. I take multiple issues with how this bill was handled and the process of search conducted.

**FIRST ISSUE OF CHALLENGE:** The way nominations were done in violation of the Code Annotated:

**TITLE I: GENERAL PROVISIONS: CHAPTER 2: SEPARATIONS OF POWER: 9:**

**ANNOUNCEMENTS OF HIGH OFFICES:** All appointments to High Offices shall be made through an open and competitive application process. The application process for all appointed High Offices made by the executive branch, legislative branch, or judicial branch of the Student Government Association must be advertised through at least four of the following prior to the application due date:

- a. with at least one announcement of all vacancies by the Undergraduate Student Congress Chair, Graduate Student Senate Chair, Campus Activities Council Chair, and the SGA President during their general meetings;
- b. Widespread publication of all vacancies through sufficiently chalking in well-trafficked areas of campus;
- c. Placement of posters throughout campus;
- d. at least one (1) student wide email;
- e. in the student newspaper for at least two (2) consecutive days;
- f. an announcement placed on the home page of the SGA website;
- g. creating of an event within an SGA social media site at least seven (7) days prior to the application due date;

In regards to a, I'm still reviewing the minutes.

In regards to b, I've not seen a single chalking on campus advertising this. Should this be false please send me a copy of the chalking approval form and pictures of the chalking that are time stamped prior to today.

In regards to c, I have not seen a single poster.

In regards to d, I have not seen a specific email advertising for the selection of the Committee. I have seen advertisements for election chair, SGA President & Legislative Office. However NONE what so ever for the Presidential Search Committee.

In regards to e, I have seen zero announcements in the daily announcing the process OR applications available. If I've missed it, please send me a copy and link of those articles.

In regards to f, I have seen nothing on the website about this position of being appointed to the Presidential Search Committee.

In regards to g, I have looked through SGA Social media and see no reference for applications/interviews of the position.

Based off this section alone, I ask the bill be pulled and a competitive application process be made open for students to apply for the Student position on the University of Oklahoma Presidential Search Committee since a position like this is of the highest honor and is authored by JD Baker. In addition to the best of my knowledge it has failed to meet the min of 4 test under this provision.

**SECOND ISSUE OF CHALLENGE:** This is indeed an executive position.

**Article IV: EXECUTIVE BRANCH: SECTION 7: Any SGA officer that is elected in a SGA sponsored election and/or receives a SGA stipend and is not otherwise designated as a member of the Legislative, Judicial or Programming Branch, shall be considered a member of the Executive Branch.**

**Code Annotated Title I: General Provisions: Chapter I: Definitions: Absence of Rule Procedures** In the absence of specific rules of procedure, those which have stood the test of time are the appropriate ones to guide in deciding the proper way to handle a particular situation. In the absence of established rules of procedure, the foremost authority, Robert's Rules of Order Newly Revised, offers appropriate guidance.

Looking at page 210 of the University of Oklahoma Regents Policy Manual **4) No SGA funds may be utilized in funding the Student Traffic Court. Since the Student Traffic Court operates as an administrative arm of the University, it should be separately funded** (taken from: <http://www.ou.edu/regents/CurrentPolicyManual.pdf> combined with the Student Traffic Court never actually being named in auxiliary funding or legislation for funds) combines the tradition of Executive Appointment to the Judicial Branch which means while the code annotated does allow for a stipend, it doesn't actually come from SGA since parking services thru payroll pays the parking court justices. Combined with an absence of the rules of procedures in SGA for placement of Students to a Presidential Search Committee, I hereby believe based off what I have legally read that a competitive application process does apply to this position under **TITLE I: GENERAL PROVISIONS: CHAPTER 2: SEPARATIONS OF POWER: 9: ANNOUNCEMENTS OF HIGH OFFICES:** of the Code Annotated of rule procedures to a high office. In addition from the

the General Council Opinion earlier this year for the creation of the Parking Judicial Code of Ethics, ruling the Parking Board as an inferior Court and not high office, traditional absence of rules, even if being on the University President Selection Committee is not considered High Office, based off selections of past judges, I would say it falls under tradition of a competitive application process. Regardless since its not defined and an executive appointment, this would be an executive position.

**THIRD ISSUE OF CHALLENGE PENDING IF BEING ON THE COMMITTEE IS**

**CONSIDERED HIGH POSITION OR NOT:** The appointment of Kaylee Rians-Saucedo & Carrie Pavlowsky.

**SGA CONSTITUTION: ARTICLE III: LEGISLATIVE BRANCH: SECTION 6:** No Congress member or Senator shall serve simultaneously in any high executive or judicial office of the SGA.

**SGA CODE ANNOTATED: TITLE I: GENERAL PROVISIONS: SEPARATION OF POWERS: 7: CONCURRENT SERVICE IN HIGH OFFICE:** No person serving in the legislative or executive branches shall simultaneously serve in a high office of any branch other than the one in which they serve.

a. High Offices of the Legislative Branch The high legislative offices of the SGA shall be as follows: Chair of Undergraduate Student Congress; Vice Chair of Undergraduate Student Congress; Secretary of Undergraduate Student Congress; Ways and Means Committee Chair of Undergraduate Student Congress; Chair of Graduate Student Senate; Vice Chair of Graduate Student Senate; and Secretary of Graduate Student Senate.

This would be serving in two different high offices at the same time. I have no objection to Cameron Burlison since VP Burlison is a member of the Executive. I also have zero objection with Mackenzie Coplen because the Student Bar Association has its own set of rules separate from the Code Annotated and SGA Constitution and I'm not familiar with the Student Bar Association internal rules. Should rulings and other laws contradict this not being a high office despite the high honor associated with it, then I would withdraw this particular objection, but let the Constitution and Code Annotated stand as a reminder along with my other objections made.

**FOURTH ISSUE OF CHALLENGE: SGA CODE ANNOTATED: TITLE I-GENERAL PROVISIONS: 2: MEMBERSHIP: A: ELIGIBILITY TO PARTICIPATE IN**

**GOVERNMENT:** Students classified as undergraduates may participate in all levels of government, except Graduate Student Senate.

For students wanting to participate on the University of Oklahoma Presidential Search Committee, the complete lack of the open process has denied them this right.

**IN CONCLUSION: I hereby ask General Council to make an official ruling on these challenges. Should the bill and process be upheld OR passed tonight, this serves as official notice that I will file a challenge in Superior Court before Friday of this week.**

To avoid any rumors, I have zero interest at this time in being on the Search Committee, but I do want the process to be open, transparent and available for all students to apply so we can get the best possible candidates on the Committee through a fair and open process instead of a process done behind closed doors as this has the appearance of so far.

David Monlux  
Concerned Student  
davidmonlux@ou.edu

**OPINION OF GENERAL COUNSEL: OCTOBER 5<sup>TH</sup>, 2017**



**General Counsel Opinion  
GC 2017-003  
October 5, 2017**

**Questions Presented**

SGA General Council has been requested to provide an opinion on the following questions:

- I. Were the procedures for nominations in Congressional Bill NO. 980907 done in violation of University of Oklahoma Student Government Association Code Annotated?**
- II. Are these positions part of the Executive Branch?**
- III. Are the appointment of Kaylee Rains-Saucedo and Carrie Pavlowsky in violation of University of Oklahoma Student Government Association Code Annotated?**
- IV. Does the lack of an open and competitive process deny student members of participation rights?**

**Answer & Analysis**

Congressional Bill NO. 980907 ("Bill") provided an act advising and consenting members for consideration of the University Presidential Search Committee ("Committee"). The Bill included four students, Cameron Burlison (SGA Vice President), Kaylee Rains-Saucedo (SGA Undergraduate Student Congress Chair), Carrie Pavlowsky (Graduate Student Senate Chair), and Mackenzie Coplen (Student Bar Association President), to be nominated for consideration of membership to the University of Presidential Search Committee.

- I. Were the procedures for nominations in Congressional Bill NO. 980907 done in violation of University of Oklahoma Student Government Association Code Annotated?**

Petitioner believes that the procedures for nominations in Congressional Bill NO. 980907 was done in violation of University of Oklahoma Student Government Association Code Annotated ("Code Annotated"). Petitioner believes that the procedure was done in violation of the Code



Annotated because under the Code Annotated, “All appointments to High Offices shall be made through an open and competitive application process.”<sup>1</sup> To address whether the procedures for nominations in Congressional Bill NO. 980907 was done in violation or not, we must address two issues before we can decide that. The first issue to address is whether these four students are being appointed to this position. The definition of appointed is “by, through, or as a result of an appointment.”<sup>2</sup> While the definition of nominated is “to propose (someone) for appointment or election to an office.”<sup>3</sup> Here, the four students mention in the Bill are not being appointed to the positions for the Committee, but rather they are only being nominated. There is a clear distinction between being appointed and being nominated; the four students are not guaranteed the position as would be the case for an appointment. These students are merely being considered to be a part of the proposed Committee. If these students were intended to be appointed, the Bill would have stated that they were being appointed as has been the case in appointment bills. Moreover, these students cannot be appointed because it is ultimately the Board of Regents’ who appoint members from the nominees selected by the student governance organization to the Committee.<sup>4</sup>

However, if these four students were being appointed to the positions in the Committee, we need to address the second issue of whether these positions are considered a High Office Position. We must determine this before examining whether the procedures for nomination in the Bill violates the Code Annotated. The Code Annotated provides a specific list of the positions that are considered to be High Offices. The Code Annotated states that “the high legislative offices of the SGA shall be as follows: Chair of Undergraduate Student Congress; Vice Chair of Undergraduate Student Congress; Secretary of Undergraduate Student Congress; Ways and Means Committee Chair of Undergraduate Student Congress; Chair of Graduate Student Senate; Vice Chair of Graduate Student Senate; and Secretary of Graduate Student Senate,”<sup>5</sup> and “the high executive offices of the SGA shall be as follows: SGA President; SGA Vice President; the SGA President’s chief of staff; Departmental Directors; SGA General Counsel; SGA Associate General Counsels; Election Chair; and Election Board,”<sup>6</sup> and “the high judicial offices of the SGA shall be as follows: Members of the Student Superior Court; and Members of the Student Parking Appeals Board,”<sup>7</sup> and “the high legislative offices of the programming branch shall be as follows: CAC Chair.”<sup>8</sup> Nowhere in the Code Annotated does it state any other position as a High Office position. We believe that Congress intended this to be an exhaustive list because they specifically drafted and enacted an act with the purpose to “change and clarify which offices count as high offices and preclude other SGA involvement.”<sup>9</sup> If Congress had intended this to be an incomplete list, they would have stated otherwise. Therefore, we believe that this is not an appointed High Office positions.

Since this is not an appointed High Office Position, there is no need for an open and competitive application process required by the Code Annotated.

<sup>1</sup> SGA Code Annotated Title I Ch. 2 Sec. 9.

<sup>2</sup> Dictionary definition of appointed.

<sup>3</sup> Dictionary definition of nominated.

<sup>4</sup> Regents’ Policy Manual for The University of Oklahoma Sec. 1.4

<sup>5</sup> SGA Code Annotated Title I Ch. 2 Sec. 7(a).

<sup>6</sup> SGA Code Annotated Title I Ch. 2 Sec. 7(b).

<sup>7</sup> SGA Code Annotated Title I Ch. 2 Sec. 7(c).

<sup>8</sup> SGA Code Annotated Title I Ch. 2 Sec. 7(d).

<sup>9</sup> Congressional Bill No. 920306, Senate Bill NO GF14-04, High Office Clarification Act of 2014.

## **II. Are these positions part of the Executive Branch?**

The Code Annotated state that “the Student President, Student Vice President, SGA General Counsel, and any SGA officer that is elected in a SGA sponsored election and/or receives a SGA stipend and is not otherwise designated as a member of the Legislative or Judicial Branch, shall be considered a member of the Executive Branch.”<sup>10</sup> Based on that provision of the Code Annotated, Petitioner believes that these positions are a part of the Executive Branch. We agree with Petitioner that these positions are a part of the Executive Branch but for different reasons than Petitioner’s. First, The Board of Regents sent out a letter outlining a request for four (Norman campus) student nomination to be submitted. These nominees are to be selected by the student governance organization.<sup>11</sup> So this is a task that has been delegated to SGA. Second, “the Student President shall represent the SGA on all official occasions and coordinate all student activities and services.”<sup>12</sup> Last, “The Student President shall have the power, with the advice and consent of the Legislative Branch, to nominate and appoint all officers of the SGA not otherwise provided for.”<sup>13</sup> Since the Board of Regents had delegated a task to SGA, the SGA President’s duty is to represent the SGA for that task and it is within the SGA President’s power to nominate these students with the advice and consent of the Legislative Branch. Since it is not stated specifically, it is only reasonable that these positions would fall under the Executive Branch since these nominated students will be representing the SGA and that they were also nominated by the SGA President.

Petitioner also argues that because these are Executive Branch positions and based on absence of specific rules of procedure, those which have stood the test of time are the appropriate ones to guide in deciding the proper way to handle a particular situation<sup>14</sup>, that these positions should have had a competitive application process. Petitioner gave an example of how the Parking Board was ruled to be an inferior court and not High Office, this is due to traditional absence of rule. Petitioner further argues that the nominations should follow the same tradition as selection of past parking judges and have a competitive application process. The petitioner’s argument is flawed because the Parking Board is not a High Office because the Code Annotated did not list it as so. Further, there is not an absence of rule of procedure when it is within the powers of the SGA President to nominate and appoint various SGA positions. We also reiterate that since these positions are not appointed High Office Positions, there is no need for a competitive application process.

## **III. Are the appointment of Kaylee Rains-Saucedo and Carrie Pavlowsky in violation of University of Oklahoma Student Government Association Code Annotated?**

Petitioner believes that Kaylee Rains-Saucedo and Carrie Pavlowsky are in violation of the Code Annotated because “no person serving in the legislative or executive branches shall simultaneously serve in a high office of any branch other than the one in which they serve.”<sup>15</sup> We disagree with Petitioner because as we stated above, these positions are not appointed High

<sup>10</sup> SGA Code Annotated Title III Ch. 1 Sec. 2.

<sup>11</sup> Regents’ Policy Manual for The University of Oklahoma Sec. 1.4

<sup>12</sup> SGA Code Annotated Title III Ch. 2 Sec. 8.

<sup>13</sup> SGA Code Annotated Title III Ch. 1 Sec. 7(a).

<sup>14</sup> SGA Code Annotated Title I Ch. 1 Sec.3.

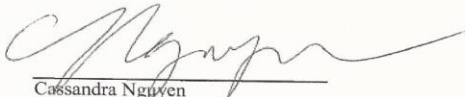
<sup>15</sup> SGA Code Annotated Title I Ch. 2 Sec. 7.

Office Positions. Therefore, Kaylee Rains-Saucedo and Carrie Pavlowsky did not violate the Code Annotated.


**IV. Does the lack of an open and competitive process deny student members of participation rights?**

The Code Annotated states that “students classified as undergraduates may participate in all levels of government, except Graduate Student Senate.”<sup>16</sup> Petitioner believes that since there was a lack of an open and competitive process for positions in the Committee, the students have been denied of their rights to participate in all levels of government. We want to address that the Committee is a part of the Board of Regents and not a part of any of the three branches. Therefore, the students are not denied their rights.

**This is the opinion of the General Counsel.**



Cassandra Nguyen  
SGA General Counsel

  
Jacob Laughlin  
SGA Associate General Counsel

<sup>16</sup> SGA Code Annotated Title I Ch. 1 Sec. 2(a).

# STANDING FOR THE CASE

For standing before Superior Court on this particular issue, Monlux cites 4 separate issues for standing.

**1:** In accordance with Article II: Membership:

**Section 1:** Every regularly enrolled student at the University of Oklahoma, Norman campus, shall be a member of the SGA.

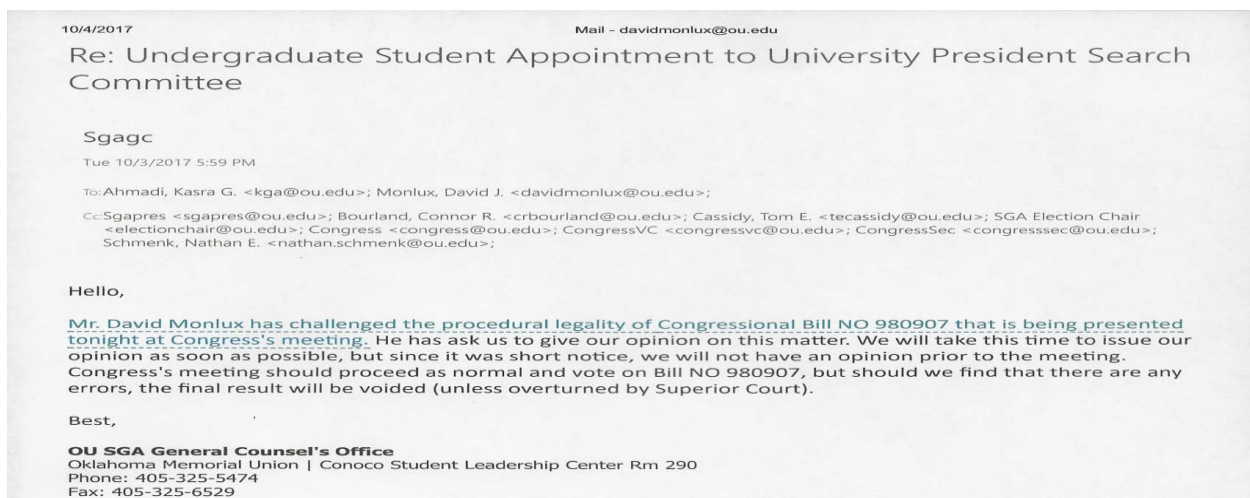
(1) Students classified as undergraduates may participate in all levels of government, except where explicitly stated otherwise in this Constitution.

(2) Students classified as graduate students may participate in all levels of government, except where explicitly stated otherwise in this Constitution.

(3) Students classified as law students may participate in all levels of government, except where explicitly stated otherwise in this Constitution.

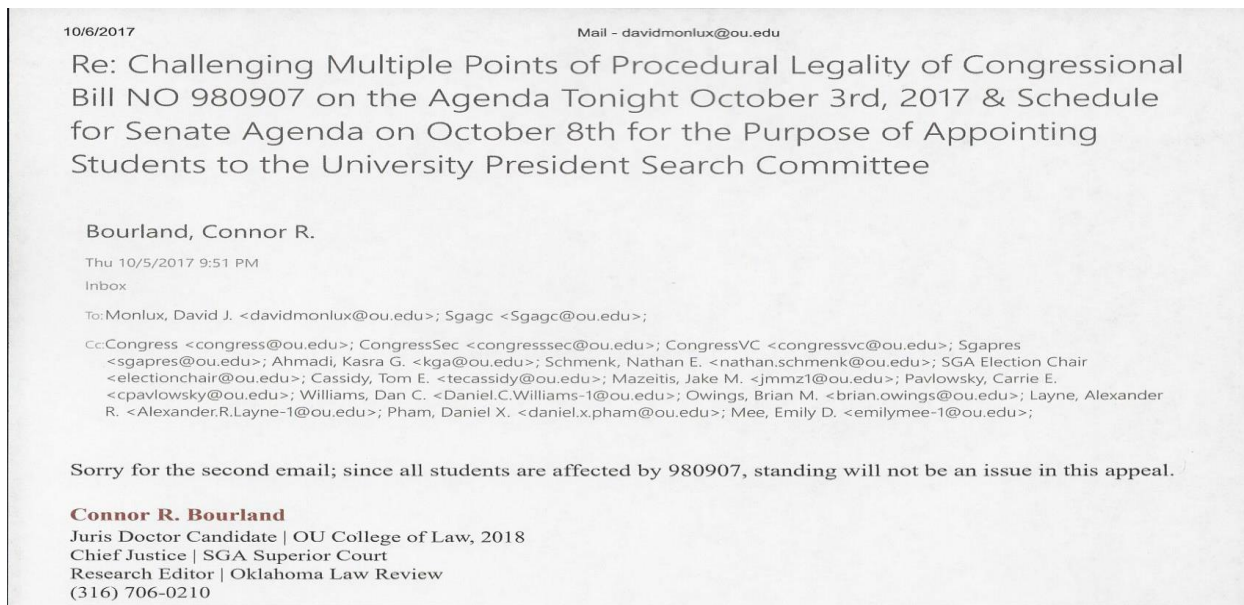
Nowhere in the Constitution does it state that undergraduate students OR members of the SGA can't bring suit for a redress of grievances or a legal remedy that the Court is able to grant before Superior Court OR Appeal decisions issued by lower authorities.

**2:** In the email sent by General Council on October 3<sup>rd</sup>, 2017 at 5:59 P.M. General Council states: “Congress's meeting should proceed as normal and vote on Bill NO 980907, but should we find that there are any errors, the final result will be voided (unless overturned by Superior Court).” Implying that General Council is granting a blanket right for all parties involved/affected to be able to appeal the decision.

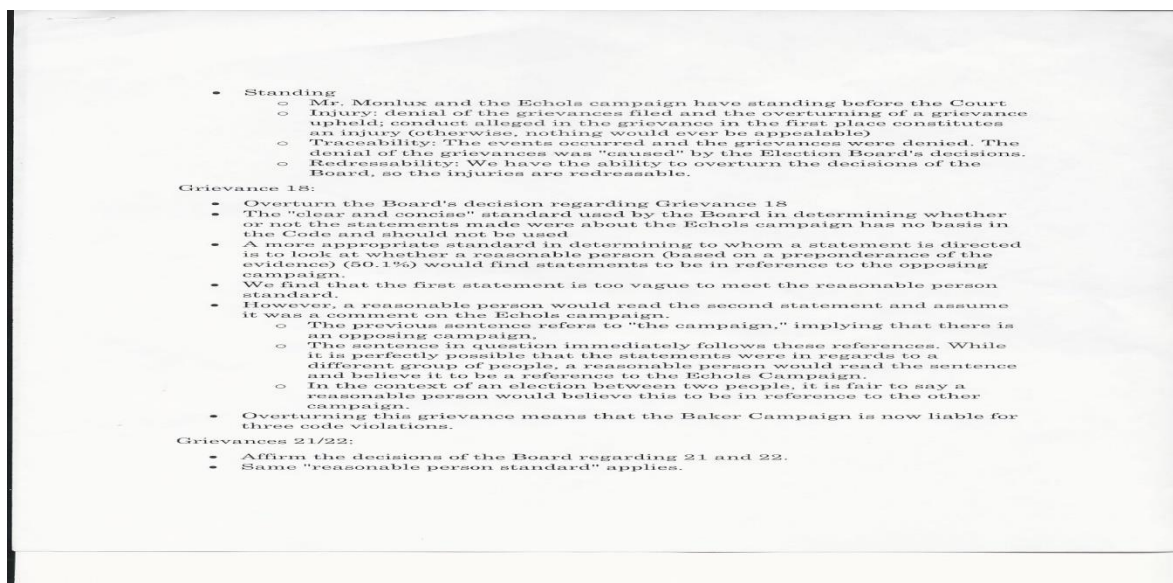




3: In the email of Chief Justice Bourland on behalf of the SGA Student Superior Court, he states “since all students are affected by 980907, standing will not be an issue in this appeal.” This allows and grants standing to all students to file an appeal with the Court on this matter.



4: On Tuesday November 29<sup>th</sup>, 2016 in the courts slip opinion on challenges of the Election Board by Monlux on behalf of the Echols Campaign from page 2, the Court defines standing as Injury, Traceability and Redressability in order for the court to grant legal remedies.



This appeal believes that a distinct and palpable injury was done to the students by skipping the normal competitive application process for such a high honor of serving on Boren's Replacement



Search Committee. In addition Monlux hereby invokes from the **Code Annotated Title IV – The Judiciary Chapter 2- The Student Superior Court 4. Jurisdiction** “The judicial power of the Student Superior Court shall extend to all cases arising under this Constitution, under the acts of the Legislative Branch, and under University policy when such issues involve the SGA. The SGA Superior Court is charged with the specific duty of maintaining the integrity of the SGA Constitution. The SGA Superior Court is charged with the function of being the final appellate review of any action arising under the SGA Constitution and acts of the Legislative Branch.”

Since 980907 is on the legislative agenda and voted on while being under the voting action of the legislative branch, this qualifies it for challenge in Superior Court.

In addition **Title IV – The Judiciary Chapter 2-The Student Superior Court 5. Duties c. Hearings**: “When a Constitutional issues arises that warrants clarification, the Court is charged with the duty to bring the issue for hearing”

**Title IV – The Judiciary Chapter 2-The Student Superior Court 5. Duties e.** “Review of General Counsel Opinions Judicial appeal and subsequent review shall be an avenue for relief from unsatisfactory General Counsel opinions.”

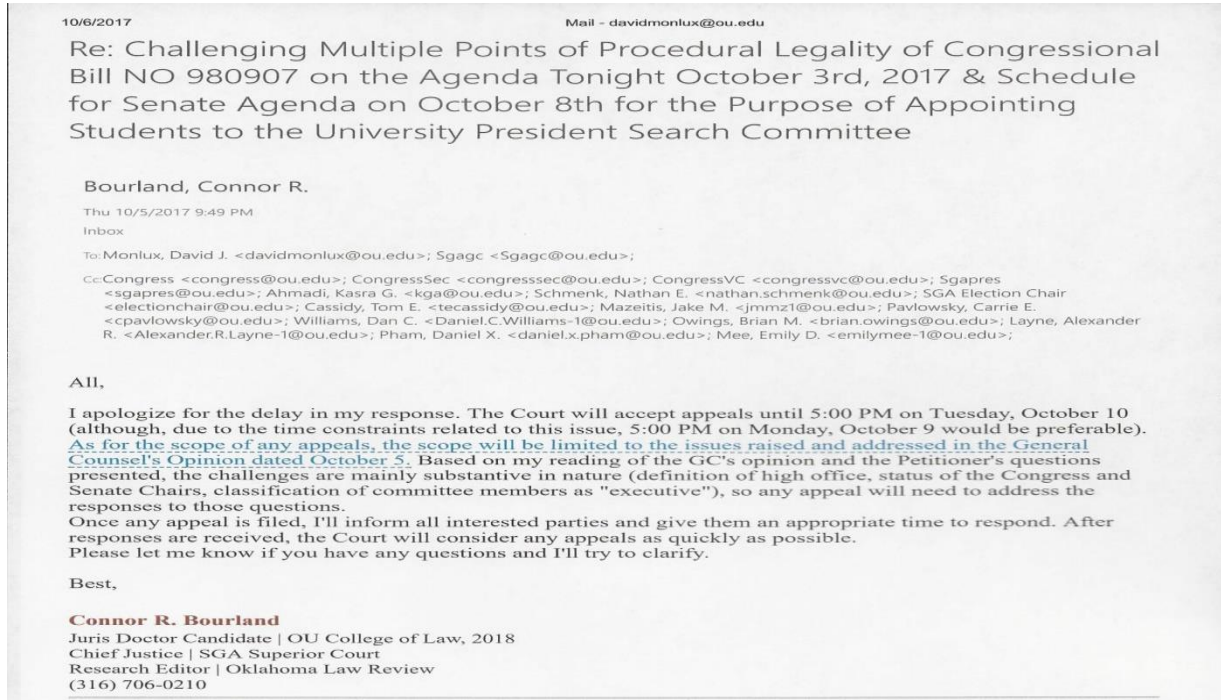
Monlux is unsatisfied with General Council’s explanation of the opinions and throughout the course of this appeal will prove that the Court should also be unsatisfied with the opinions.

**Traceability** of evidence provided in this appeal from the letter issued by Clayton Bennett of the Regents, to the reminder email sent on Monday October 2<sup>nd</sup>, 2017 by David Monlux to leadership and documented legal challenges of Monlux and denial/refusal to answer of proposed settlement agreements.

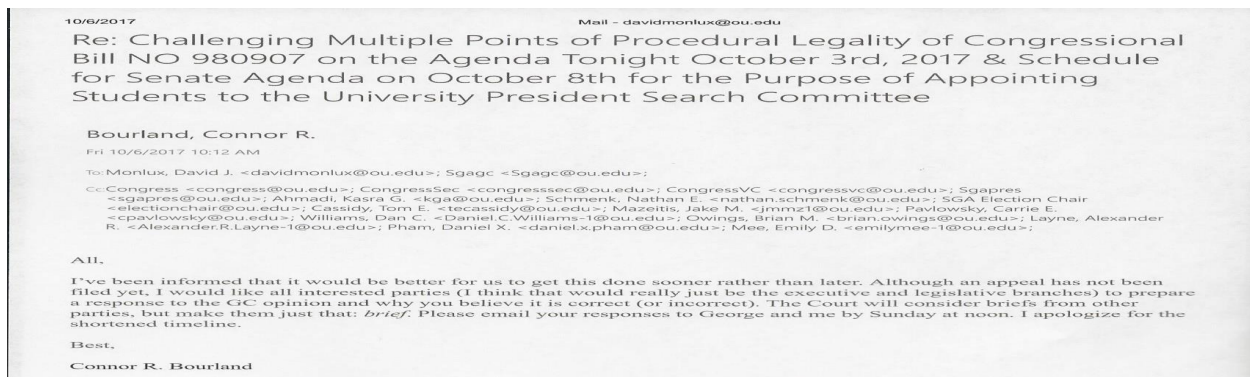
Redressability: The court has the power to overturn decisions of General Council under avenue of relief as defined in **Title IV – The Judiciary Chapter 2-The Student Superior Court 5. Duties e.** of the Code Annotated.

# SHORTING OF TIME LINE

**ORIGINAL TIMELINE:** Started Thursday October 5<sup>th</sup>, 2017 at 9:49 P.M. allowing until Tuesday October 10<sup>th</sup>, 2017 at 5 P.M. for 110 hours and 11 minutes.



**COURT IMPOSED SPEED UP OF TIMELINE:** On Friday October 6<sup>th</sup>, 2017 at 10:12 A.M. or 11 hours and 23 minutes into the process Chief Justice Bourland moves up the time line 53 hours from Tuesday October 10<sup>th</sup>, 2017 at 5 P.M. to Sunday October 8<sup>th</sup>, 2017 at Noon effectively reversing the Courts initial ruling at the request of an SGA Advisor instead without an actual petition being made or motion for summary judgement submitted and notified to all parties before the court leaving David Monlux 49 hours and 47 minutes to prepare instead of the 102 hours and 47 minutes Monlux had originally planned and been granted aka changing the time frame of appeal in an unfair process against the challenger/appellee.



# **LEGAL REMEDY THE COURT CAN GRANT GIVEN THE TIGHT TIME LINE**

1: Overturn the ruling of General Council thus declaring Congressional Bill No 980907 procedurally incorrect while giving a set of instructions to the Executive Branch to hold one day applications on Sunday, Interviews on Monday morning followed by announcements on Monday afternoon and a special joint session on the night in which a bill with no names is filed on Sunday and then amendments are made from the floor during Committee of the whole on Monday October 9<sup>th</sup>, 2017 followed by President Baker immediately giving the names to the Regents which would neither violate the Oklahoma Open Meetings Act OR risk the students losing their seats off an unreasonable time line.

# LEGAL CHALLENGE OF APPEAL TO GC'S OCTOBER 5<sup>TH</sup>, 2017 RULING

**1<sup>st</sup> Challenge of Appeal to Superior: GC Opinion 2017-003: I. Were the procedures for nominations in Congressional Bill NO 980907 done in violation of University of Oklahoma Student Government Association Code Annotated: Page 2: First issue of challenge.**

**From page 2 of General Council's Opinion:** "To address whether the procedures for nominations in Congressional Bill NO. 980907 was done in violation or not, we must address two issues before we can decide that. The first issue to address is whether these four students are being appointed to this position. The definition of appointed is "by, through, or as a result of an appointment."<sup>2</sup> While the definition of nominated is "to propose (someone) for appointment or election to office."<sup>3</sup> Here, the four students mentioned are not being appointed to the positions for the Committee, but rather are only being nominated."

**The Issue:** The first issue taken with this is <sup>2</sup> & <sup>3</sup> under dictionary definition which doesn't define which dictionary was used for each definition. For example, according to dictionary.com under the verb section since the act of writing or typing people's name to a bill and a Congressional body voting is an action (Verb: Its What You Do), this appeal would contend that President Baker was in the process of doing (writing) the bill during the present and did write it in past action. In addition on the night of Tuesday October 3<sup>rd</sup>, 2017 under the advise and consent option of which the Congressional Body was doing a vote and did finish a vote of 34-0-0 according to page 5 of the minutes from the Tuesday October 3<sup>rd</sup>, 2017 meeting.

In addition under the second option to determine by authority, under the advice and consent option, President Baker by his **agreement** (carrying out the act instead of requesting for a time extension) and then **using his sole authority to determine** who would be put in section 3 on the bill which General Council defines as a nomination whereas this appeal defines it as an appointment. Therefore on this specific issue it is in the belief of this appeal that General Council improperly labeled appointed.

Also from page 5 of the Minutes from October 3<sup>rd</sup>, 2017 during questions for 980907 Rep Hedgorth ask: "**Do you know exactly how the process happened on the last appointment?**" President Baker replies: "**Not to my knowledge. What I can tell you is that there were only 2 students.**"

In the reply by President Baker, he does not correct or contradict this bill being an appointment and with his reply leaves the impression that precedent standing the test of time from the last search committee was done and is therefore an appointment process since it isn't codified in the Code Annotated OR SGA Constitution.

First recorded in 1525-35; appoint (<http://www.dictionary.com/browse/appoint>) + -ed (<http://www.dictionary.com/browse/-ed>)<sup>2</sup>

Related forms

quasi-appointed, adjective

unappointed, adjective

**appoint**

[uh-**point**]

verb (used with object)

- to name or assign to a position, an office, or the like; designate: *to appoint a new treasurer; to appoint a judge to the bench.*
- to determine by authority or agreement; fix; set: *to appoint a time for the meeting.*
- Law.* to designate (a person) to take the benefit of an estate created by a deed or will. (<http://www.dictionary.com/slideshows/slang-watch-2017?param=dcomserp>)
- to provide with what is necessary; equip; furnish:

<http://www.dictionary.com/browse/appointed?s=t> 1/5

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Integrity Council got \$650 for International Day of Action event. Sports and Entertainment got \$750 for tailgating (no alcohol). Big Event Admin got \$6,145 for signs and supplies. The Oldlahoma Group got \$1,099 for a really nice white board and food for the progress review. Chi Epsilon got \$240 for a meet and greet and initiation. Pre-Medical Women's Society got \$550 for meetings, panels, workshops, rentals, and food. Angolan Student Association got \$350 for Cultural Night Independence Dinner. And, LeFe: Latino Fellowship got \$489.95 for two events and tabling.

*Yawn: scribblers on bill number?*

*Chism: yes.*

Bhaktaram: in your report you said that Big Event got \$6,145, but bill says \$6,154. Which is correct?

Chism: \$6,145. I would accept a friendly amendment changing that please and the total allocation.

*Quick: accept the friendly amendment, you asked for?*

*Chism: yes.*

Hedgcorth: how much money will be left if this passes?

Chism: \$42,213

Crossley: is the total allocation you just mentioned for the year or this semester?

Chism: That money is how much is left in our auxiliary budget for the year.

Crossley: seeing that we are only on auxiliary 7 and we only have 4 more times that we can do this for the rest of the year, what's the next move if we run out of money?

Chism: lately we have big organizations request bigger numbers and we are working with them on applying for primary instead. Auxiliary is not actually a mandatory process. It's a first come first serve process, so when we run out of money, that's it.

**Motion to move to a roll call vote**  
**Representative Mazeitis seconded by Representative Al-Michael**

**Bill passed by a roll call vote of 34-0-0**

**980907 – An Act Advising and Consenting for Consideration as Members of the University Presidential Search Committee (Baker) (Committee of the Whole – Rec of no rec)**

Baker: myself and the candidates are open to questions you may have.

McClintic: will you or anyone consult students on the qualities they would like to see in the next president?

Baker: not myself because I have no say, but if I can speak for them, I believe they would.

Hedgcorth: do you know exactly how the process happened on the last appointment?

Baker: not to my knowledge. What I can tell you is that there were only 2 students.

Mazeitis: is it in your opinion that SGA can still have a voice on this even if they are not on the committee?

Baker: yes. I have talked to the Regents and they are open to communication with the students. Specifically, Chair Bennett would always love to hear from students.

Al-Michael: could you restate when this meeting happens and will you inform Congress of the details of the meeting?

Baker: I have no role in this at all besides nominations. Once someone is nominated, I will send that information to the Board and they will appoint someone from there.

Lobaugh: were you the only one selecting these nominees, or who else was involved?

Baker: myself. But I like to say the students as well because these people were selected by the students at large to an extent.

**Motion to move to a roll call vote**  
**Representative Williams seconded by Representative Al-Michael**

**This bill passed by a roll call vote 34-0-0**

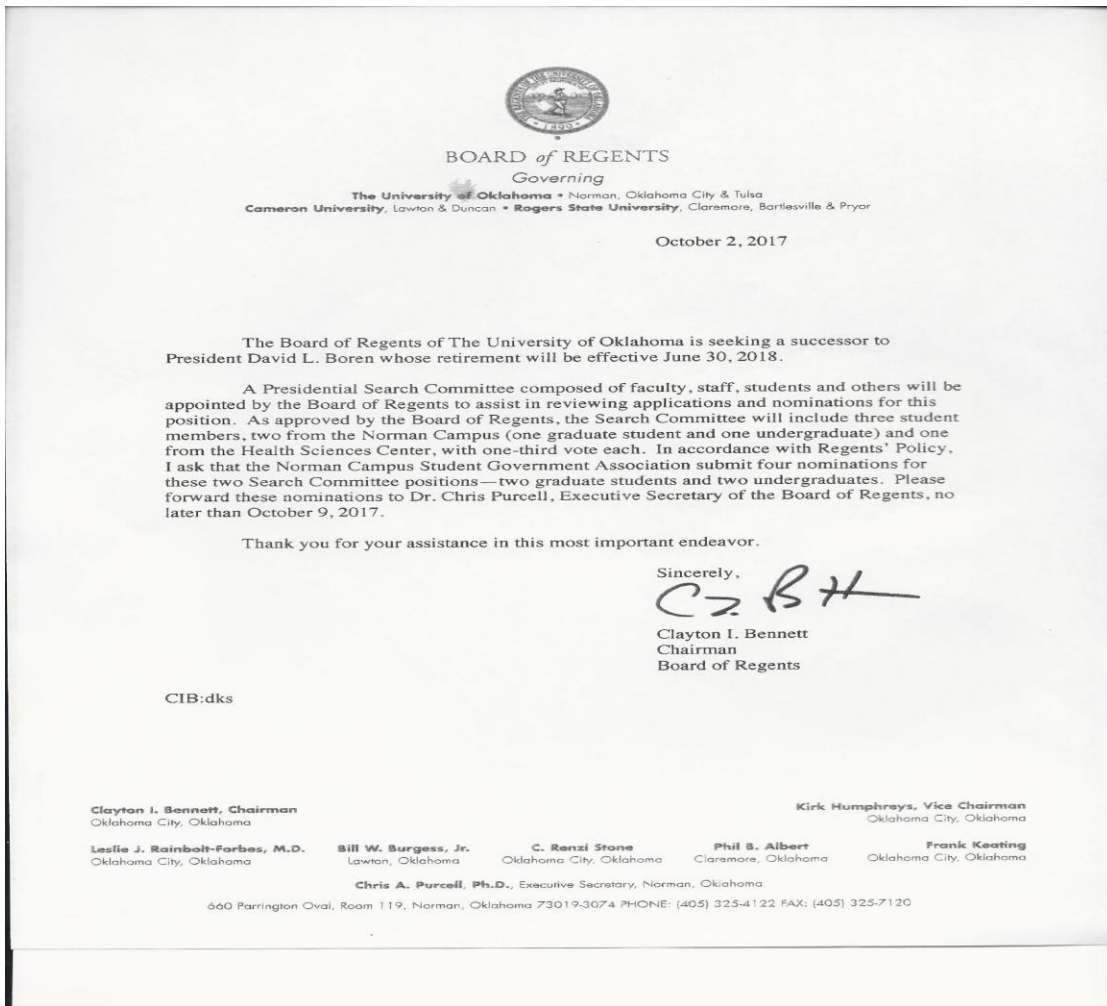
**New Business**  
**Follow-Up Reports**

*Printing Funded by SGA*

This appeal does agree with the definition of nominated by General Council as being “to propose (someone) for appointment or election to office” General Council’s argument is that this list is a proposal of students and not a guarantee of being on the committee. While not every



student named in Section 3 of Congressional Bill NO 980907 will be named to the Replacement Search Committee for President Boren, it is known (from Clayton Bennett's letter) **"In accordance with Regents' Policy, I ask that the Norman Campus Student Government Association submit four nominations for these two Search Committee positions."** that there are no other applications or ways for students to be named to the Search Committee, therefore for half (50%) of the four persons mentioned in Section 3, it is a guaranteed defacto appointment. Therefore from the first part from page two on whether this is a nomination or appointment, this appeal ask Supieor Court to overturn the first half GC's Opinion on 1 (I) and declare that this is in fact an appointment, NOT a nomination.



On the second part of the question of whether this applies as a high office or not still on page 2 of GC Opinion 2017-003 General Council states **"We believe that congress intended this to be an exhaustive list because they specifically drafted and enacted an act with the purpose to "change and clarify which offices count as high offices and preclude other SGA involvement."**<sup>19</sup> If Congress had intended this to be an incomplete list, they would have stated otherwise."



**Issue with the Opinion of General Council:** University of Oklahoma President David Boren became University President in November of 1994 OR more than 20 years ago which was the last time the search committee had to go through this process. The High Office Clarification Act of 2014 (Congressional Bill NO 920306/Senate Bill NO GF 14-04) (with some members of Congress not even being born at the time for no memory of that selection process) that General Council refers to, University President David Boren was nowhere near retirement at that time and serving on the Regents search committee at that time was not seen as a possibility or on the mind of Congress. In addition since the Regents Meeting on October 1<sup>st</sup>, 2017 and the letter sent out by Regents Chair Clayton Bennett on October 2<sup>nd</sup>, 2017 that was after the Thursday September 28<sup>th</sup>, 2017 at 5 P.M. for legislation to have a chance to even be introduced prior to the October 3<sup>rd</sup>, 2017 vote on Congressional Bill No 980907. Therefore to determine what the will of Congress is on this particular issue would be premature.

Therefore since Congress has not had a chance to address this particular issue, the position of being high office or not should be determined by the reasonable person test (based on preponderance of the evidence) (50.1%) in regards to this being high office or not. A reasonable person and the majority of the student body/population of the state of Oklahoma would perceive this as a high honor and great position of power to select the next University President for the largest University in the State of Oklahoma, especially given everything that President Boren was able to accomplish. Therefore this appeal ask the court to overturn the decision of General Council and declare this a high office position meaning it has to have a competitive application process which hasn't been followed meaning this appeal disagrees with General Council claiming no need for a competitive application process required by the Code Annotated. **Title I- General Provisions Chapter 2 Separation of Powers 9. Announcement of High Offices:** All appointments to High Offices shall be made through an open and competitive application process. The application process for all appointed High Offices made by the executive branch, legislative branch, or judicial branch of the Student Government Association must be advertised through at least four of the following prior to the application due date:

- a. with at least one announcement of all vacancies by the Undergraduate Student Congress Chair, Graduate Student Senate Chair, Campus Activities Council Chair, and the SGA President during their general meetings;
- b. Widespread publication of all vacancies through sufficiently chalking in well-trafficked areas of campus;
- c. Placement of posters throughout campus;

- d. at least one (1) student wide email;
- e. in the student newspaper for at least two (2) consecutive days;
- f. an announcement placed on the home page of the SGA website;
- g. creating of an event within an SGA social media site at least seven (7) days prior to the application due date;

The President shall open applications to any judicial vacancy within one (1) week of notice of said vacancy from the SGA Court Clerk, and such nominations shall comply with all applicable laws.

This appeal stands by the belief that this qualifies as a high office and since President Baker received notice on October 2<sup>nd</sup>, 2017 from the regents, that if applications are sent out by October 8<sup>th</sup>, 2017 for a one day application process followed by interviews and appointment with a joint session, this would still be in compliance of all laws the unreasonable October 9<sup>th</sup>, 2017 deadline set by the Regents.

Regardless if the Court determines serving on the Regents to choose the next University President is high office or not, based off the Parking Board not being High Office and having a competitive application process in place, this appeal ask the Court by tradition of the Competitive Application Process for Parking Justices currently practiced **Title I: General Provisions: Chapter 1 -- Definitions of the Code Annotated 3. Absence of Rules of Procedure** “In the absence of specific rules of procedure, those which have stood the test of time are the appropriate ones to guide in deciding the proper way to handle a particular situation. In the absence of established rules of procedure, the foremost authority, Robert’s Rules of Order Newly Revised, offers appropriate guidance.” that this same standard be applied for students serving on the Board of Regents to find a University President Search Committee.

### SGA GC Opinion 2017-003: II: Are these positions part of the Executive Branch?

In regards to the first paragraph, this appeal agrees with General Council that this appointment to the selection list of the Board of Regents of which half are guaranteed to be on the Search Committee is indeed an executive position and does not feel the need to dispute the rest of the first paragraph.

In regards to the Second paragraph this appeal takes multiple issues with what General Counsel wrote. The first issue of written text from the second paragraph is as follows:

**“Petitioner gave an example of how the Parking Board was ruled to be an inferior court and not High Office, this is due to the traditional absence of rule. Petitioner further argues that the nominations should follow the same tradition as selection of past parking judges and have a competitive application process. The petitioner’s argument is flawed because the Parking Board is NOT a High Office because the Code Annotated did not list it as so.”**

First Issue: It contradicts what General Council says on Page 2 of the Opinion (**I: Were the procedures for nominations in Congressional Bill NO. 980907 done in violation of University of Oklahoma Student Government Association Code Annotated?**) Referencing <sup>7</sup> which cites **Title I: Chapter 2: Section 7: C: High Office of the Judicial Branch: “The high judicial offices of the SGA shall be as follows: Members of the Student Superior Court; and Members of the Student Parking Appeals Board.”**

What General Council was referring to in contradiction of this and referenced in the Second paragraph of I on page 2 of the Opinion 2017-003 was the request for clarification when the Parking Appeals Board was writing its Judicial Code of Ethics, including conflict of Interest rules. The request was sent on August 23<sup>rd</sup>, 2017 to General Council by Monlux and a response with the ruling was received on August 30<sup>th</sup>, 2017. Notification of this was sent to Congress Congressional Administration Chair Rep Cassidy on Wed September 6<sup>th</sup>, 2017 at 12:33 A.M.

10/6/2017  
 Re: Parking Justice Judicial Code of Ethics

Signer:  
 View A/10/2017 5:32 PM

1 Member, Board of Administration

1 Attachment (141 KB)  
 Subject: Parking Justice Judicial Code of Ethics-10/6

Mr. Monlux,  
 Here are the answers for the questions you have asked. Please see attached.

Thanks,  
 Jacob Laughlin

**OU SGA General Counsel's Office**  
 Oklahoma Memorial Union | Corbett Student Leadership Center Box 200  
 Phone: 405-252-5474  
 Fax: 405-252-6528

From: Member, Board of Administration, August 23, 2017 2:09:53 AM  
 To: Signer  
 CC: Schenck, Nathan E.; Ahmad, Kara G.; Boufford, Connor R.  
 Subject: Parking Justice Judicial Code of Ethics

Dear SGA General Council,

[Chief Parking Justice, George & Chief Superior Court Justice CC]

In accordance with the Student Code (Code Annotated) which states: "Title IV: The Judiciary: Chapter 4: The Student Parking Appeals Board: 17: Rules of Procedure:" The SGA Student Parking Appeals Court shall establish and publish internal rules and procedures that will be in line with the SGA Constitution, SGA Code Annotated, and University Policy, and the University of Oklahoma. These documents' mission statements and policies for parking regulations. The SGA Student Parking Appeals Court shall ensure that the SGA Student Superior Court has the most up to date version of their rules."

The Parking Appeals Board is supposed to have a Judicial Code of Ethics. After searching, we the Board were unable to find one already established/published. We (I) have since written a 10 page double space rough draft (will subject to edit/suggestions). Before finalizing, we want to make sure of the following:

A: We are in compliance with this status of the Code Annotated.  
 B: Establish our own internal rules/procedures while not violating the SGA Constitution, Code Annotated or University Policy.  
 C: Define the role of the Parking Chief Justice, Deputy Chief Justice & Parking Justices.

10/6/2017 10:05 AM  
 1/8

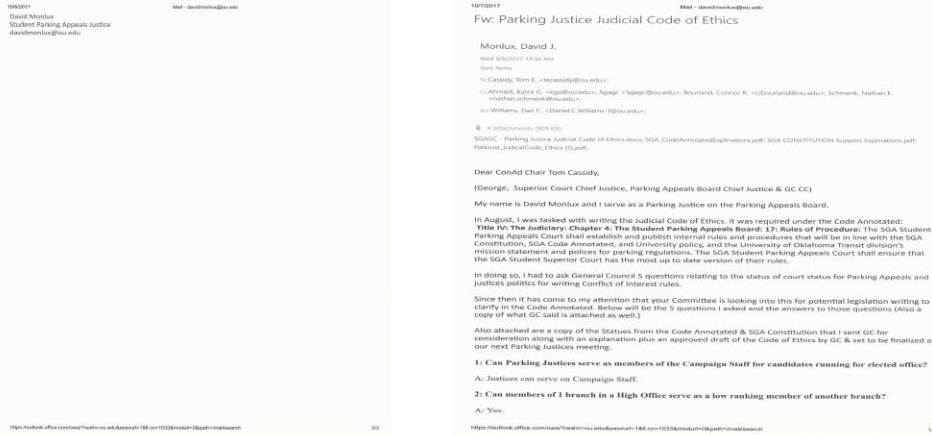
10/6/2017  
 Re: Parking Justice Judicial Code of Ethics

13. Clarify how cases are judged and number of Justices allowed to review each case.  
 14. Draft to formulate Rules of Evidence in the Appeal Process.  
 15. Reaffirm that our decisions on parking matters are final.  
 16. Establish Inexpensive Judicial Process.  
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 61. End (includes a Loony Tunes picture and song "That All Falls").

I look forward to your response/answers and thank you in advance.

Since in the Board's view, therefore, meeting Justice Board types & location still being determined by the Chief Parking Appeals Justice) we will be holding docket and a meeting to get the opinion/amenments of other justices on this proposed code of ethics.

10/6/2017 10:05 AM  
 1/8



**TEXT FROM THE GC OPINION ON AUGUST 30<sup>TH</sup>, 2017:** Thank you for reaching out to the SGA General Counsel's office with your concerns. I have look over the proposed Student Parking Appeals Board's Code of Ethics and determined the following:

In regard to the training power point I could not find any problems that would make it noncompliant to the legal training standards.

Next, I have looked over the judicial code of ethics and it looks good to me. I commend you on the amount of thought and work you have put into drafting the code of ethics. After reading though the code of ethics, SGA Code Annotated and the SGA Constitution It appears to me that the code is compliant with the SGA Constitution and the SGA Code Annotated in regard to the issues A – K.

Finally, I looked over your 5 questions and determined the following:

**Question 1:** After reading Section 8 and 9 of the SGA Code Annotated it appears to me that the code cannot prohibit any SGA member, elected or appointed, from expressing their political opinion. To me this would extend to being a member of a campaign staff. However, if an SGA member used their position to promote, help, or in any way influence an election that would be a violation of OU's campaign rules as well as the SGA Code and Constitution.

**Question 2:** According to Article III: Legislative Branch: Section 6: A member of a high office (which a judge of the Parking Appeals Court would not be considered a member of) can be a low-ranking member of another branch, i.e. representative or senator with no violation of the SGA Constitution.

**Question 3:** This question also hinges on whether the Parking Board was created under an Act of congress or though executive branch executive order. If it was created by Congress then the Parking Board would be considered an inferior court of the Judicial Branch as defined under Article V: Judicial Branch: Section 1. However, if the court was created by the executive branch it would not be considered an inferior court of the Judicial Branch, this is pursuant to Article IV: Executive Branch: Section 7.

**Question 4:** This question also hinges on whether the Parking Board was created under an Act of congress or though executive branch executive order. If it was created by Congress then the Parking Board would be considered an inferior court of the Judicial Branch as defined under Article V: Judicial Branch: Section 1. However, if the court was created by the executive branch it would not be considered an inferior court of the Judicial Branch, this is pursuant to Article IV: Executive Branch: Section 7.

**Question 5:** According to Article III: Legislative Branch: Section 6 a high officer member would be the Chief Justice of the Superior Court, or a Congress Secretary. This means other members of the court (i.e. this would appear to include the parking court) are not considered to hold a high office.

**Based off the opinion** from August 30<sup>th</sup>, 2017 issued by General Counsel, Article V: Judicial Branch: Section I: "The judicial power of the SGA shall be vested in one Student

**Court and such inferior courts as the Legislative Branch may from time and time establish.”** and the Parking Board being established by a Legislative Act of SGA, that means that for any time the Parking Board was considered a High Office, it was in violation of **Article V: Judicial Branch: Section I** of the Code Annotated. The position of parking justices has been held as a competitive application process which has been grounded in tradition over the test time.

As <sup>11</sup> from the opinion of General Counsel cites Sec 1.4 of the Regents Policy, this appeal would like to cite Sec 4.9 of the Regents Policy Manual **“The Board of Regents has determined that it is in the best interests of the University that rules and regulations be promulgated and adopted governing the keeping and use of automobiles by University employees and students, providing parking areas for the employees, students and visitors of the University, and providing a method of carrying such rules and regulations into effect and the enforcement thereof. The applicable portion of these regulations shall apply to every employee of the University, and the portions applicable to students shall be deemed a part of the established regulations of the University that govern every student.”** Which gives the University and later determined SGA power over parking when the Legislative Branch established the Parking Appeals Board.

#### **Sec 1.4 Administrative Search Committees**

(<http://www.ou.edu/regents/CurrentPolicyManual.pdf> ) **President of the University:** states **“It is recommended that presidential search committees shall have representation by faculty, student(s), and staff. The Board of Regents appoints these members from nominees selected by the official faculty, staff and student governance organizations on each campus. Faculty members shall constitute a majority of search committee members chosen from the faculty, staff and students. There shall be twice as many nominees as there are positions. The Board of Regents may designate other members as deemed appropriate.”**

It is therefore recommended that students be on the Committee and acknowledges that students have to be picked by the Student Government Organizations which in the October 2<sup>nd</sup>, 2017 letter, the Regents stated was the University of Oklahoma Student Government Association. For the Regents to set the timeline it was unreasonable and a complete lack of respect for our process. That is like telling the US Senate to pick a Supreme Court Justice nominee in one week.

Therefore this appeal still maintains that since the Parking Board as a lower Branch and NOT High Office of the Judiciary having the tradition of competitive application processes, should also apply to the students to have a chance at an open and competitive application process for the purpose of serving on the Regents to select the next University of Oklahoma University President citing **Title I – General Provisions: Chapter I-Definitions 3. Absence of Rules of Procedure** “In the



absence of specific rules of procedure, those which have stood the test of time are the appropriate ones to guide in deciding the proper way to handle a particular situation. In the absence of established rules of procedure, the foremost authority, Robert's Rules of Order Newly Revised, offers appropriate guidance.”

**III: Are the appointment of Kaylee Rains-Saucedo and Carrie Pavlowsky in violation of the University of Oklahoma Student Government Association Code Annotated?**

In reference to concurrent service in High Office, should the Court determine from I & II of the challenges from the GC opinion that being on the Board Regents for the purpose of finding the next University President is in high office, then this appeal would ask that Kaylee Rains-Saucedo and Carrie Pavlowsky be removed.

However if the court from arguments I & II determine that it is NOT a high office to serve on the University Presidential Search Committee, then this objection/challenge is hereby formally withdrawn in regards to III, but challenges on I, II & IV still stand.

**IV: Does the lack of an open and competitive process deny student members of participation rights?**

General Counsel claims that Board of Regents isn't part of the three branches, therefore a non competitive application process doesn't deny them these rights.

**SGA CODE ANNOTATED: TITLE I-GENERAL PROVISIONS: 2: MEMBERSHIP: A: ELIGIBILITY TO PARTICIPATE IN GOVERNMENT:** "Students classified as undergraduates may participate in all levels of government, except Graduate Student Senate."

Where this appeal disagrees with General Counsel is that the University of Oklahoma is a State Institution and the State Regents is a State Institution. Both cover the area of academia. Without the students, neither the University nor the Regents to govern it would exist. In addition with the next University President having the power to establish colleges such as the College of International & Area Studies as President Boren did, student input for future areas of academic interest is very important.

Therefor as the students attending enable the existence of both the Regents and the University itself, a search process that is open to participation for an inclusion of diversity in representation along with many different people putting forth their ideas and qualifications should have been done. By the Executive selecting 4 members already in government and not holding an application process, students currently not in a government position or part of any campus clubs/RSO's not receiving funds, have been denied their right to apply for the chance to participate in government.

# WHAT THIS APPEAL ASK OF THE COURT

1: On I from GC Opinion 2017-003: This appeal ask that the Court rule this an appointment instead of a nomination in reference to Congressional Bill NO 980907 regarding Section 3 and to declare based off the arguments provided, that being on the Committee is indeed a high office meaning it broke the competitive application process.

2: On II from GC Opinion 2017-003: This appeal ask that the Court uphold the Parking Board as a NON high office with a competitive application process and that the competitive process be applied to future appointments on University President Search Committees along with other low branches. In addition this appeal ask that court recommend that the SGA Legislative Body take up legislation to codify situations like this in the future to avoid all of the confusion and chaos of the last week.

3: On III from GC Opinion 2017-003: This appeal ask that the Court either strike Kaylee Rains-Saucedo and Carrie Pavlowsky from Section 3 of Congressional Bill NO 980907 if it rules it being on the Committee is a High Office.

However should the Court rule being on the Regents for choosing the next University President is NOT a high office, then we ask the court to consider this objection from this appeal (since all students have standing) be withdrawn.

4: On IV from GC Opinion 2017-003: This appeal ask that the Court to rule that students were denied their right to participate in government under **SGA CODE ANNOTATED: TITLE I- GENERAL PROVISIONS: 2: MEMBERSHIP: A: ELIGIBILITY TO PARTICIPATE IN GOVERNMENT:** “Students classified as undergraduates may participate in all levels of government, except Graduate Student Senate.”