

The Student Body Supreme Court of Indiana University

In re Petition for Temporary Restraining Order and Preliminary Injunction Against Tyson Chastain, Indiana University Student Association President, et. al.

Docket Number: SBSC-05-01 (2005)

I.

The Student Body Supreme Court of Indiana University received a “Petition for Temporary Restraining Order and Preliminary Injunction” from Shane Merriweather claiming, *inter alia*, wrongful termination of an employment contract with the Indiana University Student Association and a claim in equity of *quantum meruit* for services rendered. The Court expedited the petition based on the inferred request of the Petitioner. Pursuant to Indiana University Student Association Constitution, Article IV, Section 5, subsection (c), the petition is denied.

Mr. Chief Justice Brian Clifford delivered the decision of the Court.

II.

Petitioner’s request for injunctive relief fails to state a claim over which this Court may assert jurisdiction. The Student Body Supreme Court of Indiana University is empowered only as far as the Indiana University Student Association Constitution confers jurisdiction upon it through Article IV, Section 2. Specifically, this Court has “the power of judicial review, [and the authority to] adjudicat[e] election disputes, certify[] election results, and fulfill[] the requirements of the University judicial process.” As Petitioner’s stated claim is one of contract and tort law, he fails to plead an issue over which this Court has subject-matter jurisdiction.

III.

Furthermore, though this Court has inherent power to grant injunctive relief in proper cases through Indiana University Student Association Constitution, Article IV, Section 3 (complying with “commonly accepted legal precedents” in order to protect the due process rights of members of the campus community), Petitioner’s burden for this type of *ex parte* petition requires that the stated claim be of such a nature that the normal judicial process is unreasonable. Specifically, three conditions must exist before this Court will entertain a petition for injunctive relief:

- 1.) that the facts detailed in the complaint are more likely than not to be true,
- 2.) that these facts would indicate a serious violation of the Indiana University Student Association Constitution, Bylaws, or Elections Code, and

3.) that the absence of injunctive relief would cause immediate, irrevocable, and egregious harm to the Petitioner(s), other interested parties, and/or the student body of Indiana University.” (*See Student Body Supreme Court of Indiana University Request for Injunctive Relief Form*).

Petitioner has failed to assert facts that meet this high standard. Therefore, even if the Court had subject-matter jurisdiction over the instant action, injunctive relief is not proper under circumstances here presented.

IV.

The Court asserts no opinion on the merits of Petitioner’s claim at bar. His relief, if any is to be had, however, *based on the facts and theory now before the Court*, is under the laws of the State of Indiana, not the internal regulations of the Indiana University Student Association over which this court has jurisdiction. As a majority of the membership of this Court did not authorize injunctive relief, and pursuant to Indiana University Student Association Constitution, Article IV, Section 5, subsection (c) and the Standing Rules of this tribunal, Petitioner’s request for a temporary restraining order and injunctive relief is hereby denied.

It is so ordered.

Associate Justices Dwyer, Jafar, Shackelford, Skelley, Das-Wermes, and Finnigan joined in the opinion.

Associate Justice Nicholas Capezza, with whom Associate Justices Waddell and Jennings join, in dissent.

Today, a majority of this Supreme Court have decided to shirk their duties in matters pertaining to potential unlawfulness within the Indiana University Student Association as well as limit the ability for students to receive due process when they have grievances with student body officials.

I.

In addition to the phrases that relate to student body elections, Article IV, Section 2 of the Indiana University Student Association Constitution provides the Supreme Court with the power of judicial review and the ability of “fulfilling the requirements of the University judicial process.” It has been agreed that matters pertaining to the “University judicial process” relate only to actions of the Dean of Student’s Office. However I am convinced that the Supreme Court has subject-matter jurisdiction over this claim through their power of judicial review.

The term 'judicial review' does not relate only to the ability for this Supreme Court to hear appeals of lower body decisions. Indeed the only lower body within the Indiana University Student Association whose decisions may be appealed to the Supreme Court is the Elections Commission. There exists explicit authority for this within Article IV, Section 2. Therefore 'judicial review' must mean something greater than mere appellate jurisdiction.

The Indiana University Student Association structure demands a system of checks and balances. The Supreme Court's role in this system remains to ensure that neither the Executive nor the Legislature oversteps its Constitutional boundaries or acts in a manner considered unlawful. These checks are at the heart of Petitioner's claim. While the majority asserts this dispute is only a matter of contract and tort law, they ignore the fact that this is a question of misuse of authority and power at the highest echelons of the Indiana University Student Association. If a student cannot receive relief from this Court in such a matter, where should we have them turn?

This is not a matter of an outside private party coming into conflict with the Indiana University Student Association or its officials; this is an internal matter between two Indiana University Student Association officers which deals with the official actions of those officers. I would not want our subject-matter jurisdiction to be read so broadly as to grant outsiders a forum; however it should not be read so narrowly as to deny relief in matters internal to the Indiana University Student Association.

II.

The majority further contends that even with subject-matter jurisdiction, Petitioner would not triumph because he does not meet the rigorous standards for injunctive relief. Once again, I must disagree with the majority's disposition of the case before us at bar.

First, Petitioner's statements are more likely to be true than not true. Petitioner obviously feels very strongly about the predicament he has been put in by the Indiana University Student Association Executives while acting in their official capacity. There exist no rationale to suggest that Petitioner has distorted the facts of this conflict to smear the Indiana University Student Association or its officials.

Secondly, Petitioner's claim involves very serious matters relating to the Indiana University Student Association Constitution. Petitioner asserts that officials of the Indiana University Student Association have acted in a manner which may be held unlawful under the practices of state law. The potential unlawful conduct described in Petitioner's claim goes directly to the heart of the entire reasoning behind the development of an Indiana University Student Association and a Constitution for such a body. Article III, Section 5 of the Indiana University Student Association Constitution allows for impeachment of Executive officials with "just cause." While we are not concerned with an article of impeachment, we are concerned with conduct by student

body officials that should concern this Court and would rise to the level of “just cause” for removal if found to be accurate.

Thirdly, Petitioner would certainly be harmed in a permanent matter if injunctive relief were not granted. Without injunctive relief, Petitioner would be removed from office possibly by unlawful acts by Indiana University Student Association officials. That should concern not only Petitioner but also the entire Indiana University Student Association.

III.

Given a situation where officials of the Indiana University Student Association have potentially acted in an unconstitutional or unlawful manner and time plays an important factor in determining the next course of action, the student body should have the ability to petition this Supreme Court for injunctive relief. We do the entire University a gross disservice by not accepting disputes of this kind into our subject-matter jurisdiction. Therefore, I respectfully dissent.

Associate Justice Brown took no part in the decision.