

**IN THE FLORIDA STATE UNIVERSITY
SUPREME COURT**

JUSTIN RAVELO

Petitioner,

v.

ANDREW WILSON

Respondent

Published: November 7, 2014

SUMMARY

Justin Ravelo (“Petitioner”) alleges that Student Body Statute § 304(3)(C) was violated when he was not interviewed for a student government position that he had properly filed an application for. We agree and unanimously hold that § 304(3)(C) was violated. Furthermore, the positions that were filled through a statutorily impermissible process should be vacated and the seats should be filled in the proper manner.

BACKGROUND

The facts, incorporating those stipulated to by the parties, are as follows:

On August 20, 2014, Petitioner timely submitted an application for the positions of Arts and Sciences Senate Seat 4, Arts and Sciences Senate Seat 10, and Secretary of Public Relations. Petitioner was given a single interview on August 27, 2014 for the Secretary of Public Relations position. On September 3, 2014, another candidate was confirmed for the Secretary of Public Relations position. October 1, 2014, other candidates were confirmed for Arts and Sciences Senate Seats 4 and 10.

Normally, every candidate for a position in Florida State University Student Government is granted an interview with the Deputy Chief of Staff. The Deputy then recommends whatever candidate she deems most qualified to the Chief of Staff and that recommendation is given to the Student Body President. Every application is reviewed by the Chief of Staff, the Deputy Chief of Staff, and the Executive Branch Program Assistant.

OPINION

J. McMillan writes for the court.

This case was filed directly with us. Therefore, it must fall within our original jurisdiction in order for us to hear it. The parties do no dispute our original jurisdiction, additionally, our

jurisdiction is proper under Student Body Statute § 500.3(A) as the matter falls within the matters described in Article IV, Section 3 of the Student Body Constitution.

Although this case has the usual complications inherent in leadership disputes, it boils down to one question. If you do not follow the rule that governs a process, is the result of the process valid? It is clearly not. More specifically: (1) was statute violated by Respondent's decision, made through an agent, to forward candidates for a seat without interviewing all candidates who applied; and (2) should the seats that Petitioner was unable to interview for be vacated? For the reasons set forth herein, we answer both questions affirmatively.

This case centers on Student Body Statute § 304(3)(C). That statute sets forth:

C. The Candidate Screening Process, conducted by the Chief of Staff [sic] and shall include the following.

1. The Chief of Staff shall interview all candidates.
2. All candidates shall provide the appropriate application as defined in Chapter 202.9, in completed format, demonstrating their qualifications for the position.
3. The interview shall be conducted in a standardized and professional form for all candidates.
4. The interview shall consist of a basic questionnaire outlining the candidate's experience, qualifications, and goals for the respective position.
5. After all candidates have been interviewed, the Student Body President shall forward the candidate whom deemed most qualified to the Student Senate for confirmation.

This statute appears in the chapter intended to "clarify and define" the Student Body President's powers of appointment as granted by the Student Body Constitution. *See* Student Body Statute § 304 *et seq.* The parties do not dispute that Petitioner was not given the interview that is required by the statute. However, there is a dispute about Petitioner's right to receive an interview. Respondent argues Petitioner should not have been given an interview because the application was improper. The argument is that Petitioner erred by submitting one application for multiple positions. Petitioner listed three positions on the application rather than taking the traditional route of submitting one application for each position. However, there is no codified rule that establishes this and Respondent's and his agent testified at trial that they have accepted a least one application completed in this way before. This argument is therefore unpersuasive.

In their Answer, Respondent also argued that, even if the application was appropriate, the interview granted Petitioner was sufficient to satisfy the statute because the "basic questionnaire" is the same for every interview. However, it became clear at trial that this was simply a *post hoc* justification developed to avoid an adverse ruling. Respondent's agent testified that the interview was conducted for the Secretary of Public Relations position as she did not see that the

application was intended for multiple positions. In fact she testified that it was common practice in her office to not read the entirety of any application. This argument is therefore unpersuasive.

Respondent further argues that the remaining content of the application was ambiguous as to whether the application was for multiple positions. This argument is unpersuasive as it was clear that the application was intended for multiple positions as multiple positions were listed in the header on the first page. The clearest indication of the intent of an application is the portion of the application on which the applicant lists what the application is for. In this case, that portion listed multiple positions.

Since it is clear that an interview was required by § 304(3)(C)(1) and that it did not occur, it would have been impossible for the Student Body President to forward the applicant deemed most qualified for confirmation as required by § 304(3)(C)(5). Therefore, the process by which the two senate seats were filled was statutorily impermissible.

Respondent asks that, even if the candidate screening process was not followed, that we simply recommend that Petitioner apply for one the current vacancies in the Senate. That vacancy is an identical position to the one that Petitioner was denied an opportunity to interview for. While that approach is tempting, it would leave two positions intact that were obtained in violation of statute. The two seats that were filled without Petitioner being considered are violative. The statutes were passed to “clarify and *define*” the Student Body President’s appointment power. A statutorily mandated screening process must be followed in order for any appointment to be valid. The statute defines the power – the power does not exist in a refined form unless the statute is followed. Therefore, the senate positions that were filled through a deficient manner must be vacated and refilled.

CONCLUSION

For the aforementioned reasons, The Florida State University Student Supreme Court finds that Student Body Statute § 304(3)(C) was violated and the positions that were filled through in a statutorily impermissible process should be vacated and the seats should be filled in the proper manner.

It is so ordered this 6th day of November 2014 in Tallahassee, Florida.