

ASASU Supreme Court

Waxelbaum v. Isais

Chief Justice Walther, Opinion of the Court

Joined by Justice Haji, Justice Lombard, Justice Murphy

Justice Rios recused himself from this case

Decision Filed on April 21st, 2020

A. Fact Summary

Judah Waxelbaum submitted a complaint to the Elections Department on April 20th against Alexia Isais. Waxelbaum alleged that Isais had violated the Student Code of Conduct by posting threatening language on social media, which would yield nine (9) infraction points to Isais, as it would be a Level 3 violation of the Elections Code. The language used by Isais is alleged to be threatening to ASU students and the ASU community. This complaint was dismissed by the Elections Department. Waxelbaum appealed this case to the Supreme Court.

B. Dismissal of Waxelbaum v. Isais

Per the Rules of the Court, as stated in Rule 13, Section A, Sub-section 4, The Court has the power to issue a dismissal of a case for the reason that the issue cannot be fairly addressed by the Court. The Court holds that the issues presented before the court may not be fairly adjudicated for the following 2 reasons:

1. The Supreme Court does not have Jurisdiction to make interpretations about the First Amendment to the Constitution.
2. The Supreme Court does not have Jurisdiction to determine violations of the Student Code of Conduct.

As per precedent set in *College Libertarians v. United Voices for Arizona*, the Court does not have Jurisdiction over documents other than the Constitution, Bylaws, and Elections Code. While violations of the Student Code of Conduct are considered a level 3 violation in the Election Code, it is not the Court's duty to decide if the Code of Conduct has been broken, but rather to provide infraction points when it has been made clear to the Court that such a violation

has occurred. The Court holds that we do not have the Jurisdiction to interpret the Code of Conduct fairly, and we thus cannot adjudicate.

While the Supreme Court may not have the Jurisdiction to interpret the Student Code of Conduct, The Dean of Students Office has such authority.

Therefore the Court orders:

1. This case be dismissed.
2. All documents submitted to the Court be referred to the Dean of Students for investigation into Code of Conduct violations. This shall be done by the Court Clerk within 24 hours of this decision being filed.

SIGNED BY THE ASASU SUPREME COURT

APRIL 21st, 2020 at 10:20 PM

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