



Student Judiciary

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www.asm.wisc.edu/student_judiciary/index.html

Tenant Resource Center, Petitioner

v.

Student Services Finance Committee, Respondent.

2004 ASM SJ 17

SUMMARY DISMISSAL

Cite As: 2004 ASM SJ 17

♦
Nathaniel Romano
Chief Justice

♦
Grant Collins
Vice-Chief Justice

♦
Timothy Leonard
Vice-Chair, Student
Election Commission

♦
Nicholas Fox
Associate Justice

♦
Yin-Chin Wang
Associate Justice

Before Romano, CJ, Fox, and Leonard, S.JJ.
On Motion for Summary Dismissal.

PER CURIAM. Petitioner Tenant Resource Center (TRC) filed an appeal of the Student Services Finance Committee's (SSFC) decision claiming that the SSFC failed to remain viewpoint neutral (VPN) when considering TRC's budget. The decision of the SSFC was formally released and published on 22 November 2004 by Chair Janell Wise. In the email notification of the decision, Chair Wise informed TRC that, per the ASM Bylaws, they had five school days to appeal the SSFC's decision. TRC filed an appeal with the Judiciary on 9 December 2004. Respondent contests that TRC passed the statute of limitations and therefore the case is beyond the jurisdiction of the Judiciary, moving this Court to dismiss pursuant to Rule 9(b), *Student Judiciary Rules of Procedure (SJRP)* (2004); TRC challenges that they attempted a remedy with Student Council before filing any formal appeal.

The case presented is straightforward and does not require in-depth discussion. Regarding VPN violations of a committee as a whole, the Bylaws specifically state at Section 5.06(C)(II)(1), "The affected RSO [Registered Student Organization] must file an appeal to a Committee decision within five school days of the notice of the adverse decision"; and in 5.06(C)(II)(2), "The Student Judiciary may not consider any complaint filed after this deadline, unless the Court finds that information regarding the alleged incident could not have been discovered by reasonable means within the deadlines set forth in the bylaws." This Court is absolutely required to dismiss any case filed that does not comply with these deadlines. Rule 9(b), *SJRP*. In an amended appeal, TRC specifically states, "We were well aware of the 5 school day statute of limitation under Section 5, Subsection 5.06 of the ASM bylaws for appeal, and did receive official notice and email that [Chair] Janell Wise is referring to" (TRC email to the Court dated 18 January 2005).

In light of TRC's acknowledgement of their awareness of the deadline, and in the light of no compelling evidence that information regarding the complaint could not have been reasonably discovered within the specified statute of limitations, the Court is bound by law to determine that TRC missed the five school day deadline for filing an appeal of the SSFC's budget decision. Rule 9(b) of the *SJRP* states, "The Student Judiciary shall dismiss any case submitted which fails to comply with the deadline and timeliness requirements founds in the ASM Bylaws." Consequently, when considering the evident and concrete statute of limitations present in Section 5.06 of the ASM Bylaws and in Rule 9(b) of the *SJRP*, the Court invokes the authority granted to it under Rule 12(a)(3), in that the statute of limitations has passed and consequently there exists no current case or controversy before the Court. By unanimous consent of the Court, the case is hereby dismissed.

Orders of the Court.

1. This case is DISMISSED.

Published by Order of the Court: 1/21/05, 2:30PM

Attest: /s/ NVR