

SPRING TERM, 2012

Opinion of the Court

NOTICE: The following document represents the official Opinion of the Baylor University Student Court, and constitutes a binding decision on all parties concerned within the jurisdiction of the Court<sup>1</sup>. This decision, and all concurring or dissenting opinions, will remain on the official record for seven (7) years in accordance with Article IV 3.5.A of the Student Body Constitution.

**BAYLOR UNIVERSITY STUDENT COURT**

*Clark v. E.K.*

Argued and Decided February 21, 2012

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By Unanimous Decision

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ON PETITION FOR SANCTION

PER CURIAM:

Clark brought charges against E.K., herein Defendant, for a number of alleged violations of the Baylor University Student Disciplinary Procedures. On February 10, 2012, the Student Court granted a hearing in this case with the consent of the Vice President for Student Life. The case was presented on February 21, 2012.

The specific charges brought against Defendant derive from Art. III of the Student Disciplinary Procedures and include §§ P, “[l]ying,” and C, “[t]hreats, physical abuse, or harassment directed toward a member of the Baylor faculty, staff, or student body or toward a visitor to the campus.”

On January 9th, 2012, Student Senator Michael Blair launched what he called a “fact finding mission” in which attempted to gather evidence to disqualify Clark from serving in Student Government. As a component of that effort, he enlisted Defendant to contact Sean Flynn (Clark, Defendant, and Flynn had all run for Freshman Class President in the fall of 2011). Defendant asked Flynn via text message for “any info that could be helpful as to why Clark should not be a representative,” instructing him to contact Blair if he did. Flynn did not contact Blair, and that was the extent of the Defendant’s involvement in the matter.

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<sup>1</sup> The opinions of this Court are subject to official review, see Student Body Constitution Art. IV § 3.8.

We find no evidence to suggest that the Defendant was intentionally conveying misinformation, defamatory comments, or lies. Much attention was given to her use of the word *investigation* in one of the messages she sent to Flynn. We find, however, no compelling reason to expect that someone who is not a member of Student Government would perceive a need to be particularly cautious in conveying a message at the request of a member of Student Government. Finally, no evidence was presented to suggest that the Defendant was complicit in any effort to harass the Clark.

Accordingly, we dismiss all charges.

*It is so ordered.*

Revised August 30, 2016 by the Weston Court



