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**Chief Justice Grant Rebstock**

**Justice Myra Berthiaume, Justice Joshua Scioneaux, Justice Collin Robicheaux, Justice Collin St. Germain, Justice Sally LeBlanc**

**Student Supreme Court**

**Johnson vs. Cassard**

*Judgment April 10, 2024*

After deliberating, in a unanimous decision, the Supreme Court finds the impeachment and motion for removal of Senator Cruz Cassard to be dismissed, and he will remain in his position as the Athletic Senator of the Student Government Association. Through our deliberation, we concluded that removal was an inapplicable punishment for Senator Cassard’s actions, but as a court, we have determined less drastic measures that must be taken to hold Senator Cassard accountable. These measures will be discussed at the end of this document and were unanimously approved by all justices. Furthermore, to clarify, the violations in relation to Bylaw Article III, Section C, Number 3; Article III, Section C Number 4; Article III, Section D, Number 1; Article III, Section D, Number 2; Article IV, Section J; and Constitution Article II, Section 5, number 1 letter C have been dismissed due to lack of sufficient evidence in relation to allegations made against Mr. Cassard.

Student Supreme Court Chief Justice Grant Rebstock

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**Johnson vs. Cassard**

*April 10, 2024*

On March 25, 2024 a Motion to Remove and Impeach Athletic Senator Cruz Cassard was brought to the senate by Liberal Arts Senator, Kennedi Johnson. The motion was passed according to voting procedures by an anonymous ⅔ vote of the Student Senate.

Ms. Johnson presented this motion based on her concerns for Mr. Cassard’s actions which she interpreted to have broken multiple bylaws and constitution articles which govern the Student Government Association (SGA). Some of the violations listed on her motion and their respective articles in question include:

* **Bylaw Article IV, Section J: All SGA officials are prohibited from purchasing and/or creating apparel with the SGA logo or affiliation to be used for personal use. SGA officials are restricted from meeting with Administration regarding any SGA business without notifying the SGA President in advance.**
  + Senator Cassard disclosed that he met with Vice President of Finance and Administration, Terry Braud Jr, in regard to investing SGA’s unallocated funds into a CD account. The SGA President was not notified in advance of this meeting.
* **Constitution Article II, Section 5, number 1 letter C: Grounds for impeachment shall be malfeasance or nonfeasance in office. Malfeasance includes but is not limited to dishonesty or corruption in office.**
  + Senator Cassard failed to include Senator Harding in his special finance meeting. When confronted about this by Senator Kennedi Johnson, Senator Cassard Stated “It’s the chairman’s prerogative.”
  + Senator Andrew Naquin, chair of the Finance Committee, was unaware Senator Cassard excluded Senator Harding from the committee meeting.

Following the motion, the Student Supreme Court fulfilled their first call to action, Service to the Respondent on March 28, 2024.

The Student Supreme Court heard the case of Johnson vs. Cassard on April 9, 2024 at 6:00 PM.

Senator Cassard brought to the court six (6) Pre-Trial motions including:

* Dismissal on Grounds of Lack of Standing on the Petitioner
* Two (2) Motions under Dismissal on the Grounds of No Jurisdiction by the Supreme Court
* Dismissal on the Grounds of Lack of Good Standing on the Petitioner
* Two (2) Motions under a Request for Continuance

Pre-trial motions were deliberated on by the Student Supreme Court and were **all** unanimously denied with stated clarification provided for each. The trial was then heard per the Supreme Court Rules of Procedure.

At the opening of the hearing, Chief Justice Rebstock explained the parameters of the trial and informed the parties that the Student Supreme Court unanimously voted for the trial to be closed to better protect the privacy of all parties involved. Chief Rebstock also stated that the case would start with the petitioner followed by the respondent and reminded them that if they choose to speak through a representative, they have waived their right to speak for the remainder of the trial.

Petitioner, Liberal Arts Senator Kennedi Johnson, chose to have Finance Committee Chairman, Andrew Naquin, speak on her behalf thus waving her right to speak and further waiving Mr. Naquin’s right to be a witness.

Respondent, Athletic Senator Cruz Cassard, opted to represent himself in this case. Mr. Christopher Sanders was allowed as the respondent’s representative in the courtroom, but he was not allowed to address the court for the duration of the trial.

Respondent Cassard argued the violations brought to the court by Senator Johnson were not justifiable. He claimed he did not act as chairman, malfeasance had not occurred as his actions did not have mal-intent, and his meeting with Vice President of Finance, Mr. Terry Braud, did not need approval by the SGA President due to the nature of the statement in *Badeaux’s Corollary* underArticle VI, Section 5 based on confusion on the word “asked”.

After each side presented their testimonies and witnesses called, the Court deliberated and found the impeachment of Senator Cruz Cassard to be dismissed. The conclusion was made that removal was an inapplicable punishment for Senator Cassard’s actions, but as a court, less drastic measures were decided to hold Senator Cassard accountable for his actions, which will be discussed at the end of this document.

**Chief Justice Grant Rebstock:** Based on the witness testimonies and evidence presented by both parties, as Chief Justice, I agree with the unanimous decision of the Student Supreme Court to dismiss the impeachment of Senator Cruz Cassard. The case presented by Senator Kennedi Johnson and the Judiciary Committee raised concerns about multiple violations of the Bylaws and Constitution of the Student Government Association. Upon careful review, the evidence presented did not fully establish the grounds for removal. There were procedural errors and violations observed such as the failure to properly notify committee members and to seek approval for meetings as stated by Article III, Section C, Numbers 3-4 and Article III, Section D, Numbers 1-2 of the Student Government Association Bylaws. However, it is clear through text message evidence that Senator Cassard's actions may have been influenced by the delegation of authority from the Finance Committee chairman, Senator Andrew Naquin. Excluding Senator Harding from this “secret meeting” is **wrong**, but Senator Cassard alone cannot be blamed for the procedural errors of the committee meeting. Additionally, there was no evidence clearly presented of malfeasance or corrupt intent on Senator Cassard's part, and the “secret meeting” of the Finance Committee did not even occur. Although Senator Cassard's discussion with Vice President Terry Braud regarding SGA matters without prior approval from the SGA President does constitute a violation of Article IV, Section J, it does not warrant removal considering the lack of clear malicious intent. It is the decision of this court that removal is not an appropriate solution in this case; however, it is important to note that Senator Cassard will be held accountable for his actions. Alternative measures will be instructed to address the violations and ensure Senator Cassard’s compliance with SGA procedures. These measures will be discussed at the end of this document.

In addition to the deliberations outlined, it's important to address the context surrounding the case, particularly highlighted by the evidence presented by Senator Cassard from former SGA President Tyler Legnon. It has come to our attention that Mr. Legnon's letter to the court included a threat of legal action against SGA. He stated, "Never has the SGA or any of its branches been able to infringe upon the rights of students and not be threatened with legal action, action which it is far from prepared to face. This is a battle that cannot and will not be won." While Mr. Legnon's input is noted, it's important to emphasize that the Student Supreme Court must remain impartial and free from external pressures or threats. The Student Supreme Court's duty is to uphold the integrity of the Student Government Association and ensure fair proceedings as outlined by the SGA Supreme Court Rules of Procedure. An attempt to manipulate or intimidate the court undermines the principles of fairness that we are sworn to uphold. The threat of legal action presented by Mr. Legnon was deemed **unacceptable** and had **no bearing** on the court's deliberations and decisions whatsoever. The court reiterates its commitment to impartiality in its decision-making process in the light of this. The decision to dismiss the removal of Senator Cruz Cassard is based solely on the evidence presented and the merits of the case.

In conclusion, the court finds that while there were infractions, they do not rise to the level of removal, and Senator Cassard will remain in his position as Athletic Senator of the Student Government Association. It is essential for the integrity of our organization that the Supreme Court remains free from outside influence and operates in accordance with the SGA Supreme Court Rules of Procedure. I am confident in the decision made by myself and this court, and I reaffirm our dedication to upholding the Bylaws and Constitution of the Nicholls State University Student Government Association.

**Justice Myra Berthiaume:** After reviewing all evidence and witness testimonies as presented during the trial, I find that there is not sufficient evidence to conclude the ruling for the impeachment of Senator Cassard. Regarding Bylaw Article III, Section C, Number 3 and Article III, Section C Number 4, based on the evidence presented by both parties, there was implied approval of the supposed “secret meeting” through text messages by Financial Chairman Naquin. Although Senator Cassard did not alert the committee 48 hours in advance or issue the proper room reservations, according to the chairman’s position description written in Article III, Section C, Number 5 of the SGA constitution which claims it is the Chairman's duty to “Investigate, delegate, arrange, and act upon findings,” and along with Article III, Section D, Number 1 which states that “Senate committees shall meet as called by the SGA Vice President or when called by the specific committee Chair”, it is the Chairman’s role to alert all members in a timely manner. With this knowledge of the position requirements, Senator Cassard’s claim that there was a misunderstanding that the Chairman would be fulfilling these duties is not without some credit. In addition, there is no concrete evidence to assume that the supposed meeting actually occurred. As for the Constitution Article II, Section 5, number 1 letter C pertaining to malfeasance, there was not enough evidence presented to conclude beyond unreasonable doubt that dishonesty, corruption, or malintent occurred. Based on the chain of text messages submitted, there is no specific conversation discussed that showed the malicious exclusion of Senator Harding with complete certainty. In addition, I do not consider the shifting of blame to the Chairman as corruption, since the Chairman failed to fulfill his duties, and is therefore also partially responsible for the meeting.

However, I do believe Senator Cassard violated Article IV, Section J, as specific SGA business was discussed with a committee Advisor without approval by the SGA President in a public setting. To the point Senator Cassard made regarding what would be considered an advisor, Senator Cassard knowingly spoke to Mr. Braud, the Vice President of Finance and Administration of the university, about a financial topic that he does not have complete precedence over, as he is merely a member of the financial committee. Although this was a violation of the bylaws, I believe impeachment is too severe of a punishment when looked at in totality with the other charges brought against Senator Cassard. There is not sufficient evidence to convict Senator Cassard on the charges brought before the Supreme Court, and I am confident that the ruling made by the Supreme Court Justices is fair.

**Justice Sally LeBlanc:** Through careful consideration and thought, I personally have come to the conclusion that the Motion to Remove and Impeach Athletic Senator Cruz Cassard shall be dismissed based on lack of sufficient evidence for impeachment. In relation to the violations pressed against Mr. Cassard under Bylaw Article III, Section C, Number 3 and Article III, Section C Number 4, regarding the “secret meeting”, I believe that there were errors made in the arrangements of this meeting, but these errors were not made by Mr. Cassard alone, as he was neither corrected nor redirected by his superior, Mr. Andrew Naquin. As for leaving out Senator Harding, although I believe this was **not** right, Mr. Cassard was also not alone in his exclusion, as Mr. Naquin was also aware because he was part of the conversation. After reviewing the correspondence between Mr. Naquin and Mr. Cassard, I believe that there is not enough evidence in their conversation to prove that Mr. Cassard acted as the Chairman for the arrangements of this “secret meeting”, and he could have been influenced by the delegation of authority for this meeting, which never occurred.

When reviewing the violations in relation to Article IV, Section J, or the meeting with Mr. Terry Braud, I found that Mr. Cassard acted out of the scope of his position when speaking about SGA funds at an inappropriate time and this violation was broken. I believe that impeachment would have not been appropriate for this violation, but I do think Senator Cassard should be held accountable for his actions.

In connection to the violation of the Constitution Article II, Section 5, Number 1, Letter C in regards to malfeasance, I do not conclude that Mr. Cassard has acted in a manner to match the definition of the word. Mr. Cassard has acted in ways that did not appease his fellow members of the Student Senate, but the actions themselves, in my opinion, lacked proof of corruption, dishonesty, or maliciousness. As proud members of the Student Government Association, we must learn from this trial. We may not always agree, but must always be kind, and together strive to serve to the best of our ability our fellow students. I believe that this ruling was made with the utmost respect and integrity of all parties involved.

**Justice Collin St. Germain:** After much thought and deliberation with aid from witnesses and evidence, I have concluded that the removal of Senator Cassard is not appropriate. In reference to the violations brought upon Senator Cassard Article III, Section C, No. 5 of the Student Government bylaws, mere chairpersons of a committee do not hold the right to investigate, delegate, arrange, or act under the committee chairman. While looking at documents containing the text exchange between Senator Naquin (chairman) and Senator Cassard, it seems evident that Senator Cassard’s thoughts and feelings regarding the “secret meeting” were not corrected by Senator Naquin, which shows error on both parties' compliance with the bylaw. There were also violations regarding Article III, Section C, No. 3 and No. 4 regarding proper procedure for calling a meeting. These violations, as well the other previously stated, do not fall solely on Senator Cassard. It is the duty of the committee chairman to provide a 48 hour notification for a future meeting, and to schedule a meeting place  These steps were clearly not met, constituting no official meeting taking place. There was insufficient evidence to conclude that Senator Cassard’s assumption of delegated authority was done in ill intent.

In discussing a possible violation of Article IV Section J, I believe that Senator Cassard’s actions are out of line in accordance with his run-in Mr. Terry Braud. Although this was not an official meeting, Senator Cassard discussed confidential matters regarding unallocated funds. Although I think Senator Cassard should see ramifications for this violation, removal seems unfit.

Finally, when reviewing SGA Constitution Article II, Section 5, No.1, Letter C, I have determined that Senator Cassard’s actions did not meet the criteria for malfeasance. Malfeasance is intentional conduct that is wrongful or unlawful, especially by officials or public employees. I do not believe that Senator Cassard’s actions fall under the semantics of this word. I believe that this decision was fair and do not feel that Senator Cassard’s actions were to the detriment of SGA nor the opposing party.

**Justice Collin Robicheaux:** After hearing the testimonies, witnesses, and thoroughly examining the evidence from both the petitioner and the respondent during the hearing, I do not feel that impeachment of Senator Cassard is an appropriate outcome under the circumstances. Under Article III Section C No. 5 of the SGA bylaws, committee chairpersons do have the right to investigate, delegate, arrange, and act under the committee chairman, and it is my belief that the evidence shows that Senator Cassard was acting under delegated authority by the chairman, Senator Naquin, throughout this process. While error did occur in the manner in which this meeting was set up and attempted to be carried out (violations of Article 3 Section C Nos. 3 and 4), it seems clear that there are other parties to blame for this as well, and this does not fall solely on Senator Cassard. The bylaws state that it is the chairman’s responsibility to notify all members in advance and book a meeting room and time. Furthermore, I have found no evidence that clearly shows Senator Cassard’s malintent in this matter. I believe that the senator was acting on behalf of delegated authority with the intent to do good for the student body. The biggest issue, I feel, is a violation of Article IV Section J. I say this in reference to Senator Cassard’s run in with Dr. Braud. While this run in may not be termed an official meeting of SGA, the senator still discussed SGA matters in public without first speaking to the President of SGA. This is different from his discussions of SGA matters with athletic coaches being that he is an Athletic Senator within SGA. However, I would like to once again reiterate that I do not feel that removal is a justifiable outcome after the trial, and I am confident in my ruling and the ruling of my fellow Supreme Court Justices.

**Justice Joshua Scioneaux:** After thorough examination and deliberation of all witness testimony and evidence provided, it is my belief that Senator Cassard’s actions did not indicate malfeasance and thus does not warrant impeachment. The alleged violations of Article III, Section C, Numbers 3 & 4 and Article III Section D, Numbers 1 & 2 do not hold value as this alleged “secret meeting” never took place and was planned with the permission of Chairman Naquin. Chairman Naquin had prompt time to evaluate the situation and to intervene. Article III, Section C, Number 5 of the SGA constitution states that it is the duty of the Chairman to “Investigate, delegate, arrange, and act upon findings”. Senator Cassard was acting on what he assumed as delegated authority from the Chairman which does not indicate corruption on his part.

Regarding the alleged violation of Article IV, Section J of the SGA constitution it is my belief that Senator Cassard was not attempting to conduct official SGA business without the permission of the SGA President. We heard witness testimony from Dr. Braud’s personal secretary that Senator Cassard has never scheduled, nor had a formal meeting with Dr. Braud. Senator Cassard testified that he has had an informal conversation with Dr. Braud concerning investment of SGA’s unallocated funds as an inquiry. Simply posing a question in passing is not, in my opinion, conducting official SGA business. While my ruling on this particular article may differ from my colleagues, I have full trust in their decision making and have deemed their disciplinary measures to be appropriate.

**Instructions: Senator Cruz Cassard**

* Banned from attending or participating in any Nicholls SGA Finance Committee meetings or any Finance Committee matters from now until the end of the Fall 2024 semester. This sanction will be lifted at the beginning of the Spring 2025 semester.
* Banned from applying for or running for any Committee Chairman position within Nicholls SGA from now until the end of the Fall 2024 semester. This sanction will be lifted at the beginning of the Spring 2025 semester.
* Must issue a formal apology to the senate and all parties involved
* Must re-pledge to uphold governing documents before passing or writing any more legislation within the senate of the Nicholls Student Government Association

All of these instructions were deliberated on by the Student Supreme Court and were **all** unanimously passed.

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