



Brandeis University

Student Union

Student Union MS U16 781-736-3760
P.O. Box 549110 781-736-3761 Fax
Waltham, Massachusetts
02454-9110

Brandeis University Student Union Judiciary

Tansey/Tapper v. Herman

February 8, 2002

We, the Union Judiciary, find unanimously, in favor of the respondent, Adam Herman, in the case of **Tansey/Tapper v. Herman**.

The issue in this case is whether the appellants, Kate Tansey and/or Mark Tapper, meet(s) the eligibility requirement to run for elected office. The eligibility requirement as delineated in Article XI, section 1 of the Student Union Constitution requires that the Brandeis student be “a full time Brandeis University student for the *period in which s/he will hold office*” (emphasis ours). We, the Union Judiciary, hold that because the appellants will not meet what we find to be *the full-time student standard* at the time of inauguration, they are not eligible to run for elected office.

Let us begin by exploring the appellants’ salient arguments. First, they argue that under Section 22 of Rights and Responsibilities, the University Board of Student Conduct has the authority to enforce Rights and Responsibilities upon all Brandeis students, even while the student(s) is (are) studying abroad. They cite this policy in order to show that Brandeis students abroad are held to the same disciplinary standards as those on the Waltham campus.

Second, they claim that classes taken while studying abroad must meet the rigorous Brandeis University academic standards. They refer to this practice in order to show that students studying abroad are held accountable to the same academic standards as those students studying on the Waltham campus.

Next, the appellants contend that in order to study abroad, the student must be able to finish Brandeis University “on time.” They cite this particular policy to demonstrate that the study abroad experience is part of the full-time Brandeis University education and should not preclude the student from running or holding elected office.





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Finally, the appellants argue that the Union should allow students to decide for themselves, through the election process, whether a student is fit to hold office while abroad. Although this is a reasonable assertion, the question at hand simply calls upon the Union Judiciary to interpret what the Constitution means when stating “full-time student.”

While Brandeis students (defined throughout as someone who has enrolled at Brandeis University and intends to complete their study, towards a degree, “on time”), who study abroad, are certainly connected to Brandeis University in reference to the aforementioned points, we find that students while studying abroad do not meet the standard of “full time Brandeis student” as delineated in the Student Union Constitution.

According to the Registrar, a Brandeis Student studying abroad is considered “inactive” and “withdrawn,” while a Brandeis student taking courses on the Waltham campus is considered active. A student classified as “inactive” and/or “withdrawn” is essentially not a full-time student. Additionally, the Registrar does not record academic performance of a Brandeis student *while* that student is studying abroad. The distinctions made by the Registrar between a Brandeis student on the Waltham campus and a Brandeis student abroad are too significant to ignore.

Referencing Financial Aid policy we see that a Brandeis student studying abroad does not pay tuition to Brandeis University, but instead pays tuition to the host institution. As would follow, Brandeis University severs all grant and scholarship money to a Brandeis student while abroad. Such practice further strengthens the disassociation between the student abroad and Brandeis University.

Related to tuition, students abroad do not pay mandatory fees such as the Student Activities Fee (SAF), the Health Fee, or the Technology Fee. These fees are vital to the function of student life at Brandeis University. It would be contradictory and nonsensical if a student were to not pay these fees, yet still hold office.

The SAF, particularly, funds the activities of the Brandeis Student Union, including campaign materials for SAF-paying candidates in general elections to use, the maintenance of the Student Union Government Office for SAF-paying elected officials to operate, and the club events on campus for SAF-paying students to enjoy.





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All factors considered, the Student Union Judiciary defines a full-time Brandeis student as someone who takes classes at Brandeis University, is recognized by the Brandeis University Registrar as active, and pays all tuition as well as all mandatory fees to Brandeis University.

APPEAL DENIED

Chief Justice David Klein

Justice Brett Friedman

Justice Alexander Lo

Justice Carly Zektzer

