

# ***JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF NEVADA***

## **Kavin Sivakumar v. ASUN**

Filed: 2 February 2021

Decided: 12 March 2021

### ***Direct Judgement***

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Chief Justice Paulina Pride, Senior Associate Justice Justin Baiocchi, Associate Justice Madeline Marino, Associate Justice Kayla Snowden, and Associate Justice Lydia Albrecht write the following **unanimous decision** of the Judicial Council:

Attorney General Paige Flippin filed a charge sheet with the Judicial Council requesting a direct judgement against Kavin Sivakumar for violation of both

1. Section 702.13.A.1

- *Any person, candidate, proponent, or opponent of a petition found before the ASUN Judicial Council to have committed a malicious assault on the most fundamental foundation of democracy through the following act shall be subject to punishment by the guidelines as set forth by the Election Code: 1) Interfering with the proper tallying of votes*

2. Section 702.18.B.4

- *Individuals who have casted two votes in a particular race, both votes shall be declared invalid and not tabulated for the final count of the Statutes of the Associated Students*

### **Interpretation of the Judicial Council**

Attorney General Flippin submitted evidence to the Judicial Council including online and in person election records which clearly displayed that Kavin Sivakumar had voted twice in the 2020 ASUN Presidential elections. These charges were filed under seal and during the private hearing held between the Judicial Council, Attorney General Flippin, and Mr. Sivakumar, Mr. Sivakumar admitted to the council that he indeed voted twice in the 2020 ASUN Presidential election. However, Mr. Sivakumar insisted that this action was not malicious; stating he voted twice to see if his vote would go through, assuming that only one of them would be counted.

While we believe that his action was wrong and forms of election fraud must be taken seriously at this University and within ASUN to uphold the fundamental and sacred values of democracy, we do not wish to apply any punishment to Mr. Sivakumar. At the original time of the incident, during the 2020 election cycle, Mr. Sivakumar was assured that his privacy would be kept, as in accordance with each ASUN charge until the case has been published. This assurance of privacy was not upheld as many senators were

made aware of Mr. Sivakumar's incident, causing him to be portrayed as untrustworthy, fraudulent, and overall viewed negatively. The rumors that resulted from this situation ultimately led to Mr. Sivakumar leaving ASUN, and damaged his reputation on campus. Mr. Sivakumar had not been formally charged and had faced unnecessary character assassination.

In addition to costing him ASUN elections, the rumors also led to him being prevented from seizing from other opportunities in organizations on campus. Mr. Sivakumar's right to privacy during the course of this incident was violated, leading to a year of turmoil over a situation that should have been immediately addressed and resolved. It is for this reasoning that the council has unanimously decided against further punishment pursuant to this case.

As ASUN officers it is important to conduct ourselves in a manner that respects the privacy and livelihoods of members of this organization and every student on this campus alike. Although the Council acknowledges the fundamental values of democracy regarding elections, further punishment is not called for due to the violation of his right to privacy and the social repercussions Mr. Sivakumar experienced due to informal charges and hearsay.