

Syllabus

JUDICIAL BOARD OF THE U.S.A., UCLA

Syllabus

Sam Roth, Bruin Republicans v. Undergraduate Students Association Council

ON A PETITION FOR CONSIDERATION TO
THE JUDICIAL BOARD OF THE UNDERGRADUATE STUDENTS
ASSOCIATION AT UCLA

[No. 21-2] Argued March 10, 2021—Decided March 31, 2021

On February 23, 2021, Sam Roth, on behalf of Bruin Republicans, (“Petitioners”) filed a Petition for Reconsideration alleging that the Undergraduate Students Association Council (“Respondent”) had violated the UCLA USA Bylaws. Specifically, that the rejection of Bruin Republican’s application for the USA Contingency Funds was in violation of the 2020-2021 Finance Committee Guidelines as outlined in UCLA USA Bylaws Article VII, Section C. The remedy that the Petitioners sought was a Board directive to the Respondents to approve an allocation to Bruin Republicans in the amount of \$1,380.00.

Held:

1. This Board has jurisdiction to consider the merits of this case based on the claim of jurisdiction listed in the Petition for Consideration, which is satisfied.
 - (a) The claim of jurisdiction is that of UCLA USA Constitution Article VI, Section B, Clause I, which states, “The Judicial Board shall rule upon the Constitutionality of legislation and official actions of elected or appointed officials at the request of the Council or any other members of the Association.”
2. The Undergraduate Students Association Council did violate UCLA USA Bylaws Article VII, Section C.

CHIEF JUSTICE ELLEN PARK delivered the opinion of the Board, in which ASSOCIATE CHIEF JUSTICE RANHITA BORA, ASSOCIATE JUSTICE SHUBHAM GUPTA, ASSOCIATE JUSTICE MAYANK KILLEDAR, ASSOCIATE JUSTICE AVIV ASSAYAG, and ASSOCIATE JUSTICE ROZ KOHAN joined.

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No. 21-2

SAM ROTH, BRUIN REPUBLICANS *v.* UNDERGRADUATE STUDENTS ASSOCIATION COUNCIL

**ON A PETITION FOR CONSIDERATION TO
THE JUDICIAL BOARD OF THE UNDERGRADUATE STUDENTS
ASSOCIATION AT UCLA**

[APRIL 14, 2021]

CHIEF JUSTICE ELLEN PARK delivered the opinion of the Board.

This case requires The Judicial Board to determine if the Undergraduate Students Association Council violated the UCLA USA Bylaws Finance Committee Guidelines. Specifically, UCLA USA Bylaws Article VII, Section C requires that “A complete list of the criteria, which are established by each funding committee, shall be provided in the outline funding proposal packet issued by that body.” Additionally, the Bylaws require that “A complete listing of the guidelines of each funding body shall be posted on the Council web site.”

The Petitioner alleges that the Petitioner’s USA Contingency Funds application was rejected based on criteria that was not included in the 2020-2021 Finance Committee Contingency Funds Guidelines. The basis for the rejection was the fact that the application was seeking funds for an in-person event during the COVID-19 pandemic.

The burden of proof falls on the Petitioner to prove the allegations.

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I. Background

On January 10, 2021, Bruin Republicans submitted an application for UCLA USA Contingency Funds for the Conservative Political Action Conference.

At the UCLA Undergraduate Students Association Council meeting on January 19, 2021, the Council voted to reject said application.

On February 23, 2021, The Judicial Board officially received a Petition for Reconsideration (No. 21-2) filed by Petitioner, Sam Roth on behalf of the Bruin Republicans against the Undergraduate Students Association Council.

The Judicial Board granted the Petition for Reconsideration (No. 21-2) on February 26, 2021.

The Court of Hearing was held on March 10, 2021 and a decision was rendered on March 30, 2021.

II. Discussion

A. Information Contained in the 2020-2021 UCLA USA Contingency Funds Guidelines

Neither parties dispute that the 2020-2021 UCLA USA Contingency Funds Guidelines did not state that applications for in-person events would be basis for rejection. In an email sent by the Finance Committee Chair to Bruin Republicans on Tuesday, January 19, 2021 at 10:51 PM, the Finance Committee Chair stated that “After further discussion with [the Council], the contingency fund will no longer be considering in person events & I will be updating the contingency guidelines as soon as possible to reflect this change.”

The Board views the specific language of “no longer be considering” and “will be updating to reflect this change” as

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evidence of an admission of inconsistency and lack of transparency.

The Judicial Board finds that the Undergraduate Students Association Council violated UCLA USA Bylaws Article VII, Section C by not making available all relevant information regarding Contingency Funds application guidelines.

B. Legitimacy of the Council's Decision to Reject Application

The Respondents contend that the rejection of Bruin Republican's Contingency Funds application for an in-person event was in accordance with UCLA Policy. Specifically, the Respondents cited a Travel Notice from the UCLA Corporate Financial Services on November 5, 2020, as well as a letter published by University of California's Executive Vice President and Chief Operating Officer, titled "Reminder of the President's directives to limit non-essential travel."

The Petitioner alleges that no University or local policy prohibits student travel and that travel done by the organization would "abide by all state and local policies regarding self-quarantining after travel and other safety guidelines."

The Judicial Board rejects this argument. Seeing as the Petitioner was seeking use of University funds when applying for the UCLA USA Contingency Funds, University policy would apply. If The Judicial Board were to direct Council to allocate funds to Bruins Republicans for this event, The Judicial Board would be asking Council to act against University policy regarding travel during the COVID-19 Pandemic, regardless of the Council's failure to include information regarding said policy within their funding guidelines.

The Judicial Board hereby rejects the remedy sought by the Petitioner.

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III. Conclusion

The Judicial Board finds that the Undergraduate Students Association Council violated UCLA USA Bylaw Article VII, Section C.

The Judicial Board holds that the decision to reject the Bruin Republican's Contingency Funds application was in accordance with UCLA Policy regarding travel during the COVID-19 Pandemic.

The Judicial Board rejects the remedy sought by the Petitioner.

It is so ordered.