

No. 14-2

In The
Judicial Board

of the
Undergraduate Students Association
of
UCLA

Ian Cocroft
v.
USA Council et. al.

P E T I T I O N F O R H E A R I N G

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4/14/14

USA Council
308 Westwood Plaza, Los
Angeles, 90024

Signatures (official use only):

Chief Justice

Clerk

Jurisdiction

Art. VI. Sec. B, Cl. 1 of the USA Constitution, “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.”

Art. VI. Sec. B, Cl. 2 of the USA Constitution, “The Judicial Board may also question, comment, or rule upon other matters at the request of the Council or any member of the Association.”

Art. II. Sec. E, Cl. 5 of the USA Constitution, “Robert's Rules of Order newly revised, the latest edition, shall determine procedures of the Council, except where superseded by; first, this Constitution; second, the Council Bylaws; and third, policy decisions of the Council.”

There is no issue with any type of statute of limitations in this case, because only the actions of the USA Council are being challenged, and not those of the USA Election Board.

Violations

On February 11, the USA Council illegally voted to approve the Calendar for the Spring 2014 Elections. According to **Article VI, Sec. A., Cl. 2 (b) (ii) of the USAC bylaws**, “The Agenda and all items of business, except announcements, must be presented electronically, but when unable then typed or in writing to each Council Officer by 5:00pm two (2) school days prior to the meeting at which the items will be considered.” A copy of the Election Calendar was not

submitted to councilmembers two (2) days before the meeting. **Article VI, Sec. A., Clause 2 (b) (iii)** further states “All Action Items must include electronic backup on the Agenda and in the Agenda Packet...Any request for an Action Item that lacks attached backup for inclusion in the Agenda Packet will be treated as a Discussion Item only, and will not be labeled as an Action Item on the Agenda. Written backup shall constitute the wording of an amendment, a ballot proposition, a resolution, *or anything else that necessitates written documentation for clarification of the action item*” According to the minutes of the meeting, councilmembers did not see the Election Calendar until it was distributed during the Election Board Chair’s special presentation. Because the Calendar was not included in the Agenda packet, it could only be “treated as a Discussion Item only” and the vote taken on the Calendar was improper and invalid.

Furthermore, **Article VI, Sec. A., Cl. 2 (b) (vii) of the USAC bylaws** clearly states “No "Action" may be taken upon items in the Special Presentations, Reports or Announcements Sections of the Agenda”. The Election Calendar was listed under “Special Presentations,” with discussion and the final vote also taking place under the “Special Presentations” section. Therefore, the vote on the calendar was invalid according to the bylaws. Even though it was moved to make the Calendar an action item, the Calendar remained in the “Special Presentation” section of the agenda, and was not shifted to “New Business”. Further, the motion to make the Calendar an action item was never seconded or voted on, which means that the Calendar never became an action item.

If Council had wished to approve the Calendar without proper documentation and in the incorrect section of the agenda, they would have had to vote to suspend the bylaws, which requires a two-thirds ($\frac{2}{3}$) vote, according to Robert’s Rules of Order, Newly Revised. This vote never occurred,

making Council's actions illegal according to the USAC bylaws.

Ramifications

As a result of the violations, Council did not have appropriate time to review the Election Calendar before voting on it, causing Council members to overlook a change in the historic voting period. Proper procedure was not followed, and therefore the Election Calendar was placed on the agenda in violation of the bylaws. Because the calendar was improperly approved, there is currently no legitimate Election Calendar outlining the schedule for the Spring 2014 USAC elections.

Remedy Sought

Petitioner seeks a court order rendering the USA Council's previous approval of the election calendar null and void. Petitioner also seeks a writ of mandate ordering the USA Election Board to present a new calendar to the USA Council for approval, including retroactive approval of dates on the Election Calendar that have already passed.

STATEMENT OF AUTHENTICITY

By signing below, I hereby attest that the above information is true to the best of my knowledge. Furthermore, I have read and understand the Judicial Board Procedure (Rules).

Respectfully submitted,

DATED:

Ian Cocroft
Name
Petitioner

DATED:

Ian Cocroft
Name
Counsel for Petitioner