

Agreement for Withdrawal of Petition

This document shall serve to outline the terms of agreement for the withdrawal of the Judicial Board petition for the case Cendana and Shaw vs Rose, Mossahebfar, and Pacquing.

As part of this agreement, the petitioners and respondents agree to the follow facts regarding the petition and entire Office Space Allocation Committee (OSAC) process:

1. There existed no “concerted effort to exclude the rest of council from allocation deliberations” on part of the respondents or anyone else.
2. There was no coercion on part of Rose or Mossahebfar in regards to OSAC’s decision making process.
3. There were no groups that received extra time to submit applications for office space, and therefore, those groups were not treated inequitably.
4. The overarching procedural integrity of the OSAC proposal, currently pending, has not been sacrificed to a degree that should invalidate their complete consideration.
5. There was a notable error in judgment on behalf of Rose in requesting Pacquing remove the OSAC allocation recommendations from the April 22nd USAC agenda.
6. There was a similar error in judgment on behalf of Pacquing in heeding Rose’s recommendation to remove the OSAC allocation recommendations from the April 22nd USAC agenda.
7. There was a notable oversight on behalf of Pacquing for not sending notice of the Friday, April 25th OSAC meeting to the entire USAC listserv.

Explanation

All parties stipulate to the below explanations and descriptions as facts of the case, which have lead to the agreements listed above.

The overwhelming preponderance of the procedural allegations of wrongdoing stemmed from two aspects of the OSAC process - the removal of OSAC allocations from the April 22nd USAC agenda, and the subsequent OSAC meeting on April 25th. In regards to these two occurrences, more evidence has come to light since the filing of the Judicial Board petition that has led the two sides to find common ground. Emails have been made public that showed a genuine desire on part of the respondent Gabe Rose, to have all Council members invited to the April 25th OSAC meeting, showing a desire to correct the lack of transparency, rather than a concerted malicious action. Furthermore, after conversations with OSAC members, the allegations of deliberate coercion are no longer held by either party to the case. Council members sharing their input on the OSAC process is an integral part of the process, and at no point did Rose or Mossahebfar make demands or threats that would be reasonably deemed “coercion.” No final decisions were made with them in the room, and OSAC changed their original allocation after thoughtful and independent deliberations amongst themselves, with no Councilmembers present.

In addition, the student groups originally mentioned in part 3 of the Judicial Board stipulations, did not receive any additional time to submit their applications for Office Space Allocation, though the defendants, Rose, Mossahebfar, and Pacquing, did acknowledge this was their prime reason for the revocation of their first OSAC proposal on April 22nd. The defendants, Rose, Mossahebfar, and Pacquing, recognize this lack of transparency and miscommunication between the OSAC and student groups. The petitioners, Cendana and Shaw, note that this lack of transparency is not the sole responsibility of the OSAC Chair and Facilities Commissioner.

Regardless of intent, the lack of other Councilmembers ability to attend the April 25th OSAC meeting still represents a troubling roadblock to a fair and transparent OSAC process. To remedy the inequitable opportunity for Councilmember input that occurred during that meeting, Pacquing and the rest of OSAC did pursue input from every Councilmember over the past few weeks, before finalizing their recommendations for Council. All parties agree that prior to this occurring, OSAC allocations were unfit to be approved by Council, which was one factor that led USAC to table the issue once this fact became apparent. However, all parties agree that actions since then have remedied this issue.

In light of the above agreed upon findings and explanations, the petitioners and respondents mutually agree to withdraw this case, and the petitioners drop the remedy sought in Article IV of their petition to Judicial Board. All parties agree to work constructively together to see this year's OSAC process brought to a fair and productive conclusion, and advice future Councils and OSAC Chairs on constructive future policy changes. Specifically, we understand that the responsibility to notify student organization's respective representatives is that of all members of USAC but such a process should be facilitated by the OSAC Chair.

All parties also thank Judicial Board for their time and careful consideration of the petition thus far.

I do hereby affirm that the contents of this agreement are true and accurate to the best of my knowledge and recollection.

Gregory Cendana, Former Internal Vice President & Students First! Campaign Manager

Bernice Shaw, Cultural Affairs Commissioner

Gabriel Rose, President

Sherlyn Mossahebfar, Facilities Commissioner

Neilda Pacquing, OSAC Chair

Thursday, May 22, 2008