

In the **Judicial Board** of the Undergraduate Students Association
of UCLA

De La Fuente v. UCLA Election Board

Decided 7 May 9

ASSOCIATE CHIEF JUSTICE KELSO delivered the majority opinion of the Board

The Judicial Board denied Flavia de la Fuente's (hereafter referred to as the Petitioner) petition against the Election Board (hereafter referred to as the Respondent). The Judicial Board had to examine two primary questions in this case. First, whether or not the Judicial Board has jurisdiction, over substantive decisions by the Respondent; and second, if the Judicial Board has such jurisdiction, under what circumstances should it exercise its authority to review substantive decisions. The Judicial Board does have jurisdiction over the rulings of the Respondent and that jurisdiction extends to the review of both violations of proper procedure and the substance of the Respondent's rulings.

The Judicial Board has jurisdiction over the substance of rulings of the Respondent. Article VI §B of the Undergraduate Students Association Constitution grants the Judicial Board the authority to, "serve as a board of appeals to decisions of the Elections Board." This section undoubtedly grants the Judicial Board the authority to review decisions of the Respondent, including the substantive aspects of the Respondent's rulings. Review of a substantive aspect of a decision by the Respondent refers to a situation wherein the Petitioner contests the decision of the Respondent itself and does not contend that the Respondent violated the proper process for reaching those decisions.

Although the Judicial Board has the authority to review substantive decisions of the Elections Board, the Judicial Board retains discretion over which cases it will hear. The need for Judicial Board review of substantive matters is evident, due to the fact that a situation is

conceivable in which an Elections Board can violate by-laws, or its fiduciary duty to the Undergraduate Students, even by following proper procedures. For example, if a slate were to engage in widespread electioneering, then the Election Board could accept a complaint, investigate that complaint, debate the complaint, and rule on the complaint, all according to perfect procedure. If, however, in that example, the Election Board issued no sanctions due to an underlying bias in favor of the “slate” in question, they would be violating regulations and their fiduciary duty to the Undergraduate Students Association, and the Elections Board would be subject to reprimand and reversal by the Judicial Board. That being said, the Judicial Board cannot simply accept all Petitions against the Elections Board out of hand. To do so would create an opportunity for abuse of the arbitration process with the effect of delaying elections.

With regard to petitions contesting the substantive aspect of decisions of the Respondent, the Judicial Board need only grant those petitions which allege a fact pattern wherein the alleged response by the Elections Board to the alleged violations is deviant from accepted norms and practices for reprimand. In this case, the Judicial Board did not find reason to believe that the sanctions allegedly issued by the Elections Board were deviant from the alleged violations by the “Bruins United” slate. The alleged sanctions, which consisted of the suspension of the involved “Bruins United” affiliates from “flyering” for several hours on the afternoon of the elections, are consistent with the alleged offense, that “Bruins United” affiliates violated the Elections Code by attempting to coerce two individual students to vote for the “Bruins United” candidates at the Yitzhak Rabin Hillel Center for Jewish Life at UCLA on 6 May 2009. The alleged sanctions issued by the Elections Board seem to adequately punish the alleged actions of the “Bruins United” affiliates. While the Petitioner seems to contend that there is an implication that coercive campaigning practices occurred on a broader scale than the two undergraduate students

mentioned above, the Petitioner fails to allege any facts that would support such an implication.

This Board may not regard implication and neither may the Respondent. The Respondents' alleged sanctions therefore do not appear to deviate from accepted norms and practices of sanction during the Undergraduate Students Association elections process.

CHIEF JUSTICE IRENE NGUYEN, ASSOCIATE CHIEF JUSTICE MICHAEL KELSO, JUSTICE BRITTANI YRIARTE, and JUSTICE NIKHIL SHARMA for the Board.