

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

**DORIA & ZAI v. PARK**

Decided 12 February 2007

CHIEF JUSTICE ISRAEL delivered the majority opinion of the Board

Petitioners Shaun Doria and PC Zai filed against Tina Park alleging a violation of USA Bylaw Article III, Section C.2.b. The above-entitled bylaw reads, “The EVP shall represent or appoint USAC’s representative to national, state, and local lobby interests, such as the University of California Students’ Association (UCSA) and other such groups that may exist or be formed and of which USAC is a member. The EVP shall also appoint alternates for these positions. All appointments are to be approved by USAC.” The Petitioners contend that while the EVP has authority to appoint lobbying representatives, USAC must approve said appointments. The bylaw in question, however, does not delineate multiple “representatives.” Rather, the language clearly identifies a singular individual who shall represent USAC. The External Vice President is responsible for either serving as USAC’s representative to the specified lobbying organizations, or appointing an individual to act as proxy in her absence. The bylaw continues to state that the EVP shall appoint alternates to USAC’s representative, and that all appointments must be approved by the Council. Since neither brief contends that Vice President Park appointed a proxy or alternates, the EVP was at no time required to seek USAC’s approval.

The opinion of the majority rests on the distinction between lobbying organizations such as the University of California Students’ Association and United States Student Association, and the congresses or conferences hosted by these interests. In the opinion of the majority, occasions such as these constitute events organized by a parent institution. These events provide opportunities for students to contribute ideas to a larger agenda. In

California, the UC Student Association utilizes the voice of students at its annual congress to formulate its Action Agenda. The Petitioners contend that the role of a delegate to this and other congresses requires approval under Article III Section C.2.b. The above-entitled bylaw, however, is an enumerated duty of the EVP. The language explicitly states that she will either represent USAC to the lobbying organizations, or appoint a representative. In this case, Justices voting with majority do not believe that this bylaw is applicable to legislative events as well as their hosting organizations. Vice President Park has assembled delegations to participate in lobbying efforts sponsored by groups to which USAC belongs. All the while, she has served as the sole representative to these organizations.

With specific reference to the UCSA, Petitioner's Document B includes a roster of its Board of Directors. The description on page 4 reads, "The UCSA Board of Directors is comprised of one voting representative, an appointed campus organizing director (COD), and an appointed legislative liaison (LL) from each undergraduate and graduate student government association at every UC campus." Under the heading UC Los Angeles, Tina Park is listed as representative of the Associated Students. The names of her CODs and LL follow. It is clear that the EVP has assumed the role of USAC's representative to the UCSA, as she is the sole member of its Board of Directors voting on behalf of the Associated Students at UCLA. Respondent's Appendix V is a Certification Letter of Representation authorizing Tina Park to serve as USAC's representative to the UCSA Board of Directors. The letter is signed and dated by President Marwa Kaisey. On rightful authority delegated to her, Vice President Park named three non-voting appointees to serve on the Board of Directors. All permanent members are therefore serving rightfully. The Judicial Board does note the UCSA Congress as a point of contention. In the opinion of the majority,

however, Article III, Section C.2.b. does not refer to any conference delegation, but rather USAC's representative to an organization itself.

The Board was asked to apply Article III Section C.2.b to conference delegations; but ultimately concluded that there is insufficient language to derive a connection. Having reviewed the process thoroughly, Justices voting with both sides agree that Vice President Park's process for selecting delegates and assigning them voting power leaves much to be desired. Under direct questioning from the Board, specifically Justice Klecker, the EVP testified that she encourages students of varying opinion to attend conferences. Some of the methods she described include classroom announcements, postings in Kerckhoff Hall (student government offices), and word of mouth. The EVP asserted that her process for eliciting student activism is inclusive, however stumbled over an account of her own actions. In the Justices' collective opinion, Vice President Park is procedurally inconsistent in her efforts to organize lobbying delegations. At the conferences, delegation leaders (Park in this case) must sign off on a list of attendees. She also assigns voting power to certain delegates who may then draft and propose legislation, speak and yield time at the plenary, and vote on proposals. When repeatedly asked by Chief Justice Israel and Justice Kleckner how she determined which delegates were to vote, Vice President Park replied that she and the delegates "talked about it," but that she made the final decision. In the opinion of the Board, the manner in which Park has granted voting power is arbitrary and lacking justification.

Since all University of California undergraduates pay dues to the UCSA, they are considered members and may attend conferences independently of their respective campus' representative. Thus, any UCLA undergraduate is eligible to attend and must not seek the EVP's consent. The Petitioners contend, however, that students traveling with Vice President Park were and continue to be viewed with higher standing by delegates from

other campuses. It is unfeasible for the Judicial Board to determine how unnamed individuals perceived those traveling with the EVP from UCLA. The Justices believe it crucial and necessary that the EVP follow a formalized system of selection when student fees fund a delegation's conference and travel expenses.

The Petitioners argued that a UCLA delegation should be diverse, and that delegates selected by the EVP hold similar opinions on a broad range of issues. While the Justices agree that UCLA is an institution of diverse opinion, and that divergent viewpoints should be presented—there is no evidence to suggest that Vice President Park deliberately sought the participation of like-minded students. When asked how the Petitioners could be sure that delegates were of similar mindset, they replied that most students who attended conferences identify with a certain “slate,” or student political party. The Justices cannot speak to the composition of each and every delegation, but those rosters submitted into evidence reflect attendance of predominantly partisan councilmembers. This issue appeared to concern President Kaisey. The student body president testified, however, that she specifically approached individuals with presumably different opinions urging them to attend conferences. President Kaisey was unsure why those she contacted were not among the students in attendance. The Board believes Vice President Park's statement that no students were precluded from traveling with the EVP's office, and thus cannot rule that bias was a factor.

The majority believes that a lack of specificity in the bylaws contributed not only to subjective processes of the EVP, but also confusion in the USAC President's office and on the Council at large. Having signed the UCSA Certification Letter of Representation prior to the appointment of a Campus Organizing Director and Legislative Liaisons, President Kaisey was unsure if former presidents acted in similar fashion. She also testified that no challenge was raised to the UCSA Congress delegation in 2006 because she and others were

unaware of the bylaw in question. The Board now compels the Undergraduate Students Association Council to review Article III Section C.2.b, and to provide language that will outline an amicable process by which delegates are routinely chosen to attend external conferences.

In an effort to curb future disputation, the Board must also comment on the Respondent's argument of original intent and prevailing practice. In the opinion of the majority, it is difficult if not altogether impossible to determine what Bill Kysella, original author of Article III Section C.2.b, intended when he wrote it in 1991. Quite candidly, *if* the original intent was to have conference delegates approved by USAC, later councils repeatedly contravened this rule. In other words, simply because a certain practice is well-established does not make it legitimate. **The Judicial Board in its entirety urges the Council to proactively address discrepancies within the bylaws by first clarifying Article III Section C.2.b among the councilmembers.** The USAC and the university would benefit from new language specific to events under jurisdiction of the Lobby Office.

The Petitioners also allege a violation of USA Financial Guidelines governing Interstate and Out of State Travel. The Guidelines mandate that conferences costing in excess of \$350 be approved by the Finance Committee and the USAC prior to the departure date, and that all "expenses must be approved by the Finance Committee Chair prior to incurring the travel expense, or submitted for approval of the USAC in accordance with the travel policy." Respondent's Appendix VII is the 2006-2007 Student Government Operational Fund proposal for the EVP's office. The document contains a thorough account of intended travel expenditures, and was approved by the Finance Committee Chair, the Budget Review Committee, and the USAC summarily. Further, the Finance Committee Chair and Student Government Accounting Manager subsequently approved the

reimbursements in question. The Judicial Board unanimously agreed that the EVP was in full compliance with USA Financial Guidelines.

CHIEF JUSTICE AARON ISRAEL, ASSOCIATE CHIEF JUSTICE CHRISTIAN DIAZ, JUSTICE DANA HUBER, and JUSTICE IRENE NGUYEN for the Board.

JUSTICE KLECKNER, with whom JUSTICE MORENO joins, dissenting

In the case of *Doria & Zai v. Park*, the central issue of this dissent rests solely on the constitutionality of Ms. Park's actions in sending several voting representatives to legislative conferences - the dissenting Justices agree with the Board in dismissing the Petitioner's claims regarding the unproven violations of the USA Financial Guidelines.

However, in regards to conference representatives, we disagree with the Board. Based on all the evidence presented, it is clear that the individuals who attended these conferences had the power to speak, initiate, and amend legislative proposals. The dissenting Justices have no reservations regarding the Constitutionality of this process, as any student is free to attend these conferences, even without the help of the External Vice President. However, it is the belief of the dissenting Justices that by appointing **voting** representatives to attend Legislative Conferences without the approval of USAC, Ms. Park has violated the spirit and the letter of the Undergraduate Students Association Bylaws and Constitution.

Article III, Section C.2.b. of the USA Bylaws states: "The EVP shall represent or appoint USAC's representative to national, state, and local lobby interests...The EVP shall also appoint alternates for these positions. All appointments are to be approved by USAC." It is the opinion of the dissenting Justices that this provision of the bylaw was not intended to preclude students from *participating* in conferences, but rather was intended to give USAC oversight over which individuals were *voting* in its stead.

By granting certain students the power to vote at these conferences, the Undergraduate Students Association Council is essentially represented by individuals

whom they have not approved, in violation of the dissenting Justices' interpretation of the USA Bylaws. Who is to ensure that the individuals voting at these conferences are competent, are representative of UCLA and the USAC, or are deserving of being granted the responsibility of voting on serious matters? It is the belief of the dissenting justices that Article III C.2.b's provision was intended to ensure the foundation of representation and checks and balances in dealing with external organizations on clear-cut matters of policy.

While obviously, these authors' are in the minority, we sincerely believe that the current appointment process for voting representatives is not only unconstitutional, but also severely flawed on its merits. Therefore, we respectfully recommend that the Undergraduates Student Association Council revisit Article III, Section C.2.b., to ensure that proper checks and balances and democratic safeguards are present, clear, and straightforward.

--

We would like to expound a bit on our concerns with the current representative appointment process under the control of the EVP. Notwithstanding our disagreement with the majority's interpretation of Article III Section C.2.b., we do believe that we have garnered useful knowledge through this hearing, and have several recommendations to make to USAC regarding this topic.

Throughout the course of the hearing, the dissenting justices were quite worried at the apparent subjective and arbitrary nature of the EVP's appointment of voting members for the various conferences and congresses. Indeed, when Justice Kleckner questioned her repeatedly on her appointment process, no clear or lucid answer was ever elicited, and frankly, the EVP herself seemed confused by the matter. The dissenting justices do not



believe that the current process, one that is neither transparent nor clear, is upholding the spirit of the USA Constitution.

The dissenting justices do not think that the current situation is one that has been created out of malice or vindictiveness, but rather we believe that it arose out of neglect and inattention. It is for this reason that we would respectfully suggest the council revisit the USA Constitution. While we disagree with the majority's interpretation of the Constitution, we do agree that the current representative situation at external conferences is not explicitly covered in the Constitution or Bylaws. Simply put, the Constitution is outdated and ineffectual on this issue.

We respectfully implore the Council to address this issue explicitly and clearly in the USA Constitution and Bylaws. Ultimately, whether the Council amends the Constitution one way or another is not the concern of the dissenting justices. Rather, we merely seek to eliminate ambiguity and the potential for conflicts. We believe it is time for the Constitution to be updated on this matter.

The Dissenting Justices have no more to say on the issue of Article III Section C.2.b. - the decision to dissent ultimately came down to our earnest interpretation of the bylaw and its spirit. There is, however, one more issue we would like to address. The dissenting Justices were quite dismayed by the appointments of the Campus Organizing Director and Legislative Liaison for the 2006 USSA Congress. We are referring specifically to Appendix V of the Respondent's Brief. In this brief, President Kaisey signed the appointments of two individuals for each of these positions. However, when she signed the document, she did so a full three days before the individuals were selected.

Simply put, President Kaisey signed a *blank* document appointing representatives to a student Congress. This troubles the dissenting justices greatly. However, what is more troubling is the President's reaction to Chief Justice Israel's and Justice Kleckner's

questions. When specifically asked if it was the policy of the President's office to sign blank documents approving appointments of students to external bodies, the president stated, "I do not know." We agree with the majority that pursuant to the Bylaws and Constitution, President Kaisey's signature did, in fact, carry Constitutional weight, and that the representatives were legal. It is of great concern to us though that not only did the President sign a *blank* document appointing unnamed legal representatives to outside Congresses, but she stated that she was unaware of the appointment policy her *own* office had. This worries us greatly, and we recommend that the President's office cease the activity of signing blank documents, and get up to speed on their internal policies and procedures. Lastly, we respectfully implore the Undergraduate Students Association Council to attempt to overcome political differences, and work to clarify and codify the recommendations in this dissent.

Respectfully submitted,

JUSTICE KYLE KLECKNER and JUSTICE EVA MORENO dissenting.