

THE UNIVERSITY OF KANSAS STUDENT COURT OF APPEALS

Omar Rana)	7 October, 2015
Director of Diversity and Inclusion)	
)	
Petitioner)	
)	
VS)	
)	
Elise Gao)	
Multicultural Education Fund Chair)	Case No. 2015-09-24
)	
Respondent)	

ORDER AND MEMORANDUM OF DECISION

Overview of the Case:

A petition was received by the Court of Appeals on the 24th of September 2015, from Omar Rana, Director of Diversity and Inclusion (henceforth referenced as the “Petitioner”). An appeal was filed before the Court regarding the Petitioner’s displeasure with the removal of his ex-officio, non-voting position from the deliberation of a proposed application he co-authored and presented before the Multicultural Education Fund Board (henceforth referenced as the “Respondent”). The application was in regards to the Leslie Morgan Steiner guest speaker on behalf of the Jana Mackey Distinguished Lecture Series. The Petitioner states within the petition that this is a matter of procedural problems and should be granted a Writ of Certiorari by the Court. The case was accepted by the Court on the grounds of the statute found in SSRR Article IV: Section I. The Chief Justice of the Court of Appeals met with the Petitioner and the Respondent on the 29th of September 2015, to detail and explain their rights, the filing processes, the court

procedures, etc., as outlined in SSRR Appendix P, Rule 10. The Court received the Brief of Arguments (SSRR Appendix P, Rule 11) from the Petitioner on the 30th of September. Furthermore, the Court received the Brief of Arguments from the Respondent on the 2nd of October. Each party was forwarded the stated documents stated above before the hearing. The Petitioner and Respondent appeared before the Court on the 7th of October 2015, at 9:00 p.m. in Alcove F located in the University of Kansas Memorial Union. After the oral arguments were presented, the Court deliberated, decided and presented their stance.

The Court believed there was not legal precedent set in place to uphold the decision of the Respondent to dismiss the Petitioner from the deliberation and voting process on an application he co-authored. That being said, the Court upheld the request from Petitioner. As requested, the Court mandates that the votes of the application be invalidated, the application go back through the Multicultural Education Fund board, and a revote transpire with current members within the committee.

The Case:

The Multicultural Education Fund Board held their first meeting of the year on the 16th of September 2015. The MEF Chair Elise Gao, (henceforth referenced within this document as the “Respondent” as well) was presented with an application that was co-authored by Omar Rana, the Director of Diversity and Inclusion (referenced within this document as the “Petitioner”). The Petitioner, as stated in SSRR 5.14.2, is an ex-officio, non-voting member of MEF. At the time of the meeting, only three individuals were employed on this board. MEF is allowed to employ eight individuals in total. Out of the three individuals, only two individuals were present at the presentation and

deliberation process for this stated proposal. The Petitioner was asked if he wanted to table the application for a later time, but he agreed to move forward with this proposal.

Before deliberation took place, the Petitioner was asked to step out of the room by the Respondent. Upon deliberation, the Respondent was told by Student Body Treasurer Madeline Sniezek to dismiss the Petitioner from the deliberation due to his familiarity and ties with the application. The Petitioner respected the request and stepped out of the room.

After deliberation of the proposed application, the MEF board chose to further and back the bill funding the guest speaker, Leslie Morgan Steiner.

The Petitioner filed a petition with the Court of Appeals on Thursday, September 24, 2015. The Petitioner addressed the MEF board and the said procedural errors that transcribed on the 16th of September meeting. Likewise, the Petitioner stated that his position, as outlined in SSRR 5.14.2, should give him the right to be in the deliberation no matter his affiliation with the application.

The Court reviewed the appeal submitted by the Petitioner. Within the document, questions regarding procedural decisions during the MEF Board meeting on the 16th of September were addressed (SSRR 4.1.1). Due to this circumstance, the Court chose to accept the appeal.

The Chief Justice of the Court of Appeals, Ms. Hennessy, scheduled a Preliminary Conference with the Petitioner and Respondent to discuss their rights, to explain future filing processes, to clarify court procedures, etc., as outlined and mandated in SSRR Appendix P, Rule 10. The Chief Justice met with the Petitioner at 4:30 p.m. on

Tuesday, September 29, 2015, in the Kansas Memorial Union. The meeting lasted roughly 15 minutes. The Chief Justice then met with the Respondent at 5:00 p.m.

As requested, the Petitioner filed his Brief of Arguments with the Court on the 30th of September. Additionally, each individual within the case as was forwarded this document. The Respondent filed her Brief of Arguments with the Court on the 2nd of October. Again, each individual was forwarded this document. Please refer to SSRR Appendix P, Rule 11.

The hearing of the case began at 9:00 p.m. in the Kansas Memorial Union, Alcove F. Each party was given a maximum of 30 minutes to present their arguments to the Court. After deliberation of the petition, briefs and oral arguments, The Court unanimously came to a decision. The Court decided to uphold the requests of the Petitioner due to a lack of concrete, legal precedent set in place to uphold the decision of the Respondent to dismiss the Petitioner from the deliberation of an application he co-authored. As requested, the Court mandates that the votes of the application be invalidated, the application go back through the Multicultural Education Fund board, and a revote transpire with current members within the committee.

With all that being said, the Court would like to address one topic of concern. We, the Court, do want to examine the possible outcomes of implementing a statue regarding rebuttals preceding the initial arguments. This will be a statue the Court will further question.

It is hereby decided by the Court to uphold the decision requested by the Petitioner and have the proposed application for guest speaker Leslie Morgan Steiner be sent back to the Multicultural Education Fund board.

It is so Ordered,

Chief Justice Michaeli Hennessy

Justice Sara Prendergast

Justice Jake Vance
