ASUCI JUDICIAL BOARD

"All Judicial authority of ASUCI shall be vested in the Judicial Board. The Judicial Board's authority shall extend to all judicial cases arising under the [ASUCI] Constitution; the various by-laws of ASUCI; all official actions of the Executive Officers, Legislative Council Members, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council"

PATEL v. BAUTISTA, ET. AL.

Argued 22nd of February 2013 – Decided 1st of March 2013

Vice-Chair Hosseini and Justice Chopra deliver the majority decision of the ASUCI Judicial Board, in which Chair Bastos and Justice Barclay and Forouzan joined. Let it be understood that the following decision is final.

Petitioner Mr. Patel contended that the ASUCI Constitution was violated by respondents Neil Bautista (Academic Affairs Vice President), Andrea Gaspar (Executive Vice President), Lena Hu (Administrative Affairs Vice President),Traci Ishigo (President) and Jessica Phan (Student Services Vice President) as follows:

Article V, Section D, Subsection 1, Item E:
"Appoints, with a concurrent, simple majority of the voting members of the Legislative Council present, his/her executive commissioners"
Article IV, Section B, Subsection 3[1]:
"Approving, by a majority vote of the voting Legislative Council members present, the commissioner appointments of the Executive Officers"

Mr. Patel contended that the ASUCI Executives violated the checks and balances of the three branches of government by not respecting the Legislative Council's approval process. The Petitioner conceded that Lena Hu, Administrative Affairs Vice President, is not at fault because her commissioners have not been paid by the time of the formal hearing. Respondents argued that historically, ASUCI commissioners had not been approved until mid-winter quarter. Petitioners cited the new interview and audit procedure for appointed commissioners as a contributing factor to the delayed approval of their commissioners. The Petitioners stated that the onus for this delay in the approval of their commissioners falls on Legislative Council because the petitioners reminded Legislative Council about the approval of commissioners but were met with the delay of the audit / interview process. Mr. Patel asserted that no legislation was ever introduced by the Executive Cabinet to initially appoint these

[1] Similar language is applied to the remaining offices in Article V Section D Subsection 2 Item D, Subsection 3 Item B, Subsection 4 Item C, and Subsection 5 Item B.

commissioners.

Judicial Board finds both Legislative Council and the Executive Cabinet culpable in part for the delay in the approval of commissioners in the Offices of the ASUCI President, Executive Vice President, Student Services Vice President and Academic Affairs Vice President. Legislative Council filed to follow up with the Executive Cabinet about the status of the interview/audit process for new commissioners. The Executive Cabinet also failed to follow up with Legislative Council regarding the audit process.

Recommendations:

The Judicial Board seeks to propagate a mutually beneficial solution to Mr. Patel's complaint that allows ASUCI Legislative Council and the ASUCI Executive Cabinet to come to an agreement to ensure an efficient yet thorough process to nominate commissioners for executive offices. Mr. Patel has brought up a critical point in seeking redress for the ambiguous nature of the hiring and approval policies for commissioners. Judicial Board recommends that Legislative Council confers with the Executive Cabinet and drafts a legislation that seeks to address the aforementioned ambiguities in the hiring/approval process for commissioners including, but not limited to:

1. Define being a commissioner
    A. When do the duties of a commissioner start?
    B. When should commissioners be put on payroll?

2. Determine timeline for commissioner appointments.
    A. What is an appropriate deadline for commissioners to be approved by Legislative Council?

The ASUCI Judicial Board recommends that commissioners be approved by Legislative Council by the end of each fall quarter as a safeguard against future complaints of this nature.

IT IS SO ORDERED

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Nicole Bastos, Chair

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Rahul Chopra, Justice

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Kayvon Hosseini, Vice-Chair

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Christopher Barclay, Justice

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Seena Forouzan, Justice