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 member, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council."

Injunction on R46-100: All ASUCI Meetings

Upon reviewing legislations during its weekly meeting on Monday, October 3, 2011, the ASUCI Judicial Board has found fault with Resolution R46-100 and has voted unanimously to place an injunction in its implementation, effective immediately and pending a formal hearing (to be scheduled later).

The following are the grounds on which the Board objects to this legislation:

I. R46-100 contains an internal contradiction in its resolution. The legislation amends ASUCI Bylaws Article VI, Section B, Clause 1 to read: "Tuesday meetings every odd numbered week shall run from 5pm until 6:30pm. Tuesday meetings every even numbered week shall run from 5pm until 6:50pm."

   Section H, Clause 1 of the same Article is subsequently amended to read: "ASUCI Executive Cabinet, their office Commissioners and Chiefs of Staff, Justices of the ASUCI Judicial Board and Legislative Council shall meet every Tuesday from 6:30pm until 7:30pm in an All-ASUCI meeting." The obvious problem is the 20-minute time overlap during even numbered weeks, between 6:30pm and 6:50pm. Legislation passed by Council cannot be valid if they contain such internal contradictions.

II. R46-100 resolves that the "ASUCI President shall Chair these meetings." However, no Vice-Chair is named to act in place of the ASUCI President, should he/she be unavailable to attend one or more of these meetings. Furthermore, R46-100 states that: "The Communications Director shall set the agenda and take minutes during these meetings." The Communications Director, however, is a position which no longer explicitly exists in ASUCI.

III. The most objectionable aspect of R46-100, however, is not in its formulation, but rather in its consequences. R46-100 states that: "Absence from more than two meetings per quarter will result in possible removal of stipend after a review process conducted by the Legislative Council Rules Committee." In effect, this creates a new criterion for being able to hold a paid position in Student Government: availability during the 6:30-7:30 timeslot on Tuesdays. The Judicial Board finds that this requirement violates the Constitutional non-discriminatory statement, because it possibly forces some students who work or have class during that timeslot out of their

office/position. Furthermore, R46-100, was passed during the last Council meeting of the Spring 2011 quarter. Requiring students who have previously committed or been accepted to work in ASUCI to clear their schedules on Tuesday evenings with such little warning is inimical to the ASUCI Constitution.

In addition, this requirement violates the separation of powers as it enacts an additional requirement for holding a paid ASUCI position, which is not strictly necessary for many ASUCI student employees to properly perform their duties. Overarching requirements for holding an ASUCI paid position are outlined in the ASUCI Constitution. Additional requirements may only be imposed by a student's direct supervisor, as is necessary to the performance of his/her duties.

ASUCI must remember that its members are students first, and ASUCI employees second.

Because of the aforementioned reasons, the ASUCI Judicial Board has placed an immediate injunction on R46-100, barring its implementation. The ASUCI Legislative Council must continue to meet from 5:00-7:00pm every Tuesday and Thursday and no All-ASUCI Meetings shall be scheduled. Furthermore, in the case that R46-100 is upheld in a formal hearing, no absences shall have been recorded until the matter has been resolved after a formal hearing.

To review the procedures for going forth in this matter, please review Article VI of the Judicial Board Policies and Procedures, which can be found here:

http://www.asuci.uci.edu/documents/judicialboardpolicies.pdf

It is so ordered.

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Dmitriy Kunitskiy
Judicial Board Chair