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"

JUDICIAL RULING ON R49-57

PER CURIAM

Upon reviewing ASUCI legislation during its meeting on Tuesday, February 18, 2014, the ASUCI Judicial Board has found fault with Resolution 49-57, "Divestment from Prison Industrial Complex" [*sic*] (R49-57). The Board therefore issues this ruling regarding the resolution.

The Judicial Board possesses the authority to "interpret all parts of [the ASUCI] Constitution."[1] All legislation passed by the Legislative Council must be "necessary and proper … according to [the ASUCI] constitution."[2] The Constitution goes on to grant the Legislative Council the authority to "establish ASUCI By-laws,"[3] in which "the duties of the Legislative Council shall be contained."[4] Thus, this Board finds that in order for legislation to be considered proper according to the Constitution, said legislation must, among other things, follow all proper procedures laid out in the By-laws. The Board further interprets the propriety requirement to prohibit legislation that is beyond the authority of the Legislative Council to enforce. R49-57 fails on both counts.

According to the ASUCI By-laws, "All … financial policy statements shall be presented [to the Legislative Council] in the form of a bill."[5] R49-57 reads, in part:

> *"BE IT RESOLVED, that the Associated Students at UC Irvine Executive Cabinet, Legislative Council Finance Committee, and Senior Financial Analyst evaluate all companies in which the ASUCI invests and must adjust the ASUCI investment profile to prohibit investment in any company that is found to profit from the prison industrial complex"*

The Board determines the above provisions to be "financial policy statements" for the purposes of the By-laws. Since R49-57 is a Resolution, not a Bill, it violates the By-laws.

In addition, the By-laws state that each Legislative Council meeting's minutes shall "record each Legislative Council member's vote, if present, onto the minutes. This shall be done by recording

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[1] ASUCI Constitution, Article VI, Section B(1)
[2] *Id.* Art. IV, Sec. B(1)
[3] *Id.*, Art. IV, Sec. B(9)
[4] *Id.*, Art. IV, Sec. B
[5] ASUCI Legislative Council By-laws, Art. IX, Sec. I.(1)

their name, position, and vote written as either "Yes", "No", or "Abstain" or any shorthand the Legislative Secretary chooses to use as long as there is a legend displayed as to what each symbol of the shorthand used means. The Legislative Council Secretary shall as well record the name and position of Legislative Council members not present for a given vote and write "Not Present" for their vote status."[6] The minutes[7] of the February 13, 2014 Legislative Council meeting, during which R49-57 was passed, do not display each Council member's vote on the resolution and which members, if any, were not present for the vote.

Separately, R49-57 states:

> *THEREFORE BE IT FINALLY RESOLVED, UCI will not make further investments, in any companies materially supporting or profiting from the prison industrial complex in the abovementioned ways.*

The Legislative Council, as "the supreme policy-making body of ASUCI,"[8] is of course free to express the views of ASUCI in regards to university affairs. However, the quoted provision of the resolution goes further than stating ASUCI's position on university investments; it is an attempt to claim authority over how funds outside of ASUCI are invested. Under the current ASUCI Constitution, such control is, *prima facie*, beyond the authority of the Legislative Council.

The Judicial Board has found multiple flaws with this resolution. Due to the aforementioned violations of the By-laws and overreach in authority, R49-57 does not meet the requirements of the ASUCI Constitution. Utilizing the authorities vested in it by the Constitution, the Board hereby declares that Resolution 49-57, "Divestment from Prison Industrial Complex", is not in effect and its implementation is barred.

IT IS SO ORDERED

_____	_____
Christopher Barclay, Justice	Seena Forouzan, Chair
_____	_____
Myron Lozano, Justice	Kevin Tanaka, Justice

[6] *Id.*, Art. IV, Sec. B.(3)
[7] https://www.asuci.uci.edu/legislative/minutes/print.php?id=378
[8] ASUCI Constitution, Art. IV, Sec. A