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."

Statement on R50-17

Vice Chair lozano, writing in dissent.

Upon reviewing ASUCI legislation, the Judicial Board has voted not to rule against Resolution 50-17, "A Resolution for the Creation of an International Center Committee" (R50-17). I respectfully dissent from that decision.

The Judicial Board possesses the authority to "interpret all parts of [the ASUCI] Constitution." A.S. Const. art. VI, § B(1). "[A]ny ASUCI legislation that violates any proper procedure or regulation in ASUCI By-laws … cannot be considered proper according to the Constitution." *Judicial Ruling on R49-73*.

The Legislative Council is authorized to "establish … ad hoc committees … to assist in any legislative recommendations." A.S. Const. art. IV, § B(10). Any "proposal" for an *ad hoc* committee must "include," among other things, "[t]he names of two or more … Legislative Council members who wish to participate in the ad-hoc [*sic*] committee." A.S. By-Laws XIV(A)(2)(b).

In the above Resolution, the Legislative Council proposes to "create[] an Ad Hoc [*sic*] committee for international students … to service the needs of international students." Resolution 50-17, cl. 9. Therefore, the Resolution should be understood to be a "proposal" for an *ad hoc* committee under the provisions of the By-Laws cited above. As the Resolution expressly describes the proposed committee as an *ad hoc* committee, there can be no question that all *ad hoc* committee requirements must apply in this case.

Rather than naming Council members to serve on this committee, the Resolution at hand states, in relevant part, that "the composition of this committee will be determined by the Rules Committee."[1] Resolution 50-17, cl. 10. This directly contravenes the By-Laws' explicit

[1] Even if the Legislative Council could properly delegate such power to one of its committees, the standing committee with jurisdiction over *ad hoc* committees is the Advocacy Committee, not the Rules Committee. *See generally* A.S. By-Laws XIV(A).

requirement that Resolutions proposing an *ad hoc* committee include the names of at least two Legislative Council members who will serve on such a committee.

The Judicial Board has previously ruled against similar legislative proposals to create *ad hoc* committees on similar grounds. *See Judicial Ruling on R49-46*. I believe allowing the current Resolution to go into effect would not only be in violation of the Constitution, but would also be arbitrary and unfair to advocates of such past proposals. Therefore, I would follow this Board's precedents, and, utilizing the authorities granted to the Judicial Board by the ASUCI Constitution, I would declare Resolution 50-17, "A Resolution for the Creation of an International Center Committee," to not be in effect.[2] I hereby dissent from the Board's decision.

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myron lozano, Judicial Board Vice Chair

[2] I reiterate my position, as stated in *Judicial Ruling on R50-07*, on the status of unilateral Judicial Board rulings.