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 DISSENT ON R51-49

Justice Shantharaj writing of the dissent.

Upon reviewing the legislation during the meeting on Tuesday, February 9th 2016, the Judicial Board has reviewed and approved the document Resolution 51-49, "Commissioners' Appointments". Vice Chair Barton dissented, joined by Justice Khosravi and Justice Shantharaj.

R51-49 violates the ASUCI By-Laws. The legislation officially appoints commissioners of the ASUCI Office of the President. As specified in the A.S. By-Laws art. III, § B, cl. 1, §a, item 8,

"Then upon the selection of all commissioners or directors in each respective office, each newly elected Executive shall submit a roster with job description of all paid and non-paid commissioners to the Speaker Pro Tempore of ASUCI Legislative Council or Chair of Rules Committee and then the Rules Committee will review which commissioners require a council audit and approval, and complete that process of selection and conducting of hearings by the Thursday of Week 3 of fall quarter. All legislation for the approval of non-selected members of an office may be submitted before or after the audit/approval of members have been reviewed."

R51-49 was passed by Legislative Council on February 2nd, 2016, or "Week 5" of the Winter Quarter. As per the A.S. by laws, all commissioners must be appointed and approved by the Third Week of Fall Quarter. Thus, because the appointment deadline had already passed, the appointments should be deemed invalid. The legislation is unconstitutional for failing to meet the specified deadline as set in the A.S. By-Laws. The Legislative and Executive branches' failure to adhere to the prescribed deadlines is a violation of the A.S. By-Laws, and an injustice to the governing documents and to the associated students of UC Irvine. This dissent should be seen as a message to the other branches of the Associated Students to adhere to the governing documents and the deadlines set within them. This type of violation should not occur and needs to be addressed by all governing officers to ensure this does not happen again.

R51-49 should be strucken down for failure to meet a governing document deadline. Respecting the selected deadlines in the A.S. Constitution and A.S. By-Laws is a responsibility of the Legislative and Executive branches, and should be treated as a crucial aspect of the appointment process as per the governing documents.

Judicial Opinion on R51-49 10 Feb 2016

We respectfully dissent from the Majority Opinion of the Judicial Board in its approval of R51-49 on the grounds that the legislation is an injustice to the governing documents.

William J. Barton, Vice Chair

Suchith Shantharaj, Associate Justice & Author

Kooshan Khosravi, Associate Justice