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 R51-27

Vice Chair Barton writing of the majority, in which, Chair Lee joined. Justice Khosravi abstained. Justice Grubbs dissented.

Upon reviewing the legislation during the meeting on Wednesday, November 18th 2015, the Judicial Board has reviewed and found fault with the document Resolution 51-27, "Appointment of Education Representative".

R51-27 also purports to appoint a Legislative Council member to represent the undergraduate student body for the School of Education. However, the Constitution states that such representative "shall be elected by and from the Academic Units." A.S. Const. art. IV, § C, cl. 1 (emphasis added). In other words, this provision requires that a) Academic Unit representative must be undergraduate students at the time of their election and b) the exclusive method of the Academic Unit Council members is an election in which the electorate is the undergraduate student body.

The selection of an Education representative on the Legislative Council is clearly a decision which affects the undergraduate students of the School of Education. ASUCI is "the official undergraduate student government body." A.S. Const. art. I. The Council is "the supreme policy-making body" thereof. A.S. Const. art. IV, § A. The Council also "appropriates all ASUCI fee income." A.S. Const. art. IV, § 2. Voting ASUCI members (i.e., undergraduate students) are required to pay the ASUCI fee. A.S. Const. art. II, § A. Therefore, the constitutional clause specifying elections "by and from" the Academic Units to select Council Members is in furtherance of the students' "right to influence decisions that affect them." We therefore find that R51-27 violates Article XII, Section A, clause 5 (the "Fifth Right") of the ASUCI Constitution.

As well, although the ASUCI Constitution makes reference to "appointed" persons, it does not specify to what the term means. The only reference and definition to appointed representatives in the Constitution is for non-voting members, from student organizations, that the legislative council can appoint to represent certain students. Thus, there is no definition or process outlined in the Constitution giving Legislative Council the power to appoint other, voting representatives.

Thus, the legislation R51-27 is unconstitutional on the grounds of no specific appointment process outlined in the ASUCI Constitution. This in no way disqualifies the appointed

representative, Carla Kakejian, in terms of qualifications listed for appointed members in the A.S. By-laws. However, the appointment within the legislation is disqualified per the reasons above.

IT IS SO ORDERED

_____/S/_____ **_____/S/_____**

William J. Barton, Vice Chair Annette E. Lee, Chair