ASUCI JUDICIAL BOARD

"The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General."

***JUDICIAL RULING ON* ASUCI SENATE V. SAFADY**

Per Curiam

PER CURIAM.

Senate Resolution R53-47 impeaches Social Ecology Senator Melissa Safady for the inability to properly execute all of the duties expected of their position as an elected ASUCI official. Senator Safady introduced Senate Resolution R53-39 in which funds were satirically requested from the EVP office to host makeup tutorials/ workshops for black officers to appear white to the student body of the University. This led the Senate to issue an impeachment regarding her capabilities as a representative for her constituents. The Judicial Board will be ruling on an impeachment case for the first time under this Constitution.

The Judicial Board held a hearing, and thereafter issued its ruling. The Judicial Board hereby confirms ASUCI Senate resolution R53-47, and passes the impeachment of ASUCI Senate Social Ecology Senator, Melissa Safady.

I

The ASUCI Constitution Article VI, § 2(o) requires for impeachment, neglect of duty, malfeasance, or misconduct, and by a 2/3 vote from Senate. As the Judicial Board has not previously applied this provision of the Constitution, it warrants discussion on its process and how the provision should be applied.

Per Curiam

The impeachment as stated requires a supermajority vote in the Senate. The Constitution further established in Article VI, § 2(r) the Senate "to determine what constitutes an impeachable offense." Under the Constitution Article VIII, § 2(i)(2) the impeachment is subject to examination by the Judicial Board "to conduct hearings and determine by a 2/3 vote whether to remove an impeached Senator." Furthermore it is under the discretion of the Judicial Board whether "to determine by a separate 2/3 vote whether elected Executive Officers, Senators, etc. who have been removed from office are barred from holding other ASUCI office for a period of time which cannot exceed two academic years." In this case, however, the Senate has not sought to bar Senator Safady from holding office. Though the full process provided by the Constitution would require understanding of all procedures of impeachment, adhered to by the Judicial Board. The Supermajority and procedural protections exist to preserve the results of the democratic elections that gave Senators their seats in the first place.

II

A

The Judicial Board has heard that the Senate wishes to impeach the incumbent senator of social ecology, Senator Melissa Safady, on the grounds stated under Article 6, Section 2 (a) of the ASUCI Constitution that the Senate

aims to enact legislation for the welfare and interest of the undergraduate students and, whereas, under Article 3, Section 1 (p) Students have the right to transparency and freedom of information from their student government and student leaders, Whereas, in the ASUCI Constitution under Article 5, Section 1 (a) subsection 5, In order for ASUCI Officers to hold any elected position, they are expected to abide by the ASUCI Code of Ethics. In accordance with Article 6, Section 2 (r) of the ASUCI Constitution, the Judicial Board rules in this case that the reason brought forth by the Senate in R53-47 are constitutional, and therefore are valid grounds for impeachment. The Judicial Board is in concurrent opinion that the Senate's right to interpret the legislation's satirical nature as a violation of the ASUCI Code of Ethics and an ineffective legislation is justified under their constitutional abilities. Constitutionality of impeachment justification is gauged on general adherence to the governing documents and is grounded in the Constitution. Thus, the determining factor of the Judicial Board's decision on impeachment is that it does not violate any right and duty granted by the Constitution to any associated party and generally adheres to ASUCI governing documents and UCI campus

policy. In the case of *ASUCI Senate v. Safady*, the legislation in question (R53-39) did not meet the Senate's expectation for effective and serious legislation, and, in the Senate's judgment, failed to serve in the best interest of the Senate and the constituency of Senator Safady. Thus, the impeachment of Senator Safady on the grounds of R53-39's violations and impracticality stands.

B

Therefore the Judicial Board has ruled to pass the impeachment of Senator Melissa Safady primarily under the rule stated above from the ASUCI Constitution, specifically in Article 6, Section 2 (r) that Senate determines what constitutes an impeachable offense for officers. Because the impeachment was not unconstitutional, the Senate reserves the right to impeach Senator Melissa Safady.

III

Many of the arguments raised by both sides during the hearing were ethical in nature. These particular arguments focused primarily on the contents of the Senator Safady's legislation (R53-39). The impression that the defendant conveyed was that this was in part an

issue of freedom of speech, and that impeachment on such a basis violates her right to speak freely. The plaintiff, however, reiterated that the primary issue of the legislation in question, beyond their claims of its immorality and unethical nature, was its intent and realistic effectiveness. They claimed that, because R53-39 was intended to be satirical, according to both the defendant and plaintiff, and sought to act only as an inflammatory statement rather than to achieve any actual legal effect, the legislation's effectiveness must be called into question. The plaintiff went on to argue that the legislation reflected an action deemed by the ASUCI Senate as both 'unbecoming of a Senator' and constituent of "malfeasance and misconduct." Upon deciding that the Senate's reasoning is legally sound and neither violates the ASUCI Constitution nor the By-Laws, the Judicial Board has determined that the impeachment shall go through.

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After considering the arguments of both sides and referring to the Constitutional provisions for impeachment, the ASUCI Judicial Board has sided with the plaintiff in *ASUCI Senate v. Safady* and rules that R53-47, "Impeachment of a Social Ecology Senator," is

constitutional and shall thus be passed, thereby effectively removing Senator Melissa Safady from her seat in the ASUCI Senate effective immediately. Because the Senate chose not to pursue the barring of Melissa Safady from holding office in the future, there will be no further regulation on her ability to run for office again or apply for any other position within the Associated Students of UC Irvine. The completion of this impeachment process shall result only in Safady's direct removal from the Senate. The Senate may now take steps within their rights and at their own discretion to refill this vacant position.

It is so ordered.

Suchith Shantharaj, **Chief Justice**	**Aviel Menter,** **Associate Justice**
Reece Disney, **Vice Chief Justice**	**John Akinwole,** **Associate Justice**
Roxanna Bokaei, **Associate Justice**	**Yesenia Lopez,** **Associate Justice**