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 DISSENT ON R54-42: "Requiring the Public Health Senator to attend monthly Public Health faculty meetings"

ABUNDIS, J., and GERALD, J., upheld the Resolution. LIN, J., filed a dissenting opinion. DISNEY, C.J., took no part in the final consideration or decision of the case.

Justice Lin, dissenting.

Senate Resolution R54-42 requires that the Public Health Senator attend monthly faculty meetings headed by the Dean of their respective school. The main argument is whether the Senate should have the power to create new duties for its own members. The ASUCI Constitution currently has no provisions that explicitly supports either side of the argument. However, the majority believes that passing said resolution would set a new precedent while violating the ideal that no senator should have more duties than their peers. I disagree; this resolution does not concern the creation of new duties nor set any precedents. It provides a clear definition or elaboration on already written provision in the By-Laws and follows the consistency of similar past resolutions.

I

All senators are already required to meet with the Dean or Associate Dean of their respective school at least once per quarter as stated in the By-Laws in Article 3., Section A. Subsection 2., b), (3). In instances where there were no Dean or Associate Dean, such as for the International Senators, the By-Laws were amended to fit. R53-37: "By-Laws Amendment: International Senator Meeting with the International Center Director" was passed to do so. The provision and R53-37 were written to ensure active communication between students and university authority. Any sort of legislation that does so are well within Senate authority as they promote the welfare and

interest of undergraduate students, provided in the ASUCI Constitution Article 6., Section 2(a).

As stated in R54-42, the faculty meetings are held by the Dean of their school. Seeing as all Senators must meet with their respective Deans or other authority figures at least once a quarter, attending the faculty meetings would fall under the By-Law provision in Article 3., Section A. Subsection 2., b), (3). Attending said meetings does promote active communication between students and authority; therefore, Senate are well within their power to pass R54-42.

II

As for the ideal that no senator should have more duties than their peers, I argue that no such ideal has ever existed. By the nature of the Senate and its various roles such as President, Pro-tempore, and Secretary, certain Senators will always have more duties than some of their peers. Ignoring these roles in the Senate and comparing only the Senator's duties within their school, one will find similar conclusions.

Each school or department has different needs and different ways of meeting said needs. While I admit that I do not have extensive knowledge into every Senator's current duties, I still believe it is reasonable to say that some of the Senator's duties within their schools are informal. The duties are never explicitly stated anywhere or written for all to see, but these duties are still performed as necessary to promote student welfare and active communication between students and university authority.

Senators in the past have shown initiative in formalizing informal duties, such as R53-40: "Addition to the role of Social Science Senators." The resolution, which passed unanimously in Senate and was approved by the Judicial Board, requires Social Science Senators to attend mandatory meeting each quarter with not only the Dean's Ambassador's Council, but also to other organizations in the School of Social Sciences.

III

R53-40 was not an amendment to the By-Laws. It is the same form of resolution as R54-42. R53-40 created mandatory meetings with organizations not specified in By-Laws. R54-40 falls under a written provision in the By-Laws. Seeing as R54-42 pales in comparison to the expansion of roles in R53-40, I see no reason to fail R54-42; therefore, I respectfully dissent.

Benny Lin, Associate
Justice