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 OPINION ON R54-17:
Amendment of the By-laws to define Absences

CHIEF JUSTICE DISNEY delivered the opinion of the Board, in which all other Members joined

In Re R54-17

Opinion of the Board

Senate Resolution R54-17 was passed in order to officially define unexcused absences as they are pertinent to the ASCUI Senate, as well as clarifies and codifies disciplinary actions to be taken upon Senators who violate the aforementioned definition of an absence. This resolution is constitutional, and was thus approved by the Judicial Board to be passed. However, due to the vague nature of certain sections of the resolution, we have elected to produce a supplementary opinion in order to define the Board's interpretation of this resolution and set a precedent for how the changes made to the By-laws through this resolution are to be regarded in the future.

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R54-17 sets clear standards for the definitions of excusable absences in operative clauses III and IV, and in doing so implies that any reason not stated would therefore be considered unexcusable. There are, however, several specifications of excused absences that require confirmation by the Senate President and/or Senate Rules Committee. These are exemplified in operative clause IV section 2, "An unavoidable, unforeseen and extraordinary academic and extracurricular commitment during the meeting time," and most notably operative clause IV section 7, "A Force Majeure, as defined by the Rules Committee chair and/or Senate President, as a chance occurrence or unavoidable accident," among others.

Because the lack of clarification of what constitutes an "unavoidable, unforeseen, and extraordinary academic and extracurricular commitment," as well as the vague usage of "Force Majeure," the most reasonable interpretation of these sections would be that the power to determine the variability and excusability of these absences would rest

primarily with the presiding Senate President. Furthermore, operative clause III suggests that the stipulations defined in operative clause IV can be overturned by the Senate President alone if enough notice is provided, and is unclear as to the extent of this power. Specifically, the third operative clause states that "an absence, regardless of reason, shall be considered unexcused unless the presiding officer of the Senate is informed a minimum of two hours in advance unless stated below and the reason for the absence is defined as excusable in the succeeding clause of this document." This leave it unclear as to whether the requirements of operative clause IV must be met in conjunction with authorization by the Senate President or could be independently satisfied. If the latter is the case, this would give the Senate President a potentially dangerous amount of power over the other Senators.

Because this distinction is not clearly outlined in the resolution, and because the Judicial Board cannot rule on perceived intent, we have chosen to pass this resolution with the precedent that any grievances raised by Senators as to the Senate President's decision about the excusability of an absence can be heard by the Judicial Board, who can then overturn the decision made by the Senate President and reverse any disciplinary actions taken upon this Senator as a result of said absence. This precedent extends from the precedent upheld in the Judicial Ruling on R53-47, Impeachment of a Social Ecology Senator to determine what constitutes a punishable act by a Senator. Therefore, any time a Senator feels the interpretation by the presiding Senate President on the excusability of their absence is unjustified or inconsistent with what is laid out in R54-17, they may take their case to the Judicial Board to be deliberated on.

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It is so ordered.

Reece Disney, Chief Justice	**John Akinwole, Vice Chief Justice**
Michelle Abundis, Associate Justice	**Benny Lin, Associate Justice**
Quincy Gerald, Associate Justice	