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

ABUNDIS, J., delivered the opinion of the Board, joined by GERALD, J..

VICE CHIEF JUSTICE ABUNDIS delivered the opinion of the Board, in response to the passing of Senate legislation R54-42.

Senate Legislation R54-42 reflects a desire to acknowledge ongoing efforts on behalf of a Public Health Senator in increasing communication between the Public Health Department and the senator occupying the Public Health Senate seat, by adding a obligation to attend monthly faculty meetings with the department. The additions of such discriminatory onus, and the inappropriate use of Senatorial power provide grounds for the Judicial Board to declare the legislation unconstitutional.

I

The permanent enshrinement of additional job duties to a particular senate seat as performed by legislation R54-42 is inherently against the spirit of equality granted to all senate seats in the ASUCI Constitution and By-Laws. Neither the ASUCI Constitution nor the ASUCI By-Laws at some point demarcate any legal obligations that pertain to only a subset of Senate seats on the basis of the school they represent. Instead, Senate seats are addressed holistically. By addressing the Senate seats in a universalist fashion, the legally-binding bodies of ASUCI engender equality among senators. The adding of legal obligations to senate seats discriminately removes this fairness. For instance, here we see a Public Health Senator required to attend faculty meetings every month, a job duty that other schools may not have and may unfairly impair the ability of a Public Health Senator's ability to perform his or her obligations as a Senator. Just as easily, such legislation could instead be adding different qualifications

or obligations on candidates running for Senate positions; it is only a mere extrapolation of this precedent that could lead to a different legislation increasing the amount of office hours required for a Senator to be available for or to increase the GPA requirement for a certain Senate seat.

The intentions of increasing communications with the school's faculty and administration are not issues for the Board to contend with. The Board need not opine as to whether R54-42 puts forth the interest of constituents, it merely considers the impact of adding responsibilities in a manner that is not universal. It is in the Board's view that any inequality among Senate seats imposed by legislation like R54-42 will cause imbalances in the quality of the experience at UCI of both the constituents of the Senators, and the Senators themselves. UCI students would have their wills and interests represented differently, and Senators would have their role in ASUCI molded differently based purely on one's major, a factor that ought not to affect their ability to perform in the Associated Student Body.

II

It is important to further differentiate R54-42's actions from de facto practices adopted by different Senators. The Judicial Board acknowledges that different schools may operate differently and thus require their representation to mold their habits respectively. There is a fundamental difference, however, between such practice and the passage of legislation to make suggested voluntary practice a legal obligation and grounds for reprimand in the event of their breach.

Performing duties liked those outlined in R54-42 are not repugnant to the spirit of ASUCI and Senators might find they are one of many ways to fulfill their responsibility to represent their constituents. This practice only becomes problematic to the Board when a voluntary engagement becomes a legally-binding responsibility that will transcend the undertaker. This legislation will far outlive the author who supports this intention and the job duties he or she welcomed freely would otherwise become unshakeable obligations upon his or her successor.

III

Further, the Board finds that exercises of such Senatorial power are inappropriately attempted in a legislation. R54-42 represents a clear attempt to add duties to the a Senate seat and the definition of Senate duties is articulated and specified most clearly within the By-Laws of ASUCI. There is no doubt that Senate has the power to amend the duties of its Senators, but such amendments cannot come through legislation as is attempted by R54-42.

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We reiterate, Senate Legislation R54-42 fails to comply with the ASUCI Constitution and By-Laws because of its discriminatory imposition of burdens on Senators and its failure to properly amend the duties and obligations of Senators. If in the future the Senate so desired to increase the obligations of Senators, such action is legitimately within their prerogative, however any amendments must by universal in scope to abide by the ASUCI Constitution and By-Laws.

It is so ordered.