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 R54-88: Amendment to Judicial Board Policies and Procedures: Open Public Meetings

ABUNDIS, M., delivered the opinion of the Board, joined by GERALD, Q..

ACTING CHIEF JUSTICE ABUNDIS delivered the opinion of the Board, in response to the passing of Senate legislation R54-88.

Senate Legislation R54-88 through coercive senatorial action attempts to amend the Judicial Board Policies and Procedures as to change the closed nature of Judicial Board meetings. The procedure enacted by the author of the legislation fails to align with the process outlined in the ASUCI Constitution and the ASUCI Bylaws, in effect, unconstitutionally consolidating the power of extra-Senatorial committees. For such reasons, the Judicial Board respectfully overturns R54-88.

I

The ASUCI Constitution, Bylaws, and the Judicial Board Policies and Procedures jointly outline a complex process required to amend the document in question, that was breached during Senate Legislation R54-88's attempt to engender open-session meetings. There is an understandable lack of clarity regarding the process, given that it is only mentioned in the following three incidences, but it is most clearly first found in the Judicial Board Policies and Procedures. To amend them, the text reveals, the change must "be instituted by the Legislative Council with terms described in the ASUCI Constitution and ASUCI By-laws" (Judicial Board Polices and Procedures, Article VIII).

The process by which the Legislative Council can complete an amendment of the Judicial Board Policies and Procedures is then mentioned in the ASUCI Bylaws. In the

enumerated powers granted to the Senate Rules Committee, the Bylaws mention the following power of the Rules Committee as it pertains to amendments to the Judicial Board Polices:

> "Reviewing and revising the Senate By-Laws, Elections Code, and Judicial Board Procedures as members of the Governance and Internal Policy as per Article 11 Section 3 of the ASUCI Constitution."

Crucial to understanding this power is the added descriptive phrase, "as members of the Governance and Internal Policy [committee] as per Article 11 Section 3 of the ASUCI Constitution" which distinguishes the powers the Rules committee has in its normal behavior from the power it gains upon the conference of this committee described in further detail in Article 11 Section 3 of the ASUCI Constitution. In its most literal translation, being members of the Governance and Internal Policy committee is exactly the power-conferring component that allows Rules committee members the ability to make amendments to the Judicial Board Policies and Procedures.

The Governance and Internal Policy Committee has unique and distinguishable characteristics that separate it from what the Senate or even the Rules Committee are. The Governance and Internal Policy Committee is comprised of ASUCI members that are normally not part of a voting

Senate, including the Internal Student Advocate General, which chairs this committee, and the Elections Commissioner (as needed) (Article 11 Section 3 of the ASUCI Constitution). The membership and the joint discussion that springs from the members of this committee are part of what makes the Rules Committee capable of effecting change through legislations that once recommended by the Committee, go to the Senate for a vote (Article 11, Section 3, Subsection a, Subsection 1 of the ASUCI Constitution).

Changes to the Judicial Board Policies and Procedures must go through the Governance and Internal Policy Committee, upon whose recommendation amendments are made eligible to go to Senate. The power still resides with the Rules Committee, which is given clear authority in the Bylaws, to turn discussion in the Governance and Internal Policy committee into legislative change. These two steps are necessary to enable amendments to the Judicial Board Policies and Procedures, neither of which were followed in the attempted production of Senate Resolution R54-88.

II

The process enacted in R54-88 clearly makes no attempt to abide by the restrictions on Judicial Board amendments, perhaps for the sake of expediency, but it is no less a transgression upon a decided action by the drafting party that produced the ASUCI Constitution. The Governance and Internal Policy Committee was created for many purposes, one of which was a marked effort to pose a

check to Senatorial power, in this case, from stripping power from its own Rules committee members. A refusal to grant this power to the Rules committee as members of the Governance and Internal Policy Committee does not just misinterpret the ASUCI Constitution, it denies the entirety of the clause present in the Bylaws. When undertaking an interpretive role, it is not permissible to decide whether the drafters intended for the Governance and Internal Policy Committee, or the Rules committee members as members of the Governance and Internal Policy committee, to have this power; it is quite clearly in the Constitution and in our faithfully interpretation, we must believe that every clause of the Constitution was written with a purpose. For such reasons, the Judicial Board holds that there is a process outlined regarding the amendments of the Judicial Board Policies and Procedures, and that R54-88 is unconstitutionally making a change that does not operate through this outlined process.

III

The issue brought forth in R54-88 would be easily resolved if ASUCI had clear documentation of past amendments to the Judicial Board Policies and Procedures, however, there was no ability to garner such bolstering from past precedent. There have only been two instances in which the Policies and Procedures were changed, neither of which supports or contradicts the process undertaken in R54-88 or the process put forth in this ruling as veracious. The first such instance features an amendment through the Judicial Oversight Committee, a committee not relevant to

the case at hand. The second such incident is lost from Senatorial records. It is absent from Senate archives, and absent from the records kept in the UCI library regarding past legislations. In absence of such evidence, the Judicial Board maintains the process outlined above as the intended process for Judicial Board Policies and Procedures amendments.

* * *

Regardless of the Judicial Board's partiality on the issue of open meetings, it is clear that through a particular process, the Judicial Board Policies and Procedures can be amended. The process, as outlined in the ASUCI governing documents is rigorous. As formalistic as it appears, every step outlined herein is crucial to the system of checks and balances created in the documents of ASUCI, and for such reasons, skipping them is impermissible and R54-88 is thus unconstitutional.

It is so ordered.