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 R54-116: STIP vs. RESERVES TRAINING FOR SENATORS DURING SENATE ORIENTATIONS

ABUNDIS, M., delivered the majority opinion of the Board, joined by GERALD Q. and ANAYAT T.

CHIEF JUSTICE ABUNDIS delivered the opinion of the Judicial Board, in response to the passing of Senate legislation R54-116.

Senate Legislation R54-116 resolves to establish yearly trainings for the ASUCI Senate in the matter of STIP and Reserve financial accounts. R54-11 emphasizes the importance of the awareness of the distinction between the Short Term Investment Pool (STIP) account and the ASUCI Reserves. Upon such reasoning, Senate Legislation R54-116 requires that "the Executive Director of the Student Government Staff or the Associate Director, Financial and Business Operations of the Student Government Staff" assume the responsibility of providing this training during the Senate Orientation which occurs every academic year. The legislation, in its addition of permanent duties to the Executive Director and the professional staff of ASUCI, does not properly amend the ASUCI Constitution as would be necessary to increase the enumerated responsibilities of the ASUCI Executive Director or the staff surrounding the position.

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The existence of Article 14 of the ASUCI Constitution curtails the imposition of additional duties to the ASUCI Executive Director. Article 14 Section 1 of the ASUCI Constitution makes three categorical divisions of the responsibilities of the Executive Director, none of which can be interpreted sufficiently broad enough to encompass the duty explained in Senate Legislation R54-116. These three categories include a broad responsibility in the

direction of "student activities and operations of ASUCI," responsibilities that pertain to the Director's duties to the Executive Cabinet, and lastly, responsibilities owed to the Senate.

Of the three, the suggested obligation of R54-116 would fit into obligations to the Senate, however this category only references "personnel action" and has no such umbrella term that could justify the additional imposition.

The last possible recourse that R54-116 would have would exist in the language of the first category of responsibilities, though the Judicial Board finds that the term "general student activities and operations of ASUCI" could not possibly consist of such a duty like the training of Senators. Such a training is not a general student activity rather it directly impacts ASUCI and this would not be a general operation, rather a specific one. Further, the legislation limits the training to Senators, further differing from the language of the Constitution. By straying from the general scope of the responsibilities of the ASUCI Executive Director, it becomes discomfiting with such an interpretation.

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In the absence of an enumerated responsibility to conduct training, to officiate the desired change, R54-116 would have to amend the ASUCI Constitution. Given that this is not the course taken by the legislation, it must be declared unconstitutional. Short of a Constitutional amendment, the ASUCI Senate cannot formally change the

obligations and duties of the ASUCI Executive Director and their respective office.

It is so ordered.