



# 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.”

## *Comments and Clarifications on Constitution Article VII, Section 1.b - Judicial Board Applications and Confirmations*

**FERRAGALLO-HAWKINS, K.; VU, K.; MOVAHEDI, N.; NAZARI, T.;  
BOLEK, C.; and MENG, S. approve of what is written.**

### I

On May 1st, 2023, the Judicial Board was requested to review Art. VII, Section 1.b of the ASUCI Constitution, which states “No individual shall replace a sitting Justice except when the Justice's term has expired, they are impeached, they are recalled from office, or the position becomes vacant.” The purpose of this was to determine whether it was constitutional to open applications to the Judicial Board for an upcoming vacancy and whether it is constitutional to confirm a new Justice with legislation stating their term begins after an upcoming vacancy on the Board.

### II

Article V § E(8) of the Bylaws describes the process for addressing Judicial Board vacancies. It specifies that members

of the Executive Cabinet have primary control of appointing justices in the event of vacancies, but does not include any specified prohibition against starting these proceedings prior to a vacancy on the Board. It is the opinion of this Board that opening applications for the Judicial Board and beginning this process before the vacancy is constitutional. Additionally, given the lengthiness of the process to select, interview, and deliberate on candidates, the Board finds it reasonable to initiate such a process well before the vacancy.

### III

Article V, Section 2.e of the ASUCI Constitution states “Justices of the Judicial Board have a term of office of two academic years beginning immediately on confirmation by the Senate and ending when their successor is confirmed.” Given this, appointing a Justice prior to a vacancy would conflict with the predecessor's term. Therefore, it is the opinion of the Board that while it is constitutional to open applications, review candidates and have an internal decision for a future justice amongst the Executive Cabinet prior to a vacancy on the Board, it is unconstitutional to proceed further to a Senate appointment hearing until there is a vacancy in the board.