



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 XII, Section 3.b.3 and Bylaws Article XII, Section A.2 - Membership of the Joint Committee on Governance and Internal Policy

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. XII, Section 3.b.3 of the ASUCI Constitution, which states “The members of the [Joint] [C]ommittee [on Governance and Internal Policy] are ... [a]ll other members of the Senate Standing Committee on Rules & Oversight.” The Judicial Board was also requested to review Art. XII, Section A.2 of the Bylaws, which states “ASUCI External Vice President, ASUCI Internal Vice President, Student Advocate General, Senate Secretary, [and] Senate Parliamentarian shall be non-voting members of the Rules Committee.”

The purpose of this was to clarify whether the non-voting members of the Standing Senate Rules Committee as defined by Art. XII, Section A.2 of the Bylaws are granted positions on

the Joint Committee on Governance and Internal Policy and whether they would have voting or non-voting statuses as members of the Joint Committee on Governance and Internal Policy.

II

Article XII, Section 3.b.3 of the Constitution makes no distinction between voting and non-voting members of the constituent committees of the Joint Committee on Governance and Internal Policy. Consequently, on a solely textual basis, the non-voting, ex officio members of the Standing Senate Committee on Rules and Oversight – the External Vice President, Internal Vice President, Student Advocate General, Senate Secretary, and Senate Parliamentarian – are to be included by this clause as members of the Joint Committee.

III

However, their roles on the Joint Committee are to be maintained as they are in the Senate Standing Committee; that is, they are to remain non-voting, ex officio members of the Joint Committee by virtue of their role on the Rules Committee. On an interpretation more specific to each of these positions, the Senate Secretary and the Senate Parliamentarian are clearly distinguished in both the Constitution (Art. 6, Section 5.a) and the Bylaws (Art. VI, Section D) as staff positions in the ASUCI Senate, there to facilitate its efficient and effective operation rather than to vote on matters before the Senate. Furthermore, the positions of the External Vice President, the Internal Vice President, and the Student Advocate General on the Senate Rules Committee similarly provide an advisory role to this important committee; to say the governing documents allow them a vote in this role is to threaten the balance of power between the legislative and executive branches that the same governing documents go great lengths to protect.

Furthermore, to grant voting rights to members of Joint Committees who are members of that committee solely on the basis of their non-voting, ex officio status on a constituent committee would be to create a loophole in the representative

structure of the Associated Students, allowing for voting power to be created where the Constitution and the Bylaws do not allow. Therefore, it is the opinion of this Board that it is constitutional to allow the non-voting members of the Rules Committee to participate on the Governance and Internal Policy Committee, but only in a non-voting, ex officio role.