



# 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 Bylaws Art. 4 § B(1)(b) and Constitution Art. 11 § 1(a)(3)*

VU, K.; BOLEK, C.; MOVAHEDI, N.; MARIN, R; and LEE, A. approve of what is written.

### I

On November 3rd, 2023, the Judicial Board was requested to review Art. IV, Section B(1)(b) of the ASUCI Bylaws, which states that “Chiefs-of-Staff, Commissioners, Directors, Officers, and any other staff (non-paid or paid) may be removed from office by their respective Executive Officer at any time”. The Judicial Board was also requested to review ASUCI Const. Art. XI, § 1(a)(3), which states that “(a) The ASUCI Senate may impeach the following officials by a 2/3 vote:... (3) Individual appointed officials in the Office of the Student Advocate General.”

Our purpose here is therefore to clarify the authority given to the Student Advocate General by the Governing Documents to determine the composition of the staff of their office, particularly through the dismissal of staff.

## II

The SAG, as defined by the Governing Documents, exists in a unique position relative to other executive positions within ASUCI. Under Art. 7 § 1-2 of the ASUCI Constitution, the SAG is not an executive officer, strictly defined, but is nonetheless “head of the Office” of the Student Advocate General (ASUCI Const. Art. 9 § 3(b)). In the same section of the Constitution, the SAG is given the authority “[t]o set the staff composition of the Office not defined in this Constitution,” which, in consideration of both the substantive demands of this clause and the ASUCI Bylaws, renders onto the Student Advocate General the authority to hire and fire staff, or add and remove positions not mandated in the Constitution, subject to certain limitations, within their office to maintain its smooth operation (ASUCI Const., Art. 9 § 3(b)(9), ASUCI Bylaws Art. IV § B(1)(b,d)).

## III

We must now turn to the question of the extent to which this authority extends also to those in positions which are mandated in the Governing Documents, specifically the Internal Student Advocate General, the External Student Advocate General, the Chief Accountability Officer, and the Student Financial Officer.

Despite not qualifying as an executive officer under a strict reading of ASUCI Const., Art. 7 § 1, the Office of the Student Advocate General is nonetheless qualified as an independent branch of the Associated Students (ASUCI Const., Art. 4 § 1(c)(4)). To use the language of ASUCI Bylaws Art. IV § B(1), the SAG is consequently to be considered a “branch leader,” and is therefore entitled to all the rights and authority delegated to such officeholders under the same section of the Bylaws. Such officeholders have the power to “[remove] Chiefs-of-Staff, Commissioners, Directors, Officers, and any other staff (non-paid or paid) ... from office” (ASUCI Bylaws Art. IV § B(1)(b)). Under Art. 9 § 3(b)(8), the Internal Student Advocate General, External Advocate General, Chief Accountability Officer, and the Student Financial Officer are to be appointed by the SAG “subject to confirmation by the Senate,” making them “officers” of ASUCI under the definition provided in ASUCI Const., Art. 5 § 1(a,c). That this clause exists alongside provisions for the impeachment of appointed

officers by the Senate does not negate the power of branch leaders to remove appointed officials “with appropriate reason” (ASUCI Bylaws Art. IV § B(1)(c)).

V

Therefore, it is the opinion of the Judicial Board that the Student Advocate General, in accordance with ASUCI Bylaws Art. IV § B(1)(b), possesses the authority to hire and fire staff — both paid and non-paid — within the Office of the Student Advocate General.