



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 Art. 6 § 1, and Constitution Art. 7 § 1

**BOLEK, C.; MARIN, R.; LEE A.; MALANI A.; MENG S.; MOVAHEDI N.;
and NAZARI, T.; approve of what is written.**

I

On January 2nd, 2024, the Judicial Board was requested to review Art. 6 § 1 of the ASUCI Constitution, which defines Senate composition with the following members: School-Based Senators, Special Interest Senators and At-Large Senators. ASUCI Const. Art. 6 § 1(a)-(c). Further clarification was requested into the constitutionality of the addition of ex-officio non-voting seats to the Senate.

In a similar vein, the Board was requested to clarify under more principled reasoning as to whether the expansion of non-voting membership to the Executive Cabinet would be unconstitutional. ASUCI Const. Art. 7 § 1(a)-(c) defines Executive Cabinet membership through elected voting members, advisor non-voting members, and appointed non-voting members and lists the positions which fall under each of those qualifications. The request for interpretation



asked to judge the constitutionality of the general concept of addition to the latter two membership categories.

Our purpose here is therefore to judge the general principle of the addition of non-voting advisory members to the Senate and Executive Cabinet.

II

The Judicial Board finds that the ASUCI Constitution clearly and specifically enumerates the composition of both the Senate and the Executive Cabinet. Dealing with the Executive Cabinet, ASUCI Const., Art. 7 § 1 establishes the voting, non-voting appointed, and non-voting advisory positions that are to be considered part of the Executive Cabinet. Similarly, ASUCI Const., Art. 6 § 1 establishes the composition of the Senate among both apportioned and Special Interest seats.

While the Constitution does allow for some of its explicit provisions to be non-exclusive, we must emphasize the fundamentally different nature of such exceptions and the category under which the present matter falls. Art. 3 of the Constitution, in dealing with the fundamental liberties of students of which it is the Associated Students' primary purpose to uphold, lists 22 rights before, in Section 2 of the same Article, stating that such listing is not to be construed to "limit any other rights guaranteed to students." ASUCI Const. Art 3 § 2. In upholding the representative and rights-protecting nature of the Associated Students, the provision of individual liberties must not, under firm Constitutional principle, be limited. In contrast, the provision of Senate and Executive Cabinet members in the Constitution is accompanied by neither an explicit clause allowing for the expansion of the composition of such bodies elsewhere in the Governing Documents nor by a firm principle on which to find it in the interest of the student body to do so. Consequently, we find it necessary to abide, in this case, by that tried legal maxim



— *expressio unius est exclusio alterius* — and rule that the “expression of one thing is at the exclusion of another.”

III

Upon examining Art. 6 and Art. 7 of the ASUCI Constitution, the Judicial Board finds that the inherent exclusivity of lists, guided under legal principle, limits both the Executive Cabinet and Senate to the composition specified in the Constitution. Therefore, any attempted expansion of the Senate or the Executive Cabinet beyond their compositions as defined in the Constitution are to be considered as facially unconstitutional.