



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.”

Opinion on Hiring by the Chief Media and Technology Officer and on Commissions under the Executive Cabinet

This opinion of the JUDICIAL BOARD delivered on 3rd June, 2024, with BOLEK, C., MARIN, R., LEE, A., MALANI, A., MENG, S., & MOVAHEDI, N. in agreement with what is written.

I

On May 30th, 2024, the Judicial Board was requested to review Art. 7 of the ASUCI Constitution, specifically in reference to the ability of the Chief Media and Technology Officer (CMTO) within the Executive Cabinet to hire, maintain, and administer paid staff independently. For years, the Chief Media and Technology Officer has been operated as an office in its own right, the CMTO themselves hiring staff and managing staff in much the same way as each Executive Officer manages their office. In reviewing relevant sections of the Governing Documents, we find that this state of affairs contravenes the enumerated system by which the Constitution defines the appointment and confirmation of paid ASUCI staff and in so doing rule that the position must be restructured to reflect its constitutional mandate.



II

The Chief Media and Technology Officer is, at present, the only position defined as a Cabinet Officer. ASUCI Const. Art. 7 § 1(b). They themselves are nominated by the Executive Cabinet for confirmation by the Senate, and, pursuant to the description of their role under Art. 7 § 2(g) of the ASUCI Constitution, are appointed, among other purposes, to “facilitate communications, marketing, public relations, social media, and branding for ASUCI,” with such functions spearheaded by each Executive Officer in the Executive Cabinet individually. ASUCI Const. Art. 7 § 2(g)(1). Of interest at this time is whether the CMTO may themselves hire paid staff, a power which is indeed explicitly delegated to each Executive Officer under Art. 7 § 5 of the Constitution and elsewhere.

The Chief Media and Technology Officer is delegated the authority to “hire interns as necessary to assist in the work of the office.” ASUCI Const. Art. 7 § 2(g)(14). This is the only point in the Constitution at which the ability of the CMTO to take on other staff to execute its constitutional mandate is stated or implied. Contrarily, the capacity of each Executive Officer to take on staff — both paid and unpaid — in order to execute their constitutional mandate is both enumerated and implied across multiple locations in the Constitution. Under the Senate’s authority to administer the ASUCI budget and confirm or reject nominees to all paid positions across the Association, Executive Officers are endowed with the authority to appoint “chiefs of staff, directors, and commissioners.” ASUCI Const. Art. 6 § 2(k). This power is further enumerated under Art. 7 § 2(a)(2), which establishes the authority of “Each Executive Officer independently” to “create commissions,” subject to the Senate’s consent, and to “administer their office’s annual budget as approved by the Senate” in furtherance of their ability to sustain and execute their Article 7 responsibilities toward the Associated Students and the



students it serves. At no point in the Constitution is this power stated or implied to extend to Cabinet Officers or other staff within the Executive Branch, whose mandates are as enumerated either constitutionally or by the description which is required for the creation of all commissions. ASUCI Const. 7 § 2(a)(2)(A)(i).

III

The total implication of these clauses are a position of subordination of the Chief Media and Technology Officer to the Executive Officers of the Executive Cabinet. This positionality within the Associated Students has indeed further been reiterated in the ASUCI Bylaws, where the President is given the primary authority to “Oversee the day-to-day management of Cabinet Officers” and “Issue appropriate assignments to the Cabinet Officers as necessary.” ASUCI Bylaws Art. III § C(1)(a)(iii, v). The CMTO, in other words, as the only Cabinet Officer within the present construction of the ASUCI Constitution, exists in furtherance of the mission of the Executive Cabinet and the Associated Students writ large. In this positionality and the allowances of the Constitution for the hiring and administration of paid staff, its active authorities under Art. 7 § 2(g) of the Constitution must be supported by a broad effort from the Executive Cabinet’s active capacity and the Senate’s power of the purse. This brings this analysis now to another essential question implied by the present inquiry: may the Executive Cabinet as a whole administer commissions or paid staff to support the role of the Chief Media and Technology Officer, or indeed of any other officer in a similarly situated position?

We hold that it may not. Just as Art. 7 § 2(a)(2) of the ASUCI Constitution gives each “Each Executive Officer independently” the power to create commissions in pursuit of their constitutionally-mandated mission, this section, in tandem with the broader authorities granted under Art. 7 § 2(a)(1) of



the Constitution, implies no power of the Executive Cabinet to create commissions or other similar entities. Indeed, the Constitution establishes a strong check on the Executive Branch’s authority to establish departments and commissions by mandating that “commissions and departments created by Executive Officers or within the Office of the Student Advocate General” be confirmed or rejected by the Senate before they may begin to execute their proposed business and expend ASUCI funds. Beyond nominating Justices to the Judicial Board, assisting the Elections Commission in promoting ASUCI elections, overseeing the ASUCI budget, and managing ASUCI auxiliary services, the powers delegated to the Executive Branch are delegated to each Executive Officer independently. Executive Offices may collaborate as they please, and indeed they may do so by leveraging the Chief Media and Technology Officer’s unique position within the Executive Branch to facilitate collaboration between them, but for the Executive Cabinet to create a commission and delegate its immediate oversight to the CMTO is beyond its constitutional authority.

IV

We find that the Chief Media and Technology Officer may not hire nor independently administer paid staff and must instead “Hire interns as necessary to assist in the work of the office.” ASUCI Const. Art. 7 § 2(g)(14). Furthermore, as the Executive Cabinet is not delegated as an entity in itself the authority to establish commissions under itself, we hold that the CMTO must pursue its constitutional mandate in collaboration with each Executive Office independently.

It is so ordered.



**Appendix A:
Relevant Sections of the ASUCI Constitution**

As of the writing of this opinion, Art. 6 § 2(k, l), Art. 7 § 1(b), Art. 7 § 2(a), Art. 7 § 2(g), and Art. 7 § 5 read as follows:

Article 6. Senate

Section 2. Authority and Powers

- (k) To confirm or reject appointments made from Executive Officers of chiefs of staff, directors, commissioners, and any other Executive Cabinet positions requiring senate confirmation by a majority vote.
- (l) To confirm or reject, using guidelines in the ASUCI Bylaws, commissions and departments created by Executive Officers or within the Office of the Student Advocate General.

Article 7. Executive Cabinet

Section 1. Membership

- (b) Appointed, non-voting
The Executive Cabinet will appoint, subject to confirmation by the Senate, a Chief Media & Technology Officer.

Section 2. Authority and Powers

- (a) The Cabinet
 - (1) As a whole, the Executive Cabinet has the power:
 - (A) To prepare the annual ASUCI budget in conjunction with the Student Advocate General, the Student Financial Officer, and the Elections Commissioner;
 - (B) To oversee all auxiliary services, with advice from the ASUCI Executive Director;



- (C) To assist the Elections Commission in promoting ASUCI elections;
 - (D) To assist the Elections Commission with its staff training and development;
 - (E) To set aside funding in the budget to support programs and events hosted by students, following a consultation process with students and campus organizations;
 - (F) To appoint Justices to the Judicial Board, subject to approval by the Senate;
 - (G) To veto legislation within five academic days from its adoption by the Senate;
 - (i) A veto can only be exercised once per legislation.
 - (ii) After five academic days, the legislation becomes effective with or without the Cabinet's approval.
 - (H) To create auxiliary services, subject to approval by the Senate; and
 - (I) To ensure the solvency of ASUCI auxiliary services in conjunction with the
- (2) Each Executive Officer independently has the power:
- (A) To create commissions by nominating their respective staff members and submitting a description of the commission with the nomination.
 - (i) This description must outline the duties, purposes, and responsibilities, as well as a proposed timeline of projects the commission is expected to carry out, both of which are subject to confirmation by the Senate.
 - (B) To administer their office's annual budget as approved by the Senate.



- (g) The Chief Media & Technology Officer
- (1) Develops and implements policies that facilitate communications, marketing, public relations, social media, and branding for ASUCI;
 - (2) Develops and implements policies related to branding, the style guide, and the general creative vision for ASUCI;
 - (3) Oversees the general outreach efforts of ASUCI to the undergraduate student body;
 - (4) Coordinates all projects related to the ASUCI website and social media presence;
 - (5) Serves as the chief liaison and coordinator between ASUCI and student-run media;
 - (6) Serves as a liaison between the ASUCI staff and ASUCI Marketing Manager;
 - (7) Publicizes ASUCI events, programs, services, and organizations to the student body, the campus staff and faculty, and the community;
 - (8) Organizes a calendar of events hosted by ASUCI;
 - (9) Develops and implements projects involving technology for the purpose of increasing accessibility to the undergraduate student body;
 - (10) Ascertain the technological and logistical feasibility of all projects and policies relating to technology undertaken by ASUCI, to enable the execution of the specifications of the aforementioned projects;
 - (11) Advocates for the use of campus technology for the benefit of the student body;
 - (12) Serves as the chief liaison and coordinator for ASUCI's relationship regarding technology with the University and the student body;
 - (13) Develops and maintains the ASUCI website, in collaboration with ASUCI Information Technology and other offices in ASUCI; and



(14) Hires interns as necessary to assist in the work of the office.

Section 5. Staff

- (a) Each Executive Officer must submit nominations for their respective chiefs of staff, commissioners, directors, and other staff within three weeks of taking office.
 - (1) If the Executive Officer hires any other cabinet members or staff during the Fall quarter, they must submit nominations for those respective positions as soon as possible.
- (b) All staff in each Executive Office are subject to interview and review by Senate prior to confirmation.
- (c) No paid staff member of an Executive Office may perform their duties in their respective positions without being confirmed by the Senate.



**Appendix B:
Relevant Sections of the ASUCI Bylaws**

As of the writing of this opinion, Art. III § C(1)(a)(iii, v) read as follows:

Article III. Executive Branch

Section C. Executive Officer Provisions

1. President

- a. As Chief Executive Officer of ASUCI and Chair of the Executive Cabinet, the president shall:
 - iii. Oversee the day-to-day management of Cabinet Officers.
 - v. Issue appropriate assignments to the Cabinet Officers as necessary, subject to the respective Cabinet Officer's documented consent or a simple majority vote of the Cabinet.