



# 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 the Senate’s Authority to Confirm or Reject SAG Officers***

November 6, 2024

***KARATAS, Z.; MALANI, A.; and RINGDAHL, N. delivered the opinion of the Judicial Board. BOLEK, C.; MENG, S.; MARIN, R.; and MOVAHEDI, N. agree with what is written.***

### **I**

On October 7th, 2024, the Judicial Board received a Petition for Formal Interpretation from Student Advocate General Victory Ogbonnaya, requesting that the Board determine whether the Senate has the authority to reject deputies appointed by the SAG, specifically in relation to Article VI, Section 2(m) of the ASUCI Constitution. The Judicial Board concludes that the Senate does indeed have the authority to confirm or reject the SAG's nominees, provided that students’ Article 2 and Article 3 rights are not violated via the Senate’s actions.

### **II**

Article VI, Section 2 of the ASUCI Constitution outlines the Senate’s powers and authorities, including but not limited to holding “primary policy-making legislative authority, and final administrative authority, for ASUCI.” ASUCI Const. Art. VI § 2. Specifically regarding the confirmation or rejection of

nominations within ASUCI branches, Article VI § 2(m) of the Constitution grants the Senate the authority to “confirm by a 2/3 vote, or reject nominations: (1) To the Judicial Board; (2) For appointed Executive Officers; (3) For appointed officer positions in the Office of the Student Advocate General; and (4) To the Elections Commission.” ASUCI Const. Art. VI § 2(m)(1-4). As the ESAG deputy nominees, whose confirmations were submitted to the Senate by the Student Advocate General, fall under the offices described in Article VI, Section 2(m) —specifically the category of “nominations for appointed officer positions in the Office of the Student Advocate General”— we affirm the Senate’s right to reject the candidates during the October 3rd, 2024, Senate meeting.

### III

Although we acknowledge the Senate’s authority to reject candidates, we also would like to clarify that this power is still subject to the general limitations laid out in the ASUCI Constitution. Specifically, we would like to reaffirm our recognition of Art. II § 4(b) of the ASUCI Constitution, which specifies the commitment ASUCI members have to uphold nondiscrimination.

In other words, we note that the Senate’s ability to confirm or reject nominations for appointed officer positions is still subject to nondiscriminatory policies such that “[a]ll members of ASUCI meeting the requirements set in this Constitution are eligible and encouraged to seek, obtain, and hold office without discrimination or abridgment because of race, ethnicity, color, religion or creed, national origin, caste, ancestry, age, genetic information, marital status, family or parental status, pregnancy, sex, sexual orientation, gender, gender identity, gender expression, economic status, political affiliation, physical or mental disabilities, and any additional protected classes as specified by University or campus policy or by state or federal law.” ASUCI Const. Art. II § 4(b).

Hence, we concurrently reaffirm the Senate’s right to confirm or reject nominations under Art. VI and note that these nominations must adhere to the non-discrimination policies elucidated by Art. II at all times.

*It is so ordered.*



## **Appendix**

### **Relevant Sections of the ASUCI Constitution**

As of the writing of this opinion, Art. 2 § 4(b), Art. 6 § 2(m) read as follows:

#### **Article 2. Membership**

##### Section 4. Nondiscrimination

(b) All members of ASUCI meeting the requirements set in this Constitution are eligible and encouraged to seek, obtain, and hold office without discrimination or abridgment because of race, ethnicity, color, religion or creed, national origin, caste, ancestry, age, genetic information, marital status, family or parental status, pregnancy, sex, sexual orientation, gender, gender identity, gender expression, economic status, political affiliation, physical or mental disabilities, and any additional protected classes as specified by University or campus policy or by state or federal law.

#### **Article 6. Senate**

##### Section 2. Authority and Powers

(m) To confirm by a 2/3 vote, or reject nominations:

- (1) To the Judicial Board;
- (2) For appointed Executive Officers;
- (3) For appointed officer positions in the Office of the Student Advocate General; and
- (4) To the Elections Commission.