

ASUCI JUDICIAL BOARD

“All Judicial authority of ASUCI shall be vested in the Judicial Board. The Judicial Board’s authority shall extend to all judicial cases arising under [the ASUCI] Constitution; the various by-laws of ASUCI; all official actions of the Executive Officers, Legislative Council member, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council.”

Ruling on Nayudu v. ASUCI Election Commission

Associate Justice Siddiqui delivers the ruling of the Judicial Board.

The case of Nayudu vs Elections Commission found Mr. Nayudu in violation of Article XX, Section G (Campaigning and Publicity: Use of University equipment). Initially, Ms. Ip complaint contested that Mr. Nayudu used an old “Peter the Anteater” suit to during his campaign. The Elections Commission investigation found that the suit belonged to UC Irvine Athletics (UCIA) rendering Mr. Nayudu in violation of the aforementioned clause.

In regards to the use of Peter the Anteater as a symbol of the University and its history, the explicit use of the image is not inaccessible to the student body population at large, as the Elections Commission declared. The Judicial Board found that rental of the “Peter the Anteater” mascot has become a tightly controlled activity since the filing of this complaint and that rental of the mascot is available to the entire general student body at large for the cost of \$10 per hour plus cleaning fees. Previously the athletics department did not actively police the actor placed within the suit but has since revised its procedures to eliminate such controversial use of the image. However, given that the Athletics Department implemented such rules a result of this case bears witness to the fact that such controls were not in placed prior and other candidates could have pursued similar activities before this year’s election.

In regards to ownership of the suit, the Judicial Board finds that the PIKE fraternity rightfully owns the suit, as UCIA did not follow proper University procedures for acquisition, maintenance, disposal or transfer of University owned equipment. University property encompasses a broad definition and the University has specific policy and procedures for the acquisition, maintenance, disposal or transfer of University owned equipment. Again, the use of University equipment is a stringently controlled activity. It is the Judicial Board’s finding that Athletics has shown blatant disregard for University Policy. The Judicial Board justifies this action in regards to Business and Financial Affairs, Material Management – Property

Inventory Control System Section 706-20: Disposal or Transfer of University Equipment Item B and Section III. Item B of the aforementioned policy addresses disposal and transfer of University equipment. Section III addresses responsibility, physical location, and security. Business and Finance Bulletin, BUS-29 cites, "this document establishes requirements for prudent management and control of materiel defined as inventorial equipment, other government property, and other inventorial items, that are owned by or in the custody of The Regents of the University of California. These requirements are intended to ensure proper protection of and accounting for materiel owned by or in the custody of The Regents." Business and Financial Affairs Material Management – Property Inventory Control System Sec. 706-20: Disposal or Transfer of University Equipment – Procedure declares, "Custody departments shall forward a completed Equipment Management to report all missing equipment, regardless of circumstances (lost, stolen, un-locatable, etc.). When theft is suspected, departmental personnel are advised to notify the Campus Police by telephone as soon as possible. A police report number should be included on the EIMR if one has been assigned."

In light of the Universities stringent control over University property, proper documentation regarding ownership should have been filed, or requested by the Elections Commission when making their decision in order to protect the democratic process. Thus, the Judicial Board finds that Election Commission failed to ensure that the University provided corroborative evidence substantiating ownership of the suit. In regards to claims that Mr. Nayudu violated Article XX Section G, the Judicial Board overturns the Elections Commission decision to disqualify Mr. Nayudu. If the equipment in question was ever out of University supervision for an extended period of time, policy and procedures are in place for the timely declaration and direct retrieval of such highly coveted property. Mr. Nayudu's actions were taken in good faith, as endorsed by the PIKE fraternity, and do not warrant disqualification from the 2011 Spring Elections.

Violations of the Elections Regulations and Penalties have become a poignant issue in election campaigns. It has come to the attention of the Judicial Board that complaints in regards to violations of Section B maybe withheld from being filed until time fails to permit censorship. The Judicial Board does not believe the actions of Mr. Nayudu legitimized disqualification. However, the Elections Commission has little oversight to implement a less severe admonishment. It is the recommendation of the Judicial Board that the Elections Code be expanded to include time frames on complaints that allow for the use of the most severe reproach in order to protect the democratic process and limit negation of students voices.

It is the Judicial Board decision that, by any measurable standard, PIKE fraternity was the proper owner of the suit at the time of the complaint. It is the Judicial Board's decision to overturn the lower Elections Commission decision in Ip v. Nayudu and reinstate Vikram Nayudu as a candidate for ASUCI President in the Spring 2011 ASUCI Elections.

The Judicial Board of the Associated Students of the University of California, Irvine has, on this day, April 29, 2011, taken action on this issue.

It is so ordered.

Dmitiry Kunitskiy

Judicial Board Chair

Abdullah Siddiqui

Associate Justice of the Judicial Board