

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 Members, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council”

JUDICIAL RULING ON R49-46

Chair Forouzan, writing for the majority, in which, Vice Chair Agbelemose and Associate Justices Barclay and Lozano join.

Regarding R49-46, “Formation of Undocumented Persons Advocacy Sub-Committee,” Judicial Board has voted unanimously that this resolution is unconstitutional.

The ASUCI Constitution¹ empowers Legislative Council to “[e]stablish standing or ad hoc committees...to assist in any legislative recommendations.” Legislative Council, through R49-46, has attempted to create such an ad-hoc committee to assist Legislative Councils’ Advocacy Committee in “its efforts [to promote] a more inclusive environment for undocumented persons on campus².”

While the legislation in question refers to the committee as a “Sub-Committee,” it operates, both in function and purpose, as an ad-hoc committee. Moreover, though it is explicitly referred to as an “Advocacy Sub-Committee” in both the title and body³ of the bill, because its creation is under the Advocacy Committee for the purpose of assisting in this year’s “advocacy agenda⁴,” it must be presumed that it is an ad-hoc committee and thus must follow the structure delineated in Article XIV⁵. This Article, titled ADVOCACY COMMITTEE, stipulates that the Advocacy Committee shall be “concerned with the activities and projects of all Legislative Council ad-hoc committees”⁶ and that it shall “thoroughly [review] the creation of each ad-hoc committee.”⁷ Most germane to this ruling is the stipulation that an ad-hoc committee will “name two or more fellow Legislative Council members who wish to participate in the ad-hoc committee.”⁸

In reviewing the body of the bill, this Board finds that there are no Legislative Council members who are named to participate in the committee. As such, the Board finds that the “Undocumented Persons Advocacy Sub-Committee” does not meet the ad-hoc committee membership requirement. Consequently, R49-46 is not in accordance with the ASUCI Constitution.

¹ Article IV, Section B, Subsection 10

² R49-46: “WHEREAS, Advocacy Committee has to decided to focus one of its efforts...”

³ “WHEREAS, creating a sub-committee under the branch of the Advocacy Committee...”

⁴ By-Laws Article XIV, Section A

⁵ Specifically, Section A, Subsection 1(a)(i-iv)

⁶ *Id.* at Article XIV, Section A

⁷ *Id.* at Section A, Subsection 1(a)

⁸ *Id.* at Section A, Subsection 1(a)(ii)

Utilizing the powers vested in the Judicial Board by the ASUCI governing documents⁹, we hereby declare that R49-46 is unconstitutional and its implementation is barred. Furthermore, in order to avoid future legislation that is inconsistent with ASUCI governing documents, the Legislative Council is reminded that it has a Constitutional duty to “review and approv[e]”¹⁰ the various ASUCI bylaws at least once per academic year.

IT IS SO ORDERED

Oluwatobi Agbelemose, Vice-Chair

Christopher Barclay, Justice

Myron Lozano, Justice

Seena Forouzan, Chair

⁹ ASUCI Constitution, Article VI, Section B, Subsection 5

¹⁰ ASUCI Constitution, Article IV, Section B, Subsection 9