

Associated Students Judicial Board of The University of California, San Diego

Rodriguez v. Associated Students of UC San Diego

July 6, 2022

The AS Judicial Board evaluated 3 separate questions for this hearing:

1. *Did the Associated Students violate the Standing Rules of the Association by not appointing a Chief Personnel Officer before appointing other candidates to appointed positions?*
2. *Did the Hiring Committee for the Chief Communications Officer position, on behalf of the Associated Students, violate the Standing Rules of the Association by not awaiting the appointment of a Chief Personnel Officer to review the Committee's evaluation of candidates?*
3. *Did the Hiring Committee for the Chief Communications Officer position, on behalf of the Associated Students, act in an unfair and/or unethical manner by appointing their preferred candidate without the approval of the Chief Personnel Officer?*

The AS Judicial Board voted 3-0 to dismiss the first two questions. We found that the appointment of a Chief Personnel Officer (CPO) was not a necessary precondition for the appointment of a Chief Communications Officer (CCO). Both the CPO and the CCO are new positions for which the Constitution prescribes an appointment deadline of Week 8. Thus, we found it appropriate for the Associated Students to hold the appointment windows of the CPO and CCO positions in conjunction. Furthermore, we found that the Hiring Committee for the CCO position was not obligated to await the appointment of the CPO position in order to review the Committee's evaluation of candidates. Since this was the inaugural year for the appointment of the CPO and CCO positions, there was no outgoing CPO to advise throughout the hiring process. However, we recognize that in these cases it is reasonable for outgoing members in positions that have duties and responsibilities closest to the new position in question to participate in the review of the Committee's evaluations and candidates. In this case, the outgoing VP of Campus Affairs was deemed to have the closest responsibilities to the CPO - in fact, the CPO position was derived from VP of Campus Affairs - making their participation in the hiring process valid. This is consistent with previous precedents of former or outgoing executive members participating in the hiring process for their respective positions. As such, we hold that neither the Associated Students nor the Hiring Committee for the CCO position violated the Standing Rules of the Association.

Additionally, the AS Judicial Board, by a 3-0 vote, found that the Associated Students acted in an unfair manner by failing to move to suspend the Standing Rules for the appointment of the CCO position. While we recognize that it was reasonable, in principle, for the outgoing VP of Campus Affairs to act as the outgoing CPO for the hiring process of the CCO position, we assert that, procedurally, it was improper for the Associated Students and the Hiring Committee to go this route without a move to suspend the Standing Rules. We found that it is customary for the Associated Students to suspend the Standing Rules as a means to temporarily proceed with a matter by not adhering to the rules entirely. Such a suspension of the rules should have been invoked in order to clarify that the outgoing VP of Campus Affairs was to serve as the outgoing CPO for the hiring process of the CCO position. By failing to do so, we found that the Associate Students acted in an unfair manner. However, we did not find that failure to suspend the Standing Rules had any bearing on the outcome of the appointment. As such, we do not recommend any censure or punishment, we only advise the Associated Students to use the Standing Rules, or suspension thereof, in order to clarify the roles and responsibilities for individuals who participate in the hiring process of new positions outlined by the Constitution in the future.

Signed,



Courtney Chan

Carlos Paredes

Carlos Paredes

Neo Lee

Neo Lee