

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

Rodriguez v. Associated Students of UC San Diego

October 28, 2022

The AS Judicial Board evaluated the following question:

Did the Executive Officers, on behalf of the Associated Students Cabinet, violate the Constitution of the Association by not allowing the Senate to vote on appointments to the Judicial Board of the Associated Students and appointing them without Senate approval?

The AS Judicial Board voted 3-0 in favor of dismissal. We found that conventional procedure was followed by the Associated Students of UC San Diego (“AS UCSD”) for the appointments of recent Judicial Board members, and that this procedure is protected under the AS Constitution.

Contextually, it is important to note that the Senate meeting held on June 28, 2022 was called under emergency circumstances for the express purpose of appointing Judicial Board members. Additionally, the Court notes that AS UCSD is a unique form of government, and not a replica of any other government. Accordingly, practices under AS UCSD that may differ from practices of other governments are still found constitutional, so long as they are compliant with the AS Constitution.

The applicable rule in the instant issue is Article IV, Section 2, Clause A of the Constitution, which states “*The President shall be responsible for appointing candidates for Associate Justice and Chief Justice to the Senate for approval, by a majority vote.*” In ruling for dismissal, the Court addresses two main considerations: (1) the procedure by which appointments are approved by the Senate, and (2) what constitutes a ‘majority’ of the Senate. The Court addresses each issue in turn.

Regarding the first issue, we find that the Senate’s treatment of Judicial Board appointments as legislative items is constitutional. We find that in both practice and tradition, appointments of individuals to positions in all branches of AS UCSD, including the Judicial Board, have been treated as legislative items. Furthermore, according to Robert's

Rules of Order, if there are no objections to a legislative item after it has been introduced, the item has been approved. During the July 28, 2022 Senate meeting, each Judicial Board nomination was introduced as a legislative item, and there were no objections to any of the nominations. Thus, the Court finds that nominations were properly approved and appointments were properly made.

In regards to the second issue, the Court finds that each Judicial Board member's appointment was approved by a Senate majority. As per Title III, Section 3.1 of the Standing Rules of AS UCSD, "*Voting members of the Senate may decide an alternative time, by majority vote, so long as quorum is unaffected by the new time. Quorum shall be considered a majority of the voting membership of the Senate.*" During the July 28, 2022 Senate meeting, eleven (11) of twenty-five (25) senators, as well as seven (7) Executive Officers were present. While the Court acknowledges Executive Officers are not senators, the Court finds that Executive Officers are nevertheless part of the Senate body. This is exemplified by Executive Officers' voting power and participation in the Senate. Thus, during the July 28 Senate meeting, eighteen (18) of thirty-two (32) members of the Senate were present, constituting a voting majority. This voting majority was an adequate quorum to hold a Senate meeting and approve legislative items, such as appointments.

Thus, the AS Judicial Board finds the Executive Officers of the Associated Students of UC San Diego did not violate the AS Constitution given that a Senate majority properly approved each Judicial Board appointment.

Signed,

Carlos Paredes

James Streett

Courtney Chan