



Associated Student Government Judiciary

Interpretation Request

November 4th, 2021

Associate Justice Fernanda Alcantara authoring for where the majority (6-0) decision rules.

I. Introduction

On October 10th, 2021, the Associated Student Government Judiciary (ASGJ) received an interpretation request that was submitted by Complainant Jane Doe (complainant requested she remain anonymous) at 2:41 pm. The complainant's request for interpretation pertained to the capacity of the student body Vice President or any other ASG executive member to serve in a leadership role outside of their ASG role. Complainant has requested for the ASGJ to consider the weight of the ASG Constitution and a previous ASG Chair of Senate holding an additional executive role outside of ASG.

II. Facts of the Case

Following below is the verbatim transcript of the interpretation request as described by the complainant before the court:

“The Constitution Article II Section 5, B states that an ASG executive member cannot serve in a non-exec role in a different RSO, such as the Volunteer Action Center (VAC). To clarify, I am referring to roles that are non-exec. RSOs are beginning to develop positions that are not leadership roles, but where you would still be holding a title. Last year, Chair of Senate, Caleb Parker, served in his ASG role and as the President of Collegiate Farm Bureau. This is something that has not seemed to be followed. I also want to ask an additional question. Are organizations allowed to endorse candidates in elections? For example, during Homecoming, the VAC and University Programs (UP) endorsed their selected candidates on social media. Would organizations like UP and VAC be allowed to endorse during the general election? I just want some clarification if an ASG executive member is allowed to serve in a leadership role in an outside organization.”

The complainant lists “ASG Constitution, Article II, Section 5 B” as the proposed section of law that is now in question.

ASG Constitution, Article II, Section 5 B is quoted as follows:

“No person shall simultaneously serve as on the Executive Committee of ASG and hold an officer position or title in any Registered Student Organization (RSO) or other campus governance body.”

The complainant did not submit any evidence to the ASG Judiciary on this request.

These arguments are the main focal points of our discussion that is to follow in the next section of this official opinion.

III. Discussion

The basis for the Judiciary's deliberations on the issue is the determination of the time commitments for ASG executive positions. Associate Justice Roach referenced that the time commitment in terms of hours would be a conflict since it is an estimated 18 hours per week of dedication for the Vice President position. Associate Justice Stephens recalled that a VAC board position requires a time commitment of approximately 8 hours per week. Both positions Complainant used as an example require a high level of commitment, which would subject the holder of both positions to an undue burden in terms of giving them the attention they deserve. Judicial Proxy Thompson stated that this dual involvement in large organizations could be seen as "power hungry," taking away the opportunity to serve in leadership roles from those who are not stretching themselves thin and are less involved. Associate Justice De Leeuw generalized the said statements by pointing out that Complainant was only asking about specific positions and organizations.

To address Complainant's concern that Mr. Parker had previously broken the said rules, Associate Justice Alcantara stated that there was no set precedent in that situation; it was ultimately not legally appropriate, but it was something that went unreported.

The focus of the discussion then shifted to defining the terms "executive committee" versus "council," "executive," and "RSO." Chief Justice Hagler stated that the ASG Executive Committee is made up of the four elected executive positions (President, Vice-President, Secretary, Treasurer) and the Chair of Senate, with the ASG Executive Council including the aforementioned positions, plus the Chief of Staff, Chief Justice, and the Membership Development Coordinator positions. To clarify Complainant's question, ASGJ defined a "leadership/officer position or title" as "a codified, appointed, or elected position that elevates an individual above mere membership status." ASGJ then reflected on what "RSO or other campus governance body" encompassed. Associate Justice Alcantara referred to RSOs as "any organization funded through the ASG Office of Financial Affairs (OFA)." This definition excludes the VAC and other Office of Student Activities (OSA) organizations. The ASGJ opined OSA organizations would fall under "other campus governance bodies" since such organizations receive their funds through the Program Allocation Board (PAB), and therefore are still considered fiscally dominated by the University at large.

Associate Justices De Leeuw and Stephens deliberated on Complainant's added endorsement question. There was a suggestion by Chief Justice Hagler to table the question since it was not originally included in the written petition, and because the Judiciary lacked substantive relevant information pertaining to the specifics of this question. This recommendation was adopted by unanimous approval. *The ASGJ did not rule on this topic.*

Using the definitions delineated herein, the ASGJ opines that ASG Constitution, Article II, Section 5 B states that the ASG Vice-President is unable to simultaneously hold their ASG position and serve in a leadership position in another RSO or OSA organization.

Conclusion

Under the consideration of the complainant's interpretation request, in conjunction with the ASGJ's *a priori* knowledge of the ASG Code of Laws and Constitution, a quorum of the ASGJ has balanced the power of law found within the ASG Constitution. Hereafter, it shall be known that the ASG Constitution prevents a member of the Executive Committee (President, Vice-President, Secretary, Treasurer, and Chair of Senate) from holding any additional leadership positions in other RSOs or OSA organizations. Note that this official opinion does not revoke the right of any ASG member, agent, or general campus community member the freedom to file an interpretation request or general complaint with question to a portion or all of either quoted documents of this opinion.

IV. Decision

A quorum of the Associated Student Government Judiciary voted on Thursday the 4th of November 2021 to rule unanimously (6-0) that the ASG Constitution outlines that an ASG Vice-President or any other Executive Committee member is not allowed to serve in an OSA/ Center for Community Engagement/ RSO position even if it is not an executive office within that organization. As the decision was ruled in favor of the Majority, the Majority rules. The decision stands as is.

IT IS SO ORDERED

Authored by Justice Fernanda Alcantara

Joined by Justice Adam Hagler

Joined by Justice Anna Roach

Joined by Justice Breanna De Leeuw

Joined by Justice Proxy Kourtney Thompson

Joined by Justice Lauren Stephens
