November 4, 2009
Re: Whether or Not Senate and Treasury Committee Positions are Offices of Student Union

CHIEF JUSTICE LAM, joined by Associate Justice COHEN, Associate Justice HUNTER, Associate Justice JONES, and Associate Justice TAYLOR, delivers the Opinion of the Court:

Constitutional Council received a grievance regarding whether or not an officer, like a Senator, could be part of a Treasury Committee. Accordingly, Constitutional Council sought to answer whether or not constituent members of Legislative Committees were considered officers of Student Union. In considering this question, Constitutional Council collected pertinent Constitution and Statute clauses, and conducted interviews with relevant parties.

According to the Constitution, “[o]nly constituents of the Student Union may hold office,” (Const. II.3) and are referred to as Officers of the Student Union once elected or appointed to office (Const. III.3). Additionally, “[n]o constituent may hold more than one Student Union office at the same time” (Const. III.3). As a result, the main issue question in the grievance asks whether or not an officer of the Student Union would be in violation of Const. III.3 in additionally being a constituent member of a Legislative Committee; the answer to this question hangs in whether or not said constituent member’s office was an office of Student Union.

Current Student Union officers are selected through two main avenues: On the one hand, Executive Officers, Class Council Officers, School Council Officers, Senators, and Treasury Representatives are elected by their constituents. On the other hand, Constitutional Council Justices, the Election Commissioner, and the Election Commission are appointed by an officer and then confirmed in one and/or both of the legislative bodies by a majority vote. With this framework in mind, Constitutional Council considered first the position of constituent members in Senate Committees, and then the position of constituent members in Treasury Committees.

Constituent members of Senate Committees do not undergo a formal process to obtain a position in a committee; after showing up for two meetings, they receive the ability to vote in the committee for the session (Stat. II.1.a.5.ii). Because they do not undergo any process in order to obtain their position, we do not deem them to be officers of Student Union, and accordingly do not deem the constituent member position in a Senate Committee to be an office of Student Union.

Constituent members of Treasury Committees are appointed by the Chair of the appropriate committee, with the consent of Treasury (Stat. II.2.c.1.v, Stat. II.2.c.2.xi, Stat. II.2.c.3.viii). However, the established process for appointed offices require the candidate in question to seek approval from a body outside of its branch, which Constitutional Council believed to be an important difference. Because constituent members of Treasury Committees are appointed by members of the same body which grants consent, as
compared to other established appointed offices in Student Union, we do not deem constituent members of Treasury Committees to be offices of Student Union, and accordingly do not deem the constituent member position in a Treasury Committee to be an office of Student Union.

That said, we are encouraged that the Legislature is addressing the general definition of a Student Union office proactively through proposing new legislation. Constitutional Council bases its decisions on what is written in the governing documents. However, because very little is in fact written on the nature of offices within Student Union, Constitutional Council believes that this issue can be best remedied, not through the reactive grievance process, by which we must answer this question piecemeal and without a larger framework, but proactively through the Legislature.