



JP 22-23:02 Judicial Review of SB 21-22:01

Date: October 21st, 2022

Author: Assoc. J. Berryhill

The Supreme Court, in accordance with Article IV, Section 5 of the ASuop Constitution, hereby notifies ASuop of its review of SB 21-22:01: Article I Clarification Act, and its decision to overturn the change made to Bylaw 100.7 which has been deemed unconstitutional. For reference, SB 21-22:01 has been included with this Proclamation as Appendix A.

Given Article IV, Section 5 of the ASuop Constitution, which reads as follows:

“The Court shall be responsible for maintaining the original governing documents of the ASuop, so as to guarantee the accurate interpretation of said documents.”

it has been determined that the responsibility of maintaining the Bylaws belongs to the Supreme Court.

Consequently, the Court has ruled to overturn the change made to Bylaw 100.7 in SB 21-22:01, and return Bylaw 100.7 to its original form. All other changes made in SB 21-22:01 are valid.

Bylaw 100.7 shall be amended to read as follows:

“There shall be one official copy of the ASuop Bylaws. These bylaws shall be maintained by the Supreme Court, and a physical copy shall be kept



within the ASuop Office.”

This change shall take effect immediately upon signing.

Respectfully Submitted,

Reese Romero, Chief Justice of the ASuop Supreme Court

10/21/22

Date

Ainsley Berryhill, Associate Justice of the ASuop Supreme Court

10/21/22

Date

Namorrah Ward, Associate Justice of the ASuop Supreme Court

10/21/22

Date



Senate Bill
students serving students

SB 21–22:01: Article I Clarification Act

Date: January 10, 2022

Author: Sen. Spaccarelli, Sen. Berryhill, Sen. Young

Sponsor(s):

BE IT ENACTED BY THE SENATE HERE
ASSEMBLED THAT:

SECTION 1: Amendment of Articles

- A. Chapter 100 of the ASuop Bylaws shall be amended
to read as follows:

Chapter 100 – Student Government Bylaws

100.1 This chapter shall outline the bylaws of the Associated Students of the University of the Pacific (“ASuop”), observed by all Officers of the ASuop in discharging the duties and obligations of their positions.

100.2 Bylaws shall be organized into articles, each dealing with related and similar topics. Each article shall be composed of numerically designated chapters, as follows:

ARTICLE I Chapter 100-199 System of Bylaws

ARTICLE II Chapter 200-299 Standards of Conduct

ARTICLE III Chapter 300-399 Organizational Bylaws

ARTICLE IV Chapter 400-499 Legislative Branch

ARTICLE V Chapter 500-599 Executive Branch

ARTICLE VI Chapter 600-699 Judicial Branch

ARTICLE VII Chapter 700-799 Election Code

ARTICLE VIII Chapter 800-899 Finance Code

- 100.3** Each article shall be divided into chapters, which should pertain to a dedicated topic within the article.
- (i) Each chapter shall be divided into sections, denoted with a decimal following the chapter number (i.e. Section 100.3).
 - (ii) Each section shall be divided into subsections, organized with lowercase roman numerals (i.e. Subsection 100.3.ii)
 - (iii) Each subsection shall be divided into further sub-subsections, organized with standard numerals (i.e. Subsection 100.3.ii.1).
 - (iv) Each sub-subsection shall be divided into paragraphs, made in outline form with the alphabet.
- 100.4** The Senate has the authority to enact all bylaws, except for those pertaining to the administration of the Judicial and Executive Branches. The Judicial and Executive Branches are given the authority, through the Constitution, to construct their own internal policies.
- 100.5** The President has the authority to enforce all bylaws and to enact the bylaws of the Executive Branch.
- 100.6** The Supreme Court has the authority to adjudicate all matters arising under these bylaws, and to enact the bylaws of the Judicial Branch.
- 100.7** There shall be one official copy of the ASuop Bylaws. These bylaws shall be maintained by the Clerk, and a physical copy shall be kept within the ASuop Office.
- 100.8** The Vice President, or the Vice President's designee, shall make sure copies of the ASuop Bylaws are made available to those interested. Additionally, they shall make sure that the ASuop Bylaws are available on the official ASuop Website.

Chapter 101 – Compliance with the ASuop Bylaws

- 101.1** All ASuop Officers shall comply with the ASuop Bylaws. Any willful or deliberate disregard of any Bylaw may be considered as cause for impeachment or removal from their position in accordance with the ASuop Constitution and Bylaws.
- 101.2** The order of sovereignty, in order of supremacy, is as follows:
- (i) Federal, State, and Local law.
 - (ii) University policy
 - (iii) ASuop Constitution
 - (iv) ASuop Legislation
 - (v) ASuop Bylaws

Chapter 102 – Amendments to the Bylaws

- 102.1** In the event the ASuop Bylaws requires amendment, the process shall be contingent upon the characteristic of the Bylaws in question:
- (i) Executive Orders can amend Executive Bylaws, which can be found within Article V.
 - (ii) Judicial Proclamations can amend Judicial Bylaws within Article VI, and may take effect immediately.
 - (1) Judicial Proclamations require at least two-thirds ($\frac{2}{3}$) of the Justices to approve, and should the Court be hearing a case, the bylaws may not change until the conclusion of the case.
 - (iii) Senate Bills can amend the Legislative Bylaws found within Article IV, and any other ASuop Bylaws, with exception to those pertaining to the administration of the Executive and Judicial Branches found within Articles V and VI respectively.
 - (1) Senate bills that amend, add, or remove any bylaws, articles, or chapters in the ASuop Bylaws must receive two-thirds ($\frac{2}{3}$) vote of the seated Senate and shall

require two (2) readings before approval by the Senate.

102.2 Maintenance of the Amendments to the Bylaws

- (i) Consistent with section 100.7 of these Bylaws, the Senate Rules Committee, in conjunction with the Clerk, shall have the responsibility of incorporating all amendments made to the Bylaws.
 - (1) The Rules Committee and the ASuop Clerk shall be responsible for incorporating approved amendments arising from Executive Orders, Judicial Proclamations, and/or Senate Bills within ten (10) business days with reasonable accommodations for University holidays or breaks.
- (ii) Consistent with sections 100.7 and 501.2(ii) of these Bylaws, an official copy of the ASuop Bylaws with the finalized incorporations must be made available within five (5) days of the incorporation of new updates to all officers of ASuop.
- (iii) Once the Vice President, or the Vice President's designee, has received this official copy of the ASuop Bylaws, they shall make sure the Bylaws are available on the ASuop Website.

Chapter 103 – Definitions of Terms

103.1 When amendments or additions are made to the Bylaws, appropriate definitions shall be added. Should an amendment or addition be made, the definitions shall be added alphabetically to the section below.

- (i) **Article of Impeachment:** An Article of Impeachment (“AI”) is a formal charge against another ASuop Officer, that, if approved, shall begin a formal trial against the accused. The Article shall include a list of all charges being levied against the accused, and the accuser shall be noted on the Article as the author (pursuant to Art. X, §4 of the ASuop Constitution).

Requires a two-thirds (2/3) majority of the Senate to pass (pursuant to Art. IV).

- (ii) **ASuop Member:** Any student who has paid the ASuop Fee shall be considered a member.
- (iii) **ASuop Officer:** Any member of ASuop that is officially employed by or otherwise tasked with doing work on behalf of ASuop.
- (iv) **ASuop Student Fee:** The fee, included in tuition, that is charged to all students. The revenue from this fee is directly deposited into the ASuop budget. Upon paying this fee, students are considered ASuop members.
- (v) **Cabinet:** A committee tasked with leading the Executive Branch consisting of the President, Vice President, Chief of Staff, the Attorney General (EO 18-19.01) all Department Heads, all Commissioners, the Senate Pro Tempore, and the Chief Justice of the Supreme Court.
- (vi) **Closed Session:** A closed session is a part of a Senate meeting where confidential and sensitive information is to be discussed. Only members of the Senate and Advisor(s) may attend a closed session, and it shall not be recorded. Closed sessions must end as soon as all confidential and sensitive information has been discussed to ensure transparency.
- (vii) **Commissioners:** Officials appointed by the President to serve as advisors and ambassadors on specific subjects and constituencies.
- (viii) **Constitutional Amendment:** A Constitutional Amendment (“CA”) is a proposed amendment to the ASuop Constitution that may be brought to the floor by a Senate or the President (pursuant to Art. XIII, §1, sub-sections A&B of the ASuop Constitution). This requires a two-thirds (2/3) majority of the Senate to pass.
- (ix) **Department Heads:** Leaders of Executive departments confirmed by ASuop Senate Legislation.

- (x) **Gross Negligence:** A significant deviation from a reasonable person’s standard of conduct.
- (xi) **Majority:** A majority is defined as 50% plus 1 (i.e. a majority of 10 would be 6, not 5).
- (xii) **Senate Advisory Opinion Request:** A Senate Advisory Opinion Request (“SAOR”) is a request from the Senate to the Supreme Court to consider the constitutionality of a particular issue. The response from the Supreme Court is non-binding, and shall only serve to offer the Senate guidance on issues of constitutionality. Requires sponsorship from two Senators to pass.
- (xiii) **Senate Bill:** A Senate Bill (“SB”) is a binding policy that may be a stand-alone policy or a modification of the ASuop Bylaws. Requires a majority of the Senate to pass.
- (xiv) **Senate Resolution:** A Senate Resolution (“SR”) is a non-binding statement of the ASuop Senate. Requires a majority of the Senate to pass.

SECTION 2: Codification

- A. The Rules Committee shall be responsible for entering the new laws defined in Section 1 into the ASuop Bylaws.

SECTION 3: This bill shall take effect immediately upon passage.

SECTION 4: All Bylaws in conflict with this bill are hereby declared null and void.



Senate Bill
students serving students

Respectfully Submitted,

Lorenzo Spaccarelli

Lorenzo Spaccarelli, Senator at-Large

Approved _____ by the Rules Committee

By a vote of: 3 - 0 - 0

Lorenzo Spaccarelli

Lorenzo Spaccarelli, Senator at-Large

February 2, 2022

Date

_____ by the ASuop Senate

By a vote of: _____ - _____ - _____

Tierra Smithson, Vice President

Date

RECEIVED BY THE OFFICE OF THE PRESIDENT



Signed,

Scout Cooper-Wilson, President of ASuop

Date