

Majority Opinion By Council Chair Bennett

JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY

Drew Desilet, ASOSU Faculty Advisor

INQUIRY TO THE ASOSU JUDICIAL COUNCIL
(No. 18-015.i)

[October 17th, 2018]

Appealed -- This decision has since been nullified by the Judicial Council. Please see decision 18.010.i for reference to this inquiry.

Drew Desilet, ASOSU Faculty Advisor, brought an inquiry before the Judicial Council in relation the filling of vacancies for the Student Fee Committee (SFC). The Judicial Council identified two trains of thought central to the inquiry at hand, and defines these as such: (1) filling vacancies of student fee liaisons who are originally selected by their student fee unit and appointed by the ASOSU President, and (2) filling vacancies for SFC at large members elected by the student body.

The Judicial Council concludes that filling vacancies for student fee liaisons shall remain unchanged, insofar as the President of the ASOSU maintains the power to appoint students to serve as student fee liaisons recommended by each respective fee funded unit. This process allows for fee funded units to determine appropriate and effective student fee liaisons for each of their units, and allows for a check from the ASOSU via the ASOSU President.

In the event that a seat is vacated for an SFC member elected at large by the student body, a similar process to the vacancy process utilized for filling ASOSU Representatives and Senators shall be adopted, as outlined in Article III, Section L of the ASOSU Constitution.

Specifically, a vacated SFC at-large seat shall be filled first by any eligible students having received the next highest number of votes from the previous election (previous election here is defined as the election which was used to fill the current vacated seats). This process shall be utilized until there are no more eligible students from the previous election to hold office, after which an independent committee, consisting of members from each branch of the ASOSU appointed by the ASOSU Executive Branch, shall determine eligible students to serve on the

SFC as at-large members. This committee must be established no later than the end of Fall Term, 2018. Until such a committee is established, the Judicial Council suggests that at-large members be appointed by a committee consisting of the ASOSU President, ASOSU Vice President, SFC Chair, Speaker of the House, and Judicial Council Chair.

In summary, the rationale for this decision is two-fold. Firstly, although the SFC functions as an independent committee of the Executive Branch, as noted in a previous decision by the Judicial Council, it functions with elected members to make decisions on behalf of the student body. Appointments by the ASOSU President serve a role in a number of committees within ASOSU, including, but certainly not limited to, the Judicial Council. Secondly, however, as elected members exist within the SFC, and there has never been precedent or instances when solely the ASOSU President (or one member of the Executive Branch for that matter), has appointed a student to serve in a normally elected, or at-large position, a committee should serve in this role as has already been an established precedent and process for House and Senate Vacancies.