

ASUO CONSTITUTION COURT
PETITION FOR REVIEW FORM

Name: Caroline Beranek
Student ID: 950-██-██ Date Filed: 11 March 2008
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YOUR BRIEF SHOULD INCLUDE THE FOLLOWING INFORMATION (pursuant to Constitution Court rule 10.1)

- Name of person(s) against whom this complaint is filed
- The question presented for review
- The specific constitutional provision, rule, policy, or resolution relevant to the controversy. Please cite not only the section, but the language of the provision; rule, policy, or resolution verbatim.
- A brief statement of facts giving rise to the complaint. Please be specific and complete, but concise.
- The remedy requested—what you want the Constitution Court to do.
- Any exigent circumstances that require the Constitution Court to hear this complaint with dispatch

You may also attach any relevant documents, materials, or other evidence you feel may aid the Court in its deliberations.

Place 5 copies of these materials (the attached forms and your petition) in the Constitution Court box in the EMU and deliver one additional copy to each of the person(s) against whom this complaint has been filed.

Caroline Beranek
(signature of petitioner)

Caroline Beranek
(print name)

PROOF OF SERVICE FORM

PETITIONER

I, the undersigned, certify that I have served the opposing party (or parties) with this petition. They received this petition by (choose one): ___ mail; K in person; ___ other (please specify): _____

I realize that in order for the Constitution Court to hear my case or controversy, this procedure must be followed.

Caroline Beranek
(signature)

Caroline Beranek
(print.name)

11 March 2008
(date)

CERTIFICATION OF CONFORMITY

I, the undersigned, certify that I have read the Condensed Rules of the Constitution Court and that this Petition comports with said Rules.

Caroline Beranele
(signature)

Caroline Bernick
(print name)

11 March 2008
(date)

1. Name of person against whom this complaint is filed.

Emily McLain, ASUO President
Chii-San SunOwen, ASUO Vice President

2. The question presented for review

The first question at hand is whether ASUO President McLain is in non-fulfillment of duties.

The second question at hand is whether work done by the elections board before being confirmed by the ASUO Senate shall be valid.

3. The specific constitutional provision, rule, policy, or resolution relevant to the controversy.

Constitution Section 5.4, from "5. DUTIES OF THE PRESIDENT AND VICE PRESIDENT"

"The ASUO President shall appoint persons to vacant positions of the Constitution Court, the Athletic Department Finance Committee, the EMU Board, the Programs Finance Committee and the Student Senate. These appointments shall be made within a period of thirty calendar days of the vacancy and shall be subject to confirmation by a majority of the Student Senate within seven calendar days of the appointment, with the exception of summer term."

Constitution Section 12.5, from "12. REGULAR ELECTIONS"

"The ASUO President shall appoint an Elections Board Chair and, no later than November 1st each year; appoint four members to the Elections Board upon recommendation of the Elections board Chair. The Chair and Board are subject to confirmation by a majority of the Student Senate."

Constitution Section 5.6, from "5. DUTIES OF THE PRESIDENT AND VICE PRESIDENT"

"The President or designee shall submit budget recommendations to the Student Senate for each of the three Major Programs: the EMU, ASUO Programs, and the Athletic Department Finance Committee. These recommendations are to be submitted in writing at the same time as the EMU, ASUO Programs Finance Committee, and the Athletic Department Finance Committee submits their budgets for their programs to the Student Senate. The President or designee recommendation shall be in memo format and include the total Incidental Fee allocation, and percentage increase recommended from the previous year's funding."

4. A brief statement of facts giving rise to the complaint.

a. Regarding Constitution 5.4

On 10/10/2007, the appointment for Senate Seat 12 was confirmed, vacant since 05/25/2007.

On 10/17/2007, the appointment to the ASUO Constitution Court (Associate Justice) was confirmed, vacant since Law School graduation in May 2007.

On 12/3/2007, both the Executive Appointee to the Programs Finance Committee and Executive Appointee to the Athletic Department Finance Committee were confirmed, vacant since 05/25/2007.

On 01/9/2008, the appointment to the EMU Board (member-at-large) was confirmed, vacant since 05/5/2007.

A number of other appointments were late as well, including that to the Student Rec. Center Advisory Board.

b. Regarding Constitution 12.5

On 01/23/08, three of the five elections board members were confirmed, well after the 11/01/2007 deadline mandated by the ASUO Constitution.

On 02/20/08, the fifth election board member was confirmed, well after the 11/01/2007 deadline mandated by the ASUO Constitution.

These members completed work towards the upcoming election before being confirmed by the ASUO Senate.

c. Regarding Constitution 5.6

On 02/27/2008, the ASUO Executive failed to submit any written budget recommendation for the EMU Budget hearing to the ASUO Senate. Because they failed to submit a written budget, they also failed to submit a memo with the total incidental fee allocation and percentage increase.

On 03/05/2008, the ASUO Executive failed to submit any written budget recommendation for the PFC Budget hearing to the ASUO Senate. Because they failed to submit a written budget, they also failed to submit a memo with the total incidental fee allocation and percentage increase.

Verification of these facts is possible by looking up the minutes from the Senate meetings.

5. The remedy requested.

Constitution Section 13.3:

“Non fulfillment of duties for three weeks will be considered a vacancy of any office elected or appointed under this Constitution.”

Constitution Section 13.4

“...removal from the office of the ASUO President may be under the process set forth in Section 5.17 of this Constitution, in addition to the process of Section 13.3.”

6. Any exigent circumstances that require the Constitution Court to hear this complaint with dispatch.

Because the elections board work was not done with the procedures set forth in the ASUO Constitution, and because of the upcoming elections, I request that this complaint be heard as soon as possible.