



**The Judicial Council of the Associated Students, University of California, Davis
Opinion of the Council**

HACK, ALONI v. ASUCD EXECUTIVE OFFICE

Hearing: May 8, 2019

Decided: May 13, 2019

The Majority of the ASUCD Judicial Council delivers the Opinion:

I

On May 28, 2015, the ASUCD Senate passed Senate Resolution #17:

“urging the Board of Regents of the University of California (UC Regents) to undertake practices of corporate social responsibility through divesting from corporations that aid in the Israeli occupation of Palestine and illegal settlements in Palestinian territories, violating both international humanitarian law and international human rights.”

Petitioners claim that this Resolution is unconstitutional and violates the Preamble of the Constitution, the Student Bill of Rights, Article II, Section 2 and 3, and Article VI, Section 1(1)(b) and (c). The Judicial Council finds that the Resolution violates Article II, Section 2 and the Student Bill of Rights of the ASUCD Constitution.

II

We first analyzed Article II, Section 2 of the ASUCD Constitution, which states:

“The Senate shall promote the welfare and interests of the members of the ASUCD, subject to the limitations enumerated in this Constitution, and consistent with the legislative process outlined under Article VI of this Constitution.”

The Judicial Council finds this Resolution to be inconsistent with the ASUCD Constitution. As illustrated in this Section, the Senate has the duty to promote the welfare and interest of the members of ASUCD. The ASUCD Senate must promote student welfare, meaning it cannot hinder the welfare of any student. While this Resolution caters to the welfare of a group of students, it does so at the expense of the welfare of other students. If this Resolution applied to all students of ASUCD, then it may not be in violation of the ASUCD Constitution; however, since it only applies to certain members, and does so at the expense of the welfare of other students, it is in violation of Article II, Section 2.

III

Petitioner claims that this Resolution violates the ASUCD Student Bill of Rights. We looked at the ASUCD Student Bill of Rights (1):

“You have the right to be free from discrimination and harassment on the basis of your race, gender, sex, ethnicity, religion, national origin, disability, sexual orientation, status within or outside the university, or political belief in all activities sponsored or conducted by the University, its affiliates, ASUCD, or campus student groups as addressed in the UC Davis Principles of Community.”

The Resolution violates this section of the ASUCD Student Bill of Rights, pertaining to the “discrimination and harassment on the basis of your... ethnicity... national origin... or political belief.” The passing of this Resolution has led to the discrimination and harassment of students whose ethnicity, national origin or political beliefs are in opposition to the content of the Resolution. As discussed during the hearing, the verbiage within the Resolution has caused harassment against many students.

Actionable Items

Let it be resolved, that Senate Resolution #17, passed on May 28, 2015, is unconstitutional. The Student Government Administrative Office shall enforce this ruling by removing Senate Resolution #17.

OPINION RENDERED