

Hunter Brooke, *Judicial Council President*
Thomas Musgrave, *Parliamentarian*

**AN ORDER TO AMEND THE CONSTITUTION TO BETTER ENUMERATE THE
ROLE AND STRUCTURE OF THE JUDICIAL COUNCIL**

Whereas, Article XII, Section 1(a) of *The Constitution of the Undergraduate Student Body of the University of Notre Dame du Lac* (The Constitution) reads, “The Judicial Council shall work to ensure that the Student Union operates ethically and within this Constitution.”;

Whereas, as the name states, the judicial power of the Student Union is vested in the Judicial Council, just as the executive power is similarly vested in the Executive Cabinet and the legislative power is vested in the Student Senate;

Whereas, the Judicial Council is responsible for issuing interpretations of the Constitution and other governing documents; an essential role because the Constitution—no matter how detailed—cannot possibly account for the infinite number of possible scenarios and outcomes at all possible times and is therefore necessarily limited;

Whereas, this interpretive ability is vital to promulgating a standardized and consistent meaning of potentially ambiguous provisions of the Constitution and to answering fundamental questions left unaddressed by the legislative bodies of the Student Union;

Whereas, when interpreting the Constitution and other governing documents, the Judicial Council seeks to pay great weight and deference to the democratically elected legislature, and understands that interpretations may indeed be overturned by the Senate engaging in the process of constitutional amendment to clarify or alter extant regulatory sections;

Whereas, given the well-understood importance of interpreting the Constitution and other Governing Documents, the Judicial Council already issues interpretations and has similarly issued interpretations for decades;

Whereas, despite a strong interpretive history and ability, the Judicial Council has nonetheless lacked a well-defined process by which Constitutional interpretations are to be administered, thus resulting in an occasional patchwork and impromptu interpretative process;

Whereas, through the 2024-2025 term, the Judicial Council has already begun the process of better enumerating and clarifying the interpretive process, and requests certain select amendments to the Constitution to clarify this ability;

Whereas, Section I(1) of the Bylaws of the Judicial Council reads, “The Judicial Council shall “work to ensure that the Student Union operates ethically and within this Constitution,” in accordance with Article XII, Section 1 of the Constitution of the Undergraduate Student Body of the University of Notre Dame du Lac (“the Constitution”). The judicial power of the Student Union shall be vested in the Judicial Council.”;

Whereas, Section I(2) of the Bylaws of the Judicial Council reads, in part, “The Judicial Council shall have the power to hear petitions to decide interpretive questions of all Student Union enactments, and issue binding opinions regarding questions of interpretation by a majority vote of the Officers of the Judicial Council, provided no more than one officer is absent.”;

Whereas, Section II(6) of the Bylaws of the Judicial Council reads, in part, “The Student Union Historian (“the Historian”) shall be responsible for the maintenance, preservation, and continued growth of the Student Union archives. The Historian shall serve a one-year term following their confirmation by the Student Senate and lasting until the next term’s Historian is confirmed.”;

Whereas, Section II(7) of the Bylaws of the Judicial Council reads, in part, “The Vice President of Operations shall ensure the efficient and effective operation of the Judicial Council, and assist the Judicial Council President and other Officers in the administration of the Judicial Council. The Vice President of Operations shall serve a one-year term following their confirmation by the Student Senate.”;

Whereas, the Judicial Council has added the position of Vice President of Operations to assist the other Judicial Council Officers in the administration of the Judicial Council and in easing the significant workload placed on each Judicial Council Officer;

Whereas, the Vice President of Operations will benefit the Judicial Council by leading our website update, fundraising efforts, financial management, and public communications, among other tasks deemed fit by the Judicial Council Officers;

Whereas, the Judicial Council would like to enumerate this role in the Constitution for the sake of formalization and to better align the Constitution with the Bylaws of the Judicial Council Bylaws;

Whereas, the Judicial Council has added the position of Historian to assist the Judicial Council Officers in understanding the history of the Student Union, and issuing decisions that better align with an understanding of that history and past precedent;

Whereas, collectively, these roles will be of enormous assistance to the Officers of the Judicial Council and the Student Union alike; and countless people will undoubtedly benefit from the increased knowledge and capacity of the Judicial Council; therefore, be it

Ordered by the Student Senate of the University of Notre Dame du Lac,

That The Constitution of The Undergraduate Student Body is hereby amended as follows:

I. Article XII, Section 1(a) is hereby amended to read as follows:

- (a) The Judicial Council shall work to ensure that the Student Union operates ethically and within this Constitution, bylaws, and statutory codes. The judicial power of the Student Union shall be vested in the Judicial Council.

- II. Article XII, Section 2(a)(5) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(5) Student Union Historian.
- III. Article XII, Section 2(a)(6) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(6) Judicial Council Vice-President of Operations.
- IV. Article XII, Section 3(a)(7) is hereby amended to read as follows:**
(7) The incoming Judicial Council President shall nominate a Parliamentarian and Historian to the Senate at the first Senate meeting of its term. The Senate shall review and approve this nomination.
- V. Article XII, Section 3(b)(5) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(5) The Judicial Council Vice-President of Operations.
- VI. Article XII, Section 3(a)(5) is hereby amended to read as follows:**
(5) The Judicial Council President shall nominate the Vice-President of Elections, Vice-President of Peer Advocacy, and Vice-President of Operations prior to the end of each regular academic year. The Senate shall review and approve these nominations.
- VII. Article XII, Section 3(b)(5)(A) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(A) The Judicial Council Vice-President of Operations shall ensure the efficient and effective operation of the Judicial Council, and assist the Judicial Council President and other Officers in the administration of the Judicial Council, which may include communication, financial, technical, or fundraising efforts.
- VIII. Article XII, Section 3(d) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(d) The Student Union Historian
- IX. Article XII, Section 3(d)(1) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(1) The Historian shall be responsible for the maintenance, preservation, and continued growth of the Judicial Council and overall Student Union archives.
- X. Article XII, Section 3(d)(2) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(2) The Historian shall disseminate and make publicly accessible all archival material.

Order SO 2425-11

10 April 2024

- XI. Article XII, Section 3(d)(3) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(3) The Historian shall be available to Student Union Organizations, leaders, and groups to advise on matters of relevant history and precedent.
- XII. Article XII, Section 3(a) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:**
(a) The Judicial Council shall have the sole power to hear petitions to decide interpretive questions of all Student Union enactments, including their constitutionality; enjoin the enforcement of enactments found unconstitutional; and issue binding opinions regarding questions of interpretation.

It is so ordered.



Dawson Kiser
Student Body President