

**SUPREME COURT FOR THE ASSOCIATED STUDENTS OF COLORADO STATE
UNIVERSITY**

October 12, 2021

CLARIFICATION ON THE CONSTITUTIONALITY OF A JUDICIAL OR LEGISLATIVE BRANCH OFFICIAL SERVING IN THE POSITION OF AN EXECUTIVE INTERN AND THE CONSTITUTIONALITY OF REQUIRING AN INTERN TO GO THROUGH THE SENATE RATIFICATION PROCESS.

CHIEF JUSTICE ERIN FREEMAN delivered the opinion of the Court.

THE DIRECTOR OF ACADEMICS, BRANDON LOWRY requested an opinion regarding Article I section 103 (c) and Article I section 107 (a) of the ASCSU Constitution.

The following questions were submitted:

1. Does the constitution allow for a member of the judicial or legislative branch to serve as an executive intern?
2. Do executive interns need to be ratified by Senate?

The ASCSU Supreme Court has determined the following:

1. As Article I section 103 (c) states, “*No member of ASCSU shall hold a position in more than one of the three branches (Executive, Judicial, and Legislative) of ASCSU except those serving in ex officio status*”; Members of one branch may not serve as an intern of another branch unless serving in ex officio status.
2. As Article I section 107 (a) states, “*All appointments to ASCSU Executive and Judicial positions shall be required to go through the Senate Ratification Process as defined by Article II, Section 202 (a) (iii) of this constitution*”; Intern positions are required to go through the Senate Ratification Process.

This is supported by Article I section 107 (b) which states that all positions must complete the Senate Ratification Process “*[with] the exception of ASCSU Administrative Assistant and Front Desk Staff, which shall be considered non-ratified positions*”; Intern positions are not explicitly exempt from the Senate Ratification Process and therefore, are required to go through the Process.

3. As Article I section 104 (c) states “*No office shall exist without an accompanying job description*”; Interns are considered an office position, therefore interns must have job

descriptions.

4. As Article III section 304 (c) states regarding the Executive Cabinet, “*All other departments or offices shall be subject to the Presidential power to create or destroy such departments or offices*”; the ASCSU President has the power to create intern positions within the Executive Cabinet;

In a vote of 6-0-0, the Supreme Court has determined that a member of one branch may not serve as an intern of another branch unless serving in ex officio status, intern positions are required to go through the Senate Ratification Process as they are not explicitly exempt, and the ASCSU President, ASCSU Speaker, and ASCSU Chief Justice are highly encouraged to submit formal documentation of the creation of intern positions in the form of job descriptions passed through the Senate.