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ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

To: Associated Students Judiciary
From: F. CARLOS NAVÉJAS (FINANCIAL AFFAIRS COUNCIL)
Date: 3-28-72

The undersigned requests a review of the rights and duties pursuant to:

CUOB control of College Union Space Allocation

Cause for request: THERE IS A QUESTION BETWEEN
THE AS. & THE COLL. U.B. AS TO ^{WHO} HOLDS PRIORITY OVER
SPACE ALLOCATION IN THE COLLEGE UNION.

Briefly explain the substance of your issue: AS THE GOVERNING
BODY OF THE COLL. UNION, THE CUOB, SHOULD ALSO
HAVE GOVERNING AUTHORITY OVER THE SPACE ALLOCATION
OF THE COLL. UNION. MY QUESTION IS "WHO HAS ^{LEGAL} PRIMARY
AUTHORITY OVER COLL. UNION SPACE ALLOTMENT, THE CUOB OR
THE AS. BOARD OF CONTROL?"

The undersigned does hereby request a judgment on the preceding issue.

Signed

F. Carlos Navéjas
FINANCIAL AFFAIRS COUNCIL
OF CSLB ACADEMIC SENATE

ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

DECLARATORY JUDGMENT

Adjudicated this 10th day of April, 1972

Plaintiff: F. Carlos Navejas

Mr. Navejas, in his request for a Declaratory Judgment, asks the question: who has authority over the space allocation in the College Union-the College Union Operating Board or the Associated Students?

The Court is of the opinion that the College Union Operating Board does not have ultimate authority over the allocation of space in the College Union. The Court took into consideration the fact that, as yet, the College Union Operating Board is not formally recognized in the A.S. Bylaws. In the absence of specific A.S. Bylaws statutes pertaining to the issue at hand, the Court was forced to refer to the College Union Operating Board-Job Description. This document establishes the duties, powers, and chain of command within the College Union Operating Board and establishes the relationship between the College Union Operating Board and the Associated Students. The Court paid special attention to the sections of the College Union Operating Board-Job Description quoted below:

Article I, page 1, paragraph five, "The College Union Operating Board is responsible to the Dean of Students and to the Associated Students."

Article II, page 2, paragraph one, "Duties and responsibilities: To formulate and recommend policies regarding chiefly the operation and use of facilities..." (emphasis added.)

Page 4, the Organizational Chart: illustrates the relationship between the Associated Students and the College Union Operating Board. The chart shows that policy and fiscal matters approved by the College Union Operating Board must be submitted to the Associated Students for final approval.

College Union Operating Board- Job Description (continued)

Article VI, page 7, paragraph five, "Decisions of the College Union Operating Board are approved by the Board of Control and/or the A.S. Senate for annual budget, policy, and major action through review of the minutes."

The Court interprets the College Union Operating Board-Job Description document as giving ultimate authority over space allocation within the College Union to the Associated Students. The A.S. Board of Control is the body within the Associated Students that has the responsibility for office space allocation. (This is in keeping with the precedent Declaratory Judgment filed by Ron E. Arias- Court index number ⁹⁰ which established that the A.S. Board of Control has authority over allocating office space.) Thus, although the College Union Operating Board has original jurisdiction over space allocation within the College Union, these decisions are only recommendations, which the A.S. Board of Control must approve.

The Court would strongly urge the appropriate administrative agencies to coordinate the relationship between the College Union Operating Board and the Associated Students, and to formalize this relationship in the A.S. Bylaws. The urgency of this much needed integration of functions and chain of command becomes more apparent as the College Union nears completion.

It is so ordered.

Vote: 4-0-0 unanimous

Majority decision written by Presiding Justice Park

Justices Present: Montejano, Park, Walker and Leach

Justices Absent: Fairbanks and Wysocki

Ronald Montejano

Ronald Montejano, Associate Justice

James Walker

James Walker, Associate Justice

Dennis Leach

Dennis Leach, Associate Justice

Gordon M. Park

Gordon Park, Presiding Justice