



**Attorney General of the  
Associated Students of the  
University of Utah**

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## **Interpretation Request**

**Redbook Section in Question:**

**Redbook Constitution or Bylaws? Bylaws**

**Article: II.II – Appointed Officers**

**Section: 1 – All Appointed Officers**

**Clause: 1 and 6**

**Requestor Information:**

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**Date: 10/19/2019**

**Question (Be as specific as possible):**

**Article II.II Section 1 Clause 1 appears to allow the President and some appointed officers to appoint officers of the Executive Branch. The “designee”s referred to in this clause appear to get their power to appoint officers as an extension of the President’s power to do so.**

**Article II.II Section 1 Clause 6 appears to give the President the power to dismiss appointed officers from the Executive Branch “with or without cause”.**

**The question: Does Clause 6 give designees an extension of the President’s power to dismiss those they appointed, with or without cause, similar to the extension of the President’s power to appoint people in Clause 1. As an example, if a Director was appointed by the President, and then given the power to appoint their Associate Directors, Chairs, and Vice Chairs as stated in Clause 1, do they then also have the power to dismiss those Associate Directors, Chairs and Vice Chairs that they appointed, with or without cause.**

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**Attorney General: Seodam Kwak**

**Text of Section in Question:**

**Bylaws II.II § 1 (1) [Under All Appointed Officers]**

**“Officers of the Executive Branch shall be appointed by the President or designee and shall perform such duties as may be requested by the President.”**

**Bylaws II.II § 1 (6) [Under All Appointed Officers]**

**“All appointed officers of the Executive Branch shall serve at the pleasure of the President and may be dismissed from office with or without cause upon 10 days’ written notice from the President. Any officer**

who is dismissed more than (30) days prior to the final day of that academic semester shall not be compensated for that semester.”

**Interpretation:** As found in the text in Bylaws II.II § 1 (1), “any officer of the executive branch” that serves and performs the duties desired by the president has to be appointed by the current president. The power of appointment can also be further supported by Redbook IV § 2 (2.1) which states, “To rescind Executive Branch appointments.” The previous clause is originated from Redbook and with the incorporation of the supremacy clause (Redbook II § 1 (4)), shall supersede any duty affirmed by the bylaws. Hence, the power of appointment is bestowed by the Redbook as unequivocally exclusive to the president.

However, further examining the language of Bylaws II.II § 1 (1), which states “Officers...shall be appointed by the President or designee...”, emanates a principle of entrustment. In this case, the principle of entrustment is exhibited by the action of the president allocating their own presidential power of appointment to a designee. In this clause, as the president has the choice to relinquish their power of appointment, it is insinuated that the choice to transfer their power of appointment to a designee is a presidential power in itself granted by the Redbook.

As noted above, the Redbook text not only recognizes the presidential power of appointment, but additionally protects the power to willfully delegate their power. When considering the text in Bylaws II.II § 1 (6), it explicitly states “...10 days’ written notice from the President.” This clause illustrates the process of dismissal, when the dismissal of an appointed officer is invoked. Nevertheless, as the president is the one who is required to compose the written notice, this suggests that the power of dismissal is also an exclusive presidential power. As the Redbook recognizes the power of delegation as a reserved power for the president, this shall also be extended to the power of dismissal. Therefore, the president shall be able to designate the power of dismissal to an appointee of choice.

The practice of the president appointing directors, with the directors then appointing their associate directors, chairs, and vice chairs has long been accepted. Most of the time, the directors of the respective boards are conducting interviews, reviewing resumes, and also making the ultimate determination of whether the applicant’s interests and capabilities best reflect the goals of the presidency. The directors, while managing their boards, work with the appointees side by side and have the best knowledge of their officers’ performances and achievements. It only makes sense that the one who appoints, shall also have the power to dismiss, as they have the best knowledge and first hand encounters of their officers.

**In conclusion, it shall be ruled that the directors of their respective boards also have the power to dismiss, in the form of a delegation of presidential power and must abide by the process of dismissal described in Bylaws II.II § 1 (6). Additionally, when a dismissal of an officer occurs, the dismissal shall only be recognized as valid when the written notice is devised by the president.**