



DECISIONAL MEMORANDUM

Date: 11/30/2018

Re: Patron Almas Ayaz v. The Executive Office

ISSUES

- Whether the Executive Branch has violated the Constitution regarding the process of appointing the Student Liaison Position.

I. STATEMENT OF FACTS

Patron Almas Ayaz accused the executive branch of violating the Temple Student Government Constitution by not giving her an interview.

II. CONSTITUTIONAL ANALYSIS

The Executive Counselor's Constitutional authority is listed in the Constitution as followed: "Maintaining, interpreting, and enforcing the Temple Student Government Constitution and Bylaws for the Executive Branch" TSG V.ii,ii,iii,i.i. It is pursuant to these governing rules that in order to limit conflict surrounding this case and that may arise in future cases, this precedential evaluation, which is Constitutionally, and statutorily authorized, must occur.

The patron, Almas Ayaz, cited the Constitution, claiming that it was a "clear violation to the Constitution". Per Constitution: "The Executive Office shall hold open interviews and nominate the best fit candidates for the three positions of Ethics Board Judge and the positions of Executive Counselor,



Parliamentary Counselor, and Student Liaison, respectively” TSG V.v.i.a. There are two things to unpack regarding this very specific situation. Firstly, I will address the terms that are used in this clause. “Shall” is a rather academically and legally ambiguous term, but for the purpose of the argument, it will be interpreted as “must”. The Constitution states that the Executive Office has to hold open interviews and nominate the best fit candidates for the Student Liaison position. Open interviews, or on-the-spot interviews, are the type of interview that would not require the candidate or the hiring entity to schedule an interview and would process the application as well as the interview immediately. Secondly, timing is another aspect of the situation that needs to be addressed. Per the memorandum written by the Executive Counselor, approved by the Chief Judge and the rest of the Constitutionality Committee, the Executive Office must appoint the Student Liaison immediately, following a timeline that was enacted, including having the interviews over Fall Break. In compliant with the memorandum, the Executive Office used the application as a form of online interview questions along with the applicant’s resume.

Taking all the above factors into account, I found patron Ayaz’s claim to not hold ground. The application itself, which includes various interview questions, is an open interview in of itself. If it were to be an actual in-person interview and not an online and open one, patron Ayaz’s claim would be valid. However, due to the nature of the language in the Constitution, the urgent timeline that the Executive Office has to fill the position and the timing of the break, I found that the use of the application questions as interview questions completely constitutional.



III. CONCLUSION

The use of application questions as interview questions is unconventional, but fair since it still allows candidates applying for positions to express themselves as the questions were parallel to questions that would occur in an in-person interview. The language of the constitution allows “open interviews” to happen, giving the Executive Office room to appoint positions quickly in times of need and move forward with their programs.



Su Dam, Executive Counselor